

Rule 110. Self-Help Programs**Rule 110.01 Authority for Self-Help Programs**

A District Court for any county may establish a Self-Help Program to facilitate access to the courts. The purpose of a Self-Help Program is to assist Self-Represented Litigants, within the bounds of this rule, to achieve fair and efficient resolution of their cases, and to minimize the delays and inefficient use of court resources that result from misuse of the court system by litigants who are not represented by lawyers. There is a compelling state interest in resolving cases efficiently and fairly, regardless of the financial resources of the parties.

(Added effective January 1, 2004.)

Rule 110.02 Staffing

The Self-Help Program may be staffed by lawyer and non-lawyer personnel, and volunteers under the supervision of regular personnel. Self-Help Personnel act at the direction of the district court judges to further the business of the court.

(Added effective January 1, 2004.)

Rule 110.03 Definitions

(a) "Self-Represented Litigant" means any individual who seeks information to file, pursue, or respond to a case without the assistance of a lawyer authorized to practice before the court.

(b) "Self-Help Personnel" means lawyer and non-lawyer personnel and volunteers under the direction of paid staff in a Self-Help Program who are performing the limited role under this rule. "Self-Help Personnel" does not include lawyers who are providing legal services to only one party as part of a legal services program that may operate along side or in conjunction with a Self-Help Program.

(c) "Self-Help Program" means a program of any name established and operating under the authority of this rule.

(Added effective January 1, 2004.)

Rule 110.04 Role of Self-Help Personnel**(a) Required Acts.** Self-Help Personnel shall

(1) Educate Self-Represented Litigants about available pro bono legal services, low cost legal services, legal aid programs, lawyer referral services and legal resources provided by state and local law libraries;

(2) Encourage Self-Represented Litigants to obtain legal advice;

(3) Provide information about mediation services;

(4) Provide services on the assumption that the information provided by the litigant is true; and

(5) Provide the same services and information to all parties to an action, if requested.

(b) Permitted, but Not Required, Acts. Self-Help Personnel may, but are not required to:

(1) provide forms and instructions;

(2) assist in the completion of forms;

- (3) provide information about court process, practice and procedure;
- (4) offer educational sessions and materials on all case types, such as sessions and materials on marriage dissolution;
- (5) answer general questions about family law and other issues and how to proceed with such matters;
- (6) explain options within and outside of the court system;
- (7) assist in calculating guidelines child support based on information provided by the Self-Represented Litigant;
- (8) assist with preparation of court orders under the direction of the court; and
- (9) provide other services consistent with the intent of this rule and the direction of the court, including programs in partnership with other agencies and organizations.

(c) Prohibited Acts. Self-Help Personnel may not:

- (1) represent litigants in court;
- (2) perform legal research for litigants;
- (3) deny a litigant's access to the court;
- (4) lead litigants to believe that they are representing them as lawyers in any capacity or induce the public to rely on them for personal legal advice;
- (5) recommend one option over another option;
- (6) offer legal strategy or personalized legal advice;
- (7) tell a litigant anything she or he would not repeat in the presence of the opposing party;
- (8) investigate facts pertaining to a litigants case, except to help the litigant obtain public records; or
- (9) disclose information in violation of statute, rule, or case law.

(Added effective January 1, 2004.)

Rule 110.05 Disclosure

Self-Help Programs shall provide conspicuous notice that:

- (a) no attorney-client relationship exists between Self-Help Personnel and Self-Represented Litigants;
- (b) communications with Self-Help Personnel are neither privileged nor confidential;
- (c) Self-Help Personnel must remain neutral and may provide services to the other party; and
- (d) Self-Help Personnel are not responsible for the outcome of the case.

Program materials should advise litigants to consult with their own attorney if they desire personalized advice or strategy, confidential conversations with an attorney, or if they wish to be represented by an attorney in court.

(Added effective January 1, 2004.)

Rule 110.06 Unauthorized Practice of Law

The performance of services by Self-Help Personnel in accordance with this rule shall not constitute the unauthorized practice of law.

(Added effective January 1, 2004.)

Rule 110.07 No Attorney-Client Privilege or Confidentiality

Except as provided in Rule 110.09, information given by a Self-Represented Litigant to court administration staff or Self-Help Personnel is neither confidential nor privileged. No attorney-client relationship exists between Self-Help Personnel and a Self-Represented Litigant. Notwithstanding the foregoing, Self-Help Personnel who are also lawyers and are permitted to practice law outside the role of Self-Help Personnel under this rule must abide by all applicable Rules of Professional Conduct regarding confidentiality and conflicts of interest.

(Added effective January 1, 2004.)

Rule 110.08 Conflict

Notwithstanding ethics rules that govern attorneys, certified legal interns, and other persons working under the supervision of an attorney, there shall be no conflict of interest when Self-Help Personnel provide services to both parties, provided, however, that Self-Help Personnel who are also lawyers and are permitted to practice law outside the role of Self-Help Personnel under this rule, must abide by all applicable Rules of Professional Conduct regarding conflicts of interest.

(Added effective January 1, 2004.)

Rule 110.09 Access to Records

All records made or received in connection with the official business of a Self-Help Program relating to the address, e-mail address, telephone number or residence of a Self-Represented Litigant are not accessible to the public or the other party. This rule applies only to records of the Self-Help Program. It does not excuse Self-Represented Litigants from other rules that may require them to disclose their contact information in a manner that makes such contact information available to others.

(Added effective January 1, 2004; amended effective July 1, 2015.)

Advisory Committee Comment - 2003 Adoption

Rule 110 is a new rule adopted in 2003 on the recommendation of a pro se implementation committee to facilitate access to and use of the courts by pro se litigants. It is modeled after similar family law provisions in other jurisdictions. See e.g., CA. FAM. CODE sections 10000-100015 (West 2003); FLA. FAM. L. R. P. 12.750 (West 2003); OR. REV. STAT. section 3.428 (2003); WASH. REV. CODE section 26.12.240 (2003); WASH. R. GEN. GR 27 (West 2003).

The rule defines and communicates to interested parties the role of Self-Help Personnel. Definition of roles is important because of the potential for confusion. Rule 110.03(b) intentionally limits the definition of Self-Help Personnel to exclude lawyers who provide services to one party, as is commonly done by legal service program attorneys. Because of this definition, Rule 110.07 does not limit the creation of an attorney-client relationship in such attorney-client relationships. Rules 110.07 and 110.08 recognize that Self-Help Personnel who are otherwise engaged in or authorized to engage in the practice of law may have obligations to clients outside the Self-Help Program that can affect their relationships to Self-Represented Litigants within the Self-Help Program.

Advisory Committee Comment - 2015 Amendments

The amendments to Rule 110.09 add a protection of e-mail addresses received by the Self-Help Program. This rule does not require that information to be provided, but makes it clear that if it is provided, it is not available to either opposing party or to the public. The rule makes it clear that this provision relates only to the Self-Help Program, and does not create a broader confidentiality right for this information. This information may be required to be provided by other court rules, and may be held to be public under those rules.