

Study: Self-Represented Litigants in Family Law Cases In Jackson County, Missouri (Cook 2007)

This study is unique because it included the self-represented in its survey.

From the Abstract:

This report is based on surveys that examined the attitudes and perceptions of judges, the family law bar, family court staff, and self-represented litigants regarding:

- court assistance of self-represented litigants in family law cases;
- type and number of cases with self-represented litigants;
- profiles of the self-represented litigant;
- problems encountered by the self-represented litigants, current court forms, procedures, practices and responses to the self-represented; and
- appropriate judicial responses to the self-represented.

The survey results show that most judges and attorneys in Jackson County, Missouri are opposed to the court providing assistance and education to the self-represented litigant and generally but not uniformly believe that attorneys are the only individuals who can improve the process. In contrast, the court clerks and litigants perceived the lack of access to the courts as a serious problem and believe the courts should provide education and assistance to the self-represented litigant. Many attorneys and judges believe the court is not the proper vehicle for addressing the issues presented by the self-represented litigant.

Among other recommendations, the data leads to the conclusion that education is the key component to providing assistance to the self-represented litigant. Court personnel need guidelines and training on how to assist the self-represented litigant. Judges and court personnel need to know what assistance can be provided by other agencies such as Legal Aid or the law library and the limitations of those agencies. Attorneys need to be made aware that there are many misconceptions about whether most self-represented litigants can afford an attorney. Attorneys need to become involved in finding solutions such as unbundled legal services, payment plans or providing pro bono services to those individuals with limited financial resources. Judges need to be educated on ways they can provide assistance to self-represented litigants while remaining fair and impartial. Educating self-represented litigants so they can make intelligent decisions seems to be the best way to improve the process and level the playing field for all the participants. The Missouri Pro Se Commission can best provide this education through forms with simple instructions on the internet, an idea which garnered the most support from all four groups surveyed. Education of self-represented litigants may greatly improve the public perception of the courts. Litigants who were provided some assistance viewed the court as user-friendly and more accessible. Finally, the only way to achieve success in assisting self-represented litigants is to include and work with all the stakeholders. The court clerks may implement some of these changes, but in order to be successful

the attorneys and judges must buy into these processes.

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