

In divorce cases, more of the poor go it alone ; Groups offer legal aid to those for whom the costs and intricacies might be too daunting:[Chicago Final Edition]

Crystal Yednak, Tribune staff reporter. Chicago Tribune. Chicago, Ill.: Apr 22, 2004. pg. 1

Full Text (1373 words)

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When asked her marital status, Constance Warr checked the box for single, even though she had a husband who lived in Seattle.

The two hadn't lived together as a married couple since the mid- 1970s.

"I always thought, 'When I get the money, I'll get a divorce,'" she said. But that thought carried Warr almost three decades.

Legal aid groups couldn't provide a lawyer to help Warr because their limited resources are reserved for handling the most frightening of family situations. That leaves many low-income clients who still need to disentangle themselves from marriages long over.

Thanks to several new programs, people like Warr are handling their own divorces.

In 1997, about 2 percent of divorce complaints filed at the Daley Center were pro se, which means they were filed by people representing themselves. Last year, almost 20 percent of the 13,161 divorces filed there were pro se, according the Cook County Circuit Court clerk's office.

More and more, legal aid groups in Chicago say, they are handing low-income clients a stapled packet of papers with directions on how to file for divorce, or talking them quickly through other family- law issues, such as when changes are needed to custody orders.

"Everyone is better off in court with an attorney. But that's not reality," said Lisa Colpoys, director of the Illinois Technology Center for Law and the Public Interest, which has started a program to help.

Another program, run by the Legal Assistance Foundation of Metropolitan Chicago, wrapped up the first round of classes of its new pro se divorce clinic in December. The program targets low-income clients whose cases are not complicated enough to qualify as emergencies, but who still need some guidance to represent themselves in a divorce proceeding.

At the courthouse, the Illinois Technology Center for Law and the Public Interest has worked with the court to open a computer center where low-income clients can look up answers to questions about forms or the law at www.illinoislawhelp.org.

In another effort, the Coordinated Advice and Referral Program for Legal Services this year expanded a self-help desk in the Daley Center to assist low-income clients with more of their divorce and family-law questions.

"It used to be that you could refer people to other resources to help them file for divorce," said

Allen C. Schwartz, director of the service, which offers a legal aid hot line. "But those resources have dried up."

Besides the emotional toll of staying married to an absent partner, there are legal risks, such as responsibility for a spouse's debts, that make a full legal untangling desirable.

Warr, 57, of Chicago participated in the Legal Assistance Foundation's first pro se divorce clinic. She pulls out a purple folder with stacks of paper-clipped legal documents. Her granddaughter typed the forms for her. She flips through a glossary of legal terms with sections highlighted in yellow. Pastel notes remind her of the important points.

"This here really enlightened me," Warr said, rubbing her hands over the stack of papers. "I said 'Gosh, I did this myself. I did what an attorney could do for me.'"

With four children, Warr tried to make ends meet by working as a certified nursing assistant and receiving government aid. She inquired about a divorce at legal aid programs, but was told that the cash-strapped programs did not have attorneys available to help. Eventually, legal aid workers referred her to the new divorce clinic.

Not everyone can complete a divorce without an attorney.

"But a lot of people with a little bit of information can help themselves," said Bob Graves, director of the Chicago Bar Foundation.

As pro se filings increased, so did concerns about whether people representing themselves would get an equal shake. An advisory committee was formed to help, said Dorothy Brown, clerk of the Cook County Circuit Court.

"I know everyone cannot afford a lawyer. But everyone should enjoy the constitutional right to equal protection of the law," Brown said.

Clients representing themselves are "held to the same standard as an attorney while being unfamiliar with what they're doing," Schwartz said.

The Lawyers Trust Fund of Illinois hopes to assess whether the poor are getting the legal help they need with a survey during the next year on the state of legal aid in Illinois. The last study, more than a decade ago, showed 80 percent of the legal aid needs of the poor were unmet, said Mark Marquardt, the group's assistant director.

Some argue the state bears more responsibility to help low-income litigants, though they concede that budget troubles might make it difficult to do so. A panel, overseen by former Gov. Jim Thompson and the late U.S. Sen. Paul Simon, was created last year to press for increases in the state's annual funding for legal aid, which was just under \$500,000 last year.

The lack of resources forces legal aid workers to prioritize and work under a "triage system," in which they only take the most needy cases, Graves said.

Pro se litigants can also slow the wheels of justice because they don't always know what to do.

"They're taking a lot of time in the court, because clerks and judges have to explain to them, 'No, you don't have the right papers,'" said Dick Hess of the Legal Assistance Foundation.

They also may turn to official sources in a courtroom--judges and clerks--for help, only to be told that these people are prohibited from giving legal advice.

That's where the new programs come in. The Legal Assistance Foundation's clinic consists of three classes and a short video designed to make participants feel comfortable in the courtroom. The idea is to alleviate stress or embarrassment caused by inexperience, said Katherine Malmanger, an attorney organizing the clinic.

"When you're getting a divorce, not only is the court system intimidating, it's also emotional," she said.

Private attorneys volunteer to come in for 15- to 20-minute consultations, during which clients can ask personal questions. Amy Beckwith, a volunteer attorney, said "mostly they just needed some guidance and reassurance that they're doing everything right."

As Warr worked through the system, filling out the forms, attending clinics and mailing paperwork to her husband, a weight lifted.

A judge granted Warr the divorce on Feb. 23.

"I'm glad it's all over," she said. "I feel like a new person. I can't believe I did it myself."

Programs help clients file their own divorces

With limited resources, many low-income people are handling their own divorces. As more represent themselves, legal aid groups in Chicago are offering services to provide guidance to low-income clients.

DIVORCES FILED AT THE DALEY CENTER Pro se divorces are filed by people representing themselves.

[Table]

YEAR	DIVORCES FILED	PRO SE DIVORCES	PCT. FILED PRO SE
1997	16,515	375	2.3%
1998	15,942	1,535	9.6%
1999	15,043	1,851	12.3%
2000	14,430	2,052	14.2%
2001	14,206	2,080	14.6%
2002	14,220	2,534	17.8%
2003	13,161	2,595	19.7%

PROGRAMS TO HELP CLIENTS FILE PRO SE DIVORCES

- Coordinated Advice & Referral Program for Legal Services

Web site: www.carpls.org

Services: Expanding its self-help desk at the Daley Center, adding staff and hours so that the group can assist low-income clients with a broader range of divorce and family-law issues.

- Illinois Technology Center for Law & the Public Interest

Web site: www.itcweb.org

Services: Working with the clerk's office and the court administration, the center is creating a Self-Help Web Center at the Daley Center. Clients can research their legal questions on the Web and find forms they may need for their divorce. The center also has created www.illinoislawhelp.org to assist Illinois residents with legal questions.

- Legal Assistance Foundation of Metropolitan Chicago

Web site: www.lafchicago.org

Services: Through its new pro se divorce clinic, the group supports low-income clients representing themselves in uncontested divorces. Participants attend three classes, in which they receive packets walking them through the process. They also meet with a volunteer attorney for 15-20 minutes to discuss individual questions

Sources: Cook County Circuit Court clerk's office, legal aid groups

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