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More Strapped Litigants Skip Lawyers in Court

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By NATHAN KOPPEL

The economic downturn has left more Americans with the daunting prospect of fighting court battles without a lawyer.



The Florida Times-Union/Bruce Lipsky

Katie Vickers helped a friend in court and now faces legal woes herself.

A growing number of people have found themselves in court facing costly financial proceedings such as declaring bankruptcy, fighting foreclosure and litigating employment fights. Adding to the challenge, for many: The high cost of legal representation often prompts them to go it alone.

Jillian Edgar of Brooklyn, N.Y., is one example. The 32-year-old, who says she has been unsuccessfully looking for work since October, is fighting an eviction notice that claims she owes more than \$2,800.

Last week in Kings Country Housing Court, she said she didn't know the steps to take to qualify for free legal aid. Still, she said, "I think I can handle myself." Her plan: to say that she withheld rent because her apartment had fallen into disrepair.

Legal experts say many people are likely losing claims and paying penalties they could have avoided with a lawyer at their side. Litigants often don't understand the sort of evidence they need to present in legal

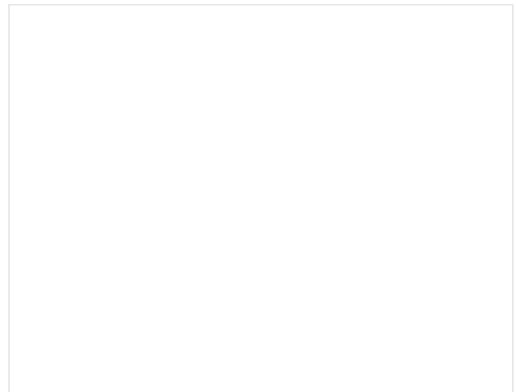
proceedings, said Florida state Judge Claudia Isom.

She said she has seen a jump in people defending against mortgage-foreclosure proceedings without the aid of counsel, for instance, and they are "definitely at a disadvantage."

"People will gather legal information from the Internet, from friends, or leaflets at a courthouse and think, 'I can play checkers, I'm ready,' " said Raymond Brescia, a professor at Albany Law School, who has written about tenants' struggles to afford legal representation. "But when they get to court they realize it's a game of three-level chess, and they don't have the first idea of what's happening."

Legal representation is expensive, and some critics say lawyers have created quasi-monopolies in some areas that raise the cost of their services.

"You can hardly find a lawyer who charges less than \$150 per hour, which is out of reach for



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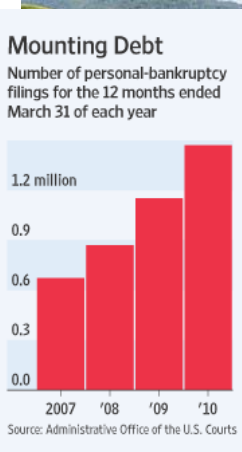
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most people," said Gillian Hadfield, a law professor at the University of Southern California.

In many areas, from immigration and family law to bankruptcy and housing disputes, she said, nonlawyer specialists could be trained to provide useful legal assistance. But nonlawyers who represent clients in court or provide other legal help face prosecution for the unauthorized practice of law, a violation of state bar rules.

"The U.S. is unusual in how restrictive the rules are on who can give you assistance in court," Ms. Hadfield said.

Many who go without a lawyer are too well off to qualify for free legal aid, even if they can't foot the bill for private lawyers, attorneys said. "The problem is growing for the middle class," said Larry Tribe, who heads the U.S. Justice Department's Access to Justice Initiative.

Most legal-aid organizations, which provide free legal services to people at or near the poverty line, have cut back as they have absorbed cuts in the funding they rely on from governmental and private sources just as demand for their services has risen. The Legal Aid Society in New York City, for instance, this year lost nearly \$1.8 million in funding from its budget of about \$30 million because of state and city budget cuts.

"We can only help one out of every nine people who solicit our help," said Steven Banks, the head of the organization, which assisted about one in seven people who asked for help before the recession.

There are no comprehensive statistics on how many people represent themselves in court. But nationwide, 60% of state judges reported increases in the number of civil litigants who appeared in court last year without counsel, the American Bar Association said in a July 12 survey. Parties were hurt by not having a lawyer, 62% of the surveyed judges said.

Katie Vickers, a 70-year-old Florida retiree who isn't a lawyer, said she agreed in 2008 to help a church friend petition for workers' compensation benefits. She said her friend, who didn't have an attorney, needed help typing legal documents and answering questions in court. The friend lost his claim, she said.

Now, Ms. Vickers is facing legal problems of her own. The Florida Bar filed a court petition in March claiming that Ms. Vickers had engaged in the unlicensed practice of law and should be fined \$1,000.

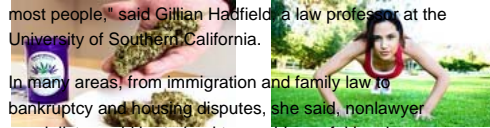
The bar has a duty "to protect the public from incompetent or unethical representation," said Florida bar counsel Lori Holcomb. Ms. Vickers denied that she had practiced law and said she would vigorously defend herself—without a lawyer.

Write to Nathan Koppel at nathan.koppel@wsj.com

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