

**Assistance to Pro Se Litigants in U.S. District Courts:  
A Report on Surveys of Clerks of Court and Chief Judges**

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## Executive Summary

The report that follows is based on a study conducted by the Federal Judicial Center for the Judicial Conference Committee on Court Administration and Case Management. The study sought information from district court clerks of court about programs, services, and materials their courts have developed to assist pro se litigants and to assist staff in handling pro se cases. The study also sought information from district court chief judges about the impact of pro se litigants on judges and chambers staff and what measures the judges have taken to meet the demands of these cases. This report first covers the findings from the survey of clerks of court and then discusses the findings from the survey of chief judges. The Center conducted a companion study of pro se services in the bankruptcy courts for the Judicial Conference Committee on the Administration of the Bankruptcy System. The results of the bankruptcy study are provided in two separate reports.<sup>1</sup>

### **Findings from a Survey of Clerks of Court**

The clerk's office provides a variety of services to help reduce the burden of pro se cases. The most common form of direct assistance provided to pro se litigants is procedural help by clerk's office staff as part of their regular duties; such assistance is provided by 76 (84%) of the 90 responding districts. Almost all of the districts offer at least one of the programs or services listed in the questionnaire, which included electronic filing through CM/ECF, dissemination outside the courthouse of information about pro se services, a mediation program, and a bar-sponsored program to help pro se litigants prepare their submissions.

Almost all of the districts offer at least one service to assist non-prisoner pro se litigants in obtaining legal representation. More than half of the districts appoint counsel to represent a pro se litigant for the full case or in limited circumstances (e.g., in mediation or at trial). Most districts help pro se litigants find counsel, pay for counsel, or both. Nearly half the district courts pay costs, and an additional quarter pay costs and some or all attorneys' fees. Additionally, a majority of district courts have taken steps to encourage attorneys to provide pro bono legal counsel for pro se litigants.

The district courts rely heavily on print and electronic materials to help and guide pro se litigants. The most common sources of information are the district's local rules, principal forms, and courthouse or courtroom locations, followed by handbooks developed specifically for pro se litigants. Eighty-four percent of the districts have such a handbook for non-prisoner pro se litigants, and 77% have one for prisoner pro se litigants. The courts' websites are the most likely place to find rules, forms, and courthouse locations, while the public area of the clerk's office is the most common place to acquire a non-prisoner handbook. Pro se litigants with access to neither must depend on getting the appropriate materials from court staff through the mail or by finding some other source. The prisoner pro se handbook, for example, is most accessible by mail. While 84% of district courts provide free public access to computers in the clerk's office and 67% provide access to CM/ECF, only 6% provide software to assist pro se filers in preparing pleadings or other submissions.

In general, the number of pro se filings in a district is not correlated with the number of programs or procedures offered by the district to assist pro se litigants, with the re-

sources, services, or notices provided to pro se litigants, or with the amount of access to resources on public access computers. However, districts with a higher number of pro se filings do offer more services to assist non-prisoner pro se litigants in obtaining legal representation and are more likely to encourage pro bono services for pro se litigants.

The survey clearly reveals clerks' concerns about the impact of pro se litigation on court staff. More than half of the responding districts have taken steps to reduce the impact of these cases on their staff. The most common effort, made by about a third of the districts, is to include pro se litigation in court staff training programs. The most common topics either clarify what is permissible and impermissible assistance to pro se litigants or explain how to deal with angry or upset pro se litigants. In addition, more than 20% of district courts have changed the duties of staff or the organization of the clerk's office in the past three years to help staff handle pro se cases. These changes include designating specific staff to handle all pro se cases, rotating the responsibility for pro se cases, or referring pro se litigants to outside help.

The clerks also identified the measures they found most effective in helping the clerk's office handle pro se cases. Two measures have been especially helpful to the clerk's office: special arrangements of staff (such as designated staff for specific duties) and providing specially tailored information to pro se litigants (such as a package of forms and instructions for filing a case). The measure seen by clerks as most effective in helping both prisoner and non-prisoner pro se litigants is making information and guidance tailored to the litigant, such as standardized forms, instructions, and handbooks, readily available.

About a third of the respondents identified a number of actions and conditions that present constraints or difficulties in handling pro se litigation. The most common problems, other than those presented by the litigants themselves, are the policies and practices of state departments of corrections and the Bureau of Prisons. These policies and practices include prisons' lack of cooperation in providing materials electronically and prisoners' lack of access to computers or forms.

Although the clerks' offices have taken a number of steps to assist pro se litigants and to make it easier for court staff to handle this portion of the caseload, the clerks identified a number of issues that remain unresolved or that lie ahead. Considering the issues ranked first, second, or third most important, the issue mentioned most often was the demand pro se cases make on court staff. The issue mentioned second most often—and the one mentioned most often as the number one issue—was the limited access or complete lack of access pro se litigants have to e-filing, CM/ECF, PACER, or computers generally. Also noted by a sizable number of respondents were submissions that are hard to read, are incomplete, or whose issues cannot be discerned; an increase in pro se filings, repeat filers, and frivolous filings; difficult or unstable litigants; lack of counsel; and the need for improvements in the content or availability of court forms and information.

## **Findings from a Survey of Chief Judges**

Although judges do not have as much direct contact with pro se litigants as clerk's office staff do, pro se cases pose a number of challenges for judges and chambers staff. One-half to two-thirds of the 61 chief judges who responded to the survey reported that five major issues or conditions are present in most or all pro se cases:

1. pleadings or submissions that are unnecessary, illegible, or cannot be understood;
2. problems with pro se litigants' responses to motions to dismiss or for summary judgment;
3. pro se litigants' lack of knowledge about legal decisions or other information that would help their cases;
4. pro se litigants' failure to know when to object to testimony or evidence; and
5. pro se litigants' failure to understand the legal consequences of their actions or inactions (e.g., failure to plead statute of limitation, failure to respond to requests for admissions).

Overall, pro se litigants appear to have a difficult time presenting the substance of their cases to the court.

Prisoner and non-prisoner pro se cases do not necessarily present the same issues for chambers. Prisoner cases present special problems in discerning the substance of the case, whereas non-prisoner cases present special issues involving the litigants themselves, who are more likely than prisoner pro se litigants to demand things a court cannot provide or to be irrational, unreasonable, or mentally unstable. Judges identified procedural problems as being present in both prisoner and non-prisoner pro se cases, but they noted that frivolous cases or logistical problems pose more of a problem for prisoner cases.

While only a few chief judges mentioned lack of counsel or difficulty appointing counsel when asked to identify special issues pro se cases present for judges, almost three-quarters stated that there is a "great need" for counsel at trial, and almost 90% identified at least one type of case event or court proceeding with a great need for counsel. The judges also identified differences between prisoner and non-prisoner pro se litigants in their need for counsel. Most said prisoner pro se litigants have a greater need for counsel because they lack mobility and access (e.g., to conduct discovery or to file electronically).

District courts have established a number of practices and procedures that judges use to assist pro se litigants or to help judges and chambers staff manage these cases. Two-thirds or more of the judges use the following practices and procedures for both prisoner and non-prisoner pro se cases:

- broad standards in construing pleadings and other submissions;
- acceptance of letters as motions or pleadings;
- appointment of counsel when the merits of the case warrant it;
- referral of pretrial matters to a magistrate judge;
- more active personal involvement than in represented cases; and
- broad standards for compliance with deadlines.

Some additional measures are more common for prisoner cases, including assignment of the case to a pro se law clerk and appointment of counsel for a particular step or procedure in the case.

Judges in districts with a higher number of pro se filings for the years 2008 through 2010 reported a larger number of issues and conditions as being present in most or all pro se cases. Judges in districts with a higher average number of pro se filings also reported using a higher number of measures to assist prisoner pro se litigants (but not to assist non-prisoner pro se litigants). There was no relationship between a judge's perceived need for assistance of counsel and the number of pro se filings in the judge's district.

The judges identified a number of measures they have found most effective in helping themselves and their staff handle the pro se caseload. The most effective measures used in chambers are assignment of cases to pro se law clerks; use of specially designated staff (e.g., magistrate judges); and procedures for assigning and tracking cases (e.g., automation, identification of repeat filers). The most effective measures used by the clerk's office to assist chambers are similar—use of specially designated staff (e.g., magistrate judges) and procedures for assigning and tracking cases. Whether used by the clerk's office or chambers, these measures appear to screen and streamline the pro se caseload.

The judges also identified measures they have found most effective in helping pro se litigants. By far the most common measures used in chambers are those we might call “managerial.” These include clear orders and instructions, standardized forms, and methods for responding to filings without delay. For prisoner cases, judges also find effective appointment of counsel and liberal interpretation of pleadings and time frames. As for assistance provided by the clerk's office, many judges find that handbooks, standardized forms, instructions, and other materials that help with the case are most effective in helping pro se litigants.

Although chambers and clerks' offices have developed procedures to help with pro se litigation, the judges also identified a number of issues these cases continue to present for chambers. The most commonly stated issues focus on the quality of the pleadings—the litigants' filing of voluminous and unnecessary material, their lack of legal knowledge, and the risk the judge might miss meritorious claims. Judges are also concerned about the rising caseload, caused in part by numerous frivolous cases, frequent filers, and repetitive filings.

The judges showed a strong interest in learning more about methods that can help reduce the burden of the pro se caseload. Nearly three-quarters said they would like more information about special staffing arrangements, and almost two-thirds said they would like more information about funding for programs that assist pro se litigants.

Altogether, the two surveys show that the district courts have developed many methods to assist chambers, clerk's office staff, and litigants in effectively managing pro se cases. Nonetheless, problems remain: for the clerks, the weight of these cases on their staff; for the judges, the difficulty of discerning the substance of the cases.

## Introduction

The Judicial Conference Committee on Court Administration and Case Management (the Committee) has a long-standing interest in ensuring access to the federal courts. In support of that interest, the Committee asked the Federal Judicial Center to survey the federal district courts to determine what types of assistance these courts provide to pro se litigants. The Center developed a pair of questionnaires to help the Committee identify services, procedures, and programs the courts are using to assist pro se litigants and to help the clerks' offices and judges' chambers handle these cases.<sup>2</sup> The purpose of the survey was to collect information for an inventory of services, procedures, and programs that district courts can turn to for ideas on handling cases that have pro se litigants.<sup>3</sup>

The questionnaire for clerks asked for information about (1) resources and services that assist prisoner and non-prisoner pro se litigants in their district; (2) resources that assist court staff in handling these cases; and (3) the most effective measures the district has developed for handling these cases. The questionnaire for judges asked for information about (1) issues pro se litigants present for judges and (2) measures judges have used to handle these issues. This report provides a summary of responses received from the clerks of court and then provides a summary of responses received from the chief judges.

The endnotes to the report identify the district courts that offer some of the programs and procedures developed to assist non-prisoner and prisoner pro se litigants. These lists are intended to facilitate communication between district courts as they try to develop the most effective services for both pro se litigants and the courts themselves.

## Part I. Findings from a Survey of Clerks of Court

### Programs and Procedures Available to Assist Pro Se Litigants

The clerk's office is a potential source of assistance for all litigants and especially for pro se litigants, who typically lack training in law or court procedures. As pro se caseloads have risen, clerks' offices have developed various forms of assistance for these litigants. Table 1 lists 11 programs and procedures clerks' offices might provide and shows the number and percentage of districts providing each form of assistance.

Altogether, 87 districts (97% of the 90 responding districts) offer at least 1 of the services listed in Table 1; the average number of offered services is 3. No district offered 10 or all 11 of the services.<sup>4</sup>

The most common service provided to pro se litigants is procedural assistance by clerk's office staff members as part of their regular duties (in 76 districts). Of the 14 districts that do not provide this procedural assistance, 3 provide none of the services listed in Table 1; the remaining 11 provide at least one other service listed in Table 1.<sup>5</sup>

Less than half of the districts provide any of the other services listed. The second most common service, offered by 37 districts, is permission for non-prisoner pro se litigants to file electronically through CM/ECF. Thirty-five districts offer non-prisoner pro se litigants access through CM/ECF to docket sheets, pleadings, and other materials in ongoing cases. About a fifth (18) of the districts have mediation programs for non-prisoner pro se litigants, and a smaller number (11) have mediation programs for prisoner pro se litigants. Combined, 21 districts offer at least one of the two mediation programs,

and 8 districts offer both types. (See the endnotes associated with Table 1 for listings of these districts).

**Table 1. Programs and Procedures Available to Assist Pro Se Litigants, As Reported by Clerks' Offices**

Programs and Procedures	Districts Reporting	
	N	%
Procedural assistance by clerk's office staff members as part of their regular duties	76	84.4
Permission for <b>non-prisoner</b> pro se litigants to file electronically through CM/ECF	37 <sup>6</sup>	41.1
<b>Non-prisoner</b> pro se litigant access through CM/ECF to docket sheet, pleadings, etc. in ongoing case	35 <sup>7</sup>	38.9
Direct communication between pro se litigant and pro se law clerk	25 <sup>8</sup>	27.8
Dissemination of information about programs for pro se litigants in public places <b>outside the court or prisons</b> , such as public libraries (either electronically or on paper)	19 <sup>9</sup>	21.1
Mediation program for <b>non-prisoner</b> pro se litigants	18 <sup>10</sup>	20.0
Bar program or other non-court program to advise <b>non-prisoner</b> pro se litigants on preparation of submissions or how to handle court proceedings		
Not in courthouse space	10 <sup>11</sup>	11.1
In courthouse space	6 <sup>12</sup>	6.7
Mediation program for <b>prisoner</b> pro se litigants	11 <sup>13</sup>	12.2
Court-provided software available at courthouse or on court's website to help pro se litigants prepare their pleadings or other submissions (e.g., e-Pro Se)	10 <sup>14</sup>	11.1
Bar program or other non-court program to advise <b>prisoner</b> pro se litigants on preparation of submissions or how to handle court proceedings	3 <sup>15</sup>	3.3
Other	42	46.7

Sixteen districts offer a bar or non-court program to advise non-prisoner pro se litigants on preparation of submissions or how to handle court proceedings, and 6 districts provide this service within the courthouse. Three districts offer this service to prisoner pro se litigants. Finally, 10 districts provide software (e.g., e-Pro Se) to help pro se litigants prepare their submissions; 1 of these districts has launched an e-filing project with a state correctional institution.

Forty-two respondents listed “Other” programs and procedures offered by the court but not listed in Table 1. All of the items they listed fall into categories that are covered by other questions in the survey—for example, availability of a pro se handbook, access to CM/ECF, and use of the attorney admissions fund to pay attorney costs—and are discussed later in this report.

Districts that have a larger number of pro se filings (as measured by the average number of pro se filings from 2008 through 2010) do not offer a greater number of the services listed in Table 1.<sup>16</sup> The districts offering the most services are not necessarily those with the largest number of pro se filings or largest population.<sup>17</sup> While the 15 districts with the highest three-year average of pro se filings all offered at least one service, so did the 15 districts with the lowest three-year average of pro se filings.<sup>18</sup> Generally, there appears to be no relationship between the number of services offered to pro se litigants and the average number of pro se filings in the district.

### Efforts to Provide Counsel for Non-prisoner Pro Se Litigants

Given the complexity of litigation, it seems that the service that would most help pro se litigants is assistance of counsel. Table 2 lists services provided by the district courts to assist non-prisoner pro se litigants in obtaining legal representation, and the number and percentage of districts that provide each service. Altogether, 81 districts (90%) provide at least one of these services to non-prisoner pro se litigants.

**Table 2. Services Provided to Assist Non-prisoner Pro Se Litigants in Obtaining Legal Representation, As Reported by Clerks' Offices**

Services	Districts Reporting	
	N	%
Appointment of counsel to represent a pro se litigant for the full case	51	56.7
Appointment of counsel to represent a pro se litigant in limited circumstances (e.g., in mediation, trial)	50	55.6
Court-conducted review to determine need for counsel	44 <sup>19</sup>	48.9
Handout or web notice about obtaining free or low-cost legal services	33 <sup>20</sup>	36.7
Handout or web notice with information about obtaining an attorney	32 <sup>21</sup>	35.6
Provision in local rules for payment of costs	24 <sup>22</sup>	26.7
Court-maintained pro bono panel or list of attorneys willing to serve pro bono, made available to pro se litigants	19 <sup>23</sup>	21.1
Local rule or general order that requires pro bono service from members of the bar	13 <sup>24</sup>	14.4
Court-maintained list-serve to alert bar to the need for representation in a particular case	8 <sup>25</sup>	8.9
Bar-maintained pro bono panel or list of attorneys willing to serve pro bono, made available to pro se litigants	6 <sup>26</sup>	6.7
Other	23	25.6

A little over half (57%) of the district courts appoint counsel to represent pro se litigants for the full case. A little over half (56%) appoint counsel to represent pro se litigants for limited circumstances, such as mediation or trial. Forty-one percent of the districts appoint counsel in both instances, while 29% do not appoint counsel in either one. Thirty-seven percent of the districts provide information about obtaining free or low-cost legal services, 36% provide information about obtaining an attorney, and 27% include a provision in their local rules for payment of costs.

A minority of districts have tried to provide pro bono service to pro se litigants, using one or more of the following approaches: maintaining a panel or list of pro bono attorneys (19 districts), requiring pro bono service from members of the bar (13 districts), maintaining a list-serve to alert the bar to a case needing representation (8 districts), and providing pro se litigants with a bar-maintained panel or list of pro bono attorneys (6 districts). Altogether, 35 districts have taken one of these steps to help pro se litigants find pro bono counsel. Among the 23 respondents who selected “Other,” many reported providing services pertaining to pro bono counsel (e.g., cost reimbursements to pro bono counsel; court-maintained pro bono panel or list that is *not* made available to pro se litigants), while some specified that their district did not currently offer any services to assist non-prisoner pro se litigants in obtaining legal representation.

The average (mean) number of services provided across all districts to help pro se litigants obtain counsel was 3. Nine districts offer none of the services listed in Table 2; eleven offer 1. No district offers 9 or all 10 services, but one district offers 8.<sup>27</sup>

The districts with the highest average number of pro se filings offer a greater number of services to help pro se litigants find legal representation than do districts with fewer pro se filings. For example, the 9 districts offering none of the services listed in Table 2 average 438 pro se filings, while the 11 districts offering six services average 1,226 filings. One district did not conform to this trend; it averaged 73 pro se filings over the three years of the study, but was the only district to offer eight services, the most services offered by a responding district.<sup>28</sup>

Even if a pro se litigant obtains an attorney, the issue of payment of costs and fees may remain. As shown in Table 3, a third of the 90 respondents said their district pays no attorneys’ costs or fees for pro se litigants. Nearly half (48%) of the districts pay costs only, and 23% pay both costs and some or all attorneys’ fees. District courts with a higher average number of pro se filings were neither more nor less likely than district courts with a lower number of filings to pay attorneys’ costs.

**Table 3. Provisions Made by Courts for Payment of Attorneys’ Costs or Fees, As Reported by Clerks’ Offices**

Provisions for Costs or Fees	Districts Reporting	
	N	%
District court does not pay attorneys’ costs or fees	30	33.3
District court pays costs only	43	47.8
District court pays costs and some or all attorneys’ fees	21 <sup>29</sup>	23.3

The districts generally rely on their bench/bar funds to pay fees and costs. In addition to these sources, several respondents identified other funding sources or mechanisms that either the court or the bar has established. Their responses are provided below.

- “The Court charges a \$10 fee to each attorney admitted to practice, which goes to support the not-for-profit Eastern District Civil Litigation Fund, Inc.”
- “Money paid to the court as a civil fine was deposited to the library fund, with direction that the money be used to establish a bankruptcy help desk. The funds were then gifted to the local bar foundation and they established a monthly help desk/legal line.”
- “Per Admin Order 93-106: Volunteer Lawyers’ Project, funded by annual dues (\$25) from each member of general and trial bar in FLSD. Also funded by attorneys donating portion of attorneys’ fees recovered in meritorious cases.”
- “The Court approved a ‘gift’ to fund a pro se assistance program in the District with our Federal Bar Association. The program has been underway now for over two years and provides legal services to all non-prisoner pro se litigants.”
- “The Court’s non-appropriated account donates to the FBA to provide financial assistance with its program that places volunteer attorneys with pro se litigants. The intent of the program is to give pro se litigants the opportunity to meet with an attorney.”

Funds for fees and costs often are not available. Only 17 districts (19%) have developed or been the beneficiary of any special funding mechanisms for programs, services, or materials provided to pro se litigants.<sup>30</sup> These districts had a significantly higher average number of pro se filings from 2008 through 2010 (1,027 filings) than the 73 districts that have neither developed nor been the beneficiary of such special funding mechanisms (595 filings).

Some district courts have taken steps to encourage pro bono legal counsel for pro se litigants. Of the 90 districts responding to the survey, 49 took at least one of the steps listed in Table 4. Twenty-six districts (29%) give public recognition to attorneys who assist pro se litigants, and 20 districts (22%) send a letter of thanks when an attorney completes a case. Fewer promote pro bono work through articles in legal publications (12 districts) or recruitment at law firms (9 districts). Only 4 districts give attorneys credit toward pro bono requirements, and only 2 award CLE credit when attorneys assist a pro se litigant. While no district has taken all of the steps listed in Table 4, 1 has taken five<sup>31</sup> and 6 have taken four.<sup>32</sup> Forty-one districts (46%) have taken none of the steps, and 22 (24%) have taken one step to encourage pro bono services.

Districts with more pro se filings are more likely to have used at least one measure to encourage pro bono services for pro se litigants. The 15 districts that have used two measures had a significantly larger number of filings (a mean of 1,161) than the 41 districts that used none of the measures (a mean of 462). The districts using the largest number of measures were not, however, necessarily the districts with the most pro se filings.

**Table 4. Measures Taken to Encourage Pro Bono Services for Pro Se Litigants, As Reported by Clerks' Offices**

Measures	Districts Reporting	
	N	%
Court gives public recognition to those who assist pro se litigants	26	28.9
Court (chief judge or other) sends a thank you letter after attorney completes a case	20	22.2
Judges write articles for legal newsletters encouraging pro bono participation	12	13.3
Judges attend meetings at law firms to recruit attorneys for the court's pro bono panel	9	10.0
Court awards credit toward pro bono requirements when an attorney assists a pro se litigant	4 <sup>33</sup>	4.4
Court awards CLE credits when an attorney assists a pro se litigant	2 <sup>34</sup>	2.2
Other	23	25.6

### Resources, Services, and Notices for Pro Se Litigants

The district courts provide advice and guidance to pro se litigants through a variety of print and electronic sources, as shown in Table 5. The two most common sources of information are the district's local rules and principal forms, provided by 98% and 97% of the districts, respectively. The third most common source of guidance is the location of the courthouse and/or courtrooms, which is provided by 96% of the districts. The fourth most common source of guidance is a handbook or information package, which is provided to non-prisoner pro se litigants by 84% of the districts and to prisoner pro se litigants by 77% of the districts.

The districts use all four of the identified avenues—public areas of the clerk's office, the district's website, the mail, and a location in the prison—to make rules, forms, and handbooks available. The district's website, however, is the most likely place to find rules and forms (over 90% of the districts use this avenue). The clerk's office is the most likely place to find a handbook for non-prisoner pro se litigants (in nearly 80% of the districts), and the mail is the most common way of providing a handbook to prisoner pro se litigants (in 70% of the districts). Few districts (8%) use a video presentation to provide information about how to proceed in court.

Generally, the districts provide fewer resources by mail or at the prisons than they provide at the clerk's office or on the website. For example, 11% of the districts will mail the Federal Rules of Procedure to a pro se litigant, and 8% make the rules available at the prisons, whereas 42% make the rules available in the clerk's office and 57% on the website. The clerk's office and the court's website are the most common sources for any advice and guidance the districts provide; pro se litigants with access to neither must depend on getting the appropriate materials from court staff through the mail or by finding some other source. (See the next section for a discussion of prisoners' access to computers.)

**Table 5. Resources, Services, and Notices Offered by Clerks' Offices for Pro Se Litigants, As Reported by Clerks' Offices**

Resources, Services, or Notices	Location of Resources, Services, or Notices (Districts Reporting)					
	In public area of clerk's office, either on paper or via computer		On district's website		At the prison	
	N	%	N	%	N	%
District's local rules	63	70.0	85	94.4	48	53.3
District's principal forms	71	78.9	83	92.2	59	65.6
Location of courthouses and/or courtrooms	58	64.4	85	94.4	31	34.4
Handbook or information package for <b>non-prisoner</b> pro se litigants	72	80.0	60	66.7	59	65.6
Handbook or information package for <b>prisoner</b> pro se litigants	54	60.0	48	53.3	63	70.0
Instructions on how to access CM/ECF	46	51.1	61	67.8	14	15.6
Rules of federal procedure	38	42.2	51	56.7	11	12.2
Guidance or warning about protecting private information in papers filed in court	45	50.0	50	55.6	30	33.3
List or statement of what the clerk's office cannot provide to a pro se litigant (e.g., legal advice)	35	38.9	37	41.1	27	30.0
Information about obtaining pro bono or low cost legal advice or representation	37	41.1	36	40.0	25	27.8
Information on the jurisdiction of the federal courts	31	34.4	42	46.7	22	24.4
Warning that case can be dismissed if litigant fails to file all necessary documents	34	37.8	25	27.8	24	26.7
Sample or template of pleadings, motions, discovery requests, etc.	38	42.2	36	40.0	26	28.9
					8	8.9
					41 <sup>35</sup>	45.6

**Table 5 (continued)**

Resources, Services, or Notices	Location of Resources, Services, or Notices (Districts Reporting)								
	In public area of clerk's office, either on paper or via computer		On district's website	By mail	At the prison				
	N	%	N	%	N	%	N	%	
Warning that case can be dismissed if litigant fails to pay all required fees	31	34.4	26	28.9	22	24.4	7	7.8	39 <sup>36</sup> 43.3
Frequently asked questions and answers for pro se litigants	29	32.2	34	37.8	16	17.8	2	2.2	39 <sup>36</sup> 43.3
Warning that case can be dismissed if litigant fails to meet deadlines	30	33.3	26	28.9	23	25.6	7	7.8	39 43.3
Information about obtaining other assistance provided for pro se litigants (e.g., a mediation program)	15	16.7	16	17.8	8	8.9	1	1.1	20 22.2
Warning that false statements may be a federal crime	15	16.7	12	13.3	8	8.9	3	3.3	19 21.1
Information about the services of other state or federal agencies (e.g., Social Security Administration)	12	13.3	14	15.6	7	7.8	0	0.0	16 17.8
District-produced or other video on how to proceed in federal court	3	3.3	6	6.7	2	2.2	0	0.0	7 <sup>37</sup> 7.8

Other than federal and local rules, forms, handbooks, and the location of courthouses, instructions for accessing CM/ECF are the most common type of guidance the district courts provide (72% of the districts provide them).<sup>38</sup> Substantially fewer districts provide information about obtaining pro bono or low-cost legal services (50% of the districts), sample documents for motions or other pleadings (46%), or a set of frequently asked questions and answers that might help pro se litigants prepare their submissions or navigate their way through the court's procedures (43%).

Through the clerk's office, the district's website, the mail, or prisons, the district courts provide a number of warnings to pro se litigants to help them avoid problems. The most common is guidance about protecting private information in papers filed in court (66% of the districts provide it). Other such warnings include information about what the clerk's office may not provide to pro se litigants (52% of the districts); warnings that a

case may be dismissed if all necessary documents are not filed (47%), all required fees are not paid (43%), or deadlines are missed (43%); and a warning that false statements may be a federal crime (21%).

The districts vary significantly in how many of these resources, services, or notices they provide to pro se litigants; they provide from 3 to 18 of the 20 listed items, with an average of 11. Two districts offer only 3 services;<sup>39</sup> one of the two does not provide the district's local rules, principal forms, or location of courthouses (all provided by more than 95% of districts) but provides a warning that false statements may be a federal crime (provided by only 21% of districts). Four districts offer 18 of the 20 services.<sup>40</sup>

The average number of pro se filings from 2008 through 2010 is not related to how many services the district offers. All 15 districts with the most filings and all 15 districts with the fewest filings make at least one of the resources, services, or notices available.

### **Access to Computers**

Many of the 90 district courts responding to the survey (76, or 84%) provide free public access to computers in the clerk's office. Only 1 district reports restrictions on computer access; this district limits users to CM/ECF and PACER for viewing public dockets and documents. Of the districts providing free public access to computers, most charge a fee for printing from the computers; only 4 do not.<sup>41</sup>

Litigants may access a variety of services and resources through the public access computers, as shown in Table 6. The most common, provided by 67% of the districts, is access to CM/ECF.

Around half the districts provide access to their own website and to PACER. Smaller numbers provide access to the Party-Case Index (40%), the U.S. Courts website (26%), or the bankruptcy court's website (21%). Only a few districts make e-filing software (6%) or the Internet (4%) available through public access computers.

**Table 6. Resources Provided on Public Access Computers at the Clerk's Office, As Reported by Clerks' Offices**

Resources	Districts Reporting	
	N	%
CM/ECF	60	66.7
District court's website	46	51.1
PACER	44	48.9
Party-Case Index	36	40.0
U.S. Courts website ( <a href="http://www.uscourts.gov">www.uscourts.gov</a> )	23	25.6
Bankruptcy court's website	19	21.1
Software to assist pro se filers in preparing pleadings or other submissions (e.g., e-Pro Se)	5 <sup>42</sup>	5.6
Internet	4 <sup>43</sup>	4.4

Fourteen (16%) of the districts do not provide any of the listed resources on public access computers; one provides all eight of the resources.<sup>44</sup> The average is 2.6 resources. A district's average number of pro se filings from 2008 through 2010 is not related to how many resources the district provides on public access computers.

Seventy of the 90 respondents (78%) reported that they do not know whether prisoners have access to computers. The 20 respondents who had some knowledge about prisoners' access to computers reported that access is limited to preparing pleadings and conducting legal research. None of these respondents reported that prisoners had access to the court's website, PACER, or CM/ECF.

### **Information Kiosks**

Some years ago, courts began installing information kiosks in public areas in the clerk's office. Although the idea was popular initially, only 24 (27%) of the districts responding to the survey currently have such kiosks.<sup>45</sup> Respondents from 22 courts with kiosks identified the types of resources or information available through this source. Their responses can be placed into the following categories:

- access to public terminal, intake clerks, and forms;
- calendars, announcements, courtroom locations, computer access, and forms;
- case information only (CM/ECF);
- court calendars for the week and directions to courtrooms;
- court directory, bankruptcy and district courts;
- local dining;
- maps;
- current docket information;
- Federal Rules of Procedure, local rules, general orders, forms, frequently asked questions and answers, etc.;
- PACER; and
- pro se guide or manual, form motions, form complaints, instructions on filing cases and effecting service.

### **Accommodating Pro Se Litigants Through Changes in the Physical Layout or Hours of the Clerk's Office**

A small number of districts (eight, or 8.8%) have changed the physical layout or hours of the clerk's office to accommodate pro se litigants.<sup>46</sup> Among the changes these districts reported making are the following:

- "Added a computer terminal in public area for access to E-Pro Se and Court website resources."
- "Expanded physical space to accommodate PACER researchers."
- "Installation of permanent scanning and public access terminals in both divisions' clerk's lobby areas. Hiring a permanent pro se clerk to assist the clerk in processing pro se cases and serving as an 'ombudsman' of sorts for pro se litigants."
- "Physical Layout: Established the Pro Se Clinic."
- "Self-Help Resource Center was created inside the clerk's office."

- “We added a court services (intake) window with a lower counter height to accommodate disabled litigants (many of our non-prisoner pro se litigants) and allow them face to face interaction with staff.”
- “We put up real walls in the document inspection area of the intake department so we could let people in more freely while maintaining security for our staff.”

### **Availability of Court Staff Who Speak Non-English Languages**

Less than half of the responding districts (38, or 42%) report that they have staff members who can assist pro se litigants who do not speak English. The most common language spoken by staff is Spanish, available in 35 districts. Three districts have staff members who speak French, 2 have staff members who speak German, and 2 have staff members who speak Portuguese. Nine other languages are spoken by court staff (e.g., Cantonese and Navajo), but each is available in only 1 district. One district has staff members who can assist litigants in seven non-English languages; this is the only district offering assistance in more than two non-English languages.<sup>47</sup>

Eight districts provide resources, services, or notices in other languages.<sup>48</sup> These resources include brochures; sections of the district court’s pro se website; non-prisoner pro se filing instructions and habeas petitions; handbooks; local court documents; and manuals, including step-by-step guides for filing a civil complaint. Six districts reported that additional resources are available in Spanish, and one provides handbooks in both Spanish and Chinese.<sup>49</sup> One respondent did not state which languages are used for the district’s translated local court documents.

### **Number of Court Employees with Substantial Responsibility for Pro Se Cases**

As the findings discussed above reveal, the district courts have developed a wide range of resources to assist pro se litigants, and the districts vary greatly in how many and which resources and services they offer. In addition to these resources, courts assist pro se litigants through court staff, including regular clerk’s office staff, permanent pro se law clerks, and temporary or emergency pro se law clerks.

Table 7 shows the number of districts that have clerk’s office staff, not including pro se law clerks, with substantial responsibility for pro se cases. The largest group of courts—27%, or 24—have 2–5 staff members with substantial responsibility for pro se cases. Six districts reported having more than 20 clerk’s office staff with substantial responsibility for pro se cases, including one district that reported having 44 such staff members.<sup>50</sup> Fourteen districts reported having no staff with substantial responsibility for pro se cases, suggesting perhaps that these districts have spread responsibility for pro se cases across all clerk’s office staff rather than concentrating it in a few staff.<sup>51</sup>

Overall, districts with a higher average number of pro se filings did not report a higher number of clerk’s office staff with substantial responsibility for pro se cases. However, the six districts that reported having more than 20 such staff members have the highest average number of pro se filings of the six groups listed in Table 7.

**Table 7. Number of Clerk's Office Staff, Other Than Pro Se Law Clerks, with Substantial Responsibility for Pro Se Cases, As Reported by Clerks' Offices**

Number of Clerk's Office Staff	Districts Reporting	
	N	%
0	14	15.6
1	14	15.6
2–5	24	26.6
6–10	16	17.8
11–20	16	17.7
> 20	6	6.6

Most districts also have permanent pro se law clerks who have substantial responsibility for pro se cases. As shown in Table 8, only 4 of the 90 responding districts reported that they do not have such staff. More than three-quarters of the districts (69, or 77%) have 2 or more permanent pro se law clerks, and more than a quarter (26, or 29%) have 4 to 9 permanent pro se law clerks. Only 4 districts have 10 or more.<sup>52</sup> Seventeen districts provided non-whole numbers (e.g., 1.5) in order to represent law clerks who either work part-time or are only partially assigned to pro se issues. No respondent provided non-whole numbers when listing the number of clerk's office staff (see Table 7).

**Table 8. Number of Permanent Pro Se Law Clerks with Substantial Responsibility for Pro Se Cases, As Reported by Clerks' Offices**

Number of Permanent Pro Se Law Clerks	Districts Reporting	
	N	%
0	4	4.4
1–1.5	17	18.9
2–2.5	20	22.2
3–3.5	19	21.1
4–9	26	28.9
≥ 10	4	4.4

Seventeen districts have temporary or emergency pro se law clerks, as shown in Table 9. Ten districts have one or fewer temporary or emergency pro se law clerks, and only four districts have three or more.<sup>53</sup> Thus, clerk's office staff with substantial responsibility for pro se cases are typically either permanent pro se law clerks (see Table 8) or other staff members (see Table 7), rather than temporary or emergency clerks.

**Table 9. Number of Temporary or Emergency Pro Se Law Clerks with Substantial Responsibility for Pro Se Cases, As Reported by Clerks' Offices**

Number of Temporary or Emergency Pro Se Law Clerks	Districts Reporting	
	N	%
0	73	81.1
0.5–1	10	11.1
2	3	3.3
≥ 3	4	4.4

The pro se law clerk position was created to assist courts with prisoner litigation, but only 29% of the districts (25) limit their pro se law clerks' work to those cases (see Table 10). More than two-thirds of the districts (61, or 71%) assign both prisoner and non-prisoner pro se cases to pro se law clerks. The types of cases handled by pro se law clerks in a district did not significantly differ by the average number of pro se filings in the district or the average number of prisoner pro se filings in the district from 2008 through 2010.

**Table 10. Types of Cases Handled by Pro Se Law Clerks, As Reported by Clerks' Offices**

Types of Cases	Districts Reporting	
	N	%
Only prisoner pro se cases	25	29.1
Only non-prisoner pro se cases	0	0.0
Both prisoner and non-prisoner pro se cases	61	70.9

### Steps Taken to Reduce the Impact of Pro Se Cases on Court Staff

Clerk's office staff are the court employees most likely to have in-person contact with pro se litigants, who often need a great deal of help. Altogether, 52 (58%) of the districts have used at least one of the approaches listed in Table 11 to help reduce the impact of pro se cases on court staff. As Table 11 shows, the most common approach, used by 28 districts (31%), is to include the subject in training programs for court staff. Twenty-five districts (28%) have designated specific staff to handle all pro se cases. A smaller number of districts rotate staff to give them a break from these cases (13 districts) or minimize contact by directing pro se litigants to other sources of help (11 districts). Three districts refer staff to the Employee Assistance Program.<sup>54</sup>

Thirty-eight (42%) of the districts have used none of the five approaches to reduce the impact of pro se cases on court staff, and 2 (2%) have used four of the five approaches. None have used all five.<sup>55</sup> In addition to responding to the options listed in Table 11, some respondents identified other approaches they have used to reduce the impact of pro

se cases on court staff. Ten of the 38 districts that reported using none of the approaches listed in the table provided an approach under “Other.” The majority of the 21 approaches listed under “Other” describe staffing arrangements (e.g., assignment of pro se clerks or paralegals, use of magistrate judges), which are described in the next section as one of the most effective measures that help the clerk’s office with pro se litigation.

**Table 11. Approaches Used to Reduce Impact of Pro Se Cases on Court Staff, As Reported by Clerks’ Offices**

Approaches	Districts Reporting	
	N	%
Include the subject in training programs for staff	28 <sup>56</sup>	31.1
Designate one or more deputy clerks as case manager(s) for all pro se cases	25 <sup>57</sup>	27.8
Rotate staff so they have a break from these cases	13 <sup>58</sup>	14.4
Minimize staff contact with pro se litigants by directing these litigants to other sources of help	11 <sup>59</sup>	12.2
Refer staff to EAP (Employee Assistance Program)	3 <sup>60</sup>	3.3
Other	21	23.3

Fifty-four districts (60%) reported that their district has provided training for clerk’s office staff on how to deal with pro se litigants.<sup>61</sup> Table 12 shows the topics covered in training. Almost all of the districts that provide training (52 of 54) instruct staff on the kinds of assistance they may provide to pro se litigants (e.g., what constitutes legal advice). Forty-seven districts (52%) provide instruction to court staff on dealing with angry or upset pro se litigants, and 35 (39%) provide instruction on court resources available for pro se litigants. Less common is instruction for staff on outside resources available to pro se litigants (22 districts, or 24%) and how to deal with their own stress and emotions (17 districts, or 19%).

**Table 12. Topics Covered in Clerk’s Office Training on Dealing with Pro Se Litigants, As Reported by Clerks’ Offices**

Topics	Districts Reporting	
	N	%
Permissible and impermissible assistance to pro se litigants (e.g., what is legal advice)	52	57.8
Dealing with angry or upset pro se litigants	47	52.2
Available court resources for pro se litigants	35	38.9
Available outside resources for pro se litigants	22	24.4
Dealing with personal stress and emotions	17	18.9
Other	6	6.7

Among the district courts that cover pro se topics in clerk's office training, most cover three or more of the topics listed in Table 12. Ten (11%) cover all five of the listed topics,<sup>62</sup> and six (7%) cover only one of the topics.<sup>63</sup> Some respondents noted additional topics they cover in training for court staff; the majority of responses under "Other" can be classified as "customer service" (e.g., communication skills and treating people equally).

There was no relationship between a district's average number of pro se filings from 2008 through 2010 and the number of approaches used to reduce the impact of pro se cases on court staff or the number of topics covered in clerk's office training in a district.

Additionally, in the past three years, 19 districts (21%) have changed the duties of staff or the organization of the clerk's office to help staff handle pro se cases.<sup>64</sup> Special staff arrangements are further described in the next section.

### **Most Effective Measures Already Implemented or That Might Be Implemented to Assist with Pro Se Litigation**

In response to a set of open-ended questions, the clerk's office respondents identified a number of measures their districts had already implemented or might implement to assist with pro se litigation. The respondents were asked to provide the most effective measures their districts have implemented to help the clerk's office, prisoner pro se litigants, and non-prisoner pro se litigants. To help us understand the large number of responses, we coded them into several categories, which are shown below. Each measure mentioned by a respondent was coded into one of the categories shown in the tables. The number of measures mentioned is greater than the number of respondents.

#### *Most Effective Measures That Help the Clerk's Office with Pro Se Litigation*

The measures named most often as ones that most effectively help the clerk's office fall generally into one of the six categories identified in Table 13. Sixty-eight respondents mentioned a total of 89 measures. By far the greatest number of measures found most effective involved either staffing arrangements (39 responses) or provision of information to pro se litigants (29 responses).

**Table 13. Most Effective Measures That Help the Clerk's Office with Pro Se Litigation, As Noted by Clerks' Offices**

Measures	Number of Mentions <sup>a</sup>
Special staff arrangements or assignments, staff training, internal reports	39
Information and guidance tailored to the pro se litigant (e.g., standardized forms, instructions, handbooks) and made readily available (e.g., on the web, at a kiosk)	29
Pro se access to electronic filing, e-Pro Se	8
Pro se clinic or center	4
Special agreements with prison or government officials	4
Other	5

a. There were 68 respondents; they mentioned 89 measures.

Examples of staffing arrangements include designating a prisoner pro se case administrator; designating a magistrate judge and staff attorneys whose time is dedicated to prisoner pro se cases; having deputy clerks with excellent interpersonal skills assist pro se filers; and rotating staff so that no one is overburdened. Examples of information for pro se litigants include manuals that provide forms and information about filing a case; a Section 1983 package and a Section 2254 habeas package; use of the website as a single, central place where pro se litigants can find information, and development of materials suitable for the website; and a motion form with detailed instructions.

A small number of respondents also mentioned pro se access to electronic filing or e-Pro Se (eight responses), availability of a pro se clinic or center (four responses), or special agreements with prison or government officials (four responses, including, e.g., agreement with the state attorney general on electronic acceptance of service in civil state prisoner cases). A small number of “Other” responses did not fit the other five categories (e.g., use of the HHS poverty guidelines to ensure consistent determinations of indigence and development of a three-strikes database).

#### *Most Effective Measures That Help Prisoner Pro Se Litigants*

The most effective measures that help prisoner pro se litigants fell into the small set of categories shown in Table 14. Altogether, 69 respondents mentioned a total of 88 measures. Reflecting perhaps the limited options available to a clerk’s office for assisting prisoner pro se litigants, these offices rely primarily on various avenues for providing information and guidance to these litigants to help them file their pleadings; 47 of the 88 measures (51%) fell into this category. Clerks’ offices also reported that special staffing arrangements (17 responses), pro bono and mediation/settlement procedures (7 responses), and screening, tracking, and promptly responding to prisoner pro se filings (7 responses) are all effective ways to help prisoner pro se litigants.

Examples of efforts to provide information and guidance to prisoner pro se litigants include extensive instructions and forms for filing complaints or petitions (a very common approach taken by clerks’ offices); a pro se handbook (also a common approach); providing all forms on the court’s website; and making forms available to litigants’ family members.

**Table 14. Most Effective Measures That Help Prisoner Pro Se Litigants, As Noted by Clerks’ Offices**

Measures	Number of Mentions <sup>a</sup>
Information and guidance tailored to the pro se litigant (e.g., standardized forms, instructions, handbooks) and made readily available (e.g., on the web, at a kiosk)	47
Special staff arrangements or assignments, staff training, internal reports	17
Pro bono program, mediation/settlement procedures	7
Screening, tracking, and prompt responses to prisoner pro se filings	7
Other	10

a. There were 69 respondents; they mentioned 88 measures.

Examples of special staffing arrangements include processing of pro se cases by designated clerks; establishing a routing method for acceptance of service and discovery; assigning a pro se writ clerk to help litigants; and creating a unit made up of the magistrate judges' courtroom deputies, who work closely with the pro se law clerks.

Ten "Other" responses did not fit the four main types of responses. The other measures clerks' offices reported as the most effective in assisting prisoner pro se litigants include an arrangement with the department of corrections to keep prisoner addresses up to date; use of videoconferencing for hearings; eliminating the requirement for duplicate copies of the complaint; and an e-filing project with a state correctional institution.

#### *Most Effective Measures That Help Non-prisoner Pro Se Litigants*

The measures clerks' offices most often identified as being most effective in helping non-prisoner pro se litigants are shown in Table 15. Sixty-six respondents mentioned a total of 89 measures. As with prisoner pro se litigants, the measure found most effective is to provide information and make it readily available (48 responses). In helping non-prisoner pro se litigants, who are better able to come to the courthouse, some clerks' offices have found various programs of direct assistance to be most effective, such as help centers and mediation programs (13 responses). Likewise, some clerks' offices have found it most effective to provide e-filing and CM/ECF access to non-prisoner pro se litigants (12 responses). Some clerks' offices have found special staff arrangements to be most effective in helping non-prisoner pro se litigants (12 responses), but these arrangements often help the clerk's office staff more than the pro se litigants (see Table 13).

Examples of information and guidance provided to non-prisoner pro se litigants include a website with a pro se section; a pro se guide or handbook (a common approach taken by clerks' offices); a packet of forms and instructions (also a common approach); and a self-help resource center at the courthouse. Examples of direct assistance include a pro bono clinic at the courthouse; court mediation; and a volunteer lawyers project.

Examples of special staff arrangements include designating paralegal staff at each of the district's divisions; assigning a magistrate judge to manage pro se cases early in the process and to help litigants find counsel; having pro se law clerks speak with litigants experiencing more complex problems; and holding an in-person status conference with the magistrate judge early in the case.

**Table 15. Most Effective Measures That Help Non-prisoner Pro Se Litigants, As Noted by Clerks' Offices**

Measures	Number of Mentions <sup>a</sup>
Information and guidance tailored to the pro se litigant (e.g., standardized forms, instructions, handbooks) and made readily available (e.g., on the web, at a kiosk)	48
Pro bono program, mediation/settlement procedures, pro se help centers	13
E-filing, CM/ECF access	12
Special staff arrangements or assignments, staff training, internal reports	12
Other	4

a. There were 66 respondents; they mentioned 89 measures.

## **Other Resources, Programs, Services, or Materials Under Development**

Thirty of the 90 respondents reported that their districts are currently developing other measures to assist with pro se litigation. Altogether, they named 43 such measures. The greatest number of measures under development (19 responses) involve revising, expanding, or creating information items or systems—for example, updating handbooks and forms, creating a pro se website, and adding judge-specific information to an existing website. The second greatest number of measures under development (13 responses) involve expanding or creating various forms of direct assistance to pro se litigants—for example, creation of a pro se help desk staffed by pro bono attorneys, development of a more formal pro bono panel, and creation of a more formal mediation process. Nine of the respondents reported that their districts are exploring the use of e-filing. One district is setting up a pro se committee to deal with issues raised by the public and the bar. One district is exploring granting CLE credits for pro bono work on pro se cases.

## **Divisional Differences in Issues and Services in Pro Se Litigation**

Only 15 of the 90 respondents said there are divisional differences in either the issues that arise in pro se litigation or the services provided to these litigants. The greatest number (7 respondents) said there are differences because the prisoner pro se population is concentrated in a particular division (or divisions) within the district. Two respondents said there are differences in practices across divisions, and another two said there are differences in resources (e.g., an information kiosk in one division and not the other three). Four respondents touched on other differences (e.g., differences among judges, differences among the four federal districts within the state).

## **Actions or Conditions Other Than Pro Se Litigants Themselves That Present Constraints or Difficulties in Handling Pro Se Litigation**

Recognizing that there may be actions or conditions that present constraints or difficulties for districts in handling pro se litigation other than the pro se litigants themselves, we asked respondents to identify such actions or conditions; 29 of the 90 respondents did so. The responses fall into the categories shown in Table 16.

**Table 16. Actions or Conditions, Other Than the Pro Se Litigants Themselves, That Present Constraints or Difficulties in Handling Pro Se Litigation, As Noted by Clerks' Offices**

Actions or Conditions	Number of Mentions <sup>a</sup>
Policies and practices of the Department of Justice, Bureau of Prisons, or state departments of corrections	17
Funding, costs, staffing	6
Circuit law or lack of circuit law	4
Other	2

a. There were 29 respondents; they mentioned 29 actions or conditions.

Seventeen of the 29 respondents stated that the policies and practices of the Bureau of Prisons, state departments of corrections, or the Department of Justice (DOJ) constrain their handling of pro se litigation. Included in this category are prisons' lack of cooperation in providing materials electronically, prisoners' lack of access to computers and electronic forms, the practice of frequently moving prisoners, and an unwillingness to participate in mediation (the one mention of DOJ).

Six respondents identified funding, costs, or staffing as a constraint on their handling of pro se litigation. They identified such issues as the cost of mailing local rules to each prisoner, the burden on staff of tracking fee payments from prisoners, and the low salary of the JS-8 position, which forestalls the hiring of paralegals. The four mentions of circuit law include a lack of definitive rulings on the Prison Litigation Reform Act (PLRA) in one circuit and decisions that make it difficult to dismiss frivolous pleadings in another circuit. The two "Other" responses were delay in service by the U.S. Marshals Service and revelation of private information through pro se filings.

Most districts have attempted to solve these problems. One, for example, uses a committee to work on problems with the department of corrections, and another has involved the judges in negotiating with the correctional facilities for procedural improvements. One district that has experienced delays in service now meets quarterly with the U.S. Marshals Service. One district that noted a lack of circuit law on the PLRA now looks to other circuits for guidance. Districts with increased filings have tried to accommodate them with pro bono service and emergency law clerks. The district that identified a problem of private information being revealed in pro se filings has responded by filing unredacted medical records under seal. Several respondents said their district simply has not found a solution to its concerns or continues to seek one—for example, through periodic requests to correctional institutions to change their policies.

### **Top Issues Facing the District Courts in Handling Pro Se Litigation**

To try to understand the central problems the district courts face in handling pro se litigation, we asked the clerks to identify the top three issues that remain unresolved, that have been only partially resolved, or that they see coming up. We grouped the responses into a smaller set of categories, which are shown in Table 17. The ranking of the issues is based on the total number of mentions of each issue. The clerks identified a fairly small set of issues—in other words, there is substantial agreement on what the top issues are.

The issue mentioned by the greatest number of respondents (12) is the lack of access or limited access pro se litigants have to electronic filing, CM/ECF, PACER, or computers generally. Eleven respondents identified demands on court staff as the top issue. These two issues were also most frequently mentioned by those indicating a second and third issue. Altogether, there were 24 mentions of lack of or limited access to computers and 28 mentions of demands on court staff, making these two problems clearly the top issues in the view of the clerks.

Closely following these two issues in importance is the nature of the pleadings submitted by pro se litigants, mentioned by 19 respondents. Smaller, but still notable, numbers of respondents mentioned the increase in pro se filings, the volume of filings, repeat filers, and frivolous filings (15 respondents); difficult or unstable litigants (13 respondents); and the lack of counsel to help pro se litigants (12 respondents).

**Table 17. Top Issues Facing the District Courts in Handling Pro Se Litigation, As Noted by Clerks' Offices**

Top Issues	Number of Mentions			
	First-Ranked Issue N = 62	Second-Ranked Issue N = 42	Third-Ranked Issue N = 28	Total Mentions
Pro se litigants' lack of access or limited access to e-filing, CM/ECF, PACER, computers generally	12	9	2	24
Demands on court staff, insufficient staff	11	10	7	28
Submissions that are hard to read, incomplete, or whose issues cannot be discerned	10	4	5	19
Increase in pro se filings, volume of filings, repeat filers, frivolous filings	7	5	3	15
Difficult litigants, unstable litigants	7	3	3	13
Lack of counsel, no one to help the pro se litigant	6	3	3	12
Need for improvements in content or availability of court forms and information	1	4	3	8
Service of process problems	3	1	1	5
Other	5	3	1	9

When asked what makes the most frequently mentioned issue—demands on court staff—particularly difficult, many respondents noted the time court staff spend trying to help pro se litigants and the fine line they walk between providing procedural assistance and providing legal advice. Also, court staff are often the front line for dealing with difficult, sometimes threatening, litigants. Summing the two responses—the 28 responses that identified demands on court staff as a top problem and the 13 responses that identified difficult litigants as a top problem—we find that 41 of the 90 respondents identified the impact on staff as one of the most significant pro se issues facing the clerk's office.

A second key finding from the clerks' responses about the top issues, as well as from their responses to other questions in the survey, is the clerks' urgent desire for better electronic access for (or use of existing electronic access by) pro se litigants, including prisoners. Their hopes for such access include reducing demands on staff (e.g., by reducing document scanning time); more complete and readable submissions; establishing a fully paperless office; and easier dissemination of forms, instructions, and information.

## **Part II. Findings from a Survey of Chief Judges**

This part of the report focuses on responses from chief judges to the chief judge questionnaire. Sixty-one chief judges completed and returned the questionnaire. Their responses are summarized below.

### **Issues or Conditions That May Be Present in Pro Se Cases**

Although judges have far less direct contact with pro se litigants than clerk's office staff have, pro se cases present a number of challenges for judges and chambers staff. Table 18 shows the extent to which 29 issues or conditions are present in pro se cases, as reported by the chief judges. The judges were asked to indicate whether each issue or condition is present in "few or no pro se cases," "the occasional pro se case," or "most or all pro se cases."<sup>65</sup>

This question permitted us to establish the chief judges' estimates as to the prevalence of cases that involve discovery, that have a settlement or mediation conference, and that have potentially meritorious issues. For non-prisoner pro se cases, 17 judges (29%) reported that discovery is undertaken in most or all cases, and 33 judges (57%) reported that discovery is undertaken in the occasional pro se case. For prisoner pro se cases, 13 judges (22%) reported that discovery is undertaken in most or all cases, and 28 judges (48%) reported that discovery is undertaken in the occasional pro se case. While discovery is relatively common in both non-prisoner and prisoner pro se cases, it is present more often in non-prisoner cases.

A settlement conference or mediation is less common than discovery in pro se cases. Thirty (50%) of the responding chief judges reported a settlement conference or mediation in the occasional pro se case, and 30 judges (50%) reported it in few or no pro se cases. One chief judge did not respond to this question.

Only 2 chief judges (3%) reported that there are potentially meritorious claims in most or all pro se cases. Thirty-eight judges (63%) reported there are such claims in the occasional pro se case, and 20 judges (33%) reported there are such claims in few or no pro se cases.

As shown in Table 18, the most common types of problems found in most or all pro se cases and the percentages of respondents reporting them are as follows:

- pleadings or submissions that are unnecessary, illegible, or cannot be understood (70%);
- problems with pro se responses to motions to dismiss or for summary judgment (67%);
- pro se litigants' lack of knowledge about legal decisions or other information that would help their cases (58%);
- pro se litigants' failure to know when to object to testimony or evidence (54%);
- pro se litigants' failure to understand the legal consequences of their actions or inactions (53%);
- pro se litigants' failure to file complete pleadings or submissions (49%); and
- pro se litigants' failure to file timely pleadings or other submissions (45%).

**Table 18. Issues or Conditions That May Be Present in Pro Se Cases, As Noted by Chief Judges**

Issues or Conditions	Number and Percentage of Judges Responding					
	Present in few or no pro se cases		Present in the occasional pro se case		Present in most or all pro se cases	
	N	%	N	%	N	%
Pleadings or submissions that are unnecessary, illegible, or cannot be understood	1	1.7	17	28.3	42	70.0
Problems with pro se responses to motions to dismiss or for summary judgment	1	1.7	19	31.7	40	66.7
Lack of knowledge about legal decisions or other information that would help his/her case	2	3.3	23	38.3	35	58.3
Failure to know when to object to testimony or evidence	13	22.0	14	23.7	32	54.2
Failure to understand legal consequences of his or her actions or inactions (e.g., failure to plead statute of limitation, failure to respond to requests for admissions)	4	6.7	24	40.0	32	53.3
Failure to file complete pleadings or other submissions	5	8.5	25	42.4	29	49.2
Failure to file timely pleadings or other submissions	2	3.3	31	51.7	27	45.0
Problems examining witnesses (either of or by pro se litigant)	18	30.0	20	33.3	22	36.7
Repeated requests for immediate judicial attention	7	11.7	32	53.3	21	35.0
Problems with discovery (e.g., inability of prisoner pro se litigants to maintain records in their cell)	8	13.3	32	53.3	20	33.3
Requests for inappropriate direction or advice from the judge	12	20.0	30	50.0	18	30.0
In <b>non-prisoner</b> pro se cases, discovery is undertaken	8	13.8	33	56.9	17	29.3
Repeated requests for continuances	6	10.2	36	61.0	17	28.8
Repeated requests for hearings or trial	11	18.3	32	53.3	17	28.3
Requests for chambers help in getting copies of court records or pleadings	9	15.0	36	60.0	15	25.0
Problems with service of process	6	10.5	37	64.9	14	24.6
Failure to honor or understand the consequences of the court's dismissal of an action	8	13.3	38	63.3	14	23.3
In <b>prisoner</b> pro se cases, discovery is undertaken	18	30.5	28	47.5	13	22.0

**Table 18 (continued)**

Issues or Conditions	Number and Percentage of Judges Responding					
	Present in few or no pro se cases		Present in the occasional pro se case		Present in most or all pro se cases	
	N	%	N	%	N	%
Inability to understand or comply with court orders	7	11.7	40	66.7	13	21.7
Requests for collateral orders or relief (e.g., prisoner pro se request for orders precluding transfer or granting privileges)	11	18.3	36	60.0	13	21.7
Requests for in-person hearings on matters that might otherwise be resolved on the pleadings	14	23.3	36	60.0	10	16.7
Security concerns caused by <b>non-prisoner</b> pro se litigant	25	42.4	30	50.8	4	6.8
Represented party takes advantage of pro se litigant	28	46.7	28	46.7	4	6.7
Inability of prisoner pro se litigant to obtain trust account statement for <i>in forma pauperis</i> motions	38	63.3	19	31.7	3	5.0
Inappropriate conduct at court hearings or conferences	39	65.0	18	30.0	3	5.0
Potentially meritorious claim	20	33.3	38	63.3	2	3.3
Limited English proficiency	36	60.0	23	38.3	1	1.7
Participation in settlement conference or mediation	30	50.0	30	50.0	0	0
Failure to appear at court hearings or conferences	34	56.7	26	43.3	0	0

The judges identified several additional problems that could affect the case in most or all pro se cases:

- problems examining witnesses (37%);
- problems with discovery (33%);
- problems with service of process (25%); and
- failure to honor or understand the consequences of the court's dismissal of an action (23%).

If we include the judges who said that these problems and the problems listed above are present in the "occasional" pro se case, we find that litigants in a majority of pro se cases have problems presenting the substance of their case to the court.

In addition to the substantive concerns already mentioned, at least a quarter of the judges reported that in most or all pro se cases the pro se litigants make demands that can create additional burdens on chambers. These include

- repeated requests for immediate judicial attention (35%);
- requests for inappropriate direction or advice from the judge (30%);

- repeated requests for continuances (29%);
- repeated requests for hearings or trial (28%); and
- requests for chambers help in getting copies of court records or pleadings (25%).

Between one-half and two-thirds of the judges reported that these problems, as well as requests for collateral orders or relief and requests for in-person hearings, are present in the “occasional” pro se case.

Near the bottom of Table 18 are issues or conditions that, in the judges’ experience, are less common in pro se litigation. Less than 8% of judges reported that these problems are present in most or all pro se cases:

- security concerns caused by non-prisoner pro se litigants (7%);
- represented party takes advantage of a pro se litigant (7%);
- inability of prisoner pro se litigant to obtain trust account statement for in forma pauperis motions (5%);
- inappropriate conduct at court hearings (5%);
- limited English proficiency (2%); and
- failure to appear at court hearings (0%).

Although few judges reported that these problems are present in most or all pro se cases, a substantial portion reported that these problems are present in the occasional case—51%, for example, said the occasional non-prisoner pro se case involves security concerns. Though less common, these problems do arise.<sup>66</sup>

The judges reported an average of 8 of the 29 issues or conditions in Table 18 as being present in most or all pro se cases. At the lowest end, three judges reported none are present in most or all pro se cases; at the highest end, one judge reported that 19 of the issues or conditions are present in most or all pro se cases.<sup>67</sup>

Judges in districts with higher average pro se filings from 2008 through 2010 reported a higher number of issues or conditions occurring in most or all pro se cases. The chief judge in the district with the highest average number of pro se filings among respondents,<sup>68</sup> for example, reported that 19 of the issues occur in most or all pro se cases, and the chief judge in the district with the second highest average number of pro se filings among respondents<sup>69</sup> reported that 16 of the issues or conditions are present in most or all pro se cases.

### **Special Issues Prisoner Pro Se Litigants Present for Judges**

The judges identified special issues that are presented by prisoner pro se litigants. Fifty of the 61 respondents answered this open-ended question, providing a total of 99 issues. There was no relationship between the average number of pro se filings from 2008 through 2010 in the judge’s district and whether the judge identified special issues that occur in prisoner pro se cases. The judges’ responses fell readily into the categories shown in Table 19.

The responses are not surprising, given the findings reported in Table 18. Judges find it difficult to discern the merits of prisoner pro se cases (23 of the 50 respondents mentioned this problem), encounter procedural or logistical problems in these cases (20 mentions each), see many frivolous cases (14 mentions), or have to deal with irrational litigants or litigants who make demands the court cannot meet (10 mentions).

**Table 19. Special Issues Presented by Prisoner Pro Litigants, As Noted by Chief Judges**

Issues	Number of Mentions <sup>a</sup>
Problems discerning the substance of the case (e.g., hard to find the meritorious issue in the voluminous pleadings, proper defendant not named)	23
Procedural problems (e.g., filing on time, conducting discovery, examining witnesses)	20
Logistical problems (e.g., transport of prisoners, failure to update addresses)	20
Many frivolous cases, rising caseload	14
Litigants who demand things a court cannot provide; litigants who are irrational, unreasonable, or unstable	10
Other (e.g., demands on staff, uncooperative defendant institutions, no pro se access to CM/ECF)	12

a. There were 50 respondents; they mentioned 99 issues.

### **Special Issues Non-prisoner Pro Se Litigants Present for Judges**

The judges also identified special issues non-prisoner pro se litigants present for judges. Forty-eight judges answered the question, and altogether they identified 83 issues. The responses can be summarized in the same categories used for prisoner pro se cases, but the frequency of mentions is different, as shown in Table 20. There was no relationship between the average number of pro se filings from 2008 through 2010 in the judge's district and whether the judge identified special issues in non-prisoner pro se cases.

The most prevalent problem, mentioned by 29 respondents, is irrational litigants or litigants who make unreasonable demands on the court. In contrast, only 10 respondents identified this as a special issue for prisoner pro se cases. Only 1 judge mentioned logistical problems as an issue in non-prisoner pro se litigation, whereas 20 judges identified this as a problem in prisoner pro se litigation. Likewise, fewer judges (8) said frivolous cases are a problem with the non-prisoner pro se litigants than said they are a problem with prisoner pro se litigants (14).

A substantial number of judges said they have problems discerning the substantive issues in non-prisoner pro se cases (17 mentions); many also see procedural problems in these cases (19 mentions). As we discussed in the preceding section, substantial numbers of judges have these difficulties with prisoner pro se cases, too (23 mentions and 20 mentions, respectively).

**Table 20. Special Issues Presented by Non-prisoner Pro Litigants, As Noted by Chief Judges**

Issues	Number of Mentions <sup>a</sup>
Litigants who demand things a court cannot provide; litigants who are irrational, unreasonable, or mentally unstable	29
Procedural problems (e.g., filing on time, conducting discovery, examining witnesses)	19
Problems discerning the substance of the case (e.g., hard to find the meritorious issue in the voluminous pleadings, proper defendant not named)	17
Many frivolous cases, rising caseload	8
Logistical problems (e.g., failure to update addresses)	1
Other (e.g., demands on staff, no pro se access to CM/ECF, difficulties finding counsel)	9

a. There were 48 respondents; they mentioned 83 issues.

### **Case Events or Court Proceedings with the Greatest Need for Counsel for Pro Se Litigants**

Few chief judges mentioned lack of counsel or difficulties finding counsel when asked to identify the special issues pro se cases present for judges (see Tables 19 and 20). Because the judges' responses discussed earlier suggest that both substantive and procedural problems are common in pro se cases (see Table 18), many of which could be cured by counsel, we can only speculate as to why few judges identified lack of counsel as a problem. Though few listed lack of counsel as an issue, many of the responding judges identified certain stages of a case as especially needing assistance of counsel.

As shown in Table 21, trial presents by far the greatest need for the assistance of counsel; 73% of the respondents said there is a "great need" for counsel at trial. No other court event comes close in the respondents' experience.

For most other events or proceedings in the litigation process, the largest number of respondents said the need for assistance of counsel is "moderate," as indicated below:

- preparation of dispositive motions (50% of respondents);
- preparation of answers to opponent's filings (49%);
- participation in settlement negotiations (48%);
- preparation of initial pleadings (46%);
- participation at hearings (41%);
- participation at a Rule 16 or other conference (41%); and
- preparation and execution of discovery (39%).

For many of these events or proceedings, however, the second largest number of judges said the need for assistance of counsel is "great"—for example, 33% said the need for assistance in preparing dispositive motions is "great," in addition to the 50% who said the need is "moderate."

Overall, the judges' answers lean toward a perceived need for counsel. Only two events—the prefiling conference to determine jurisdiction and the filing of a notice of appeal—were perceived by a majority of judges as presenting no need for assistance of counsel or only a slight need.

**Table 21. Case Event or Court Proceeding with the Greatest Need for Assistance of Counsel for Pro Se Litigants, As Noted by Chief Judges**

Case Event or Court Proceeding	Number and Percentage of Judges Responding							
	No need for assistance of counsel		Slight need for assistance of counsel		Moderate need for assistance of counsel		Great need for assistance of counsel	
	N	%	N	%	N	%	N	%
Participation at trial	2	3.4	5	8.5	9	15.3	43	72.9
Prefiling conference to determine whether the case has merit	19	32.2	5	8.5	12	20.3	23	39.0
Preparation of discovery plan and execution of discovery	4	6.8	10	16.9	23	39.0	22	37.3
Preparation of dispositive motions	6	10.3	4	6.9	29	50.0	19	32.8
Participation in settlement negotiations	5	8.6	7	12.1	28	48.3	18	31.0
Participation at hearings	4	6.8	15	25.4	24	40.7	16	27.1
Preparation of answers to opponent's filings	7	11.9	8	13.6	29	49.2	15	25.4
Preparation of initial pleading filed in court	10	16.9	8	13.6	27	45.8	14	23.7
Filing of a Notice of Appeal	10	16.9	23	39.0	13	22.0	13	22.0
Prefiling conference to determine whether the federal court has jurisdiction	20	33.9	12	20.3	15	25.4	12	20.3
Participation at Rule 16 or other conferences	9	15.3	17	28.8	24	40.7	9	15.3

Fifty-four of the judges (89%) reported that there is a great need for assistance of counsel in at least one of the named case events or court proceedings. At the high end, two judges reported that 10 of the 11 listed events have a great need for assistance of counsel, and at the low end, five judges reported that only 1 of the listed events has such a need. The average judge selected 4 of the events as in great need of assistance of counsel. The average number of pro se filings from 2008 through 2010 in the district was not related to the judges' responses.

## **Ways in Which the Need for Counsel Differs for Prisoner and Non-prisoner Pro Se Litigants**

Fifty-four judges responded to an open-ended question asking them to identify differences between prisoner and non-prisoner pro se litigants in the need for counsel. The open-ended question placed no constraints on the number of differences the judges could list. Eleven of the 54 judges stated that they perceived no differences in the need for counsel, while the remaining 43 judges identified a variety of ways in which the needs of these litigants differ.

We grouped these perceived differences into two categories. As shown in Table 22, the greatest number of respondents (27) said prisoner pro se litigants have a greater need for counsel, typically because they are incarcerated and therefore lack access to counsel, lack electronic access for finding and preparing documents, cannot easily consult with counsel, cannot retain discovery and other materials in their cells, and so on.

**Table 22. Ways in Which the Need for Counsel Differs for Prisoner and Non-prisoner Pro Se Litigants, As Noted by Chief Judges**

Perceived Differences	Number of Mentions <sup>a</sup>
Prisoner pro se litigants have a greater need for counsel because they lack mobility and access (e.g., to conduct discovery, to file electronically, to consult with counsel)	27
Non-prisoner pro se litigants have a greater need for counsel because they have little access to legal help or guidance (e.g., no network like prisoner pro se litigants) or are mentally unstable	13
No difference	11
Other	3

a. There were 54 respondents; 43 perceived differences and 11 perceived no differences.

Judges who stated that non-prisoner pro se litigants have the greater need for counsel (13) generally recognize that, compared with prisoners, non-prisoner pro se litigants have greater mobility and access to libraries, computers, clerk's staff, and so on. But the judges indicated that these litigants are often mentally unstable, have not been able to or refuse to hire counsel, and have less access to legal assistance than prisoners because they lack the network that supports prisoner pro se litigants.

Overall, the judges' responses suggest that scarce attorney resources would be directed to prisoner litigants first.

## **Measures Judges Use to Assist Pro Se Litigants or to Help Themselves or Chambers Staff Handle Pro Se Cases**

District courts have adopted a number of measures that judges can use to assist pro se litigants or that help judges or chambers staff handle these cases. These measures are listed in Table 23, along with the number of judges who said they have used them in either prisoner or non-prisoner pro se cases.

**Table 23. Measures Judges Use to Assist Pro Se Litigants or to Help Themselves or Chambers Staff Handle Pro Se Cases, As Noted by Chief Judges**

Measures	Number and Percentage of Judges Responding			
	Used in Prisoner Pro Se Cases		Used in Non-prisoner Pro Se Cases	
	N	%	N	%
Assignment of <b>prisoner</b> pro se litigation to a pro se law clerk	53 <sup>a</sup>	86.9	— <sup>b</sup>	— <sup>b</sup>
Use of broad standards in construing pleadings and other submissions	53	86.9	52	85.2
Acceptance of letters as motions or pleadings	52	85.2	50	82.0
Appointment of counsel only when the merits of the case warrant appointment	50	82.0	37	60.7
Referral of pretrial matters to magistrate judges	46	75.4	46	75.4
Personally take more active role than in fully represented cases (e.g., provide more explanation about procedures, make sure pro se litigant understands what he/she needs to do)	43	70.5	37	60.7
Use of broad standards in requiring compliance with deadlines	43	70.5	41	67.2
Use of <b>teleconferences</b> in lieu of in-person conferences or hearings	33	54.1	22	36.1
Use of national 3-strikes database	29	47.5	4	6.6
Appointment of counsel for a particular step or procedure in the case (e.g., mediation, trial)	28	45.9	21	34.4
Use of well-defined case management orders that may include, e.g., tiered discovery orders or preemptive protective orders	27	44.3	27	44.3
Referral to mediation for settlement discussions	26	42.6	34	55.7
Use of instructions regarding chambers practices written specifically for pro se litigants	22	36.1	18	29.5
Use of <b>videoconferences</b> in lieu of in-person conferences or hearings	21	34.4	7	11.5
Assignment of frequent filers to the same district and/or magistrate judge	21	34.4	14	23.0
Assignment of pro se cases to a designated chambers law clerk	19	31.1	15	24.6
Use of interns or externs for pro se cases	18	29.5	16	26.2
Assignment of <b>non-prisoner</b> pro se litigation to a pro se law clerk	— <sup>c</sup>	— <sup>c</sup>	25	41.0
Use of an expedited schedule	9	14.8	3	4.9

**Table 23 (continued)**

Measures	Number and Percentage of Judges Responding			
	Used in Prisoner Pro Se Cases		Used in Non-prisoner Pro Se Cases	
	N	%	N	%
Appointment of counsel to represent pro se litigant whenever funding or availability of counsel permits, regardless of merits of the case	5	8.2	4	6.6
Scheduling of conferences or hearings outside work hours or at other special times	2	3.3	2	3.3

- a. There seems to have been some confusion among respondents about the correct box to check for designating referral of cases to pro se law clerks. We are using the number found where the row and column wording agree (e.g., “Assignment of **non-prisoner** pro se litigation . . .” and “Used in Non-prisoner Pro Se Cases”).
- b. By definition, this measure can be used only in prisoner pro se cases.
- c. By definition, this measure can be used only in non-prisoner pro se cases.

The findings reveal a set of measures that are used by two-thirds or more of the judges and typically are used in both prisoner and non-prisoner pro se cases:

- use of broad standards in construing pleadings and other submissions (87% for prisoner pro se cases and 85% for non-prisoner pro se cases);
- acceptance of letters as motions or pleadings (85% and 82%);
- appointment of counsel only when the merits of the case warrant it (82% and 61%);
- referral of pretrial matters to magistrate judges (75% and 75%);
- more active personal role than in fully represented cases—for example, provide more explanation about procedures (71% and 61%); and
- use of broad standards in requiring compliance with deadlines (71% and 67%).

A number of measures are more common in prisoner pro se cases than in non-prisoner pro se cases:

- assignment of the case to a pro se law clerk (87% in prisoner pro se cases versus 41% in non-prisoner pro se cases);
- use of teleconferences in lieu of in-person conferences (54% versus 36%);
- appointment of counsel for a particular step or procedure in the case (46% versus 34%);
- assignment of frequent filers to the same district and/or magistrate judge (34% versus 23%); and
- use of videoconferences in lieu of in-person conferences (34% versus 12%).

Nearly half of the judges also reported using a national three-strikes database in prisoner pro se cases (48%), and nearly half of the judges reported using well-defined case management orders in both prisoner cases (44%) and non-prisoner cases (44%).

The responses presented in Table 23 reveal an interesting finding regarding appointment of counsel. The judges’ actual practices appear to be in keeping with the findings presented in Table 22—that is, that prisoner pro se litigants are more in need of counsel

than are non-prisoner pro se litigants. A higher percentage of chief judges appoint counsel for prisoner cases (when the merits warrant it or for a particular step or procedure in the case) than for non-prisoner cases.

Only one measure listed in Table 23 is more common in non-prisoner pro se cases than in prisoner pro se cases: 56% of judges refer non-prisoner pro se cases to mediation, while 43% refer prisoner pro se cases. Note, though, the fairly high percentage that do so in either type of case.

Around a quarter to a third of the judges use interns for pro se cases or assign these cases to a designated law clerk. The remaining measures listed in Table 23 are used by few judges: use of an expedited schedule, appointment of counsel whenever funding or availability of counsel permits, and scheduling conferences or hearings outside work hours.

On average, the judges reported using 10 of the 20 measures listed in Table 23 in prisoner pro se cases and 8 of the measures in non-prisoner pro se cases. For prisoner pro se cases, the number of measures reported ranged from none (two judges) to 19 of the 20 measures (one judge<sup>70</sup>). For non-prisoner pro se cases, the number of measures reported ranged from none (three judges) to 16 (two judges<sup>71</sup>). Two districts have not implemented any of the listed measures to assist either prisoner or non-prisoner pro se litigants.

Districts that reported using a higher number of measures to assist prisoner pro se litigants also use a higher number of measures to assist non-prisoner pro se litigants. Districts with a higher average number of pro se filings from 2008 through 2010 use more measures to assist prisoner pro se litigants, but do not use more measures to help non-prisoner pro se litigants.<sup>72</sup>

## **Most Effective Measures Adopted to Date**

To develop a catalog of helpful measures, we asked the judges to identify measures they have found most effective in helping judges and chambers staff and pro se litigants. We first discuss measures that assist judges and chambers staff, then those that assist prisoner pro se litigants, and last, those that assist non-prisoner pro se litigants. Each section below discusses separately the measures developed by chambers and those developed by clerks' offices.

### *Most Effective Measures Used in Chambers That Help Judges and Chambers Staff*

Forty-seven judges identified 67 measures used in chambers as the most effective in helping judges and chambers staff handle pro se litigation (see Table 24). The measures mentioned most often were the use of specially designated staff (e.g., magistrate judges) or procedures (e.g., automation for tracking cases or identifying repeat filers) and assignment of cases to pro se law clerks (23 mentions each). There were 11 mentions of active management as the most helpful measure in handling pro se cases, including such measures as giving clear, specific instructions in court orders, setting and enforcing deadlines, and ruling promptly on pro se matters. Programs such as a court mediation process or a bar-supported pro bono help desk were mentioned seven times as being the most effective measures for helping judges and chambers staff.

**Table 24. Most Effective Measures Used in Chambers That Help Judges and Chambers Staff, As Noted by Chief Judges**

Most Effective Measures	Number of Mentions <sup>a</sup>
Specially designated staff (other than pro se law clerks); procedures for assigning and tracking cases; identification of repeat filers and related cases; deadlines; automation	23
Assignment of cases to pro se law clerks	23
Close, active judicial case management; clear, specific orders; prompt rulings	11
Bar and other pro bono programs; mediation	7
Other	3

a. There were 47 respondents; they mentioned 67 measures.

*Most Effective Measures Used by the Clerk's Office That Help Judges and Chambers Staff*

The clerk's office helps judges and chambers staff handle pro se litigation through measures similar to those used in chambers. Thirty-nine judges mentioned 50 measures as the most effective ones used by the clerk's office to help judges and chambers staff (see Table 25). The most frequently mentioned measures were those involving special arrangements of staff and procedures that screen and streamline the pro se caseload (21 mentions). The other clerk's office measures judges rated as most effective for helping chambers were dissemination of information and forms to pro se litigants (9 mentions), use of pro se law clerks (8 mentions), and cooperation with bar associations to develop rosters of pro bono attorneys (4 mentions).

Tables 24 and 25 reveal that judges and chambers staff are most effectively assisted by specially designated staff and by procedures that help manage the cases, whether the staff and procedures are based in chambers or in the clerk's office.

**Table 25. Most Effective Measures Used by the Clerk's Office That Help Judges and Chambers Staff, As Noted by Chief Judges**

Most Effective Measures	Number of Mentions <sup>a</sup>
Specially designated staff (other than pro se law clerks); procedures for assigning and tracking cases; use of automation generally (e.g., to check prior filings)	21
Provision of handbooks, forms, etc. to pro se litigants; information on court website	9
Assignment of cases to pro se law clerks	8
Bar pro bono programs	4
Other (e.g., good communication between clerk's office and chambers staff; prompt response to letters)	8

a. There were 39 respondents; they mentioned 50 measures.

### *Most Effective Measures Used in Chambers That Help Prisoner Pro Se Litigants*

Judges and clerks' offices have developed a number of measures for assisting prisoner pro se litigants. When asked to identify the most effective measures used in chambers to help prisoner pro se litigants, 45 judges mentioned a total of 73 measures (see Table 26). By far the most frequently mentioned measures used in chambers (32 mentions) are practices we call "managerial." Judges have developed clear but detailed instructions, standardized forms (sometimes district-wide), and methods for responding to filings without delay. Some judges use conferences and hearings to help themselves and the prisoner pro se litigant understand the issues and procedures in the case and to make sure these litigants know their cases are being heard.

There were 12 mentions of appointment of counsel as the most effective measure used to help pro se litigants. Judges tend to appoint counsel after determining that the case warrants it. Measures that grant prisoner pro se litigants some leeway, such as liberal construction of pleadings and generous grants of extension of time, were also mentioned 12 times. Measures that garnered only a small number of mentions were use of pro se law clerks (6 mentions) and use of special staffing or procedural arrangements (5 mentions). Judges also mentioned referral to settlement and mediation conferences twice. While these measures are very helpful to judges and chambers staff (see discussion of Table 25), they are perhaps of less direct assistance to prisoner pro se litigants.

**Table 26. Most Effective Measures Used in Chambers That Help Prisoner Pro Se Litigants, As Noted by Chief Judges**

Most Effective Measures	Number of Mentions <sup>a</sup>
Clear orders and instructions; standardized forms; prompt attention; conferences and hearings	32
Appointment of counsel	12
Liberal standards for construction of pleadings and granting of extensions of time	12
Use of pro se law clerks	6
Specially designated staff; procedures for assignment and tracking	5
Settlement, mediation	2
Other	4

a. There were 45 respondents; they mentioned 73 measures.

### *Most Effective Measures Used by the Clerk's Office That Help Prisoner Pro Se Litigants*

The clerk's office is limited in the kinds of assistance it can provide to prisoner pro se litigants. The 34 judges who responded to the question asking what are the most effective measures used by the clerk's office to help prisoner pro se litigants mentioned 42 measures, 18 of which involve providing prisoner pro se litigants with forms, instructions, handbooks, and other materials to help them pursue their case (see Table 27). The second most frequently mentioned most effective measure was use of specially designated staff and internal procedures to process the cases (11 mentions).

**Table 27. Most Effective Measures Used by the Clerk’s Office That Help Prisoner Pro Se Litigants, As Noted by Chief Judges**

Most Effective Measures	Number of Mentions <sup>a</sup>
Handbooks; standardized forms; instructions; other materials	18
Specially designated staff; procedures for assigning and tracking cases; automation	11
Use of pro se law clerks	5
Mediation; pro bono counsel	2
Other	6

a. There were 34 respondents; they mentioned 42 measures.

*Most Effective Measures Used in Chambers That Help Non-prisoner Pro Se Litigants*

By far the measures mentioned most often as the most effective ones used in chambers to assist non-prisoner pro se litigants were practices we call “managerial”—that is, clear orders and instructions, standardized forms, prompt decisions on matters submitted to the court, and use of hearings and conferences to better understand the case and to let litigants know the court has heard their case. More than half of the measures mentioned fell into this category (35 out of 63 total mentions; see Table 28). Other measures used in chambers to assist non-prisoner pro se litigants received only a handful of mentions—for example, appointment of counsel and use of pro bono legal assistance (7 mentions), special staff assignments (6 mentions), and liberal standards for construction of claims and granting extensions of time (6 mentions).

These findings reveal that judges use very similar practices to assist both prisoner pro se litigants and non-prisoner pro se litigants. The judges appear to be more inclined, however, to appoint counsel and liberally construe pleadings and time frames in prisoner pro se cases than in non-prisoner pro se cases.

**Table 28. Most Effective Measures Used in Chambers That Help Non-prisoner Pro Se Litigants, As Noted by Chief Judges**

Most Effective Measures	Number of Mentions <sup>a</sup>
Clear orders and instructions; standardized forms; prompt decisions; conferences and hearings	35
Appointment of counsel; use of pro bono legal assistance	7
Special staffing procedures	6
Liberal standards for construction of claims; extensions of time	6
Use of pro se law clerks	4
Settlement; mediation	3
Other	2

a. There were 41 respondents; they mentioned 63 measures.

### *Most Effective Measures Used by the Clerk's Office That Help Non-prisoner Pro Se Litigants*

As is true of chambers, clerks' offices have developed measures for helping non-prisoner and prisoner pro se litigants. As shown in Table 29, 33 judges mentioned 49 measures the clerk's office has used effectively to assist non-prisoner pro se litigants, the majority of which (33 mentions) involve handbooks, standardized forms, detailed instructions, and other materials provided by the clerk's office or through the court's website. The only significant difference between the assistance provided by the clerk's office to non-prisoner pro se litigants and that provided to prisoner pro se litigants (see Table 27) is that clerk's office staff and pro se law clerks may provide personal assistance to non-prisoner pro se litigants—for example, through help with forms and instructions at the counter or over the telephone.

**Table 29. Most Effective Measures Used by the Clerk's Office That Help Non-prisoner Pro Se Litigants, As Noted by Chief Judges**

Most Effective Measures	Number of Mentions <sup>a</sup>
Handbooks; standardized forms; instructions; other materials	33
Personal assistance by clerk's office staff and/or pro se law clerks	9
Specially designated staff; procedures for assigning and tracking cases; automation	5
Other	2

a. There were 33 respondents; they mentioned 49 measures.

### **Top Issues Pro Se Litigants Present for Judges and Chambers Staff**

To understand the central issues judges and chambers staff face in dealing with pro se litigants, we asked the chief judges to identify the top three issues these litigants present for judges and chambers staff. The top-ranked group of issues included the poor quality of pleadings and pro se litigants' lack of knowledge and skills to litigate their cases (see Table 30). Twice as many judges mentioned these issues as the first-, second-, or third-ranked issue as mentioned any other issue (33 mentions out of a total of 127).

Frivolous cases, repeat filers, and a rising caseload make up the second category of issues, mentioned 17 times overall. Mentioned almost as often (16 times) was the demand pro se cases place on judges, staff, and court resources. To some extent, the volume of the caseload and the demand on court resources are two sides of the same coin, constituting—at least in terms of number of mentions (33)—an issue as great as the first-ranked group of issues.

The judges also noted their concern about pro se litigants who are potentially dangerous, who are unreasonable, or who have expectations of the court that cannot be met. These issues were mentioned 15 times, although the respondents' comments suggest that the weight of this problem is greater than the number conveys because of the emotional impact felt when litigants are threatening, unstable, or angry. The judges were also con-

cerned about their inability to recruit and appoint counsel to assist pro se litigants (mentioned 12 times).

The 20 “Other” mentions noted in Table 30 include a variety of single mentions, such as pro se litigants’ lack of access to CM/ECF, the inability to have meaningful settlement conferences with pro se litigants, the difficulty of determining “strikes” in cases arising in other divisions, and the general difficulty of managing the cases to completion.

**Table 30. Top Issues Pro Se Litigants Present for Judges and Chambers Staff, As Noted by Chief Judges**

Top Issues	Number of Mentions			
	First-Ranked Issue N = 43	Second-Ranked Issue N = 39	Third-Ranked Issue N = 36	Total Mentions
The quality of pleadings is poor; pro se litigants file masses of material; pro se litigants lack legal knowledge; there is a risk of missing meritorious claims	12	9	12	33
There are many frivolous cases, frequent filers, repetitive filings; the caseload is rising	9	3	5	17
It is difficult to recruit and appoint counsel	6	4	2	12
The demand on judges and staff is great; the resources are often too limited	5	6	5	16
Some pro se litigants are potentially dangerous; some are unreasonable; many have unrealistic expectations of the court	5	7	3	15
Pro se litigants have great difficulty with motions practice	4	4	0	8
Delays (due to, e.g., failure to appear, failure to serve, lack of funds, prisoner lack of access to records)	1	1	4	6
Other	4	7	9	20

### Topics on Which Judges Might Like More Information

The questionnaire offered chief judges a list of topics for which they might like to have more information. Nearly three-quarters (71%) of the 61 respondents said they would like to have more information about special staffing to help with the pro se caseload (see Table 31).

**Table 31. Topics on Which Chief Judges Noted They Would Like More Information**

Topics	Number of Mentions	
	N	%
Special staffing to help with the pro se caseload	43	70.5
Funding for programs to assist pro se litigants	39	63.9
Self-help resources for pro se litigants, such as e-filing and online forms	35	57.4
Court programs to assist pro se litigants	32	52.5
Education programs for judges on dealing with pro se litigants	30	49.2
Bar programs to assist pro se litigants	28	45.9

Almost two-thirds of the respondents (64%) would like to have more information about funding for programs to assist pro se litigants, and more than half (57%) would like more information about self-help resources, such as e-filing, for these litigants.

Even for the least-chosen item on the list (bar programs to assist pro se litigants), 46% of the respondents indicated an interest in the topic.

Altogether, the responses suggest an interest in and need for more information about resources for helping chambers, the clerk's office, and litigants effectively manage pro se cases.

## Conclusion

Both the clerks' responses and the chief judges' responses to the questionnaires clearly show that pro se litigants present a variety of problems for the court system. Clerks' offices and chambers recognize these problems and have taken many steps to reduce the burden and to help both prisoner and non-prisoner pro se litigants. Nonetheless, problems remain.

The most common form of direct assistance the clerks have devised is to have their staff assist pro se litigants with procedural matters. The courts also recognize the assistance that counsel can provide, and a majority help non-prisoner pro se litigants obtain legal representation and encourage pro bono legal counsel for pro se litigants. From the clerks' perspective, the most effective measures for handling pro se cases are special staff arrangements, such as designated staff for specific duties, and information and guidance tailored to pro se litigants, such as standardized forms, instructions, and handbooks. Still, the demand on court staff is the top-ranked issue presented by these cases, along with the limited access or complete lack of access pro se litigants have to e-filing, CM/ECF, and computers generally.

The judges also recognized many challenges posed by pro se litigants. The issue mentioned as the top issue by the greatest number of judges is pro se litigants who cannot effectively present the substance of their cases to the court. This problem includes pleadings or submissions that are unnecessary, illegible, or cannot be understood; problems with responses to such matters as motions and objections; and the pro se litigant's lack of access to required legal information. Other top issues are the number of cases, many of

which are frivolous; the demand of the caseload on judges and staff; and pro se litigants who are unstable or unrealistic.

The judges stated that the most effective measures to help chambers and the clerk's office handle the pro se caseload are the assignment of cases to pro se law clerks and the use of specially designated staff, such as magistrate judges. The judges also said that the most effective methods for helping pro se litigants are broad standards in construing pleadings and other submissions, clear orders and instructions, standardized forms, handbooks, and methods for responding to filings without delay. Judges stated, however, that the quality of the pleadings and rising caseloads continue to put burdens on chambers and the clerk's office.

The judges expressed interest in learning how to reduce the burden of the pro se caseload. Many are interested in more information about special staffing arrangements and funding for programs that assist pro se litigants. These and other methods might provide additional assistance to district courts as they find new ways to better assist pro se litigants and to make it easier for judges and staff to manage these cases.

## Endnotes

1. Jessica L. Snowden & Elizabeth Wiggins, A Survey of Judges on Pro Se Activity in the Bankruptcy Courts (Federal Judicial Center 2012), and Jessica L. Snowden & Elizabeth Wiggins, A Survey of Clerks of Court on Pro Se Activity in the Bankruptcy Courts (Federal Judicial Center 2012).

2. The Center e-mailed a link to an online questionnaire to the 94 district court clerks in June 2010, requesting a response from the clerk or a designee; 90 clerks' offices returned completed questionnaires. The Center e-mailed a link to another online questionnaire to the 94 chief district judges in July 2010; 61 of the chief judges completed and returned the questionnaire. Copies of the two questionnaires are in Appendix A.

3. The Center conducted similar surveys of the bankruptcy courts on behalf of the Judicial Conference Committee on the Administration of the Bankruptcy System. *See supra* note 1.

4. Of the 87 districts, 17 offer one service, 18 offer two services, 14 offer three services, 15 offer four services, 10 offer five services, 8 offer six services, 2 offer seven services, 2 offer eight services, and 1 district offers nine services. These numbers include as a service when a district selected "Other" and provided an additional service offered that was not included in the list.

5. Six of these districts listed a service under "Other." Three districts provide permission for non-prisoners to file electronically through CM/ECF; two provide non-prisoner pro se litigants with access through CM/ECF; two provide a bar program or other non-court program to advise non-prisoner pro se litigants on preparation of submissions or how to handle court proceedings (not in the courthouse space); one provides this program in the courthouse space; and one additional district provides this service to prisoner pro se litigants. Also, one district each offers court-provided software at the courthouse or on the court's website, or direct communication between pro se litigants and law clerks.

6. The 37 districts providing non-prisoner pro se litigants with access to file electronically through CM/ECF are S.D. W. Va., W.D. Wash., E.D. Wis., D. Mass., S.D. Iowa, M.D. Tenn., N.D. Ohio, W.D. Wis., W.D. Va., D. Haw., D. Conn., N.D.N.Y., D. Kan., E.D. Mich., D.N.H., D. Neb., W.D. Tex., E.D. Wash., N.D. Tex., N.D. Cal., E.D. Pa., D. Minn., S.D. Ill., E.D. Tenn., C.D. Ill., D. Vt., W.D. Pa., D.D.C., D. Del., D. Md., N.D. Ind., N.D. Ill., D.P.R., M.D. Ga., M.D. La., M.D. Fla., and M.D. Pa.

7. The 35 districts providing non-prisoner pro se litigants with access to CM/ECF for docket sheets, pleadings, etc., are W.D. Wash., E.D. Wis., D. Mass., S.D. Iowa, N.D. Iowa, M.D. Tenn., N.D. Ohio, W.D. Wis., D.V.I., W.D. Va., D. Haw., D. Conn., N.D.N.Y., C.D. Cal., D. Kan., D.N.M., E.D. Mich., D.N.H., D. Ariz., D. Neb., M.D.N.C., W.D. Tex., E.D. Wash., D. Minn., N.D. Tex., N.D. Cal., E.D. Pa., D.N.J., N.D. Fla., S.D. Fla., E.D. Ky., S.D. Ala., N.D. W. Va., S.D. W. Va., and S.D. Ill.

8. The 25 districts providing direct communication between pro se litigants and the pro se law clerk are E.D. Mo., S.D. Ind., E.D.N.Y., D.N.D., W.D.N.Y., N.D. Miss., W.D. Tenn., S.D. W. Va., W.D. Wash., D. Idaho, E.D. Wis., D. Mass., S.D. Iowa, N.D. Iowa, M.D. Tenn., E.D. Ark., N.D. Ohio, W.D. Wis., D.V.I., W.D. Va., W.D. Ky., D. Haw., D. Guam, E.D. La., and D. Conn.

9. The 19 districts that disseminate information about programs for pro se litigants outside of the court or prisons are N.D.N.Y., E.D. Mo., S.D. Ind., E.D.N.Y., C.D. Cal., D. Kan., D.N.D., W.D.N.Y., N.D. Miss., W.D. Tenn., D.N.M., E.D. Mich., D.N.H., S.D. W. Va., D. Ariz., W.D. Wash., E.D. Tenn., C.D. Ill., and D. Vt.

10. The 18 districts with mediation programs for non-prisoner pro se litigants are D. Neb., N.D.N.Y., E.D. Mo., S.D. Ind., D. Idaho, D.S.C., E.D. Wis., D. Mass., E.D.N.Y., C.D. Cal., D. Kan., D.N.D., D. Utah, S.D. Iowa, W.D. Pa., M.D.N.C., W.D.N.Y., and D.D.C.

11. The 10 districts with a bar program or other non-court program to assist non-prisoner pro se litigants, not located in the courthouse, are D. Idaho, D. Me., S.D. Miss., D. Neb., N.D.N.Y., S.D. Ohio, N.D. Tex., D. Utah, W.D. Wash., and S.D. W. Va.

12. The six districts with an in-courthouse bar program or other non-court program to assist non-prisoner pro se litigants are C.D. Cal., N.D. Cal., D. Idaho, N.D. Ill., E.D. Mich., and N.D.N.Y.

13. The 11 districts with a mediation program for prisoner pro se litigants are C.D. Cal., E.D. Cal., N.D. Cal., D. Idaho, S.D. Iowa, D. Kan., D. Mass., D. Neb., N.D.N.Y., D. Nev., and D.N.D.

14. The 10 districts that provide e-filing software are D. Idaho, N.D. Ill., D. Minn., E.D. Mo., D.N.J., N.D.N.Y., D.S.C., W.D. Tenn., D. Vt., and W.D. Wis.

15. The three districts with a bar or other non-court program to advise prisoner pro se litigants on preparation of submissions or how to handle court proceedings are D. Idaho, D. Neb., and S.D. Miss.

16. To examine whether the number of pro se filings is related to the number of services offered, we compared the average number of pro se filings from 2008 through 2010 (listed in Appendix B) with the number of services listed in each table and then examined whether the “top 15” districts with the most pro se filings offer a statistically significant different number of services than the “bottom 15” districts with the least number of pro se filings. In addition to examining the average number of pro se filings for 2008 through 2010, we also examined the number of overall pro se filings in 2010, the number of prisoner pro se filings in 2010 and across the three years, and the number of non-prisoner pro se filings in 2010 and across the three years. All of the rankings were fairly consistent.

17. The district providing the most services (nine) is the Northern District of New York; the District of Nebraska and the District of Idaho each provide eight services; the District of Kansas and the District of Massachusetts each provide seven.

18. The three districts that offer none of the services listed in Table 1 are not the districts with the most or fewest pro se filings. See Appendix B.

19. The 44 districts that perform a court-conducted review to determine the need for counsel are D. Neb., N.D.N.Y., E.D. Mich., D.N.D., S.D. W. Va., D. Kan., C.D. Ill., S.D. Ind., E.D.N.Y., W.D.N.Y., W.D. Tenn., D. Mass., N.D. Cal., M.D. Fla., D. Md., E.D. Wis., S.D. Iowa, M.D. Tenn., M.D. Ga., M.D. Pa., N.D. W. Va., D. Mont., D.S.D., E.D. Cal., W.D. Mich., S.D. Ga., D. Nev., D.N.H., E.D. Mo., W.D. Tex., D. Alaska, E.D. Pa., D.N.J., E.D. Ark., W.D. Wis., D.D.C., D. Ariz., D. Colo., D.V.I., D.N.M., S.D. Fla., D. Del., N.D. Fla., and N.D. Ind.

20. The 33 districts that provide a handout or web notice about obtaining free or low-cost legal services are W.D. Wash., D. Mass., W.D. Va., N.D.N.Y., E.D. Mich., D.N.H., W.D. Tex., N.D. Cal., D. Minn., S.D. Ill., E.D. Tenn., D.P.R., M.D. Fla., C.D. Cal., D.N.M., D. Ariz., S.D. Fla., E.D. Mo., D.N.D., M.D. Ala., S.D. Tex., D. Md., D. Me., D. Colo., E.D. Va., S.D. Miss., D. Alaska, D. Conn., E.D. Wash., N.D. Tex., D. Del., N.D. Fla., and W.D. Ky.

21. The 32 districts that provide a handout or web notice about obtaining an attorney are W.D. Wash., D. Mass., W.D. Va., N.D.N.Y., E.D. Mich., D.N.H., W.D. Tex., N.D. Cal., E.D. Pa., D. Minn., S.D. Ill., E.D. Tenn., D.P.R., M.D. Fla., C.D. Cal., D.N.M., D. Ariz., D.N.J., S.D. Fla., E.D. Mo., D.N.D., E.D. Ark., D. Utah, M.D. Ala., S.D. Tex., D. Me., D. Colo., D. Or., E.D. Tex., E.D. Va., S.D. Miss., and D. Alaska.

22. The 24 districts that have a provision in the local rules for payment of costs are N.D.N.Y., E.D. Mich., D.N.D., D. Kan., C.D. Ill., S.D. Ind., E.D.N.Y., W.D.N.Y., W.D. Tenn., D. Mass., D. Md., D. Nev., E.D. Mo., D.N.J., E.D. Ark., S.D. Ill., D. Conn., N.D. Ill., N.D. Tex., N.D. Ohio, E.D. Tenn., M.D. Ala., S.D. Cal., and E.D. Okla.

23. The 19 districts that have a court-maintained pro bono panel or attorney list available to pro se litigants are D.N.D., D. Kan., E.D.N.Y., W.D. Tenn., D.N.J., D. Conn., N.D. Ill., S.D. Iowa, D. Mont., W.D. Tex., E.D. Pa., D.D.C., D. Colo., D.N.M., D. Del., D. Or., C.D. Cal., D. Vt., and N.D. Ala.

24. The 13 districts that have a local rule or general order that requires pro bono service from members of the bar are D. Conn., D.D.C., C.D. Ill., N.D. Ill., S.D. Ill., S.D. Iowa, D. Md., E.D. Mo., D.N.M., N.D.N.Y., S.D.N.Y., D.S.D., and D. Utah.

25. The eight districts that maintain a list-serve to alert the bar to the need for representation in a particular case are C.D. Cal., N.D. Fla., S.D. Ga., D. Kan., D. Mass., E.D.N.Y., E.D. Pa., and W.D. Wis.

26. The six districts that provide pro se litigants with a bar-maintained pro bono panel or list of attorneys willing to serve pro bono are N.D. Cal., D. Haw., D. Idaho, D. Kan., D. Or., and M.D. Pa.

27. Eleven districts offer one service, 13 offer two services, 13 offer three services, 15 offer four services, 13 offer five services, 11 offer six services, 4 offer seven services, and 1 offers eight services.

28. The District of North Dakota offers eight services, and N.D.N.Y., D. Kan., D. Md., and E.D. Mich. offer seven services.

29. The 21 districts that pay costs and some or all attorneys' fees are E.D.N.Y., W.D. Tenn., S.D. Iowa, W.D. Tex., D. Colo., D. Vt., C.D. Ill., E.D. Mo., D. Neb., S.D. W. Va., N.D. Cal., M.D. Ga., M.D. Pa., D.S.D., S.D. Ga., D.N.H., D.V.I., E.D. Tex., E.D. Wash., D. Haw., and S.D. Ohio.

30. The 17 districts that have developed or been the beneficiary of a special funding mechanism are M.D. Tenn., D. Minn., E.D. Ky., W.D. Tenn., C.D. Ill., D. Kan., N.D.N.Y., E.D.N.Y., S.D. Ind., D. Colo., S.D. Ohio, D.N.J., E.D. Tex., S.D. Fla., D. Ariz., N.D. Cal., and C.D. Cal.

31. The District of Idaho has used five of the measures listed in Table 4 to encourage pro bono representation.

32. The six districts that have used four of the measures to encourage pro bono representation are N.D.N.Y., E.D. Mich., S.D. Iowa, E.D.N.Y., W.D. Wash., and S.D. Ind.

33. The four districts that award credit toward pro bono requirements are E.D. Ark., S.D. Iowa, E.D. Mich., and W.D.N.Y.

34. The two districts that award CLE credit for assisting a pro se litigant are D. Idaho and N.D.N.Y.

35. The 41 districts that provide sample or template pleadings, motions, discovery requests, etc., are D. Minn., W.D. Tenn., C.D. Ill., D. Kan., N.D.N.Y., E.D.N.Y., S.D. Fla., D. Ariz., D.P.R., E.D. Wash., D. Alaska, D. Vt., N.D. Okla., D.N.H., W.D. Ark., W.D. Ky., D. Neb., W.D.N.Y., M.D. Ala., S.D. Ala., E.D. Tenn., E.D. Mo., W.D. Wash., S.D. Tex., D. Colo., S.D. Ohio, D. Me., D.S.D., N.D. Miss., S.D. Iowa, S.D. Ga., N.D. Fla., D. Md., E.D. Va., D.S.C., M.D. Tenn., S.D. Ind., D. Guam, N.D. Iowa, D. Or., and E.D. Wis.

36. The 39 districts that provide frequently asked questions and answers for pro se litigants are D. Minn., W.D. Tenn., D. Kan., N.D.N.Y., S.D. Fla., D.N.H., M.D. Ala., E.D. Mo., W.D. Wash., E.D. Tex., E.D. Mich., D.N.D., E.D. Pa., D. Ariz., S.D. Ala., S.D. Ohio, D.S.D., N.D. Miss., S.D. Iowa, N.D. Iowa, E.D. Va., N.D. Cal., D. Idaho, N.D. Ind., E.D. Ark., D. Mass., N.D. Ill., D.P.R., N.D. Okla., W.D. Ark., D. Colo., S.D. Ga., D. Guam, C.D. Cal., S.D. Ill., D. Mont., W.D. Mich., W.D. Tex., and E.D. Cal.

37. The seven districts that provide a video on how to proceed in federal court are D. Kan., D.N.H., W.D.N.C., M.D. Ala., N.D. Ind., D.P.R., and D.D.C.

38. It is important to note that providing instructions for accessing CM/ECF does not necessarily mean the court allows pro se litigants to file electronically.

39. One offers the district's local rules, principal forms, and location of courthouses; the other offers instructions on how to access CM/ECF, guidance on protecting private information, and a warning that false statements may be a federal crime.

40. The four districts offering the highest number of resources, services, and notices are N.D.N.Y., D. Kan., D.P.R., and M.D. Ala.

41. The four districts that do not charge a fee for printing are D. Minn., E.D. Mo., S.D. Ind., and D. Haw.

42. The five districts that provide e-filing software on public access computers are D. Idaho, N.D. Ill., D. Minn., E.D. Mo., and E.D. Tex.

43. The four districts that make the Internet available through the public access computers are D. Haw., S.D. Ind., E.D. Mo., and D. Minn.

44. The Eastern District of Texas makes all eight of the resources listed in Table 6 accessible on public access computer terminals.

45. The 24 districts with information kiosks are E.D. Mo., N.D. Ohio, C.D. Cal., W.D. Tenn., N.D. Ill., D. Ariz., E.D. Tenn., N.D. Miss., D. Guam, D. Or., W.D. Wash., S.D. Ill., D. Conn., E.D. Okla., W.D. Tex., E.D. Va., W.D.N.Y., D. Md., S.D. Tex., E.D. La., D.R.I., E.D.N.Y., E.D. Ark., and N.D. Ala.

46. The eight districts that have changed their layout or hours are E.D. Mo., C.D. Cal., W.D. Tenn., D. Minn., S.D. Ind., D.D.C., D.N.D., and M.D. Tenn.

47. The Northern District of California offers assistance in the most non-English languages—seven.

48. The eight districts that provide resources, services, or notices in non-English languages are N.D. Cal., D. Or., C.D. Cal., D. Mass., D. Ariz., D.P.R., W.D. Ark., and N.D. Iowa.

49. The Northern District of California provides handbooks in Spanish and Chinese.

50. The six districts with more than 20 staff with substantial responsibility for pro se cases are M.D. Fla., N.D. Cal., E.D. Ky., N.D.N.Y., N.D. Ga., and D. Or. The Middle District of Florida listed 44 such staff members.

51. Respondents might also have differed in how they classified “substantial responsibility.” If one district court has many pro se cases, for example, and requires all law clerks to have responsibility for pro se cases, the respondent might have counted all those clerks. Other respondents might have listed only employees whose sole duty is responsibility for pro se cases.

52. The four districts with 10 or more permanent pro se law clerks are N.D. Tex., M.D. Fla., E.D. Cal., and C.D. Cal.

53. The four districts with three or more temporary or emergency pro se law clerks are D.S.C., S.D. Cal., E.D. Ark., and W.D.N.C. The three districts with two are N.D.N.Y., D. Idaho, and W.D.N.Y. Ten districts have one or fewer: E.D. Mo., C.D. Cal., D. Or., N.D. Ind., D.S.C., W.D. Wis., D. Guam, E.D. Wash., D. Haw., and D.P.R. Four respondents did not provide the number of permanent pro se law clerks or the number of temporary or emergency pro se law clerks.

54. The three districts that refer staff to the EAP are W.D. Tenn., N.D. Miss., and D. Me.

55. The two districts that used four of the approaches to reduce the impact of pro se cases on court staff are N.D. Miss. and W.D. Wash. In addition, 32 districts (36%) use one approach, 14 districts (16%) use two approaches, and 4 districts (4%) use three approaches.

56. The 28 districts that include the subject of pro se litigation in staff training programs are D. Me., D. Mass., D.N.H., S.D. Fla., S.D. Ga., N.D.N.Y., E.D.N.Y., D. Del., S.D. W. Va., N.D. Miss., S.D. Tex., W.D. Ky., E.D. Mich., W.D. Mich., N.D. Ohio, S.D. Ohio, N.D. Ind., S.D. Ind., W.D. Wis., E.D. Mo., D.N.D., N.D. Cal., D. Haw., D. Idaho, W.D. Wash., D. Kan., W.D. Okla., and D.V.I.

57. The 25 districts that designate one or more deputy clerks as pro se case managers are E.D. Mo., W.D. Wash., M.D.N.C., E.D.N.Y., S.D. W. Va., N.D. Miss., W.D. Ky., W.D. Mich., S.D. Ind., W.D. Wis., W.D.N.Y., E.D. Pa., D. Md., E.D.N.C., D.S.C., W.D. Va., E.D. Tenn., E.D. Ark., S.D. Iowa, D. Neb., S.D. Cal., D. Mont., D. Colo., D.N.M., and E.D. Okla.

58. The 13 districts that rotate staff so that they have a break from pro se cases are D. Mass., S.D. Ga., N.D.N.Y., D. Del., S.D. Tex., E.D. Mich., E.D. Mo., W.D. Wash., D.N.J., M.D.N.C., N.D. Tex., E.D. Cal., and D.D.C.

59. The 11 districts that attempt to minimize staff contact with pro se litigants are W.D. Wash., N.D. Miss., E.D. Ark., D. Mass., N.D.N.Y., D. Me., N.D. Cal., D.V.I., D.P.R., N.D. Ill., and C.D. Cal.

60. See note 54.

61. Although 54 districts reported that at least one of the pro se litigant topics listed in Table 12 is covered in clerk’s office training, only 28 reported that reducing the impact of pro se cases on court staff is a subject included in staff training programs (see Table 11). It might be that respondents saw the people-focused topics (e.g., “dealing with angry or upset pro se litigants”) as separate from the case-focused topics and did not consider them when answering the question represented in Table 11.

62. The 10 districts covering all five training topics are N.D. Miss., D. Del., W.D. Tenn., D.N.M., D. Neb., W.D. Tex., M.D. Ala., N.D. Iowa, M.D. Tenn., and E.D. Wash.

63. Only 6 districts (7%) covered one topic; 9 districts (10%) covered two; 17 districts (19%) covered three; 12 districts (13%) covered four; and 10 districts (11%) covered all five of the listed topics.

64. The 19 district courts that changed staff duties or the organization of the clerk's office are N.D. Ohio, W.D. Tenn., C.D. Cal., D. Neb., D.D.C., N.D. Miss., S.D. Iowa, D. Mass., E.D. Cal., D.P.R., N.D. Okla., E.D. Wash., D. Kan., E.D. Pa., M.D. Fla., E.D. Ark., E.D.N.Y., M.D. Pa., and S.D. Cal.

65. One chief judge did not provide responses for any of the items listed in Table 18 as issues or conditions that might be present in pro se cases.

66. Few respondents used the opportunity to add an "Other" item to the list provided in the question. The items that were added generally repeated an item already on the list.

67. The chief judge from the Central District of California reported 19 of the issues or conditions.

68. The Central District of California had an average of 3,354 pro se filings for 2008–2010, the highest number reported in respondents' districts.

69. The Eastern District of California had an average of 2,619 pro se filings for 2008–2010, the second-highest number reported in respondents' districts.

70. The Central District of California uses 19 of the measures in prisoner pro se cases.

71. The Western District of Wisconsin and the District of Hawaii use 16 of the measures in non-prisoner pro se cases.

72. In fact, there is a slight but statistically non-significant correlation between higher numbers of pro se filings from 2008 through 2010 and fewer measures used to assist non-prisoner pro se litigants.

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**Appendix A**  
**Clerk of Court Questionnaire and**  
**Chief Judge Questionnaire**

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## **Resources and Services for Pro Se Litigants**

### **A Questionnaire for Clerks of Court United States District Courts**

This questionnaire asks for information about (1) resources and services that assist pro se litigants in your district; (2) resources that assist court staff in handling these cases, and (3) the most effective measures your district has developed for handling these cases. Except where indicated, the questions apply to services you provide to any pro se litigant, prisoner or non-prisoner, in civil cases brought in your district.

We recognize that pro se litigation may vary by division within your district. The questions, however, ask only about the district as a whole. Near the end of the questionnaire you will find an opportunity to comment on divisional differences if such differences are relevant.

We are sending a separate questionnaire to the chief judge in your district to ask about chambers practices regarding pro se litigants. The questionnaire we are sending you focuses only on services provided by the clerk's office.

Because we may need to follow up with you after we receive the questionnaire, the final question asks you to identify yourself and others who may have answered the questionnaire.

You can close the questionnaire without completing it. When you are ready to resume, simply click on the link and you will return to the page you were on when you closed the questionnaire. Your answers will not be submitted until you click on the Submit Survey button at the end of the questionnaire.

We very much appreciate your help.

## I. DISTRICT RESOURCES AND SERVICES FOR PRO SE LITIGANTS

1. Does your district have any of the following programs or procedures for assisting civil pro se litigants? Please check all that are available in your district.

Programs and Procedures to Assist Pro Se Litigants	Available in the District
Bar program or other non-court program to advise <b>prisoner</b> pro se litigants on preparation of submissions or how to handle court proceedings	<input type="radio"/>
Bar program or other non-court program to advise <b>non-prisoner</b> pro se litigants on preparation of submissions or how to handle court proceedings <ul style="list-style-type: none"> <li data-bbox="306 555 1237 587">- In courthouse space <input type="radio"/></li> <li data-bbox="306 587 1237 618">- Not in courthouse space <input type="radio"/></li> </ul>	
Court-provided software available at courthouse or on court's website to help pro se litigants prepare their pleadings or other submissions (e.g., e-Pro Se)	<input type="radio"/>
Mediation program for <b>prisoner</b> pro se litigants	<input type="radio"/>
Mediation program for <b>non-prisoner</b> pro se litigants	<input type="radio"/>
Dissemination of information about programs for pro se litigants in public places <b>outside the court or prisons</b> , such as public libraries (either electronically or on paper)	<input type="radio"/>
Procedural assistance by clerk's office staff members as part of their regular duties	<input type="radio"/>
Direct communication between pro se litigant and pro se law clerk	<input type="radio"/>
Permission for <b>non-prisoner</b> pro se litigants to file electronically through CM/ECF	<input type="radio"/>
<b>Non-prisoner</b> pro se litigant access through CM/ECF to docket sheet, pleadings, etc. in ongoing case	<input type="radio"/>
Other. Please specify: _____	<input type="radio"/>

2. Does your district or its bar provide any of the following services to help civil, **non-prisoner** pro se litigants obtain an attorney to represent them? Please check each service that is available in your district.

Services to Assist Pro Se Litigants Obtain Legal Representation	Available in the District
Handout or web notice with information about obtaining an attorney	<input type="radio"/>
Handout or web notice about obtaining free or low-cost legal services	<input type="radio"/>
Local rule or general order that requires pro bono service from members of the bar	<input type="radio"/>
Court-maintained pro bono panel or list of attorneys willing to serve pro bono, made available to pro se litigants	<input type="radio"/>
Bar-maintained pro bono panel or list of attorneys willing to serve pro bono, made available to pro se litigants	<input type="radio"/>
Court-maintained list-serve to alert bar to the need for representation in a particular case	<input type="radio"/>
Court-conducted review to determine need for counsel	<input type="radio"/>
Appointment of counsel to represent a pro se litigant in limited circumstances (e.g., in mediation, trial)	<input type="radio"/>
Appointment of counsel to represent a pro se litigant for the full case	<input type="radio"/>
Provision in local rules for payment of costs	<input type="radio"/>
Other. Please specify: _____	<input type="radio"/>

3. If your district or its bar has a program for appointing an attorney to represent a civil, **non-prisoner** pro se litigant in limited circumstances, please describe the case event(s) for which an attorney may be appointed and the circumstances that warrant appointment.

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4. Does your district pay the costs or fees of attorneys who serve pro bono to represent pro se litigants?

No  
 Yes, the court pays costs  
 Yes, the court pays some or all attorney fees

**IF YES:** Where does the funding come from to pay costs or attorney fees?

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5. Has your district developed or been the beneficiary of any special funding mechanisms for programs, services, or materials provided to pro se litigants (e.g., providing funds from the attorney admission fund as a gift to a bar program; receiving a bar or other program funded through a class action settlement and located at the courthouse, etc.)?

No  
 Yes

**IF YES:** Please describe.

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6. Which of the following measures, if any, does your district take to encourage more attorneys to provide pro bono services to pro se litigants?

Judges attend meetings at law firms to recruit attorneys for the court's pro bono panel  
 Judges write articles for legal newsletters encouraging pro bono participation  
 Court awards credit toward pro bono requirements when an attorney assists a pro se litigant  
 Court awards Continuing Legal Education (CLE) credits when an attorney assists a pro se litigant  
 Court gives public recognition to those who assist pro se litigants  
 Court (chief judge or other) sends a thank you letter after attorney completes a case  
 Other. Please specify: \_\_\_\_\_

7. Are any court employees available to assist litigants whose primary language is not English?

No  
 Yes

**IF YES:** Please identify the language(s) available among your employees:

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How do staff provide language assistance to litigants whose primary language is not English?

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8. Does the clerk's office provide free public access to a computer?

No  
 Yes

**IF YES:** Please check each resource that is available on the public access computer(s).

Resources	Available on public access computer(s)
CM/ECF	<input type="radio"/>
PACER	<input type="radio"/>
Software to assist pro se filers in preparing pleadings or other submissions (e.g., E-Pro Se)	<input type="radio"/>
Party-Case Index	<input type="radio"/>
The district court's website	<input type="radio"/>
The bankruptcy court's website	<input type="radio"/>
The court of appeals' website	<input type="radio"/>
U.S. Courts website (www.uscourts.gov)	<input type="radio"/>
Internet	<input type="radio"/>
Free printing	<input type="radio"/>
Printing for a fee	<input type="radio"/>

9. Are there restrictions on who may use any of the above resources on the public access computer(s)?

No  
 Yes

**IF YES:** Please explain the restrictions on access to the public computer.

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10. Do prisoners in your district have access, either themselves or through assistance in the prison, to computers to do any of the following? Please check all that apply.

Prepare pleadings  
 Conduct legal research  
 Access information posted on the court's website  
 Access PACER  
 Access CM/ECF  
 Don't know

11. Is there an information kiosk in a public area of the clerk's office?

No  
 Yes

**IF YES:** What kind of information is available on the information kiosk?

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12. Does the clerk's office provide any of the following resources, services, or notices for pro se litigants? For each item on the left, please check each column that applies in your district.

Clerk's Office Resources, Services, or Notices for Pro Se Litigants	Available in District			
	Yes, in public area of clerk's office, either on paper or via computer	Yes, on district's website	Yes, by mail	Yes, at the prison
Handbook or information package for <b>prisoner</b> pro se litigants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Handbook or information package for <b>non-prisoner</b> pro se litigants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	NA
Frequently asked questions and answers for pro se litigants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Information on the jurisdiction of the federal courts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rules of federal procedure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
District's local rules	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
District's principal forms	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sample or template of pleadings, motions, discovery requests, etc.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Information about the services of other state or federal agencies (e.g., Social Security Administration)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Instructions on how to access CM/ECF	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Location of courthouses and/or courtrooms	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
District-produced or other video on how to proceed in federal court	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Information about obtaining pro bono or low cost legal advice or representation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Information about obtaining other assistance provided for pro se litigants (e.g., a mediation program)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
List or statement of what the clerk's office cannot provide to a pro se litigant (e.g., legal advice)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Guidance or warning about protecting private information in papers filed in court	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Warning that false statements may be a federal crime	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Warning that case can be dismissed if litigant fails to file all necessary documents	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Warning that case can be dismissed if litigant fails to meet deadlines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Warning that case can be dismissed if litigant fails to pay all required fees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other. Please specify: _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

13. Of the materials provided by the clerk's office, as indicated in Q.12, are any available in languages other than English?

No  
 Yes

**IF YES:**

**Which item(s) has (have) been translated?**

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**Into which language(s)?**

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**IF YES:** Please send translated materials and any other written materials (e.g., handbooks, brochures, descriptions of pro bono programs, etc.) to [districtprosesurvey@fjc.gov](mailto:districtprosesurvey@fjc.gov) or provide a link where they can be found.

Link \_\_\_\_\_

14. In the past three years, have the physical layout or hours of the clerk's office changed to accommodate pro se litigants?

No  
 Yes

**IF YES:** Please describe how the physical layout or hours of the clerk's office have changed and why.

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## **II. RESOURCES IN CLERK'S OFFICE TO ASSIST COURT STAFF IN HANDLING PRO SE CASES**

1. What approaches, if any, have you used to reduce the impact of pro se cases on court staff?

Include the subject in training programs for staff  
 Rotate staff so they have a break from these cases  
 Designate one or more deputy clerks as case manager(s) for all pro se cases  
 Minimize staff contact with pro se litigants by directing these litigants to other sources of help  
 Refer staff to EAP (Employee Assistance Program)  
 Other. Please describe: \_\_\_\_\_

2. Has your district provided training to clerk's office employees on dealing with pro se litigants?

No  
 Yes

**IF YES:** Please check the topics that have been covered in training.

Available outside resources for pro se litigants  
 Available court resources for pro se litigants  
 Permissible and impermissible assistance to pro se litigants (e.g., what is legal advice)  
 Dealing with angry or upset pro se litigants  
 Dealing with personal stress and emotions  
 Other. Please specify: \_\_\_\_\_

Do you have training materials that might be helpful to other district courts?

No.  
 Yes. Please send them to [districtprosesurvey@fjc.gov](mailto:districtprosesurvey@fjc.gov) or provide a link to the site where they can be found.

Link \_\_\_\_\_

3. In the past three years, have you made changes in staff duties or the organization of the clerk's office in order to handle pro se cases?

No  
 Yes

**IF YES:** Please describe how staff duties or the organization of the clerk's office was changed and why.

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4. How many court employees have substantial responsibility for dealing with pro se cases? Do not include in this count judicial assistants, elbow law clerks, or magistrate judges. Do include permanent and temporary pro se law clerks.

\_\_\_\_\_ Number of clerk's office staff, other than pro se law clerks, with substantial responsibility for pro se cases  
\_\_\_\_\_ Number of permanent pro se law clerks  
\_\_\_\_\_ Number of temporary or emergency pro se law clerks

**IF THE COURT HAS PRO SE LAW CLERK(S):** What kinds of cases do they handle?

Only prisoner pro se cases  
 Only non-prisoner pro se cases  
 Both prisoner and non-prisoner pro se cases

### **III. MOST EFFECTIVE MEASURES YOUR DISTRICT HAS IMPLEMENTED OR MIGHT IMPLEMENT TO ASSIST WITH PRO SE LITIGATION**

1. What are the most effective measures your district has implemented to date to help the clerk's office, prisoner pro se litigants, and non-prisoner pro se litigants?

**Measures that help the clerk's office**

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**Measures that help prisoner pro se litigants**

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**Measures that help non-prisoner pro se litigants**

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2. Considering prisoner and non-prisoner pro se issues that remain unresolved in your district, that remain unsatisfactorily resolved, or that you see coming up, please identify the top three issues presented by these cases. Please focus on issues for the clerk's office and pro se litigants. We are asking the chief judge to focus on issues presented for chambers.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

3. What makes each of the three issues identified in Q.2 particularly difficult?

- Issue 1. \_\_\_\_\_
- Issue 2. \_\_\_\_\_
- Issue 3. \_\_\_\_\_

4. What solution(s) would you find helpful in dealing with these issues?

- Issue 1. \_\_\_\_\_
- Issue 2. \_\_\_\_\_
- Issue 3. \_\_\_\_\_

5. Is your district working on development of any other resources, programs, services, or materials for either prisoner or non-prisoner pro se litigants that are not already identified in the preceding questions?

No  
 Yes

**IF YES:** Please describe the resources, programs, services, or materials that are in development.

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6. Are there actions or conditions apart from the pro se litigants themselves that present constraints or difficulties in handling pro se litigation in your district (e.g., circuit law, Department of Corrections policies, Judicial Conference policies, etc.)?

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Has your district developed any approaches for dealing with these actions or conditions?

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#### **IV. DIVISIONAL DIFFERENCES IN ISSUES AND SERVICES IN PRO SE LITIGATION**

If there are significant divisional differences in the issues presented by pro se litigation or in your district's response to these issues, please describe them below.

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#### **V. CONTACT INFORMATION**

Please provide your name and district so we can follow up with you if necessary. If you have asked others to assist in completing the questionnaire, please provide their name(s) and position(s) also.

District \_\_\_\_\_  
Name of Clerk of Court \_\_\_\_\_  
Name(s) of Other Respondent(s) \_\_\_\_\_  
Position(s) of Other Respondent(s) \_\_\_\_\_

**Thank you for completing the questionnaire.**

**To submit your responses, please click the "Submit Survey" button below.**

**If you have any questions, please contact Donna Stienstra at the Federal Judicial Center (202-502-4081).**

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## **Handling Pro Se Cases in Chambers**

### **A Questionnaire for Chief Judges United States District Courts**

This questionnaire asks for information about (1) issues pro se litigants present for judges and (2) approaches judges have developed to handle these issues. The purpose of the questionnaire is to collect information for an inventory of practices and procedures that judges and chambers staff can turn to for ideas in handling cases with pro se litigants. Please focus on issues presented and approaches taken in your district only. Except where indicated, the questions apply to both prisoner and non-prisoner litigants in civil cases filed in your district.

We recognize that approaches taken to handling pro se cases may vary by judge within your district. The questions ask about practices overall in your district, but we encourage you to solicit input from the other district judges and the magistrate judges so the questionnaire will report the full range of practices and innovations in your district. You will see a question near the end of the questionnaire that asks specifically about individual judge practices.

We are sending a separate questionnaire to your clerk of court, requesting information about pro se resources and services supported by the clerk's office.

You can close the questionnaire without completing it. When you are ready to resume, simply click on the link and you will return to the page you were on when you closed the questionnaire. Your answers will not be submitted until you click on the Submit Survey button at the end of the questionnaire.

We very much appreciate your help.

## I. ISSUES OR CONDITIONS THAT MAY BE PRESENT IN PRO SE CASES

1. In the experience of judges in your district, to what extent are the following issues or conditions present in pro se cases?

Issues or Conditions That May Be Present in Pro Se Cases	Present in few or no pro se cases	Present in the occasional pro se case	Present in most or all pro se cases
Failure to file timely pleadings or other submissions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Failure to file complete pleadings or other submissions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pleadings or submissions that are unnecessary, illegible, or cannot be understood	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems with service of process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In <b>prisoner</b> pro se cases, discovery is undertaken	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In <b>non-prisoner</b> pro se cases, discovery is undertaken	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems with discovery (e.g., inability of prisoner pro se litigants to maintain records in their cell)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Repeated requests for continuances	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Repeated requests for immediate judicial attention	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Repeated requests for hearings or trial	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Failure to appear at court hearings or conferences	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inappropriate conduct at court hearings or conferences	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems examining witnesses (either of or by pro se litigant)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Failure to know when to object to testimony or evidence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problems with pro se responses to motions to dismiss or for summary judgment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Requests for in-person hearings on matters that might otherwise be resolved on the pleadings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Requests for inappropriate direction or advice from the judge	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Requests for collateral orders or relief (e.g., prisoner pro se request for orders precluding transfer or granting privileges)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Requests for chambers help in getting copies of court records or pleadings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Potentially meritorious claim	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Participation in settlement conference or mediation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Limited English proficiency	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of knowledge about legal decisions or other information that would help his/her case	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Failure to understand legal consequences of his or her actions or inactions (e.g., failure to plead statute of limitation, failure to respond to requests for admissions)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Failure to honor or understand the consequences of the court's dismissal of an action	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Security concerns caused by <b>non-prisoner</b> pro se litigant	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Represented party takes advantage of pro se litigant	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inability to understand or comply with court orders	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inability of prisoner pro se litigant to obtain trust account statement for <i>in forma pauperis</i> motions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other. Please specify: _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2. What special issues do **prisoner** pro se litigants present for judges?

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3. What special issues do **non-prisoner** pro se litigants present for judges?

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4. In the experience of judges in your district, to what extent does a pro se litigant need assistance of counsel in the following case events or court proceedings?

Case Event or Court Proceeding	No need for assistance of counsel	Slight need for assistance of counsel	Moderate need for assistance of counsel	Great need for assistance of counsel
Prefiling conference to determine whether the federal court has jurisdiction	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prefiling conference to determine whether the case has merit	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Preparation of initial pleading filed in court	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Preparation of dispositive motions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Preparation of answers to opponent's filings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Preparation of discovery plan and execution of discovery	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Participation at Rule 16 or other conferences	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Participation at hearings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Participation in settlement negotiations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Participation at trial	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Filing of a Notice of Appeal	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other. Please specify: _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

5. In what way, if any, does the need for representation by counsel differ for prisoner and non-prisoner pro se litigants?

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## II. MEASURES USED BY JUDGES TO ASSIST PRO SE LITIGANTS OR TO HANDLE PRO SE CASES

1. Are any of the following measures used by judges in your district to assist pro se litigants or to help manage these cases effectively in chambers? For each measure used by a judge or judges in your district, place a check in the appropriate box (prisoner and/or non-prisoner).

Measures Judges May Use to Assist Pro Se Litigants or to Help the Judge or Chambers Staff Handle Pro Se Cases	Used in Prisoner Pro Se Cases	Used in Non-prisoner Pro Se Cases
Appointment of counsel to represent pro se litigant whenever funding or availability of counsel permits, regardless of merits of the case	<input type="radio"/>	<input type="radio"/>
Appointment of counsel only when the merits of the case warrant appointment	<input type="radio"/>	<input type="radio"/>
Appointment of counsel for a particular step or procedure in the case (e.g., mediation, trial)	<input type="radio"/>	<input type="radio"/>
Use of broad standards in construing pleadings and other submissions	<input type="radio"/>	<input type="radio"/>
Acceptance of letters as motions or pleadings	<input type="radio"/>	<input type="radio"/>
Use of broad standards in requiring compliance with deadlines	<input type="radio"/>	<input type="radio"/>
Use of well-defined case management orders that may include, e.g., tiered discovery orders or preemptive protective orders	<input type="radio"/>	<input type="radio"/>
Use of instructions regarding chambers practices written specifically for pro se litigants	<input type="radio"/>	<input type="radio"/>
Use of <b>teleconferences</b> in lieu of in-person conferences or hearings	<input type="radio"/>	<input type="radio"/>
Use of <b>videoconferences</b> in lieu of in-person conferences or hearings	<input type="radio"/>	<input type="radio"/>
Personally take more active role than in fully represented cases (e.g., provide more explanation about procedures, make sure pro se litigant understands what he/she needs to do)	<input type="radio"/>	<input type="radio"/>
Scheduling of conferences or hearings outside work hours or at other special times	<input type="radio"/>	<input type="radio"/>
Use of an expedited schedule	<input type="radio"/>	<input type="radio"/>
Use of national 3-strikes database	<input type="radio"/>	NA
Referral of pretrial matters to magistrate judges	<input type="radio"/>	<input type="radio"/>
Referral to mediation for settlement discussions	<input type="radio"/>	<input type="radio"/>
Assignment of pro se cases to a designated chambers law clerk	<input type="radio"/>	<input type="radio"/>
Use of interns or externs for pro se cases	<input type="radio"/>	<input type="radio"/>
Assignment of <b>prisoner</b> pro se litigation to a pro se law clerk	<input type="radio"/>	NA

Assignment of <b>non-prisoner</b> pro se litigation to a pro se law clerk	NA	<input type="radio"/>
Assignment of frequent filers to the same district and/or magistrate judge	<input type="radio"/>	<input type="radio"/>
Other. Please specify: _____	<input type="radio"/>	<input type="radio"/>

2. What are the most effective measures your district has adopted to date to help judges and chambers staff, prisoner pro se litigants, and non-prisoner pro se litigants? Please consider both measures used in chambers and measures used by the clerk's office that help chambers. (We have asked the clerk of court to describe measures that help the clerk's office.)

**Measures that help judges and chambers staff**

Measures used in chambers \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Measures used by clerk's office \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Measures that help prisoner pro se litigants**

Measures used in chambers \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Measures used by clerk's office \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Measures that help non-prisoner pro se litigants**

Measures used in chambers \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Measures used by clerk's office \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. Considering prisoner and non-prisoner pro se issues that remain unresolved in your district, that remain unsatisfactorily resolved, or that you see coming up, please identify the top three issues these litigants present for judges and chambers staff.

Issue 1. \_\_\_\_\_

Issue 2. \_\_\_\_\_

Issue 3. \_\_\_\_\_

4. What makes each of the three issues identified in Q.3 particularly difficult?

Issue 1. \_\_\_\_\_

Issue 2. \_\_\_\_\_

Issue 3. \_\_\_\_\_

5. What solution(s) would judges and chambers staff find helpful in dealing with these issues?

Issue 1. \_\_\_\_\_

Issue 2. \_\_\_\_\_

Issue 3. \_\_\_\_\_

6. Please consider the list of topics below and place a check mark beside those on which you or the judges on your court might like to have more information.

- Special staffing to help with the pro se caseload
- Bar programs to assist pro se litigants
- Court programs to assist pro se litigants
- Funding for programs to assist pro se litigants
- Education programs for judges on dealing with pro se litigants
- Self-help resources for pro se litigants, such as e-filing and online forms
- Other. Please specify: \_\_\_\_\_

### **III. INDIVIDUAL JUDGE PRACTICES OR INNOVATIONS**

If we should contact individual district or magistrate judges about specific practices or innovations they have implemented to assist pro se litigants and/or to help manage these cases in chambers, please identify the judges.

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#### **IV. CONTACT INFORMATION**

Please provide your name and district so we can follow up with you if necessary. If you have asked others to assist in completing the questionnaire, please provide their name(s) and position(s) also.

District \_\_\_\_\_

Name of Chief Judge \_\_\_\_\_

Name(s) of Other Respondent(s) \_\_\_\_\_

Position(s) of Other Respondent(s) \_\_\_\_\_

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**Appendix B**  
**Pro Se Filings in the Fifteen Responding District Courts with the Most and**  
**The Fifteen Responding Courts with the Fewest Pro Se Filings**

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**Pro Se Filings in the Fifteen Responding District Courts with the Most and  
The Fifteen Responding District Courts with the Fewest Pro Se Filings**

Rank	District	2010 Pro Se Filings	Average Pro Se Filings 2008–2010
1	C.D. Cal.	3,432	3,354
2	E.D. Cal.	2,722	2,619
3	M.D. Fla.	2,256	2,154
4	S.D. Tex.	2,183	2,041
5	N.D. Cal.	1,610	1,793
6	N.D. Tex.	1,814	1,781
7	D.S.C.	1,447	1,649
8	S.D. Fla.	1,646	1,593
9	N.D. Ga.	1,642	1,580
10	D. Ariz.	1,414	1,454
11	N.D. Ill.	1,586	1,414
12	D.N.J.	1,337	1,324
13	E.D. Mich.	1,291	1,317
14	E.D. Pa.	1,386	1,284
15	E.D. Tex.	1,074	1,217
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76	D.P.R.	173	217
77	E.D. Wash.	199	195
78	D. Haw.	198	186
79	D. Neb.	156	151
80	E.D. Okla.	135	131
81	D.N.H.	136	127
82	D.S.D.	121	123
83	N.D. Iowa	106	122
84	D.R.I.	69	107
85	D. Me.	73	85
86	D. Ark.	69	75
87	D.N.D.	78	73
88	D. Vt.	51	66
89	D.V.I.	31	38
90	D. Guam	13	9

*Note:* The filings are for calendar years 2008–2010.

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The organization of the Center reflects its primary statutory mandates. The Education Division plans and produces education and training programs for judges and court staff, including video programs, publications, curriculum packages for in-court training, and Web-based programs and resources. The Research Division examines and evaluates current and alternative federal court practices and policies. This research assists Judicial Conference committees, who request most Center research, in developing policy recommendations. The Center's research also contributes substantially to its educational programs. The two divisions work closely with two units of the Director's Office—the Information Technology Office and Communications Policy & Design Office—in using print, broadcast, and online media to deliver education and training and to disseminate the results of Center research. The Federal Judicial History Office helps courts and others study and preserve federal judicial history. The International Judicial Relations Office provides information to judicial and legal officials from foreign countries and assesses how to inform federal judicial personnel of developments in international law and other court systems that may affect their work.