

Collecting and Using Data

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Agenda

1. Planning a new program—data useful in designing a new program and establishing a baseline for future evaluations
2. Starting a new program—What you need to know to adjust your program to fit the needs of your clients
3. Evaluating a mature program—options for assessing your court's services to self-represented litigants
4. Obtaining and justifying your funding—what funding sources and other stakeholders want to know about your program.

Planning a new program
Data useful in designing a new
program and establishing a
baseline for future evaluations

Planning Data

- Frequency of self-represented litigants by type of case and type of court

Source: Case management information system data

Challenge: When is a person self-represented?
At case initiation? At hearing? At disposition?
What about the use of unbundled legal assistance; is a person still self-represented?

Planning Data

- Reasons for self-representation

Source: Existing data from other surveys; surveys of self-represented litigants in your court(s)

Challenge: Inability to afford a lawyer needs to be substantiated by income information

Planning Data

- Demographic information about self-represented litigants, including age, gender, income, education, race, ethnicity, and primary language spoken in the home

Source: Existing data from other surveys; surveys of self-represented litigants in your court(s)

Challenge: Maintaining comparability with other data gathering efforts

Planning Data

- Barriers faced by self-represented litigants

Source: Focus groups of recent self-represented court users

Challenge: Organizing the groups and providing an honorarium. Facilitation is not difficult. Focus groups cannot be used to produce representative data.

Planning Data

- Current impact on court operations

Source: Surveys of judges, staff and lawyers; collection of data on time spent with SRLs at the front counter and in the courtroom

Challenges: Survey data is merely opinion. Studies have shown that judges in particular have overly negative stereotypical views of self-represented litigant capabilities. Empirical data collection is expensive and time consuming.

Planning Data

- Litigant satisfaction with current court services

Source: Litigant satisfaction surveys

Challenge: Getting sufficient numbers of post-hearing surveys to have reliable data.

Planning Data

- Other baseline data – derived from your evaluation plans – such as current success rates for self-represented litigants

Source: Detailed research about current court outcomes by representation type

Challenge: Appropriate methodology and adequate funding

If You Don't Have the Time or Resources to Gather Lots of Data

- Where does the court think there's a problem?
 - Talk to court staff and judges - some court observation
 - What services are currently available so that the court can refer appropriately and not duplicate services?
 - Interviews with providers
 - What is the potential volume and what are ways to deal with that (this includes non-English speakers who aren't coming to court, the working poor who don't have access to legal aid ...)?
 - (CMS data, comparisons with other programs)
 - What barriers do SRLS face - to get some idea of what needs to be changed to address them?
 - (focus groups)
- **USE DATA FROM OTHER PROGRAMS!!!**

Starting a new program
What you need to know to
adjust your program to fit the
needs of your clients

Tweaking your program

- How litigants feel about the program, what's working, what's not, and what are continuing barriers faced by self-represented litigants

Source: Focus groups of recent self-represented court users; interviews with individual self-represented litigants; customer satisfaction forms

Challenges: Hard to locate these litigants after cases are completed, customer satisfaction uniformly high when forms completed right after service

Tweaking your program

- Quality of the materials and services provided by your program

Source: Feedback from judges and court staff – interviews, surveys

Challenges: Judges and staff opinions may be colored by their philosophical orientation. Critical to explain that this is an opportunity to improve the program and that they should be open.

Tweaking your program

- Quality of the materials and services provided by your program – quality of legal work

Source: file reviews

Challenges: Sampling files to review and time required to conduct and record file reviews. Determining appropriate basis for comparison. Developing tool and often reviewing file requires subject matter expertise.

Tweaking your program

- Extent of use of your program

Source: Intake information from program. Post-hearing surveys of self-represented litigants

Challenge: Litigant memory of use of court program may not be accurate. Many litigants won't need to have hearings - or will learn that filing a court matter may not be the solution to their problem.

Tweaking your program

- Identification of changing demographics and litigant needs

Source: Periodic surveys of users of self help programs to identify any demographic changes; focus groups of self-represented litigants

Challenge: Resisting the urge to collect this data on every case.

Evaluating a mature program— options for assessing your court's services to self- represented litigants

Process Alternatives

- Full academic evaluation
- Expert assessment
 - Trial Court Research and Improvement Consortium “executive assessment methodology”
- Self assessment

Major challenges

- Absence of baseline data
- Use of data gathering tools that enable you to use existing benchmarking data from studies of other courts
- Resources for outside evaluator
- Intervening factors

Demographics of Self Represented Litigants

- Income and education level vary by location
- Majority are poor
- Substantial proportion unemployed
- Gender depends on case type
- Majority have a high school education
- Majority are petitioners, not respondents, except for landlord/tenant
- High percentage have Internet access

Experience Seeking Legal Assistance

- 60% - 70% had not sought help before visiting the self-help center
 - Most who did seek help sought it from legal aid, private attorney, friends/relatives, or website
- At least 70% had not considered hiring a lawyer
- Customers most commonly heard of self-help center through clerk's office or friends/family

Why don't they have a lawyer?

- Believe they can't afford one - (demographic information bears this out)
- Believe the case is simple enough to handle on their own
- Don't want to pay a lawyer
- Lawyer will slow everything down
- Don't trust lawyers

Impact of self-represented litigants on the court

**Minutes required for hearing
Both represented v. at least one not**
(California 2001)

Probate	3.4	17.2	+400%
Felony/person	14.0	37.7	+169%
M V torts	16.1	22.3	+45%
Family	15.8	12.2	-30%
Drug	6.8	4.3	-58%
Eviction	13.0	5.7	-128%
Felony/property	8.8	3.7	-138%

**Likelihood of event
At least one not v. both represented**
(Washington 2001)

Dissolutions with children		
Non-jury trial	2.1%	41.9%
Motion hearing	37.3%	74.7%
Continuance	1.5%	35.6%
Dissolutions without children		
Non-jury trial	1.0%	40.1%
Motion hearing	23.4%	57.7%
Continuance	0.1%	24.3%

Time from filing to disposition

- Washington state 2001
- Dissolution with children
345 days v. 136 days
- Dissolution without children
283 days v. 111 days
- National Center for State Courts
similar findings, with one exception

Impact of Programs on the Courts

- Self-help centers improve court efficiency
 - Cases delayed due to procedural problems were corrected and completed
 - Paperwork correct the first time, eliminating repeated trips to clerk's window
 - Litigants appeared at hearing with papers properly served, eliminating need for continuances
 - Clerks and judges spent less time answering questions

Impact of Programs on the Courts

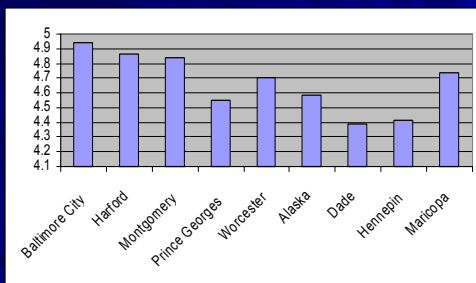
- By identifying issues faced by SRLs, programs helped courts develop creative ways to process cases more efficiently
 - Pro per day includes review of files prior to hearings and in-court assistance
 - Consolidation of UD settlement conferences to allow workshops to be held before calendar
 - Referral slip for judges to indicate problems/ additional needs when directing litigants to self-help center

Impact of Programs on Self-Represented Litigants

Impact of Programs on Litigants

- Facilitate litigants' effective participation in legal process
 - Court file review shows center customers more likely to raise relevant issues and defenses, file proper accompanying paperwork, and reach settlements
- Promote public trust and confidence in court system
 - High levels of customer satisfaction
 - Post-hearing interviews show center customers more prepared for court, have more reasonable expectations of hearing

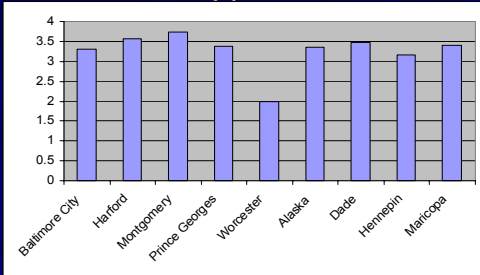
Litigant Satisfaction at the Time of Use of a Court Program



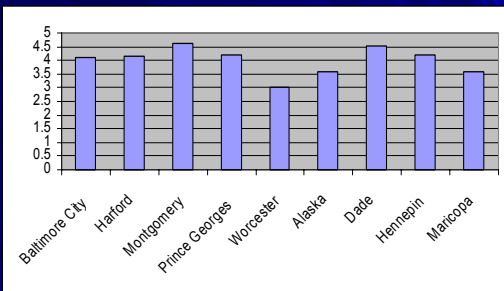
Ratings of Specific Services Provided

- So high that the data does not allow us to differentiate among them
- People like the service that they get – don't necessarily have basis for comparison
- In interviews with litigants – they don't want to just be given handouts and forms packets

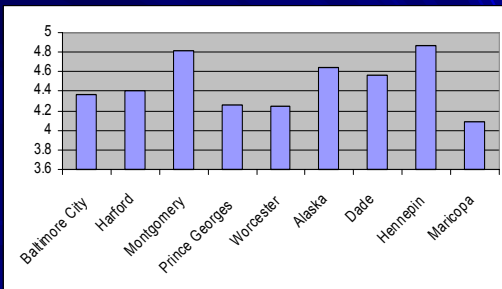
Litigant Ratings at the Time of Court Appearance

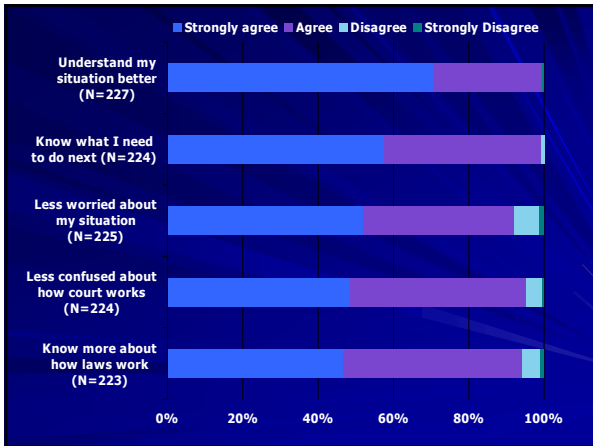


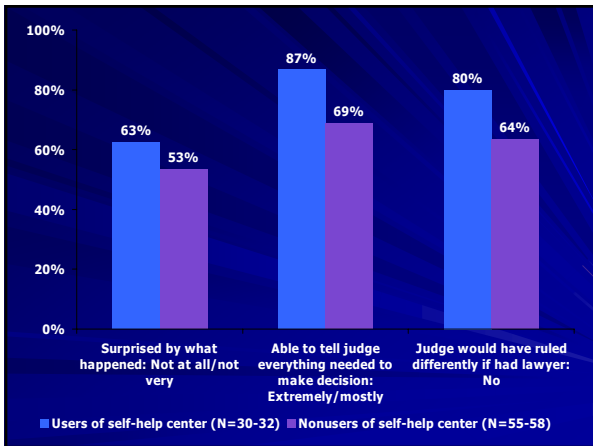
Litigant Rating of "Did you feel prepared?"



Litigant Rating of "Can you explain the Judge's ruling?"

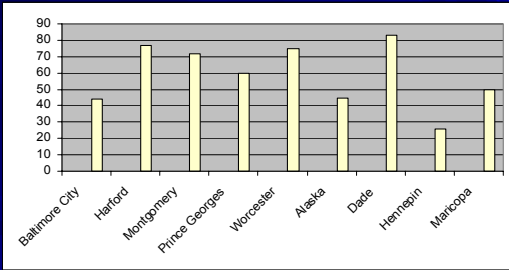






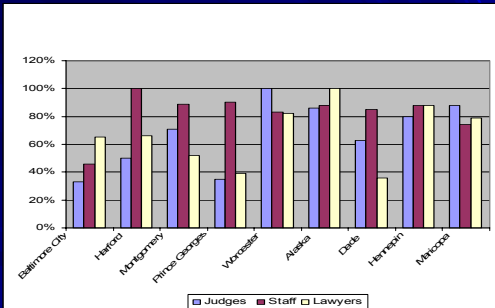
Use of Programs

Percentage of Self Represented Litigants Using the Services of Programs Provided by the Court



Stakeholder Satisfaction with Self Help Programs

Stakeholder Satisfaction



Process Observations

Process Observations

- Self-help centers should be located at the courthouse
- Multiple successful program delivery strategies
 - One on one in person assistance
 - Telephone assistance
 - Web-based information and forms
 - Workshops
 - In person
 - Video-conference supported
 - Videotaped presentations

Process Observations

- Multiple successful staffing approaches
 - Court-employed lawyers
 - Court-employed paralegals
 - Court clerks
 - Contract services
- Self help program personnel need supervision from, or access to, a lawyer
- Volunteers should not be relied on to perform core daily operations

Process Observations

- Triage of cases is an important self-help center function
- Court self help programs need to be supplemented with programs that provide legal assistance to some litigants
 - Legal services programs
 - Pro bono lawyer programs
 - Contracted legal advice programs

Process Observations

- Self represented litigant assistance must go beyond a self help program
 - Clerk's office staff
 - Chambers staff
 - Courtroom assistance
 - Assistance in understanding judicial decisions and orders
 - Assistance in enforcing court orders and judgments

Unanswered Questions

- Empirical evidence that self-represented litigants using court programs perform better in the courtroom, or have higher satisfaction with court process, than those who do not use the court program
- Evidence linking program existence, or program use, to more favorable court decisions for self-represented litigants

Obtaining and justifying your funding

What funding sources and other stakeholders want to know about your program

What funders want to know

- Depends on the funder, its constituencies, and its interests.
- Legislature:
 - 1) Numbers of people served
 - 2) Customer satisfaction
 - 3) Stories about how people are helped to gain access to the court system

Some information on outcomes is useful for some legislators, but the top 3 are key.

What funders want to know

- Court administrators/judges
 - 1) Judicial and court satisfaction
 - 2) Time savings - better paperwork, less time in hearings,
 - 3) Numbers served

What funders want to know

- Some funders DON'T want to hear about court savings – if the court is saving why isn't the court paying...
 - (and what's the big deal about getting the paperwork right anyway)
- They want to know about
 - Enhanced access to the court system
 - How customers feel about the process
 - More “just” decisions
- It is always helpful to be able to note that programs are not taking paying clients away from the private bar
