This research brief focuses on how self-help services improve pro se litigants’ outcomes and increase access to justice. In civil proceedings, individuals are more likely than not to self-represent. Strikingly, in family law proceedings, 62 percent of individuals self-represent and in domestic violence cases, between 80 and 97 percent of victims self-represent.¹ Self-help services, a form of legal aid, have been found to significantly improve pro se litigants’ outcomes. These services increase access to information, promote public trust, increase court efficiency, and save money (Self-Represented Litigation Networka, 2016; Judicial Council of California, 2005; and Maryland Administrative Office of the Courts & State Justice Institute, 2005).

Page 1 of this research brief provides some research highlights; page 2 a narrative overview; page 3 other helpful resources; and pages 4-10 summaries of the curated studies.

RESEARCH HIGHLIGHTS:

- Maryland Administrative Office of the Courts found when self-represented litigants used self-help services, they were more likely to “rate the fairness of court proceedings very highly, whether or not they believe they prevailed in the matter,” and that judges were more likely to “give them satisfactory ratings” of how they acted in court (Maryland Administrative Office of the Courts & State Justice Institute, 2005).

- “Studies in two of the participating courts showed that persons for whom documents were created using a remote services method were highly likely to obtain a determination on the merits – and obtain the relief they were seeking – if they filed the document” (Self-Represented Litigation Networka, 2016).
  - “Remote delivery is arguably better than in-person services in many ways and is effective, efficient and less costly.”

- “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” (Center for Families, Children & the Courts, 2009).

- For litigants who attended the self-help centers, they were less surprised by the outcome, less likely to feel that the judge would have ruled differently if they had a lawyer, and were more likely to report that they were “extremely able to communicate with the judge” (Judicial Council of California, 2005).
NARRATIVE OVERVIEW RE:
SUPPORTING ASSISTED SELF-HELP APPROACHES

In civil proceedings, individuals are more likely than not to self-represent. One study found that 63 percent of individuals self-represented in civil matters.² They found this percentage can vary depending on the civil matter. In family law proceedings, 62 percent did not have counsel. In domestic violence court, more than 80 percent did not have counsel. Further, in 30 percent of total cases, one party had representation and the other did not. Anecdotal evidence agrees. In 2009, 60 percent of judges reported an increase in cases with self-represented litigants.³

In eviction proceedings, pro se litigants are more likely to be tenants and those with representation are more often landlords. While there is no national figure of how many DV survivors self-represent, studies have continuously shown that DV survivors are among the most likely to self-represent, reporting between eighty⁴ and ninety-seven percent of DV survivors self-representing.⁵

DATA AND STUDIES SHOW LEGAL AID HELPS:

Self-help services, which is a form of legal aid, have been found to increase access to justice in certain settings and for some legal issues. The Judicial Council of California found that in the five pilot self-help centers, these centers provided access to legal education and information, facilitated effective participation in the legal process, improved court efficiency, helped the court to design systems serving self-represented litigants more effectively, promote public trust, and reach non-English speakers (Judicial Council of California, 2005). Another study by the State Justice Institute made similar findings (Maryland Administrative Office of the Courts & State Justice Institute, 2005). They found that when self-represented litigants participated in programs, the programs were appreciated and highly rated by the litigants, increased perceptions of court fairness (regardless of the outcome), and were inexpensive.

Increasing access to self-help services can save courts and states money. In a cost-benefit analysis from the Center for Families, researchers found that the costs of the self-help services were found to be significantly less than the amount saved, costing as little as $0.13 per every dollar saved (Center for Families, Children & the Courts, 2009). A resource guide from the Self-Represented Litigation Network found that in Alaska, Idaho, Maryland, Minnesota, Montana, Utah, and California where self-represented litigants had access to self-help resources, the benefits of remote service delivery include reduced security costs, less staff burnout, and reduction of facility costs (Self-Represented Litigation Network⁶, 2016).
HELPFUL RESOURCES:

- The National Center for State Courts provides links to state-specific resources and locations of self-help centers.⁶
- The Self-Represented Litigation Network has:
  - A webinar on establishing and managing a self-help center.⁷
  - A resource guide on serving pro se litigants electronically.⁸
  - An interactive map that breaks down county-level demographic data to show the needs of individual counties.⁹
- Legal Services Corporation has collected client success stories here.¹⁰
- For more information about civil legal aid messaging, communications, and story-telling, go to the Voices for Civil Justice and All Rise for Civil Justice websites.¹¹
- For a more comprehensive repository of legal aid related research, go to the National Legal Aid & Defender Association's LegalAidResearch website.¹²

Endnotes

² Supra note 1.
⁴ Supra note 1, Kinnally & Brown.
⁵ Supra note 1, State of New Hampshire Judicial Branch.
⁸ https://www.srln.org/system/files/attachments/Remote%20Guide%20Final%208-16-16_0.pdf
⁹ https://srln.maps.arcgis.com/apps/MapJournal/index.html?appid=7bed22d6a4ec45f281b766181b862156
¹¹ See https://voicesforciviljustice.org/ and https://www.allriseforciviljustice.org/
¹² https://legalaidresearch.org/
SUMMARIES OF KEY STUDIES


The researchers conducted a randomized control trial to assess the effectiveness of a pro bono divorce service offered from January 2011 through July 2016. They randomly assigned 311 individuals seeking assistance to obtain a divorce to either a service provider to find a pro bono attorney (the treatment group), or to an existing set of self-help resources paired with the opportunity for assistance over the telephone (the control group). They found that 54.1 percent of individuals who were referred to a service provider to find an attorney had a divorce case on record after eighteen months, compared to 13.9 percent of the control group. After three years, 45.9 percent of the treatment group had successfully obtained a divorce, compared to 8.9 percent of the control group.

**Methodology:**
Individuals seeking a divorce were randomly assigned to be referred to either a service to obtain an attorney, or self-help resources. The researchers compared the rates of successfully filing for and obtaining a divorce at two time periods after randomization (eighteen months and three years) between the two groups.

**Highlights:**
- “Our simple design study replicated that of previous effect-of-representation studies: we randomized participants to a higher level of service or a lower level of service and followed results via examination of adjudicatory system records” (p. 24).
- “Study intake lasted from January 2011 until July of 2013, allowing us to randomize 311 participants, 74 assigned to the treatment group and 237 to control” (p. 24).
- “Starting eighteen months after randomization, on a periodic basis, we provided personal identifying information on study participants to the Court’s remarkably patient and dedicated staff, who searched for divorce case files involving study participants. Upon finding a file, Court staff copied it, redacted confidential information about the opposing spouse, and sent the redacted copy to us. With respect to study participants who had case files in the initial 18month search, we requested follow-up documents from the court for up to 36 months after randomization. A review of these case files provided us with a primary source of outcome information” (p. 25).
- In Philadelphia County: “Eighteen months after randomization, 54.1% of the treated group, as opposed to 13.9% of the control group, had a divorce case on record. Three years after randomization, 45.9% of treated group, as opposed to 8.9% of the control group, had achieved a termination of a marriage” (p. 5).
- If results are expanded to include other counties in Pennsylvania, “results remain statistically and substantively significant: 60.8% of the treated group, versus 36.3% of the control group, had a divorce case on file after 18 months, p < .00002; 50.0% of the treated group, versus 25.3% of the control group, succeeded in terminating the marriage in 36 months, p < .00002” (p. 6).
- “We conclude that the applicable procedural system trapped participants in marriage, even those seeking only the simplest possible court action, i.e., orders ending marriages and doing nothing else with respect to that marriage” (p. 7).
- “… the overwhelming fraction of our study participants did not achieve the goal of terminating their marriages unless they had lawyers” (p. 9).
This is the executive summary of the resource guide. It includes a summary of the findings of the guide, best practices, and findings and recommendations. It also finds that the best practice for self-help services is to have remote services using telephone and internet-based technologies. This report was prepared by Greacen Associates, LLC for the Self-Represented Litigation Network. This report was developed under a grant from State Justice Institute.

**Methodology:**
Greacen Associates analyzed eight study site programs throughout the US.

**Highlights:**
- Remote service delivery is efficient and effective. “It [remote service delivery] should be a part of the service delivery strategy of every entity interacting with self-represented litigants and individuals seeking legal information” (p. 3).
- Remote service delivery is savings-friendly. “Remote services delivery mechanisms offer resource savings for both service providers and their customers. In today’s resource-challenged environment, being able to provide the same service at less cost is of significant benefit. And to be able to provide it at less cost to the customer maximizes the benefit” (p. 3-4).
- Customers do not have to go to the courthouse of legal services office, they can access services more hours during the week, they have less stressful interactions, their communications are more private, and they receive quicker delivery when they have quick questions.
- There should be multiple services: “Use of multiple remote services (e.g., telephone, email, live chat, video conferencing and text messaging) is advantageous to the service provider and the user by providing the maximum range of options for accessing the service” (p. 5).
- In sum, “remote delivery of self-help services using telephone and internet-based technologies should be integral to serving self-represented litigants and individuals seeking legal information about court processes and forms. Remote delivery is arguably better than in-person services in many ways and is effective, efficient and less costly” (p. 10-11).

This resource guide, which used evaluations from Alaska, Idaho, Maryland, Minnesota, Montana, Utah, and California, provides information for courts interested in providing services to self-represented litigants electronically. Benefits of remote service delivery include reduced security costs, less staff burnout, and reduction of facility costs. Remote services delivery options include: mail, fax, scanning and transmission via email, photographic and transmission as email or smartphone message, virtual law office, e-filing, websites, chats, emails, voice telephony, co-browsing, text messaging, outbound dialers, videoconferencing and using a CRM (customer relations management software) database. Remote service delivery also benefited the self-represented litigants as they did not have to travel to an in-person assistance (reducing transportation, parking, and childcare costs) and they received quicker delivery of information. This report was prepared by Greacen Associates, LLC for the Self-Represented Litigation Network. This report was developed under a grant from the State Justice Institute.
Methodology:
It analyzes eight study sites—Alaska, three counties California, Idaho, Maryland, Minnesota, Montana, Orange County in California, and Utah—and presents a matrix of program characteristics.

Highlights:
- “One of the major learnings of the study is the need to tailor remote service programs to the jurisdiction and clientele to be served. We urge persons, entities, and jurisdictions interested in developing or expanding their remote services to consider all of the technologies and business processes in place in the study sites, and in other jurisdictions we were not able to include in our study or which have instituted remote services approaches since the study was conducted” (p. 4).
- Delivering services through the phone and Internet (like email, chat, text, and messaging) was effective and efficient. Of those who preferred a different delivery method, they preferred a different remote service method—not face-to-face (like assistance with a form, answering a question, or attending a workshop).
- “Studies in two of the participating courts showed that persons for whom documents were created using a remote services method [like via the Internet] were highly likely to obtain a determination on the merits – and obtain the relief they were seeking – if they filed the document” (p. 5).
- Benefits of remote services delivery include: centralized staffing, shorter customer interaction time, less staff burnout, reduction of facility costs, and minimized security issues and costs.
- The costs of the self-help centers and services ranged from center to center. In Minnesota, they provided phone, email, and forms review service. The call center software cost $100 per month per staff member. The phone service fees cost $1200 per month. In 2014, The Minnesota center sent 3,842 emails, 18,354 phone calls, and conducted 1,320 forms reviews. In three counties in California, they used a videoconferencing software that cost $1,000 per month before switching to a web-based service that cost $10 per month.


Court programs to assist self-represented litigants are effective, efficient, and rated satisfactorily by litigants, judges, and other court staff. Greacen conducted a cost benefit analysis and found that the costs of the services were significantly less expensive than the amount saved, costing as little as $0.13 for every dollar saved. This report was prepared by Greacen Associates, LLC. for the California Judicial Council.

Methodology:
Greacen Associates perform a cost benefit analysis that includes savings from freeing up the time of the Court Investigator, family law counter clerks’ time saved, reduction in the number of judgements returned to filer, reduction in the number of hearings in cases, reduced cost of citizen coming to court, and reduced length of hearings.

Highlights:
- Courts that provide services through workshops reduce the number of court hearings and the time of staff at the public counter. They cost $0.23 for every $1.00 saved. When the savings accruing to litigants are added, it drops to $0.13.
• “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” (p. 1).
• Courts that provide one-on-one support and information services to litigants save money and time. It saves "5 to 15 minutes of hearing time for every hearing held in the case, and 1 to 1.5 hours of court time related to providing assistance to self-represented litigants at the front counter and to reviewing and rejecting proposed judgements" (p. 1).
  o These services cost between $0.36 to $0.55 for every $1.00 saved; and when the savings accruing to the litigants are added, it costs between $0.26 to $0.33 per every dollar saved (p. 1).


The Center for Families, Children & the Courts followed five self-help centers that were part of the California Judicial Council’s effort to increase access to justice and improve the quality of justice and service to the public. They attempted to address: self-represented litigants’ limited access to legal information, limited English proficiency, geographic and transportation barriers, and limited resources. They found that in the five pilot self-help centers, they provided access to legal education and information, facilitated effective participation in the legal process, improved court efficiency, helped the court to design systems serving self-represented litigants more effectively, promote public trust, and reach non-English speakers. This study was prepared by the Center for Families, Children & the Courts, part of the Judicial Council of California. The project was funded by the California legislature.

Methodology:
The researchers conducted site visits, took intake data, took service tracking data, reviewed court files, performed courtroom observations, conducted post-hearing interviews, conducted satisfaction surveys, and performed website user testing and site usage analysis for each of the five self-help centers.

Highlights:
• 80 percent of parties in family law cases represent themselves; 90 percent of tenants and 34 percent of landlords represent themselves in eviction cases.
• A presiding judge said: "I think that the self-help centers are the most dramatic improvement in our justice system in a decade.”
• “Data also suggest that when dissolution petitioners receive assistance, they are more likely to raise all relevant issues correctly in their initial pleadings, to file proper accompanying paperwork, and to accomplish service of process. Improvements such as these are likely to contribute to a higher quality of justice for self-represented litigants” (p. 3).
• Self-help centers improved court efficiency by: correcting and completing cases that had been delayed in the court process due to procedural problems; correctly filing paperwork to clerks; causing courtroom staff to be less interrupted by self-represented litigants; allowing more responsive declarations to be filed; and helping litigants to ask the appropriate questions so that hearings could proceed more smoothly.
• More than 80 percent of litigants said that they understood their situations better, knew more about how the laws worked, knew what they needed to do next, worried less about their situation, and were less confused about how the court works.
- For litigants who attended the self-help centers, they were less surprised by the outcome, less likely to feel that the judge would have ruled differently if they had a lawyer, and were more likely to report that they were “extremely able to communicate with the judge” (p. 5).
- The majority of those who used the self-help centers had a monthly income of less than $2,000.


The Maryland Administrative Office of the Courts conducted assessments on programs to assist self-represented litigants. They found that the programs were appreciated and highly rated by the litigants, increased perceptions of court fairness (regardless of the outcome), and were inexpensive. The assessment tool took more time for court staff to complete than they had expected and the assessment tool was very useful for the consultants. This report was prepared by the Maryland Administrative Office of the Courts on behalf of the Trial Court Research and Improvement Consortium. This project was conducted under a grant from the State Justice Institute.

**Methodology:**
This program assessment used seven survey assessments for each for each of the programs: exit surveys of people leaving the court, in-court observation surveys by court staff, in-court observation surveys by the presiding judge, exit survey of self-represented litigants, and surveys of judges, lawyers, and court staff.

**Highlights:**
- Using an executive Program Assessment Tool, seven survey instruments, a paid consultant and a volunteer from another one of the sites, they found that assessments for the Trial Court Research and Improvement Consortium can be conducted quickly—within two weeks, are affordable, produce worthwhile information, and produce data that can be used for nationwide benchmarking for courts.
- On programs to assist self-represented litigants, the programs are “highly appreciated and rated by litigants,” and “self-represented litigants rate the fairness of court proceedings very highly, whether or not they believe they prevailed in the matter,” and that “judges report in general surveys that self-represented litigants generally are incapable of representing themselves competently, especially in contested matters; however, the same judges when rating the performance of self-represented litigants in specific hearings over which they preside, give them satisfactory ratings” (p. 4).
- One of their recommendations is to “mandate attendance at workshops and use of programs to assist self-represented litigants; develop videotape and on-line workshops that satisfy the workshop attendance requirement” (p. 5).
- On the importance of creating statewide definitions of legal information and legal advice: “Such guidance is essential to cause court staff to depart from deeply imbedded cultures that the provision of any information about how the court operates is the provision of “legal advice” (p. 42).
- The program cost $7,000 per court. It came to a total of $63,000 and was funded by a grant and in-kind donations.
Students from the University of Maryland Law School’s Legal Theory and Practice program observed hearings, collected information from court files, and conducted exit interviews with tenants in 1990 to understand the relationship between individual interactions, self-representation, and case outcomes in the formal structure and operation of Baltimore’s rent court. The data collected suggests that judicial preference for landlord claims, silencing (non-appearance, disappearance, and non-speech) of unrepresented tenants, and interpretation by judges of tenants’ speech styles as “powerless” results in non-neutral courtrooms and poor outcomes for tenants.

Methodology:
Beginning in the spring of 1990, students from the University of Maryland Law School’s Legal Theory and Practice program observed 399 court cases, conducted 106 exit interviews with tenants, and used systematic sampling to collect data from every 20th court file. In their observations, the students recorded the tenants’ and landlords’ presence in court, race and gender of tenants, representatives’ appearances, claims and defenses raised by both parties, their production of evidence, the judge’s explanations to parties, and case outcomes. The interviews and court file analysis collected information on sample points such as demographic information, case details, pre- and post-hearing expectations, knowledge of remedies available to tenants, and representation by attorney or agent.

Highlights:
- “The subject of this Article is poor people who go to court on their own, without lawyers. Baltimore’s rent court is one in which lawyers do not practice. Thus, there is almost never an effective translator available in the process to assist the tenant in conveying her legally pertinent story, to aid the judge in hearing it, to translate statements made between the two, or to stop the judge when s/he mishears or fails to hear” (p. 538).
- “Tenants appeared almost always as defendants, and generally lost. While the study’s structure did not permit follow-up of particular cases, the aggregate figures for tenant relief are shocking. Not a single order to the landlord to repair was observed in the sample. Abatement of rent to reflect housing violations was ordered in just 1.75% of all cases in the Observation Study” (p. 553-554).
- “Landlords prevailed outright in 67% of the cases observed. Tenants obtained judgment and were excused of claims for rent and possession in just 3.5% of all cases” (p. 554)
- “In short, landlords avoided the imposition of rent abatement or damages for impaired habitability in 98.25% of all cases. The Court Record Survey also confirms that 84.7% of the judgments were entered on the defendant’s default” (p. 554).
- “In the great majority of cases, the monetary stakes are small. Tenants are usually sued when there is but a single month’s rent due. Economic considerations prevent attorneys from waiting around for two-minute, ‘two-bit’ cases, thus appearances through nonattorney agents solves this problem cheaply. Landlord agents’ specialization, experience, and familiarity with procedure and personnel, more than the limited law ever invoked, render them effective representatives for property owners” (p. 555).
- “Tenants made some sort of claim against the landlord in 21% of the cases in which tenants appeared, which represents only 12.5% of all the observed cases. Sixty percent of tenant claims were based on the property’s condition. Yet the aggregate outcomes of tenants’ claiming was dismal, since tenants received favorable judgments in under 4% of the cases. By contrast, tenants sought to defend against the claimed rent in 63% of the cases in which tenants appeared (37.8% of all observed cases)” (p. 559).
• “Two-thirds of the respondents told interviewers there were unsafe conditions in their homes. Women, particularly black women, were more likely to remain silent before the judge, even when they disagreed with the landlord's claim (or, at least, were most likely to report as much in the interviews). In all the race-gender groups, 50 to 67% agreed as to the rent claimed. Twenty-six of the 106 interview respondents reported their disagreement. All but four of this group reported that they made their disagreement known to the judge. All of the four who did voice their disagreement were women” (p. 560-561).

• “Tenants reported bringing evidence to show the judge in 31% of the 106 cases reported in interviews. From our observations, landlords brought rent records even less often than did tenants, in 25 of 399 cases, or 6% of all the cases. In only 66 of the observed cases, or 16.5%, did landlords produce any evidence” (p. 562).

• “In our observed cases, landlords were represented 2.5% of the time while tenants had representation in 3.7%. ... The interview data identified three tenants who were assisted by counsel and six others assisted by friends or relatives. In none of these cases did the landlord obtain a favorable judgment on that day. ... The fact that the tenants who were assisted by non-lawyer friends or relatives achieved more success than the average tenant invites the speculation that qualities other than legal representation may account for some tenants' persistence in court” (p. 562-563).

• “A short stay in Baltimore's rent court shows that the "powerless" speech style predominates in tenants’ usage when speaking with the judge. It coincides in aggregate with tenants' low success rate in Maryland's most-used court” (p. 585).

• “The burdens of stylistic powerlessness fall most heavily on women, minorities, the poor, and undereducated, with a disproportionate number of women and blacks in America being poor, undereducated, and relegated to the margins of economic and political power” (p. 585).

OTHER RESEARCH HIGHLIGHTS:

Paul Mavima et al., An Evaluation of the Success of the Legal Assistance Center: A Report to the Grand Rapids Bar Association, Grand Valley State University School of Public and Nonprofit Administration (April 6, 2004).

In Grand Rapids, MI, an increase of five percent in the number of minutes of assistance to self-represented litigants decreased time spent in the limited jurisdiction court by 19 percent. The court found that this program saved the time of two full-time counter clerks.


Self-help centers are less expensive than alternatives: the Self Help Access Center in Sonoma County costs $81 per case, compared to $140-250 for pro bono representation, compared to $270-460 for a federally funded staff lawyer.