

CHANCELLOR'S FORUM ON CIVIL GIDEON: ESTABLISHING A RIGHT TO COUNSEL FOR
LOW INCOME PERSONS IN CIVIL CASES WHERE BASIC HUMAN NEEDS ARE AT STAKE
PHILADELPHIA BAR ASSOCIATION, PHILADELPHIA, PA
JULY 7, 2010

SELECTED BIBLIOGRAPHY

Prepared by Russell Engler, Professor of Law & Clinical Director,
New England Law | Boston

CIVIL RIGHT TO COUNSEL—ENGLER WRITINGS

Pursuing Access to Justice and Civil Right to Counsel in a Time of Economic Crisis 15 Roger Williams Law Review 472 (forthcoming 2010)

Connecting Self-Representation to Civil Gideon: What Existing Data Reveal About When Counsel is Most Needed, 37 FORDHAM URB. L. J. 37 (2010)

Shaping A Context-Based Civil Gideon from the Dynamics of Social Change, 15 TEMPLE POL. & CIV. RIGHTS L. REV. 697 (2006)

Toward a Context-Based Civil Right to Counsel Through "Access to Justice" Initiatives, 40 CLEARINGHOUSE REVIEW 196 (2006)

CIVIL RIGHT TO COUNSEL—GENERAL

AMERICAN BAR ASSOCIATION TASK FORCE ON CIVIL JUSTICE ET AL., REPORT TO THE HOUSE OF DELEGATES (Aug. 7, 2006), <http://www.abanet.org/legalservices/sclaid/downloads/06A112A.pdf>

An Obvious Truth: Creating an Action Blueprint for a Civil Right to Counsel in New York State, 25 Touro L. REV. 1-539 (2009)

Special Issue, A Right to a Lawyer? Momentum Grows, 40 CLEARINGHOUSE REVIEW 163-293 (July-August 2006)

2006 Edward V. Sparer Symposium, Civil Gideon: Creating a Constitutional Right to Counsel in the Civil Context, 15 TEMPLE POLITICAL & CIV. RIGHTS L. REV. 697-800 (2006)

Paul Marvy, *Thinking About a Civil Right to Counsel Since 1923*, 40 CLEARINGHOUSE REVIEW 170 (2006)(listing articles from 1923 to 2005 on the topic)

Laura K. Abel & Max Rettig, *State Statutes Providing for a Right to Counsel in Civil Cases*, 40 CLEARINGHOUSE REVIEW 245 (2006)

Hon. Earl Johnson, Jr., *Will Gideon's Trumpet Sound A New Melody? The Globalization of Constitutional Values and its Implications for a Right to Equal Justice in Civil Cases*, 2 SEATTLE U J FOR SOCIAL JUSTICE 201 (2003)

CIVIL RIGHT TO COUNSEL—STATE MATERIALS

PHILADELPHIA BAR ASSOCIATION, RESOLUTION TO COSPONSOR THE AMERICAN BAR ASSOCIATION'S RESOLUTIONS ADOPTING THE PROPOSED ABA MODEL ACCESS ACT AND ABA BASIC PRINCIPLES OF A RIGHT TO COUNSEL IN CIVIL LEGAL PROCEEDINGS (MAY 25, 2010),
http://www.philadelphiabar.org/page/ResMay10_2?appNum=1

PHILADELPHIA BAR ASSOCIATION, CHANCELLOR'S TASK FORCE ON CIVIL GIDEON, PRELIMINARY REPORT, FINDINGS AND RECOMMENDATIONS (NOVEMBER 9, 2009),
http://www.philadelphiabar.org/WebObjects/PBAReadOnly.woa/Contents/WebServerResources/CMSResources/11-09-03_Attachment.pdf

PHILADELPHIA BAR ASSOCIATION, RESOLUTION ADOPTING AND SUPPORTING PRELIMINARY REPORT, FINDINGS AND RECOMMENDATIONS OF THE CHANCELLOR'S TASK FORCE ON CIVIL GIDEON, (NOVEMBER 19, 2009), http://www.philadelphiabar.org/page/ResNov1909_03.

PHILADELPHIA BAR ASSOCIATION, RESOLUTION CALLING FOR THE PROVISION OF LEGAL COUNSEL FOR INDIGENT PERSONS IN CIVIL MATTERS WHERE BASIC HUMAN NEEDS ARE AT STAKE (APRIL 30, 2009),
HTTP://WWW.PHILADELPHIABAR.ORG/PAGE/RESOLUTION_CALLING_FOR_THE_PROVISION_OF?APPNUM=1

PHILADELPHIA BAR ASSOCIATION, RESOLUTION TO COSPONSOR THE REPORT AND RECOMMENDATIONS OF THE ABA'S PRESIDENTIAL TASK FORCE ON ACCESS TO JUSTICE IN CIVIL CASES (MAY 25, 2006),
<http://www.philadelphiabar.org/page/BoardResolution0525200606>

PENNSYLVANIA BAR ASSOCIATION, LEGAL SERVICES TO THE PUBLIC COMMITTEE, RESOLUTION IN SUPPORT OF RECOGNIZING A RIGHT TO COUNSEL FOR INDIGENT INDIVIDUALS IN CERTAIN CIVIL CASES (2007),
<http://www.pabar.org/public/committees/lspublic/resolutions/right%20to%20counsel%20res%20boardapprovdoc.pdf>

BAR ASSOCIATION, GIDEON'S NEW TRUMPET: EXPANDING THE CIVIL RIGHT TO COUNSEL IN MASSACHUSETTS (2008), http://www.bostonbar.org/prs/nr_0809/GideonsNewTrumpet.pdf

Clare Pastore, *The California Model Statute Task Force*, 40 CLEARINGHOUSE REVIEW 176 (July-August 2006)

King v. King, 162 Wash.2d 378, 174 P.3d 659 (2007)

Frase v. Barnhart, 840 2d 144, 379 Md. 100 (2003)

LEGAL NEEDS STUDIES

LEGAL SERVICES CORP., DOCUMENTING THE JUSTICE GAP IN AMERICA: THE CURRENT UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS, AN UPDATED REPORT OF THE LEGAL SERVICES CORPORATION, (Sept. 2009),
http://www.lsc.gov/pdfs/documenting_the_justice_gap_in_america_2009.pdf

Legal Services Corporation, Documenting the Justice Gap In America (2005), <http://www.lsc.gov/justicegap.pdf> [relying on legal needs studies from Montana (2005), Illinois (2005), Tennessee (2004), Connecticut (2003), Massachusetts (2003), Washington (2003), New Jersey (2002), Vermont (2001), and Oregon (2000)].

UNREPRESENTED LITIGANTS

Engler, *Approaching Ethical Issues Involving Unrepresented Litigants* 43 Clearinghouse Review, 43 Clearinghouse Review 377, (Nov-Dec, 2009)

Engler, *Ethics in Transition: Unrepresented Litigants and the Changing Judicial Role* 22 NOTRE DAME J. L. ETH. & PUB. POL'Y 367 (2008),

Engler, *And Justice for All-Including the Unrepresented Poor: Revisiting the Roles of the Judges, Mediators and Clerks*, 67 FORDHAM L. REV. 1987 (1999);

Engler, *Out of Sight and Out of Line: The Need for Regulation of Lawyers' Negotiations with Unrepresented Poor Persons*, 85 CAL. L. REV. 79 (1997)

Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts, and Resources, Prepared and Distributed by the Self-Represented Litigation Network (2008 Edition)(available at www.srln.org ; see also <http://contentdm.ncsconline.org/cgi-bin/showfile.exe?CISOROOT=/accessfair&CISOPTR=122>

Bonnie Rose Hough, *Evaluation of Innovations Designed to Increase Access to Justice for Self-Represented Litigants*, 7 JOURNAL OF THE CENTER FOR FAMILIES, CHILDREN AND THE COURTS (2006) <http://www.ajs.org/prose/home.asp> American Judicature Society-Pro Se Forum

Conference of State Court Administrators, Resolution II: In Support of a Leadership Role for CCJ and COSCA in the Development, Implementation and Coordination of Assistance Programs for Self-Represented Litigants (2002), <http://cosca.ncsc.dni.us/Resolutions/CourtAdmin/resolutionSelfRepresentedLitigants.html>

Conference of Chief Justices, Resolution 23, Leadership to Promote Equal Justice (February 2001)

Conference of Chief Court Administrators Position Paper on Self-Represented Litigation (August 2000), <http://cosca.ncsc.dni.us/position.html>

AJS Pro Se Policy Recommendations March 2002. Revisions of recommendations originally published in the 1998 AJS publication, *Meeting the Challenge of Pro Se Litigation - - A Report and Guidebook for Judges and Court Managers*.<http://www.ajs.org/prose/pdfs/Policy%20Recom.pdf>

MA Judicial Guidelines for Civil Hearings Involving Self-Represented Litigants (2006) <http://www.mass.gov/courts/judguidelinescivhearingstoc.html>

Richard Zorza, *Courts in the 21st Century: The Access to Justice Transformation*, 49 JUDGES' JOURNAL 14 (2010).

Cynthia Gray, Reaching Out or Overreaching: Judicial Ethics and Self-Represented Litigants (2005), <http://www.ajs.org/prose/pdfs/Pro%20se%C20litigants%final.pdf>

Richard Zorza, The Disconnect Between the Requirements of Judicial Neutrality and Those of the Appearance of Neutrality when Parties Appear Pro Se: Causes, Solutions, Recommendations, and Implications, 17 Geo. J. Legal Ethics 423 (2004)

Rebecca A. Albrecht et al., Judicial Techniques for Cases Involving Self-Represented Litigants, 42 Judges' J. 16 (2003)

RICHARD ZORZA, NAT'L CENTER FOR STATES COURTS, THE SELF-HELP FRIENDLY COURT: DESIGNED FROM THE GROUND UP TO WORK FOR PEOPLE WITHOUT LAWYERS (2002)

John M. Greacen, *Self-Represented Litigants and Court and Legal Services Responses to Their Needs: What We Know*, (2002) (<http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/SRLwhatweknow.pdf>)

John M. Greacen, Legal Information vs. Legal Advice--Developments During the Last Five Years, 84 Judicature 198 (2001), http://www.ajs.org/prose/pro_greacen.asp.

Jona Goldschmidt et al., Meeting the Challenge of Pro Se Litigation: A Report and Guidebook for Judges and Court Managers (1998)