

## Chapter 7

# Experiences of Self-Represented Litigants Across Pilot Projects

This chapter presents findings from data collected through post-hearing interviews over the course of the two-year study, as well as an in-depth analysis of customer satisfaction survey data by case type and by primary method of service delivery (drop-in or workshop). In both of these data collection efforts, the number of cases from individual programs was too small to allow separate analyses.

### Post-Hearing Interview Results

Interviews with self-represented litigants immediately following their hearings were conducted in Spring 2003 and 2004 in the courthouses of Butte, Contra Costa, Fresno, and San Francisco counties. (Interviews were not conducted in Los Angeles because the project primarily serves self-help providers.) These data provide information on the characteristics of study participants, their experiences as self-represented litigants within the judicial process, and the role of pilot self-help centers in their court experience.

During data collection, the researchers observed 302 self-represented litigants in 231 cases, 154 litigants during Year 1 and 148 litigants during Year 2. Follow-up interviews with self-represented litigants were conducted with a total of 135 individuals; 57 respondents in Year 1 and 78 respondents in Year 2. For both waves of data collection, Berkeley Policy Associates (BPA) and Northwest Professional Consortium (NPC) researchers worked closely with self-help center staff to select days to observe when the courtroom calendar would ensure a large number of self-represented cases and focus on the areas of law the centers were targeting.

As described in Appendix B, a team of two researchers observed court proceedings involving self-represented litigants. At the close of each hearing, one researcher left the courtroom to request and conduct interviews with the self-represented litigant(s) who had just completed their hearing. The follow-up interviews were voluntary and selective, so the number of hearings observed is greater than the number of interviews. In addition, because the researchers did not seek interviews with litigants who were visibly upset or angry, the sample of litigants interviewed might be biased toward those who had a more favorable reaction to the hearing. The case composition of the interviews differed slightly from the cases that were observed in the courtrooms; however, family law cases were the most common case type in both categories. Hearings regarding domestic violence allegations were a significant proportion of those observed, but litigants in these cases were usually not interviewed to protect their safety and respect their privacy. Figure 7.1 presents information on the types of self-represented litigants observed in court and the types of cases for which litigants were interviewed.

**Figure 7.1  
Post-Hearing Interviews by Case Type**

	Observed Self-Represented Litigants		Post-Hearing Interview Respondents	
	%	N	%	N
Family law	26%	78	39%	53
Domestic violence	22%	65	N/A*	N/A *
Small claims	15%	44	21%	28
Civil harassment	19%	57	18%	24
Unlawful detainer	9%	26	13%	18
Other	9%	26	9%	12
(missing)		6		0
<b>Total</b>		<b>302</b>		<b>135</b>

\* Because domestic violence cases were not a significant number of post-hearing interviews, these cases were combined with family law cases for analysis of the interview data.

### **Characteristics of Self-Represented Litigants**

Slightly more than half of the self-represented litigants observed had initiated the legal action as plaintiff or petitioner, and half of those observed and interviewed were female. The majority of litigants interviewed spoke English as their primary language; however, 33 percent spoke a language other than English at home. Among those who spoke a language other than English, Spanish predominated.<sup>54</sup> Interviewees also reported speaking a variety of other languages, including French, Korean, Thai, and Burmese.

The self-represented litigants interviewed represented a variety of ethnic and racial backgrounds. About 42 percent were white non-Hispanic, 27 percent were Hispanic/Latino, 17 percent were African-American, 6 percent were Asian/Pacific Islander, 4 percent were Native American/Eskimo/Aleut, and 4 percent identified with an “other” racial or ethnic group. Most litigants had at least one child living at home, except for those individuals involved in a civil harassment or unlawful detainer case, the majority of whom had no children living at home. Most litigants had at least a high school diploma or GED, and 20 percent had attained a bachelor’s degree or higher. There were no statistically significant demographic differences between the interview respondents who had received assistance from the self-help center and those who had not. (Please refer to Appendix F for more complete demographic information on post-hearing interview respondents.)

<sup>54</sup> About 5 percent of the interviews were conducted in Spanish.

### **Prior Experience With the Courts**

Most individuals interviewed reported that they had been to court on at least one other occasion for another case, as illustrated in figure 7.2. However, the majority had never previously represented themselves in court. This was particularly true for individuals involved in unlawful detainer and other civil cases, such as those petitioning for a name change. In contrast, a little more than half of individuals interviewed in family law cases/issues, including child custody and divorce, had previously represented themselves in court.

A majority of individuals reported that they had prior experience in court for the specific case being observed. However, whether the self-represented litigant was attending court for the first time for the case we observed also depended on the type of case. For example, most self-represented litigants involved in civil harassment and unlawful detainer cases had not previously been to court for this particular case. However, 85 percent of family law respondents had previously been to court for the case. In fact, 26 percent of these individuals reported that they had been to court for the same case on four or more other occasions. A majority of self-represented litigants involved in small claims or other civil cases had not previously been to court for the case or, if they had, only once.

The majority of individuals reported that they had never had legal representation for this or any other case. About 42 percent of the self-represented litigants interviewed were representing themselves because they could not afford a lawyer, and almost one-quarter of those interviewed were representing themselves by choice. Regarding prior experience in the courts and legal representation, there were no statistically significant differences between those who accessed self-help center services and those who did not.

**Figure 7.2**  
**Litigants' Prior Experience in Court and Previous Legal Assistance**  
**Post-Hearing Interviews**

	%	N
<b>First Time as a Self-Represented Litigant</b>		
Yes	57%	76
No	43%	58
(missing)		1
Total		135
<b>Number of Times Litigant Has Been to Court Before for This Case</b>		
None	35%	47
One	27%	37
Two	12%	16
Three	13%	17
Four or more	13%	18
Total		135
<b>Number of Times Litigant Has Been to Court for Other Cases</b>		
None	43%	58
One	16%	22
Two	9%	12
Three	5%	7
Four or more	27%	36
Total		135
<b>Litigant Has Had Legal Representation</b>		
Yes	39%	52
No	62%	83
Total		135
<b>Why Litigant Decided to Represent Self</b>		
I cannot afford a lawyer	42%	57
I do not know how to find or hire a lawyer	6%	8
Legal Aid cannot help me	1%	1
I do not know if I need a lawyer	5%	7
I choose to represent myself	24%	33
Other	22%	29
Total		135

### **Preparation for Court**

About 60 percent of self-represented litigants interviewed sought and received help before going to court. Figure 7.3 provides information about the help self-represented litigants received before going to court. Among those individuals who received help, more than half of them sought help from the self-help center pilot program. In addition, self-represented litigants sought assistance from a variety of sources, including legal aid,

private attorneys, paralegals, and friends or relatives. It is important to note that the number of interviewees receiving services from the self-help centers may be underestimated due to a lack of name recognition or difficulty remembering services, especially when time had elapsed between the person’s visit to the self-help center and the hearing date.

**Figure 7.3**  
**Help Received Before the Hearing**  
**Post-Hearing Interviews**

	<b>N</b>	<b>%</b>
<b>Did Litigant Receive Help Before Going to Court</b>		
Yes	59%	80
No	41%	55
Total		135
<b>Has Litigant Heard of Self-Help Center?</b>		
Yes	44%	48
No	56%	60
(missing )		27
Total		135
<b>Has Litigant Received Help From Self-Help Center?</b>		
Yes*	87%	40
No	13%	6
(missing)		2
Total		48

\* Four individuals reported that they had not heard of the self-help center but also reported receiving help from the self-help center. This happened when the respondents did not recognize the center’s name when first asked, but then described where they received help, which was in actuality the self-help center.

The majority of those self-represented litigants who used the self-help centers spoke English at home, had no children under the age of 19 in the home, and had at least some college education. About 45 percent were white non-Hispanic, 23 percent Hispanic/Latino, 20 percent African American, 5 percent Asian/Pacific Islander, 2 percent Native American/Eskimo/Aleut, and 5 percent other. Men and women were equally represented among pilot self-help center users. About 40 percent of center users were involved in civil harassment cases, 30 percent in family law, 15 percent in unlawful detainer, and 15 percent in other civil cases. None of the individuals who had used a local pilot self-help center were involved in a small claims case.

Self-represented litigants accessed a variety of services from the pilot self-help center programs (see figure 7.4). The majority of interviewees reported that they received assistance completing forms. However, the centers also assisted litigants by reviewing documents, explaining court orders, organizing workshops, offering procedural information and other educational materials, and making referrals to other providers.

Respondents also went to the centers to pick up court forms and, in some cases, written instructions for completing them. Respondents reported that the most helpful aspects of the services they received included assistance with completing and filing paperwork, information about the court process and what to expect, reassurance that they were adequately prepared and going to the right courtroom, and access to forms, the Internet, advice, and instructions.

**Figure 7.4**

**Services Received at Self-Help Center\*  
Post-Hearing Interviews**

<b>Services Received</b>	<b>%</b>	<b>N</b>
Assistance completing forms	65%	26
Document review	28%	11
Received forms and written instructions	13%	5
Explanation of court orders	10%	4
Procedural information	5%	2
Forms only	3%	1
Mediation	3%	1
Order after hearing/judgment	3%	1
Other educational materials	3%	1
Referrals to other providers	3%	1
Other	18%	7
<b>Total</b>		<b>40</b>

\* Percentages sum to more than 100 because respondents could select more than one service.

The majority of respondents did not offer any suggestions about how to improve services in the pilot self-help centers. However, a few offered suggestions such as having attorneys available to give legal advice, offering assistance with attorney payment, establishing a video lending library, disseminating more information about services,<sup>55</sup> and developing checklists and flowcharts detailing the court process and paperwork requirements. In addition, at least one respondent noted that asking questions was sometimes difficult because he or she did not have enough knowledge to know what questions to ask.

When the name of the pilot program was mentioned, the majority of litigants had not heard of the self-help center, even though some had received help from it. This may be due to the fact that services and workshops sponsored by the self-help center pilot programs are not yet known by name in the court communities in which they operate.

<sup>55</sup> Specific suggestions for more publicity included printing center information on court forms, listing center information with court information on the Internet, and making pamphlets available in clerks' offices.

Also, services and workshops may not be explicitly linked with the center name. Interview data show that most self-represented litigants who did not use their local pilot self-help center were not aware of its existence. More than two-thirds of these respondents had never heard of their local center. There were some significant differences in whether or not a respondent had heard of the self-help center based on education level and which court the person was using (see figures 7.5 and 7.6 below). Customers who did not have a high school diploma were much less likely than other customers to have heard of the centers. San Francisco was the only county where more than half of self-represented litigants interviewed had heard of the self-help center.

**Figure 7.5  
Center Awareness and Education Levels  
Post-Hearing Interviews**

Heard of center	Less than HS diploma		HS diploma or GED		Some college		College degree		Total	
	%	N	%	N	%	N	%	N	%	N
Yes	25%	3	70%	16	38%	16	45%	13	45%	48
No	75%	9	30%	7	62%	26	55%	16	55%	58
Total	100%	12	100%	23	100%	42	100%	29	100%	106

**Figure 7.6  
Center Awareness and County/Service Area  
Post-Hearing Interviews**

Heard of center	Butte		Contra Costa		Fresno		San Francisco		Total	
	%	N	%	N	%	N	%	N	%	N
Yes	47%	15	38%	8	8%	1	57%	24	44%	48
No	53%	17	62%	13	92%	12	43%	18	56%	60
Total	100%	32	100%	21	100%	13	100%	42	100%	108

Despite the fact that many did not access the self-help centers, most self-represented litigants we interviewed reported that they felt either *extremely* or *mostly* prepared for their hearing (as seen in figure 7.7). These results should be viewed with some caution, however, because the litigants willing to be interviewed may have been those who understood the court process well enough to make it to the hearing phase. Therefore, the sample may not be representative of the overall population of self-represented litigants. Analysis suggests that there were no substantial differences in litigants' perceived levels of preparedness between those who had visited the self-help centers and those who had not.

**Figure 7.7**  
**Self-Represented Litigants' Experience in the Courtroom**  
**Post-Hearing Interviews**

	<b>%</b>	<b>N</b>
<b>Litigant Felt Prepared for Hearing</b>		
Extremely	42%	57
Mostly	22%	29
Neutral	25%	34
Not very	4%	5
Not at all	7%	10
Total		135
<b>Court Clerk and Staff Treated Litigant With Respect</b>		
Extremely	69%	92
Mostly	23%	30
Neutral	4%	5
Not very	3%	4
Not at all	2%	2
(missing)		2
Total		135
<b>Litigant Understood Court's Terminology</b>		
Extremely	73%	98
Mostly	16%	22
Neutral	7%	10
Not very	2%	3
Not at all	2%	2
Total		135
<b>Litigant Satisfied With Hearing</b>		
Extremely	50%	54
Mostly	16%	17
Neutral	12%	13
Not very	3%	3
Not at all	20%	22
(missing)		26
Total		135

Figure 7.7 (continued)

	%	N
<b>Litigant Surprised by Hearing</b>		
Extremely	22%	24
Mostly	11%	12
Neutral	11%	12
Not very	12%	13
Not at all	44%	47
(missing)		27
Total		135
<b>Litigant Able to Tell Judge Everything Needed to Make Decision</b>		
Extremely	53%	57
Mostly	22%	24
Neutral	6%	6
Not very	6%	6
Not at all	13%	14
(missing)		28
Total		135
<b>Litigant Felt Judge's Decision Was Fair</b>		
Extremely	67%	65
Mostly	13%	13
Neutral	5%	5
Not very	5%	5
Not at all	9%	9
(missing)		38
Total		135
<b>Litigant Believed Judge Would Have Ruled Differently Had Litigant Been Represented</b>		
Yes	28%	28
No	72%	73
Missing		34
Total		135

### Need for In-Court Interpreting

As described in figure 7.8, only 12 of the observed self-represented litigants needed interpretation services. Nevertheless, researchers observed that when litigants needed such assistance and it was unavailable, their hearings did not progress smoothly. For example, when an interpreter was lacking, one case was continued, one hearing was chaotic and considerably longer than comparable hearings observed, and one inaccurate

order was made. Most individuals needing interpreter services spoke Spanish as their native language; however, two self-represented litigants spoke Russian.

**Figure 7.8**  
**Interpretation Needs of Self-Represented Litigants**  
**Post-Hearing Interviews**

<b>Interpretation Needs</b>	<b>%</b>	<b>N</b>
Did not need one	96%	279
Litigant brought own interpreter	2%	5
Litigant had a court appointed certified interpreter	1%	3
Litigant needed interpreter but did not bring one to court	1%	4
(missing)		11
<b>Total</b>		<b>302</b>

### **Experience in the Courtroom**

Generally, self-represented litigants felt that judges and other court staff treated them with respect. More than two-thirds of self-represented litigants reported agreeing strongly that the judge and other court staff treated them with respect, and another 22 percent reported that this was mostly the case.

The majority of litigants reported that they understood the words and phrases used in the court by the judge and other court staff. Interviews with self-represented litigants suggested that the majority were satisfied with the hearing outcome; however, a substantial minority reported that they were *not at all* satisfied.

**Figure 7.9**  
**Center Use and Reaction to Hearing**  
**Post-Hearing Interviews**

<b>Surprised by What Happened</b>	<b>Received Help from Center</b>		<b>Did Not Receive Help from Center</b>		<b>Total</b>	
	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>
Not at all	47%	15	47%	27	47%	42
Not very	16%	5	7%	4	10%	9
Neutral	13%	4	12%	7	12%	11
Mostly	3%	1	12%	7	9%	8
Extremely	22%	7	22%	13	22%	20
<b>Total</b>		<b>32</b>		<b>58</b>		<b>90</b>

Note: None of these differences is statistically significant.

**Figure 7.10**  
**Center Use and Ability to Communicate With Judge**  
**Post-Hearing Interviews**

Able to Tell Judge Everything Needed to Make Decision	Received Help from Center		Did Not Receive Help from Center		Total	
	%	N	%	N	%	N
Not at all	10%	3	17%	10	15%	13
Not very	0%	0	9%	5	6%	5
Neutral	3%	1	5%	3	5%	4
Mostly	23%	7	19%	11	20%	18
Extremely	63%	19	50%	29	55%	48
Total		30		58		88

Note: None of these differences is statistically significant.

**Figure 7.11**  
**Center Use and Perceptions of Need for Lawyer**  
**Post-Hearing Interviews**

Would Judge Rule Differently If You Had Lawyer?	Received Help from Center		Did Not Receive Help from Center		Total	
	%	N	%	N	%	N
Yes	20%	6	36%	20	31%	26
No	80%	24	64%	35	69%	59
Total		30		55		85

Note: None of these differences is statistically significant.

Findings from the post-hearing interviews also suggest that center usage has some effect on self-represented litigants' level of surprise with hearing outcomes, ability to communicate the facts of the case with the judge, and confidence in self-representation. Litigants who received help from the center were somewhat less likely to have been surprised at the outcome of the hearing (63 percent were *not very* or *not at all* surprised, compared with 52 percent of those who did not receive help from the center) (see figure 7.9). About 63 percent of center customers also reported that they were *extremely* able to communicate the facts of their case to the judge (figure 7.10), compared with only 28 percent of noncustomers. Finally, 80 percent of self-represented litigants who had gone to the pilot self-help centers indicated that the judge would not have ruled any differently had they enlisted professional legal representation, compared with less than two-thirds of noncustomers (figure 7.11). However, none of these differences were found to be statistically significant.

## Detailed Customer Satisfaction Analysis

Customer satisfaction surveys were distributed to drop-in and workshop customers in the Butte/Glenn/Tehama, Fresno, and San Francisco centers during a two-week period in May 2004. The surveys were designed to elicit customers' overall levels of satisfaction with self-help center services, as well as their assessments of specific types of services. Surveys were received from about one-third (31 percent) of customers across the three centers.

The following analyses explore customer satisfaction more in-depth in an effort to determine whether levels of satisfaction vary for different segments of the customer population. Because a relatively large number of cases are required for these analyses, they are presented across programs and, for the analysis by major case type, across versions of the survey (i.e., for drop-in and workshop surveys combined). See Appendix G for further details from the analysis.

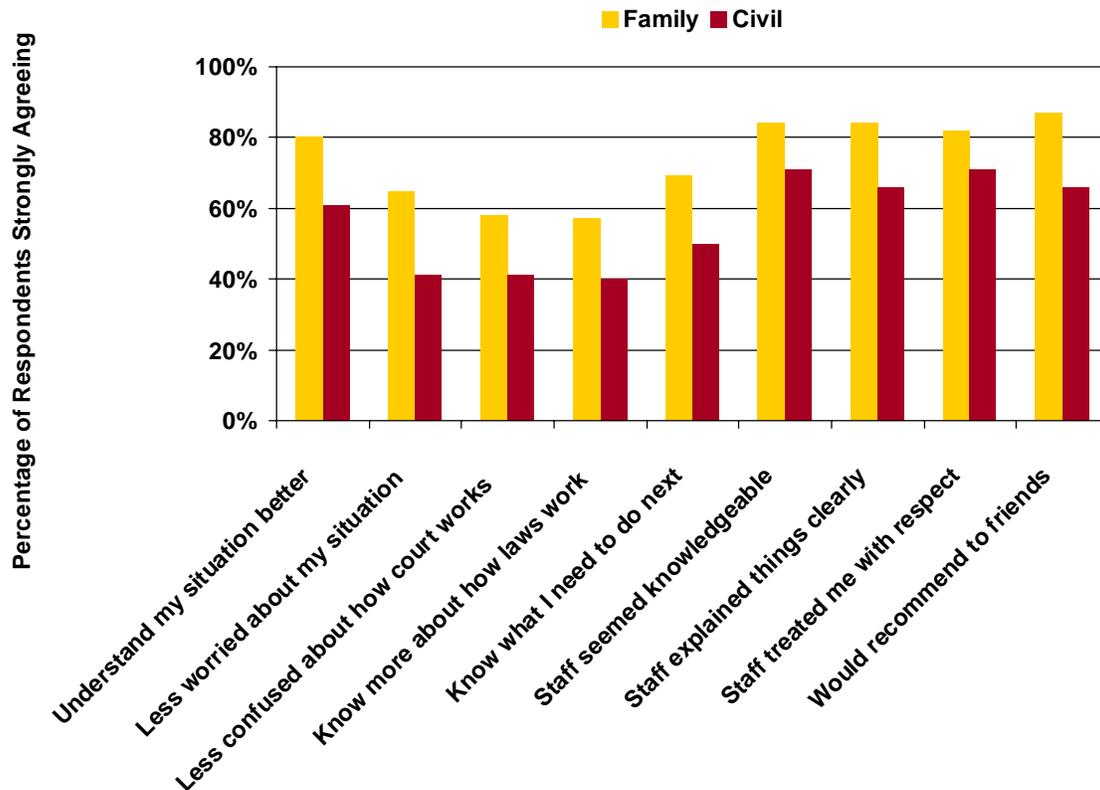
### **Customer Satisfaction by Case Type**

Overall, satisfaction seemed to be higher among customers seeking assistance with family law matters than among those seeking help with other civil matters (figure 7.12). Looking at *strongly agree* responses on the general satisfaction questions, the proportion of customers with family law cases ranged from 10 to 20 points higher than the proportion with other civil cases. Differences in satisfaction between family law and other customers were especially pronounced in terms of whether they felt less worried about their situation (17 percent of customers with other civil cases either disagreed or strongly disagreed, whereas no family law customers disagreed or strongly disagreed); whether they knew more about how the laws work; and whether they felt less confused about how the court works. Family law customers were also more likely to report that they would recommend the self-help center to friends and that they understand their situation better.

Responses to questions about customer interactions with center staff showed fewer variations than responses to the other general satisfaction questions discussed above.

Family law and other civil customers varied much less in their assessments of specific services offered at the self-help centers. Differences between the two groups were generally smaller (the differences in the percentage who *strongly agree* ranged from 1 to 21 percentage points) and less likely to be statistically significant. None of the family law or other civil customers found that staff answers to questions were not helpful; almost all (95 percent) family law customers rated staff answers *very helpful*, in contrast with 80 percent of other civil customers. Family law customers were also somewhat more likely to find written instructions for filling out forms to be helpful.

Figure 7.12  
Overall Satisfaction by Major Case Type  
Customer Satisfaction Surveys



### Customer Satisfaction by Service Delivery Method

Drop-in customers were similar to workshop participants in their level of satisfaction (figure 7.13). For the general satisfaction questions, differences in the proportion of *strongly agree* responses between the two groups ranged from less than 1 to 16 percentage points, with most differences 5 percentage points or less. Drop-in customers were more likely to *strongly agree* that they were less confused about how the court works and that they were less worried about their situation, but they were also somewhat more likely to *disagree* or *strongly disagree*.

For the service assessment questions, differences in the proportion of *very helpful* responses between drop-in and workshop customers ranged from 2 to 11 percentage points, and differences were not in a consistent direction. Workshop customers seemed somewhat more likely to rate interpretation or translation as *very helpful*, although sample sizes were somewhat lower for this comparison because a smaller percentage of customers needed these services.

Figure 7.13  
 Overall Satisfaction by Service Delivery Method  
 Customer Satisfaction Surveys

