



General Assembly

January Session, 2011

Raised Bill No. 1237

LCO No. 5155

05155_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING STANDARDS FOR PRO SE REPRESENTATION IN CIVIL MATTERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2011*) (a) For the purposes of
2 this section, "unbundling" means the separation of the legal services
3 typically provided by attorneys into their discrete components, only
4 some of which a pro se litigant contracts with an attorney to provide.

5 (b) The judges of the Superior Court shall adopt rules of procedure,
6 in accordance with section 51-14 of the general statutes, to facilitate the
7 hearing of civil matters and appeals where one or more of the parties
8 has filed an appearance pro se. Such rules shall be applicable to civil
9 matters in the Family Division and Civil Division of the Superior
10 Court, except small claims matters, and appeals of such civil matters
11 filed in the Appellate or Supreme Court. At a minimum, such rules
12 shall establish options for the unbundling of legal services in such civil
13 matters and appeals, provided (1) the pro se litigant is fully informed
14 of the limits on the scope of the representation, (2) such limits on the
15 scope of representation do not bar the provision of competent legal
16 service, and (3) opposing counsel is required to treat the pro se litigant

17 as an unrepresented party until such time as the pro se litigant or an
18 attorney for the pro se litigant provides reasonable notice that the pro
19 se litigant has obtained full legal representation.

20 (c) Not later than March 1, 2012, the Chief Court Administrator shall
21 submit a report on the status of the rules required under this section to
22 the joint standing committee of the General Assembly having
23 cognizance of matters relating to the judiciary. Such rules shall be
24 submitted in accordance with section 11-4a of the general statutes.

25 Sec. 2. (*Effective October 1, 2011*) (a) Not later than January 1, 2012,
26 until December 31, 2012, the Chief Court Administrator shall establish
27 within available resources a mandatory training program for pro se
28 litigants in (1) civil matters in the Family Division and Civil Division of
29 the Superior Court for the judicial district of Hartford, except small
30 claims matters, and (2) any appeal of such civil matter filed in the
31 Appellate or Supreme Court. To the extent possible, the Chief Court
32 Administrator shall use the services of attorneys who are able to
33 provide such training on a voluntary basis. The Chief Court
34 Administrator shall ensure that participants in the training program
35 are informed that the provision of training under the program does not
36 constitute the practice of law by the volunteer attorney or any other
37 person.

38 (b) Such training program shall address rules of practice that are
39 common to the civil matters and appeals described in subdivisions (1)
40 and (2) of subsection (a) of this section. On and after January 1, 2012,
41 each pro se litigant in such civil matter or appeal shall be required to
42 attend the mandatory training program prior to a hearing on such civil
43 matter or appeal unless: (1) The pro se litigant demonstrates that he or
44 she has already completed the training, (2) no training program is
45 available prior to the hearing, (3) upon motion of the pro se litigant,
46 the judge, judge trial referee or family support magistrate, as the case
47 may be, determines that such training would cause an undue
48 hardship, or (4) for other good cause shown.

49 (c) The judges of the Superior Court may adopt rules of procedure,
50 in accordance with section 51-14 of the general statutes, to implement
51 the provisions of this section.

52 (d) Not later than February 1, 2013, the Chief Court Administrator
53 shall submit a report on the training program to the joint standing
54 committee of the General Assembly having cognizance of matters
55 relating to the judiciary. Such report shall be submitted in accordance
56 with section 11-4a of the general statutes.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2011</i> | New section |
| Sec. 2 | <i>October 1, 2011</i> | New section |

Statement of Purpose:

To: (1) Require the judges of the Superior Court to adopt rules that permit an attorney to provide legal services on a limited basis to a pro se litigant in order to facilitate the processing of civil matters and appeals where a party has filed an appearance pro se; and (2) establish a pilot program in the judicial district of Hartford to provide training to pro se litigants in certain civil matters and appeals.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]