Legal Clinic for Pro Se Litigants in the SDNY

FIRST QUARTER SNAPSHOT: 10/1/2017 – 12/31/2017

Overview

During this quarter we:

- Were contacted by 383 individuals, compared to 419 individuals last quarter.

- Assisted 366 individuals with 371 separate matters (some individuals have more than one matter), compared to 402 individuals and 420 separate matters last quarter.

- Worked with 160 individuals more than once, compared to 209 individuals last quarter.

- Held 751 total consultations, averaging about 250 consultations per month, compared to 941 total consultations (about 313 per month) last quarter; 36 of our consultations were held in White Plains, which is the same as last quarter.

- Provided translator or interpreter services to 12 individuals, compared to 22 individuals last quarter.

- Attempted to divert 43 matters to appropriate fora or services, such as state courts, other federal courts, administrative agencies, law enforcement agencies, legal services organizations and/or social services organizations, or advised client not to proceed. This figure was 106 individuals last quarter. We are aware of only three instances where an individual whom we advised to not file suit in this court or to not further pursue a filed suit in this court did so contrary to our advice.

- Were unable to assist eight litigants due to a legal conflict or otherwise (litigant was represented by counsel, was a corporation, had questions about a suit pending in another forum, or could not be reached after the initial intake despite multiple attempts). This figure compares to nine such litigants last quarter. We continued to try to reach five individuals who first contacted us near the end of the quarter. We were contacted by four incarcerated individuals, each of whom we referred to organizations that may be able to assist.

- Secured limited scope pro bono counsel to assist with depositions in seven of the eight cases where we sought such counsel, although one litigant chose not to work with counsel. In one matter placed with pro bono counsel in a prior quarter for deposition purposes, the lawyers later agreed to expand the representation to include exploring settlement.

- Secured limited scope pro bono counsel to assist with mediation in the one case where we sought such counsel. This figure does not include the matter where deposition counsel expanded the representation to include exploring settlement. Agreed to make limited scope appearances for settlement purposes in 23 cases, although in six of these cases the litigants did not accept our assistance (two of them elected to work with other pro bono counsel secured through the court's office of pro se litigation).

- Secured full representation pro bono counsel in one of eight cases where we sought such counsel. In one of the cases we were unable to place, pro bono counsel was secured through the court's office of pro se litigation.

- Referred 14 clients to other legal or non-legal service providers to assist those individuals with matters beyond those raised by their pending SDNY cases; this service is in addition to assisting those individuals with their pending SDNY cases. This figure compares to 35 such individuals last quarter. One such referral this quarter was to NYLAG, which promptly arranged for a hearing.

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Levels of Service Provided

260 matters received our basic level of service, advice and counsel, meaning that we discussed the case and provided information or legal advice, which could include referrals to other legal or non-legal service providers (compared to 301 such matters last quarter).
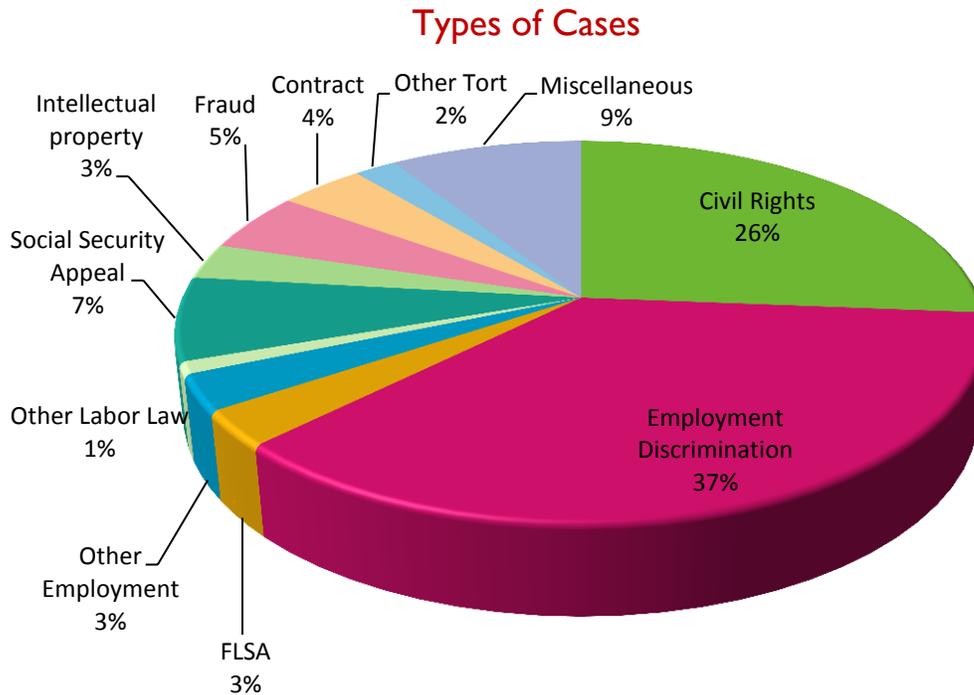
67 matters received an intermediate level of service, brief services, meaning that we helped for a limited amount of time with specific matter-related projects, such as research, drafting or strategy (compared to 77 such matters last quarter).

44 matters received our highest level of service, extensive services, meaning that we spent over 10 hours on matter-related projects (the same types of projects covered by "brief services") (compared to 42 such matters last quarter).

Highlights

During this quarter we:

- Counseled a pro se defendant in a matter involving a contractual guarantee in connection with a favorable settlement demand and reviewed the draft settlement agreement; the matter settled.

- Counseled a pro se plaintiff in a matter involving a dispute with an insurance company in connection with a favorable settlement offer and reviewed the draft settlement agreement; the matter settled.

- Began making limited scope appearances to assist pro se litigants with settlement. Negotiated highly favorable settlements for four employment discrimination plaintiffs and counseled an additional employment discrimination plaintiff in connection with securing a favorable settlement.

- Facilitated two additional favorable settlements by securing pro bono settlement counsel for the pro se plaintiffs in an employment discrimination case and a civil rights case.

- Advised a pro se plaintiff who lacked colorable FLSA claims to voluntarily dismiss her complaint, which she did.

- Assisted four plaintiffs with filing social security appeals that were subsequently remanded to the agency.

- Assisted a litigant in a civil rights case with a successful motion to amend the complaint to include additional colorable claims.

- Continued sending volunteers to observe court proceedings involving certain clinic clients in order to explain the court's rulings to those clients more effectively.

- Began a dialogue with representatives of the SDNY court-annexed mediation program and members of relevant committees of the New York City Bar Association to discuss a program to train pro bono lawyers to assist pro se litigants with mediation.

- Began looking into whether there are any ways to efficiently offer services through the Clinic to incarcerated pro se litigants.

- Worked with volunteers from eight firms on intake and drafting litigation documents; and with 23 student, recent law graduate and other interns on legal research and other projects.

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Types of Cases

Jurisdictional Basis:
- **95%** of clients filed cases involving **federal question jurisdiction**
- **5%** of clients filed cases involving **diversity jurisdiction**

Pro Se Party:
- **88%** of clients were **plaintiffs**
- **12%** of clients were **defendants**

Court Location:
- **90%** of clients with filed cases are litigating in **Manhattan**
- **10%** of clients with filed cases are litigating in **White Plains**

Referral Source:
- **13%** of clients were referred to the clinic by a **judge** (**64%** of these referrals were made by court order and **36%** at a conference)
- **59%** of clients were referred to the clinic by the **Pro Se Intake Unit**;
- **6%** of clients learned of the clinic through a **friend or family**
- **3%** of clients learned of the clinic through the **pro se information package**;
- **11%** of clients learned of the clinic **through the court's website** or **NYLAG's website**; and
- **8%** of clients were **self-referred or referred by another source**.

Location of Service:
- **95%** of clients were seen in **Manhattan**
- **5%** of clients were seen in **White Plains**

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Numbers of Matters Where We Assisted With:

Determining Proper Forum	21
Other Pre-filing Issues	92
Drafting Complaint	21
IFP Application	15
Service of Process Issues	15
Removal/Remand	2
Default Judgment	1
Motion to Dismiss	24
Amending Complaint	28
Answer	6
Discovery	40
Summary Judgment	14
Other Motion	20
Pre-trial Preparation	0
Trial	0
Mediation/Settlement	36
Judgment/Post-Judgment	21
Explanation of Status/Process	110
Explanation of Court Order	20
Other	0

Demographic Data

Employment Status

2%	Student
10%	Part-Time
28%	Full-Time
47%	Unemployed
13%	Retired

Highest Education Level

3%	8th Grade or Less
7%	Some High School
16%	High School Diploma
9%	GED
16%	Vocational/Some College
27%	College Diploma
22%	Graduate Degree

Race

46%	Black
18%	Latino
23%	White
10%	Asian
3%	Other

Age

15%	18-35
60%	36-59
25%	60+

Gender

61%	Male
39%	Female