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John M. Stanoch

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WORKING WITH PRO SE LITIGANTS: THE MINNESOTA EXPERIENCE

Hon. John M. Stanoch

I. INTRODUCTION

Across America, there has been a recent increase in the number of pro se, or unrepresented, litigants in the federal and state court systems. No one seems certain whether this trend is due to federal funding cuts to legal service programs, the perceived unaffordability or unavailability of legal services, the enactment of legislation providing for “easy” access to the courts, a feeling on the part of more litigants that they can just do it themselves, or a combination of these factors. Whatever the reasons, court systems are developing new programs and strategies to deal with the increase in pro se litigation. This article discusses the response of the Minnesota state court system to the pro se issue as well as the response by the Hennepin County, Minnesota district court.

Hon. John M. Stanoch, J.D., William Mitchell College of Law, ’85; is currently the presiding judge of Hennepin County Juvenile Court, Chair of the Committee on the Treatment of Litigants and Pro Se Litigation, and Chair of Pro Se Implementation Committee.

1. Hennepin County, Minnesota, which includes the City of Minneapolis, is Minnesota’s Fourth Judicial District and the state’s most populated judicial district.
II. MINNESOTA STATE COURT RESPONSE

A. The Committee on the Treatment of Litigants and Pro Se Litigation

On July 14 and 15, 1994, the Minnesota Conference of Chief Judges\(^2\) ("Conference" or "Conference of Chief Judges") met to discuss current and emerging issues and develop a strategic plan for the Minnesota state court system.\(^3\) One common concern was the need to more effectively deal with an increase in pro se litigation.\(^4\)

In order to respond to the strategic plan recommendation regarding pro se litigants, the Conference of Chief Judges established the Committee on the Treatment of Litigants and Pro Se Litigation ("the Committee") in 1994 that was comprised of judges, court personnel, bar association representatives and other stakeholders in the state court system.\(^5\)

The Committee reviewed the volume of pro se litigation in Minnesota and concluded that like other court systems across the country, Minnesota courts were experiencing an increase in pro se litigation.\(^6\) The Committee was particularly concerned by statistics from other court systems, such as Maricopa County, Arizona, where neither party has a lawyer in sixty percent of the marital dissolution cases and at least one party is unrepresented in ninety-two percent of marital dissolution cases.\(^7\) The Committee determined that the Minnesota court system should not wait for a similar crisis to develop and recommended that proactive steps be taken to respond to the emerging needs of an increased number of pro se litigants.\(^8\)

Four general principles were established by the Committee:

1. The Minnesota state court system has an obligation to assist pro se litigants. Pro se litigation should not be encouraged but must be accepted;

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2. The Minnesota Conference of Chief Judges is the administrative policy-making body for the Minnesota state trial court system and is comprised of the Chief Judge and Assistant Chief Judge of each of Minnesota's ten (10) judicial districts.


4. See id.

5. See id. attach. A.

6. See id. at 7.

7. See id.

8. See id.
2. The Minnesota state court system should join in a partnership with bar associations and the legal profession to increase the number of attorneys providing pro bono representation. Full legal representation for all litigants should be encouraged wherever possible;

3. The Minnesota state court system should not be expected to resolve all of society’s problems. The Minnesota Legislature was asked to proceed with extreme caution in creating new causes of action or expanding existing causes of action that will likely involve pro se litigants; and

4. Minnesota trial courts and appellate courts have an obligation to restrict the court access of pro se litigants who engage in frivolous litigation and abusive behavior directed at judges, court staff and other litigants.9

Guided by these general principles, the Committee embarked on a year long process to assess the volume of pro se litigation in Minnesota, the information needs of pro se litigants, and pro se issues facing judges, court staff and represented parties.10 The Committee conducted a survey of current forms and brochures used in the state court system and requested input regarding the increased volume of pro se litigation and the problems posed by this increase on both the pro se litigant and the court system.11 The Committee also reviewed volumes of literature relating to pro se litigation and sought assistance from other court systems that have addressed pro se issues. The goal of the Committee was to establish an immediate pro se action plan as well as to identify issues requiring further study.12 At the conclusion of its deliberations, the Committee made several specific recommendations to the Conference of Chief Judges, which were as follows:

- “Each of Minnesota’s ten (10) judicial districts should implement the recommendations of the ‘Report of the Committee on the Role of Judges in Pro Bono Activity,’” which recommended that judges should assist in encouraging pro bono legal services for those with unmet legal needs by assist-

9. Id. at 8.
10. See id. at 6.
11. See id. at 11.
12. See id. at 7.
ing in the recruitment and retention of volunteer attorneys and by establishing procedural practices to assist lawyers who provide pro bono legal services.  

- "Attorneys should be encouraged to provide pro bono service to the state court system by providing procedural assistance to pro se litigants" as part of each Minnesota lawyer's aspirational goal of providing at least 50 hours of pro bono legal assistance per year.  
- "Continuing legal education (CLE) providers and local judicial districts should be encouraged to provide educational seminars on topics of interest to pro se litigants," including common procedural and substantive problems in family law, conciliation court, domestic abuse, probate law and landlord/tenant disputes.  
- "The Conference of Chief Judges should establish a committee to standardize, update and create forms, brochures and videos relating to areas of law and issues of interest to pro se litigants."  
- "Pro se litigants should be required to acknowledge the responsibilities of being involved in litigation," including the need to come to court organized and prepared with exhibits and witnesses.  
- "Self-help" workbooks should be developed for use by pro se litigants to reduce the large amount of staff time consumed in providing procedural and form completion assistance to unrepresented par-

13. Id. at 9.  
14. Id. at 9. Due to concerns that encouraging lawyers to perform court sponsored pro bono services would come at the expense of current efforts to provide full representation for litigants through existing legal service and volunteer programs, this recommendation has not been pursued. See id. at 10. The Minnesota state court system, as well as the Minnesota State Bar Association, continues to explore the advisability of encouraging partial representation of litigants through "unbundled" legal services. See id. at 11. For a overview of the "unbundled" legal services concept, see Forrest S. Mosten, Coaching the Pro Se Litigant in Unbundling Services of the Family Lawyer, LAW NOTES, Winter 1995, at 1.  
15. TREATMENT REPORT, supra note 3, at 11.  
16. Id. The Committee found that the information often provided to pro se litigants in Minnesota was often different in kind and in quality from judicial district to judicial district. See id.  
17. Id. at 12.
• "Libraries should be actively involved in the effort to assist pro se litigants" by developing a "self-help" collection of materials that would include pro se forms and brochures approved by the Conference of Chief Judges. 19

• "Court personnel should receive ongoing training relating to the needs of pro se litigants," including how to answer customer inquiries about the proper completion of forms, how to explain the basic terms and meaning of forms and documents, and how to answer questions about filing deadlines and due dates. 20

• "A pro se service coordinator should be designated in each of Minnesota's ten judicial districts." 21

• A standard judicial protocol for handling hearings involving pro se litigants should be developed and utilized in each of Minnesota's ten judicial districts. 22

• "The [Minnesota] state court system should examine and utilize emerging technologies that are 'user friendly' to pro se litigants," including the feasibility of using computer form completion processes to generate and complete forms. 23

• "State statutes and court rules should restrict the ability of pro se litigants to engage in frivolous liti-

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19. Id. at 13. The Hennepin County Law Library has established a self help collection of materials to assist pro se litigants. In addition, many public libraries throughout Minnesota are providing "self-help" guides and books.
20. Id. at 14. See also John M. Greacen, No Legal Advice From Court Personnel – What Does That Mean?, THE JUDGE'S J., Winter 1995, at 10. Greacen suggests that it is generally appropriate for court personnel to answer inquiries containing the words, "Can I?" or "How do I?" while it is generally not advisable or appropriate to answer inquiries containing the words, "Should I?" See id. at 15.
21. TREATMENT REPORT, supra note 3, at 14. The pro se service coordinators now comprise the membership of the standing Pro Se Issue's Subcommittee of the Conference of Chief Judges Administration Committee.
22. See id. at 15.
23. Id. at 15. The Committee also recommended further analysis of auto attendant telephone information systems, computer bulletin boards, and Internet home pages as means of providing information assistance to pro se litigants. Id. There appears to be a growing trend toward use of court home pages on the Internet to provide court forms and information.
gation and abusive behavior" that is directed at judges, court staff, and other litigants.24

In addition to the work of the general committee, subcommittees were established to deal with specific pro se concerns involving family law issues, domestic abuse and harassment issues, and conciliation court, probate, landlord/tenant and other general civil law issues.25 Each of the subcommittees made specific recommendations that were also endorsed by the full committee.26

The Family Law Subcommittee recommended that attorney referral services should be expanded for family law litigants and that the concept of "unbundled legal services" should be encouraged and supported, noting that ethical rules of attorney conduct may need to be relaxed to allow for "unbundled," or partial, representation.27 The subcommittee also recommended that a statewide telephone helpline be developed for pro se family law litigants; that judicial districts consider designating a family court outreach person to provide procedural assistance to pro se family law litigants; and that a work group of interested stakeholders develop uniform family law forms and instructions in plain language.28

The Domestic Abuse/Harassment Subcommittee recommended that a committee be established to obtain grants to place domestic abuse and harassment forms and instructions on the Internet.29 The subcommittee also supported an effort by the Dakota County court system to provide an alternative delivery system for domestic abuse and harassment brochures and other information through distribution to public libraries, medical offices, school counseling offices, and other locations.30

The Conciliation Court/Civil Subcommittee recommended that judicial districts consider holding a settlement conference prior to any trial or hearing in conciliation court cases and that ju-
dicial districts solicit local attorneys to serve as mediators at conciliation court pretrial settlement conferences. 31

The report concluded by setting forth an action plan with specific steps to be taken by the Conference of Chief Judges, individual trial court judges, court administrators, the legislature and executive branches of government, pro se litigants, continuing legal education (CLE) providers, the state court administrator, and lawyers in order to implement the Committee’s recommendations. 32

The Committee on the Treatment of Litigants and Pro Se Litigation presented its report and recommendations to the Conference of Chief Judges in April, 1996. 33 The Conference adopted the committee report, endorsed its recommendations and appointed a Pro Se Litigation Implementation Committee ("Implementation Committee") to accomplish the Committee’s recommendations.

B. Pro Se Implementation Committee

The Pro Se Implementation Committee first met in July, 1996. Following the recommendations of the Committee on the Treatment of Litigants and Pro Se Litigation stressing the importance of standardized, user-friendly forms and brochures, ten subcommittees were established. 34 Six of these committees focused on a review of existing forms and brochures used by the state court system and development of new or revised materials. 35 Four subcommittees focused on the implementation of specific policy recommendations of the Committee on the Treatment of Litigants and Pro Se Litigation. 36

The six forms subcommittees covered the major substantive areas of law which involve high numbers of pro se litigants:

- Family Law Forms Subcommittee
- Criminal Law Forms Subcommittee
- Domestic Abuse and Harassment Forms Subcommittee
- Probate, Mental Health, Conservator-

31. See id. at 18. This recommendation served as the impetus for the Hennepin County Conciliation Court Mediation Pilot Project discussed in this article.
32. See id. at 18-21.
33. See id. at 1.
34. See IMPLEMENTATION REPORT, supra note 24, Executive Summary, at 1.
35. See id.
36. See id.
Each forms subcommittee was charged with the objective of reviewing and revising existing forms and brochures previously approved by the Conference of Chief Judges Standing Procedure and Forms Committee and developing other plain language forms as well as a list of legal definitions commonly used in each substantive area of law. In addition, four policy subcommittees were appointed as follows:

- Training and Education Subcommittee, charged to develop a plan for providing training to litigants, court staff, attorneys, non-attorney professionals, and judicial officers regarding pro se issues and services.
- Information Dissemination Subcommittee, charged to develop a plan and method for disseminating information regarding the availability of pro se services, forms and brochures to the public.
- Technology Subcommittee, charged to identify and evaluate cost effective technologies to assist pro se litigants; and
- Frivolous Litigation Subcommittee, charged to develop a court rule or legislation regarding the access of pro se litigants to the court system and restrict abusive litigation practices.

Each subcommittee contained broad representation from state court judges, court personnel, attorneys, justice system stakeholders, and public members with an expressed interest or expertise in the impact of pro se litigation in a particular area of the law.

The various forms subcommittees created a phenomenal number of proposed new forms, pamphlets and manuals, measured in feet of materials rather than inches of documents. 

37. See id. Executive Summary, at 1 & Pro Se Comm. and Subcomm. Rosters, at 4-8.
38. See id. Executive Summary, at 1.
39. See id. at 1-2.
41. See id. app. A. at 1-4. The specific recommendations by each form sub-
eral of the forms subcommittees held marathon meetings to draft new and revised forms and instructions. Each form subcommittee made specific recommendations regarding appropriate written material relating to the assigned subject matter and the policy subcommittees also issued recommendations.

The Implementation Committee issued general recommendations, suggesting that all proposed forms, pamphlets and manuals be pilot tested by the Conference of Chief Judges Procedure and Forms Committee and reviewed, revised, and redistributed as appropriate. The Implementation Committee recommended that the forms and other materials be made available to county law libraries, public libraries, court locations, and other places where pro se litigants commonly seek information or assistance. The Implementation Committee suggested that the Conference of Chief Judges determine whether counties could charge user fees when providing forms and other materials to pro se litigants and requested that each county law library establish a collection of self-help materials to assist non-lawyers.

The Implementation Committee also suggested that forms, pamphlets, manuals and other materials be translated into foreign languages, including, at a minimum, Spanish, Cambodian, Hmong, Lao, and Vietnamese; that court approved brochures be made more visually appealing; that a glossary of basic legal terminology be prepared and provided to litigants; that a list of suggested responses to common pro se questions be developed and incorporated as part of the service training for court personnel; and that the concept of unbundled legal services be fully explored as a means to meet the legal needs of all litigants. The Implementation Committee noted that pursuing the concept of unbundled legal service would necessitate a further discussion of issues relating to lawyer liability insurance and the rules of attorney professional responsibility.

The Frivolous Litigation Subcommittee recommended that the Minnesota Legislature enact a frivolous litigation statute designed to limit access to the state court system by individuals who

committee are found at Appendix B. See id. app. B at 1.
42. See id. app. B at 1.
43. See id.
44. See id.
45. See id. at 2.
46. See id.
have initiated three or more litigation actions in the previous five year period that were finally determined adverse to that litigant. The subcommittee also recommended that guidelines be adopted for judges or court personnel to use when evaluating in forma pauperis applications, believing that frivolous actions could be better screened under existing law.48

The Information Dissemination Subcommittee recommended that the Conference of Chief Judges and State Court Administration commit to an ongoing active role in the development of forms, brochures, and audio tapes and video tapes to assist pro se litigants.49 The subcommittee also suggested that the state court system work with the Minnesota State Law Library, the Minnesota Association of Law Libraries, the Minnesota Association of Court Administrators and various state agencies to distribute forms, brochures and other information to pro se litigants.50

The Technology Subcommittee recommended that each county implement “one-way” technologies to provide information to pro se litigants and that state court administration develop an Internet site with information and forms to assist pro se litigants.51 The subcommittee also encouraged further evaluation of the potential use of “two-way” interactive information systems to assist pro se litigants.52

The Training and Education Subcommittee made numerous recommendations for pro se litigants, court staff, attorneys, judicial officers, and non-attorney professionals.53 The subcommittee recommended that the Conference of Chief Judges develop a model program for providing on-site legal advice in courthouses and law libraries, as well as review and revise court administration “guidelines” for providing assistance to litigants so that they comply with Minnesota statutes relating to the unauthorized practice of

47. See id. at 4. The individuals designated as “frivolous litigants” would only be able to commence new litigation with the prior permission of the Chief Judge of the appropriate judicial district or their designee. See id. app. C.
48. See id. app. D at 1-3. The subcommittee felt that the statutory provision that an in forma pauperis petition not be granted if the proposed action, defense or appeal is “of a frivolous nature” was underutilized. See id. (citing MINN. STAT. § 563.01, subd. 3 (1996)).
49. See id. app. B at 5-6.
50. See id.
51. See id.
52. See id. at 7.
53. See id. at 7-11.
law. The subcommittee felt that once such guidelines are finalized, it would be essential to train court personnel regarding the principles and subject matter set forth in the guidelines. The subcommittee also recommended that the Conference of Chief Judges provide maximum assistance to the public by encouraging retired attorneys, law students, and others to provide procedural assistance to pro se litigants and consider a greater role for non-attorney advocates in assisting litigants.

The Implementation Committee also recommended that a standing Pro Se Issues Committee be established by the Conference of Chief Judges to address pro se issues on an ongoing basis. The Conference of Chief Judges subsequently accepted and adopted the report and recommendations of the Pro Se Implementation Committee and appointed a standing Pro Se Issues subcommittee to the Conference's Administration Committee.

III. HENNEPIN COUNTY

Like the Minnesota state court system, the Hennepin County District Court had no pro se services or plans in place in 1994. And like the state, the Hennepin County District Court has developed a pro se action plan and implemented several pro se initiatives. Significant Hennepin County initiatives include the establishment of a permanent pro se/pro bono service coordinator position by court administration; establishment of a pro se self-help center in the Hennepin County courthouse; collaboration with local bar associations on a legal advice project located in the pro se self-help center; development of a conciliation court mediation project; and the establishment of a self-help collection in the Hennepin County Law Library.

In 1994, the Hennepin County District Court Total Quality Management (TQM) steering team identified pro se litigation as an increasing trend in the Hennepin County court system. A TQM team was established to develop a plan to improve pro se service delivery. The Pro Se Services team recommended that a new team be created to conduct a survey to identify the forms and brochures made available by the Hennepin County court system for use by

54. See id. at 8-9.
55. See id. at 9.
56. See id. at 11.
57. See IMPLEMENTATION REPORT, supra note 24, Executive Summary, at 2.
litigants and make recommendations for future initiatives to provide assistance to pro se litigants, including guidelines to assist court staff in understanding the difference between legal advice and procedural assistance. Another of the Hennepin County TQM team's recommendations was for district court administration to establish a staff position responsible for coordinating the court's pro se and pro bono service planning and delivery. Hennepin County's first Pro Se/Pro Bono service coordinator, Elisabeth Steinbring, was appointed in 1995.58

The Hennepin County TQM pro se initiative continued in 1996 when the TQM steering team established two teams to deal with pro se issues. A TQM Forms Team was appointed to create a mechanism to review and update court forms. A TQM Self-Help Center Team was established to plan for the possible establishment of Pro Se Service Center in the Hennepin County Government Center and make recommendations regarding the pro se resources and services needed in Hennepin County.

At the time the self-help center team was appointed, Hennepin County District Court Administration was in the process of establishing a service center on the public service level of the Hennepin County Government Center. The goal of the service center was to make the court system more accessible and user friendly to its customers. The TQM team successfully persuaded Hennepin County District Court Administration to set aside a portion of the public service level space to establish a pro se self-help service center.

The Hennepin County Self-Help Service Center opened in November, 1996. Staffed by a district court clerk specifically trained to assist pro se litigants, the center provides assistance to individuals seeking information about filing procedures and court processes, as well as information about Hennepin County social services and other community resources. The self-help center contains a collection of materials to assist pro se litigants as well as a direct line to TEL-LAW, a free, automated legal information system maintained by the Hennepin County Bar Association.

The work of the Minnesota Conference of Chief Judges Pro Se Litigation Committee also resulted in increased discussion of pro se issues within the local legal community. After the Committee's report was finalized in April, 1996, representatives of the Hennepin

58. The Hennepin County Government Center contains most of the courtrooms in Hennepin County and is also known as the location of the Hennepin County Courthouse.
County District Court system were approached by representatives of the Minnesota State Bar Association and the Hennepin County Bar Association who were interested in collaborating on an on-site legal consultation service in the Hennepin County Government Center. The bar associations indicated an interest in providing volunteer attorneys in the courthouse to assist pro se litigants. This idea was successfully incorporated into a bench/bar pilot project located in the public service level self-help service center.

The Hennepin County District Court/Minnesota State Bar Association/Hennepin County Bar Association collaboration to provide on-site legal consultation and referral services resulted in the Legal Access Point (LAP) project, which opened in the self-help service center in April, 1997. Hennepin County Bar Association staff conduct on-site income screening to determine whether litigants qualify for no cost, low cost or full cost legal services. After this income screening is completed, immediate referrals can be made to the appropriate legal service organizations. In addition, volunteer attorneys provide an on-site consultation to assist litigants in assessing their legal needs and assist in providing referrals for legal representation.

Future plans call for the Hennepin County Pro Se Service Center to be expanded to include a family court facilitator project where trained legal assistants will provide on-site, non-legal family law procedural assistance to unrepresented parties in family law cases, with a particular emphasis on post decree motions.

The Hennepin County pro se initiative has also resulted in the establishment of a self-help collection of legal materials in the Hennepin County Law Library that is of particular assistance and interest to pro se litigants. The law library pro se self-help collection is publicized at the public service level self-help center. This project will soon be expanded to the Southdale Public Library, which will provide self-help materials as well as CD-ROM access to Minnesota case law. A hot-line to the Hennepin County Law Library will be available to litigants for further assistance.

Another significant Hennepin County pro se initiative was the creation of a conciliation court mandatory mediation pilot project. The conciliation court mediation pilot project followed the proposal of the Conciliation Court/Civil Law Subcommittee of the Conference of Chief Judge’s Committee on the Treatment of Litigants and Pro Se Litigation that judicial districts consider requiring settlement conferences prior to conciliation court trials or hear-
The Hennepin County Pro Se/Pro Bono Services Coordinator directed a conciliation court mediation project team which examined existing small claims court mediation programs in other states and developed a plan for a Hennepin County conciliation court mediation pilot project. The Hennepin County court system collaborated with three community-based mediation programs that had provided general mediation services to the Hennepin County District Court since the mid-1980s: Minneapolis Mediation, West Suburban Mediation, and North Hennepin Mediation. The Hennepin County Pro Se Service Advisory Committee decided to utilize these existing service providers for the pilot project and established the following program components:

- A conciliation court mediation pilot project would be conducted from November 1, 1996 through April 30, 1997.
- The mediation would be mandatory for all litigants referred to the pilot project.
- There would be no additional cost to any litigant participating in the mediation pilot project.
- Mediation calendars would be held on a special conciliation court calendar two mornings each week with no more than twenty cases per calendar. Cases that could not be mediated to settlement would proceed to a contested hearing the same morning as the mediation in order to reduce the burden on litigants who take time off from work to attend court.
- Participants would be requested to complete exit surveys to assist Hennepin County District Court in evaluating the pilot project.

The Hennepin County District Court requested and received authority from the Minnesota Supreme Court to conduct the conciliation court mediation pilot project with the requirement that the Supreme Court receive a report on the effectiveness of mediation in conciliation court cases, including the number of cases referred to mediation, the number of cases settled, and the impact on and perception of litigants involved in the pilot program cases.59

59. The Minnesota Supreme Court established a pilot program to evaluate the use of mandatory mediation in conciliation court cases in the Fourth Judicial
Based on the statistics and perceptions of the participants, the pilot project was a success. During the six month project, 927 cases were scheduled for mediation. 60 658 of the cases (seventy-one percent) were finally resolved at the initial hearing date by mediated settlement, default judgment, or dismissal. 61 400 of the 658 cases were actually mediated, and 174 (or about forty-three percent) of the mediated cases were settled. 62 Affidavits of non-compliance were subsequently filed in only fifteen percent of the 174 cases that were settled following mediation.

Ninety percent of the mediation pilot project litigants completed an exit evaluation, with a satisfaction rate of ninety percent. 64 Litigants embraced the pilot project, as indicated by the following comments:

“A good way to work out differences and feel in control.”
“Good system to reduce direct court time.”
“Extremely helpful in solving disputes in an orderly fashion.”
“I think it makes a lot of sense. It also provides an opportunity to discuss issues in an atmosphere with less pressure.”

Mediators, referees, and court staff were also generally positive about the pilot project. 66

While the experience with the conciliation court mediation pilot project was generally positive, some problems were identified, mostly relating to the failure of mediators and litigants to identify the specific consequences of failure to comply with the specific terms of the mediated settlement agreement. 67 This problem was due to inadequate training for the non-attorney mediators about how to structure specific consequences as part of the settlement

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60. See HENNEPIN COUNTY DIST. COURT ADMIN., REPORT TO THE MINN. SUPREME COURT & THE MINN. CONF. OF CHIEF JUDGES ON THE HENNEPIN COUNTY DIST. COURT MANDATORY MEDIATION PROJECT, June 1997, at 7.
61. See id.
62. See id.
63. See id.
64. See id.
65. Id. at 7-8.
66. See id. at 8-10.
67. See id. at 10-11.
An additional identified problem was the failure of the settlement document to specify the specific consequences resulting from non-compliance.

When these problems were identified during the course of the project, further training was conducted and the settlement form was revised to require a detailed statement regarding the specific consequence for failure to comply with the mediated settlement agreement.

The Hennepin County District Court has requested expanded authority from the Minnesota Supreme Court to continue mandatory mediation in conciliation court cases. The Hennepin County Conciliation Court will relocate to new facilities in 1998 that will include conference rooms more conducive to mediation. To avoid some of the problems identified during the pilot project, additional training will be done to educate mediators about the need for more structured settlement agreements and a better understanding by all parties of the specific consequences resulting from failure to comply with the terms of the negotiated settlement.

IV. CONCLUSION

Since starting from scratch in 1994, the Minnesota state court system has demonstrated a strong commitment to addressing pro se issues and implementing programs to assist pro se litigants. Starting with a commitment to address the pro se issue as part of the court system’s strategic plan, to the background study and the action plan blueprint established by the Committee on the Treatment of Litigants and Pro Se Litigation, to the work of the Pro Se Implementation Committee, and now as part of a standing committee to the Conference of Chief Judges, Minnesota state courts have developed a comprehensive plan to assist pro se litigants. The Minnesota experience shows that a state court system can move rapidly and decisively to assess the needs of users of the justice system and develop initiatives to get ahead of emerging issues in order to assist both the court system and its customers.

Hennepin County has a similar commitment and experience. Faced with an increasing population of pro se litigants that tax court and judicial resources, the Hennepin County District Court
has established several new initiatives to assist pro se litigants, judges and court personnel and has made better communication and service to all litigants an ongoing commitment from the court.