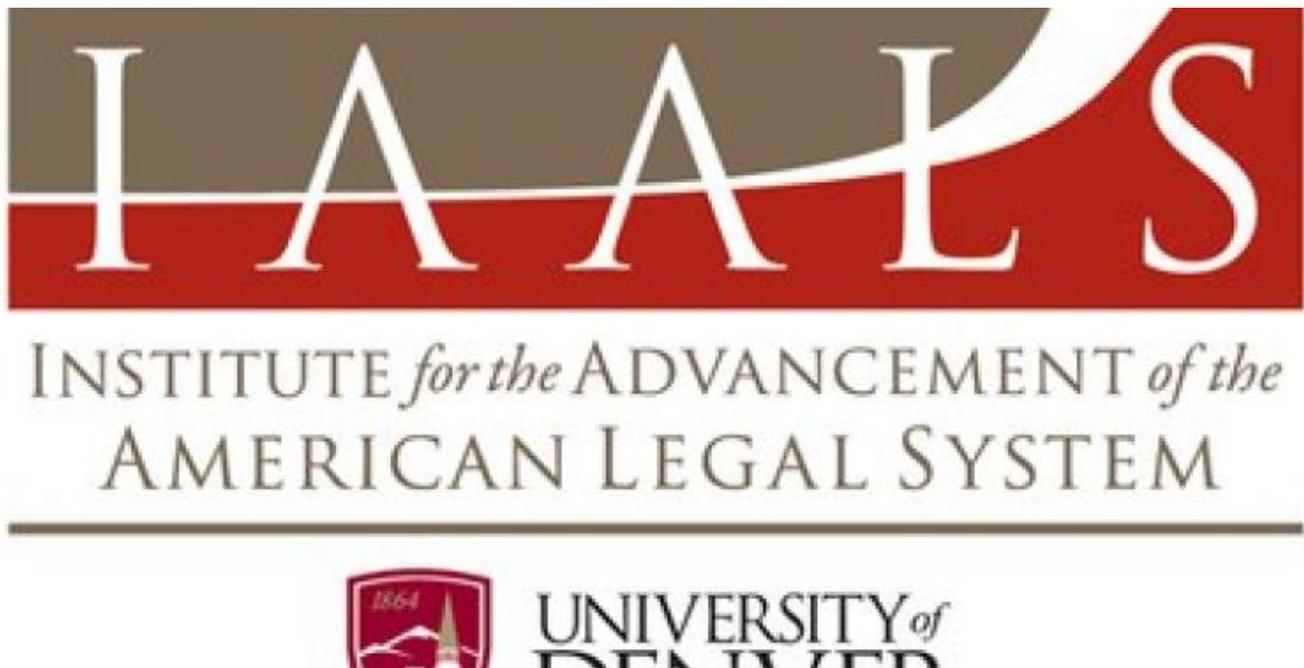


Report: Cases Without Counsel: Experiences of Self-Representation in U.S. Family Court (IAALS 2016)



The following excerpt introduces the report:

Cases Without Counsel: Experiences of Self-Representation in U.S. Family Court (“Cases Without Counsel” or “CWC”) is a qualitative empirical research study exploring the issue of self-representation in the United States from the litigants’ perspective.⁶ The study includes data from in-depth interviews with 128 self-represented litigants and 49 court professionals in four family courts (listed from West to East): Multnomah County, Oregon; Larimer County, Colorado; Davidson County, Tennessee; and Franklin County, Massachusetts.

The decision to collect qualitative data rather than quantitative data was strategic. Qualitative research is designed to explore experiences, behaviors, perceptions, and

feelings from the participants' perspective and in the participants' own words. It is especially useful when there is neither theoretical nor empirical consensus around an issue. Such clarity is often lacking when an issue develops rapidly, as has the self-represented litigant experience. While the findings are not statistically representative of the views of all self-represented litigants and the court professionals who interact with them, this inquiry allowed the study team to gather detailed and nuanced information on a complex issue, while reducing the number of presuppositions necessary to direct the data gathering. The participants relayed their own truths within the context of their experiences of proceeding through the family court process without legal representation.

The Cases Without Counsel study was generally modeled on a comprehensive qualitative study undertaken by Dr. Julie Macfarlane in three Canadian provinces ("Macfarlane study"), which grew into the National Self-Represented Litigants Project.⁷ The IAALS study team aimed to similarly illuminate the self-represented litigant experience, with a focus on U.S. courts.

The following research report contains consistent themes that emerged across jurisdictions through the voices of participants. It begins with the study's methodology and the demographics of study participants. Then, three parts explore different aspects of the self-represented litigant experience: 1) reasons for not having an attorney; 2) perspectives on navigating the family court process; and 3) effects of self-representation. Each of the substantive parts is followed by broader considerations, drawing from the national commentary on the topic. With the close connection between this study and the Canadian counterpart, this report contains comparative insights where relevant. The IAALS study team hopes that, as a result of this study, litigants' voices will continue to be more clearly heard and included in the important conversation about how to improve the family court system.

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