



ADMINISTRATIVE OFFICE OF THE COURTS

Center for Families, Children & the Courts

The Benefits and Costs of Programs to Assist Self-Represented Litigants

Results from Limited Data Gathering Conducted by Six Trial Courts in California's San Joaquin Valley

Final Report

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Executive Summary

Preliminary research conducted in courts in the San Joaquin Valley in California shows that self help services provided to self-represented litigants produce economic savings for courts and for litigants. The findings should prove helpful to courts seeking information on the costs and benefits of the services they render as they make difficult resource allocation decisions in today's challenging fiscal climate.

The findings suggest that:

- Courts that provide services through a workshop reduce the number of court hearings and the time of staff at the public counter and that the costs of the workshops amount to \$.23 for every \$1.00 saved. Taking into account the savings accruing to litigants in not having to attend the eliminated court hearings, the costs drop to \$.13 for every dollar of savings.
- Courts that provide one-on-one support and information services to litigants are saving: at least one hearing per case, 5 to 15 minutes of hearing time for every hearing held in the case, and 1 to 1.5 hours of court staff time related to providing assistance to self-represented litigants at the front counter and to reviewing and rejecting proposed judgments. The services required to produce these court savings range from a high of \$.55 to a low of \$.36 for every \$1.00 saved. Adding the savings accruing to the litigants reduces the costs to a range of \$.33 to \$.26 for every \$1.00 of savings.
- Courts that provide assistance to self-represented litigants to resolve cases at the first court appearance save future court hearings. The cost of the self help services are roughly \$.45 for every \$1.00 saved. When the costs to the litigants of attending the eliminated hearings are included, the cost of the services falls to \$.14 for every \$1.00 saved.

Background

Considerable effort has been devoted to evaluating the effectiveness of programs to assist self-represented litigants and we have found, for instance, that litigants, judges, other court staff, and attorneys report high

levels of satisfaction with such programs.¹ Comparatively few studies, however, have asked whether such programs provide a monetary benefit to the court or to the litigant equal to or greater than the cost of providing the service.

For example, the evaluation of the Maricopa County Self Service Center² asked court clerks to keep a tally of inquiries from self-represented litigants for a two week period. That data was compared to a baseline survey conducted two years before. The comparison showed an overall 29% reduction in the number of inquiries for domestic relations matters. The most dramatic decrease – for judges' secretaries – was 58%. However, the court did not attempt to assign dollar amounts to these savings or to compare them to program costs. The court did conclude that the staff positions needed to operate the program once it had been put into operation were fully offset by the reduced number of court clerks required at the public counter.

An evaluation of the Legal Assistance Center established in Grand Rapids, Michigan³ in 2002 compared the time spent by court staff in both the limited and general jurisdiction trial courts in Grand Rapids in serving self-represented litigants in 2004 with baseline data collected in 2001. It found an increase of 5% in the total number of minutes of assistance provided to such litigants in the general jurisdiction court and a decrease of 19% in the limited jurisdiction court. The court has used this data to conclude that the existence of the program saves the time of two full-time counter clerks in the latter court. It is not clear that this conclusion is warranted by the study results since the study recorded only the total time spent assisting self-represented litigants and not the average time per litigant. In the general jurisdiction court the administrator reported a significant increase in divorce cases between 2001 and 2004. The Legal Assistance Center might, in fact, have benefitted the general jurisdiction court if the average time spent on each litigant had gone down between 2001 and 2004. The study provided only the total number of minutes spent assisting self-represented litigants

¹ See, for instance, Trial Court Research and Improvement Consortium and Maryland Administrative Office of the Courts, *An Executive Program Assessment For State Court Projects to Assist Self-Represented Litigants* (2005); Judicial Council of California, Administrative Office of the Courts, Center for Families, Children & the Courts, *Model Self-Help Pilot Program: A REPORT TO THE LEGISLATURE* (2005).

² James, Bob and Karen Westover. *Final Report on the Maricopa County Self-Service Center*. Phoenix, AZ, 1997

³ Mavima, Dr. Paul, Jackie Summerville and Meta Menning, *An Evaluation of the Success of the Legal Assistance Center: A Report to the Grand Rapids Bar Association* (April 6, 2004) (Grand Valley State University School of Public and Nonprofit Administration).

rather than the average time spent per litigant. The study did not attempt to calculate costs and benefits of the services rendered.

The Eleventh Judicial District Court in New Mexico found that the length of time set aside to hear self-represented domestic relations matters was reduced significantly after the court provided a monthly seminar at which such litigants could get help with completing all of the forms, calculating child support amounts, and mediating child custody issues. It also found that the number of reopened cases dropped significantly.⁴ The court made no attempt to assign dollar amounts to these benefits or to compare them to the costs of operating the monthly seminars.

Ken Smith, evaluator of the Self Help Access Center in Sonoma County, California⁵ obtained benchmark national data on the per case costs associated with representation by a legal services staff lawyer and with representation by a pro bono lawyer. He compared them to the per case costs of assisted self-representation through the project. The results are shown in the table below.

Program	Range of cost per case
SHAC	\$81
Pro bono representation	\$140 - \$250
Federally funded staff lawyer	\$270 - \$460

The SHAC evaluation went on to conclude that funding adequate to support a fulltime self-help center would actually increase the clientele served sufficiently to reduce the per case costs to \$50.

The SHAC evaluation involved a comparative cost analysis; it did not attempt to quantify the benefits to the court or to the litigants assisted to determine the benefit/cost ratio of the services provided.

The American Judicature Society⁶ gathered program information from roughly 150 self-help programs around the country in the fall of 1999. At that time, it computed a national average cost per case of \$13.10. That number is questionable, in that it appears from the context to be derived

⁴ Unpublished data made available to the author.

⁵ IOLTA Information Services and Sonoma County Legal Aid. The Self-Help Access Center (SHAC) is Filling a Critical Niche in the Sonoma County Justice System: SHAC: The First Six Months. Sonoma County, CA 2001

⁶ Murphy, Beth Lynch. Results of a National Survey of Pro Se Assistance Programs: A Preliminary Report. American Judicature Society, 2000

from dividing reported program costs by numbers of persons served. That approach would probably have assumed program costs were the amounts of grants received to support the program; true per case costs require a standard set of business rules for calculating program costs, including use of facilities, automation and administrative support, and other contributed (or matching) funding. This study, as well, was limited to per case costs; it did not address the existence of or monetary value of benefits derived from the programs.

The San Joaquin Valley Benefits/Cost Data Gathering Experiment

In the summer of 2008, at the request of the Self-Represented Litigation Network, six trial courts in California's San Joaquin Valley – those located in Fresno, Kern, Merced, San Joaquin, Stanislaus and Tulare Counties – conducted an experiment in collecting benefit and cost data on the provision of such services. Representatives of these courts had formed a San Joaquin Valley Pro Per Task Force which had been meeting periodically for several years. They agreed to work individually and collectively to gather data on the cost effectiveness of their court-based self help programs for family and guardianship cases. The courts did not all gather the same information; instead they gathered data available from and appropriate to the particular program benefits they felt their programs were producing.

The project's approach was to identify areas in which the programs believe their services produce a quantifiable benefit to the court and to the litigants, to test empirically whether such benefits are in fact produced, and to quantify the value of the benefits and compare them to the costs of the program services required to produce the specific benefits. This is not the same as a comprehensive cost-benefit assessment of the self-help programs in each of the six courts – which would have entailed quantification of the value of all services provided by the self help program and comparing them with the total program costs. Such a study was well beyond the means of the participating courts.

The appendix to this report contains a series of spreadsheets developed by Richard Zorza of the Self-Represented Litigation Network used to quantify court savings; this approach was used in San Joaquin County to quantify the savings produced by eliminating or reducing the time of court hearings. It also includes a series of data gathering instruments prepared by the consultant for use by the six courts in gathering outcome data.

The six courts attempted to verify and quantify the following benefits:

- Savings arising from freeing up the time of the Court Investigator to conduct guardianship investigations rather than assisting persons to complete their guardianship applications
- Savings of the time of family law counter clerks arising from assistance provided by the self help center
- Reduction in the number of judgments returned to a filer because of deficiencies and the time spent by court staff in identifying deficiencies and returning deficient filings to the filer.
- Reduction in the numbers of hearings in family and guardianship cases involving self-represented litigants
- Determining the cost to a citizen of coming to court, to be able to measure the savings to litigants arising from reduced numbers of hearings
- Reducing the length of hearings in family cases involving two self-represented litigants

Results

The data gathered in the six courts is summarized below. Benefit/cost assessments have been calculated for each court – often by extrapolating the use of data from another one of the six courts.⁷

Self Help Services in Family and Domestic Violence Cases in Fresno County

Fresno County staff compared 20 randomly chosen cases from 2004 and 2005 – prior to the creation of the court’s self help program – with the same number of cases from 2007 and 2008 in each of the following categories:

⁷ The courts are roughly similar in the nature of the communities they serve, making this extrapolation more appropriate than in might have been in other contexts.

- Family law cases with a hearing – for those cases in which court staff recorded the start and stop time from the court’s audio recording system (the study found that these times were not consistently reported for all of the cases reviewed) the average pre-self help center hearing time was 19 minutes and the average post-self help center hearing time was 5 minutes.

Using the hearing time costs calculation from San Joaquin County, the hearing time reduction saved the court \$69.26 in each case. Using the average cost of assisting a litigant reported by Kern and Tulare Counties, the Fresno court had a net savings of approximately \$35.48 for every self-represented litigant family law case with a hearing since the self help center has been in place.

- Family law judgments submitted for review by court staff – 100% of the pre-self help center judgments were returned because of incorrect, incomplete or missing information or lack of proof of service. 100% of post-self help center judgments were signed without requiring a return. The document examiner assisting a self-represented litigant to prepare a judgment completes judgment processing at the time the assistance is rendered, bypassing the court staff who handle judgments otherwise submitted to the court and eliminating the rejection process altogether for assisted litigants.

The court concluded that each judgment review and rejection would require 45 minutes of clerk staff time. The court saved at least \$24.30 for every family law judgment (assuming that each was rejected only once). However, this would compare to the cost of \$33.78 (the Kern/Tulare County average per contact cost), for a net cost to the Fresno court of \$9.48 based on this form of savings alone.

When the two types of benefits are combined, the court had a net savings of \$26.00 for every case with a hearing and an assisted judgment preparation, making the conservative assumption that the self help center provided two contacts for each such case.

Costs of Providing Self Help Services in Kern County

The Kern County court calculated the cost of each contact with its self help program to be \$34.00.

Services to Guardianship Litigants in Merced County

Prior to the opening of a self help center in Merced County in March 2008, the Court Investigator provided assistance to self-represented litigants completing the court's guardianship packet. During the fifteen months prior to the center's opening, she assisted 80 persons to complete packets, averaging 1.5 hours per case. At 5.33 packets per month, she spent an average of \$238.66 per month on this task. Since the center opened, she has assisted with 7 packets, or 3.5 per month, at an average cost to the court of \$156.82 per month. Opening the center has saved the court \$81.84 per month on these cases.

At her hourly salary of \$29.87 per hour, the Court Investigator spends \$44.81 per case assisting with guardianships. The average self help center assistance cost from Kern and Tulare Counties is \$33.78 per case – or a savings of over \$11 per guardianship case assisted.

Costs Incurred by Citizens to Attend a Court Hearing in Merced County

The Merced County Superior Court – a rural court located between Sacramento and Fresno – administered a survey for a month during the summer of 2008 to obtain information on the costs incurred by persons coming to court. 72 completed surveys were collected.

Just over half (54%) of the respondents reported that they had to take time from work to attend court. They averaged \$105.38 in reported lost wages. Thirteen respondents (18%) reported that they incurred child care costs that they would not otherwise have had to pay, averaging \$37.23. On average, the respondents travelled 39.75 miles (from a high of 300 miles to a low of 1 mile). At the federal mileage reimbursement in effect at that time (58.5 cents per mile), the average cost for transportation was \$22.61. Merced

County provides free parking for court users. Other reported costs were for copies of records and meals.⁸

On average, a court user spent \$79.28 to come to court, ranging from a high of \$584.50 to a low of nothing. In hearings in which two persons are involved, the average cost to the litigants would be double this amount, or \$158.56. This compares to the cost to the court itself of a continuance (as computed in San Joaquin County) of \$74.21.

Support for Persons Seeking Guardianships in San Joaquin County Superior Court

Since 2002, San Joaquin County has provided different types and levels of support to self-represented litigants seeking to have a guardianship created. In 2002 and 2003, the court provided one-on-one services to such persons. These services were discontinued in 2004. In 2005, the court obtained funding support for a guardianship workshop, conducted by the court's mediator.

The court has tracked the numbers of continuances in guardianship cases over this entire time period. The data is shown in the table below:

Year	Service Provided	Number of Guardianship Hearing Continuances
2002	One-on-one assistance	39
2003	One-on-one assistance	7
2004	None	402
2005	None	366
2006	Guardianship workshops	98
2007	Guardianship workshops	118
2008	Guardianship workshops	180

It is clear that one-on-one assistance was most effective in preparing litigants for their guardianship hearings. It was also the most expensive form of providing self help services. Failing to provide services dramatically increased the cost to the court in processing guardianship cases.

The workshops reduced significantly the annual number of continuances.

⁸ When expenses were reported without any explanation, we ignored them in our analysis.

The court computed the cost of a continuance based on one quarter hour of judge, courtroom clerk, bailiff, filing clerk, and data entry clerk. The total costs, including benefits and overhead, in 2008 was \$74.21 per continuance.

Each workshop costs the court \$66.29 in wages, benefits and overhead for the court mediator. For a year, the workshops cost \$4,972.

The court calculated two types of savings from attendance at workshops – reduced continuances and reduced time for a counter clerk to provide one-on-one assistance to a litigant.

The court computed that, on average, a case in which the litigant did not attend a workshop had three continuances. For a two month period, 19 persons attended workshops; these persons had only 21 continuances in their cases – a savings of 36 continuances. The annualized savings from reduced continuances was \$16,029.

Court counter staff also monitored the time they took to help persons with guardianship cases. On average, they spent 45 minutes per customer. The court concluded that the court would have had to spend \$5,832 in staff time providing one-on-one assistance at the counter to the 240 persons who attended workshops.

The total savings produced by guardianship workshops in San Joaquin County from reduced continuances and reduced clerk counter time was \$21,861. The total cost of the workshops was \$4,972. Therefore the workshops saved the court a net of \$16,889. The benefits derived from the workshops were 4.4 times their cost.

If the cost savings to the San Joaquin litigants (as computed in Merced County) are included in the computation, the total net savings increase by \$17,124 to \$34,013. The total benefits, including those to the litigants, were 7.84 times the cost of the workshops.

Services Provided to Self-Represented Litigants in Family Law Matters in Stanislaus County

The court in Stanislaus County reviewed 50 cases – half from before and half from after the creation of its self help center – to determine the number of hearings involved in those cases. The post-self help center cases had more hearings than the pre-self help center cases. The court's analysis concluded that this unexpected result arose from two factors:

- many of the litigants in the pre-self help center sample had used paralegal services, which are quite effective in Stanislaus County; only 3 of the 14 cases using paralegal services had more than one hearing.
- Many of the post-self help center sample cases were referred to the center only after an unsuccessful court hearing – artificially increasing the average number of hearings in assisted cases.

The court interviewed judges who presided in family law cases before and after the creation of the self help center. The judges reported their impression that the average length of a hearing decreased from roughly 10 minutes prior to the creation of the program to 5 minutes afterwards.

Using San Joaquin County's hearing cost computations and cost per litigant contact data from Kern and Tulare Counties, the 5 minute average hearing saving per case would benefit the court by roughly \$25 per case while providing the service would cost roughly \$34 per case – a net cost of \$9 per case. This computation assumes that the only savings arising from the program's services was the reduced average time per hearing (disregarding any savings in the time of counter clerks, etc.).

Services Provided to Self-Represented Litigants in Guardianship Cases in Tulare County

Tulare County court staff compared the number of hearings per guardianship case in 20 cases in 2006, when the self help center did not assist with these cases, with the number of hearings in 20 cases in 2007 when it did assist with guardianship cases. The average number of hearings per case was 3.85 in 2006 and 2.60 in 2007, or a reduction of 1.25 hearings per case.

The self help center staff estimated that it spent one hour on each guardianship case, costing \$33.56 per case. Using San Joaquin's computation of the cost of a fifteen minute hearing of \$74.21, each guardianship litigant assisted by the program in Tulare County saved the court \$40.65. The court had 134 guardianship cases in 2007, resulting in a total savings of \$5,447.10.

Services Provided to Self-Represented Litigants in Family Law Cases in Tulare County

In Tulare County, a self help program staff member is available to the court at the time of a case management conference set 60 days after a response is filed in a divorce case. The court refers cases in which two self-represented parties tell the court they are ready to settle the case. The staff member helps them formalize their agreement and prepare the documents needed to complete the case that day without further hearings. For cases that do not settle at this point, there is at least one additional hearing – a settlement conference – and perhaps more, including a trial.

During June 2008, court staff resolved 6 of the 41 cases (15%) involving two self-represented litigants that had a case management conference set. The court concluded that the staff effort in these cases was one hour (\$33.56). If the savings in court time for the hearing was merely the cost of a continuance computed by San Joaquin County (\$74.21), the program saved the court \$40.65 per case, \$243.90 per month, or \$2,926.80 per year. The savings for the litigants (using the Merced County data for two parties attending) would be \$158.56 per case, \$951.36 per month, and \$11,416.32 per year.

Tulare court staff compared a random sample of 20 divorce judgments with which a self-represented party received help from the self help center with similar sample of cases in which a self-represented party did not receive such assistance. It found that no judgments from either category were rejected. The court concluded that its volunteer paralegal who reviewed such judgments had been curing defects by inserting standard language into the submitted documents on her own initiative. (This service was provided to all litigants – not just to those who represented themselves.)

Overall Analysis of Cost/Benefit Ratio of Providing Self Help Services

The following overall analysis uses the data gathered in all six courts. It constitutes a micro analysis of the values of the specific benefits studied and the costs of producing those benefits. It identifies the monetary value of the benefits shown from the San Joaquin Valley courts' data gathering, and compares them to the monetary costs of providing those benefits. Such an analysis does not take into account all of the costs of providing a self help program – only the costs associated with producing the specific benefits studied.

The analysis uses the actual benefits found in any of the courts; it ignores the fact that Stanislaus County found no reduction in the number of hearings for cases served by its self help center and that Tulare County found no rejected judgments for cases not served. We consider those two experiences to be unusual – deriving from characteristics unique to those counties. The analysis uses the Tulare County findings for reduced hearings, the Fresno and Stanislaus County data on reduced hearing time, and the Stanislaus County data on rejected judgments. The analysis does not take into account the savings arising from freeing up the time of the Court Investigator in Merced County.

Judges and court administrators using these findings to assess the benefits and costs of their own self help programs need to look closely at the operational details of their programs to ensure that they are structured to produce the benefits found in the San Joaquin Valley trial courts.

Although there are clear risks in combining the data from these different analyses⁹, an overall analysis of the data collected by the San Joaquin Valley trial courts produces the following summary. A spreadsheet showing the specific computations is included in the appendix.

1. Workshop-based self help programs. Courts that provide self help services through workshops can expect to have a net savings from reduced numbers of hearings and reduced counter staff interactions with self-represented litigants. The cost of providing the workshops is \$.23 for every \$1.00 saved. Savings to self-represented litigants themselves (assuming only one self-represented litigant appears for each hearing), increases the savings so that the cost to produce \$1.00 of benefits drops to \$.13. This conclusion is based on the data from the San Joaquin County guardianship workshops.

2. One-on-one litigant interaction programs. Courts providing self help services through one-on-one interaction with self-represented litigants can expect to save an average of:

- At least one hearing per case

⁹ For instance, it is very likely that different courts will have different cost structures for their self help programs (although the two courts reporting this data from San Joaquin County provided virtually identical per contact costs). It is likely that the average length of a hearing will differ from court to court and from judge to judge within a court. It is also likely that the cost/benefit computation will differ from case type to case type (while this analysis assumes that family law and guardianship case costs and benefits are the same).

- 5 to 15 minutes of hearing time for every hearing held in the case
- 1 to 1.5 hours of court staff time related to providing assistance to self-represented litigants and to reviewing and rejecting proposed judgments

The computations shown below assume only one hearing per case for computing savings from reduced hearing time; although the Tulare County data showed an average of 2.6 hearings per guardianship case, we believe that number would be high for family law cases, which constitute the single largest component of self help program services in the six San Joaquin Valley trial courts. The computations make a series of additional conservative assumptions -- that the average self-represented litigant will come to a self help program twice, that the average hearing takes fifteen minutes in one of these cases, and that only one litigant appears on average for a hearing. The following cost/benefit ratios emerge:

Cost/Benefit Ratios

	Court Savings Only	Savings to Court and Self-Represented Litigants
Minimum savings estimate	\$.55 in costs for every \$1.00 saved	\$.33 in costs for every \$1.00 saved
Maximum savings estimate	\$.36 in costs for every \$1.00 saved	\$.26 in costs for every \$1.00 saved

3. Assistance at the time of a courtroom appearance. Courts providing the assistance of self help staff to litigants to settle cases and to complete the paperwork required to resolve the case at that appearance, will obviate at least one further court hearing in the case. Assuming that the court eliminates only one future hearing in the case and that one hour of self help assistance is provided, the court will save \$2.20 for every \$1.00 spent on this service. When the costs of the self-represented litigants in the case are taken into account (assuming, in this instance, that both parties would appear at future hearing eliminated) the savings are \$6.90 for every \$1.00 spent.

Possible additional analyses

The San Joaquin Valley courts identified several additional areas they considered worthy of future analysis but were not able to carry out within the time and resources available for this effort.

- It would be possible to identify a substantive area in which a court has not previously provided self help services – for instance in general civil cases. The court could gather baseline data on the average length of hearings in general civil cases involving self-represented litigants prior to the commencement of the new services area, determine the average numbers of hearings in those cases, and determine the average numbers of kicked back judgments from a sample of those cases filed two years before. It could then gather systematic data on newly filed general civil cases involving self-represented litigants after the court's self help program began providing assistance in that area and the costs associated with providing the assistance.

As part of such a study, the court might attempt to identify savings that accrue to other litigants and their lawyers by freeing up court time that is now spent in hearings with self-represented litigants. It may be possible to demonstrate a reduction in the time from filing to disposition in represented as well as in self-represented cases.

- The current effort attempted to measure only a part of the benefits provided to litigants – those associated with the cost of attending court. It would be worthwhile to attempt to measure in a more thorough fashion what the litigants gain from self help programs – including the amounts of time saved by assistance with forms preparation and in not having to prepare revised documents when they are rejected. It is not likely that we will ever be able to quantify the ultimate value of self help services – the obtaining a legal remedy such as a divorce decree, a domestic violence restraining order, a child support order, a guardianship decree, or a civil judgment.