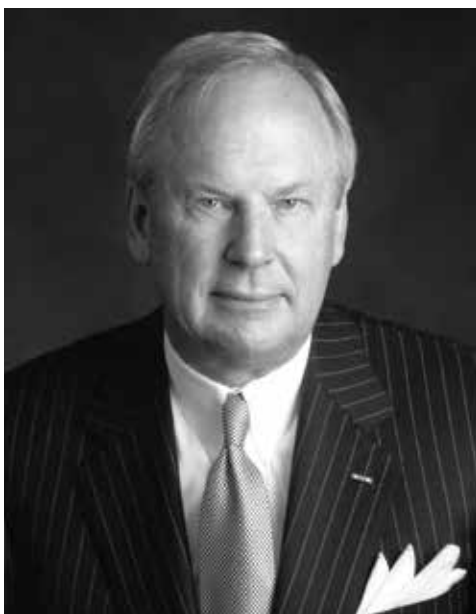


Putting the “Pro” in Pro Se

BY JOHN VAUGHT



- preparing and filing complaints and responses,
- stating claims in intelligible form,
- responding to motions to dismiss for summary judgment,
- motions practice,
- knowledge about legal decisions that would help their cases,
- knowing when to object to testimony or evidence,
- understanding legal consequences of actions, and
- filing timely pleadings or submissions.

Those challenges not only impede the ability of individual civil litigants to obtain justice, but also burden the judicial system with claims that may well have merit but are stated in such a way that even federal judges cannot comprehend the true nature of the claims.

That is where the pro se legal clinic fills a critical gap in access to justice. More than a mere informational clinic, it enables pro se litigants to actually meet with an attorney to review what is typically only a narrative in their complaint, and then help them restate that narrative in a way that more clearly states their claim.

Beyond discernable complaints, project attorney Sabra Janko and her staff assist litigants in understanding motions practice generally, and motions to dismiss in particular. Staff also help litigants understand the critical nature of deadlines imposed by the federal court.

A Successful Start

We now have the first reported results of the pro se clinic's efforts. For its first quarter of operation, the clinic has, as of September 10,

In June 2018, the Federal Pro Se Legal Clinic, located in the U.S. District Courthouse, opened its doors to the public with the stated goal of “empower[ing] . . . litigants to represent themselves to the best of their abilities while recognizing their unique challenges in the legal system.” The clinic is just one of many noteworthy projects of the Colorado Bar Association,¹ yet this project merits special attention for its important role in bolstering access to justice in Colorado.

Early Development

The Federal Pro Se Assistance Project is the brainchild of many, but principally of Magistrate Judge Kristen Mix.² Judge Mix recognized that pro se litigants face a steep learning curve when it comes time to seek justice in the federal court system. Just a few of those challenges include:

MEET THE PROS



Sabra Janko is the project attorney for Colorado's federal pro se legal clinic, where she provides

advice and counsel to self-represented litigants in the federal court system. Previously, she was a staff attorney for the Veterans Project of Legal Services of the Hudson Valley, providing advice, counsel, and representation to veterans and military families in a general practice. A former Army JAG attorney and paratrooper who served two tours in Iraq, Sabra is a member of American Legion Post 206 (the only all-female American Legion Post in Colorado) and a volunteer at the DBA's Colorado Lawyers for Colorado Veterans clinic. She has presented on the accomplishments and challenges of military women at the Museum of Flight in Seattle and the Aurora History Museum, among other venues.



As program coordinator for the legal clinic, **Jessica Harnner** provides Sabra valuable assistance

and, in Sabra's own words, is “a huge part of why the clinic is successful.” Jessica grew up in Oregon and moved to Colorado to be near family in 2016. She is currently pursuing her associate's degree and paralegal certificate at the Community College of Denver and is set to graduate in December of this year. She plans to pursue a bachelor's degree in sociology at the University of Colorado Denver in the spring of 2019.

CASE STUDIES FROM THE CLINIC

Below are some hypothetical scenarios inspired by actual cases brought to the pro se legal clinic.

Case Study #1

Atticus came to the legal clinic to file a case for denial of a naturalization request. After reviewing his paperwork, clinic staff concluded that Atticus had not provided the administrative review board information that it had requested about his criminal record. The clinic contacted Catholic Charities, a nonprofit that provides free assistance in immigration matters, and determined that Atticus could reapply at the administrative level, allowing him to submit the missing and critical information in his possession that had not yet been considered. The clinic helped Atticus set up an appointment with Catholic Charities for additional assistance. Because his issue was addressed more appropriately to administrative action, it was not necessary to file a case in district court.

Case Study #2

Jem came to the legal clinic after being terminated from her employment. She had filed a complaint with the EEOC and brought her “right to sue” letter with her. She had already submitted a complaint in the form of a long narrative letter explaining a number of matters that dissatisfied her about how her employer had treated her throughout the course of her employment. Jem had received an order to amend her complaint to more clearly state her claims and requiring her to use the court’s standard complaint form. Jem said that her employer told her that she had been terminated for damaging a backhoe, but she said that men had broken equipment and were not terminated. Jem believed that the termination was because of her gender. The legal clinic provided Jem with a copy of its Title VII claim sheet and walked her through the elements to help her better formulate her claim. The clinic also reviewed the court’s employment discrimination complaint form with her to help her understand how to complete it.

2018, participated in 109 consultations and assisted 64 litigants in prosecuting their civil litigation in federal court.³ Twenty-eight percent of those pro se individuals have returned for additional assistance and advice. Critically, 10% of those clinic patrons have been directed to other courts, administrative courts, or nonprofit agencies, thus freeing the federal courts of those inappropriately filed cases.

We also learned that half of the clinic’s cases have resulted from claims in the employment or civil rights area, and that 87% of patrons have been plaintiffs seeking to assert a claim that presented a federal question rather than a


claim based on diversity. And we know that, in a world where lawyers often charge in excess of \$200 an hour, most of our clinic patrons earn less than \$25,000 per year. Finally, we discovered that most cases are being referred to the clinic by the U.S. District Court’s Clerk’s Office or by judges themselves—a testimony of the confidence the federal court system has in our clinic.

Conclusion

The clinic has only been in operation for three months, but its initial work can only be characterized as an extraordinary success.

Magistrate Judge Mix agrees that the clinic is off to a robust start:

It is clear that the pro se litigants who have been seen at the clinic have received legal advice that would otherwise be unavailable to them. Judges have noted increased efficiency in cases involving these litigants, which of course means improved access to justice for them and other court users as well. With a dedicated group of volunteers enlisted in the next phase of the clinic’s rollout, we hope to see even greater improvement in access to justice for federal pro se litigants. I am very grateful to the CBA, Ms. Janko, the Clerk’s Office, and all of the others who have supported this pilot program and ensured a smooth launch of the Federal Pro Se Legal Clinic.⁴

If you have experience in the federal court system, please volunteer to consult with the numerous pro se litigants who need your help. For more information, contact Sabra Janko at (303) 380-8786. 

NOTES

1. The pro se legal clinic, which provides advice and counsel to self-represented litigants in the federal court system, is run by the CBA with support from the U.S. District Court for the District of Colorado. It is part of the Federal Pro Se Assistance Project and is housed at the U.S. District Courthouse (adjacent to the Clerk’s Office), 901 19th St., Denver. The clinic’s website contains intake forms and other important information: www.cobar.org/fpsc.

2. To learn more about the creation of the Federal Pro Se Assistance Project and the clinic’s other key supporters, see Janko, “Colorado’s New Federal Pro Se Assistance Project,” 47 *Colorado Lawyer* 6 (Aug./Sept. 2018).

3. By comparison, a similar clinic in New York assisted 88 litigants in all of 2016.

4. Email sent from Magistrate Judge Kristen Mix to Sabra Janko on Sept. 17, 2018.