

Self-Represented Litigant Materials

for

Attorneys



2020



Louisiana[®]
State Bar
Association

Serving the Public. Serving the Profession.

Materials Provided

1. Template Resources List
2. SRL Network List and Accompanying Map
3. Louisiana Legal Services Network Map
4. Pro Bono Coverage Map
5. Checklist for Working with SRLs
6. “Pro Bono Attorneys are Vital to Access to Justice” Flyer
7. Legal Assistance Resource Guide
8. SRL Bookmarks and additional materials

Re: Template Resources List

Dear LSBA Member,

For over twenty years, the Louisiana State Bar Association has been working with courts around the state to develop programs and resources to assist self-represented litigants (SRLs). To date, the LSBA has worked with over half of the jurisdictions in Louisiana to create self help centers, forms, and information available to the public. Attorneys also benefit, as providing greater access to resources for SRLs helps courts operate more efficiently.

As the number of jurisdictions launching self help centers and resources continues to increase, the LSBA Access to Justice department has created a number of resources to assist courts. This includes local and statewide services designed to provide information and referrals to the public, and materials for court staff to distribute in lieu of providing legal advice. Our depository of resources includes:

- ✓ “Self-Help Centers” coordinated by pro bono agencies and legal aid organizations
- ✓ Customized website for self-represented litigants (see www.4thJDCSelfHelp.com)
- ✓ Fill-in-the-blank forms (Available to all judges via the Louisiana District Judges Association (LDJA) website)
- ✓ Informational brochures about coming to court and substantive law
- ✓ Training videos for court staff on assisting the public
- ✓ “Resources and Referrals” poster from the LDJA
- ✓ Videos for the public explaining legal procedures (i.e. presenting evidence)
- ✓ La.FreeLegalAnswers.org (Free Legal Advice Online)
- ✓ Public library partnerships
- ✓ “SRL Bookmarks” for distribution

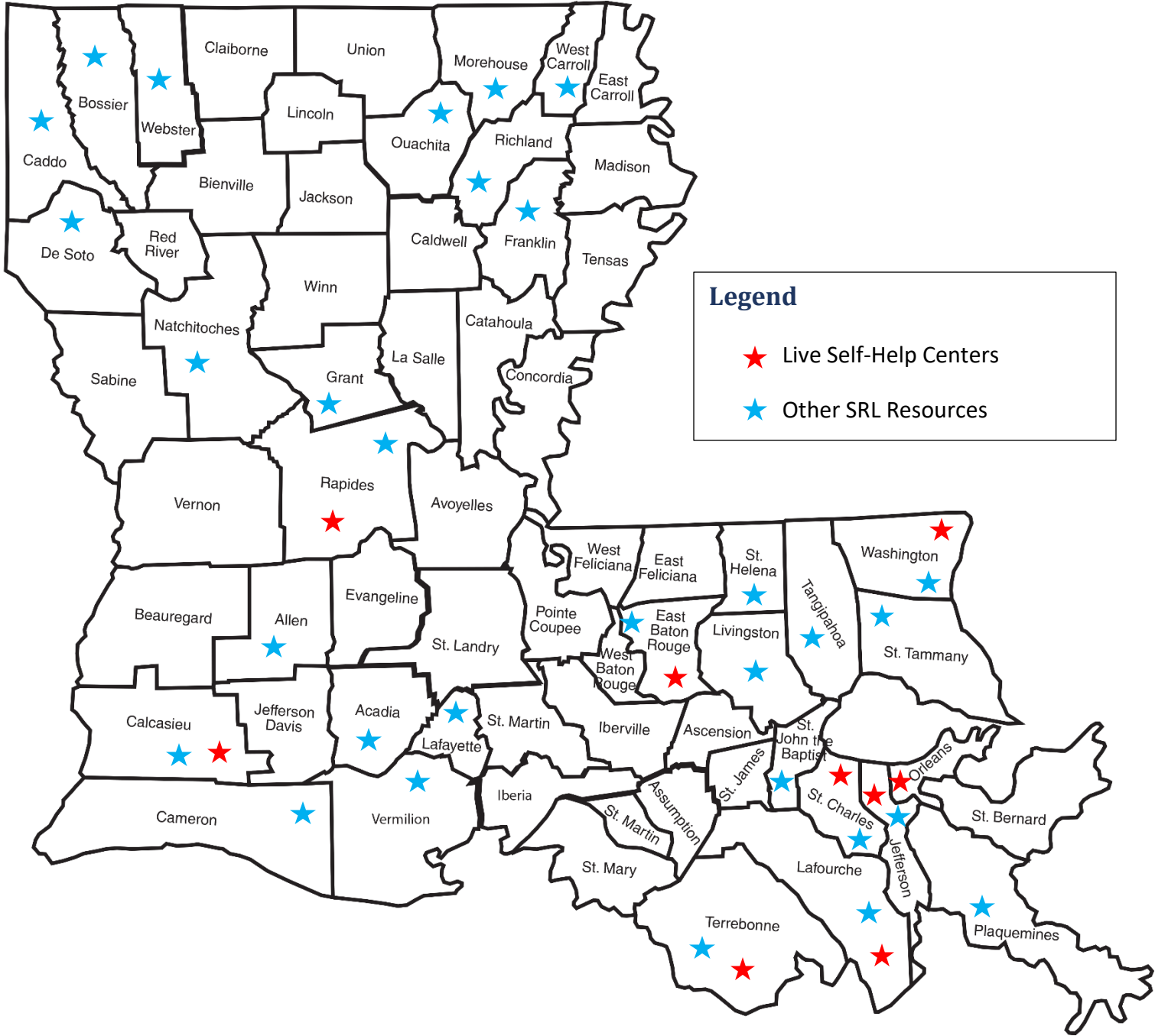
For more information on the resources available, customized services in your jurisdiction, or other questions, please contact LSBA Access to Justice Projects Counsel Joanna Laidler, at 504.619.0106 or Joanna.Laidler@lsba.org.

Sincerely,



Joanna Laidler
Louisiana State Bar Association
Access to Justice

Louisiana Self-Represented Litigant Services Map



Louisiana Self-Represented Litigant Services Network

“LIVE” Self Help Centers (created in partnership with the LSBA and run locally)

9th JDC (Rapides) – administered by Central Louisiana Pro Bono Project

Judge Patricia Koch, Debbie Smith (CenLaPB), Hope LaFleur (JA)

14th JDC (Calcasieu) – administered by Southwest Louisiana Bar Foundation

Judge David Ritchie, Leslie Mize (SWLBF)

17th JDC (Lafourche) – administered by Southeast Louisiana Legal Services

Judge John Leblanc

19th JDC (East Baton Rouge) – administered by the Baton Rouge Bar Association

Judge Lisa Woodruff-White, Ann Gregorie, Robin Kay (BRBA)

22nd JDC (St. Tammany/Washington) – administered by Southeast Louisiana Legal Services

Judge Mary Devereux, Paula Charles (SLLS)

24th JDC (Jefferson) – administered by The Pro Bono Project

Judge Steven Enright, Kathleen McNelis (TPBP)

29th JDC (St. Charles) – administered by Southeast Louisiana Legal Services

Judge Lauren Lemmon, Maureen Morrow (SLLS)

32nd JDC (Terrebonne) – administered by Southeast Louisiana Legal Services

Judge Juan Pickett, Salyria Gumms (SLLS)

41st JDC (Orleans) – administered by The Pro Bono Project

Judge Bernadette D’Souza, Jessie George (TPBP)

Current SRL Websites (administered by the LSBA)

4th JDC (Ouachita/Morehouse)

Judge Wendell Manning, Vicki Green (hearing officer)

9th JDC (Rapides)

Judge Patricia Koch, Debbie Smith (CenLaPB), Hope LaFleur (JA)

10th JDC (Natchitoches)

Judge Desiree Dyess

14th JDC (Calcasieu)

Judge David Ritchie

17th JDC (Lafourche)

Judge John Leblanc

25th JDC (Plaquemines)

Judge Michael Clement, Michelle Eppley (Secretary)

26th JDC (Bossier/Webster)

Judge Parker Self, Mellissa Fox (JA)

29th JDC (St. Charles)

Judge Lauren Lemmon

32nd JDC (Terrebonne)

Judge Juan Pickett

33rd JDC (Allen)

Judge Paula Cole (retired), Kellie Manuel* (Clerk)

35th JDC (Grant)

Judge Warren Willett

38th JDC (Cameron)

Judge Penelope Richard

40th JDC (St. John)

Judge Sterling Snowdy, Venese Morgan (law clerk)

Other Court Websites with Forms

5th JDC (West Carroll, Richland, Franklin)

19th JDC (East Baton Rouge)

21st JDC (Livingston, St. Helena, Tangipahoa)

22nd JDC (St. Tammany/Washington)

24th JDC (Jefferson)

42nd JDC (DeSoto)

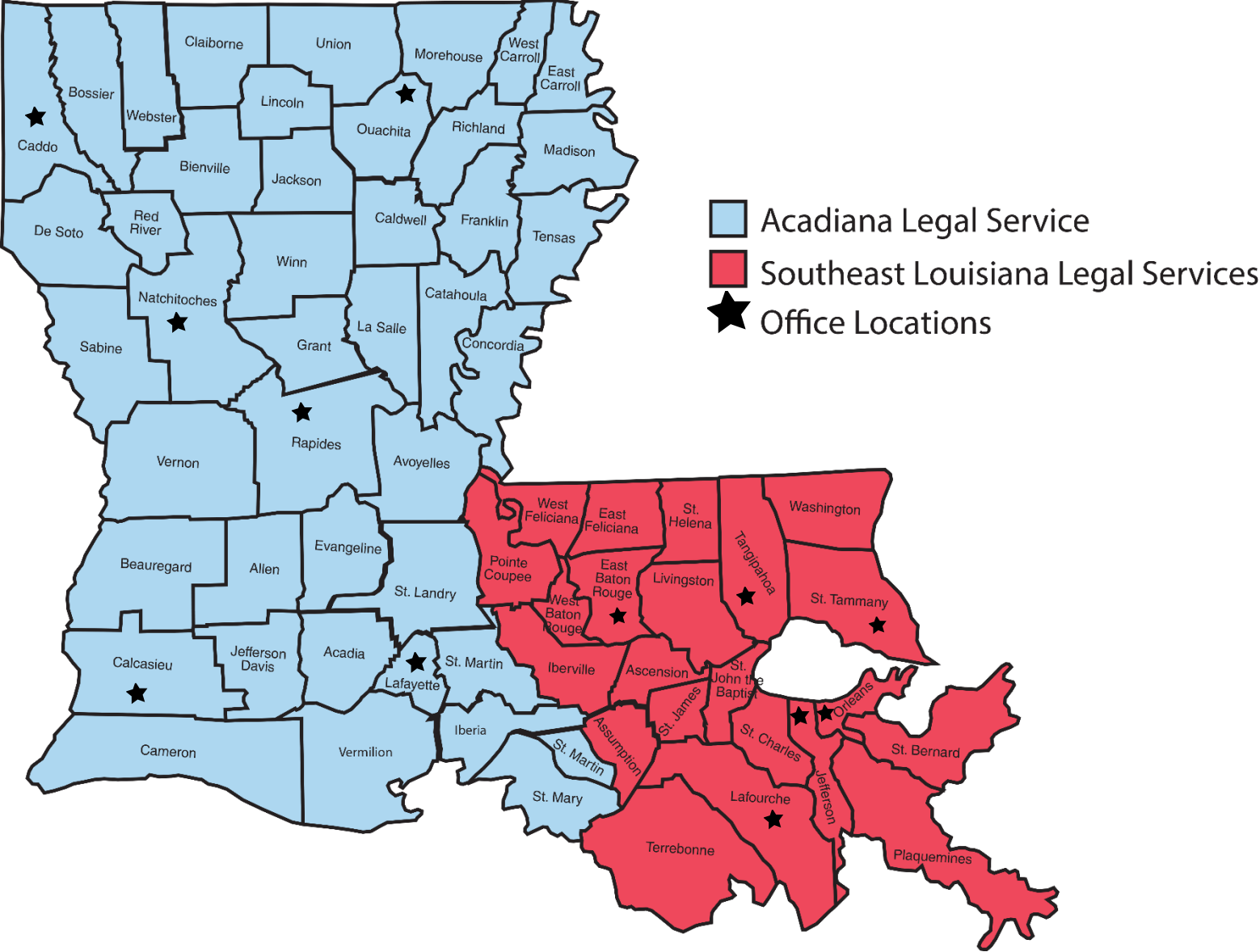
Lafayette Bar Association

15th JDC (Acadia, Lafayette, Vermillion) - Form packets available on walk-in basis, limited advice available via the “Counsel on Call” program.

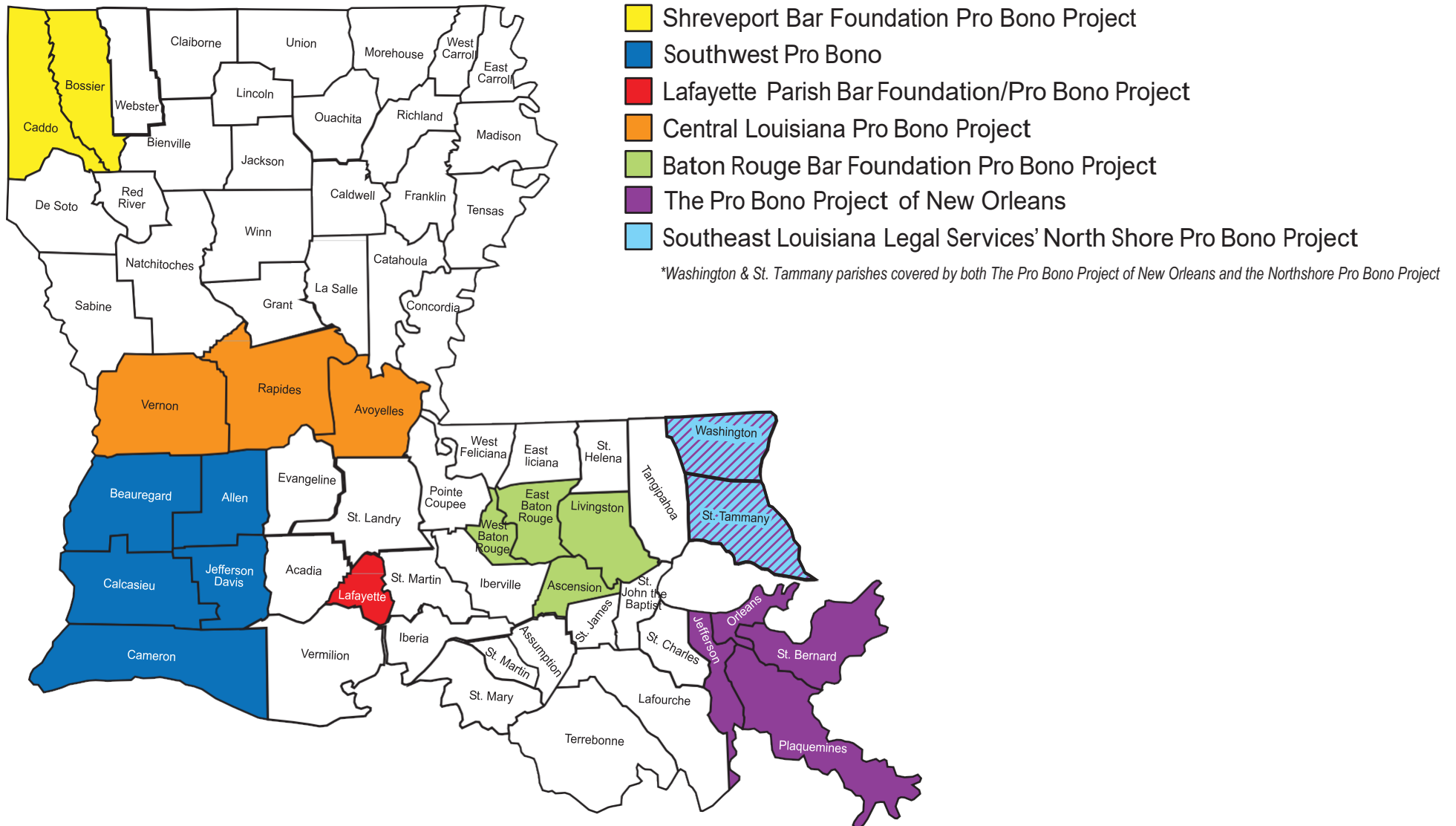
Shreveport Bar Foundation

1st JDC (Caddo) - The Shreveport Bar Foundation provides monthly consultation clinics to the public, which include free, court-approved domestic forms.

Louisiana Legal Services Network



Pro Bono Coverage Area – April 2020



Checklist for Working with Self-Represented Litigants

[These rules were developed from the Pro Se Implementation Committee of the Minnesota Conference of Chief Judges]

- **Notify parties that they are entitled to:**
 - Be represented by an attorney
 - Hire the attorney of their choice
 - Have court appointed counsel in criminal cases only pursuant to law
- **Explain the process**
 - Both sides will be heard
 - Both sides will have equal time
 - Prosecutor/Plaintiff/Petitioner bears initial burden of proof and presents testimony and evidence before the other side
 - Opposing party will have opportunity to question each witness
 - No interruptions of other party except to make a legal objection
 - Court cannot aid parties, but may explain procedural matters
 - Court will make a decision after both parties have had the opportunity to present their cases
 - Oral or written decisions
 - Decision made immediately or may be taken under advisement and notified by mail
- **Explain the elements of the crime/cause of action**
- **Explain the application of the rules of evidence**
 - Will be held to same standard as attorney
 - Court cannot aid in presentation of evidence
 - Evidence exists in the form of
 - Oral testimony
 - Physical evidence
 - Exhibits/reports to introduce
 - Exhibits/reports to demonstrate
 - Stipulations by agreement of both parties
 - Explain common objections like:
 - Relevance
 - Hearsay
 - Court will consider only admissible evidence
- **Non-lawyer advocates may sit with parties and be present but cannot:**
 - Question witnesses
 - Present argument
 - Be disruptive
- **Ask general open ended questions to avoid the appearance of advocacy**
- **Inquire of both parties as to their understand of:**
 - Process
 - Procedure
- **Rule immediately or as soon as possible**



Serving the Public. Serving the Profession.

Pro Bono Attorneys are Vital to Access to Justice

Louisiana has a wide variety of opportunities for members to provide pro bono service in their communities.

1. Local Pro Bono Organizations

Provide direct representation and/or limited services to pre-screened clients through your local bar association, pro bono organization, or legal aid affiliate.

2. LA.FreeLegalAnswers.com

This online pro bono program allows you to anonymously respond to low-income Louisianans with civil legal questions online.

3. Re-Entry Court Collaborative Lawyering

Help people after incarceration by addressing civil, misdemeanor, and traffic matters in East Baton Rouge, Jefferson, Orleans, and St. Tammany Parishes.

4. “Lawyers in Libraries”

Provide “ask-a-lawyer” sessions, or group presentations on a specific topic, at your local public library. LSBA staff will coordinate on your behalf.

5. LSBA Committees

The Bar coordinates a wide variety of committees to further access to legal information and the court system for those who might otherwise not be able.

6. Access to Justice Partners

Louisiana contains a well-coordinated network of non-profit organizations, that work on a variety of issues and initiatives that could benefit from your expertise as an attorney.

“
“We make a living by what we get.
We make a life by what we give.”
—Sir Winston Churchill.”

- For additional pro bono resources, visit www.lsba.org/ProBono.
- Pursuant to MCLE Regulation 3.21, certain pro bono services are eligible for CLE credit. Read more at www.lasc.org/rules/supreme/RuleXXX.asp
- Many opportunities include liability coverage for pro bono services. Check with the LSBA or coordinating agency for details.

For more information, visit www.lsba.org/atj

Or call (504)-619-0106



Legal Assistance Resource Guide

LSBA “Find Legal Help” Online Portal - <https://www.lsba.org/public/findlegalhelp/>

This page provides information on the spectrum of legal resources available throughout the state including lawyer referral programs, legal aid organizations, online resources, and self-represented litigant resources.

Free Legal Answers - (Financial Eligibility Requirements apply)

LA.FreeLegalAnswers.org is an online pro bono program that allows people to ask civil legal questions online that are answered by attorney volunteers.

Lawyer Referral Contact Information

Baton Rouge area: (225) 344-9926

Lafayette area: (337) 237-4700

Lake Charles area: (337) 436-2914

New Orleans area: (504) 561-8828

Shreveport area: (318) 221-8104

Legal Services Corporations - (Financial Eligibility Requirements apply.)

Acadiana Legal Services (ALSC)– Central Louisiana: www.la-law.org

Alexandria (318) 442-7281

Lafayette (337) 237-4320

Lake Charles (337) 439-0377

Legal Aid of North Louisiana (now a part of Acadiana Legal Services)

Monroe (318) 699-0889

Natchitoches (318) 352-7220

Shreveport (318) 222-7186

Southeast Louisiana Legal Services (SLLS): www.slls.org

Baton Rouge (855) 512-3980

Covington (800) 891-0076

Hammond (800) 349-0886

Harvey (800) 624-4771

Houma (800) 256-1660

New Orleans (877) 521-6242

Legal Information

Louisiana LawHelp.org

www.louisianalawhelp.org

Law Library of Louisiana

(800) 820-3038 or <http://lasc.libguides.com/home>

Pro Bono Desk Manual

<http://law.loyno.edu/gillislong/deskbook>

General State Resources

Governor’s Office of Elderly Affairs (225) 342-7100 or <http://goea.louisiana.gov/>

Louisiana Child Abuse Hotline 1-855-4LA-KIDS, (1-855-452-5437)

LA Domestic Violence Hotline (888) 411-1333 or www.lcadv.org

National Domestic Violence Hotline (800) 799-7233 or www.ndvh.org

All services listed are free and available statewide. Court representatives are welcome to customize these bookmarks.

SELF-REPRESENTED LITIGANT ASSISTANCE

Find local attorneys, legal aid, and other services • www.lsba.org/goto/findlegalhelp/
Online Legal Advice • LA.FreeLegalAnswers.org
Legal Information and Research Assistance - Law Library of Louisiana • <http://lasc.libguides.com/srl>
Additional Online Legal Information • www.LouisianaLawHelp.org



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Additional Online Legal Information • www.LouisianaLawHelp.org



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Additional Online Legal Information • www.LouisianaLawHelp.org



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Legal Information and Research Assistance - Law Library of Louisiana • <http://lasc.libguides.com/srl>
Additional Online Legal Information • www.LouisianaLawHelp.org



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Online Legal Advice • LA.FreeLegalAnswers.org
Legal Information and Research Assistance - Law Library of Louisiana • <http://lasc.libguides.com/srl>
Additional Online Legal Information • www.LouisianaLawHelp.org





Conclusion

The United States judicial system, including the courts of Louisiana, grants all persons the privilege of receiving access to justice regardless of whether the litigant is impoverished. The legislature enacted the IFP provisions of Louisiana's Code of Civil Procedure to ensure this privilege for its citizens. This information is intended to help practitioners, the courts and clerks of court avoid common IFP challenges and promote access to justice for all.



Louisiana State Bar Association Access to Justice

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New Orleans, Louisiana 70130
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Fax (504)566-0930

For more information, visit www.lsba.org/ATJ

Access to Justice:



in forma pauperis Basics*

“[A]n individual’s privilege to litigate his claim in our courts is not regarded as a luxury. Rather, it is regarded as a privilege granted him in the interest of individual justice to him, and in the interest of a judicial system designed to provide justice for all.” **

Introduction

The guaranty that a civil litigant in necessitous circumstances may proceed without the pre-payment of court costs, also known as proceeding IFP, is entrenched in both the federal and state Constitutions. It is also codified in Section 1915 of the United States Code and Articles 5181 through 5188 of the Louisiana Code of Civil Procedure. The Louisiana Supreme Court has labeled IFP a “privilege” which assure “justice for all.” Unfortunately, in an age of shrinking court funding, some challenges exist in the IFP litigation process. The best way to meet these challenges and assure equal access to the justice system is to understand the applicable laws and procedures.

* This brochure was prepared by the Louisiana State Bar Association’s Access to Justice Program and adapted from the white paper titled *Access to Justice: Common Procedural Issues Confronted by the In Forma Pauperis Practitioner* prepared by Ashley P. Gonzalez. Ms. Gonzalez is an Associate at King, Krebs & Jurgens, P.L.L.C and is a Louisiana Appleeed volunteer. Louisiana Appleeed is a nonprofit that recruits professional to donate pro bono time to solve problems at the systemic, or policy level. Their projects seek to increase access to justice, education and opportunity.

** *Benjamin v. Nat’l Super Markets, Inc.*, 351 So. 2d 138, 141 (La. 1977).



Federal and State Statutory Authority to Litigate *In Forma Pauperis*

The traditions of IFP proceedings have their roots in the federal IFP statute and opinions of the Supreme Court of the United States. Like all other states in the union, Louisiana has authorized the commencement, prosecution or defense of judicial proceedings without pre-payment of court fees and costs.

Who is Entitled to Litigate *IFP*?

The Louisiana Code of Civil Procedure permits a litigant to proceed with a claim without pre-paying the costs related to such claim or furnishing a bond for such costs, if the litigant is “unable to pay the costs of court, because of his poverty and lack of means” as ordered by the court after submission of the litigant’s IFP affidavit.

What Must an *IFP* Applicant Submit to the Court?

Anyone wishing to proceed IFP will be required to apply for permission from the court and shall attach to the pleading or motion: (1) an affidavit stating that he or she is unable to pay court costs because of his or her poverty and lack of means together with any supporting documentation; and (2) an affidavit of a third person, other than the applicant’s attorney, that knows the applicant, his or her financial condition and believes that the applicant is unable to pay the costs. These documents are standardized under Louisiana District Court Rule 8.0 as the In Forma Pauperis Affidavit.

May a Litigant’s Request to Proceed *IFP* be Challenged?

An adverse party or the clerk of court may traverse the facts alleged in an IFP affidavit and challenge the IFP litigant’s request to exercise the privilege by a rule to show cause why the order of the court permitting the litigant to proceed IFP should not be rescinded.

What Services are Available to an *IFP* Litigant?

Article 5185 makes clear that an IFP litigant is entitled to the services required by law of a sheriff, clerk of court, court reporter, notary or other public officer in connection with the judicial proceeding. This includes, without limitation, the filing of pleadings and exhibits, the issuance of certificates, the certification of copies of notarial acts and public records, the issuance and service of subpoenas and process, the taking and transcribing of testimony, the issuance of judgments and the preparation of a record of appeal.

Who is Responsible for Payment of Costs?

If judgment is rendered in favor of the IFP litigant, the party against whom the judgment is rendered shall pay all costs incurred by the IFP party. Except as otherwise provided by Articles 1920 and 2164, if judgment is rendered against an IFP litigant, he or she shall be responsible for the payment of costs incurred in accordance with Article 5186 together with those recoverable by the adverse party.

A Brief Overview of *IFP* Law

The following are answers to frequently asked questions related to IFP litigation, with authority under Louisiana law:

- ◆ **Litigants granted IFP status are entitled to all services required by law, including but not limited to the filing of pleadings and certification of copies of judgments and other public records.** C.C.P. art. 5185.
- ◆ **An IFP litigant may file pleadings in a new suit even if there are outstanding court costs owed for a different case.** C.C.P. art. 5185.
- ◆ **It is improper to charge a successful IFP litigant with costs or require a successful IFP litigant to pay a portion of the costs associated with the IFP proceeding, including uncontested divorce cases.** C.C.P. art. 5186, 5188.
- ◆ **A litigant who has been allowed to proceed IFP is not required to pay court costs in advance or as they accrue.** C.C.P. art. 5181.
- ◆ **A successful IFP litigant is not responsible for costs associated with the IFP proceeding whenever an adverse party is cast with the costs.** C.C.P. art. 5186, 5188.
- ◆ **An IFP litigant is not required to pre-pay fees or costs associated with the services of an attorney appointed to represent an out of state defendant or for a curator.** C.C.P. art. 5091, 5096.
- ◆ **An IFP litigant is not required to post a bond for court costs.** La. R.S. 13:455.
- ◆ **An IFP litigant is entitled to a jury trial without the pre-payment of costs.** C.C.P. art. 5181 et seq.
- ◆ **If an IFP litigant submits documentation that s/he is receiving public assistance or has income below 125% of the poverty line, s/he is not required to complete the detailed income and expense schedule in question No. 9 of the Louisiana Supreme Court’s IFP Affidavit Form.** C.C.P. art. 5183.
- ◆ **Financial assistance of third parties to IFP litigant may not be considered in determining whether a litigant qualifies for IFP status.** *Fils v. Iberia, St. M. & E.R. CO.*, 82 So. 697, 700 (La. 1919).
- ◆ **Either the adverse party or the clerk of court may traverse an IFP affidavit.** C.C.P. art. 5184.
- ◆ **Local district courts may not impose greater obligations on a party seeking to proceed IFP than those contained in the Louisiana Code of Civil Procedure.** C.C.P. art. 5183
- ◆ **Unless rescinded, IFP status carries over on appeal.** C.C.P. art. 5185.
- ◆ **Costs may be cast against parties in suit or action, and there is no authority to hold an IFP litigant’s attorney liable for the costs of his/her client.** C.C.P. art. 5186, 5188.

INFORMATION FOR THE PUBLIC

Find Affordable Legal Assistance



Modest Means Online Legal Directory may be able to help
www.lsba.org/public/findlegalhelp/

The **Modest Means Online Legal Directory** is an online listing of attorneys who charge reduced rates. Those who qualify can view the list and directly contact an attorney.

To use the Directory, your income must fall at or below 400% of the Federal Poverty Line (see chart). Before using, you must agree to the terms and input your household income and family size.

Once determined eligible and the list appears, you can choose the attorney you would like to reach out to and contact him or her directly using the contact information provided. There is no cost to use the Directory.



Your annual income based on household size must be at or below this amount to view the Directory:

Household Size	Annual Income*
1	\$51,040
2	\$68,960
3	\$86,880
4	\$104,800
5	\$122,720
6	\$140,640
7	\$158,560
8	\$176,480

*The income information you provide will be verified by the attorney.

**This is not a referral service. You must directly contact the attorneys listed.
Legal representation is not guaranteed.**

