Self-Help Assistance: Research Findings and What They Tell Us About Good Practice

Statewide Conference on Self-Represented Litigants
Administrative Office of the Courts
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Questions

- What are the impacts of self-help programs...
  - On litigants?
  - On the court?
- Who are the litigants?
- What are the impacts of the research?

The Short Answers

- Litigants love self-help programs
- Self-help programs greatly assist the court
- Program users really need this type of assistance
- Research helps to improve programs

Data Sources

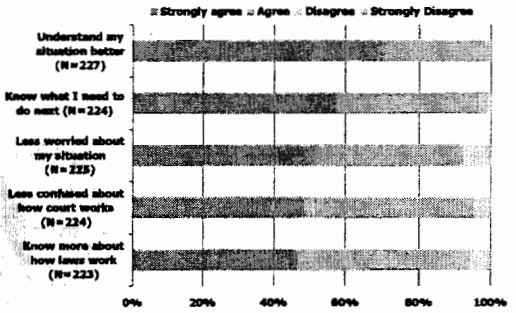
- California
  - Evaluation of five pilot model self-help programs (MSHPP)
  - Evaluation of three pilot family law information centers (FLIC)
  - Evaluation of Equal Access Fund Partnership Grants (EAF)
- Other
  - Trial Court Research and Improvement Consortium executive program assessment – nine jurisdictions in AK, MN, MD, AZ, FL (TCRIC)
  - Survey of self-represented litigants in NYC family and housing courts (NYC)

For Each Area

- What we know now
- How what we know is being applied
- The "Big Picture" Implications
- What we need to know next

What are the impacts of self-help programs on litigants?

Customer Satisfaction: MSHPP



High Customer Satisfaction

- Public trust and confidence in the courts enhanced because system is viewed as more accessible
- Program staff in particular get high ratings
- Narrative comments reflect deep gratitude and appreciation for the service
- Help with forms and staff to answer procedural questions tend to be the most highly rated services
- Satisfaction higher among participants in family cases than in other civil case types

Customer Satisfaction

- MSHPP: Satisfaction levels fairly similar among workshop and drop-in customers
- FLIC
  - 93% - assistance provided was helpful
  - 90% - given useful help completing forms
  - 87% - understand case or issue better
  - 83% - better understand how court works
  - 82% - better prepared to present case to judge

Customer Satisfaction

- EAF: Customer exit surveys highly positive and customers satisfied overall
- TCRIC: Overall satisfaction ratings 4.4 or higher in every jurisdiction

Litigants Can More Effectively Participate in Legal Process

- MSHPP
  - Court file review: More likely to raise relevant issues and defenses, file proper accompanying paperwork, reach settlements
  - Post-hearing interviews: Less likely to be surprised by hearing outcome, more likely to feel able to communicate relevant facts to judge, less likely to feel judge would have ruled differently if they had a lawyer
  - Stakeholder interviews: More accurate and complete paperwork, more prepared for court

Litigants Can More Effectively Participate in Legal Process

- EAF
  - Customers tend to have unreasonable expectations of legal system before service
  - Expectations became more reasonable after service regarding how legal process works

Program Use of Litigant Impact Data

- Hard data to back up anecdotal information
- Programs can more accurately convey the contributions they are making to legislators, policymakers, and potential funders
- Opportunity to critically examine whether programs are achieving intended outcomes and what could be done to better serve SRLs
- Customer satisfaction surveys
  - Effective in demonstrating high level of need and appreciation for program
  - Help to assess types of service that are or would be most useful for litigants—allows programs to focus their efforts

Program Use of Litigant Impact Data

- MSHPP
  - Court file review: Revealed problem areas for litigants and allowed program to retool its workshops to address those issues
  - User testing: Identified need to add forms to Web site

Program Use of Litigant Impact Data

- EAF
  - Focus groups: Litigants reported they were unprepared to present their case in court, project developed special workshop to role play court appearance
  - Interviews: Judge felt litigants were unprepared for court, project attended hearings, met with judge, and established better working relationship

What Does This Mean

- Broad Political Support
- Impact of Centers on Court's Public Image is Very Broad
- Something is Very Very Right and This Says Something About Underlying Need
- Need for More Differentiated Measures of Success

What Other Research Would be Useful?

What are the impacts of self-help programs on the court?

Improved Efficiency

- Cases delayed due to procedural problems are corrected and completed
- Paperwork correct first time, eliminating repeated trips to clerk's window
- Fewer continuances because paperwork properly served, litigants more prepared for court
- Less judge and clerk time spent answering questions
- However, still room for improvement—need to ensure assistance through all stages of case processing

Judge Comments

- "I think that self-help centers are the most dramatic improvement in our justice system in a decade." –Presiding Judge
- "The litigants have correct paperwork, timely filed. They understand what is going on in the courtroom and what is expected of them. This expedites the court process. It has eased the calendars by reducing the number of cases that must be continued." –Presiding Judge
- "The litigants are more aware of the process.... They know the right questions to ask and seem aware of the time limits for hearings." –Family Law Judge

Creative Case Processing Solutions

- System-wide perspective – ongoing communication among all court personnel dealing with SRLs is key
- Examples
  - Pro per days with file review before hearing and in-court assistance available
  - Consolidation of calendars to coincide with workshops
  - Referral slips for judges to indicate specific needs when directing litigants to program

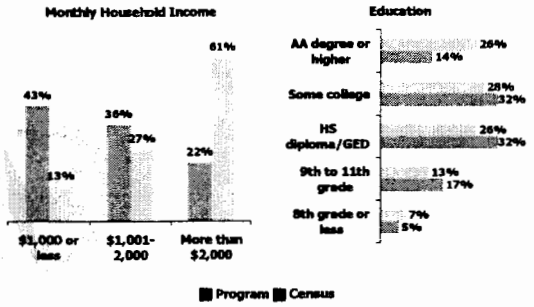
What Does This Mean

- Consensus on Impact is Broad
- Impact is Throughout the System
- Many Impacts are Subtle and Hard to Measure
- Many Stakeholders Will not Necessarily Realize Benefits
- Hard to Make Rational Budgeting Decisions

What Other Research Would be Useful?

Who are the litigants?

Program Users vs. General Population



Lower Income Levels

- MSHPP: 66-96% of customers had monthly household incomes of $2,000 or less
- FLIC: 67-88% of customers had individual monthly incomes of $2,000 or less
- TCRIC: Median monthly income category $2,000-$2,500 or less in 8 of 9 sites
- NYC: 83% reported annual household incomes of $30,000 or less

Relatively Low Education Levels

- MSHPP: 60% or more of customers lacked a college degree
- FLIC & TCRIC: Median education level high school graduate or some college
- NYC: Half reported high school education or less

More Likely to Be Unemployed

- MSHPP: 43-50% of customers were unemployed
- FLIC: One-third to one-half of customers were unemployed

More Likely to Be Non-Senior Adults

▸ 18 to 59 years	92%
▸ 60 and over	7%
▸ Under 18 years	1%

Total number of customers with age reported by 12 projects = 17,800. Source: 2003 year-end EAF Partnership Project reports.

More Likely to Be Female

▸ Female	63%
▸ Male	26%
▸ Not reported	11%

Total number of customers reporting gender data by 12 projects = 19,100. Source: 2003 year-end EAF Partnership Project reports.

Likely to Be Ethnically Diverse

- Hispanic or Latino 39%
- White non-Hispanic 30%
- African American 15%
- Asian/Pacific Islander 3%
- Native American 1%
- Not reported 12%

Total number of customers reporting gender data by 12 projects = 17,800. Source: 2003 year-end EAF Partnership Project reports.

Experience Seeking Legal Assistance

- MSHPP
  - 60% or more of customers had not sought help prior to using the program
  - 70% or more had not considered hiring an attorney
  - Most common reason for self-representing was inability to afford a lawyer
  - Most customers heard about program through clerk's office or friends/family

Experience Seeking Legal Assistance

- FLIC
  - Around half of customers had sought help previously
  - 54-77% had not considered hiring a lawyer
  - Around 80% reported being unable to afford an attorney
  - Most customers heard about program through friend/relative or court personnel

Experience Seeking Legal Assistance

- NYC
  - One-third of litigants had consulted with an attorney
  - 60% said an attorney was not affordable
  - 44% said an attorney was not needed
- In conjunction with customer demographics, the findings underscore the high level of need for self-help services

Program Use of Intake Data

- Customer demographics and experience seeking legal assistance demonstrate high level of need for program
- Demographic data can also help to assess whether program is reaching target population
- Example: Interviews and intake data revealed low referrals from clerk's office, so outreach strategy was changed

What Does This Mean

- Programs are Not Displacing Attorneys
- Raises Questions About Middle Class Litigants Who Can Not Afford Lawyers
- Many Classes of Situations in Need Not Yet Being Met

What Other Research Would be Useful?

For More Information

Model Self-Help Pilot Program Evaluation
http://www.courtinfo.ca.gov/programs/equalaccess/modelsh.htm

Equal Access Fund Evaluation
http://www.courtinfo.ca.gov/programs/equalaccess/eaf.htm

Family Law Information Center Evaluation
http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/FLICrpt.htm

For More Information

Maryland TCRIC Assessment
http://www.courts.state.md.us/family/evaluations_mdsummary.pdf

Survey of SRLs in NYC Family & Housing Courts
http://www.nycourts.gov/reports/AJJI_SelfRep06.pdf