

Advocate and Counselor  
Licensed to Practice before the  
Blackfeet Tribal Court  
since 1984

LAW OFFICE OF  
**JERRY O'NEIL**  
105 South Piegan  
Browning, Montana  
406-892-7602; 250-2503 CELL  
800-221-7602; 406-892-7603 FAX;

mailing address:  
985 Walsh Road  
Columbia Falls, MT 59912

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Law and Justice Interim Committee  
State Capitol  
Helena, Montana 59620

Dear Committee Members:

I am glad to hear that your meeting today is focused on how to support low income self-represented litigants. I have been helping self-represented litigants obtain divorces for over 20 years, providing them services as an independent paralegal and as a mediator. I am proud to tell you that in the entire course of my career I have never had a complaint made against me by any of my customers.

Accompanying this letter is a copy of an article from the *Legal Reformer* which states that my satisfaction rate with the public is not unique. In California where they realize the need for independent paralegals and allow them to provide services to the public, there is a history of public satisfaction with these services.

In Montana the integrated bar is not willing to allow a person who is representing them self to use the services of a typist or an independent paralegal.

There is presently an allowance for professional mediators to provide mediation services, but, if they type up the parties' agreement in a form usable by the courts, it is likely they will be charged with the unauthorized practice of law.

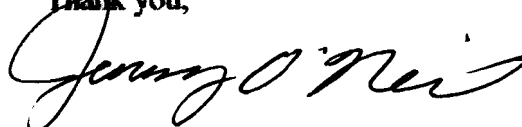
Recently I have been enjoined from helping the public without associating with a state licensed attorney. Luckily I have some attorney friends who realize the value of my services to the public. But the requirement that I associate with an attorney causes some major problems for my customers.

Using the services of one of the attorneys I associate with my price for an uncontested divorce has went up from \$300.00 to \$500.00. In addition, where previously I would provide the papers to have the court waive the filing fees for my indigent customers, the attorney feels that since they can afford our \$500.00 service, they do not qualify for the waiver.

Probably the worst result of being required to engage attorneys in my business is, where before I was able to help my customers become satisfactorily divorced within a couple of weeks, now it takes them several months.

Hopefully the Law and Justice Interim Committee will study how we can allow independent paralegals to help self represented litigants access our courts.

Thank you,



Jerry O'Neil

# Study Shows High Consumer Satisfaction with Independent Paralegals

A recent HALT-sponsored study shows overwhelming satisfaction with independent paralegals among Californians who have used their services. The study, undertaken by students at the University of California Hastings College of the Law, questioned consumers in the San Francisco Bay area who had used independent paralegals (known in California as “legal document assistants”) about their experience using these non-lawyer service providers. The study found that those surveyed “have voiced a unanimous belief that [legal document assistants] provide an important service for those who cannot afford representation at divorce.”

“This study knocks a huge hole in the legal establishment’s claim that only a lawyer can provide legal services,” said HALT Senior Counsel Tom Gordon. “The degree of consumer satisfaction with independent paralegals is as great as that with lawyers—even greater.”

Legal document assistants are a prominent part of the legal landscape in California. The state was chosen for the study because of the preva-

lence of legal document assistants, and because the profession has been licensed and regulated since 2000. The study reviewed almost 3,000 divorce documents filed in San Francisco, Alameda and Santa Clara counties. Of those, more than 12 percent were labeled as having been filed by legal document assistants.

Detailed questionnaires were administered to 47 of the filers who had used a legal document assistant. Ninety-six percent of those surveyed felt that the quality of services they received was “okay” or better, with nearly half responding that the service was “great” or “outstanding.” More than 93 percent said they would use a legal document assistant again under similar circumstances.

In addition to the high quality of services that consumers felt they received, the study illuminated another benefit to legal document assistants—lower cost. The vast majority of respondents cited lower cost as a reason they used a legal document assistant rather than an attorney. The average respondent paid about \$400; lawyers often charge that much *per hour*. Eighty-nine percent of

those questioned thought that the fee they paid was reasonable for the work performed.

California and Arizona are the only states to license and regulate independent paralegals. In other states, independent paralegals often operate in a legal gray area, threatened by the possibility of prosecution for the unauthorized practice of law. The licensing and regulation of paralegals were cited by many survey respondents as reasons for feeling more secure about using a legal document assistant. “Consumers should not be forced to use the gray market to find legal assistance,” explained Gordon. “This study shows that other states can help consumers by following California’s example and permitting independent paralegals to serve the marketplace for legal services.” ■

## HALT on TV

Suzanne Blonder, associate counsel and director of HALT’s Lawyer Accountability Project, was interviewed by Fox 6 News in Milwaukee, Wisconsin, about local lawyer Charles Hausmann. Mr. Hausmann pled guilty in federal court to defrauding over 200 clients, and spent 60 days in prison in 2002. In spite of these facts, the Wisconsin Bar listed him as an attorney in good standing, and didn’t take any disciplinary action against him until last month, three years after he was indicted.

Commenting on the bar’s slow response in the case, Blonder said, “That’s outrageous! This is the kind of discipline case that’s a no-brainer. Once the guy has been convicted of defrauding 200 clients, and has pleaded guilty to that charge, and has served time in prison for that charge, then that’s discipline that needs to be rendered swiftly.” ■



**CHEERS** The Massachusetts Bar is encouraging its lawyers to evaluate state judges through an online evaluation system launched last March.

According to the bar’s magazine, *Lawyers Journal*, response rates have been high and overall evaluations for judges have been positive. Evaluation participants rank judges in 19 performance areas, including impartiality, knowledge, punctuality, preparedness, communication skills, courtesy and temperament.



**JEERS** The Massachusetts Bar isn’t sharing its findings with the public.

While it plans to publish an Annual Report with aggregated trends, the public won’t be able to discern how individual judges performed in their evaluations.



**CHEERS** In contrast, after the South Carolina Bar conducted its survey of judges who have completed half or all of their terms, it made the results for each individual judge available to the public on its Web site ([www.scbar.org](http://www.scbar.org)). The South Carolina survey evaluated judges on legal skills, impartiality and temperament.