

Pro Se Prisoners in the Legal System: A Selective Bibliography, 2000-2007

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Services to Pro Se Patrons & Prisoners
LISP/RIPS/SR-SIS Joint Roundtable
AALL 2008
Monday, Jul 14, 2008 (12:00 pm – 1:15 pm)

Books and Reports

Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes and Issues for Exploration (National Center for State Courts, 2006)

Lynn S. Branham, *Limiting the Burdens of Pro Se Inmate Litigation: A Technical-Assistance Manual for Courts, Correctional Officials, and Attorneys General* (American Bar Association, 1997). Minimizing litigation costs and burdens by averting litigation and by processing civil rights lawsuits of pro se prisoners more efficiently and effectively.

Evaluation Planning Workbook: How to Use Focus Groups and Other Evaluation Methods to Improve Court Based Self-Help Centers (Administrative Office of the Courts, 2007).

Jona Goldschmidt et al., *Meeting the Challenge of Pro Se Litigation: A Report and Guidebook for Judges and Court Managers* (American Judicature Society, 1998) <<http://www.scribd.com/doc/2239823/Meeting-The-Challenge-of-Pro-Se-Litigation>>; Supplement: *Legal and Ethical Pro Se Issues* (American Judicature Society, 2000) <http://www.ajs.org/prose/pro_legal_ethical.asp>.

May I Help You? Legal Advice v. Legal Information: A Resource Guide for Court Employees and Law Librarians (Nevada Supreme Court, Commission on Law Libraries, Subcommittee on Training, 2007).

Wayne Moore, *Opening Technology Supported Help Centers for the Self-Represented in Courts and Communities* (National Center for State Courts, 2006).

Prisoner Petitions Filed in U.S. District Courts, 2000, with Trends, 1980-2000 (Bureau of Justice Statistics, U.S. Department of Justice, 2002). Also estimates the impact of the Prison Litigation Reform Act and the Antiterrorism and Effective Death Penalty Act. <http://www.ojp.usdoj.gov/bjs/abstract/ppfusd00.htm>

Resource Guide For Managing Prisoner Civil Rights Litigation: With Special Emphasis On The Prison Litigation Reform Act (Federal Judicial Center, 1996).
<<http://www.insd.uscourts.gov/Publications/PrisonerResourceGuide.pdf>>.

Self-Represented Litigants: Characteristics, Needs, Services: The Results of Two Surveys (N.Y. Office of the Deputy Chief Administrative Judge for Justice Initiatives, 2005).

Task Force on Pro Se Litigation, *Guidelines for Best Practices in Pro Se Assistance* (Louisiana Supreme Court 2004) <http://www.lasc.org/la_judicial_entities/Judicial_Council/Pro_Se_Guidelines.pdf>.

Jim Thomas, *Prisoner Litigation: The Paradox of the Jailhouse Lawyer* (Rowman & Littlefield, 1988).

Marilyn J. Miller, *Changing Trends in Prisoner Petition Filings in the U.S. Courts of Appeals: A Fact Sheet* (Office of Human Resources and Statistics, Statistics Division, Administrative Office of the United States Courts, 2000).

Articles

Sarah Livingston Allen, *Faretta: Self-Representation, or Legal-Misrepresentation*, 90 Iowa Law Review 1553 (2004-2005).

Shawn A. Carter, *The Pro Se Dilemma: Can Too Many Rights Make a Wrong*, 62 Louisiana Law Review 1299 (2001-2002).

Jessica Case, *Pro Se Litigants at the Summary Judgment Stage: Is Ignorance of the Law an Excuse*, 90 Kentucky Law Journal 701 (2001-2002).

Constitutional Law: Freedom of Speech and Expression, 120 Harvard Law Review 259 (2006). In *Beard v. Banks* the Supreme Court reinstated summary judgment for defendant prison system sustaining its practice of denying some prisoners access to nearly all books, newspapers, magazines, and photographs.

Julian A. Cook III, *Crumbs from the Master's Table: The Supreme Court, Pro Se Defendants and the Federal Guilty Plea Process*, 81 Notre Dame Law Review 1895 (2005-2006).

Robin L. Dull, *Understanding Proper Exhaustion: Using the Special-Circumstances Test To Fill the Gaps under Woodford v. Ngo and Provide Incentives for Effective Prison Grievance Procedures*, 92 Iowa Law Review 1929 (2007). The effect of the Prison Litigation Reform Act on internal prison-grievance systems.

Christopher G. Frey, *The State v. the Self-Represented: A Florida Prosecutor's Concerns when Litigating against a Pro Se Defendant in a Criminal Trial*, 29 Stetson Law Review 181 (1999-2000).

Stacey A. Giulianti, *The Right to Proceed Pro Se at Competency Hearings: Practical Solutions to a Constitutional Catch-22*, 47 University of Miami Law Review 883 (1992-1993).

Jona Goldschmidt, *Judicial Ethics and Assistance to Self-Represented Litigants*, 28 Justice System Journal 324 (2007).

Erica J. Hashimoto, *Defending the Right to Self Representation: An Empirical Look at the Pro Se Felony Defendant*, 85 North Carolina Law Review 423 (2006-2007).

Eric D. Kelderman, *Fairness in Habeas Petition Filings for Pro Se Prisoners: The Propriety of the Eighth Circuit's holding in Nichols v. Bowersox*, 33 Creighton Law Review 359 (2000).

Michael J. Kelly, *Making Faretta v. California Work Properly: Observations and Proposals for the Administration of Waiver of Counsel Inquiries*, 20 St. John's Journal of Legal Commentary 245 (2005-2006).

Katherine R. Kruse, *Prisoner Litigation: The Problem of Growing Numbers*, AALS Conference on Clinical Legal Education, Albuquerque, New Mexico Sunday, May 7, 2000, <http://www.aals.org/clin00_kruse.html>.

Meghan H. Morgan, *Standby Me: Self-Representation and Standby Counsel in a Capital Case*, 16 Capital Defense Journal 367 (2003-2004).

Myron Moskowitz, *Advising the Pro Se Defendant: The Trial Court's Duties under Faretta*, 42 Brandeis Law Journal 329 (2003-2004).

Thomas C. O'Bryant, *The Great Unobtainable Writ: Indigent Pro Se Litigation after the Antiterrorism and Effective Death Penalty Act of 1996*, 41 Harvard Civil Rights-Civil Liberties Law Review 299 (2006).

Kelly Parker, *Pregnant Women Inmates: Evaluating Their Rights and Identifying Opportunities for Improvements in Their Treatment*, 19 *Journal of Law and Health* 59 (2004). Includes a section on class action litigation to improve medical treatment for pregnant inmates.

Anne Bowen Poulin, *The Role of Standby Counsel in Criminal Cases: In the Twilight Zone of the Criminal Justice System*, 75 *New York University Law Review* 676 (2000).

Martin Sabelli and Stacey Leyton, *Train Wrecks and Freeway Crashes: An Argument for Fairness and Against Self Representation in the Criminal Justice System*, 91 *Journal of Criminal Law & Criminology* 161 (2000-2001).

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Second Circuit Holds That the Sixth Amendment Does Not Clearly Require Judges to Warn Defendants about the Risks of Proceeding Pro Se - Dallio v. Spitzer, 117 *Harvard Law Review* 1725 (2003-2004).

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John M. Stevens, *Waiver of Counsel in Pennsylvania: Constitutional Issues Facing Criminal Defendants, Counsel, and Courts*, 12 *Widener Law Journal* 29 (2003).

Karl Evan Strauss, *Between the Defendant's Scylla and Charybdis: Brooks v. McCaughey and the Right to a Fair Trial and the Right to Self-Representation*, 37 *University of Toledo Law Review* 235 (2005-2006)

Nina Ingwer Van Wormer, *Help at Your Fingertips: A Twenty-First Century Response to the Pro Se Phenomenon*, 60 *Vanderbilt Law Review* 983 (2007).

Vesna Jaksic, *A Prison Law Clerk Gets Case to Supreme Court*, *The National Law Journal* (Feb 11, 2008).

Scott C. Wilcox, *Secondhand Smoke Signals from Prison*, 105 *Michigan Law Review* 2081 (2007). Includes a discussion about remedying the Eighth Amendment violation.

Marie Higgins Williams, *The Pro Se Criminal Defendant, Standby Counsel, and the Judge: A Proposal for Better-Defined Roles*, 71 *University of Colorado Law Review* 789 (2000).

Practice-Oriented Materials

Paul Bergman and Sara J. Berman-Barrett, *Represent Yourself in Court: How to Prepare & Try a Winning Case* (Nolo Press, 2007).

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Jailhouse Lawyer's Handbook: How to Bring a Federal Lawsuit to Challenge Violations of Your Rights in Prison, 4th ed. (2003) <<http://www.jailhouselaw.org/download.html>> and *Appendix for Women Prisoners* (2005) <<http://www.jailhouselaw.org/JLH%20Appendix%20for%20Women.pdf>> from the Center for Constitutional Rights & National Lawyers Guild.

David G. Knibb, *Federal Court of Appeals Manual: A Manual on Practice in the United States Courts of Appeals* (Thomson/West, 2007).

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Prisoner Self Help Legal Clinic: Legal Resources for Pro Se Litigants <<http://pshlc.org/>>. Website includes pamphlets, links to state-specific legal resources, and two newsletters. Liverlist is for prisoners with Hepatitis C and The Bridge highlights "prisoner-positive decisions."

Pro Se Litigation Guidelines (July 2005), <<http://www.nywd.uscourts.gov/document/Guidelines2001.pdf>>. Covers the rules and procedures of the U.S. District Court for the Western District of New York.

State Habeas Corpus Procedure: A Manual for California Prisoners (Prison Law Office, 2002).

Robert E. Toone, *Protecting Your Health & Safety: A Litigation Guide for Inmates* (2002), <<http://www.nationalinstituteofcorrections.gov/Library/017821>>. Covers inmate rights, excessive force and abuse, deliberate indifference, assault by other inmates, health care, conditions of confinement, the legal system, exhaustion of administrative remedies, federal lawsuit basics, filing complaints, responses to complaints, discovery, summary judgment, settlements, and trials.

Paul Bergman, *The Criminal Law Handbook: Know Your Rights, Survive the System*, 9th ed. (Nolo Press 2007).