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# Pro Se Appellants: Opportunities for Law Libraries

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# Pro Se Appellants: Opportunities for Law Libraries

Liz Reppe

## ABSTRACT

This article is part of the 2018 Dickinson Law Review Symposium entitled “*Access to Justice: Innovations and Challenges in Providing Assistance to Pro Se Litigants.*” The author is the state law librarian for Minnesota who reports to the Minnesota Supreme Court. This article surveys various resources that Minnesota provides to unrepresented clients, including the website resources found here: <https://perma.cc/R2DP-K9YB>. The bulk of the article, however, focuses on Minnesota’s innovative in-person “Appeals Self-Help Clinics.” See <https://perma.cc/Y2VN-H2L3>.

The article’s discussion of Minnesota’s Appeals Self-Help Clinics begins by highlighting some of the factors that provided the impetus for the development of these clinics. For example, in 2017, almost one quarter of the appeals filed with the Minnesota Court of Appeals included at least one party who was unrepresented. Some areas of law had a much higher percentage of unrepresented parties, such as family law, where the rate was 37 percent and unemployment appeals, where 92 percent of cases had an unrepresented or pro se party.

This article describes the philosophy behind Minnesota’s Appeals Self-Help Clinics, the preparatory steps required before Minnesota’s State Library launched this program, the type of help these clinics provide to appellant litigants, the recruitment process for pro bono lawyers who staff the clinics, as well as details about the operation of the monthly in-person Appeals Self-Help Clinics. It also discusses the various documents and guidelines the clinic uses. See <https://perma.cc/G3LZ-LQDS> and <https://perma.cc/6LWW-HB4F>. In short, this article should be of interest not only to academics and others who study how our court systems have responded to large numbers of pro se clients and the resulting access to justice issues, but to jurisdictions that would like a detailed roadmap. The information in this article will help interested jurisdictions deliver better access to justice for unrepresented litigants, while simultaneously making the appellate process more efficient for judges, the court system, and represented litigants.

# Pro Se Appellants: Opportunities for Law Libraries

Liz Reppe\*

Good morning. Thank you. Today I will talk about how law libraries and law librarians can assist self-represented litigants, and specifically how our law library assists pro se appellants, which is kind of a whole different ball game. Before I do that, I'd like to tell you a little bit about our law library.

The state law library is part of the Minnesota Supreme Court. I report directly to the supreme court. We are located in the same building as the court of appeals, the supreme court, and the Office of the Clerk of Appellate Courts.

Even though we're a court library, we help a lot of members of the general public. In 2017, just over half of the people that we assisted were the general public, not attorneys. And because we live in the same building as the clerk of appellate courts, many of the people who walk into our space are people that have questions about appeals.

When I started at the state law library about five and a half years ago, one of the things I did right away was to ask the librarians who were already working there what kinds of questions we were getting and who we got them from. What I learned is that we were getting a lot of questions about appeals and a lot of those questions were from people who were not attorneys, who were trying to do appeals by themselves.

We recognized that there was a need for more appellate help. In Minnesota in 2017, almost a quarter of the appeals filed included at least one party who was unrepresented. And there are just not a

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lot of options out there for people who are trying to do an appeal and they have determined that they can't afford to hire an attorney.

Appeals can be very expensive and they're very time consuming. In criminal cases, in most situations, you would have access to the public defender's office. There are a very few number of cases that legal aid will take through the appeal process, and then there are a few types of cases where court-appointed counsel will be provided. The ones that we see most often in our library are the children in need of protective services appeals and termination of parental rights.

Because of our proximity to the appellate courts, we get a lot of referrals from other law libraries in other areas. If you're a county law librarian in a courthouse with a district court, you get a lot of questions about family law, landlord/tenant, debt collection, and things like that. If those folks have questions about appeals, the county law library would refer them to us.

There are a lot of things that as librarians we can do. We can provide people with court forms. We're lucky in Minnesota that the court has put together a lot of the case originating forms already, and so those we can provide to people with some basic instruction about what they do and how they work.

There are some practice manuals in Minnesota that cover appellate practice. They are for attorneys and so they're not always that useful for the average self-represented appellant, but there is some material out there. And then we certainly refer people to the Civil Rules of Appellate Procedure and, if it's a criminal case, also the Criminal Rules of Procedure.

And then we do have a good resource with the court's website. The court of appeals several years ago put together a self-help center on their website that covered some of the common questions that people have.

The website includes answers to various questions such as how long do I have to appeal, what's a brief, and things like that. It's a wonderful resource. The limitation to the resources is that they're very text-heavy. We find that people usually don't want to read through a lot of text to find the answer to their question.

Typically, instead of telling somebody just to look at the court's website, we'll take their specific question and direct them to the place on the website where that particular issue is addressed.

The court has also developed forms packets for common types of appeals. One example is the packet for filing a post-conviction appeal. It's 16 pages, which might seem great if you're an attorney,

but for a pro se appellant, it's a lot of things to read and comprehend, and it's all text.

And so, again, what we find is that people don't want to read this material. What they would rather do is ask us the questions and have us provide the answer that is included in the content.

So what we can do is provide resources to people. But we also help them with legal research. If somebody thinks that they're going to move forward with an appeal to the point where they're going to have to submit a brief, they're going to need to do some research. They're going to need to cite to legal authority. That's something we certainly help people with, whether it's they're comfortable with print or online.

Law libraries can also provide people with computers and a quiet place to work on their appeal. Many people do not have a computer at home and rely on their smart phone for Internet.

We do a lot of explaining of processes. Two of the most common things that we give people instruction on are fee waivers and service. The *in forma pauperis* forms, the IFP, allows people to ask for a fee waiver. It costs \$550 to file an appeal. That is obviously a large barrier for a lot of people and so there's a process to get a waiver—with court-produced forms, luckily—but it's complicated. The appellant needs to fill out the forms and file them with the district court. The district court issues an order, and then the appellant has to provide that to the court of appeals. So we do a lot of explaining how things work.

The other one that we talk about a lot with people is service of process. Often the self-represented appellants don't understand that what they're filing with the court needs to be provided to the other party. So you see appeals being dismissed because of failure to serve the other party. We talk about what filing means and we provide some assistance and instruction about how to request a transcript.

So there are a lot of things that people don't understand about appeals. Scope of review is a huge unknown. People really don't understand that an appeal is not a do-over. They don't realize that they typically are not going to be able to provide new evidence that was not provided below.

The standard of review is something that I think a lot of attorneys maybe aren't that clear on a lot of times in appeals. And so I'll be honest, we don't spend a lot of time talking to self-represented folks about standard of review. I'm not certain that our attorney volunteers do when they speak to them one-on-one, but it is something else that is a completely foreign concept.

There are big differences from district court. If you think about what people know about court, and if they've never been to court, what they know is what they've see on TV and in the movies, and you always see trial court. I can't think of a movie or a TV show where I've seen a three-judge panel of a court of appeals, and so they really are surprised when they find out that they don't get to talk to the judge.

And they also are surprised, and often times dismayed, to find out that they can't ask for more time to file the appeal. A lot of these people might have done part of their case at the district court level on their own and asked for a continuance, or maybe more than one continuance, and it was granted. There are things in the appellate level that you can ask for more time on, but filing the initial paperwork typically is not one of them.

Something else that is very foreign to people is that they have to provide a legal reason for appealing. People come in because they are unhappy with the decision that happened either at the administrative agency or at the district court and they really don't understand that there needs to be more than just that unhappiness in order to win an appeal.

Based on the questions that people come into the law library with, we knew there was a need for legal advice for these folks. Last year over 1,900 appeals were filed with the court of appeals and about a quarter had at least one party who was unrepresented. Family law is higher, 37 percent, and unemployment appeals is 92 percent. That's a lot of people trying to figure out the process alone. So when I came and I talked to the librarians about the kinds of questions we get, and what types of appeals we get the most questions about, the thing I was told was that unemployment appeals were the type of appeal we got the most questions about. So that was the first clinic that we decided to start back in 2013.

I'm not going to spend a lot of time talking about that clinic; it is only for unemployment appeals. We have it twice a month, both in in-person and over the phone, so that people that don't live close to the Metro can still get some help. And we have that staffed by attorneys who are familiar with the unemployment process.

That helped us with some of our issues with the pro se appellants but we still had a whole lot of people coming in with appeals that didn't have anything to do with unemployment, so I really wanted to start a clinic for all of those other folks.

In January of 2015, I met with Erik Hansen, the Chair of the Appellate Practice Section of the Minnesota State Bar Association, to talk about a general appeals clinic. He thought the idea had

merit but indicated he needed to talk with his governing council. After getting buy in, he pulled together a dedicated group from the council who worked with me to make this happen. We were privileged to win an “Attorneys of the Year” award in 2016 for our efforts.<sup>1</sup> We opened the clinic after a year but there was a whole lot that we did in that planning year.

The first thing we had to do was to get permission from the court to even do this. Because the state law library is with the supreme court, we couldn’t have this setup and have people think that these attorneys who are volunteering their time were sponsored, or hired, or endorsed by the court in any way. All of our advertising includes statements that the attorneys are volunteers, not affiliated with the court. And so we did get permission from the court.

Early on, before we committed to doing anything, we talked with the clerk of appellate courts, the chief staff attorney for the court of appeals, and the supreme court commissioner. We asked them if they got a lot of questions from unrepresented appellants and, if so, what kinds of questions? If we were to have a clinic like this, would it be useful, would you refer people to it? The response was very positive. They’ve been very good partners for us as far as referring people to the clinic.

As I mentioned before, the chair of the appellate practice section needed to get his governing council of that section to have buy-in. We needed those experienced attorneys who do appellate work to be our volunteers.

It’s not like starting a family law clinic where you can find all kinds of people who know something about family law. Appellate practice is a practice that not everybody does, and so we needed people that really had a solid background in doing appellate work in Minnesota state courts.

We did want to make sure we had some incentives for the attorneys to do this other than just their own good feelings so we make sure that the court is provided with information every year about who these attorneys were who were volunteering their time. And then we also got approval for our program to be one of the service providers that qualifies for pro bono CLE credit.

We had a lot of details that we needed to work out in that year that we spent planning it. We talked a lot about whether we were

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1. *Announcing the 2016 Attorneys of the Year*, MINNESOTA LAWYER (Nov. 22, 2016), <https://minnlawyer.com/2016/11/22/announcing-the-2016-attorneys-of-the-year/>.

going to have appointments, or whether we want to have people just walking in.

We take appointments for our unemployment clinic because it's a different animal. The unemployment appeals are agency appeals and the documents that are issued by the unemployment law judge are private data and we don't have access to that information. We need the customer to provide those unemployment law judge decisions to the attorney ahead of time so the attorney can understand what's happened and what the rationale was of the judges. Therefore, we needed people to contact us ahead of time and set up specific appointments.

Our librarians spend a lot of time dealing with the unemployment law clinic appointments so we decided that we would have a walk-in clinic for the new clinic.

We were committed to doing it at least once a month. This isn't necessarily ideal because while for most civil appeals you've got 60 days to appeal, we have some types of appeals like termination of parental rights, where people have 20 days to appeal. And so while the monthly clinic won't work for everybody, it was a commitment that we could get from the bar association and it was within our bandwidth.

We originally started out with two attorneys per session and we would shoot for, with flexibility depending on the person's situation, about a half an hour for each person to spend with the attorney. I was really committed to making sure that we had an option for people who are not in the Metro. In Minnesota, our Metro is the nine counties that include and surround Minneapolis and Saint Paul. There are 87 counties in Minnesota, so that's a whole lot of people that would probably not be coming to the clinic if they had to attend in person.

We decided to do a phone option for those folks and anybody who indicated they're disabled or have issues getting to us. We set aside typically three or four appointments for people to call in by phone. That has worked pretty well so far.

We also had to decide what the scope of the clinic was going to be; what were we going to tell the attorneys their responsibility was as far as working in the clinic.

And we really wanted this to be an in-and-out, easy pro bono option for the attorneys; no commitment after the clinic was over, as far as calling people back or meeting with them again. They come in, meet with the customers, and then their responsibility was over.



In talking with the attorneys in the appellate practice section, their biggest concern was what to do if they got an appeal on a type of case that they didn't have any familiarity with. Most of the people who are part of the appellate practice section are civil litigators who work in large law firms so they don't have a background in family law. They don't do anything with criminal appeals. And certainly paternity, CHIPS, and termination of parental rights were all areas they were not going to have any experience with. That was concern number one.

They also questioned whether a half an hour was going to be enough time to really provide something meaningful to people with something as complicated as an appeal. And they were worried about how much of that 30 minutes would be spent just getting the background on what happened before the customer walked in the door.

They also had questions about conflicts of interest, whether they would have to get the list of customers and the opposing parties and then call their firm to do a conflict check for every single person that comes into the clinic.

Well, in Minnesota we have a rule that says no. If it's a brief advice clinic, which this is, you only have a conflict if you recognize that there's a conflict.<sup>2</sup> So if you see the intake sheet and you see that you recognize the other party as somebody that you've represented or somebody in your firm represents, then there's a conflict and you would give that person to the other attorney. But if you don't recognize a conflict, then there's not a conflict for the purposes of the limited time that you meet with people.

We knew we had things that we had to provide for the clinic to make it successful. Obviously, we needed a physical space and we wanted to make sure that we had places where the attorney and the customer—we call them customers and not clients—could meet and have a private conversation away from the other people in the library. But I also wanted to make sure that the attorneys were safe and felt safe because, we have folks who come into the law library who have mental health issues and who are angry.

We had somebody a few months ago that was issued a trespass order because of his actions in the building towards law librarians and I wanted to make sure we didn't have a situation where we had an attorney and a customer behind a closed door with no way of anyone seeing what's going on in there. Fortunately, we have three

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2. See Minn. R. Prof. Conduct 6.5.

rooms in our library where we can close the door and there's a window next to the door so that we can keep an eye on things.

If we have somebody who comes into the clinic, who we know has some mental health issues, or we've had issues with in the past, we give the attorney a heads up and keep an eye on the situation.

On occasion we will call Capital Security, just give them a heads up that a certain person is at the clinic meeting with the attorney. We ask them to walk through periodically just to have a presence.

Of course we needed forms. And if you're going to run a clinic and do any sort of reporting, you have to collect data. So we put together an intake form where people write down their name, the other party's name, contact information, why they are coming into the clinic. Then we also have a separate sheet where we ask for demographic information.

As I mentioned before, we're lucky in Minnesota that a lot of the appellate forms that we need for the clinic have already been created by the court, but there are some things that didn't exist.

I think one of the biggest things we needed to have access to goes back to one of the concerns the attorney had: how would the attorney get up to speed on what has happened in a person's case? In every Minnesota courthouse, there are terminals where the public can access trial court and appellate court documents.

So when the customer comes in and gives back their intake form, the librarians start pulling the needed documents. We will print a docket sheet from the trial court and whatever order or judgment we think is being appealed. If they've already filed an appeal, we print out that docket sheet and also the statement of the case that provides some explanation of why they're appealing. All of this we provide that to the attorney ahead of time so that they can read through it before they actually sit down with the customer.

We also had to create resources to address the other big attorney concern. We put together a series of cheat sheets on different types of cases that we thought might walk in the door that talked about things like time to appeal, what to file, some of the things that might trip up an attorney who doesn't have any experience with a particular type of appeal. And then one of our attorney planners put together a conflict memo that explained the rule regarding conflicts of interest.

We have binders for all of the attorneys who attend the clinic. We have added materials to it as we learned what we hadn't anticipated. One cheat sheet we created after the fact was based on the

experience of getting termination of parental rights appeals coming in. The law librarians weren't familiar with the process, because we hadn't gotten those questions before in the clinic and, certainly, our attorneys hadn't seen cases like that.

With termination of parental rights, there's a right to counsel. The cheat sheet covers that, along with the time lines for appeal, the documents that need to be filed and who needs to receive them, when is the brief due, and how transcripts are ordered. The cheat sheet is a one-page back to back document that the attorneys can review before the person walks into the room.

I'll provide a summary of the forms that we use in the clinic. The court has created Notice of Appeal, Statement of the Case, Certificate of Service Fee waiver, Writ of Certiorari and Petition for Writ forms.<sup>3</sup> What we realized we needed to create was mostly regarding informal briefs.

In Minnesota, and probably in other jurisdictions, appellants have the ability to file an informal brief that doesn't have all of the same formalities as a formal brief. You don't have to have the blue cover if you're an appellant and the red cover if you're a respondent. It doesn't have to be professionally bound, that kind of thing. However, the rules do not provide much other guidance.<sup>4</sup>

So we put together guidelines that set forth the different sections of a brief and what each section could include. We created a template so people would know what it looked like. In Minnesota, the appellate rules require that appellants ask permission to file an informal brief, so we created a motion for that. We also created a motion to ask for more time to file the brief because that is almost always needed with somebody who's unrepresented.

We talked to the court of appeals staff attorneys about what to do if somebody comes in and they've already filed the appeal, but after talking to the attorney they decide not to pursue the appeal. The attorneys indicated that they would prefer for appellants to file a Notice of Voluntary Dismissal, so we created a form for the clinic. We also put together a handout on how to request a transcript.

When we started with the clinic, we needed to find people to attend. The first day we had no idea how many people were going to show up, if anybody, so we contacted all of the legal aid organizations in Minnesota to let them know.

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3. Forms Appendix for the Rules of Civil Appellate Procedure, MINNESOTA JUDICIAL BRANCH, <http://mncourts.gov/SupremeCourt/Court-Rules/Forms-Appendix-for-the-Rules-of-Civil-Appellate-Pr.aspx> (last visited May 14, 2018).

4. See Minn. R. Civ. App. P. 128.01(2).

We also sent out a message with a flier to every district court in Minnesota. We figured that when people are unhappy with their district court decision they ask the court staff how to appeal. Our internal partners, the court of appeals, the supreme court, and the clerk of appellate courts, were on board and provided us with a lot of referrals. We also notified other law libraries, both county law libraries and law school libraries.

We typically have five librarians who staff the clinic. It's a bit of a circus when it's clinic day. We have all kinds of people streaming in, we're trying to give them forms, they're trying to give us forms back, they've got other side questions that they want to ask, and so we have librarians who are assigned different roles.

We need somebody to keep track of the time for the attorneys so that we can remind them when they need to wrap it up. We have people that are pulling the court documents for the attorneys. We also need someone to move customers in and out of consultation rooms.

On occasion, we have situations that come up where the attorney needs some research in the middle of a session. He or she might need a statute, an additional document that is listed on the docket, or a treatise that details a particular issue. So we have librarians on hand to respond. We also need somebody to help all of the other people who are contacting the library that aren't part of the clinic.

We never know what might happen with customers. Recently we had somebody in a clinic who had a seizure. The librarians called Capital Security to alert them of the need for medical assistance. They had to get the customer on the floor and make sure she was okay, and they made sure she was able to get home safely.

The role of the attorneys is to provide the advice, the piece that we can't do as librarians. They are there to provide the sage counsel of, "I've done dozens of these appeals and this is the way it works." It really reassures people to talk with someone who has the confidence that comes from doing a lot of appellate work.

The attorney volunteers have been fantastic. They tackle whatever comes in the door.

We spent a year planning, but once we started we learned that there was a whole lot that we didn't anticipate. One was that we were going to get a bunch of appeals from other agencies, not just the unemployment appeals. We had those covered, but all of these other agencies were coming out of the woodwork.

I don't know how they learned about the clinic, but our first clinic day we had three agency appeals and they involved three different administrative agencies. The librarians were scrambling. We needed to find the statutes regarding the process. There are some situations where a person actually appeals to district court first before they can go to the court of appeals, so we had to do some research for the attorneys because we knew the attorneys likely wouldn't know the procedure.

Now we're prepared; one of our volunteers does a lot of agency appeals and she put together some helpful information that we've provided to the attorneys in their binder, but that was something we were not prepared for.

We also never anticipated needing an interpreter. We did have a woman who came in and needed a Somali interpreter, and luckily in Minnesota we have a service called Language Line. You can call up and get an interpreter over the phone.

We had the attorney and the customer in the room together with the interpreter on the speaker phone, and it worked pretty well. There's a cost associated with that that the law library has covered and we will continue to cover that as long as we can. So far, it hasn't been a huge issue, but it's something that we hadn't thought about.

We realized early on that we needed more attorneys. So we started with two. In 2017, we went up to three. In 2018, we went up to four. One of the big reasons that we went to four, frankly, was because we were having issues with attorneys forgetting and not showing up, or attorneys who would cancel the day before. We knew from experience we couldn't handle all of the cases with just two people. So now even if we have one person cancel at the last minute, we can still handle things with three attorneys.

One thing we had to educate the attorneys about was not limiting your consultation to exactly what customers ask, because they don't know exactly what's relevant for an appeal. They come in and have an idea of what they want to ask but, it might not be what they should be asking.

An example of this is a couple who had come into the session with the question, how they could ask the court of appeals to have oral argument. And so the attorney responded that the way you ask the court for something is to file a motion. So the people went through the effort of putting together a motion. They filed a motion which, of course, was denied because the court of appeals has a rule that it does not allow oral argument if one of the parties is unrepresented. Our attorney knew this because he had been an ap-

pellate law clerk, but it was his first time at the clinic; perhaps he thought he ought to answer the question that was asked.

Now, when we do clinic training, we tell the attorneys to read between the lines and offer information that the customers haven't asked if the attorneys thinks it would be useful. Another thing we tell them is to be honest. People often don't want to be the bearer of bad news, but it's really helpful for these people to have somebody who knows, tell them that the argument that they have is not likely to prevail.

A lot of people come in and the thing they want to hang their hat on is the other party lied and the judge believed them and not me. It's helpful for the attorneys to tell those people that this argument, in most instances, is not likely going to go very far at the court of appeals.

Some people will still appeal, and that's fine. But there are a lot of people who decide that they're just not going to file the appeal. That's a benefit to them. It saves them that additional number of months while they're waiting for the appeal, saves them from attempting to create an appellate brief, and it saves the court from having to review those cases and to issue an opinion. So it's a benefit for our attorneys to tell people what their chances are.

We've done a really good job, I think, of getting people to the point where they file the right papers and they're in pretty good shape. Where people still really struggle is the appellate brief.

Appellate briefs are challenging. Think about somebody who is not a native English speaker, or somebody who has not been to college, and how hard it would be to do legal research and come up with an argument for why they should win their appeal, what the trial court did that was in error, or what the agency did wrong.

What non-attorneys want to do is have one big statement of the facts. That's it, nothing else. Those of you that learned IRAC in law school, these are documents with no stated issue, no rule, no analysis, just the statement of the facts and then a conclusion. Additionally, they want to just include their facts, not the facts as cited in the transcript. So the brief is a struggle. We have a few ideas about how we're going to provide better support around people who are trying to do a brief so that what they provide the court is more substantial than what people have been putting together.

We have data about the people that we saw in 2017. The clinic helped 143 people. Twenty-three of those were over the phone, and some of these were repeat customers, which makes sense. A person comes into the clinic and with questions about what to file, or how to serve the other party. They get these initial questions answered,

get their originating papers filed, but then they have questions about requesting the transcript, or they start worrying about the brief, so they come back.

And so far we've been fine with that. We don't see a reason to develop a policy to limit that because appeals have a time frame. They're going to be over and then they won't come back once the opinion is released.

We have people that come back two or three times. We have one person who came seven times. He had numerous questions at each stage, got them answered by the clinic, and left happy each time, so it was a good service.

The types of cases that we see the most at the clinic are civil, family, and agency appeals. Again, the agency appeals were not something we were expecting, but we do continue every month to get those cases coming in.

In the intake form, we ask people the reasons why they are attending the clinic. They tell us this at the beginning when they're filling out their intake form when they first arrive. So these aren't necessarily the questions that they should be asking but these are the questions that caused them to come to the clinic. They want to know what to do next, what to file, what to put in the pleadings, and what to tell the court. And then a lot of people have questions at some point about the appellate brief.

I've spoken already about the fact that there are a lot of people out there that cannot afford an appellate attorney. That is certainly the case with the people we see in the clinic, and people struggle with other issues.

We have over a quarter of customers who indicate that they have some sort of a disability. Most of our customers are native English speakers, but we certainly have folks who come in who are not native English speakers.

Minnesota has a pretty big refugee population and immigrant groups. We have a large Somali population and we have people who are Hmong who come in, so we never know what's going to walk in the door as far as what their native language is.

We have customers who are on public assistance. Quite a few customers in 2017 fell into the 100 percent of the Federal Poverty Guidelines, which is really low. It equates to just over \$15,000 for a family of one.

We do have people fill out an evaluation form when they leave. People tell us that the biggest reason that they have come in is be-

cause they couldn't afford an attorney. In addition, a quarter of them indicate that they thought they could do it themselves.

These, I think, are people who might have done part of their district court case or their agency appeal by themselves and they figure they can handle the appeal too. There are also people who indicate that they just don't want to pay for an attorney. We have people who come in and are very angry about the amount of money that they paid their attorney for the trial court case.

For the most part, people are happy when they leave the clinic. It's really nice to look at their faces when they're waiting, and then when they leave—it's like a weight has been lifted. People come out and they are smiling, thanking the attorneys. They're grateful for the help. They have no idea how much money these attorneys bill per hour and they're still really grateful to get their time for free.

The supreme court has been very happy. I'm always glad to hear when our Chief Justice mentions our clinic when she travels around the state and nationally.

The clerk of appellate court is also grateful that the clinic exists. The clerk's office, which I mentioned is in our building, has been a great source of referrals. The clerk actually comes down during the clinic and talks to people. If customers want to file electronically, she helps them get that set up, which is very helpful for people who can tackle that extra step.

The clerk's office has learned that they need to have more staff on hand when the clinic is going on. Often people will fill out their forms and go right up to the clerk's office to file them, so they do have increased traffic. They get some of the questions that people forget to ask, or didn't have time to ask at the clinic. The clerks get asked about next steps and how the appellate case number gets assigned. Appellants are typically unclear about the fact that the court isn't going to notify them when they have things due.

So I think that it's been a big benefit to the court. We know from talking to the clerk of the appellate court that the filings are coming in better, they're more organized, and they're more complete, which saves the court time.

If the clerk's office or the court of appeals staff attorneys have to send out a Notice of Deficiency or an Order telling people they are missing something and the appeal will be dismissed unless the appellant does something, that's all time that the court has to spend. If people get the information in the front end, the court doesn't have to deal with those issues.



I think it's been really beneficial for the image of the appellate Courts to have this clinic. Certainly the people who come in are more aware of how the system works. They're aware that the state law library is a place where they can go for help. They are aware that there's a clerk's office that they can call with questions about their filings if they need to. And they have a better understanding of exactly what is appealable, which is a benefit to the court in not having things filed where there's really nothing to appeal.

There are benefits for the clinic attorneys. For people who do appellate practice, this is a pretty easy way to get pro bono hours in. Whether you're somebody who personally wants to do pro bono or your firm encourages you to do pro bono, this is three hours, maybe two or three times a year that you come in and do this. That's a lot less intimidating than taking on someone's appeal for free. That would take hours and hours of work. As I mentioned before, they can get CLE credit. For every six hours they spend at the clinic, they can report an hour of CLE credit. And I can't tell you how many times the attorneys come out and have a big smile on their faces at the end of the day, and I've had several attorneys say, "that was really fun!" It's so different from what attorneys do in a large law firm.

It's challenging. It's different. The people are needy, and they're a different client base than who the attorneys are normally used to helping. So the attorneys seem to really be having a good experience doing it.

There are many benefits for the self-represented litigants. They have a better understanding of when they don't really have a strong case to appeal. For the people who decide that they do want to do it on their own, they're more confident because they come in knowing nothing and they're leaving with knowledge.

People want to be heard. They want to tell their story and have someone take the time to listen. Even if it's just saying "that's really unfortunate that that is the situation that you're in. Here's the reality of what an appeal can do for you." Somebody has heard what they've said and cared enough to give them advice and to talk them through what their options are.

This has been a huge benefit to us in the law library. When a pro se person comes in and says that they want to appeal, they typically know nothing else—just that they want to appeal. It can easily take an hour or more to provide what they need to initiate the appeal.

And so at some point they'll invariably ask us questions that we can't answer. In the past, it was difficult for people to under-

stand that there are some questions that need to be directed to an attorney. Before the clinic, we had no referral source other than a private attorney. Now we can say “this is what we can help you with and these other questions that require legal advice—write them down and come back to our clinic and ask the attorneys.”

I think it’s really helped our interactions because it’s clear what our piece is and what our piece is not. And that improves relations because the patrons that come in don’t feel like we’re giving them the brush-off, that we’re just not being helpful when we don’t answer those legal advice questions because we have another place to give them to get that piece.

The librarians, when I first started at the law library, were not as well versed in appellate process as I would have expected. This has been a really good way for all of our law librarians to become more familiar with appeals and feel much more confident about their ability to answer questions and to know what they can and can’t answer.

It’s always important for people to know about your library and know what you do, and to value what you do. So this has been really good for us in that we’ve gotten a lot of visibility for the clinic, not only the people that use it, but the folks in legal aid, and certainly the district courts, who maybe never thought about us as a resource for those people who come in and ask about appeals.

So, lastly, before I open it up for questions, when I was putting together the clinic, I did some research on what is available in other states so that we kind of have an idea of how should we formulate this, how should it work. At the time, California had a program that was the closest to what I was envisioning. They had one person who would meet with anybody who had a question about appeals once a week. And she was funded, I believe, through a grant. Now that’s changed. They have two full-time people and I think they’re paid through a public interest law firm.

Wisconsin has an interesting model. They have a help desk of sorts where people can call or email and ask questions about appeals. I get that they can offer it weekly. One down side is that their attorneys don’t have any information about the person’s case. So they’re just answering the questions cold.

Massachusetts, I recently found out, has a brief advice clinic very similar to what we offer and they offer it once a week, which is fantastic. That’s a really great resource for folks who are doing appeals. There are some states where people can get full representation. These include Texas, Colorado, Montana, Indiana, New

Jersey, and New York. In those situations people can get an attorney to actually write the brief and do the oral argument.

One last thing I'll mention—I haven't talked about our unemployment clinic very much, but the appellate practice section in Minnesota has an option for full representation for unemployment appeals. They get referrals from legal aid and from our clinic.

When our attorneys meet with somebody who wants to do an unemployment appeal, if the clinic attorney decides that that person's case has some merit, then they will give them the phone number to call to potentially get full representation.

Some of them are taken and some of them aren't, but it's always great when we can provide full representation for those people who have a good case. One of our clinic attorneys took a case at full representation, won the case, and it resulted in a published court of appeals opinion. This was fantastic for the clinic, which was still pretty new. But it was a great benefit to the appellant who was trying to do a case by himself that ended up being really complicated.

So that is what I was going to share with you today about our process. Does anyone have any questions about anything?

QUESTION: How much time do you spend each week on this clinic?

ANSWER: Not as much as I used to. Typically the week of the clinic I'm contacting the attorneys, sending them the reminder, letting them know what to expect. I send the bios of the attorneys out to the other librarians who staff the clinic so that we have an idea of what the skill-set is.

Every once in a while we get lucky with an attorney who does family law appeals and so then we know that we will pair up family law cases with that attorney.

That was one thing I forgot to mention. One of the things that we decided to do Year Two was to try to recruit attorneys from the family law practice section so that we could get more attorneys who knew about family law appeals because we were getting so many family law appeals coming in.

So I would say not as much. The clinic day itself is very intense. We start setting up at noon and the library closes at five and it's just all hands on deck and running around the whole time during the clinic. But it's a pretty well-oiled machine now so I don't spend as much time as I used to.

QUESTION: This may be more of a comment than a question. I was the director of our clinics here for 30 years. My experi-

ence is it's pretty well impossible to determine whether there's a valid appeal without thoroughly reviewing the transcript. I don't know what issues have been preserved, what issues have not been preserved. And just because a client comes in with a nonsensical issue, why didn't the judge believe me, doesn't mean there may not be other issues lurking there that might very well result in at least a remand of the case.

So I'm really impressed that your lawyers can do this and I'm really wondering how it's possible.

ANSWER: Well, I think that's a good point, that they do the best they can with what they have in the time that they have. One of the things that we created for the clinic is a waiver form that everybody signs when they come into the clinic that basically says I understand that the attorney has not reviewed my entire case, that they're providing just brief advice for this half an hour, and that they're not going to represent me in my appeal. And so I guess we kind of take the view that it is better than getting no assistance. But, you're right, that is an issue, because we don't pull transcripts for the clinic.

All right. Well, it's lunchtime so I won't keep you. Thank you.  
(Applause.)