

**Evaluation of the Van Nuys Legal Self-Help Center  
Final Report**

**The Empirical Research Group  
UCLA School of Law**

**August 30, 2001**

**Introduction.**

Five years ago, the Access to Justice Working Group appointed by the State Bar released its report, *And Justice For All: Fulfilling the Promise of Access to Civil Justice in California*. The findings of that report were not entirely new, but troubling nonetheless: the legal needs of three out of four poor Californians were not being met; and the unmet need for quality legal services extended well into the working and middle classes. The Working Group found that, in addition to the obvious consequences for unrepresented litigants, the shortage of legal services "also has a negative effect on the functioning of the judicial system," noting that "Courts must cope with the need to provide guidance and assistance to pro per parties to ensure a fair trial or hearing," resulting in "a burden on both the court's time and personnel."<sup>1</sup> The report led to the formation of the broad-based California Commission on Access to Justice, which continues to wrestle with the key issues framed by the Working Group, especially: how to provide some semblance of fairness and equal protection of the laws to the millions of Californians unable to either obtain free legal services or afford to retain private counsel.

Lacking access to lawyers, hundreds of thousands of Californians do the best they can on their own in an increasingly complicated and demanding legal system. The resulting "*pro se* crisis"<sup>2</sup> and the possible responses to it have generated national attention. A large conference at Fordham Law School on the topic in 1999 generated an entire volume of the Fordham Law Review with more than 1000 pages of analyses and recommendations.<sup>3</sup> In California, Chief Justice Ronald George appointed a Task Force for Unrepresented Litigants in May, 2001.<sup>4</sup>

Among the many possible responses to the severe shortage of affordable legal services for millions of Californians has been the creation of additional resources to assist the unrepresented litigant. For example, the California Judicial Council has itself launched a web-based self-help information site (<http://www.courtinfo.ca.gov/selfhelp/>). The Judicial Council and other concerned public officials have fostered the creation of several "self-help centers" to provide assistance to unrepresented litigants. In Los Angeles County, the County funded a Self Help Legal Access Center (hereafter, "Center") in the Van Nuys Courthouse. The contract between the County and San Fernando Valley Neighborhood Legal Services requires Neighborhood Legal Services to hire an evaluator to "design a system, procedure and framework for evaluating the effectiveness of the SHLAC. The Empirical Research Group of the UCLA School of Law was commissioned in April of this year to prepare the evaluation. This is our report.

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<sup>1</sup> The report is available on at <http://www.calbar.org/2bar/3acc/4acc01.htm> <visited August 8, 2001>

<sup>2</sup> Russell Engler, "And Justice for All -- Including The Unrepresented Poor: Revisiting the Roles of the Judges, Mediators and Clerks," 67 *Fordham L. Rev.* 1897 (1999)

<sup>3</sup> 67 *Fordham L. Rev.* 1713-2791 (1999).

<sup>4</sup> <http://www.courtinfo.ca.gov/newsreleases/NR45-00.HTM> and <http://www.courtinfo.ca.gov/newsreleases/NR33-01.HTM>

In evaluating the effectiveness of any program, one must first assess the goals of the program. There are several potential objectives for a center to assist unrepresented litigants, including one or more of the following:

1. Providing some access to the formal dispute resolution processes provided, in theory, to all California residents without regard to their ability to hire counsel, thereby promoting respect for law and legal institutions
2. Reducing the burdens placed on bench officers and court personnel by unrepresented litigants, by reason of their unfamiliarity with court procedures
3. Serving to replace services that might otherwise be provided by a licensed attorney, thereby achieving similar results at much less cost.

The first goal is perhaps most easily met, at least at the initial stages of any court proceeding: the preparation and filing of an initial pleading by a party. An attorney or adequately supervised paralegal can assist a litigant in gaining initial access to the court system that presents a complex and confusing face to the general public, particularly those with limited education, language, or literacy skills. The second goal is much more challenging than the first, because the procedural statutes, court rules and common practices of both clerk's offices and courtrooms are vastly more complex than the rules pertaining to an initial pleading. Given how long it takes novice attorneys to become reasonably proficient in these areas, it is probably too much to expect that even a lengthy course of preparation will render most unrepresented litigants fully competent in these areas. Moreover, assuming finite resources, attorney or paralegal time spent pursuing the second goal is time unavailable for the first.

Finally, it is widely believed that the third of these goals is simply unattainable.<sup>5</sup> Given that lawyers require three years of training plus some experience to function at a basic level, it would be very surprising if ordinary lay people -- including many who lack even basic literacy skills -- could achieve similar results with even a few hours of assistance and counseling. On the other hand, there have been very few empirical studies comparing the results obtained unrepresented litigants.<sup>6</sup> That is not to say, however, that the first two goals are not quite worthwhile. Disputes settled in court are less likely to be settled by more anti-social means. Belief in the possibility of obtaining justice is an important ingredient of our civic culture. A self-help center can thus both promote respect for law and reduce the already tremendous burdens on our judicial system.

Within the context of the preceding, the goal of this evaluation is to answer four questions:

- Does the Center make a difference in the outcomes experienced by litigants?
- Do litigants assisted by the Center feel more satisfied with their experience in court as a result of the Center's services?
- Is the Court satisfied with the assistance that the Center provides to litigants?
- Are there any demonstrable methods of improving the Center's services?

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<sup>5</sup> Mary Helen McNeal, "Having One Oar or Being Without a Boat: Reflections on the Fordham Recommendations on Limited Legal Assistance," 67 *Fordham L. Rev.* 2617 (1999).

<sup>6</sup> *Id.*, at 2642, citing study conducted by Professor Gary Blasi for the Blue Ribbon Citizens' Committee on Slum Housing.

The key findings of this report are:

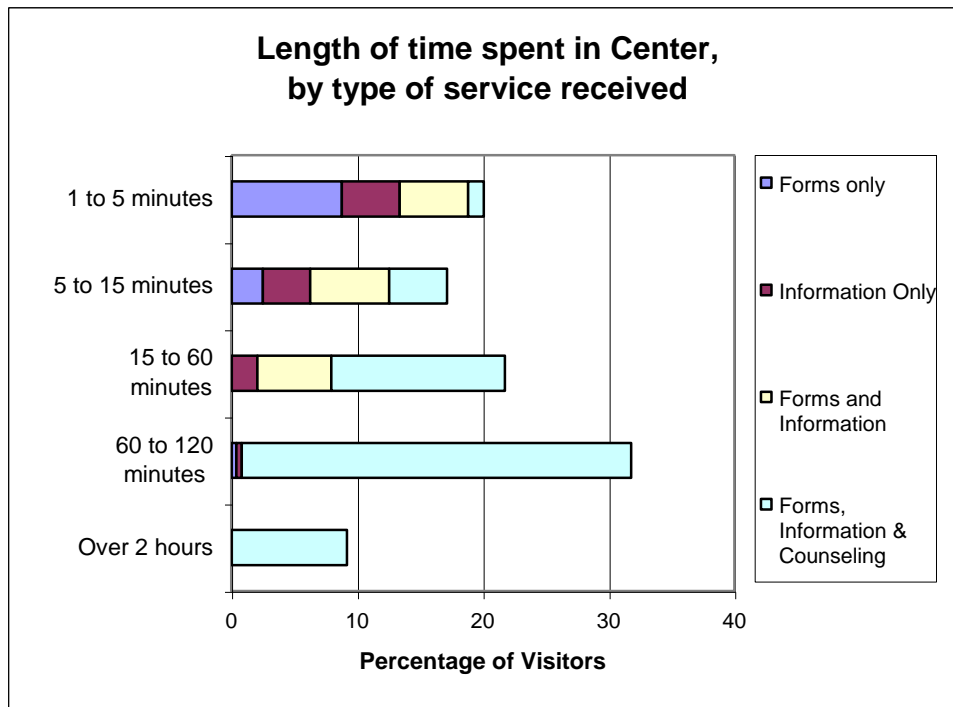
- The Center appears to be a gateway to the legal system for people with little or no prior contact. Most Center visitors are first-time visitors who have no prior experience with the court system.
- The Center is busy. Between 80 and 100 people come to the front desk each day. Most Center visitors stay for an extended period of time (over 1 hour) and receive extensive counseling.
- One-half of the people who come to the Center do so for a family law problem.
- Center visitors are poor and poorly educated, and many do not speak English with fluency.
- One-half of the Center's visitors are referred by the clerk's office. Approximately one-half of the visitors to the clerk's office who ask for advice about family law matters are referred to the Self-Help Center. Flyers and newspaper/radio/TV coverage or ads account for very few visits.
- The Self-Help Center's visitors are very satisfied with the services they receive from the Center, both in the Center and after a UD trial.
- Court clerks and staff report that the Center reduces the demands on them from unrepresented litigants and reduces the repeated attempted filing of improperly prepared court forms.
- The Center is better able to assist unrepresented litigants in UD cases to get to trial than it is in preparing them for trial itself.
- The Center has increased the percentage of UD defendants for whom the court is a viable mediator of disputes. It made a significant difference in the percentage of UD cases in which defendants filed answers, raising this from 42% in 2000 to 49% in 2001. The evidence suggests that this increase is due almost entirely to an increase in the number of people who are helped by the Center. It also suggests that more than one-half of all defendants who are evicted are potentially in need of the Center's services.
- Center visitors fare no better (and no worse) in UD cases than the general population. They settle their cases on terms similar to non-Center defendants, and are just as likely to persevere through trial as defendants who are self-motivated to go to court.
- In family law cases, Center visitors comprise a small percentage (14%) of all pro per dissolutions in Van Nuys. This percentage is comparable to the portion of litigants who used fee-based self-help services the year before. Judges handling the cases of unrepresented litigants in family law matters report that the great majority of them are very poorly prepared for what the Court expects of them. Without better means of identifying litigants who have passed through the Center, neither we nor the bench officers with whom we spoke are able to assess the relative degree of preparation of litigants assisted by the Center.
- Based upon early data, we tentatively conclude that Center visitors are more likely to complete their dissolutions, and in a timely manner, than non-Center visitors. Center visitors have fewer errors in their dissolution filings.
- There are a number of areas in which the effectiveness of Center services could be improved, although additional resources might be required. Particularly in assisting unrepresented litigants in preparing for UD trials, we recommend that the Center:
  - create and distribute additional materials, including a glossary, a trial manual, a handout about interpreters' duties, a checklist regarding the elements (and potential evidence regarding) each affirmative defense pleaded.
  - consider using "trial preparation clinics," instructional videotapes or other non-print methods of better preparing unrepresented litigants for what to expect at trial.

- With regard to both of the major areas in which the Center renders assistance, there appeared to us to be some differences in expectation as between Center staff, the persons they assist, and the judges and commissioners before whom they eventually come. We recommend that the Center try to establish more routine means of obtaining feedback from the Court and Court staff regarding recurring problems identified with regard to persons assisted by the Center.

This evaluation is unique since, to our knowledge, no systematic study of a self-help center has been published. This provides us with both the freedom and the responsibility to set the standard for future evaluations. With this in mind, we cast our research net broadly, and this document reflects it. We used several methodologies to measure the effectiveness and influence of the Self-Help Center. We examined case files in the offices of various court clerks; placed observers in courtrooms and in the Center; interviewed litigants and court officers; surveyed visitors of the Center; and pored over Center applications. In order to make controlled comparisons we collected data from cases in the Van Nuys court for 2000 and 2001, and from the Central and Pasadena branches of the court for 2001 cases. And we narrowed our focus to the two types of cases that prompt three-quarters of all the visits to the Center—family law and unlawful detainer—to ensure that we have a large enough universe of cases to ensure external validity for the inferences we draw from the data.

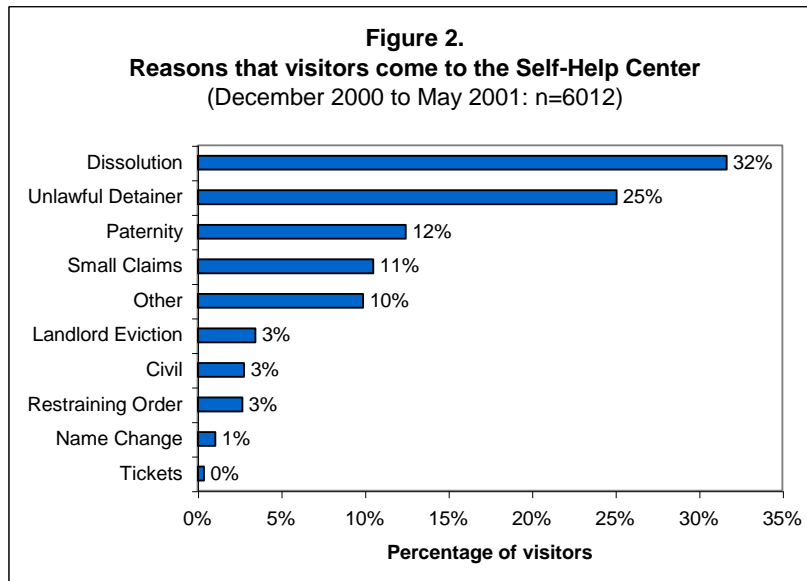
**Center Demographics, Services and Visitor Satisfaction**

This section describes the visitors to the Self-Help Center. It examines their demographic composition, the issues that bring them to the Center, the types of assistance they receive from the Center, their prior experience with the legal system, and how satisfied they are with the Center’s services.

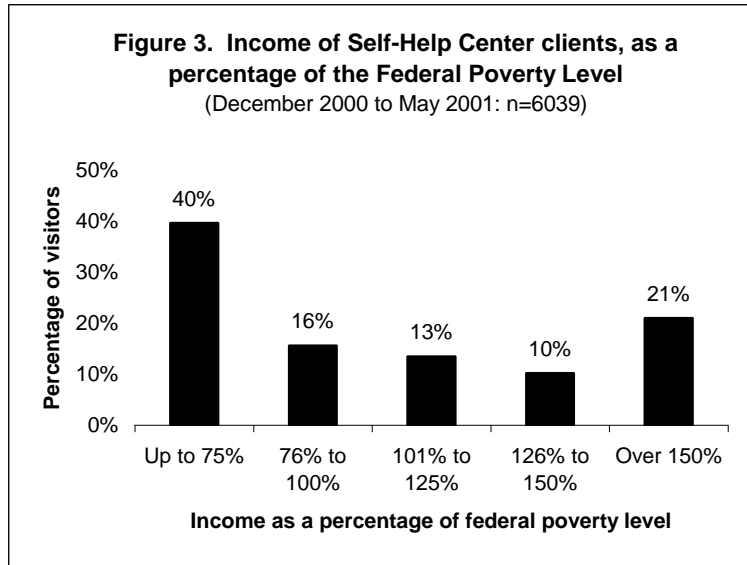


The Self-Help Center is a very busy place. Between eighty and one hundred people approach the front desk for help each day; and about seventy percent of these are first-time

visitors. Their stays last from one minute to more than two hours (Figure 1). Some visitors are there only to obtain forms or they seek a quick answer to a simple question; these visitors tended to spend only a short time at the Center. The majority (58%) of the Center’s visitors receive extensive counseling from a volunteer or a pro bono attorney, spending more than one-hour at the Center. Most of these are likely to be attending one of the Center’s family law classes. Overall, eighty-five percent of the public who walk-in through the door receive some form of immediate help—forms, information or an in-depth session with an attorney or volunteer—while thirteen percent are asked to return at a later time.



Almost one-half of the Center’s visitors come to the Center for help with a family law matter: a marital dissolution, a paternity proceeding, or a restraining order (Figure 2). Another one-quarter of the Center’s visitors are being evicted, while three percent are landlords themselves seeking to evict a tenant. Most visitors are primarily in need of advice to help them navigate the court system; they do not understand court procedures (54%) and/or they need guidance completing Judicial Council forms (22%). Only eighteen percent come to the Center specifically to have their rights or remedies explained to them. Their initial lack of interest in rights or remedies reflects the income, educational and recent-immigrant status of many Center visitors.



Center visitors tend to be poor and poorly educated, and many face language barriers in the legal system. The majority have incomes at or below the federal poverty level (Figure 3)<sup>7</sup>. One-third have less than a high-school education, and another twenty-seven percent have only a high school diploma or GED. Fifty percent describe themselves as “Hispanic,” and a significant minority (40%) are fluent only in Spanish. Most Spanish-language-only visitors did not finish high school, which exacerbates any language barriers they face. They need basic procedural assistance.

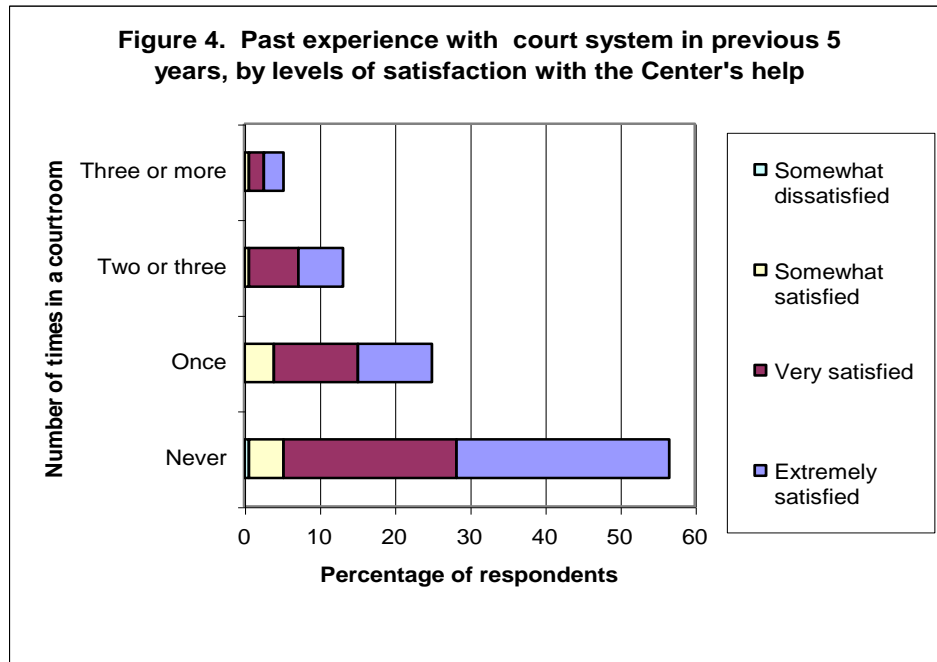
Many visitors do not come to the Center first. A large percentage (47%) are initially referred to the Center by the Court. Family law cases generate the most referrals, which reflects the policy of the Van Nuys Clerk’s office. At the Clerk’s windows, litigants with questions about family law are routinely handed a Center flyer, which includes directions to the Center and the hours of operation. Our observers found that one-half of the litigants in Family Law cases who ask the clerk for legal advice were referred to the Center; only eighteen percent of the unlawful detainer litigants who asked for advice were similarly referred, but it is was not recorded what sort of advice was sought.

These services are much appreciated by the Court staff who would otherwise be compelled to respond in other ways to requests for help from unrepresented litigants, who are generally completely unfamiliar with the processes of the Court. The Center helps them navigate through obstacle course of procedure and court rules that might otherwise prevent them from having even a chance to have their claims heard by the Court. Always caught between demands of the public and concerns of the Court about “customer service” on the one hand, and both legal and self-imposed constraints regarding their provision of legal advice, Court staff are pleased to be able to refer unrepresented litigants to the Center for guidance. Center staff also insure that forms presented for filing meet procedural requirements, so that busy clerks need not repeatedly consider and reject improperly completed documents.

<sup>7</sup> For a frame of reference, individuals or families with incomes up to 187.5% of the federal poverty guidelines qualify for legal services; and those who qualify for the Healthy Families program can have incomes up to 250% of the federal poverty guidelines.

The vast majority of visitors to the Center are satisfied with the services they receive. A self-administered survey of visitors in the Center found that forty-seven percent are “extremely satisfied,” and forty-three percent are “very satisfied.” This corresponds with a researcher’s independent assessment of visitor satisfaction; he found that ninety percent of the visitors expressed their appreciation to Center staff for the help they received, and ninety-five percent appeared satisfied with the Center’s assistance with their problem. Additionally a post-hearing survey of litigants outside the courtroom found that all of them were satisfied with the Center’s services.

Fifty-seven percent of the Center’s visitors had not been in a courtroom in the previous five years, and another twenty-five percent had only one encounter with the judicial system in that time. Fewer than twenty percent had two or more courtroom experiences. We hypothesized that prior experience with the court system might affect satisfaction levels. Given their prior experiences, it seemed reasonable to expect that a visitor might be more critical or less critical of the services offered by the Center. We found that this was not true. The level of satisfaction is constant across all groups, regardless of prior experience with the court system (Figure 4).



These findings are significant on two levels. First, they suggest that the Center’s services are sophisticated enough to be useful to both neophytes and experienced litigants. This is an important inference, since one of the potential dangers of any rapidly-growing facility is that it will compensate by becoming a one-size-fits-all service; this is apparently not the case with the Center.

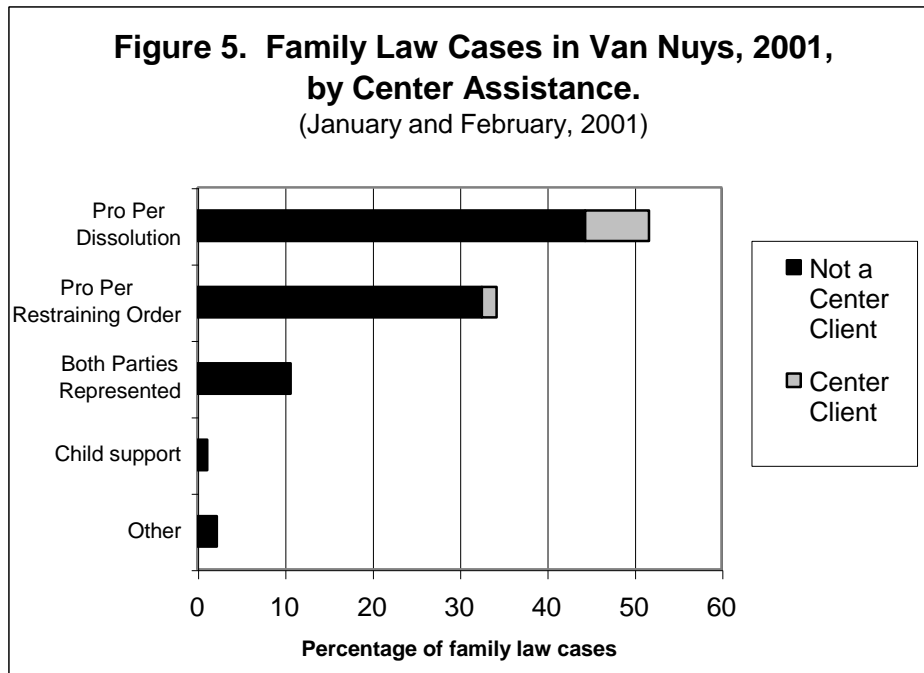
Second, and of greater overall importance, the Center appears to be a place where litigants become educated and informed about how to access the courts and to give them the confidence that the courts are accessible to them. It serves as a gateway to the courts for the poor and recently arrived. The Center opens the courthouse door to 30 or 40 people every day, many of whom have told us that they would have stayed away without the Center’s help. Given the marginality and immigrant status of the population that they serve, this gatekeeping function serves an important social purpose.

## Family Law

In this section we explore the role of the Center in family law. This section should be considered exploratory, rather than confirmatory. Unlike UD cases, which have a relatively short timeframe between filing and conclusion, family law cases can remain active for years. The minimum time for a dissolution is six months after the petition is filed. This made case selection difficult. It was necessary for us to select cases that started after the Center opened in November, and that might conclude within the temporal constraints of the evaluation period. We decided to sample cases that were filed in January and February of 2001, knowing that it would present two unavoidable problems for our analysis. They were filed during a period during which the Center was still gearing up, and we are not confident that the procedures in place at that time represent the current or future practices of the Center. Second, there are many good and legitimate reasons why a dissolution will not be concluded within the six month timeframe we have allotted. We therefore do not have confidence that the findings of this section adequately represent the activities of the Center in assisting pro per litigants in family law. As an exploration of pro per litigants in family law, though, we hope to provide some insight.

Van Nuys clerks handled 562 family law cases in January and February of 2001, down from 587 in the same period a year before. In Pasadena, there were 383 family law filings in the January-February 2001 period. Most cases filed in Van Nuys in 2001 were pro per dissolutions (52%), followed by civil harassment restraining orders (34%). Both parties were represented by counsel in eleven percent of the family law cases. The Center was involved in nine percent of the family law cases filed in Van Nuys in January and February of 2001, and most of these were dissolutions.

The pro per caseload in Pasadena is similar to Van Nuys overall, with either the petitioner or respondent being pro per in eighty-one percent of the cases. However, the ratio of dissolution





(42%) to restraining orders (39%) is nearly equal in Pasadena. As with Van Nuys, it is only in a relatively small percentage of the cases (17%) in Pasadena that both sides have representation.

Of the pro per dissolution cases, we found that only a small percentage used fee-based self-help services (i.e. We The People) (Table 5). The Center’s involvement in fourteen percent of dissolutions is comparable to the use of fee-based services in Van Nuys the year before (15%); and it would appear that the Center has displaced most of the fee-based self-help services in Van Nuys for 2001, who worked with only five percent of the remaining petitioners. These figures probably underestimate the use of fee-based services.

People who come to the Center for family law matters are different from the rest of the pro per petitioners in one significant way. They are much more likely to have children. Sixty-two percent of the Center’s visitors who filed for dissolution in January or February of this year have children, compared to thirty-nine percent of the rest of the Van Nuys petitioners, thirty-eight percent in Pasadena and forty-one percent in Van Nuys last year (Table 1). What this implies is that, in the aggregate, the dissolutions that are assisted by the Center are going to be more difficult to complete. The data suggest, however, that the Center’s visitors are more likely to follow their cases through to completion. A very high percentage (83%) of Center visitors filed proof of service with the court. And all of the Center’s visitors without children have filed for a default judgment within the initial six-month period.

		Year			
		2000		2001	
		Van Nuys	Pasadena	Van Nuys Non-Self Help Center visitor	Van Nuys Self-Help Center visitor
<b>Percent using fee-based self-help center</b>		15%	4%	5%	14% (not fee-based)
<b>Percent with children</b>		41%	38%	39%	62%
<b>Percent filing proof of service</b>		81%	65%	51%	83%
<b>Percent requesting default judgment</b>	<b>With children</b>	49%	54%	29%	0%
	<b>No children</b>	66%	53%	70%	100%
<b>Reject letter sent following request for default judgment</b>		15%	10%	5%	0%

One final step after requesting a default judgment is the clerk’s review of the file to determine whether the petition and the rest of the file are in agreement. If not, the clerk mails a “reject letter” to the petitioner, with instructions on how to remedy the problem. Thus a poorly compiled file will take up more of the court’s time and be another hurdle to completing the case for the petitioner. None of the Center visitors have had their petitions rejected in this fashion, although the numbers are probably too small and, more importantly, too early to tell. The more

difficult cases are most likely to be rejected, and for Center visitors these probably involve their children.

Analysis on the effect of the Center's assistance on child custody and child support payments is not possible at this time. It is simply too early to have them entered in a judgment, and so the information is not yet available. Neither is substantial information on assets and obligations of Center visitors. The evidence that exists, however, suggests that the Center is helping visitors with difficult cases file their cases and follow them through to completion at a higher rate than the general population.

Our interviews with bench officers handling family law matters raised some area of concern that Center staff should explore with the Court. We are unable to determine the degree to which these problems are remediable by the Center, because the bench officers were unable to determine with any accuracy who had been assisted by the Center. At least in some instances, unrepresented litigants who made procedural errors blame Center staff for having filled out the wrong form or not preparing something the Court required. Neither we nor the bench officers are in a position to say whether that blame is deserved, or the result of the litigants' misunderstanding or independent errors. Although we cannot directly assess the Center's work, as a general matter these bench officers report that unrepresented family law litigants are very poorly prepared, often file or bring the wrong documents, are unclear about the relief they seek, and expect the Court to take a more active role in helping them present their views than these bench officers believe is appropriate.

Plainly, if the Court expects unrepresented family law litigants to function within the system as smoothly as experienced attorneys, then the Center has no hope of helping litigants meet that expectation. On the other hand, if there are discrete areas in which the unrepresented often fall short and if better preparation and better assistance with document preparation can reduce the deficiencies, then those areas should be explored. In any case, it makes sense for Center staff to try to meet with the Court on some more regular basis to identify areas in which the Center can better help litigants to meet the Court's expectations. At the same time, bench officers may develop through these meetings a better sense of the reasonableness of their own expectations.

### **Unlawful Detainer Cases**

Unlawful detainer cases almost always involve a unrepresented defendant facing an attorney who represents the landlord. In Van Nuys the ratio is about 9:1. In this section we attempt to answer several questions about how unrepresented defendants fare in this environment:

- Does the Center increase the likelihood that tenants will turn to the Court system when served with eviction notices?
- Has the Center's presence at the courthouse resulted in a significant change from the preceding year in the aggregate outcomes in landlord/tenant disputes?
- Do the Center's visitors have significantly better or worse outcomes than other unrepresented litigants in the Van Nuys Court, or in the Central Branch Court?

In Van Nuys, the data indicate that the Center increased the percentage of tenants who filed answers in response to unlawful detainer (U.D.) complaints, thus increasing the use of the court system by individuals who would otherwise not use it. In the year 2000, before the Center came into being, 42% of the tenants answered U.D. complaints filed with the Van Nuys Court. In 2001 this percentage increased to 49%, with 10% of these litigants receiving help from the Center

(Table 2). In post-hearing surveys we asked litigants who had been to the Center what they would have done had the Center's services not been available.

<b>Table 2. Percentage of UD cases in which answers are filed by defendants, by year and involvement of the Self-Help Center (VNC).</b>		
(Data: UD court files from Van Nuys)		
<b>Year</b>	<b>Percentage of UD files containing answers*</b>	<b>Sample N</b>
<b>2000</b>	42%	265
<b>2001</b>	49%	VNC 10%
		Other 39%
<b>Total</b>	45%	653
This table should be read as: "Forty-two percent of the UD complaints filed by landlords in 2000 in Van Nuys were answered by defendants. Forty-nine percent of the UD complaints in 2001 were answered by defendants. The increase of seven percent is significant, and is largely due to the ten percent of cases that were filed by Center visitors."		

This relationship between the increase in filings and the percentage of answers assisted by the Center may be coincidental. The data only imply a relationship, but it may also be true that the Center is assisting litigants who would have filed anyway. To further test our inference we did two things: we examined the rents of Center and Non-Center litigants, and compared them to the prior year; and we asked litigants as they left the courtroom what they would have done without the Center. The rental data indicate that Center-assisted litigants are different from the usual population of UD defendants in Van Nuys. The median rent for Center visitors who filed answers is \$595, twenty percent lower than the median rent of \$795 paid by non-Center litigants (Table 3). Center-assisted litigants have monthly rents similar to those in the Downtown court.

In addition to estimating differences between the two populations, our post-hearing interviews with UD litigants provided direct evidence that the Center is bringing people into the civil court system who would otherwise not be there. In the courthouse hallway we intercepted litigants after the completion of their UD hearing. We asked those who went to the Center what they would have done if the Center had not existed. Only fifty percent responded that they would have come to court anyway.

<b>Table 3. Median rent of UD defendants who filed answers, by Court location and relationship to the Self-Help Center</b>		
	<b>Median Rent*</b>	<b>Sample N</b>
Center Visitor, 2001	\$595	56
Non-Center Litigant, 2001	\$750	129
Non-Center Litigant, 2000	\$675	185
Downtown, 2001	\$600	135

Center visitors, except for their lower rents and a higher propensity to file proofs of service, are not easily distinguished from other UD defendants in the Van Nuys court. They settle

their cases with landlords at approximately the same rate as unrepresented defendants who did not go to the Center (Table 4). They go to trial as often (though not as often as in Downtown), and their non-appearance rate is very similar. The outcomes of Center-assisted cases are also similar to those cases of defendants who did not seek the Center’s help, whether in Van Nuys or Downtown, last year or this. Defendants who settle their cases are generally given two weeks to move out, with a settled rent that is 2-3 times the contract monthly rent (Table 5).

<b>Table 4. Characteristics of UD cases, by year, court and type of assistance received.</b>				
	<b>Year</b>			
	<b>2000</b>	<b>2001</b>		
	<b>Van Nuys</b>	<b>Downtown</b>	<b>Van Nuys Non-Self Help Center visitor</b>	<b>Van Nuys Self-Help Center visitor</b>
<b>Median monthly rent</b>	\$667	\$600	\$750	\$598
<b>Median rent due at time notice was served</b>	\$772	\$600	\$795	\$650
<b>Proof of service on landlord filed with court</b>	84%	75%	78%	98%
<b>Stipulation for judgment (settlement)</b>	50%	31%	44%	46%
<b>Default judgment due to nonappearance</b>	19%	18%	20%	18%
<b>Trial</b>	23%	26%	14%	17%
<b>Other disposition (dismissed, off calendar, etc.)</b>	9%	25%	22%	22%
<b>N</b>	97	119	50	50

From these similarities it would be possible to infer that the Center is providing little or no assistance to defendants; but this assumes that trial outcomes are a good measure of the Center’s service without taking into account the problems facing the litigant. At the Center, visitors are informed of the types of affirmative defense that are available to them (habitability, retaliation, etc.) and how to present them; but they are also told that, when the eviction notice resulted simply from failure to pay rent, there is very little chance of prevailing. Our observations of court trials indicate that most defendants fall into the latter category. Fewer than twenty percent of defendants presented an affirmative defense. And consideration should be given to the threshold effect of going to court; according to their post-hearing interviews, one-half of the Center’s visitors would have lost by default when they failed to respond to the complaint. Given this, the Center’s visitors might be doing well just to keep pace.

	Year			
	2000	2001		
	Van Nuys	Downtown	Van Nuys Non-Self Help Center visitor	Van Nuys Self-Help Center visitor
<b>Percentage of cases that settle</b>	50%	31%	44%	46%
<b>Median monthly rent</b>	\$695	\$550.	\$621	\$563
<b>Median rent due at time notice was served</b>	\$750	\$800	\$917	\$592
<b>Median settled rent</b>	\$1962	\$1760	\$1923	\$1360
<b>Median days to move out</b>	15	17	17.5	15
<b>N</b>	17	19	18	21

To understand how Center visitors felt about their experiences in court, we intercepted UD litigants as they left the courtroom in Van Nuys and interviewed them about their experiences at trial, about their own preparations for court, whether they were assisted by the Center, and, if so, about their perceptions of the Center. During a twelve-day period we were able to complete interviews with thirty-four litigants (77% of those leaving the courtroom). Forty-four percent of these were Center visitors. Many litigants (44%) prepared for their trials without help, the same percentage who went to the Self-Help Center. Twenty-seven percent consulted with friends or relatives, and twelve percent went to a legal aid center. Very few litigants reported using multiple methods of preparation (Table 6).

How did you prepare for your hearing or trial?	On my own	Friends/Relatives	Library/Online	Self-Help Center	Other legal aid
<b>Did all of the work on my own</b>	-				
<b>Consulted friends or relatives</b>	12%	-			
<b>Went to the library / online</b>	3%	3%	-		
<b>Self-Help Center</b>	9%	9%	0%	-	
<b>Other legal aid</b>	0%	0%	0%	3%	-
<b>Total</b>	44%	27%	6%	44%	12%

This table should be read as: "Forty-four percent of the subjects reported that they went to the Self-Help Center. Three percent of all subjects went both to the Self-Help Center and to another legal aid group. And nine percent went to the Self-Help Center and received help from friends or relatives."

It is important to note that only thirteen percent of the people we interviewed left court knowing that they could stay in their homes indefinitely. In fifty-six percent of the cases the

plaintiff was either already in possession or would take possession within two weeks. The other thirty-one percent of the litigants had their cases continued, they settled and did not tell us the terms, or it had been taken under submission. Center visitors were somewhat more likely (20% vs. 5%) to be able to retain possession of their homes, but this difference was not statistically significant given the sample size we were able to analyze.

We asked litigants whether they felt properly prepared for the hearing or trial. Sixty-two percent said they felt properly prepared, but Center visitors felt less-prepared than others. Among Center visitors, fifty percent felt properly prepared, but seventy percent of the non-Center visitors felt properly prepared. Upon closer examination, this difference appears to be due not with how the Center prepared them for trial, but with their own expectations. Litigants who were dissatisfied with the outcome were far more likely to believe that they were poorly prepared (Table 7). Center visitors were not significantly different than non-visitors with regard to their satisfaction with the outcome. And regardless of the outcome, most of the litigants (78%) felt that the proceedings were fair, both Center visitors and non-visitors.

<b>Table 7. Percentage of litigants who felt properly prepared for their hearing or trial, by satisfaction with outcome and how they prepared for trial.</b>		
	<b>How prepared for trial</b>	
<b>“How satisfied are you with the outcome of your trial?”</b>	<b>Went to the Self-Help Center</b>	<b>Did not go to the Self-Help Center</b>
<b>Satisfied with outcome</b>	83%	100%
<b>Not satisfied with outcome</b>	25%	29%
<b>Total</b>	50%	71%
<b>N</b>	14	17

This table should be read as: “Fifty percent of the subjects who went to the Self-Help Center believe that they were properly prepared for trial, compared to seventy-one percent of those who did not go to the Center. This is a significant difference, but it is caused by a lurking variable—the subject’s satisfaction with the outcome. Among those who were satisfied, high percentages felt properly prepared (83% and 100%) irrespective of whether they received the Center’s assistance; while among those who were not satisfied, the percentage who felt properly prepared is very low (25% and 29%).”

The litigants who went to the Self-Help Center gave it high marks. Fifty-three percent were “very satisfied” with the service they received, with another forty percent “somewhat satisfied.” Forty-seven percent rated the level of service “excellent,” while thirty-three gave it a “good” rating. We also asked respondents how much they felt they understood the legal information they got from the Center. Sixty-four percent felt they understood “all” of the information, and thirty-six percent understood “most” of it.

The interviews we conducted with bench officers are somewhat at odds with the perceptions of litigants. Some of the bench officers with whom we spoke expressed concerns regarding the preparation of answers to unlawful detainer complaints and preparation for the trial process. These concerns fell in several areas. First, bench officers believed that the unrepresented litigants they identified as having been assisted by the Center (by virtue of the forms in the file) were very unprepared for the trial process. They believed the Center should do more to prepare these litigants for what to expect at trial, both in terms of trial procedures and the types of evidence that are required to establish certain defenses, and in terms of the likely range

of possible outcomes. One of the bench officers believed that the Center raised unrealistic expectations in tenants, causing them to believe they had a chance of prevailing at trial where none existed. The cases cited in this regard were cases in which the tenant asserted breach of the warranty of habitability. These tenants were, in the opinion of this bench officer, spending time in the court system that would be better spent in seeking replacement housing. More than one bench officer believed that, perhaps in an effort to assist the tenant in asserting every colorable defense, Center staff sometimes prepared answers that asserted defenses that were not well-taken and not understood by the litigant. In addition, answers asserting many marginal defenses may distract the bench officer from focusing on the most plausible defenses.

One complicating factor that plays an important role in unlawful detainer cases in the Van Nuys courtrooms handling evictions is language. A significant number of unrepresented defendants in U.D. cases require the assistance of an interpreter -- which the litigant must provide. Unrepresented litigants use family members and friends who lack the necessary training to do courtroom interpreting. The language barrier plainly aggravates the possibility of misunderstanding between litigant and bench officer, and may account for some of the perceived problems identified by bench officers.

There are multiple possible other explanations for the problem of mismatched expectations.. First, it is possible that Center staff are asserting defenses that are well taken under controlling appellate authority and statutory law but not explaining those defenses in a way that litigants understand and can later effectively assert. Second, it is possible that well-founded defenses are pleaded but that bench officers depart in some systematic way from the prevailing legal doctrine that Center staff assume is being followed in the courtroom. Third, both of these factors may be at work. Previous work regarding other housing courts has demonstrated that bench officers in other settings often develop a "law of the courtroom" that is at odds with the controlling legal precedent. For example, the prototypical habitability case involves a tenant who withholds rent *because of* bad conditions. Tenants who admit that they did not pay the rent *because* they did not have the money are seen as not qualifying for the defense. But the statutory and case law does not condition the assertion of the habitability defense on questions of motive -- mainly because there are social purposes of the law (to provide incentives to landlords to comply with housing codes) that have no relation to a tenant's motive. We do not know whether inconsistent understandings and application of legal doctrine are at work in Van Nuys, but we encourage the Center to investigate this possibility through courtroom observations or conversations with bench officers.

In our view, the Center should prepare pleadings and counsel litigants in light of what bench officers are actually likely to do in various circumstances. If bench officers in Van Nuys are deviating in some manner from controlling authority, or applying an interpretation of uncertain law in a particular way that Center staff believe is incorrect, Center staff or others have other avenues for addressing those issues. In the meantime, unrepresented litigants should know what to expect. Second, it is clear that if resources permit, the Center should do more to prepare litigants for trial. There are various models in use around the country. Some programs put on live "trial preparation clinics." Others use video presentations to help litigants better understand what will be expected of them. Particularly given the scale of things in Van Nuys, the Center may be able to work with the bench officers who handle most cases to identify particular problems that should be anticipated and taken into account in counseling unrepresented litigants headed for those courtrooms.

Our conversations with bench officers, our observations in the courtroom, at the Center and interactions with court staff suggest several other ways in which UD defendants could be better prepared, as follows:

- Create a handout that explains the UD process and its implications, from first notice to results of the hearing. Encourage visitors to return to the Center after the court hearing to have the decision explained and questions answered. This would help the Center gather information to improve its services.
- Create a bilingual glossary that explains commonly used terms and vocabulary (e.g. stipulations, affirmative defense, etc.).
- Create a pamphlet or multi-page handout that explains the different types of affirmative defenses. This could include a script for the defendant to read in court to ensure that all of the elements are presented, and a list of the types of evidence that are relevant to that defense. We found that some litigants who came to court with an affirmative defense forgot to present it.
- Stress the importance of evidence. Provide examples of common things to check for to assist in a defense: certificate of occupancy, receipts, checks, photographs, adequacy of notice, proper service. In the cases we observed defendants who presented at least one piece of evidence at trial won one-third of their cases outright; plaintiffs won forty-one percent; and the balance were taken under submission (no particular type of evidence was better than any other). Plaintiffs were occasionally granted continuances to bring evidence or witnesses to court; defendants were never granted continuances to bring evidence or witnesses to court.
- Discuss and/or provide a checklist of what the plaintiff will have to show at trial, including the higher standard of proof required for HUD §8 cases.
- Advise defendants who have limited or no English proficiency to have translators who understand and can translate all parts of the trial (including the oath word for word—one witness' testimony was almost disallowed because the translator could not translate the oath to the letter). The Center could provide visitors with an idea of what the translator will have to do so that each visitor can know if a family member or friend will be competent to serve in that capacity.
- Explain the settlement process so visitors will know what to expect from the plaintiff's attorney. Defendants should be informed that while the settlement CONFERENCE is mandatory, an actual SETTLEMENT is not.
- Provide a list of the most important and relevant court rules.

## **Methodology**

For this project we collected several different types of data. We observed litigants in the courtroom, at the clerks office and in the Center. We interviewed litigants and judges. We collected data from case files in Van Nuys, Downtown Los Angeles and Pasadena. Center visitors filled out self-administered surveys. And we gleaned information from applications that visitors filled out at the Center. The following is a detailed explanation each different data collection methodology.

### **Observations**

#### **Courtroom**

N=143. Four observers were sent into courtrooms in Van Nuys (Div. 107) and Downtown (Dept. 20) to observe unlawful detainer litigants. These observations took place over eight days (March



13-14, May 29-31, July 17-19), and observers were instructed to record data from every case on the docket. Observers used an observation instrument that recorded the demographic characteristics of defendant and plaintiff, the presence of attorneys, the issue of the case, whether the case was a prove-up, settlement or trial, and the outcome. (See Appendix A).

## Center

N=254. We sent a single observer into the Self-Help Center over a period of 3 days (May 29 to May 31, 2001). He used an instrument of our construction (see Appendix A) to record, among other things, the flow of traffic, the time each individual spent in the Center, and the quality of the interaction with Center staff. He recorded observations of 254 individuals in that time, and estimates that he missed recording data on 10 individuals because of distractions. Information about the reason the visitor came to the Center was based upon the applications for service.

## Clerk's Office

N=393. Three observers rotated between the clerk's offices in Van Nuys, Pasadena and Downtown Los Angeles between June 5 and June 7, 2001. Each observer spent one day in each location. Observers were asked to focus on visitors to the clerk's offices who were concerned with family law or landlord-tenant disputes. For each subject the observers recorded demographic information, the reason for the visit, whether the subject asked the clerk for advice, and whether the clerk gave a referral to a legal clinic or self-help center. (See Appendix A).

## Interviews

### Post-hearing interviews

N=34. We posted interviewers outside of Division 107 in Van Nuys for 10 court days (May 29-31, July 17-26). They were able to intercept and interview 74% of the unlawful detainer defendants who appeared in court (34 out of 46). The interviewers did not know before the intercept if the subject had been to the Center. Defendants were asked whether they felt prepared for court, how they might have been better prepared, whether they felt the proceedings were fair, and what the outcome was. They were also asked how they prepared and whether they had been to the Center. If they had been to the Center, they were asked another set of questions about their satisfaction with the Center, how they were assisted, and what they would have done if the Center were not available. The entire questionnaire is in Appendix A.

### Interviews with bench officers and court staff

N= 6 We interviewed 5 judges or commissioners and one assistant court manager (in addition to the informal interactions we had with clerks in the course of our work at the courthouse).

## Case files

### Family Law

N= 601. We obtained lists of all family law cases filed in the Van Nuys court in January and February of 2000 and 2001, and in Pasadena in January and February of 2001. We sampled 50 cases from the Van Nuys 2000 list and recorded data on the instrument (Appendix A). In July 2001, we examined all files in the Van Nuys and Pasadena courts on the 2001 lists. We made

note if the file concerned a dissolution, a restraining order, child support or other issue, whether one or both of the litigants was unrepresented and (in the Van Nuys court) if there was any indication that the Center was involved in the filing. We then recorded extensive data on all pro per dissolution cases, using the same data collection instrument as before. After the data was collected we compared the list of cases from Van Nuys against the visitor applications for the Center for the period of January and February, 2001, in order to be sure that we had captured all of the Center visitors.

#### Unlawful Detainer

N= 958. We obtained lists of all unlawful detainer cases filed in the Van Nuys Court during the one-month period between March 15 and April 15 of 2000 and of 2001, and in the Downtown court during the same period in 2001. For each court/year combination we created ten clusters of 30 cases each by drawing random samples (with replacement) from each list. Our goal was to collect extensive data from the case files that met the following criteria: the defendant filed an answer; at least one litigant was unrepresented. We stopped reviewing cases and discarded the remaining clusters when we reached a threshold of 50 cases in 2000 in Van Nuys, 50 cases in 2001 Downtown, and (for the 2001 Van Nuys cases) 50 Center visitors and 50 non-Center visitors in which an answer was filed by an unrepresented defendant. During the selection process we collected data on the unrepresented status of the litigants, whether an answer was filed, and the monthly rent of the unit. More extensive data that we collected included information about the complaint, the answer, whether there was a trial or settlement, and the outcome. (Appendix A)

#### **Self-Administered Satisfaction Survey**

N=159. We placed 500 survey forms, in English and Spanish, in the Self-Help Center at the beginning of May. The counter staff was instructed to distribute one to each person who filled out an application, and to collect it when they left the Center. The low response rate (32%) and unscientific method of administration cast doubt upon any findings from this survey. However, there is some evidence that the respondents are not a wholly unrepresentative population. The findings closely match the independent measurement of satisfaction by our observer, the distribution of reasons for visiting the Center is nearly identical to the data gleaned from applications, and the percentage of first-time visitors to the Center is similar. The instrument can be found in Appendix A.

#### **Self-Help Center Applications**

##### Individual-level data

N= 975. We obtained copies of the applications for assistance from the Center and entered the information into a database. The applications covered several different periods: January 16-19, February 20-23, March 19-23, and May 29-31. This data allowed us to cross-tabulate characteristics of the Center's visitors with the reasons for their visits, their income and how they heard about the Center.

##### Aggregate-level data

N=6039. The Self-Help Center staff has tabulated information from the application forms into monthly summaries. We used these figures when aggregate, rather than individual-level, information on the Center's activities was appropriate.

