

# Voices in the Civil Justice System:

## Learning from Self-Represented Litigants and Their Trusted Intermediaries

A study prepared for the Florida Commission on Access to Civil Justice

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March 2020

This study was developed under a grant from the National Center for State Courts' Justice for All Initiative. Points of view expressed herein are those of the authors and do not necessarily represent the official position or policies of the National Center for State Courts, Florida Commission on Access to Civil Justice, the Florida Courts, the Florida Courts Office of the State Courts Administrator, or The Florida Bar.

## Acknowledgements

This study and report would not have been possible without the wonderful contributions of many individuals, and the support of the Justice for All Initiative. In access-to-justice work, it is always a significant honor to have the time to truly listen and learn from self-represented litigants (SRLs). This project afforded all involved an unprecedented opportunity to focus on the voices of the SRLs. We are deeply grateful for the leadership and vision of the members of the Florida Commission on Access to Civil Justice who made this possible.

The Florida Commission on Access to Civil Justice project staff (consisting of Tina White, Innovations and Outreach Chief, Office of the State Court Administrator; Andrew Johns, Deputy Chief Innovations and Outreach, Office of the State Court Administrator; and Francisco-Javier P. Digon-Greer, Assistant Director, Programs Division of The Florida Bar) were tireless in providing support and guidance to the consultants. This work would not have been possible but for their wisdom, advice, and generosity. It was an honor to work with them; we owe them a debt of gratitude.

We are also deeply grateful to the many individuals in the field who gave generously of their time. We spoke with numerous judges, judicial officers, court administrators, clerk's of court and their staff, law librarians, and legal aid staff across six counties (Bay, Polk, Sumter, Marion, Orange, and Miami-Dade). Despite the considerable daily demands on these justice system professionals, our calls, visits, and e-mails were always welcomed with open hands and hearts. Their contributions and hospitality cannot be overstated. Similarly, Commission members, nontraditional stakeholders in the community, and technologists working in the access to civil justice space in Florida invested time and care to share their knowledge, insights, and vision for the future. This outpouring of support and engagement from such a diverse collection of Floridians left us optimistic about the potential for ongoing access to civil justice work. This report reflects our synthesis of the many contributions and any error or misstatement is ours alone. We hope the activities that made this report possible and the ultimate recommendations will contribute meaningfully to Florida's future.

And finally, we must thank the SRLs who were willing to share opening with us about some of the most distressing and challenging times in their lives. Each and every person we spoke with was energized by the idea that could contribute to making the system better. They fully appreciate it is a stressed system, and that everyone is doing their best under less than ideal circumstances. Leaders and decision makers should take heart in knowing that SRLs stand ready to help by sharing their experiences and ideas. The guides, tools, and strategies developed in this project were designed to create positive mechanisms for the ongoing input of SRLs in Florida and throughout the country.

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## Executive Summary

It is estimated that more than 30 million people are self-represented litigants (SRLs) in America's civil courts annually. Depending on case type or location, the Florida courts regularly manage civil dockets that are comprised almost entirely of SRLs. Historically, courts were designed for lawyers. However, given contemporary realities, courts are redesigning their services and approaches to treat the public as the primary user group. In 2019, the Florida Commission on Access to Civil Justice was awarded a Justice for All<sup>1</sup> implementation grant to augment and inform the strategic priorities previously identified by the Commission,<sup>2</sup> with a specific focus on designing sustainable mechanisms to engage consumers for the purpose of improving products and services. As set out in the grant proposal, the goal of this project was twofold: 1) to conduct outreach to nontraditional access-to-justice stakeholders, and 2) to seek appropriate engagement of SRLs in order to amplify Florida's commitment to improving the state's development and implementation of a strategic, comprehensive approach to providing access to civil justice.

After undertaking an extensive landscape analysis and literature review, the Commission staff and outside consultants settled on a seven-month course of study that included the following:

- Interviews with traditional stakeholders and nontraditional stakeholders;
- Empathy session with court and clerk staff;
- Observations of service delivery throughout as many regions as viable;
- Focus groups with self-represented litigants across numerous demographic groups;
- User testing of the Florida Court Help App and Financial Affidavit; and
- Development of tools and guides for future use by Florida and other jurisdictions for ongoing collection and integration of the user voice.

Through this series of activities, consultants were able to construct user personas that included a range of archetypal SRLs, including a variety of age groups (25–35; 35–45; 45–60, and over 60), educational backgrounds (high school through advanced degrees), economic circumstances (unemployed through those with significant disposable income), geographic distributions (urban, suburban, rural), and those with a spectrum of English language skills. Perhaps the most striking finding with respect to the SRL experience is that regardless of background, they all share similar sentiments about court resources and process. And, while they utilize resources differently, they all have similar needs with respect to discrete products or services.<sup>3</sup>

The focus of this study was not to assess or evaluate the many access-to-justice activities underway in Florida; rather, it was to capture the user voice and, as informed by the user voice,

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<sup>1</sup> For more information about the Justice for All Initiative, please visit <https://www.ncsc.org/jfa>.

<sup>2</sup> Florida Commission on Access to Civil Justice, *Florida Commission 2018–2021 Long-Range Plan*, <https://atj.flcourts.org/wp-content/uploads/2020/02/Access-Commission-long-range-plan.pdf>.

<sup>3</sup> See Appendix F for a *Summary Matrix of Needs and Strategies for Solutions*.

identify the systemic changes that would have the potential to strengthen the SRL legal help infrastructure and create the possibility of sustained user-informed work. Therefore, while the report will often refer to a specific service or product, the *Findings and Recommendations* focus on building the infrastructure to sustain the work of the Commission.

## Findings

1. SRLs feel disadvantaged and have concerns about fairness, especially when the resources offered do not provide a transparent picture of what to expect via easily understood information that sets expectations about process, time, and outcomes.
2. SRLs are deeply frustrated, stressed, and fearful of court processes and outcomes.
3. SRLs prefer and need a mix of services that span the continuum of administrative support, legal information, and legal advice and include online and in-person help. From the perspective of the SRL, simple encouragement and assurances can sometimes be as meaningful as legal help from personnel trained in court procedures and resources, or from attorneys providing legal advice. SRLs are skilled at identifying what level of help they want at a given time and are likely to utilize multiple modalities over the course of a case.
4. SRLs value highly one-on-one services, whether in-person or remotely by phone, video, or chat. A navigator or guide during a legal crisis greatly impacts an SRLs perspective of the justice system, as well as their ability to complete necessary tasks and submit relevant evidence. One-on-one triage and referral are highly valued and sought after, but only if the SRL has been able to find someone who is knowledgeable in local procedure, trustworthy, and willing to help. SRLs are often seeking nothing more than simple assurances that they are undertaking the correct task or help with computers and other office equipment.
5. SRLs identify the court, clerk, and law library staff as the most accessible and trusted gateway providers. Easily identifiable self-help centers, which are by definition welcoming, are highly valued.
6. Court, clerk, and law librarian staff are deeply compassionate people. They are committed to providing the highest quality customer service possible to SRLs. However, the secondary trauma of supporting SRLs who are emotionally distraught and often facing dire circumstances of poverty and despair is significant. Staff recognize that the situation is aggravated by fragmentation of services between departments, lack of foundational plain language resources, and being asked to play too many roles. In addition, there is not sufficient opportunity for court, clerk, and library staff to cross-train, plan, and harmonize services.

7. SRLs and nontraditional stakeholders find the online environment confusing: a Google search result is too generic and they do not know how to assess whether a resource is trusted. Moreover, for any given county, even among what appear to be trusted resources, there are confusing, sometimes inconsistent and overwhelming amounts of information from the four main providers—courts, clerks, law librarians, and legal aid. SRLs cannot identify the correct information because their perception of their situation and the needs are not generally reflected in the online interfaces they encounter. Online tools without human back-up are not viewed as useful when the SRL is stressed.
8. Nontraditional stakeholders and the private bar are generally unaware of the overwhelming prevalence of SRL cases within the courts. While they may have relationships with the legal aid community, they rarely have robust relationships around self-help services with the court, clerk, or law library.
9. Law libraries and public libraries are underutilized partners.
10. The Senior Services Networks and Disaster Networks provide ready-made local and regional networks of nontraditional stakeholders that present an ideal opportunity for court, clerk, and law librarian staff to build their coalitions and strengthen information and referral networks. While legal aid organizations have become connected with these networks in recent years, court and clerk personnel have not yet built these relationships.
11. Ongoing data collection about SRL experiences, quantitative data collection through case management systems, and sharing data about the number of SRLs in the system are essential to support data-driven decision making.

## Recommendations

The following overall recommendations are crafted to begin to address the challenges identified in these findings. These recommendations focus mainly on developing infrastructure and mechanisms to establish a systemic, statewide approach, rather than discrete stand-alone interventions. The text of the report also includes tips for discrete interventions.

1. Establish **full-service self-help centers in each county**, accessible in the courthouse and through community partners such as libraries, in order to expand access to assisted self-help. Establish statewide **standards or guidelines for the operation of self-help centers that include SRL feedback mechanisms discussed in this report**.

2. Publish a standard, **statewide glossary of legal terms in plain English**. This glossary would become the source document for plain language used in forms, instructions, and other resources, including additional languages.
3. Design a **branding strategy** so the public and trusted intermediaries can readily identify the trusted, noncommercial resources of the courts, clerks, legal aid, and private bar. Align these resources so information is consistent and pathways are easy to find between and among providers; this is necessary to support a no-wrong-door approach. Ideally, self-help webpages would be standardized, with tested navigation designs so helpers and users could find information quickly. Relatedly, publish **foundational plain language self-help content** of FAQs for common case types, procedural timelines, flow charts, forms, and referrals to other legal providers that can be used by any traditional or nontraditional stakeholder.
4. Increase the number of **non-lawyer legal helpers** in the field and **publish a statewide training protocol on the distinction between legal information and legal advice (LI/LA)**. Local courts and/or legal aid offices could enter into memoranda of understanding (MOUs) with select community partners and trusted intermediaries to provide LI/LA training and cross-training on the basic information available from providers, including website navigation for forms and instructions and referral resources to be part of a community referral network.
5. Establish a statewide **Florida SRL Services Working Group**.
6. Appoint a **Law Librarian** to the Florida Commission on Access to Civil Justice.
7. Encourage Court and Clerk Personnel to **join Senior Services and Disaster Networks**.
8. Continue to **collect SRL feedback** through the *Florida Commission on Access to Civil Justice Self-Represented Litigant Survey* and *The Everybody Counts Survey* and **coordinate other data collection efforts** among the multiple constituencies (court, clerk, law librarians, and legal aid).

NOTE: This report is being completed in the early days of the COVID-19 Pandemic and many courts are temporarily shuttering operations as they shift to remote services. The Findings in this report are not impacted by these events as the Recommendations can be implemented remotely, including the development of self-help centers. Given the events unfolding around the globe, it is perhaps more important than ever that we listen to the voices of the SRLs and develop service delivery systems and resources that meet them where they are. The combination of the telephone and Internet is hugely powerful and proven to be effective. In



these difficult times, leaders ought not be discouraged from aiming to provide exceptional customer service and access to justice.

## Introduction

### Justice for All Initiative: A Framework for 100 Percent Access to Justice

In 2015, the Conference of Chief Justices and the Conference of State Court Administrators (CCJ/COSCA) unanimously passed *Resolution 5: Reaffirming the Commitment to Meaningful Access to Justice for All*.<sup>4</sup> It recognizes the significant advances in the access-to-justice field over the past decade and concludes with a call to action:

[...] the Conference of Chief Justices and the Conference of State Court Administrators support the aspirational goal of 100 percent access to effective assistance for essential civil legal needs and urge their members to provide leadership in achieving that goal and to work with their Access to Justice Commission or other such entities to develop a strategic plan with realistic and measurable outcomes; and

[...] the Conferences urge the National Center for State Courts and other national organizations to develop tools and provide assistance to states in achieving the goal of 100 percent access through a continuum of meaningful and appropriate services.

The Justice for All Initiative (JFA) and supporting guidance materials<sup>5</sup> are designed to offer a sustainable framework for building a 100 percent access ecosystem through a strategic planning approach that:

- Advances a framework of thematic components that, in the aggregate, comprise the justice services ecosystem;
- Focuses on broadening the access-to-justice coalitions at the state and local levels;
- Adopts a user-centered design approach for problem identification and solving;
- Standardizes information gathering and knowledge sharing through tangible tools that are informed by national best practices that can be used to assess state and local access-to-justice capacities and analyze any gaps;
- Offers guidance on strategic prioritization to strengthen and expand networks of allies that are necessary for justice;
- Incorporates evidence-based approaches to identify, measure, and close the gaps in resources and services; and

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<sup>4</sup> Conference of Chief Justices and Conference of State Court Administrators, *Resolution 5: Reaffirming The Commitment To Meaningful Access To Justice For All* (2015), [https://www.ncsc.org/~media/Microsites/Files/access/5%20Meaningful%20Access%20to%20Justice%20for%20All\\_final.ashx](https://www.ncsc.org/~media/Microsites/Files/access/5%20Meaningful%20Access%20to%20Justice%20for%20All_final.ashx).

<sup>5</sup> See JFA at <https://www.ncsc.org/jfa>.

- Recommends strategies and incentives for a sustained community commitment to aligned justice services and the JFA framework.

According to the JFA guidance materials, the goal of 100 percent meaningful access to justice for all can only be achieved by developing a well-integrated and coordinated infrastructure that includes courts, clerks, legal aid, the private bar, and trusted intermediaries so that people have access to effective assistance in resolving their civil legal issues. This infrastructure ought to incorporate broadly available, high-quality, and reliable information, in addition to screening mechanisms that identify individual needs and align those needs with appropriate resources. In sum, the system should offer a continuum of services that provides:

- A network of trusted community intermediaries that help people understand their issues as legal in nature, support them in accessing and assessing information about their problems (so they understand their situation), assist and support them in completing forms and identifying options, and help them find available resources;
- Widely available and adequate referrals, including enhanced coordination with social services;
- Services such as self-help centers and navigators;
- Access to information through technology, including informational websites, online forms, and decision-support tools;
- Simplified court and administrative rules and processes;
- Assistance with mediation, negotiation, and other ways to resolve issues outside of the courtroom;
- Legal representation through well-resourced civil legal aid providers, pro bono assistance, discrete task representation, affordable and widely available market-based options, and other appropriate services; and
- Social and economic analysis to identify upstream intervention points to prevent economic, health, education, or social issues from becoming legal issues.

In short, this is a system that enables everyone to get access to both the information and effective assistance they need—when and where they need it—and in a format they can use.

This report focuses on the intersection in Florida between the experiences of the self-represented litigants, traditional stakeholders, and nontraditional stakeholders who serve as trusted intermediaries between the public and legal providers.

## Florida's Commitment to the Justice for All Framework

In the fall of 2016, Administrative Order 16-71<sup>6</sup> of the Florida Supreme Court established the Florida Commission on Access to Civil Justice as a standing committee. This designation

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<sup>6</sup> Supreme Court of Florida, *Florida Commission on Access to Civil Justice Administrative Order (No. AOSC16-71)* (Oct. 10, 2016), <https://www.floridasupremecourt.org/content/download/241133/2131629/AOSC16-71.pdf>.

provided the necessary continuity to collaboratively identify, support, and implement a continuum of services designed to afford meaningful access to civil justice for all Floridians.

The purpose of the Commission is described in terms that parallel the JFA framework, stating:

The purposes of the Florida Commission on Access to Civil Justice are to study the unmet civil legal needs of disadvantaged, low-income, and moderate-income Floridians and to address those needs with programs, services, and innovative technological solutions that will create meaningful access to civil justice. The Commission encompasses the viewpoints of multiple constituencies and stakeholders and is not limited to those of any one particular institution. The Commission considers Florida's legal assistance delivery system as a whole, including but not limited to staffed legal aid programs, resources and support for self-represented litigants, limited scope representation, pro bono services, innovative technology solutions, and other models and potential innovations. In carrying out its purpose, the Commission shall perform its responsibilities consistent with Long-Range Issue 2 (Enhance Access to Justice and Court Services) of *The Long-Range Strategic Plan for the Florida Judicial Branch 2016–2021*.<sup>7</sup>

In 2018, after extensive study,<sup>8</sup> the Commission approved the “Florida Commission on Access to Civil Justice 2018–2021 Long-Range Plan” to serve as a vehicle to advance meaningful access to civil justice initiatives in Florida. It was a move towards the goal adopted by the CCJ/COSCA when adopting *Resolution 5*, namely providing 100 percent access to effective assistance for essential civil legal needs.

In addition to focusing on the development of its partnership with the Council of Business Partners and the Young Lawyers Division of the Florida Bar, the plan sets the Commission's four areas of priority and includes specific projects and activities to advance these priorities.<sup>9</sup> The strategic plan priorities are as follows:

### **1. Improve Triage and Referral**

1.1. Enhance the Florida Courts Help App. Provide additional features for the Florida Courts Help App which may include creating additional Florida-specific videos, increasing the ability to e-file completed forms, optimizing search capabilities, and expanding referral resources. Increase marketing efforts with greater use of social media and outreach to organizations supporting self-

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<sup>7</sup> Supreme Court of Florida, *Florida Commission on Access to Civil Justice Administrative Order* (No. AOSC16–71) (Oct. 10, 2016), <https://www.floridasupremecourt.org/content/download/241133/2131629/AOSC16-71.pdf>.

<sup>8</sup> Florida Commission on Access to Civil Justice, *State of Florida Justice for All (JFA) Strategic Action Planning/Implementation Proposal* (October, 2018) [administered by Florida Bar], <https://atj.flcourts.org/wp-content/uploads/2020/02/Letter-of-intent-2018.pdf>.

<sup>9</sup> Florida Commission on Access to Civil Justice, *Florida Commission 2018–2021 Long-Range Plan*, <https://atj.flcourts.org/wp-content/uploads/2020/02/Access-Commission-long-range-plan.pdf>.

represented litigants. Enhancement efforts might also include app features to assist in small claims, landlord/tenant, family, or other case types in which litigants are frequently self-represented.

1.2. Develop online chat assistance. Develop referral and limited legal services via an online chat function for self-represented litigants who are experiencing a legal issue. Through an accessible website, enable lawyers to answer questions on a range of civil case types, or provide access to a legal paraprofessional to assist or direct individuals to the proper forms or appropriate avenues to address their legal concern.

1.3. Deploy kiosks for legal referral and assistance. Institute court kiosks that allow clerks and their staff to direct self-represented litigants to an on-site computer or device where the user accesses legal information and connects with local legal resources. Users can be directed to local legal aid offices, local pro bono projects and clinics, [Floridalawhelp.org](http://Floridalawhelp.org), court-approved forms, or other resources. Terminals or appropriate software/links could also be installed and made available at other locations such as public libraries.

1.4. Examine online lawyer consultation. Research the use of videoconferencing or other electronic means to provide remote pro bono service. Explore partnerships with local bar associations or other organizations to offer videoconferencing capability. The program concept would allow volunteer attorneys from anywhere in the state to consult virtually and privately with a person and to share and review documents.

## **2. Emphasize Process Simplification**

2.1. Research an informal domestic relations trial process and/or small claims process through a special master or magistrate. Study an informal voluntary domestic relations trial process which may include, but is not limited to: practices where parties speak directly to the judge about disputed issues, formats where only the judge asks questions of each person, and simplified rules of evidence and discovery.

2.2. Pilot an Early Resolution Program (ERP) in divorce and custody cases. Test a program where parties in newly filed divorce and custody cases may avoid protracted legal proceedings by working closely with volunteer attorneys coordinated by legal services who provide unbundled legal services and court mediators. Judges would work with the parties at the ERP hearings to resolve their child custody, child support, and marital property disputes.

2.3. Study online dispute resolution options for civil traffic infractions. Develop a pilot for online dispute resolution of civil traffic cases. Considerations for the test program should include privacy and security, audience, platform, citizen access,

and effective resolution. The pilot should promote efficiency, access, flexibility, reduction in needed resources, and increased customer satisfaction. Determine the feasibility of statewide distribution and use.

2.4. Conduct user experience research/focus groups. Directly engage self-represented litigants to determine court procedures, policies, forms, and communications in need of improvement to promote a positive user experience within the court system while preserving substantive and procedural fairness and due process rights.

### **3. Provide Limited Legal Assistance**

3.1. Investigate the use of legal paraprofessionals. Examine the appropriateness and function of the licensure of legal paraprofessionals authorized to provide limited legal services to self-represented litigants in discrete areas of law. Work with stakeholders to propose areas of focus, parameters of practice, and benefits and challenges of a legal paraprofessional program.

3.2. Explore a Court Navigator Program. Establish a program which places specially trained college or law student volunteers, paralegals, or others in courthouses to help self-represented litigants navigate the judicial system. Identify a ready pool of individuals to sustain the program and address local needs.

3.3. Institute practice points for civil matters involving self-represented litigants. Create suggested practice points to provide guidance to judges and others in matters involving self-represented litigants in civil matters. For judges, practice points may address elements to actively manage and schedule cases involving self-represented litigants. For litigants, the points may address what to expect on the day of court and appropriate procedures and protocols inside the courtroom.

3.4. Expand Low Bono. Capitalize on minimal fee legal services to assist self-represented litigants and under-represented communities in addressing specific legal needs. Develop and expand programs for licensed attorneys to provide services at a reduced rate such as a \$1 per minute program or a minimum or flat rate structure to assist low or moderate means individuals

### **4. Promote Plain Language**

4.1. Develop explanatory video content statewide to guide self-represented litigants. Create video content to address preparing for court, what to expect in court, typical court processes, and court actors and roles. Create narrated video instructions to assist self-represented litigants in understanding form directions, fields, terms, and when to use/not use a particular form may also be appropriate. Information should be prepared in a step-by-step manner.

4.2. Advance the Do-It-Yourself (DIY) forms initiative. Expedite the development, approval, and implementation of online document assembly software that works as an interactive interview program and uses answers provided by litigants to create personalized forms ready for filing.

4.3. Examine standard orders to incorporate plain language principles. Review typically used orders for clear and concise language. Considerations should include: audience, organization, and writing style and principles.

4.4. Review the most commonly used forms for conformance with plain language standards. Determine an appropriate procedure to review the most typically used form for plain language compliance. This review may include software or external sources to further simplify language while ensuring legal sufficiency.

Through a system of staff leadership, committee work, and partner engagement the Commission is progressing in its efforts towards implementation in each of these areas. It has initiated a number of activities in support of these goals, with this study undertaken specifically to advance item 2.4: *Conduct user experience research/focus groups*.

## Activating the User Voice in the Florida Court System

In 2018, the Commission applied for—and was awarded—JFA implementation funds to augment and inform the strategic priorities identified above and, specifically, to design a sustainable mechanism to engage consumers for the purpose of improving products and services. The award supported the work undertaken in this project and focused on: 1) conducting outreach to nontraditional stakeholders, and 2) ensuring appropriate engagement of litigants and the user voice, as these components are critically important for access-to-justice initiatives to be successful.

As Legal Services Corporation President James Sandman noted in his remarks to the Commission on December 6, 2019, the system was built for lawyers—while the primary users are lay people or SRLs.<sup>10</sup> This shift has spurred a reformation within the legal system that, as illustrated by CCJ/COSCA resolutions and the JFA Initiative, safeguards the rule of law and supports 100 percent access as an achievable goal. This reformation will be pursued by adopting user-centered design practices, building coalitions of traditional and nontraditional stakeholders, and offering legal help through a variety of modalities along a continuum. Success will be measured by consumer satisfaction, efficient and effective court operations, and whether judges have access to the information necessary to make just decisions on the merits.

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<sup>10</sup> Remarks during the Florida Access to Justice to Commission meeting were recorded and are available at The Florida Channel, *12/6/19 Florida Commission on Access to Civil Justice* (Dec. 6, 2019), <https://thefloridachannel.org/videos/12-6-19-florida-commission-on-access-to-civil-justice/>.

## Self-Represented Litigants and Access to Legal Help

A study by the Legal Services Corporation (LSC) found that 86 percent of the civil legal problems reported by low-income Americans in a given year receive inadequate or no legal help.<sup>11</sup> In addition, the rise of the self-represented litigant in civil courts includes more than just the poor. Middle-class and professional individuals frequently proceed as self-represented in family, probate, small claims, and consumer debt matters. It is estimated that in the aggregate, three out of four cases in civil courts includes one or both sides representing themselves.

However, a closer look at specific case types reveals even higher percentages.<sup>12</sup> As discovered in the “Everybody Counts Initiative,” which was a one-day sample taken in one judicial circuit in Florida, 62 percent of family law cases have at least one self-represented litigant.<sup>13</sup> This is consistent with other states. For instance, in Arizona, 90 percent of litigants in domestic violence and probate cases are self-represented. In Hawaii, 96 percent of tenants in landlord-tenant cases and 80 percent of homeowners in foreclosure cases do not have legal representation. In Minnesota, 71 percent of family law cases have at least one self-represented party.<sup>14</sup>

While this increase in self-representation has presented challenges to the way the justice system does business, it is worth noting that the U.S. Supreme Court has found that individuals have a constitutional right to self-represent.<sup>15</sup> Furthermore, courts have a constitutional obligation in civil cases to provide adequate notice of what is at stake; a fair opportunity to present and to dispute evidence; relevant forms and information; and to provide express court findings.<sup>16</sup> Indeed, in 2011 when *Turner v. Rogers* was decided, an article was published noting that an emerging consensus had developed among justice system leaders in the courts, legal aid, and private bar that a comprehensive response to the changing needs of the consumer included court simplification, bar flexibility, legal aid efficiency and availability, and systems triage. More recently, the integration of non-lawyer helpers to assist lay people in navigating the justice system has also been recognized as part of this consensus.<sup>17</sup> The JFA Initiative sets out a framework for building the continuum of services needed to operationalize this consensus on a national scale.

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<sup>11</sup> Legal Services Corporation, *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans* (June, 2017), <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>.

<sup>12</sup> See Maha Jweied & Karen A. Lash, *Civil Justice Needs Federal Leadership*, Center for American Progress (Sep. 16, 2019), <https://www.americanprogress.org/issues/democracy/reports/2019/09/16/474354/civil-justice-needs-federal-leadership/>.

<sup>13</sup> See *infra* note 18.

<sup>14</sup> *Supra* note 9.

<sup>15</sup> *Faretta v. California*, 422 U.S. 806 (1975).

<sup>16</sup> *Turner v. Rogers*, 564 U.S. 431 (2011).

<sup>17</sup> Richard Zorza, *Access to Justice: The Emerging Consensus and Some Questions and Implications*, 94 *Judicature* 4 (2011), <https://www.srln.org/system/files/attachments/Zorza-Consensus.pdf>; Mary E. McClymont, *Nonlawyer Navigators in State Courts: An Emerging Consensus*, Justice Lab at Georgetown Law Center (June 2019), <https://www.srln.org/system/files/attachments/Final%20Navigator%20report%206.11.pdf>.



## JFA Continuum of Services<sup>18</sup>

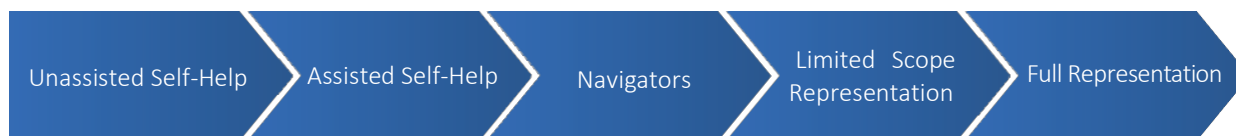


Figure 1 Continuum of Services

The JFA guidance materials set out a “Continuum of Services” to capture the various levels of legal help individuals seek and receive. The continuum offers five “buckets” of services that progress from unassisted help (that a person might find on their own on the Internet or via brochures) to full representation (when a lawyer is in control of all legal analysis and decision-making). The idea behind the JFA ecosystem is that each of these buckets contains multiple trusted resources designed for multiple user perspectives (including users, providers, and helpers). Together, the resources and activities in each of these buckets can be coordinated and aligned in such a way that there is no wrong door—the consumer ought to be able to receive trusted, efficient, consistent, and useful help with relative ease. Moreover, they represent the array of interactions the SRL is likely to experience throughout the life of a legal matter: from learning about their legal issue to navigating the court process or engaging legal system professionals.

### The Continuum of Services and Florida Priorities

By applying the “Continuum of Services” framework to the priorities of the Florida Commission on Access to Civil Justice, it is possible to see how services and strategies in each bucket stand on their own, while also being demonstrably strengthened when coordinated and integrated with other buckets in order to provide optimal customer service.

For instance, a leading project of the triage and referral priority is the Florida Courts Help App, which provides app-based information that, when accessed directly by the user, provides unassisted self-help. However, when the app is in the hands of a legal helper (whether self-help staff, an attorney, law librarian, or friend) it becomes a powerful research and potential triage tool for assisted self-help.<sup>19</sup> Chat assistance, another triage strategy under consideration, also serves as a mechanism to facilitate assisted self-help. However, to deliver consistent, high-quality assisted self-help with something like chat assistance, it is necessary to rely on foundational resources such as plain language assets, e.g. forms, FAQs, videos, and instructions. Plain language assets (another named priority for Florida) also serve as unassisted self-help

<sup>18</sup> Justice for All Expert Working Group, *NCSC Justice for All Initiative Guidance Materials 7* (November 2019), <https://www.ncsc.org/~media/Microsites/Files/JFA/PDF-JFA-Guidance-Materials.ashx>.

<sup>19</sup> See discussion later in the report where SRLs did not find the App particularly helpful when attempting to complete a legal task. However, they recognized it could be useful as a research tool or with the help of a third party.

when used on their own by SRLs, but empower legal helpers to provide immediate help or referral. These resources provide invaluable content to legal aid and pro bono lawyers, who can be relieved of having to research and draft such documents.

Kiosks, another resource under consideration by the Commission, can be a form of unassisted self-help when stand-alone, while serving both unassisted and assisted self-help scenarios if connected to chat bots and hotlines. However, note that based on the user feedback obtained in this study, better satisfaction and performance would likely result if the kiosk were teamed with a person (whether physically present or by phone) who could help navigate its resources.

This interplay between unassisted foundational content and assisted services is especially important when considering simplification efforts, such as informal trials, supported settlement calendars, or online dispute resolution. Each of these activities rely heavily on plain language standardized forms and instructions, as well as easily understood standardized procedures and options. Legal help content also creates the foundation for court and clerk staff, navigators, and limited-scope attorneys to guide and support the public. Indeed, they are also essential to expanding the market availability for full-representation attorneys since these resources create clear, efficient, and predictable proceedings. In courts with transparent and automated timelines, entrepreneurial members of the private bar quickly design menus of discrete, affordable services that consumers can purchase at key stages within the life of the case (and advertise their services around those key points in the timeline). This is a profitable approach for lawyers who seek to expand the client base among the middle-income sector. No longer do lawyers need to carry the administrative overhead of drafting and filing standard documents, but instead can advertise process-based consultations focus on specific legal and strategic questions, such as what to say at a first appearance, a review of disclosures, or advice on the best arguments to be made to support the parenting schedule the client is seeking.

By discerning which bucket resources or services can fall into—and how each relates to the other—leaders are better able to prioritize scarce resources and provide a bigger impact on both the operational and consumer side of the equation. The recommendations made in this document are grounded deeply in the important notion of interoperability between resources, services, and people. This is especially important because SRLs are likely to move up and down the continuum throughout a single case. A person may use unassisted self-help to learn about his or her legal problem before hiring a full-representation attorney—and when the money runs out, the formerly represented person will become self-represented. People bounce back and forth between unassisted, assisted, navigation, and unbundled services. Consumers need a connected and aligned continuum, while court and clerk operations are best served when they can prepare to adapt to this often dynamic status of litigants.

The remainder of this document is divided into four sections: 1) *Goals and Methodology* that discusses the project approach; 2) *The Voices In the Justice System* that provides the specific perspectives of the various user groups in Florida; 3) *Challenges That Lead to Solutions* that includes the Findings and Recommendations; and 4) *Conclusion*.

## Goals and Methodology

### Goals

As set out in the grant proposal, the goals of this project were twofold: 1) to conduct outreach to nontraditional access-to-justice stakeholders, and 2) to seek appropriate engagement of SRLs in order to amplify Florida's commitment to improving the state's development and implementation of a strategic, comprehensive approach to providing access to civil justice.

The project team (Commission staff and consultants) invested a significant amount of time in discussing how to address the inherent limitation of these goals. If read narrowly, these would provide for only a snapshot analysis. All agreed that the true intent of the project was to produce recommendations that would include sustainable strategies for integrating user voices to create sustainable user-centered feedback loops.

The team also noted that the purpose of this project was neither to conduct a comprehensive baseline assessment of SRL services, nor to assess the quality or effectiveness of services in place. Rather, its purpose was to gather experiences and impressions to create a framework for permanently integrating the user voice into Florida's access-to-justice work, and to identify mechanisms for building sustainable connections between traditional and nontraditional stakeholders. The recommendations would be designed to amplify the work already being done throughout the state by many different constituencies and to incorporate the JFA principles and framework to better serve SRLs.

### Final Study Plan

- Interviews with traditional stakeholders and nontraditional stakeholders
- Empathy session with court and clerk staff
- Observations of service delivery throughout as many regions as viable
- Focus groups with self-represented litigants across numerous demographic groups
- User testing of Florida Court HELP App and Financial Affidavit
- Develop tools and guides for future use by Florida and other jurisdictions for ongoing collection of the user voice

## Methodology

### Designing the Project

During its first six months of 2019, Commission staff and consultants worked together to: 1) identify existing research and resources to support a comprehensive literature review,<sup>20</sup> 2) develop possible approaches for engagement, and 3) select geographically representative locations. During this time, consultants also initiated a series of interviews with legal aid directors, law librarians, and technologists working within the state to better understand the service delivery landscape outside of the courts. As a result of this active planning period, the final project reflected a strong synthesis of the objectives of the initial proposal, as well as the discovered needs of the stakeholder groups.

### Landscape Analysis

It takes approximately 13 hours to drive from the border of Alabama to the tip of the Florida Keys. Florida is the nation's third most populous state. Of the more than 21 million people who call Florida home, 46 percent cannot afford basic needs such as housing, childcare, food, transportation, healthcare, and technology.<sup>21</sup> Floridians are struggling to maintain their basic needs in part because of financial challenges, but also because these necessities are riddled with legal issues that compound. A late child support payment can result in job loss because there are no funds for gas or vehicle repair. That lost job can quickly lead to loss of health insurance, eviction, and the inability to pay for childcare while looking for a new job. An economic bump in the road can trigger a complicated array of legal problems. Unfortunately, the current configuration and capacity of legal providers is unable to respond to the demand for help. This study identifies a number of opportunities for new relationships and alignments that may improve the overall system capacity to better meet the legal needs of Floridians.

Floridians, like other Americans, must for the most part solve their legal problems on their own. While there are no accurate counts of how many people are self-represented within the Florida Court System, the "Everyone Counts Initiative" produced a single-day count of SRLs. Facilitated by The Florida Bar Foundation and conducted within the Miami-Dade courthouses, it revealed that approximately 60 percent of family law cases and 80 percent of domestic violence cases had self-represented litigants.<sup>22</sup>

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<sup>20</sup> Consultants benefited tremendously from the rich body of research, resources, and analysis available about the Florida justice landscape, much of which can be found in the Florida Commission on Access to Civil Justice, *Knowledge Base*, <https://atj.flcourts.org/knowledge-base/>. Please see Appendix A of this document for a complete list of materials reviewed in support of this report. Of particular note is the Florida Commission on Access to Civil Justice, *Results of the Florida Commission on Access to Civil Justice Self-Represented Litigant Survey*, Florida Bar, <https://flaccessjustice.freshdesk.com/a/solutions/articles/13000073149>.

<sup>21</sup> For a detailed discussion of the economic vulnerability of Floridians, please see United Way of Florida, *ALICE: A Study of Financial Hardship in Florida* (2018), [https://www.uwof.org/sites/uwof.org/files/18UW\\_ALICE\\_Report\\_FL\\_Refresh-11.14.18\\_Final\\_Hires.pdf](https://www.uwof.org/sites/uwof.org/files/18UW_ALICE_Report_FL_Refresh-11.14.18_Final_Hires.pdf).

<sup>22</sup> See Nancy Kinnally & Jessica Brown, *Everyone Counts: Taking a Snapshot of Self-Represented Litigants in Miami-Dade*, American Bar Association (Nov. 17, 2017),

In other words, there are millions of Floridians who, while unable to meet their basic needs, are also coming to court each day without the assistance of counsel.<sup>23</sup> Moreover, the state’s vast geography encompasses rural, urban, and suburban realities with a trial court system organized into 67 county courts and 20 circuit courts.<sup>24</sup> Florida presents an exceptionally diverse and complex legal, political, economic, cultural, and geographic environment. As consultants began stakeholder interviews and literature reviews, it was quickly apparent that this diversity and complexity would be highly significant in later implementation efforts. The ultimate design of the project sought to embrace these realities by seeking a representative sample of SRL and nontraditional stakeholder experiences to reflect the many constituencies within the state—though the project makes no claims to be exhaustive.

### Initial Plan

The initial work plan called for two site visits each to Ocala, Orlando, and Miami. It was to include a series of SRL observations in courts, focus groups, ad hoc “Ask Me” interviews (with SRLs inside of court buildings), and two design sprints modeled after the Institute for the Advancement of the American Legal System (IAALS) project entitled “Listen > Learn > Lead: A Guide to Improving Court Services through User-Centered Design.”<sup>25</sup> The initial plan also

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[https://www.americanbar.org/groups/legal\\_services/publications/dialogue/volume/20/fall-2017/pro-bono-everyone-counts/](https://www.americanbar.org/groups/legal_services/publications/dialogue/volume/20/fall-2017/pro-bono-everyone-counts/); The Florida Bar Foundation, *Initiative Counts Self-Represented Litigants In a Single Day* (Sep. 26, 2018), <https://thefloridabarfoundation.org/initiative-counts-self-represented-litigants-in-a-single-day/>.

<sup>23</sup> Operations data about representation rates, as well as additional characteristics of the court user population, are essential to improve services, capture the value of services, and to demonstrate to funders (whether public or private) why investments in civil legal services—whether court- or community-based—are essential to strengthen community resilience, as well as to create opportunity for economic prosperity. It is worth remarking that the people working in this field (whether in the court, clerk’s offices, legal aid, or community nonprofits) understand deeply that the return on investment in legal help is truly outstanding. However, without the adequate and appropriate data, a full analysis is impossible and, therefore, the community often struggles to persuade others of the broad impact of various cases, for example what appear to be simple domestic matters can drive educational achievement and community health. Of course, just having data is not good enough. In order to be able to meaningfully analyze and assess the data, definitions and collection strategies must be standardized across all jurisdictions within the state and central leadership on this point is essential. The National Open Court Data Standards project by the National Center for State Courts (available at <https://www.ncsc.org/nods>) is working to create standards for all courts to use and researchers (and others) interested in access to justice have been active commentators.

<sup>24</sup> See the Florida Courts Home Page at <https://www.flcourts.org/Florida-Courts> for more information about court structure and the Florida Court Clerks & Comptrollers Home Page at <https://www.flclerks.com/> for more information about the clerks and comptrollers who perform a wide range of record keeping and information and financial management for the judicial system and county government and who, therefore, are leading providers of help for SRLs.

<sup>25</sup> See the IAALS study, Natalie A. Knowlton & Michael Houlberg, *Listen > Learn > Lead: A Guide to Improving Court Services through User-Centered Design* (Jan. 30, 2019), [https://iaals.du.edu/blog/Listen\\_learn\\_lead](https://iaals.du.edu/blog/Listen_learn_lead). It established a protocol for engaging with individuals who had been self-represented litigants to inform self-help needs, simplification, and triage strategies. Ultimately, this approach was not pursued for a variety of reasons, including recruitment challenges, funding for participation incentives, and the observed needs and preferences of the traditional stakeholders identified during the scoping stage of this project. However, this protocol holds

contemplated two daylong nontraditional stakeholder meetings in different regions modeled after the National Center for State Courts' Community Leaders Project.<sup>26</sup>

### Final Plan

Over three days in May 2019, Commission staff and the lead consultant conducted initial site visits in Ocala, Orlando, and Miami. They met with clerk and court staff, law librarians, court-based domestic violence and human services personnel, judges, hearing officers, and also conducted numerous SRL courtroom observations in each location. All personnel were welcoming and generous with their time and expertise, sharing a deeply earnest and sincere dedication to developing innovative and ethically appropriate techniques to serve SRLs. The team's intent had been to spend the majority of the site visits talking with SRLs, but traditional stakeholders quickly filled the days—they were eager to share their experiences and hungry to discuss and explore possible strategies to improve operations and services.

The original plan had not included the traditional stakeholders as study subjects, yet after the first series of site visits it was recognized that their voices were crucial additions—and their leadership would be critical for the successful implementation of the recommendations from this report (since they are the leaders on the ground with a huge appetite and energy for new ideas). Given strong local control in Florida, it is essential to incorporate them into solutions. Just as the states are powerful laboratories for the country, Florida's counties are powerful laboratories within the state.

With respect to nontraditional stakeholders, the consultants concluded from their conversations with traditional stakeholders that the most valuable contribution would be to highlight existing mechanisms and pathways of collaboration and to identify potential opportunities for future collaboration between traditional and nontraditional stakeholders. The power of these relationships would lead to sustainable service improvements. While the initial idea of convening nontraditional stakeholders was appealing, as the consultants listened to SRLs and traditional stakeholders it became apparent that already existing relationships needed cultivation, not new seeding. Consultants serving as one-off conveners, who had no existing relationships on the ground and were unable to offer any ongoing support, would not be the best agents for sustainable change.<sup>27</sup>

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great potential for local stakeholders and would hold special value in guiding local judges, clerks, and administrators as they identify simplification opportunities.

<sup>26</sup> Report expected to be issued in 2020 and will be available on the JFA Initiative site available at <https://www.ncsc.org/jfa>.

<sup>27</sup> This concern was later validated by Sarah Halsell, the State Legal Services Developer for the State of Florida's Department of Elder Affairs, during a telephonic interview conducted by consultants. Ms. Halsell reflected on an experience that involved a convening facilitated by an outside consultant of previously unconnected stakeholders who, working together, could strengthen services for the elderly in their community. Once the convening concluded and the consultant had left, there was no one to provide leadership to act on the consensus for collaboration that had been built in the meeting. Thankfully, because a core feature of Ms. Halsell's job is community network development, she stepped in to provide the leadership and facilitation to act

Therefore, the approach was amended to allow for significant consideration of traditional stakeholder perspectives in addition to SRL and nontraditional stakeholder voices. The project shifted from a model of convening meetings of nontraditional stakeholders to one of individual interviews with key leaders and sought out examples of models for success. It was also decided to increase the number of visits to Florida threefold to six, to double the number of counties visited, and intentionally include locales that would allow for a focus on two significant constituencies in Florida—senior citizens and those impacted by natural disasters. At the conclusion of the project, consultants had gathered user-experience data via site visits in Bay County, Polk County, Sumter County, Marion County, Orange County, and Miami-Dade County, while also interviewing numerous stakeholders from throughout the state. Given that a core principle of user-centered design is better process by iteration, the project team actively embraced these planning modifications.

### Conducting the Field Research

This study utilized qualitative methods to uncover the experiences and perceptions of the SRL journey through the civil court system. The ethnographic components of the research involved assessing the goals, cultures, challenges, motivations, and themes that emerged from immersion in the target population’s environment. This approach was used in courthouse observations to collect data about the journey of SRLs as they attained services, as well as to observe court and clerk staff as they provided services. As “participant observers,” consultants sought to better understand how court services, facilities, and processes are used by SRLs. Consultants deployed narrative-based methods to interpret and map the sequence of interactions SRLs have with their local court systems by conducting in-depth interviews and reviewing court services and resources directly. These activities surfaced common themes across individual experiences and highlighted tensions and challenges that offer opportunities for innovation.

Consultants used these strategies because quantitative methods relying on numerical data do not fully assess the texture and tone of user experiences with court services.<sup>28</sup> The legal problems SRLs face in the court system are deeply personal; the obstacles to just solutions are also often deeply personal. Whereas quantitative methods would seek to yield statistically significant relationships from quantifiable variables, the methods employed for this report capture subjective experiences and perceptions of the legal help available.<sup>29</sup>

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on the ideas for collaboration that came from the meeting. More about building upon existing networks and supporting new networks to advance change is discussed later in this report in the section entitled, “Nontraditional Stakeholders: Networks of Trusted Intermediaries.”

<sup>28</sup> However, this is not to say quantitative data is not valuable. In fact, Florida has some excellent quantitative and qualitative data from the Florida “Access to Civil Justice Self-Represented Litigant Survey,” *supra* at note 20. The data from the survey are consistent with that information collected in this study.

<sup>29</sup> Throughout all interviews, focus groups, and observations the consultants did not collect personally identifiable information from SRLs. To collect authentic and genuine accounts of an SRLs experience with the court, it is important to create an open and candid environment. This is also true for engagement with traditional and



A commitment to integrating the user voice into delivery design requires listening to the subjective experiences of individuals. In order to relate experiences captured through research in a way that would allow for solutions to surface, consultants chose the user persona methodology.<sup>30</sup> This technique is one of the many tools employed by user-experience researchers to examine and assess the conditions and environments in which users interact with products and services. User personas serve as archetypical users

A commitment to integrating the user voice into delivery design requires listening to the subjective experiences of individuals.

of a given system and provide a way to explore the challenges they encounter with a certain product or service. These profiles combine ethnographic research gathered from surveys, interviews, and observations, which are then constructed by aggregating narrative descriptions of typical experiences. Unlike “hypothetical” users that tend to abstract for *all* possible users, “personas” provide a contextualized profile for design modeling that considers the experiences of a *typical* or *target* user.<sup>31</sup> To collect the data necessary to build out personas for this study, consultants engaged in the following activities:

**SRL Court Experiences and Building Observations:** Consultants conducted observations of SRL court experiences including contested and uncontested family matters and protective order hearings; simulated courthouse navigation; self-help centers, case management departments, and law libraries; and observed overall SRL service delivery throughout the building. These observations were used to inform personas and understand local court service roadmaps. Consultants also observed external access, parking, security processes, and signage within courthouses. This kind of observational study revealed how existing resources were used and where gaps or friction existed.<sup>32</sup>

**Interviews:** Aimed to identify anecdotal recollections from individuals who have represented themselves in civil legal matters, the goal of these conversations was to collect information about experiences with legal issues and going to court in Florida. While most interviews were conducted at self-help centers, others occurred in libraries or community settings such as the United Against Poverty Up Center in Orlando, the Hurricane Michael Community Resource Center in Bay County, or by phone call, email, or even in restaurants and during taxi rides.

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nontraditional stakeholders. The consultants adopted the commonly used set of rules to guide open discussion known as the Chatham House Rules, which provide that—in a meeting, convening, interview, or workshop—participants are free to express their opinions while their identity or affiliation, or that of other participants, will not be revealed.

<sup>30</sup> For more information about personas and how they are used in the commercial sector, please see Aurora Harley, *Personas Make Users Memorable for Product Team Members*, Nielson Norman Group (Feb. 16, 2015), <https://www.nngroup.com/articles/persona>.

<sup>31</sup> See Appendix D for a detailed and reusable *Guide to Building a Persona*.

<sup>32</sup> See Appendix E for *Courthouse Navigation Observations*.



For each interview, consultants conversed with participants to surface certain components of their experience with a legal matter, taking contemporaneous notes on paper before transcribing the account into the format used below. These components included:

- Identifying the civil legal issue(s): how do SRLs learn they have a legal issue?
- A narrative of their experience leading up to resolution of their case: what pathways do SRLs take to get legal help?
- The circumstances surrounding their interaction with the court: what relevant conditions exist that SRLs need to navigate?
- Perceptions, impressions, and expectations they had about the court process: how do SRLs describe their experience with the court? What words do they use?
- Opportunities or insights of note: what do SRLs envision can change?

The *User Interview and Focus Group Guide* in Appendix B provides an outline of the interview protocol used and is designed to elicit information for the components above. Questions were modified at the consultants' discretion so as to adjust for participant comfort level. The goal of these conversations was to collect information about court experiences. Consultants took all efforts to ensure participants were not distressed or retraumatized.

Interviews with stakeholders were designed for the project team to learn more about the challenges and opportunities stakeholders see for improving service delivery. Additionally, these interviews enabled the project team to contextualize how SRL experiences were being interpreted by the legal ecosystem itself.

**Focus Groups for Task Challenges:** Focus groups are interview-based sessions meant to identify user experiences with a specific task, process, or resource. Unlike interviews, which are one-on-one encounters, focus groups often have several participants who may ultimately impact the responses of other participants. Focus groups are not intended to evaluate the rationale or reasons for how a task, process, or resource is used. Rather, they focus on surfacing specific attributes, characteristics, or considerations that influence user experiences with a task, process, or resource.

Based on the Commission's specific priorities and in consultation with staff, the project team decided to capture user behaviors with the Florida Courts HELP App, the Financial Declaration, and court services more generally. Please see Appendix B for the *User Interview and Focus Group Guide* that was used to structure these engagements.

**SRL Empathy Session:** After the initial site visits, consultants were struck by the court and clerk personnel's<sup>33</sup> commitment and curiosity to uncover new strategies that would better serve SRLs. Therefore, consultants designed an empathy session as a catalytic forum to surface new

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<sup>33</sup> "Court and clerk personnel" is used as a collective term that includes judicial officers, clerk's office staff, court administration staff, and other professionals working within the courthouse.

ideas and insights. The exercise was conducted as a discussion about the perspective court and clerk personnel and others within the court have of self-represented litigants. It was aimed to identify touch points between the SRL experience with legal issues and the services offered by the court and clerks to help them. The goal was to provide a roadmap for staff to better understand the challenges of navigating a court and to surface opportunities for alleviating friction in the court process, discover empathy for each other's work, and identify new ways for departments to align and support one another's work. Please see Appendix C for the *Guide for Court Staff SRL Empathy Sessions*.

**Conclusion:** Together, these four categories of activities captured the voices of SRLs, court and clerk personnel, and traditional and nontraditional stakeholders. The process enabled consultants to gain important insights about the needs, preferences, obstacles, and opportunities for SRLs, which in turn informed the personas used to guide the development of solutions.

## The Voices in the Civil Justice System

As recognized in the JFA guidance materials, the civil justice system is comprised of three major user groups: SRLs, legal providers, and trusted intermediaries.<sup>34</sup> The fundamental goal of this project was to capture the voices of the various constituencies within the civil justice system so that future work is designed for and measured by their needs. In other words, what do the users have to tell us? Within each user group, there are a myriad of discrete actors who have different needs, perspectives, goals, and roles. SRLs, while diverse in composition, share the common goal of putting their legal issue behind them. Legal providers (i.e. traditional stakeholders) include the private bar, clerk and court staff, as well as the judiciary. Trusted intermediaries (i.e. nontraditional stakeholders) are comprised of the many non-legal community actors with whom the public engages on matters that often also include a legal issue.<sup>35</sup> For example, financial institutions may serve as issue spotters for financial exploitation of the elderly, librarians serve the public by maintaining resources, locating information, offering technology support,<sup>36</sup> and community groups help people with housing, food, and economic issues that often involve a legal entanglement.

To share these voices, consultants used the data collected during field study to construct personas for various user groups as a means to learn more about situations, challenges, and experiences. As discussed above, personas are fictional characters commonly used in user-centered design and marketing to represent a user type who might utilize a site or product in a similar way. Personas are typically seen as a way to understand the goals, desires, and limitations of users and are constructed by synthesizing data collected from interviews with them. Increasingly, the traditional persona approach, which creates an amalgamated “typical” user, is being modified to create persona spectrums that seek to be grounded in a motivation rather than simply character attributes. As described by a Senior Content Manager at Microsoft, “a persona spectrum is not a fake person. It’s an articulation of a specific human motivation and ways it’s shared across multiple groups. It shows how motivation can change depending on context.”<sup>37</sup> Given the scope and role of this study, consultants generally followed the standard approach in constructing the personas, although there are aspects of our approach that incorporate a more spectrum-oriented persona. This is especially important in SRL work

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<sup>34</sup> The JFA guidance materials can be found at <https://www.ncsc.org/jfa>.

<sup>35</sup> When the JFA Initiative launched, it called on states to engage nontraditional stakeholders, which was generally taken to mean non-legal providers. However, after the groundbreaking work of the first cohort of grantees, it was realized that while indeed these nontraditional stakeholders are the key to building community coalitions for 100 percent access, they are better called “trusted intermediaries,” because they are the people and institutions people regularly rely on and trust in handling their most personal and sensitive matters. Therefore, this report uses the terms trusted intermediaries and nontraditional stakeholders interchangeably.

<sup>36</sup> See Self-Represented Litigation Network, *Open to the Public: How Law Libraries Are Serving Self-Represented Litigants Across the Country* (2019), <https://srln.maps.arcgis.com/apps/MapSeries/index.html?appid=5983e5775fbc4dca9443457ad12559ca>.

<sup>37</sup> Doug Kim, *Kill Your Personas*, Medium (Nov. 8, 2019), <https://medium.com/microsoft-design/kill-your-personas-1c332d4908cc>. This article provides links to Microsoft’s *Inclusive Design Kit*, as well as two articles, *Designing for Guidance* and *Designing for Focus* that discuss how they are applying spectrums to their product work.

because legal issues are deeply personal and context impacts understanding and performance. Within the scope of this study, personas are employed to illustrate the power of this model, and offer a systematic and validated design approach. The work in this study is not exhaustive. However, for more focused work in local jurisdictions, we urge the adoption of the persona spectrum framework when testing tech tools, forms, and self-help services. Please refer to Appendix D for a detailed guide of how to employ this approach.

## The Self-Represented Litigant Personas: *Giving Voice to the User Experience*

The following personas illustrate the spectrum of SRL experiences that represent portions of the Florida population. These personas were informed by the qualitative research described above. The activities described are representative of the activities conducted to discover user experiences, including testing exercises with court resources. Finally, each persona includes a discussion and analysis of the potential barriers a typical user might encounter and the solutions that they suggested, either explicitly or implicitly, to improve not only their court experience but also their ability to get the legal help they need—when they need it—and in a format they can use.

### Alfred

#### Characteristics

The first persona is Alfred. Sixty years old or older, a higher income household, retired to Florida from Virginia, living in a well-appointed retirement community or city.<sup>38</sup> He has lived in the city for several years. The following characteristics can inform the expectations of the kind of services and challenges he may face:

- **Marital Status:** Single, divorced
- **Education:** Master's degree, terminal degree, and/or extensive work experience
- **Employment:** retired, previously a white-collar employee
- **Household:** Older children (35+ years old)
- **Transportation:** Single-car household
- **Primary Language:** English (fluent), Spanish (not very well, if any)
- **Likely Case Types:**
  - Real estate (purchase or sale, possibly a landlord)
  - Wills and estates
  - Family law (divorce, guardianship of grandchildren)
  - Small claims (contractor disputes)
  - Debt (fraud)

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<sup>38</sup> This persona was based on telephone interviews and in-person interviews collected from activities held in The Villages, Florida, in a private room reserved within a well-appointed community center between September 16, 2019, and September 17, 2019, as well as at the Orange County Court Self-Help Center and the focus group session held at the Orlando Public Library between July 31, 2019, and August 2, 2019.

- Criminal (misdemeanor)

Alfred might experience the following interactions with the civil justice system:

- First time facing misdemeanor charges for a DUI;
- Has had issues with contractors for unfinished or poorly finished work, or has been sold defective/useless products;
- Previous spouse claiming rights to retirement/entitlements due to extended marriage;
- Renting or selling a previous home in another state to purchase a new home in Florida; and
- Managing estate planning and other legal arrangements set up or issued in Virginia and now must transfer to Florida.

### Personal Narrative

Alfred provided the following narrative to describe his circumstances:

*"I moved to Florida to retire or transition to a different lifestyle. I have recently divorced from a spouse of over 20 years. I am renting my property in Virginia and have purchased a new home in Florida, but I am currently also renting here in Florida while some repairs are made on my new home. I communicate regularly with the person I have helping me manage my Virginia property. I don't know this area well yet, but there are a lot of contractors my friends refer me to that I hire for small jobs that I can no longer do on my own. The home I purchased required some fixes, and the contractors have been slow to complete the work and have done so poorly in some places. In the past, I have helped my adult children with money, child-rearing, or a divorce, but I now live further away. I am educated and had a long career in an office. If needed, I have the time to read up on legal information. I struggle to navigate the court website and apps, however, because they work differently than software programs I used throughout my career. Even so, I still consider myself more tech savvy than my peers. There is a lot I can find online, but I would rather ask people for information in person. Chats can be very useful for basic things, but not if I'm trying to figure out an ambiguity. Although, I feel healthy, several of my peers have dealt with sudden medical costs, traffic tickets, or other run-ups with the law, like DUIs. I expect I will also have to deal with these at some point, but I will hire an attorney if I find I cannot handle the issue on my own."*

## Activities

### General Observations and Website Navigation<sup>39</sup>

Consultants conducted a survey of Alfred's experience with legal issues throughout his career and life. Having had several interactions with lawyers (both personally and professionally) in the past, he was comfortable discussing his approaches to certain issues and indicated he had proceeded as an SRL on several occasions. He had experienced both successes and failures in representing himself.

*"After my previous success, I was overconfident and lost the case."*

Despite Alfred's high education, he was not as skilled at navigation as was anticipated based on his initial interview. He was asked to complete the following tasks:

- Find your county court website;
- Find the address and other contact information for the courthouse;
- Navigate to where you expect to find help resources;
- Find a divorce form;
- Find information about cost for filing and a fee waiver; and
- Find information about how to file the form.

With some light coaching and corrections, Alfred was able to successfully navigate the court website to the forms page but commented about how confusing the page was because he initially expected to find divorce forms under the help page of the site. However, when Alfred found the forms page, he commented that after clicking through a lot of links, "you just feel like you did something wrong." He was also unsure whether he had really found the correct forms page because the county forms page links out to the state run FloridaCourts.org website, which has a very different look and feel from the county website. Scanning the page in a slightly agitated state, he said, "it took me to another window. I think I hit a wrong button."

During the focus group discussion, he described at great length how fellow community members rely on non-lawyer friends who disclose they have some expertise with the legal system—perhaps having been a paralegal or staff in a government agency. It is common to utilize these trusted non-lawyer helpers for the purposes of assessing legal needs, seeking information about legal processes, confirming and assessing attorney performance, and, in some cases, providing actual support in handling matters. Trusted helpers are also asked questions about the meaning of court orders and whether "they seem right." The legal issues present in Alfred's community are similar to other personas and include the same variety of case types. However, criminal and consumer issues arose in slightly different ways. In Alfred's retirement community, for example, retirees might find themselves driving golf carts after drinking alcohol and inevitably risk getting charged with a DUI. For many, this is the first time

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<sup>39</sup> Consultants interviewed the individuals who make up the Alfred persona using the *User Interview and Focus Group Guide* available in Appendix B.

they have had to deal with criminal justice matters and so the trusted helper is essential in confirming that the defense attorney and criminal process is proceeding appropriately. Alfred reported a general skepticism about government processes and actively sought verification through his trusted network. Older adults in Alfred's community also proceed through small claims as SRL plaintiffs to pursue remedies against vendors who failed to provide quality services (such as a dry cleaner) and, more frequently, against contractors who failed to provide the agreed home maintenance. Alfred reported that although he and his friends feel comfortable representing themselves, they reach out to trusted people or seek direct help from a person via phone or by visiting the court. Limiting research about their issue to only online materials does not provide the level of assurance they need to feel confident they have navigated to the right information.

### Discussion

One of the most striking observations from the interviews was that individuals with high income and advanced education were uncomfortable and unwilling to move forward with their legal issues without help from a trusted non-lawyer helper. Conventional access-to-justice-community wisdom is that *only* low-resource individuals need assisted self-help, but this research did not support that proposition. In fact, both low-resourced and well-resourced groups favored and needed assurance from a third party for help with navigation (whether online resources or processes), analysis, and preparation. The distinction between the well-resourced and low-resourced individuals appears to be that well-resourced individuals have better private networks and connections, including access to retired justice system professionals who can serve as unofficial navigators. They also have more time to spend on legal matters. By comparison, low- to moderate-resourced individuals must rely on public resources such as court self-help, law libraries, legal aid, and the Internet without any guidance of which is most suitable for their circumstance while balancing work, caregiving responsibilities, and fragile financial circumstances.<sup>40</sup>

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<sup>40</sup> The significance of the "social capital"—that a person's family, friends, and associates constitute an important asset, one that can be called on in a crisis, and leveraged for material gain—is well documented in the social sciences. Its application in international development provides a useful framework as we consider the role access to justice has on overall social and economic well-being. See for example Michael Woolcock & Deepa Narayan, Social Capital: Implications For Development Theory, Research, and Policy, *The World Bank Research Observer* (Vol. 15, no. 2 (August 2000), pp. 25-249), <http://documents.worldbank.org/curated/en/961231468336675195/Social-capital-implications-for-development-theory-research-and-policy>.

The research consistently supported the notion that all individuals need access to both assisted and unassisted self-help; however, well-resourced individuals are more likely to be empowered by the self-help, whereas low-resourced individuals may become overwhelmed and fearful. Observations and interviews suggest that because well-resourced personas often have professional experience with bureaucracies, they can utilize help in a faster and more efficient manner. For instance, once they were pointed in the direction of legal resources, they read and processed the information at a faster rate and returned with focused, relevant, and advanced questions. However, they are also very likely to overestimate their understanding and skills.

The research consistently supported the notion that all individuals need access to both assisted and unassisted self-help; however, well-resourced individuals are more likely to be empowered by the self-help, whereas low-resourced individuals may become overwhelmed and fearful.

In addition, and very importantly, well-resourced individuals are not surprised by the necessity of preparation, and therefore approach legal issues with reasonable expectations. They anticipate and appreciate that legal matters take time. Some reported they previously had demanding professional lives that called on them to produce high quality performances, therefore they are aware of the value of preparation to improve performance. They also have more experience assessing performance and its impact on outcomes, while also understanding its impact on credibility assessments by the judge or the opposing party. Therefore, their preparation included such things as visiting the courthouse before filing a small claims action against a vendor so that they could acclimatize themselves, see how things work, figure out who was going to be helpful, and understand the “vibe” of the courthouse. This preparation means they feel less stressed and more prepared when they return for their actual case appointments and hearings. Alfred, and his fellow well-resourced individuals, are also likely to have had experience with the legal system for commercial matters in their professional lives. Therefore, they may be familiar with courts and procedures from other jurisdictions. However, Alfred, who is not legally trained, did not appreciate that each state and county can be remarkably different in both substance and process. Third-party helpers played an essential role in explaining the necessary information and correcting misplaced expectations that Alfred may have had.



### Strategies to Address Alfred's Needs

Needs	Strategies
<b>Identifying and Assessing Legal Issues</b>	<b>Helpers:</b> navigators, community-based assisted self-help (within their community, libraries, or through local networks), court self-help center, hotline, helpers as referral pipeline to lawyers, decision support tools
<b>Online Navigation Challenges</b>	<b>Standardization and Support:</b> standardized legal information template, chat, co-browsing with remote helpers, in-person helpers
<b>Information About Process and Requirements</b>	<b>Standardized Plain Language Resources:</b> checklists, FAQs, flowcharts, forms, glossaries, short locally produced videos

### Betty

#### Characteristics

Betty is 45 to 60 years old and earns a middle income in a large city.<sup>41</sup> She has lived in it for most of her life and the following characteristics can inform the expectations of the kind of services and challenges she may face:

- **Marital Status:** Married, has been divorced in the past
- **Education:** Associate's degree or technical training
- **Employment:** One job, typical hours
- **Household:** Mature children (13–26 years old) and older adult (parent caretaker)
- **Transportation:** Single or multi-car household
- **Primary Language:** Spanish (fluent), English (very well)
- **Likely Case Types:**
  - Family matters, divorce, or ongoing child custody/support
  - Debt or other small claims
  - Housing (eviction or habitability)
  - Contract (real estate purchase/loan related)

Betty might experience the following interactions with the civil justice system:

- Betty seeks information about getting a divorce but would need monetary assistance from her spouse to help pay for their child's college expenses;

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<sup>41</sup> This persona was based on interviews collected from activities held Orange County Court Self-Help Center and the focus group session held at the Orlando Public Library in meeting space reserved for this purpose both in Orlando, Florida, between July 31, 2019, and August 2, 2019, and Miami, Florida, between November 12, 2019, and November 14, 2019.

- Unlike her first divorce that was uncontested, she is proceeding with a contested divorce;
- Betty's spouse seeks custody or visitation rights and wants to contest certain distributions of marital assets; and
- Betty's landlord wants to evict her because she has begun taking care of her parent at home.

### Personal Narrative

Betty provided the following narrative to describe her circumstances:

*"I have lived in Florida my entire life. My mother is aging and I am the only one that can take care of her. I have a good-paying job but will have to apply for loans to help my child go to college. I was saving money, but my mother injured herself and I have medical costs to deal with. My ex-husband has been easy to deal with, but no longer sends child support payments and has said he will not help to pay for our child's education. My mother has been served court documents in the past for a credit card she says she had closed. My landlord wants to raise the rent, but I was hoping to use the money I had to get new tires for my car or find a way to finance a new car so my child can have a vehicle for school. The self-help center said they can help with my issues with my ex-husband, but I have to go somewhere else for my mother's case and any issues I might have with my landlord. My current marriage isn't going as well, and I'm nervous he will make getting divorced difficult."*

### Activities

#### Filling out a Family Law Financial Affidavit Form<sup>42</sup>

Having had prior court experience, Betty recognized the "short form" and "long form" of the Affidavit and noted the 13-page long form felt like a daunting task. Consultants asked Betty to fill out the long form and to narrate the choices she was making. Instead of using her finances, consultants asked her to simulate information.<sup>43</sup> Although Betty navigated an uncontested divorce in the past with relative ease, she struggled to fill out the long form. The instruction sheet included with the form caused her to pause as she struggled to understand the qualifying circumstances necessary for the long form. Betty (and indeed all people to whom this was

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<sup>42</sup> Consultants interviewed Betty using the *Sample Resource Testing Protocol* available in Appendix B.

<sup>43</sup> It is important to note that collecting the information necessary to complete the more than 100 lines of financial information is an arduous task for anyone, and even more so for SRLs—not because they do not understand what is being asked, once put in nontechnical terms—but rather because, unlike employees at law firms, they do not have professional training and experience collecting and organizing such information and therefore simply lack this administrative skillset. Moreover, one's own financial information typically triggers an emotional response, which in turn slows down the process, or retraumatizes SRLs.

presented) found the instructions entirely incomprehensible.<sup>44</sup> The instructions for Florida Family Law Rule of Procedure Form 12.902(c), Family Law Financial Affidavit (Long Form) (01/15) read as follows:

This form should be used when you are involved in a family law case which requires a **financial affidavit and your individual gross income is \$50,000 OR MORE per year** unless:

- (1) You are filing a simplified dissolution of marriage under rule 12.105 and both parties have waived the filing of financial affidavits;
- (2) you have no minor children, no support issues, and have filed a written settlement agreement disposing of all financial issues; or
- (3) the court lacks jurisdiction to determine any financial issues.

On a practical level, Betty also noted that most of the people in her family and the people she interacts with at work would not recognize that a divorce is called a dissolution.

*“If I hadn’t been divorced in the past, I wouldn’t know what to do with that word [dissolution]. I would need to get on a computer to look it up.”*

Although Betty understood this was a simulation, she was so stressed about the information provided in the instructions sheet that she was unable to move forward with the task assigned. Betty felt she had to know the rules identified in the sheet, such as Rule 12.105 that determines simplified dissolution, and overwhelmed by the additional forms mentioned, such as a Request for Confidential Filing of Address Form 12.980(h).

*“I don’t even know where to find these rules. Shouldn’t the rules be on here?”*

*“Where do I even find the other forms?”*

After several minutes, consultants reminded Betty that the primary task was to work in filling out the form we selected as a simulation and asked her to move on to the rest of the form. Betty flipped through several pages to see what sort of questions she would be answering and immediately expressed anxiety about the level of detail the form asked about. In particular, Betty believed that if she provided incorrect accounting of personal expenses, such as monthly costs for clothing, grooming, and cosmetics, it might have dire consequences. Betty was also concerned that she likely misunderstood terms like “contingent” and “assets/liabilities,” even

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<sup>44</sup> In fact, even legally-trained individuals who did not practice in the area of family law concluded they could not, based on these instructions, analyze when an individual would be required to use the form because the exceptions are not understandable on their face. The exceptions require a separate analysis of additional issues, such as whether one is eligible for a simplified dissolution, when and if one can waive filing of financial affidavits, whether a settlement agreement eliminates the need to file the Affidavit form all together, and what reasons a court may lack jurisdiction to decide financial issues. A set of plain language screening questions covering these issues could be a practical way to address this confusion.

though the form provided a definition, and asked consultants for assurance and confirmation that her understanding was correct.

*“Why do I have to do all this math? If I don’t get all these numbers right, will the judge let me get divorced?”*

Betty was often overwhelmed with the amount of information she needed to provide to complete this form alone, much less to get a divorce. Betty recognized that the form was only the Financial Affidavit and she would need to fill out other forms in addition to navigating other court processes to successfully divorce.

When asked if she felt confident that she could finish filling out the form, she expressed concern that she would not have enough time in her day to do so on her own. With taking care of her mother and supporting her child leading up to college, she would want someone to guide her through the process. She also expected her financial situation to change in the near future, and was concerned with whether that would invalidate everything.

*“I would want someone to tell me that I’m doing this right.”*

She believed that she would only be able to make incremental progress in many short sessions over many days or weeks and a helper would be a necessity.

## Discussion

Betty’s experience with an uncontested divorce did not fully prepare her for filling out the Financial Affidavit Long Form. Despite having some level of confidence because of a previous experience, that feeling dissipated in the face of challenging terms and required calculations she didn’t expect. This is true across personas, where success with one court process (whether in the same or different case type) does not translate to success in others. It was not the complexity of the substantive legal issues that posed the greatest barrier, but rather the differences in procedural requirements and information being sought. It was evident throughout the observations that the sheer number of questions (there are over 100 lines to input costs and expenses on the Affidavit) was overwhelming and realistically would be overwhelming for anyone who does not practice financial accounting and budgeting on a regular basis. Even though many inputs can be ignored because they do not apply, every line asks the filer to calculate the costs of their household’s monthly activities.<sup>45</sup> This sort of accounting, when a person is not accustomed to doing so, causes anxiety and in turn affects a person’s ability to problem solve. Without extensive preparation ahead of time, any persona—

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<sup>45</sup> Because so much depends on circumstances, creating an app with single plain language Q&As to work people through the decision tree of what needs to be included would likely be of huge value to all. The responses from the Q&A could be used to populate the final form. For many jurisdictions, this is sometimes an easier route than trying to amend the form. A form represents the “all scenario” output; however, the input varies tremendously among individuals.

whether high-, middle-, or low-income—will find they are ill prepared to complete the form in one sitting.

Moreover, distinguishing user circumstances and the supports needed in various case types matters for more than legal or procedural reasons. As Betty’s experience illustrated, anxiety derails performance. The choice to get divorced is not often taken lightly, and there is a consistent belief and fear that incorrect information will result in the court rejecting or denying the divorce. In some cases, such as those involving domestic abuse or minor children, the stakes are high and the idea of failing is debilitating and could possibly deter an individual from pursuing a divorce, which could have dire (yet avoidable) emotional, financial, health, and safety consequences.

Betty’s anxiety also stemmed from the level of detail in the instruction form itself. Although the additional information can be and seems helpful up front, the references to additional forms and court rules was overwhelming and created concerns about their potential importance. There is no way for Betty to evaluate whether an additional rule or form applies to her circumstance. These rule notations are perhaps useful to lawyers and staff, but rarely are they useful to SRLs.<sup>46</sup> It is worth noting that Betty also demonstrated a significant amount of distress about the “Special Note” in the long form about how to file and keep an address confidential. While the intention of including that information is to help keep people safe, the way the information is presented caused distress and confusion for Betty. Most importantly, she could not understand how to locate it because the long form does not provide additional information about how to find the confidentiality form.

Betty’s persona captures many of the tangential conditions often faced by typical Floridians and through the persona approach can be taken into consideration when designing services to meet needs similar to Betty’s. It is important to recognize that she has numerous active and potentially active legal issues that involve multiple institutional actors, i.e. the child support agency, creditors, financial aid and school officials, banks, DMV, as well as various individuals, i.e. her ex, daughter, mother, current husband, car dealer, car mechanic, and landlord. By any measure, this is a dizzying array of variables and uncommon for most people. The research consistently revealed that experience gained in one legal case or government system did not necessarily transfer to better performance in another. In Betty’s case, she is likely to access help across the continuum of services and, all the while, the different matters have crisscrossing deadlines and critical path moments.

Betty can neither foresee this nor effectively prioritize and orchestrate. However, self-help services can be designed to screen, assess, guide, prioritize, and refer. And a human being,

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<sup>46</sup> This is not to say that citations to authority ought to be eliminated. In fact, such citations are essential to document legitimacy, provide transparency, and help form drafters to track where changes need to be made as statutes and rules change. The issue being raised is how the cites are presented, not whether they are recorded. This is a question of design. Ultimately, the greatest value of legal citations in forms (or documented in the code of applications or algorithms) is for administrators, clerks, lawyers, and other legal helpers.

supported by technology, is likely to be the most efficient at spotting the unique challenges Betty faces and helpful in problem solving with her for a viable path forward. In addition, because of the high levels of anxiety Betty is experiencing, she is more likely to be successful in completing tasks and communicating her situation with the help of another person than alone with an online tool. Florida is fortunate to have a robust Free Legal Answers program; however, given the complexities of all that is going on, it is unlikely the current protocol for that resource would help Betty because she is unlikely to know what questions to ask.<sup>47</sup>

An interoperable system of services is needed that anticipates the common realities people face, with one of the most notable being that most court-related issues cannot be addressed in one visit. Therefore, it is critical to build out services in her community and in locations Betty already frequents. Requiring her to travel to the courthouse each time she needs a question answered or simple reassurance that she is doing things properly is overly burdensome and increases the level of effort required to proceed. Ideally, clerk's offices and case managers should not be the only help available to meet Betty's needs.

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<sup>47</sup> Free Legal Answers can be found at <https://florida.freelegalanswers.org/>. Consultants reviewed and analyzed the Florida Free Legal Answers User Feedback Surveys from May 1, 2017, to September 5, 2019. While overall respondents were very appreciative of the service, consistent with what the SRLs communicated in this study, there is an opportunity to connect Free Legal Answers with self-help and in doing so improve user satisfaction and next step referrals. With respect to user satisfaction and referrals, it was clear attorneys did not have access to standardized, plain language procedural or referral information that they could use for their own knowledge or to send on in a response to a client. Clients could identify inconsistencies in response quality and these inconsistencies affected how people experienced the service, especially when attorneys were not familiar with the practices of a local court. Comments also reflected that SRLs cannot self-evaluate whether a question is out of the scope for the service. When they do not get information or are denied an answer, they felt more negatively affected because their expectation was to have an "answer." Expectation setting emerged as a common theme throughout this study, as did cross-training about referral resources between stakeholder groups. The recommendations for resources coming from this report could serve as valuable resources for training and providing guidance/referral sheets to support pro bono attorneys who provide this valuable service.

Strategies to Address Betty's Needs

Needs	Strategies
<b>Fear and Confusion</b>	<b>Helpers:</b> navigators, community-based assisted self-help (within their community, libraries, or through local networks), court self-help center, hotline, helpers as referral pipeline to lawyers, decision support tools
<b>Forms Confusion</b>	<b>Simplified and Supported Plain Language Forms Sets:</b> simplification of both process and forms, real-time remote or in-person support via navigator, community-based self-help (in library or trusted social service provider or school) or court self-help center
<b>Information About Process and Requirements</b>	<b>Standardized Plain Language Resources:</b> checklists, FAQs, flowcharts, forms, glossaries, short locally-produced videos, court-based attorney-for-the-day program

Carlos

### Characteristics

The third persona is Carlos. He is 35 to 45 years old and earns a middle to low income in an Orlando suburb.<sup>48</sup> He moved out of the city to find more affordable housing. The following characteristics can inform the expectations of the kind of services and challenges he may face:

- **Marital Status:** Married
- **Education:** High school
- **Employment:** Multiple jobs, unpredictable hours
- **Household:** young children (1–13 years old)
- **Transportation:** Single-car household
- **Primary Language:** Spanish (fluent), English (not very well)
- **Relevant Legal Concerns:**
  - Debt or other small claims
  - Employment
  - Housing (landlord/tenant)

Carlos might experience the following interactions with the civil justice system:

- Carlos's salary changes often because he is a temporary worker and has struggled to find a permanent placement;
- When Carlos was younger, he was arrested for a second-degree misdemeanor (such as driving without a valid driver's license or criminal mischief);
- Carlos's previous employer has refused to pay some wages or provide medical assistance for a work-related injury; and
- Carlos has been threatened with eviction for consecutive late rent payments.

### Personal Narrative

Carlos provided the following narrative to describe his circumstances:

*"I immigrated to the United States with my parents when I was a child and dropped out in middle school. After a few years of working as a migrant-worker, I went back to get my GED. I find work as a temporary laborer or with a family member that has a restaurant from time to time, but I was injured last season and didn't work as much as I usually do. I am behind on rent and my wife needs to work as a cleaner but can't travel far when I have the one car we own. I have had some problems with my driver's license in the past and I am afraid it will get taken away. We have young children and although we have extended family that*

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<sup>48</sup> This persona was based on interviews collected from activities held in Orlando, Florida, between July 31, 2019, and August 2, 2019.



*can help take care of them, we need to pay for daycare now that we both have to work, especially in the summer. Only my wife can read some English, and we got papers delivered that says our landlord wants us to find somewhere else to live if we keep paying rent late. We don't know where to start."*

## Activities

### Downloading and Using the Florida Court Help App<sup>49</sup>

As with most of the users who tested the Florida Court Help App, Carlos did not have a problem following instructions to find the application in his smartphone's app store. Carlos was hesitant to immediately download it using his cellular service because he was worried about using up his data and preferred logging on to the self-help center's WiFi.

*"Is it okay if I use the WiFi? I don't want to waste my data."*

With permission from the manager, consultants provided the WiFi information and proceeded with the testing. Once Carlos was logged onto WiFi and had downloaded the app, consultants asked him to complete the following series of tasks and to narrate his thought process:

- Find a divorce form
- Find information about filing
- Find information about going to court
- Find the court in which you will file

Carlos completed these tasks with varying success. Initially, Carlos indicated the first thing he would do is go to the "Get Started" button because he believed it was where he should go before doing anything else. Once on that page, he selected the "Before You Start" button and did a cursory scroll through the page. He was visibly disappointed to see there was a lot to read and went up to the top and selected "Forms Find & Fill" without reading any of the page.

*"Wow, this is a lot to read. I guess I can read that later."*



[Disclaimer](#)

<sup>49</sup> Consultants interviewed individuals for the Carlos persona using the *User Interview and Focus Group Guide* in Appendix B and observed his behavior as "he" downloaded and used the Florida Court Help App.

The selection took him to “Step 2: Forms” and he quickly noted that he had missed a step and scrolled up to find “Step 1.” Again, he expressed there was a lot of reading and that he did not understand why he had to read the “Florida Statutes and Rules of Court” before finding a form.

*“Do I have to know all the rules?”*

With some coaching from consultants, Carlos navigated back to the home screen and selected “Find Forms.” He then quickly navigated through to the “Family Law” selection and then to the “Divorce” selection. At this point he was taken to a list of several forms and asked consultants if “dissolution” meant divorce. Having found the forms, he selected the name of the form “(a) Petition for Simplified Dissolution of Marriage – 02/2018” and attempted to open the form. When that failed, he selected “PDF,” but his phone was unable to open the file.

*“I don’t know if I can download the form, but it’s there. I guess I need a computer.”*

Consultants then asked Carlos to reset and attempt the other tasks. Although he was able to navigate through the “Filing Forms” to get information about filing, Carlos struggled to understand how to use the information. He believed that he could file using a mobile phone through the “Florida Courts E-Filing Portal.” The link in the page took him to a separate webpage and he indicated there was a lot to read through and decided to attempt the next task.

*“I guess that’s how I would file. I can check it out later.”*

*“When I need to file, I’ll look here [the Filing Forms screen] to figure it out, but this is where I would do it.”*

Recalling the previous “Get Started” selection, Carlos navigated to the “Step 4: Going to Court” button and indicated he would read that section if he needed to go to court. For his final task, consultants asked Carlos to locate the court where he would have to file. After going to both the “Find a Court” button in the home screen and the “File Forms” selection in the “Get Started” screen, and without any inquiry into those sections, Carlos simply indicated he would file at the Orange County Court (where he was being interviewed).

## Discussion

### Downloading

Carlos clearly had a grasp of how to download and open applications on his phone. His consideration of using WiFi indicated he was conscious of data consumption and he was only able to gain access because the consultant was able to request access to WiFi for the purposes of the study. This is significant in terms of effecting the market share of who will be willing to use the app. Beyond acquiring the app, consultants also noted that the resources and

information in the application require either a data or WiFi connection. When consultants simulated using the app without cellular service or WiFi, none of the pages open and the information is not accessible.

### Navigation

Despite having no difficulty navigating to the buttons and moving around the app, Carlos was deterred from reading the information up front because he wanted to complete the tasks consultants assigned. In a real interaction with the tool, it is likely that users would be unwilling to spend a great deal of time reading information about statutes and rules, because they will focus on the tasks they are trying to accomplish rather than “learning.” While the app sections containing guidance, tips, videos, and information about court process offer valuable learning, users trying to complete specific tasks have neither the interest in broad learning nor do they see value in investing precious time and prolonged attention to sift through information that is unlikely to advance the task at hand. When faced with a situation requiring an immediate response to a legal issue or court process—such as court appointment, document preparation, discovery, evidence gathering, or decision analysis of whether to contact an attorney—SRLs seek a summary of tasks to be completed (in addition to checklists to complete those tasks). Therefore, the application in its current configuration may not be the most appropriate resource to guide SRLs through tasks while they are handling a time-sensitive matter. Carlos and others (across all personas) who tested the Florida Court Help App indicated they would defer reading to a later date or use the app in the future when they wanted to research a certain topic, but not when they were trying to get something done within time constraints. However, it is important to note that the app would be very helpful to a third-party helper who is not experiencing the distress of their own legal matter.

The density of the text and information on the screens also impacted user performance. Users seeking help are less likely to spend time reading entire pages of information or tracking various directions when they have an immediate task or need they must handle. Because of the amount of text on the screen, Carlos scrolled through the notice that explained a user “MUST have a PDF reader installed” to open a PDF form.<sup>50</sup> This is in the “Step 2: Forms” section on the “Get Started” screen and also under the “Family Forms” section on the “Find Forms” screen. When encountering text, Carlos noted on several occasions that he would “read that part later” and concluded the task was finished once he landed on that page. Consultants noted, for example, that although Carlos felt the task was completed, he had merely navigated to additional information about filing and had not internalized that he needed to take additional steps to actually file online or in person.

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<sup>50</sup> Although the application is meant to run on a mobile phone, many cannot download PDFs and the e-filing portal requires users to use a web browser on a computer. With the appropriate instructions, users could be prompted to enter an email address to send the form they identify as needing; however, we heard from judicial officers, court staff, and law librarians that many people have significant challenges in working their e-mail. Librarians report having to help people quite often to find, and open, their e-mail. It is also important to note that for most, access to e-mail is cell phone dependent and requires data or WiFi. If they cannot continue to pay their phone bill or run out of data, e-mail access may be interrupted.

SRLs are outcome driven and expect to navigate from the bottom up, not from the top down. Or put another way, they start with the desired outcome in mind—such as a divorce decree—and want to know what administrative steps and documentary requirements are necessary to accomplish this. They can accept that there is a process and that it will require multiple steps over time. However, to navigate the system and perform the tasks, they want to be able to map clearly the path to the desired outcome, whether that is a divorce decree, defense against eviction, or an order for payment for money damages.

SRLs are outcome driven and want to be able to map clearly the steps necessary to reach the desired outcome.

By contrast, attorneys are trained to think conceptually and begin with general rules by subject matter and then carve out exceptions, with attention most focused on the rationale behind the rules and the exceptions. Legal training does not focus on how to move a case through the court. Indeed, upon law school graduation most attorneys have no idea how to file or move a case through the court system. Rather, they have been trained to analyze hypothetical fact patterns under the “Issue, Rule, Application, Conclusion” (IRAC) framework of identifying first the issue, then stating the rule, then applying the law to the facts, and then reaching a conclusion. It is not surprising that this training is often reflected in the way legal help content is written and why the legal help content as written is often not of practical help to outcome-driven laypeople. Indeed, an aspect of plain language revisions is freeing content from the IRAC approach and surfacing sequenced tasks to present simplified processes.

When managing a matter in court, the SRL is either responding to a document served on them (such as a summons/complaint or motion) or they are considering whether they want to initiate a case or file a motion. At that moment, they envision a specific discrete outcome that is defined by the microtasks of what it takes to “open a case” or “file an opposition.” When users cannot identify a clear pathway to that outcome at the outset, they cannot identify the information they will need to reach that outcome. As a matter of design, successful information pathways are best crafted to be responsive to immediate needs by using an approach focused on supporting task-related decision analysis.

Using plain language, the following approach is an effective initial triage framework to focus on immediate needs of the SRL and could be provided in an app:

- Step 1. Have you received papers or are you trying to file papers?
- Step 2. If yes, verify case type, calculate the deadline, and provide the specific information needed to accomplish the necessary task by the deadline. Then a helper can shift to broader information, including timelines for the life of the case and FAQs.
- Step 3. If no, provide big picture process information, including timelines, FAQs, and which forms are needed to move the person through the case.

NOTE: Be sure to ask what outcome/relief is sought, e.g., protection from abuse, defend an eviction, custody of a child, child support, support payments related to a divorce, divorce, etc.

While the persona constructed for Carlos is the main focus of this section, it is worth noting that users in all persona groups assessed the app in similar ways. Users viewed the information they discovered through the app as potentially helpful, but they did not see it as effective during an active matter. In those instances, users indicated they would prefer having a person assist them in finding and understanding the forms they needed.<sup>51</sup>

*“This is a great tool I wish I had when I was trying to learn about my case. I think I’ll sit down and read through this information. It has a lot of great information I can use.”*

— User in persona B group

*“I don’t know what the forms mean or which one I should use, and I can’t see where to ask.”*

— User in persona A group

The performances of the different personas were also strikingly similar, regardless of demographic group. For instance, having experience using professional software did not necessarily translate to being able to navigate other technology. Users in the persona A group, which reflects individuals with higher incomes, professional careers, and some level of advanced education, exhibited the same belief that the first thing to do on the app was select “Get Started,” and then stumbled in navigation tasks. Additional testing could be conducted to identify the best format or interface to provide clear pathways to specific information. One additional method to leverage the app is to provide specific training to helpers to enable them to quickly navigate information based on information given to them by SRLs.

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<sup>51</sup> It is worth noting that from the user’s perspective, simply being entangled with a legal problem creates a crisis-like experience. Thus, the assurance and calming impact of speaking with another person was highly valued. While legal professionals may be able to easily sort legal problems into categories of simple, complex, or a “crisis”—such as a domestic violence matter—from the perspective of the SRL, all legal problems are emotionally complex and trigger a significant (often crisis-level) stress response. Simply having to report for a court date for something as simple as a traffic ticket could result in someone losing their job and throw the lives of their children and family into chaos. It is only through actively seeking out the user voice that legal professionals can learn about the impact of the process, let alone the actual results, on litigants.

### Strategies to Address Carlos' Needs

Needs	Strategies
<b>Information Overload</b>	<b>Triage and Helpers:</b> outcome-driven pathways in plain language, decision support tools, online and in-person human support via navigators, community-based assisted self-help (within their community, libraries, or through local networks), court self-help center, hotline, helpers as referral pipeline to lawyers
<b>Understanding App Functionality</b>	<b>Provide "Info About This App" before navigation screen:</b> identify use cases and limitations of app in plain language: 1) must have access to data, 2) cannot file forms directly from app, 3) best for research and not for use when working on a time-sensitive task, and 4) cannot be fully used on a computer <sup>52</sup>
<b>App Navigation</b>	<b>User Testing:</b> field testing before deployment and then on an ongoing basis across demographic groups is a best practice, self-help centers and libraries are readymade locations that can provide users and testers, staff can be easily trained to serve as testers
<b>Forms Confusion</b>	<b>Simplified and Supported Plain Language Forms sets:</b> simplification of both process and forms, real-time remote or in-person support via navigator, community-based self-help (in library or trusted social service provider or school) or court self-help center
<b>Information About Process and Requirements</b>	<b>Standardized Plain Language Resources:</b> checklists, FAQs, flowcharts, forms, pop-out glossaries, short locally-produced videos, court-based attorney-for-the-day program

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<sup>52</sup> The app has tremendous potential as a central sorting tool for court case navigation; however, these current limitations are important not to dismiss. The personas in this study provided important insights that the most viable use case for them was research, not something needing immediate help. This user feedback could help prioritize how the app is further developed, so that people could co-browse with helpers, such as navigators and librarians. Because so many of the end products (like forms or e-filing), require computer access, additional design analysis and planning of its role is advised. One enhancement could be to create native guidance material by allowing users to use WiFi to locate information and allow offline privileges so they can download just the relevant portions to read when needed. The application could also serve as a tool to triage users to information they need. Once they arrive at the information, a feature could be included to allow users to email or text it to themselves for later use. In this way, they do not need to remain connected to the Internet as they work through the meaning and applicability of the information.

Diana

### Characteristics

The fourth persona is Diana. She is 25 to 35 years old and earns a low income in a neighborhood outside of Miami.<sup>53</sup> She used to work in South Beach, but has not worked in several years. The following characteristics can inform the expectations of the kind of services and challenges she may face:

- **Marital Status:** Married
- **Education:** Some college, never completed
- **Employment:** Unemployed
- **Household:** No children
- **Transportation:** No vehicle
- **Primary Language:** English (fluent), Spanish (very well)
- **Relevant Legal Concerns:**
  - Family matters (divorce and support)
  - Domestic violence/protection orders
  - Housing (unstable housing)
  - Mixed criminal/misdemeanor matters with civil matters

Diana might experience the following interactions with the civil justice system:

- Difficulty paying security deposit or passing a credit check for a lease;
- Renewing or obtaining protection orders;
- Requesting assistance from the court to collect belongings; and
- Clearing restrictions on her ability to get a driver's license.

### Personal Narrative

Diana provided the following narrative to describe her circumstances:

*"I recently divorced my spouse who was the primary source of income for our household. I am transitioning from an abusive relationship and trying to reenter the workforce. I have a protection order on them because of previous abuse and I need help getting my things from an apartment we shared. I don't have a car and even if I did, I don't have a license and have gotten in trouble for driving without one. I went to high school but don't have much work experience other than jobs I had in high school. I never completed college because my previous partner told*

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<sup>53</sup> This persona was based on interviews collected from activities held in Orlando, Florida, between July 31, 2019, and August 2, 2019, and Miami, Florida, between November 12, 2019, and November 14, 2019.

*me I didn't need it. I'm currently living with a friend, but I need a job and income to get back on my feet. I want to file for divorce and get the court to make my partner pay support. I heard about the self-help center from the shelter I visited when I left him. I received help from a local community group and can access their computer or, when I have to, I go to the public library. I have limited data, so I need public WiFi if I need to do something online."*

### Activities

Consultants interviewed the people that comprised Diana's persona using the General Observation Protocol and observed their behavior within Self-Help Centers.

### Discussion

The purpose of including this persona is to illustrate the universal and consistent nature of SRL experiences. While Diana has many characteristics that would place her into a category of most vulnerable (unemployed, no transportation, unstable housing, and a history of experiencing domestic violence), she in fact approached self-help in a way that was entirely consistent with all other personas and would benefit from the same customer service improvements as the others.

People receiving services from a self-help center are receptive to information and display a great deal of patience and attention to personnel providing them feedback. Even when Diana made mistakes on a form, she was quick to correct the issue and clarify why she made the mistake.

*"Oh, I understand. I thought because I was filing the form [request for modification] I became the petitioner. So, I'm the respondent, right?"*

Feeling the need to immediately correct an error and explain why a mistake happened was observed in other settings as well. Well-resourced and low-resourced individuals greatly appreciate the help of a third party, even if only for assurance that they are filling out a form properly or selecting the correct link. When Diana was working to correct the names on the form, she persisted in asking for assurance that the fields were correct each time before writing down the information.

*"So, I'm going to put this information in these three places, right? The same information?"*

In other cases, SRLs feel so overwhelmed by tasks that even printing multiple copies of a form presents a perceived risk that their requests will be denied if they make an error. SRLs cannot readily distinguish between substantive and procedural requirements and cannot accurately anticipate the downstream consequences of a mistake.



*“Can you make the copies for me? I don’t want to mess it up. It has to be right.”*

When Diana was given a checklist, she looked visibly relieved and even took notes on the checklist to confirm her understanding.

*“Is it okay if I write on this? I know it has the information but if I write it in my own words, I’ll remember what to do better.”<sup>54</sup>*

An additional observation is that SRLs do not know what to ask for when they first go through an intake process. Diana initially met with a helper to get documents reviewed for a divorce, but then began asking for additional relief that would require new forms and documents. This pattern was observed often and, once identified, surfaces potential solutions. Court and clerk staff and SRLs each become increasingly fatigued by the changes in course that occur with further questions. SRLs are bewildered why a menu of standard outcomes is not transparently available. Instead, repeated questions and clarifications are necessary to identify the requirements for a desired outcome. It can feel like the court is “hiding the ball” and arguably undermines their trust and confidence in the system.

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<sup>54</sup> This quote illustrates how SRLs read the official materials provided (even if done in what is perceived as plain language) and then “translate” the words into “their own words” so they can better understand and remember the guidance a helper may be giving. This is a natural thing for all people to do as they read and comprehend information; however, its significance here is that when user’s say things like this, frontline workers ought to be empowered to capture how the users “improve” a document for understanding, as this feedback loop will give insights for future revisions.

### Strategies to Address Diana's Needs

Needs	Strategies
<b>Reassurance That They Are on The Right Path</b>	<b>Navigators:</b> Provide human assurance by answering questions about how to get around the court house, offering emotional support with a calming presence, encouraging SRLs to keep going when completing or copying a form, coaching on technology, helping to understand case timelines, or finding other resources in the community.
<b>Result-Oriented Options</b>	<b>Plain Language Outcomes:</b> A part of plain language review is to learn how people prioritize their needs and find information. Diana sought an outcome that she didn't know had a special term. Creating an index of outcomes and remedies that courts can grant may prove a helpful to help SRLs navigate forms and terms.
<b>Forms Confusion</b>	<b>Simplified and Supported Plain Language Forms Sets:</b> Provide simplified process and forms, real-time remote or in-person support via navigator, community-based self-help (in library or trusted social service provider or school) and court self-help center.
<b>Information About Process and Requirements</b>	<b>Standardized Plain Language Resources:</b> Provide checklists, FAQs, flowcharts, forms, pop-out glossaries, short locally-produced videos, court-based attorney-for-the-day programs.
<b>Coordination with Other Providers</b>	<b>Cross-Training with Community Organizations:</b> Regular sharing of resources, information, and protocols between court and community organizations, such as DV shelters, school districts, food banks, after-school programs, and school nurses will ensure staff sets expectations properly and can help support finding information.

## Conclusion of Personas

While the above personas give voice to the users, they also reveal how significant the provider is in shaping the engagement and even whether the appropriate information is dispensed in an efficient and understandable way. Therefore, we turn briefly to an exploration of the traditional stakeholders.

### Traditional Stakeholders: Legal Providers

While the initial scope of this project did not include traditional stakeholders, as discussed previously, their significance in implementation and as partners for solution building demands a brief exploration into their characteristics and how they are experiencing self-represented litigants. During this study, we focused primarily on clerk's offices and court case management offices, and also conducted a select number of interviews and/or observations with law librarians, legal aid personnel, and the private bar. We did not collect sufficient data to utilize the full persona approach for each stakeholder; However, the persona framework<sup>55</sup> remains helpful in considering the opportunities, constraints, and general rules guiding these institutional actors who comprise the backbone of the access-to-justice ecosystem.

The primary court-based stakeholders are self-help centers and case management offices. During this study we observed court-based self-help centers under the auspices of the clerk's office, as well as those under the auspices of court administration and run in conjunction with the case management department. While these are important distinctions from the institution's point of view, the distinction of "who runs a department" is without meaning from the perspective of the SRL. Based on our exposure to only a few select locations, it appeared that self-help centers under the auspices of court administration were more likely to focus exclusively on family law, whereas self-help centers provided through the clerk's office were more likely to cover a broader range of case types. However, consultants did not conduct a comprehensive analysis of all of the judicial circuits to determine whether this distinction is consistent statewide. Additional characteristics that shape the role of the self-help centers and case management departments follow.

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<sup>55</sup> We considered the following factors in building institutional personas: history of organization, purpose and regulatory limitations, important environmental issues and strategies, operational budget, and an assessment of community trust and effectiveness.

### *Self-Help Centers*<sup>56</sup>

- Likely a relatively new and evolving department with a focus on customer service.
- Broad diversity in case types, but may be funded or tasked with a specific case type in mind.
- Likely to produce their own information resources based on customer inquiries. These materials also become a training resource for staff and volunteers.
- Highly trained staff who are encouraged to learn more and proactively problem solve; they are often empowered to make suggestions for improvements to their managers. Significant attention is paid to the business processes of the department to improve flow and increase capacity.
- Often receive crisis management training.
- Staff can only provide legal information and not legal advice. However, some locations have integrated pro bono or low bono lawyers into their services. Examples include lawyers for the day, clinic space for local law school housing rights clinic, legal aid uncontested divorce project, or pro bono programs with local bar.
- Active community outreach efforts, which can include providing offsite education to and learning from nontraditional stakeholders to create bilateral referral protocols between the self-help center and the nontraditional stakeholders.
- Limited budget and funding.
- 25 percent+ of operations dependent on availability of volunteers.
- Intermittent skill cycling (translation of documents based on volunteer or temporary employment).
- Significant attention given to managing staff to minimize burnout due to high volume and stress level of customers. Despite being understaffed, strong ethos of the importance of both staff and customer wellbeing. Self-Help Centers tend to exhibit more of a systems thinking approach to management than the traditional command and control approach traditionally prevalent within court systems.<sup>57</sup>
- Not enough staff to manage a hotline/call line (all staff are busy with in-person intake).
- Dedicated room in courthouse with some computers and cubicles, although size varies.
- Seeking technology solutions (for instance, intake and appointment software).

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<sup>56</sup> As noted above, departments called self-help centers may be run under the auspices of either court administration or the clerk's offices. This list of characteristics reflects a composite of both and should not be taken to mean that all of these services are available at all self-help centers. But when the term self-help center is used, the scope of services is often more robust and oriented externally, whereas case management offices primarily serve a management function for the court and tend to be more internally oriented. Excellent and valuable service is provided under both models; however, there is a marked distinction in how the work is framed.

<sup>57</sup> For more discussion on the distinction between command and control versus systems thinking, see for example summary by Vanguard, *Command and Control vs Systems Principles*, <https://vanguard-method.net/library/command-and-control/control-and-control-vs-systems-principles/> (last visited May 2, 2020).

- An emerging commitment to collect data about customer legal needs.

### Court Case Management Office

- Well-established department within court operations, often focused on family law and possibly experiencing relatively recent reorientation to be more hands on with SRLs.
- Staff is typically “behind a counter” and physically separated from SRLs; often no separate office space to meet with SRLs.
- As part of court operations, follows strong command and control management style.
- Focus is often post-filing to address deficiencies or to provide case management services to move the case forward. Judicial officers are more likely to be seen as the primary customer with SRLs needing management to comply with procedural rules and keep the case moving for the judge. However, pressure of SRL needs creates demands that strain the fairly rigid design of these departments, causing staff anxiety.
- Seen by public as court employees (often helping navigate physical spaces).
- Significant internal challenges around implementation of new case management software and figuring out how to alter business practices accordingly.
- Ongoing integration of services with other court operations, but little engagement with stakeholders external to the court.
- Small staff sizes wrestling with increasing levels of responsibilities.

### Court and Clerk Staff Empathy Session

After engaging in a significant amount of observation of court operations, consultants decided it would be most informative for this study—and as a potential model for Florida and other states—to design a structured session for court and clerk staff to gain insights about their interactions with SRLs. These types of meetings are called empathy sessions. In early August, consultants convened an Empathy Session from 12:00 pm to 1:30 pm with a broad cross section of court and clerk operations and services, including Clerk of Court staff, Court Administration staff, Case Managers, Self-Help Center staff, and an Administrative Judge. Seated around a large conference table and after preliminary introductions, the consultant led the group through the “Guide” provided in Appendix C.

The primary goal in the introductory portion of the conversation was to allow participants, who have various roles within the court, to hear the many touch points the SRL has with court and clerk services. This was accomplished by asking everyone, and giving them the time to respond to, three primary questions:

- What is your role at the clerk’s office or court?
- What experiences do you have with a case or SRL (direct or indirect relationship)?

- What is your perception of the challenges/struggles that SRLs experience when navigating the court?

Considering the range of roles present at this session a wide variety of experiences were discussed, revealing the following common themes:

- **Orienting SRLs to the limits of court services:** When court or clerk personnel meet with an SRL (whether it is at the front desk, the clerk's office, or at the self-help center), most expressed the need to explain the limits of legal information and help in a way SRLs could appreciate—in plain language. The difficulty comes from balancing the rules against providing advice and providing helpful information to assist people in a crisis. This is particularly evident when SRLs are requesting assistance with filling out or selecting a form and ask, *“what do I put here?”* or *“what form will get me my kids?”* Consistent with legal information/legal advice training nationally, court and clerk staff learn to “hear through” the rhetorical posture of misused words of the question and frame their response as neutral and impartial legal information.<sup>58</sup> Despite the fact that court and clerk self-help staff often have programming and guidance that they can and do provide SRLs, court and clerk personnel are concerned that SRLs sometimes view staff as withholding assistance when, in fact, staff is limited by their systemic role in what they can provide. Put another way, while court services are intended to be complimentary and part of a continuum, individual staff typically only address questions relevant to a specific department, not the entire system. SRLs are not aware of the division of labor among staff and therefore see the different staff as interchangeable help providers and lose trust in the system when staff knowledge is not interchangeable.
- **People need reassurance and direction:** In addition to comments about distressed and frustrated SRLs, participants spoke to their genuine compassion when they see someone in “complete shutdown mode.” Notable experiences also included recollections of people struggling to understand the complicated process of divorcing with children and anger that their expectations about the help they would receive was wrong. Many SRLs don't know where to start and they become less and less able to deal with a court process when they are told they got something wrong or that they went to the wrong place: *“I sometimes feel like the best thing I can do is walk someone to the self-help center just so I know they found it.”*

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<sup>58</sup> A particularly poignant example of how the language used by an SRL can frustrate providing appropriate and available help was given by self-help staff, who are often asked for the paperwork for an “educational guardianship,” which is the term a local school district uses for custody orders (also known as parental responsibility under Florida statutes). By using the word “guardianship” the SRLs are sent to probate and are unable to progress because there is no such thing within the court case types of an Educational Guardianship. Instead, they need to pursue an order or parental responsibility and timesharing. Once staff understood this, they established training to “translate” this inquiry, and were prepared to provide a neutral and impartial response that directed SRLs appropriately.

- **SRL expectations are incongruent with court processes and available resources:** Participants noted they were often surprised by the incongruences between SRLs' expectations about the amount of time a case should take and the strict deadlines associated with a case: *"Some people come in [to the court] expecting to see a judge and get an answer the same day."*
- **Serving as navigators:** Court and clerk personnel of all types find themselves being asked about case processes and legal issues, but they also often find themselves helping people navigate the physical building. Many direct interactions involving SRLs include seeing them wandering around the courthouse lost and in need of direction. In fact, several participants mentioned that many SRLs had not realized the clerk had separate offices for certain case types and that SRLs needed to make that determination first: *"This lanyard is basically a bat signal for people that need help. Once you have it displayed, people will ask you for directions."*
- **Limited time to optimize processes and resources within courts and clerk offices:** *Not all court and clerk personnel interact directly with SRLs and, often, busy dockets and schedules do not allow for time to discuss how to optimize a process or to share information between departments. If one department has developed new guidance or information or a process has changed, it is difficult to find the time to get together and harmonize the resources SRLs will receive. This is not for lack of caring. Rather, court and clerk personnel do not have opportunities to discuss their roles and share with each other the efforts they are making to improve a process: "Sometimes you send someone to a room that doesn't have the same information it had a few weeks ago, or tell them the wrong dates for a workshop" and "I just wish there was a way to know that the information I'm giving about a resource is correct without needing to do the research. There just isn't enough time in a day."*

Participants expressed a general concern that there is simply too much to do and not enough time available to "reset" after seeing a court user: *"The work keeps going and you want to give people time, and explain everything, but they want it done quick and we have a lot to do."*

The SRL experience, as perceived by court and clerk personnel, is aptly described as overwhelming and distressing. They note that SRLs must enter a building that requires an often invasive security check and then must immediately navigate a seemingly chaotic environment full of people experiencing crisis. At times, family strife is on full display (parents arguing or children crying), while at others there is so much movement it is difficult to focus on getting to a specific room. There are security guards and other personnel coming and going. The environment can feel stressful and threatening. Participants appreciated that because they work at the court, they have a significantly higher level of comfort navigating it. They also recognize that the energy they bring to encounters has a significant impact, but slowing down is difficult when their schedules require urgent attention to other matters.

Few personnel have immediate solutions to help SRLs, as each is only responsible for a slice of the full experience someone has at the court. An underlying feeling expressed by personnel was the desire to set better expectations for SRLs from the outset. Lawyers and judges know that dealing with a court issue takes patience, attention, time, and resilience—yet most SRLs begin the process with the expectation that this will be a single transaction. It is not clearly communicated to them that court matters are often multistep, lengthy processes that can last several months.<sup>59</sup>

### *Empathy Session Analysis*

Two major themes arose from the empathy session that are consistent with the overall findings: 1), the tenor of the human interactions between court and clerk staff and SRLs have significant emotional and substantive impacts, and 2) the disconnectedness of case types and related services creates a significant strain on both groups.

#### *Need for Human Connection*

Being at a court is isolating. The questions SRLs ask are most often about navigation and identifying resources and many initially perceived legal questions are indeed basic process questions. SRLs deeply value the human interaction with court and clerk staff, who recognize this, which in turn perhaps creates more pressure on staff and gives them a feeling of “letting down” SRLs because they don’t have the time to give the emotional support and attention SRLs are seeking. Help and information is always helpful when it comes from someone an SRL can interact with in person and they are deeply grateful when treated in a kind and compassionate way.

The issues surrounding—and importance of—this core factor of human engagement was verified by the results of the user testing, observations, and interviews. Consultants verified this need for human help when they reviewed and tested information on the court website and Florida Court Help App, finding human reassurance and encouragement essential for users to make progress—whether online or in-person.

It is worth noting that this need for human connection and navigation support was not a demand for legal advice, but rather a desire for human assurance and support. Such efforts to help in navigating the building or accessing and using self-help tools and resources should not be construed as legal advice that conflicts with unauthorized practice of law (UPL) limitations, but rather recognized as administrative and emotional in nature.

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<sup>59</sup> Providing timelines for cases can have a huge benefit for SRLs. For illustration purposes, consider whether there is an easy way for SRLs to know that an eviction case often has a single appearance, possibly followed by additional ones for damages; whereas, a family matter could have multiple hearings stretching over many years. Plain language FAQs setting general expectations about different case types can have a hugely positive impact on SRL expectations, as well as reduce staff stress.



## Need for Harmonization

From the empathy session, consultants learned that personnel across court and clerk services believe that each component of the court's and clerk's services is functioning as optimally as it can, considering time and staff constraints. Participants also recognized that there are few, if any, opportunities to take account of all processes and determine where modifications would improve services to SRLs. Consultants note that developing the time and opportunity for multi-departmental process mapping and harmonization of resources and activities will be essential in simplification efforts.

The need for harmonization was also surfaced by SRLs, albeit in a slightly different way. Most notably, SRLs were keen to point out that because information is presented differently for each case type (i.e. certain forms and programs exist for some issues and not for others), SRLs feel disoriented and frustrated by the inconsistencies. For instance, SRLs find comprehensive (albeit confusing) web pages and information about family law but little about debt or housing issues. It seems to them like they are "missing something." Although this is a result of limits and circumstances unique to a jurisdiction, it may be helpful to recognize that SRLs must shoulder the burden of developing different skillsets to handle the variety of case types they may need to navigate.<sup>60</sup>

For instance, in one jurisdiction, SRLs are required to visit the Family Law Self-Help Center if they represent themselves in certain family law cases; they must get permission from a judge to opt out of the self-help program.<sup>61</sup> In other case types, like a landlord-tenant issue, the SRL might not have the benefit of the self-help center program and instead might need to visit the court clerk's office or court website for information about forms and process. The SRL's experience with a family law issue will anchor their expectations about the help they expect to receive for a housing issue and thereby create incongruences in their perspective of court services. Consultants noticed this play out for an SRL who had previously received help from the self-help center on a family law issue, but then visited the center for help with a housing issue and was turned away because the program did not cover landlord-tenant disputes. The SRL's initial plan was to visit the self-help center for assistance navigating their housing issue and, instead, to get the help they needed, they had to navigate a different process altogether to identify help services (and develop new relationships with new help personnel). These incongruences may increase stress and affect a person's perspective of justice. Whereas, in their first experience, they received the necessary aid to deal with their family law issue, their subsequent experience with their local court was more stressful, less navigable, and required learning a new process to get help.

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<sup>60</sup> For example, the Florida Courts Help App links to the Family Law Forms and information created pursuant to Florida Family Law Rules of Procedure 12.900-12.909. By contrast, an individual seeking help for a small claims issue will be directed to visit their local court for accurate information.

<sup>61</sup> Pursuant to Florida Family Law Rules of Procedure Rule 12.750(a) Family Self-Help Programs.

## Law Libraries

Law libraries, while once a core department within courts, are in many counties struggling for existence. Historically, the main function of law libraries was to support the bench and bar. Today they are recognized nationally as one of the cornerstones of public services for courts.<sup>62</sup>

In this study, we observed and interviewed librarians in Miami-Dade County, Marion County, Polk County, and Bay County. While there was significant variation among the courts in each of these locations in their utilization of law librarian services as part of their overall customer service plan, we repeatedly witnessed SRLs receiving exceptionally responsive and on-point help from law librarians.<sup>63</sup> Notably, we observed what holds true nationally: when librarians deliver self-help services to SRLs, both the librarian and the SRL are far less stressed and appear to have much more productive interactions than when court staff, who have had self-help added as an extra duty to their already demanding jobs, are recruited to help. This is not surprising because a librarian's job is, at its core, information services, while the focus of most court or clerk staff positions is to move cases through the system. Adding information services to their job descriptions creates often overwhelming stresses in both time and mismatched training and expectations. However, when court or clerk staff have been given job descriptions that focus exclusively on self-help, stress levels drop and effectiveness increases, becoming more in-line with the stress level that is observed between patrons and librarians.

Libraries are more than just places to find or read books. They provide an array of services and offer access to the information resources and technology needed by their communities. As safe, neutral public spaces and hubs for community education, libraries are essential in securing access to justice for many reasons, including:

- Libraries are places where people come to access information.
- Librarians are key players in forming partnerships and collaborations to implement assistance in the library.
- Public libraries have evolved into a primary source for public Internet access in many communities.

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<sup>62</sup> See generally the "Libraries" section of Self-Represented Litigation Network's online collection at <https://www.srln.org/taxonomy/term/226> for resources and analysis of the role not only law libraries, but also academic and public libraries, can play in providing services to SRLs. Also see Steve Anderson, *Access to Justice: Best Practices for Public Law Libraries*, American Association of Law Libraries (2018), <https://www.aallnet.org/gllis/wp-content/uploads/sites/9/2018/01/scllguide5.pdf>.

<sup>63</sup> The Polk County Law Library at <http://www.jud10.flcourts.org/?q=law-library> and the Miami-Dade County Law Library at <http://www.mdcll.org/services.html> each have developed specific services, resources, and programs to support SRLs, including space for volunteer lawyers to meet with the public on specific days. The Marion County Law Library at Ocala at <https://www.circuit5.org/community-outreach/self-help-law-library/marion-county-law-library/> focuses on forms, computer resources, and answering questions about procedural information and legal resources. The Bay County Court no longer houses a law library and instead the law librarian is embedded in the Bay County Public Library at [http://www.nwrls.lib.fl.us/law\\_library.html](http://www.nwrls.lib.fl.us/law_library.html), providing research support, as well as computer access for online form completion.

- Librarians are trained to help people access the resources and online information they need.
- Law librarians provide training to public librarians to expand public access to legal information and facilitate referrals.

According to the 2019 national survey by the SRLN Law Librarians,<sup>64</sup> law librarian service levels fall into the following three general categories:

#### **Basic Level Services**

- Publicly accessible space
- Professional law librarian
- Reference, research assistance and instruction, and referrals
- Basic legal collection (non-lawyer resources, print/online, Westlaw/Lexis)
- Court forms
- Public computers
- Internet access
- Public fax, copier, scanner, phone

#### **Intermediate Level Services**

- Basic levels
- Guides and pathfinders
- Law library website
- Email
- Interpreter services
- Referral systems/triage
- E-filing
- Limited English language resources
- More court forms (online forms with document assembly and guided interviews)
- Public librarian partnerships (training opportunities for public librarians)
- Partnerships with others in the legal community
- Self-help center in the law library or lawyer in the library program
- Support for external self-help centers as available

#### **Advanced Level Services**

- Basic and intermediate levels
- Self-help center more comprehensively integrated into the law library program
- Attorney(s) employed by the law library (as opposed to a law librarian with a dual degree—library science and law—or a librarian with a law degree acting as a reference librarian)

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<sup>64</sup> See Self-Represented Litigation Network, *Open to the Public: How Law Libraries Are Serving Self-Represented Litigants Across the Country* (July, 2019), <https://srln.maps.arcgis.com/apps/MapSeries/index.html?appid=5983e5775fbc4dca9443457ad12559ca>.

In addition to providing direct services to SRLs, law librarians are also particularly skilled at developing community partnerships. The Los Angeles County Law Library (<http://www.lalawlibrary.org/>) boasts one of the most robust partnership strategies in the nation, including collaborations with the public library, legal aid and/or legal services providers, other nonprofits, the Bar Association, social service organizations, private law firms, a local modest-means incubator program, government organizations, and elected officials. This strong network of relationships has allowed many initiatives to thrive, including training for public librarians, lawyer in the library programs, legal clinics, workshops, remote access programming, social services event (such as “Homeless Day”), and incubator consortium to train new attorneys in representing modest means clients. Some of their multipart in-house classes include: 1) Civil Lawsuit Basics; 2) How to Start & Grow Your Own Business; and 3) Where You Begin (basics of popular legal subjects). All of this work provides significant support to the LA County Court Self-Help Center, Clerk’s Office, and Legal Aid Programs.

Within this study, there were two law library partnerships of significant note that reveal the currently underutilized resource of public libraries. The first was that the Polk County Law Library, which is an active member of the Polk County Library Cooperative ([https://mypclc.org/client/en\\_US/mypclc](https://mypclc.org/client/en_US/mypclc)), as well as the Tampa Bay Library Consortium (<https://tblc.org/about/>). Consultants attended and held discussions with the Polk County Library Cooperative. The public librarians reported that they often receive inquiries that involve legal issues that they refer to the law library and the local bar, and that patrons often utilize the public computers to complete court forms or conduct research. As noted in the *Persona* section of this report, there is an enormous need to identify computer and WiFi access and support easily accessible community locations so that people do not need to travel to the courthouse every time they have a question, need access to a computer work station, or have the time to work on their documents. In Polk County alone, the public libraries have 18 separate service outlets available to the public. The Tampa Bay Consortium, which includes Polk, serves more than 6.3 million Floridians (almost one-third of the state’s population) with services spread over 19 of Florida’s 67 counties. Law library partnerships with these libraries would provide an unprecedented expansion of resources available to SRLs.<sup>65</sup>

The second partnership of note for this report was in Bay County. The Bay County Public Library, which hosts the law library, also hosted the Bay County Community Recovery Center (part of the disaster recovery network). And while not all Community Recovery Centers are housed within public libraries, under the Stafford Act libraries are an essential community organization and serve as vital partners in disaster planning and response. In other words, libraries offer a widespread and stable community resource that, through partnerships with law librarians, could exponentially expand community access points for SRL services.

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<sup>65</sup> Indeed, the Legal Services Corporation, in partnership with WebJunction (a training resource for public librarians) have partnered in 2020 to deliver free, national online training for public library staff to strengthen access to civil legal justice through public libraries. For more information and training schedule see <https://www.webjunction.org/explore-topics/access-civil-legal-justice.html>.

In summary, this study found that law libraries are a significantly underutilized resource within Florida, yet offer readymade infrastructure to provide essential services to SRLs. They are staffed by qualified individuals who are trained to provide precisely the services SRLs need. A focus on law library development as part of the service delivery model for SRLs has the potential of providing much needed support to court and clerk staff. Law librarians are also the essential partner in unlocking relationships and services with public libraries, which are a stable cornerstone of all communities and an essential service under the Stafford Act. Full engagement of law libraries, in partnership with public libraries, would open a wide-reaching network that could help close the justice gap.

## Attorneys: Private, Legal Aid, and Pro Bono

The role of attorneys in SRL services is essential, but limited, because at the end of the day SRLs do not have attorney representation when in court. To grasp this from the perspective of the SRL, it may be helpful to compare and contrast the following factors<sup>66</sup> that give shape to how the SRL's relationship with attorneys differs from their relationship with court, clerk, or law library staff:

	<b>Attorney</b>	<b>Court, Clerk, or Law Library Staff</b>
<b>Purpose</b>	Advocate for the best result of client.	Provide customer service to all in a manner that comports with due process and enables navigation of court system.
<b>Regulatory Considerations</b>	Represent a single client with a duty of loyalty, competency and confidentiality, as well as other ethical obligations; provide legal advice; and in the case of legal aid, comply with strict eligibility rules.	Must help all people in a neutral and impartial way; provide legal and procedural information; no duty of confidentiality or loyalty.
<b>Environmental Issues and Strategies</b>	<u>Private Attorneys</u> : Competing against other lawyers for business; market-based solutions for profit.  <u>Legal Aid and Pro Bono</u> : Narrow case selection and targeted outreach procedures in attempt to reduce turn-aways.	Providing a core function of government; fees structured around cost recovery; captive market of everyone who has a court case.

The primary purpose of this comparison is to underscore how attorneys have choice and control when it comes to selecting and representing clients, whereas court, clerk, and law librarian staff have neither, as they must take everyone as they come. Despite wide differences among SRLs, these staff must find a way to provide standardized, consistent, neutral, impartial, high quality, and effective services. Attorneys, whether high-cost divorce lawyers, commercial litigators, or legal aid attorneys build their business practices and client intake and selection procedures to optimize access to the share of the market they have identified as their niche. Attorneys invest heavily in strategies to attract the clients suited for their practices and become

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<sup>66</sup> These factors are generalized for the purpose of a very high-level comparison and do not purport to provide a thorough analysis.

deep experts in their clients' needs and preferences. However, court, clerk, and librarian staff must establish business practices that work for everyone—which is why the SRL voice as explored through the personas is so essential. Court, clerk, and law librarian staff must design according to who comes—not who they wish would come. This distinction—serving only one's clients versus serving everybody and anybody who comes—sets up the opportunity for a powerful alignment and coordination between groups.

While it is not uncommon for attorneys, whether private or legal aid, to view court, clerk, or librarian self-help as a competitive service to their own work—as is made very clear in the persona analysis—the help SRLs seek from clerk- and court-based resources is mostly emotional, administrative, and procedural in nature. This is not attorney work. Moreover, many of the people who are self-represented are not the part of the market share lawyers are seeking as clients—either their problem is not

The help SRLs seek from court- and clerk-based resources is mostly emotional, administrative, and procedural in nature.

a fit or they do not have the appropriate financial profile for the practice. Instead of conceiving of self-help as undermining attorney profit, the bar may benefit from a pivot that considers self-help as a powerful screening and referral pipeline. When SRLs ask questions that involve some sort of legal analysis, court, clerk, and librarian staff are quick to refer to the private bar and legal aid. Moreover, the vast majority of the work done in self-help does not require an attorney referral for full representation. SRLs often have discrete legal questions that require limited assistance and this is why attorney-for-the-day programs are so successful. For questions of more complexity, courts, clerks, and law librarians can be powerful pipelines. Law practices lose money after a failed intake. However, courts and clerks, at the top of the active legal case intake funnel, can build systems to tolerate the high-volume intake and processing and do not face the conversion issue that law practices do. In 2014, The American Bar Association's Standing Committee on the Delivery of Legal Services published a report that found that alignment between court and clerk self-help and attorney referral mechanisms would yield significant benefits to all.<sup>67</sup> This potential seems quite viable within the Florida ecosystem.

## Nontraditional Stakeholders: Networks of Trusted Intermediaries

Nontraditional stakeholders play a unique role in the access-to-justice landscape. As people go about their daily lives, they interact with many institutions such as schools, child-centered activities and services, doctors, real estate agents, and the many other entities that comprise our communities. In a time of crisis or need, people might call upon nonprofits that provide emergency help or support with basic needs such as food, shelter, and safety. Legal issues are deeply intertwined in all of these interactions and therefore these nontraditional stakeholders

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<sup>67</sup> American Bar Association's Standing Committee on the Delivery of Legal Services, *The Self-Help Center Census: A National Survey* (2014), <https://www.srln.org/node/379/report-self-help-center-census-national-survey-aba-2014>.

serve as the first line of contact for people when they are endeavoring to conduct business or address a need or solve a problem. In fact, these nontraditional stakeholders are often the most trusted intermediaries in a community. Within the JFA Initiative, much attention is focused on engaging with these nontraditional (or non-legal provider) stakeholders to discover what the points of contact might exist between the legal community and the non-legal community—and how they can be of mutual benefit to one another.

In this study, consultants interviewed individuals associated with community organizations focused on the needs of the poor, housing agencies, public health, the faith community, disaster response organizations and leadership, and public librarians. The overarching sentiments were: 1) their clients have tremendous legal needs, 2) the nontraditional stakeholders were unclear of where to refer clients or what information might be immediately available that could help their clients, and 3) the nontraditional stakeholders are deeply afraid of helping their clients for fear of being charged with felony Unauthorized Practice of Law for doing something as simple as helping someone navigate to a court or legal aid web page.

As discussed at the outset of this report, a primary goal of this study was to design sustainable strategies to improve services in a way that helps close the justice gap. Therefore, the research involved more than just problem identification, but also finding paths forward for change. One of the most notable observations from the interviews with the nontraditional stakeholders was that many were deeply embedded within the aging and disaster communities, which have well-connected and intentionally designed networks that allow all of their members to stay abreast of one another's activities and facilitate sharing of information and relationship building. These networks have served to expand resources available to all participants, elevate the quality and efficiency of services, and when a community crisis hits they are able to provide optimal service to their target populations. Therefore, this report will focus on the Aging Network and the Disaster Network, two existing networks that are actively seeking better engagement with the legal community. While historically there has been good engagement with legal aid, the courts, clerks, and law libraries are not yet active participants. Building these new connections would make significant strides in building the no-wrong-door approach.

### Senior Services Network

The Legal Services Development Program,<sup>68</sup> housed within the Department of Elder Affairs, provides leadership in developing legal assistance programs for persons 60 years of age and older. It promotes the continued development of statewide legal services delivery systems that coordinate the efforts of the statewide Senior Legal Helpline, Title IIIB legal resources, private bar pro bono activities, and self-help legal resources to ensure maximum impact from limited resources.

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<sup>68</sup> Florida Department of Elder Affairs, *Legal Services Development Program*, [http://elderaffairs.state.fl.us/doea/legal\\_services\\_dev.php](http://elderaffairs.state.fl.us/doea/legal_services_dev.php) (last visited May 2, 2020).



Effective coordination of the legal service delivery system with the senior services network helps connect the best possible low-cost or free legal resources in Florida’s communities to help at-risk seniors avoid legal pitfalls that may threaten their independence. It directs them to important benefits and protections that can enhance their quality of life.

Currently, this program engages heavily with legal aid organizations, but rarely with the courts and clerks.<sup>69</sup> In its capacity as a community network developer, the Legal Service Development Program provides leadership that brings together diverse nontraditional stakeholders such as Adult Protective Services, the Public Guardian, law enforcement, private attorneys, legal aid attorneys, university representatives, the federal Consumer Financial Protection Bureau, the Inspector General from the Florida Department of Health and Human Services, insurance regulators, community advocates, and others. Because every region and community is different—and networks rely on human relationships—the program embraces a regional and local strategy that builds on outreach. Indeed, outreach is recognized by the Older Americans Act as an essential activity for the success of its programs.<sup>70</sup>

Courts and clerks are traditionally, by design, siloed operations. However, because of contemporary developments with the rise of the SRL, societal expectations, due process obligations, and the need to shore up public trust and confidence in the judiciary as an institution, intentionally designed networks—such as the aging network—offer a tremendous example of how to seize the opportunity to engage appropriately and effectively with the community through outreach and network participation.

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<sup>69</sup> There are a number of unrealized touchpoints, such as building relationships between probate departments with the Florida Senior Legal Helpline or pursuing federal grant funds, that can be used for self-help services for seniors.

<sup>70</sup> See excerpt at Florida Department of Elder Affairs, *Title III and Title VII of the Older Americans Act (OAA)*, Department of Elder Affairs Programs and Services Handbook (Ch. 4), <http://elderaffairs.state.fl.us/doea/notices/Aug18/2018-Chapter-4-Older-Americans.pdf> (last visited Jan. 8, 2020). If you do a search for “Outreach,” you’ll see the cited language where the requirements reside.

## Disaster Network

Another highly organized and relevant network for Florida is the Disaster Network, which is run through the Emergency Management division of Volunteer Florida.<sup>71</sup> Like the Aging Network, the Disaster Network sets up and supports diverse local and regional networks that focus on maintaining relationships and sharing information. The legal aid community in Florida has become exceptionally active in these networks and is now a leading partner (as has been described in presentations to the Commission). However, the courts, clerks, and law librarians at the regional level are not generally active. By joining these networks, courts, clerks, and law librarians (the traditional stakeholders) would be able to develop valuable new relationships that could ultimately benefit their operations, whether as a result of funding opportunities or identifying common issues that might be cured with an administrative order, simplification effort, or referral program.<sup>72</sup> Like the aging network, the Disaster Network can provide expert feedback on the challenges their constituencies are facing in the courts.

The critical role of network engagement was recognized by the 2019 *LSC Task Force Report*,<sup>73</sup> with the first nine recommendations calling for “Relationship-Building and Integration of Legal Services into the Nation’s Emergency Management Infrastructure”:

### SECTION A: Recommendations Related to Relationship-Building and Providing Coordinated Legal Services

- Recommendation A1 Building Relationships with Federal, State, Local, and Tribal Emergency Management Organizations and Other Government Officials
- Recommendation A2 Building Relationships with Community-Based Organizations
- Recommendation A3 Building Relationships with the Private Bar, Law Schools, and Other Stakeholders in the Legal and Business Communities
- Recommendation A4 Providing Legal Assistance at Disaster Recovery Centers or Multi-Agency Resource Centers
- Recommendation A5 Providing Training on How to Identify Disaster-Related Civil Legal Issues

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<sup>71</sup> Volunteer Florida Home Page, <https://www.volunteerflorida.org/emergency-management/> (last visited May 2, 2020).

<sup>72</sup> For instance, a legal aid program identified a number of common legal problems that weaken a community after a disaster, such as lack of clear title to property, custody orders that do not accommodate evacuation orders, or landlord-tenant conflicts. While these issues are of huge significance for SRLs, they also cause backlogs and filing errors within the courts. By creating institutional relationships with the many stakeholders working on these issues, not only after but also before a storm, courts could relieve some of the increased burden they experience.

<sup>73</sup> Legal Services Corporation Disaster Task Force, *LSC Disaster Task Force Report* (2019), <https://www.lsc.gov/media-center/publications/lsc-disaster-task-force-report>. The Task Force included two members of the Florida Commission on Access to Civil Justice, Supreme Court Justice Jorge Labarga (chair) and Executive Director of Legal Services of Greater Miami Monica Vignes-Pitan.

- Recommendation A6 Establishing Communications with and Outreach to Disaster Survivors
- Recommendation A7 Deploying Pro Bono Attorneys and Volunteers Post-Disaster Efficiently
- Recommendation A8 Dedicating Adequate and Properly Trained Resources to Manage Volunteers
- Recommendation A9 Participating in Long-Term Disaster Recovery Efforts

These recommendations are only possible through relationship building. Given the critical necessity of these relationships for Florida in the disaster context, it seems like a golden opportunity for the court, clerk, and law librarian stakeholders to also connect with the Disaster Network in the way that LSC has recommended for its grantees. Such connections will yield all around benefits.

## Conclusion

Nontraditional stakeholder engagement relies on outreach, cross-training, and network building. These are new activities for court-related institutional actors; however, Florida has some of the very best permanent networks in the country that would welcome court, clerk, and law library partners. Engagement in these networks offers a turnkey solution for engaging with the nontraditional stakeholders, as well as expanding the resources available to serve SRLs.

## Challenges That Lead to Solutions

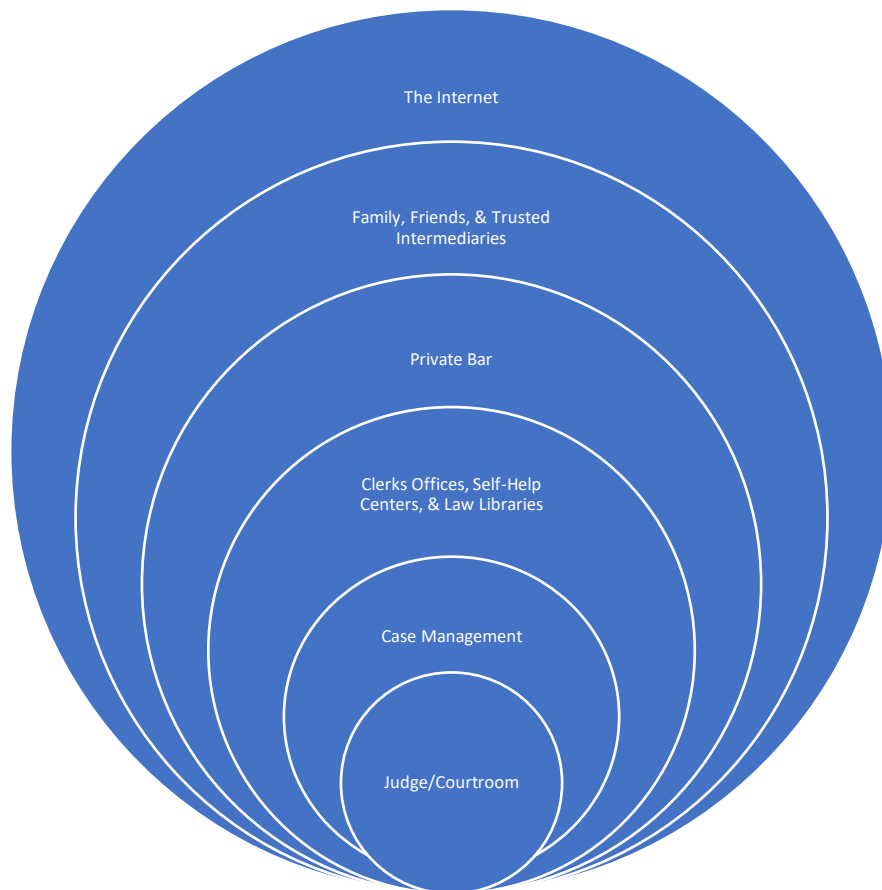
The personas developed in the course of this study provide insight and clarity into the challenges, needs, and preferences of SRLs, providers, and trusted intermediaries. By focusing on what these personas tell us, specific solutions become evident. By putting the SRL at the center of the inquiry and listening to how they experience the system discrete, solvable problems are presented that help providers craft responsive solutions.

The personas tell us that consumers want: simplified, plain language services, procedures, documents, and resources. And, that their most pressing needs are often met by providing easily understood information in right-sized pieces, with accessible support that includes online resources, helpers, navigators, and lawyers. By using the persona approach, providers, trusted intermediaries, and nontraditional stakeholders better understand the institutional limitations facing SRLs, though for traditional stakeholders, change seemed likely to be perceived as overtaxing already stressed resources and not something that capitalized on specific strengths already available.

While the traditional stakeholders often articulated a view that they could not serve SRLs better than they were already doing—unless they received additional resources (such as more staff or more standardized plain language resources like FAQs, triage tools, and forms)—the nontraditional networked stakeholders did not articulate this view. Nontraditional stakeholders

viewed resource development as something that was possible through new relationships, community problem identification, and collaboration and distribution of problem-solving techniques. They did not seem to feel the entire weight of meeting consumer need to be on their shoulders alone; rather, they saw meeting consumer need as the responsibility of a coalition of actors, each of whom brought specific expertise and resources to the table. The old maxim, “many hands make light work,” was more in play among the nontraditional stakeholders than the traditional stakeholders—who tended to view consumer needs as theirs alone to solve. This suggests that a network-based approach has promise in shifting an extreme scarcity mindset among traditional stakeholders to one of shared responsibility in addressing the needs of clients/patrons/customers/SRLs.

Before turning to specific “Findings and Recommendations,” it is worth exploring a bit more about the institutional limitations of many of the key actors in the access-to-justice landscape for the SRL and to consider these limitations in conjunction with continuum of services discussed at the beginning of this report. Consider the following figure, which is comprised of a series of concentric circles representing key institutional actors. At the center is the judge and the courtroom. In the courtroom, there is little room for flexibility in approach by the judge and the decisions made are lasting. By contrast, the outermost rim—the Internet—is where most unassisted self-help mostly occurs today. In this ring, there are no rules, no quality control mechanisms, and very little lasting impact. If an SRL mistakenly reads on the Internet about the law for California instead of Florida, the SRL is likely to pass through most all of the actors between the Internet and the courtroom before making final decisions, and therefore he or she has a chance to correct errors.



It is worth noting that SRLs travel in and out of all of these circles without any appreciation of the institutional boundaries between activities; this can lead to confusion and frustration because each of these actors has a very specific and limited role in terms of what they may or may not do or be able to do. Therefore, coordination and alignment are essential in providing 100 percent access to justice.

By considering both the continuum of services and the institutional needs and limitations of each of the actors, we are able to devise recommendations that are manageable and appropriate to optimize existing resources and make it easier for shared responsibility. One consistent and remarkable aspect of the findings throughout the study was that tools and resources designed for one stakeholder group are also the new or enhanced resources other stakeholder groups are seeking. In other words, all of the stakeholders are presenting very similar needs. Current gaps in resources and services are consistent across stakeholder groups; it is the application of the resources and services that differs depending on the user. This consistency in need establishes an opportunity for considerable efficiency gains and standardization.

**Tools and resources designed for one stakeholder group are also the new or enhanced resources other stakeholder groups are seeking.**

## Findings and Recommendations

This project was designed in a way to learn from the voices in the field about pressing service challenges and to identify recommendations for addressing those challenges. By reviewing the detailed commentary from SRLs, traditional stakeholders, and nontraditional stakeholders a picture emerges of consistent needs and strategies for solutions.<sup>74</sup>

### Findings

1. SRLs feel **disadvantaged and have concerns about fairness**, especially when the resources provided do not provide a transparent picture of what to expect via easily understood information to set expectations about process, time, and outcomes.

*It didn't feel like I got any say in it. The Judge and attorney had already decided what was going on.*

*Everyone needs to know what to expect. Maybe Florida can put together a webpage that has information similar to a book—this is what you can expect when you see a clerk of the court and this is what you need to fill in on the website that has taken the job of the clerk of the court.*

*I didn't know it mattered that my job had changed. I thought I had to keep paying the same amount.*

*I didn't know they called divorce a dissolution, I kept looking for "divorce."*

*I thought I was the petitioner because I wanted to file the motion.*

2. SRLs are **deeply frustrated, stressed, and fearful** of court processes and outcomes.

*If you don't provide the right information you won't get a divorce.*

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<sup>74</sup> Please see Appendix F for a matrix summary of the needs and strategies for solutions surfaced through this study. The data collected are consistent with two of the major existing studies of SRL experiences: Natalie Anne Knowlton, Logan Cornett, Corina D. Gerety, & Janet Drobinske, Cases Without Counsel: Research on Experiences of Self-Representation in U.S. Family Court, Institute for the Advancement of the American Legal System (June 8, 2016), <https://iaals.du.edu/publications/cases-without-counsel-research-experiences-self-representation-us-family-court>; Julie Macfarlane, *The National Self-Represented Litigants Project: Identifying and Meeting the Needs of Self-Represented Litigants*, Law Foundation of Ontario, Law Foundation of Alberta, and Law Foundation of British Columbia/Legal Services Society of British Columbia (May 2013), <https://representingyourselfcanada.com/wp-content/uploads/2016/09/srlreportfinal.pdf>. The data collected were also consistent with the *Self-Represented Litigant Survey* conducted by the Florida Commission on Access to Civil Justice and sponsored by the Florida Bar.

*You just send it off and hope it was right. (submitting a form)*

*Everything would have been different if I could think straight.*

3. SRLs **prefer and need a mix of services that span the continuum** of administrative support, legal information, and legal advice and include online and in-person help. From the perspective of the SRL, **simple encouragement and assurances** can sometimes be as meaningful as legal help from personnel trained in court procedures and resources, or from attorneys providing legal advice. SRLs are **skilled at identifying what level of help they want** at a given time and are likely to utilize multiple modalities over the course of a case.

*Navigating the court was frustrating at times—you enter the court, go to a kiosk, and it sends you to a room. Then you get sent to another room and then you go back. And maybe you come again another day—it's exhausting.*

*I had an attorney for the divorce, but once it was final my ex started filing motions to change the support. I didn't have any more money so I went to the self-help center and looked up stuff online and at the library.*

*I'm just doing research for now, so will read about it online.*

*I just got served and I'm really scared and need to talk to someone.*

4. SRLs **value highly one-on-one services, whether in-person or remotely by phone, video, or chat**. A navigator or guide during a legal crisis greatly impacts an SRLs perspective of the justice system, as well as their ability to complete necessary tasks and submit relevant evidence. One-on-one **triage and referral are highly valued and sought after**, but only if the SRL has been able to find someone who is knowledgeable in local procedure, trustworthy, and willing to help. SRLs are often seeking nothing more than simple assurances that they are undertaking the correct task or help with computers and other office equipment.

*Can you make the copies for me? I don't want to mess it up. It has to be right.*

*I don't know how to get into my e-mail, can you help me?*

*Do I have to fill in the whole form? It's really long.*

*I bought the forms for custody, but that seems like too much paperwork.*

5. SRLs identify the **court, clerk, and law library staff as the most accessible and trusted gateway providers**. Easily identifiable self-help centers, which are by definition welcoming, are highly valued.

*I don't even know what to expect. I got these court papers in the mail and my cousin told me to come to the self-help center first.*

*Without the self-help center I wouldn't know what to do next. They helped me figure out what to put on the form and now I need to go next door to make sure the paperwork is right.*

*Everything would have been wrong if I tried doing this on my own.*

6. Court, clerk, and law librarian **staff are deeply compassionate people**. They are committed to providing the highest quality customer service possible to SRLs; however, the secondary trauma of supporting SRLs who are emotionally distraught—and often facing dire circumstances of poverty and despair—is significant. Staff recognize that **the situation is aggravated** by fragmentation of services between departments, lack of foundational plain language resources, and being asked to play too many roles. In addition, there is not sufficient opportunity for court, clerk, and library staff to cross-train, plan, and harmonize services.

*I try to help people as best I am allowed. I feel so badly for them. Sometimes they are crying, their kids are crying—it's really hard.*

*I don't know what I would do if I were in their circumstances.*

*Sometimes you send someone to a room that doesn't have the same information it had a few weeks ago, or tell them the wrong dates for a workshop.*

*I just wish there was a way to know that the information I'm giving about a resource is correct without needing to do the research. There just isn't enough time in a day.*

*The work keeps going and you want to give people time, and explain everything, but they want it done quick and we have a lot to do.*

7. SRLs and nontraditional stakeholders **find the online environment confusing**: a Google search result is too generic and they do not know how to assess whether a resource is trusted. Moreover, for any given county, even among what appear to be trusted resources, there are confusing, sometimes inconsistent and **overwhelming amounts of information** from the four main providers—courts, clerks, law librarians, and legal aid. SRLs cannot identify the correct information because their perception of their situation and the needs are not generally reflected in the online interfaces they encounter.



**Online tools without human back-up are not viewed as useful** when the SRL is stressed.

*I think this is the court website but I'm not sure. Why are there two different pages? OK, well this says clerk. Nope, no forms for divorce. Not sure where to go.*

8. Nontraditional stakeholders and the private bar are generally unaware of the **overwhelming prevalence of SRL cases within the courts**. While they may have relationships with the legal aid community, they rarely have robust relationships around self-help services with the court, clerk, or law library.

*Can you go to court without a lawyer?*

*I don't know what they offer people without lawyers. Doesn't everybody just have to get a lawyer?*

*I don't want to give legal advice, so I tell people they have to get a lawyer.*

*The court can't give legal advice, so it can't help you.*

9. The Senior Services Networks and Disaster Networks provide **ready-made local and regional networks of nontraditional stakeholders** that present an ideal opportunity for court, clerk, and law librarian staff to **build their coalitions, discover new resources, and strengthen their information and referral networks**. While legal aid organizations have become connected with these networks in recent years, court, clerk, and law librarian personnel have not yet built these relationships.
10. **Ongoing data collection** about SRL experiences, quantitative data collection through case management systems, and sharing data about the number of SRLs in the system are essential to **support data-driven decision-making**.

## Recommendations

The following recommendations are crafted to begin to address the challenges identified in these findings. These recommendations focus on actions that help build and reinforce the infrastructure necessary to support systemic change and establish a systemic approach.

1. Establish **full-service self-help centers in each county**, accessible in the courthouse and through community partners such as libraries, in order to expand access to assisted self-help. Establish statewide **standards or guidelines for the operation of self-help centers that include SRL feedback mechanisms discussed in this report**.

- *Need addressed:* Self-help centers establish easy-to-find, trusted gateways for comprehensive legal help for SRLs, trusted intermediaries, and professional colleagues (such as legislative offices seeking a trusted referral for constituents in need of legal help). Self-help centers also serve as a forum for continuous focus groups to field-test forms, refine simplification efforts, and increase public trust and confidence.
  - *Implementation note:* Local court, clerk, and library staff are best positioned to collaborate and identify how to share their resources to begin a self-help center, which ought to begin in a modest manner and grow according to the needs and resources of the local community. Courts have been successful at launching self-help by simply realigning existing resources and do not require new or additional funding.<sup>75</sup> By simply identifying the point of access for help (even if it is just a phone number), a huge leap in access to justice will occur with both the public and the nontraditional stakeholders. Standards and guidelines should be developed collaboratively but published centrally (again, for statewide consistency). For details of implementation, there are numerous best practices guides, guidelines, standards, and resources from across the country, as well as information about how to fund, design, launch, manage, and operate self-help centers of all levels of complexity via the Self-Represented Litigation Network's webpage, working groups, and boot camps.
2. Publish a standard **statewide glossary of legal terms in plain English**. This glossary would become the source document for plain language used in forms, instructions, and other resources, including additional languages.
    - *Need addressed:* Presently, SRLs in this study repeatedly noted that they cannot find the paperwork for divorce or custody and that they do not even know how to refer to themselves, e.g., petitioner, respondent, etc. Even a one-page glossary of frequently used legal words would have a significant and immediate impact on access. A plain language glossary would also ensure statewide consistency in word choice across providers and resources. By creating consistency among trusted resources, SRLs are more likely to trust the materials and make better use of online resources.
    - *Implementation note:* This is ideally a project done at the statewide level to support standardization and uniformity, although the best-suited individual to do the work is someone who regularly provides self-help services in the court or clerk's office environment. Unless private lawyers have a robust unbundled practice, they are generally not well suited to do this work because they have a difficult time separating

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<sup>75</sup> One of the most powerful examples of using business process analysis, simplification, and realignment of services to start a help center at no cost (except for some paint and benches) was the Bronx County Family Court's 2013 launch of its Help Center. Another example was the Pittsburgh Self-Help Center launched in 2014. More about these initiatives can be found at Self-Represented Litigation Network, *Pittsburgh Court Doubles the Number of Self-Represented Litigants Served In First Three Months With No-Cost Reengineering Initiative* (2016), <https://www.srln.org/node/643/pittsburgh-court-doubles-number-self-represented-litigants-served-first-three-months-no>.

from legal language. There are many examples of plain language legal glossaries that could be customized for Florida. In the meantime, all court, clerk, and legal aid websites could immediately benefit from the LSC funded free plug-in called Read Clearly at <https://openadvocate.org/readclearly/>. It automatically identifies complex legal terms on a website and displays a plain language explanation as the cursor rolls over the term. Similarly, all websites could immediately conduct a free readability review by using the sister plug-in called Write Clearly at <https://openadvocate.org/writeclearly/> that can be immediately installed on any website to analyze the reading grade-level and make suggestions for improvement.

3. Design a **branding strategy** so the public and trusted intermediaries can readily identify the trusted, noncommercial resources of the courts, clerks, legal aid, and private bar. Align these resources so information is consistent and pathways are easy to find between and among providers; this is necessary to support a no-wrong-door approach. Ideally, self-help webpages would be standardized, with tested navigation designs so helpers and users could find information quickly. Relatedly, publish **foundational plain language self-help content** of FAQs for common case types, procedural timelines, flow charts, forms, and referrals to other legal providers that can be used by any traditional or nontraditional stakeholder.
- *Need addressed:* The online environment is deeply confusing and contradictory. While local practices are a permanent feature of the legal landscape, a branding strategy to identify trusted resources is a low-profile, high-impact mechanism to communicate with the public. For example, when a restaurant advertises that it serves Starbucks Coffee, or even just displays the logo, consumers immediately understand the source and quality of the product. Standardization is an essential element of reducing confusion. Standardized templates for websites and plain language foundational content can give resources to all of the counties to come into compliance with *Turner v. Rogers*. This kind of standardization of information will reduce frustrations of the public, providers, and trusted intermediaries. Standardized plain language resources about “how things work” in any given county creates more transparency and improves public trust and confidence in the legal system.<sup>76</sup>
  - *Implementation note:* A branding strategy could be as simple as including a small image of the Commission’s logo on materials or sites from noncommercial partner organizations, i.e., courts, clerks, legal aid, or pro bono. With respect to foundational content, FAQs and the like are best created by frontline providers with input from SRLs, which is easily done if one captures the daily learning of frontline staff as they work with the public. Plain language editing skills are a capacity that must be built in-house and

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<sup>76</sup> During the course of this study, we found evidence that—in addition to SRLs—lawyers volunteering for Free Legal Answers, community-based organizations, law librarians, public librarians, teachers, faith leaders, healthcare providers, and others sought access to, but could not find, standardized FAQs, timelines, flowcharts, and basic referral lists.

hiring outside experts cannot be relied on. One of the most underutilized resources nationally within court, clerk, and library entities is the expertise of the frontline staff. They often find themselves “translating” forms or procedures into plain language for customers and patrons, yet they rarely serve on the formal content development team. Empowering frontline staff to become a feedback loop for resource development is cost efficient, improves staff morale, results in better content, and is a meaningful way to incorporate an aspect of the user voice in content development. Court, clerk, and law librarian staff are, in essence, conducting focus groups each and every day as they help people navigate the system, yet their learning is rarely used. On a more general level, an effective strategy in sustaining the production of high-quality and useful SRL content would be to establish a Florida SRL Services Working Group, comprised of court and clerk self-help staff, law librarians, legal aid lawyers, and trusted intermediaries, who could collaborate to produce and test Florida content.<sup>77</sup>

4. Increase the number of **non-lawyer legal helpers** in the field and **publish a statewide training protocol on the distinction between legal information and legal advice (LI/LA)**. Local courts and/or legal aid offices could enter into memoranda of understanding (MOUs) with select community partners and trusted intermediaries to provide LI/LA training and cross-training on the basic information available from providers, including website navigation for forms and instructions and referral resources to be part of a community referral network.
- *Need addressed:* Every SRL observation in this study involved the SRL asking for assurance from a trusted person; however, over and over again providers were fearful of whether they were safe in sharing any information that concerned matters that involved the court. Simply put, there was no clear guidance or training upon which they could rely to confidently assess what they could or could not say. The more data collected, the more evident it became that human navigation help was perhaps a more important service in the eyes of the consumer than actual legal information dispensed. Respondents readily acknowledged that they were stressed and anxious because of the court proceeding; the negative impact of having an active court case was also captured in the 2017 FL SRL Survey,<sup>78</sup> in which 86 percent of the employed respondents reported that the worry over their legal issue negatively affected their performance. Offering a friendly face, knowledgeable voice, and helping hand are central to customer service in all areas, but in legal matters basic information, referrals, and reassurance also have a direct impact on court and clerk operations. This role is probably better fulfilled by non-lawyer legal helpers than lawyers because the work is mostly about information, referrals, and reassurance.

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<sup>77</sup> Testing content is a fundamental best practice in plain language work. For more, see: Plain Language Action and Information Network, *Test Your Assumptions*, U.S. General Services Administration, <https://www.plainlanguage.gov/guidelines/test/> (last visited May 2, 2020).

<sup>78</sup> Supra at note 20.

- *Implementation note:* Increasing the number of non-lawyer legal helpers in the field is probably best done by developing navigator programs. Extensive guidance on how to develop these, and identifying funding streams to support their management (even if done with volunteers), can be found in Mary E. McClymont's report, *Nonlawyer Navigators in State Courts: An Emerging Consensus* and the SRLN hosted Navigator Working Group chaired by Mary McClymont. With respect to LI/LA training materials, there are numerous examples from other jurisdictions and, within the JFA grantee cohort, there are LI/LA training implementation efforts focused on community partner cross-training that could be of use. If a *Florida SRL Services Working Group* were established, an early task could be to review existing resources and submit a package to the Commission to establish an approved training module that could be used statewide.

## 5. Establish a statewide **Florida SRL Services Working Group**.

- *Need addressed:* This study revealed an exciting array of SRL service innovations and strategies throughout the state and among traditional and nontraditional stakeholders. However, despite a great desire for relationships to be established, these individuals currently have no means to connect regularly and share their learning and support one another. This report identified a number of instances in which a centralized resource shared by many would be the most effective intervention, and other instances where a uniquely local intervention would be the optimal choice. Without a forum to connect the different stakeholders on an ongoing basis, it is nearly impossible to make sustainable progress on distinguishing needs and identifying best practices, nor can the work be distributed and shared.
- *Implementation note:* A standing *Florida SRL Services Working Group* could be designed and launched as fairly self-sufficient and not require staff time of the Commission. Using the model of the numerous SRLN working groups, which combines listservs, teleconferences, webinars, and online curated resource collections, communication networks can be established and ad hoc subgroups formed for specific, self-identified projects. The SRLN model relies on volunteer cochairs to keep monthly calls going. More details and guidance on running these kinds of groups is available from SRLN.

## 6. Appoint a **Law Librarian** to the Florida Commission on Access to Civil Justice.

- *Need addressed:* This study found that one of the most underutilized SRL resources in the state was the network of law librarians. Indeed, SRLN views it as a best practice to include a law librarian on state access to justice commissions (many, but not all, states do).
- *Implementation note:* The inclusion of a law librarian is likely to expand SRL resources statewide and, given that they are trained professionally to manage

resources and information, the increased cost of an additional member is likely to be offset by the significant in-kind hours they are likely to contribute.

**7. Encourage Court and Clerk Personnel to join Senior Services and Disaster Networks.**

- *Need addressed:* By better engaging court and clerk personnel in these networks, resources to serve SRLs will expand.
- *Implementation note:* In recent years, legal aid organizations throughout Florida have been strengthening their ties with these networks in a variety of ways and could facilitate the development of new ones.

**8. Continue to collect SRL feedback through the *Florida Commission on Access to Civil Justice Self-Represented Litigant Survey (FL SRL Survey)* and *The Everybody Counts Survey* and coordinate other data collection efforts among the multiple constituencies (court, clerk, law librarians, and legal aid).**

- *Need addressed:* Each of these data collection efforts provides critical feedback for the system. The *FL SRL Survey* is a simple, ongoing mechanism to collect and analyze the SRL experience statewide. The data in the current survey were validated by this study and offer additional concrete feedback of specific challenges or impacts SRLs are experiencing. The *Everybody Counts Survey* serves two functions: 1) it captures the number of SRLs going through the system on any given day, and 2) it helps to directly educate the pro bono volunteers regarding just how high the SRL load is (which would address a significant knowledge gap in the system). Finally, coordinated data collection among constituencies will allow for better systems planning.
- *Implementation note:* Both the *FL SRL Survey* and the *Everybody Counts Survey* have been done before, therefore the implementation effort does not require new design, but rather a commitment to making these a permanent part of the civil justice landscape. Coordination of data collection among justice system constituencies can be complex, but even small steps ensuring that each constituency is aware of the data collection strategies of the others would begin the process in a deliberative way and could be the kind of information sharing that is supported by a *Florida SRL Services Working Group*.

## Conclusion

In conclusion, this study provided an exceptional opportunity to hear from SRLs as well as institutional players. Many of the recommendations above can be implemented without an immediate up-front cost because they focus on realignment or existing resources, relationship

building, and network development. By building broader coalitions, the burden of supporting ATJ initiatives can be spread more broadly. By developing new relationships, new funding can be identified. The three most catalytic recommendations—developing a statewide SRL working group open to numerous justice system constituencies and run cooperatively by the members, empowering and encouraging local and regional leaders to create county-based self-help centers (some of which could even be accessible outside of the courthouse), and joining the well-established senior services and disaster networks—can harness the talent and commitment of the justice system professionals engaged in these endeavors, yielding benefits and innovations yet unimagined.

The value of the JFA framework is building community coalitions, investing in user-centered design, and actively aligning and coordinating courts, clerks, law libraries, legal aid, and the bar. The JFA Initiative has spread to more than 14 states and is truly creating a national framework for civil justice. The absolutely critical moment in its development was in 2015, when the Conference of Chief Justices and the Conference of State Court Administrators (CCJ/COSCA) unanimously passed *Resolution 5: Reaffirming the Commitment to Meaningful Access to Justice for All*.<sup>79</sup> Florida is a complex state—perhaps more akin to a nation than a state—and, as such, it is laudable that the Florida Commission on Access to Civil Justice has recognized the value of the JFA framework for Florida and most especially its call to empower state, regional, and local networks.

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<sup>79</sup> Conference of Chief Justices and Conference of State Court Administrators, [Resolution 5](#).

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## Appendix B – User Interview and Focus Group Guide

The objectives described in this guide are aimed to identify anecdotal recollections from individuals who have represented themselves in a civil legal matter. These interviews can be taken in variety of settings. For example, interviews can be taken during rideshare trips, at self-help centers, in community meetings set up outside the court, and with court and clerk personnel. The goal is to identify the conditions that factor into the environment in which SRLs interact with the court system.

For each interview, facilitators converse with participants to identify components of their experience taking contemporaneous notes on paper, recording an interview with permission, or transcribing the information soon after completion. These components included:

- Identifying the civil legal issue(s);
- A narrative of their experience leading up to resolution of their case;
- The circumstances surrounding their interaction with the court;
- Perceptions, impressions, and expectations they had about the court process; and
- Opportunities or insights of note.

The section below provides an outline of the interview protocol used for interviews. Questions are modified at the facilitator's discretion to adjust for participant comfort level. The goal of these conversations is to collect information about their experience going to court, but facilitators should make all efforts to ensure participants are not distressed and to avoid retraumatizing participants.

### **General Question Protocol**

The "Questions" column is designed to guide the conversation to touch on the above-mentioned components. The "Target Responses" column identifies potential responses or areas for contemporaneous follow-up questions.

A sample introduction follows:

*Hello—thank you for agreeing to speak with me.*

*My name is \_\_\_\_\_, I’m working to \_\_\_\_\_. I’m doing this as part of \_\_\_\_\_. This sort of interview will help us better understand what the real experience is for people in the community dealing with a legal issue on their own.*

*There aren’t any right answers and if you want to share something specifically or talk about a time that really sticks out to you, I’m happy to listen.*

Question	Responses to Target
<b>Experience going to court:</b> <i>Have you been to court before to deal with something?</i>	A. First time or repeat visit B. First (personal issue) or Second “degree” (accompanied family/friend) C. Where was their first contact with help? D. How did they hear about the SHC? E. Follow up about pathways to help
<b>Identifying legal issue:</b> <i>How did you find out you had a legal issue?</i>	F. Was it from a court document? G. Sought information online or in person about an issue they were experiencing? H. Referred by social service provider I. Recommended through personal connection (friend/family)
<b>Accessibility:</b> <i>What did you think about how you interacted with the court?</i> <i>How do you find out about what goes on in the court (events, workshops, programs)?</i>	J. In person K. Remote  Sources of court news (social media, television, email, call, local events/orgs, referrals, other)
<i>Can you tell me about the sorts of impressions/emotions you had when you found out you had to go to court? What was it like getting to court?</i>  Collect narrative—try to gauge where on a 7-pt scale (maybe ask outright) 1—worst experience; 4—was not worse than expected/was not better; 7—best experience	
<b>Circumstances:</b> <i>We aren’t going to collect your personal information, the sort of questions I’m going to ask now help us know what really happens in peoples’ lives when they have to go to court.</i>	L. Job interruption M. Caretaker situation (child, family, etc.) N. Transportation O. Health impairments, if any (when appropriate to ask) P. Financial strains

<p><i>Can you tell me what sort of things you wish you had known before coming to court? For example—the amount of time it took to deal with everything, the court rules, the courtroom rules?</i></p> <p>Collect narrative of the persons circumstances that affected their experience.</p>	
<p><b>User Opportunities:</b> <i>Tell me about what you think ...</i></p>	<p><i>Q. Getting legal help more easily</i> <i>R. Navigating the courthouse/court services</i> <i>S. Pain points—what should change right away?</i> <i>T. Gain points—what should stay the same?</i> <i>What did you like?</i></p>
<p><b>Geographic/Demographic</b></p>	<p><i>U. Location (county would work)</i> <i>V. How long did you travel to get to court?</i> <i>W. Age (range is fine), gender, ethnicity</i> <i>X. Facility with tech (? *optional*)</i></p>
<p><i>Is there anything else you want to share about how going to court makes you feel, why you felt that way, or something that surprised you?</i></p> <p>Thank you so much for your time. This has been very helpful.</p> <p>Here's a gift card in recognition of your time. It means a lot that you took time away from what you're doing to help us with this project.</p>	

It may be helpful to think about how an empathy map is part of conducting direct observations that are set up to track how a user experiences their environment—these maps organize impressions by what SRLs “See,” “Think,” “Say/Hear,” and what they “Do.” They can also be used to guide the objectives of an interview or focus group.

EMPATHY MAP	
What do you think?	What do you feel?
What do you do?	What do you see?
<p>Pain points:</p> <p>Gain points:</p>	

This protocol can also be adapted for use in Focus Groups. A core component of focus groups is conducting an interview as a group. In this format, the facilitator should aim to interject with countering or differing perspectives and be sure to manage group discussion to prevent silencing minority views.

The following breakdown can be used for facilitating a Focus Group:

**Focus Groups Breakdown | 1–1.5 hours, 7–10 participants**

- Introduction to facilitators and focus group goals
- Build common ground—typically an ice breaker
- Primary interview discussion with focus group participants following general question protocol
- Possible engagement tasks:
  - Finding the tool or form
  - Completing a designated task
  - Making choices from lists of alternatives
  - List making (prioritizing needs)
  - Idealizing and brainstorming desired outcomes

When appropriate, facilitators can ask participants to engage in using a resource. If the participant agrees, facilitators should ensure they have allotted enough time for the tasks to be completed. In a Focus Group setting, different tasks or resources can be tested by different groups to maximize feedback.

If the participant is willing to test a resource, facilitator can ask a participant to complete the following tasks:

- Download app or find a form online
- Navigate to main menu or instructions (if any)
- Fill out a form,
- Ask questions about perception, impression, and expectations
- Collect feedback, insights, and opportunities

SAMPLE RESOURCE TESTING PROTOCOL	
RESOURCE	INTERVIEW QUESTIONS
Forms	<p>Facilitator will begin by describing the goal of the Focus Group: to get user feedback on a Court Form (example: Financial Affidavit Form). Participants will review the form and be asked to simulate filling out the form (not using real or personal information). This will identify some challenges navigating it and surface expectations for improvement and feedback. Once participants have used the resource, the group will transition into an interview/discussion session.</p> <p><b>Common ground Questions</b> (possibly ask participants to use their phone or a computer)</p> <ul style="list-style-type: none"><li>• <i>How do you find the form? Where do you go first? Where do you expect the form can be found?</i></li><li>• <i>How would you use the form? How would you feel if you had to fill out this form?</i></li><li>• <i>Have you filled out any other court forms before?</i></li></ul>



	<ul style="list-style-type: none"> <li>• <i>If English is not your first language, how do you find one you can use? If there isn't a form you can read, how do you get help filling them out or understanding what they ask?</i></li> </ul> <p><b>Primary Questions</b> (participants will be asked to navigate the form and note any challenges they encounter to discuss as a group)</p> <ul style="list-style-type: none"> <li>• <i>Can you figure out what the form is asking you to do?</i></li> <li>• <i>After looking at the form, what do you think about the way the questions are asked? What sort of information do you need to have to fill out the form?</i></li> <li>• <i>Once you get to the end—do you know what you're doing next?</i></li> <li>• <i>What sort of instructions would be helpful?</i></li> <li>• <i>How do you feel about the questions asked?</i></li> <li>• <i>How comfortable are you answering questions about your finances/income?</i></li> </ul> <p><b>Exit Questions</b></p> <ul style="list-style-type: none"> <li>• <i>Is there anything else you would like to say about form? Are there reasons you wouldn't use the form?</i></li> <li>• <i>How do you feel about using the form?</i></li> </ul> <p>In some cases, it may be helpful to provide a sample version of financial information. However, a walkthrough is intended as a simulation. Participants need not provide real information. Instead, participants are asked how they feel about their ability to obtain needed information (i.e., do you know how to get a paystub?)</p>
<p><b>Florida Court Help App</b></p>	<p>To get user feedback on the Florida Court Help App, participants are asked to complete a series of tasks using their smartphones, including finding and downloading the App and navigating core features. This helps identify challenges using the App and surface expectations for improvement and feedback. Once participants have used the App to complete these tasks, the group can transition back into an interview/discussion session when time allows.</p> <p><b>Common Ground Questions</b></p> <ul style="list-style-type: none"> <li>• <i>What sorts of Apps do you use in your day to day? Do you use any Apps to access a service (public services like parking, or other services like banking)?</i></li> </ul>

	<ul style="list-style-type: none"> <li>• <i>Who has used the Florida Court Help App before? If you haven't used the App, have you heard of it? If you haven't used or heard of the App, get on your phones now and download it. (track experience of finding and downloading the App)</i></li> </ul> <p><b>Primary Questions</b></p> <ul style="list-style-type: none"> <li>• <i>What is your impression of the App? What do you like best (pros and cons)?</i></li> <li>• <i>How do you feel about using the App? If not for the App, how would you go about finding the information?</i></li> <li>• <i>If you had [x-case type] issue, how would you use the App?</i></li> <li>• <i>How was the App helpful before or after your court issue closed? If you haven't used, how do you expect the App will be helpful?</i></li> <li>• <i>Where else have you found helpful information?</i></li> <li>• <i>What sort of problems have you encountered using the App?</i></li> <li>• <i>What function would encourage you to use the App more?</i></li> </ul> <p><b>Exit Questions</b></p> <ul style="list-style-type: none"> <li>• <i>Is there anything else you would like to say about App? Are there reasons you wouldn't use the App?</i></li> <li>• <i>How do you feel about using an App for information about the court process?</i></li> </ul>
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### Analyzing Interview and Focus Group Outcomes

After collecting notes and information, facilitators should review the information as a whole. For this report, Consultants used the outcomes and insights obtained from these activities to build **user personas** that reflect the sort of users that would interact with Florida court environments.

The following factors should be considered:

- Review and analysis factors:
  - Key themes and ideas
  - Compare and contrast exercises between and across groups
  - Examine experience/empathy maps/any diagrams
- Other considerations:
  - Common words used to describe experiences
  - Context similarities
  - Consistency across experiences
  - Frequency of participation
  - Intensity of perceived distress/emotion
  - Specificity in descriptions

### Brainstorm Guide: Opportunities and Challenges Grid

Focus groups can use the grid below to build brainstorm maps. Ask participants to describe or list meaningful opportunities and potential challenges that might exist in the present and future.

<b>Current Positives/Opportunities</b>	<b>Future Positives/Opportunities</b>
<b>Current Negatives/Challenges</b>	<b>Future Negatives/Challenges</b>

## Appendix C – Guide for Court Staff SRL Empathy Sessions

As discussed in this report, consultants utilized an Empathy Session strategy to gain insights into court and clerk personnel experiences with SRLs to better understand their perspective. The exercise described below is a method for understanding the continuum of experiences a court user has navigating court and clerk services. Court and clerk personnel can engage in exercises such as empathy mapping to provide context for the ways in which an SRL prioritizes their needs.<sup>80</sup> The primary goal of these exercises is to share common perspectives to provide context to what court users and providers feel, think, say, and do.

A court and clerk staff SRL Empathy Session is an exercise that builds a common understanding of an SRL's experience navigating local court services for personnel involved in delivering legal help. An SRL's experience across the continuum of court services can vary depending on the court's services and the SRL's needs, expectations, and points of contact with court and clerk personnel. Not every case will have the same court process or help services and these factors play a role in how an SRL experiences their local justice system. As a result, opportunities to improve the experience of SRLs will look differently for every legal help system.

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The following steps can be used to prepare for a court and clerk SRL Empathy Session:

### **Step 1: Select Representative Court User Personas**

The first step in conducting this exercise is to gather materials. Consultants have provided a series of court user personas that represent a range of perspectives synthesized directly from their research across Florida. The goal in this step is to select representative personas that court and clerk personnel can use as references to reflect on their observations of SRL behaviors.

### **Step 2: Develop an Invitation List**

While this exercise can be used to train staff in a single department, consultants recommend an invite list that includes personnel from across court and clerk services. This includes inviting clerks and clerk staff, case managers, court administration staff, self-help staff, court law librarians, front desk staff, and judges that reside over pro se cases.<sup>81</sup> In addition to these individuals, when possible, it may be valuable to reach out

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<sup>80</sup> The Nielsen Norman Group, a leading UX research and consulting firm, defines an empathy map as “a collaborative visualization used to articulate what we know about a particular type of user. It externalizes knowledge about users in order to 1) create a shared understanding of user needs, and 2) aid in decision making.” See: Sarah Gibbons, *Empathy Mapping: The First Step in Design Thinking*, NN/G Nielsen Norman Group (Jan. 14, 2018), <https://www.nngroup.com/articles/empathy-mapping/>.

<sup>81</sup> In the empathy session consultants conducted in Orlando, Florida, on August 2, 2019, the exercise included staff from the Orange County Self-Help Center, Clerk's Office, Case Managers Office, Court Administration, and judicial personnel.

to volunteer attorneys or personnel that staff local or state bar, legal aid organization, or academic help programs such as clinics and lawyer-for-a-day programs.

### **Step 3: Gather Materials**

Traditional design thinking exercises work best when participants have the aid of visualization tools such white boards, sticky notes, and large writing tools (but each environment will call for a different system that fits its needs).<sup>82</sup>

### **Step 4: Conduct Session**

Each session should be led by one or more facilitators. Ideally, each session should include an assistant to help gather and distribute materials and take note of comments made during group discussions. The example provided below includes a common breakdown and transcript of a session that can be modified to fit the needs of your Empathy Session.

Throughout the session, references can be made to court user personas, which can be used as typical examples of the sort of SRLs court and clerk personnel may have encountered.

### **Step 5: Analyze Information**

Depending on the case type explored in these sessions, different outcomes will be observed. Working collaboratively, participants should actively engage in developing strategies to improve SRL experiences and minimize friction between court and clerk services. These improvements can be as simple as adding (or removing) certain hyperlinks or text on a court or clerk webpage or developing referral guidelines to fellow colleagues in other court departments. The goal of this analysis is to facilitate smoother transitions between and across court and clerk services so that the SRL experience becomes less stressful and more navigable.

### **Step 6: Synthesize**

Finally, subsequent sessions can build upon the outcomes generated from a session. In most cases, participants will be guided through specific case type services and programs (such as a court's family law services). Multiple SRL personas can be used to synthesize common themes for court users as a whole that can inform the development of future court and clerk services.

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<sup>82</sup> Consultants were limited to conducting an empathy session over a lunch conversation and, therefore, modified the session to maximize the value of this exercise. Instead of using worksheets and visualization aids, consultants facilitated a conversation between participants and guided discussion using the empathy map format.

Conducting an Empathy Session provides a way for court and clerk personnel to develop an understanding of the source of confusion or anxiety an SRL might face. Staff are well-versed and practiced in court procedures and available information, but most court users are experiencing the court as an outsider—and often for the first time. Even if an SRL has navigated a court issue in the past, their circumstances and needs will differ in a future issue.

## Example Agenda and Outline for Court and Clerk SRL Empathy Session

Luncheon with Trusted Intermediaries:

12:00 pm – 1:30 pm

- 15 minutes | Introductions and Ice Breaker
- 30 – 40 minutes | Primary Discussion
- 5 – 10 minutes | Conclusion

### Introductions and Ice Breaker—Sample Script (15 minutes)

*Today's conversation will focus how best we can use our powers of observation and listening to better connect with folks that come to court to deal with a legal issue on their own, without the help of an attorney. My role here is to facilitate some learning, but also to highlight how our own lived experiences can help us connect with people in crisis.*

*Why don't we start with introductions? Please share your name. I know some of you know each other, but it's good for everyone to work with the same information.*

**[Everyone provides their name]**

*A great way to start today's conversation is with a little exercise I hope you'll all find fun, or at least interesting.*

*The goal is to guess certain facts about me from what you've observed so far. **[optional: facilitator hands out worksheets/index cards and visualization materials]** These questions aren't meant to be controversial!*

- *What is my first language?*
- *How many siblings do I have? And if you think I have siblings, what age order am I (youngest, oldest)?*
- *Am I married? Single?*
- *Do I have children?*
- *Do I have a pet?*
- *Do I own a car?*
- *What is my level of education?*
- *What are my parents' educational background?*
- *What is my ethnicity? (don't worry, I asked)*
- *I play a sport (nonprofessional)—what do you think it is?*

*Okay, I'm going to give everyone the right answers now. Let's see how you all did.*

**[Facilitator provides answers]**

*The point of this exercise is to show how important our powers of observation are, and how little we know about people and their life when we meet them for the first time. You won't always get the answers right, and that's okay. The tricky part is how to avoid getting the answers wrong when it really matters.*

Primary Discussion (30 – 40 minutes)
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*Now that I've introduced myself, let's learn a little more about each other.*

*As the people who interact with SRLs throughout their experience with a court issue, whether it's getting general information or filing and all the way to their actual trial. I thought it would be interesting to share our perspectives. To introduce ourselves, why don't we share our name again, our role at the court or clerk's office, and an experience and a perception you would like to share from your work helping someone represent themselves. This can be direct or indirect help. Where do we all fit in? This can be a reflection on your past experiences, a similar experience you share with a colleague, or a new thought you have had from something someone has said today.*

**[Others introduce themselves and their role]**

**[Some follow-up questions when appropriate]**

**[After everyone has introduced themselves and their perspective,  
Facilitator will sum up common themes]**



*Great, thank you all for sharing. As I was listening to everyone, I noticed there were a few common themes that surfaced. Here are some of my observations:*

*Common perceptions of working with SRLs<sup>83</sup>*

- *Expectation challenges: SRLs have a different expectation*
- *Expertise/knowledge: SRLs don't understand court jargon or court process*
- *Emotional states: people under stress experience impairments in executive functioning<sup>84</sup>*
- *Misconceptions: SRLs point of reference is typically different than court personnel. These perceptions are informed by what they have learned from family or friends, reading, movies and television, and what they understand from information they find online.*

*Now I want to open the floor to discussion about what they have observed and your reflections on what others have said.*

**[Facilitator should now proceed to empathy mapping:  
discussion on what SRLs feel, think, say, and do  
(optional) facilitator can hand out visualization tools,  
sticky notes, and markers/pen for participants]**

*Thinking about your experiences and what you've heard today, let's discuss the following:*

- *What do SRLs **feel** when they realize they have to deal with a court issue or when they come to court?*
- *What do SRLs **think** when they are dealing with a court issue?*
- *What do SRLs **say** to navigate or get information about a court issue?*
- *What do SRLs **do** when they interact with you or other court services?*

**[Facilitator should take notes and collect materials participants have written]**

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<sup>83</sup> These factors are validated in other studies conducted in Canada and the United States and cited in the bibliography.

<sup>84</sup> A meta-analysis of stress studies reveals that acute stress (transient stress/single source) impairs *working memory* (ability to keep information in mind and update/integrate current contents with new information) and *cognitive inhibition* (ability to inhibit thoughts or prepotent responses in order to selectively attend to task-relevant information and engage in goal-directed, rather than habitual, actions). G. S. Shields, M. A. Sazma, & A. P. Yonelinas, *The Effects of Acute Stress on Core Executive Functions: A Meta-Analysis and Comparison with Cortisol*, 68 *Neurosci Biobehav Rev* 651–68 (2016), doi:10.1016/j.neubiorev.2016.06.038.

(optional) Exercise<sup>85</sup> (additional 10 minutes)

*Okay, I would like us to shift gears a little and think about a time when you did something for the first time that caused you some stress. It can be recently or in the past.*

**[Discussion Question(s)]:** *Think about the way it made you feel, the sort of things your mind paid attention to. What sorts of thoughts did you have? And what did you do to help you navigate the situation? Did you seek out help, did you find it? Did you call someone you knew? How did you figure out what you needed to do?*

- *The last time you were in an airport you were unfamiliar with.*
- *A time you had a horrible experience at a department store or service experience.*
- *When you were in a new country.*

*Does anyone want to share a particular moment?*

**[Discuss what folks would do using examples from observations taken throughout the visit]**

**[Discuss possible elements that alleviated their stress. What made their experience better?]**

**[Possible discussion cues]:**

- *What makes these experiences hard?*
- *What sort of things would improve how you experienced something new?*
- *Not thinking about the limitations, how could the process be better?*
- *Are these long-term goals?*
- *Are these immediate actions?*

Debrief (5 – 10 minutes)

*Observable behaviors give us insight into a person's experience. But that alone doesn't give us the full picture. Without making an effort to understand more deeply, we cannot know what sort of circumstances might be affecting the way someone prioritizes their needs.*

*We have to learn to think about the bigger picture. Some factors might include:*

- *A person's **job** situation (no job to multiple jobs)*

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<sup>85</sup> In the Orlando SRL Empathy Session, there were 13 participants and the initial discussion about roles and perspectives was lengthy. Instead of proceeding with the optional exercise, the facilitator asked the group to discuss how their experiences with SRLs might overlap with other court and clerk personnel experiences. This conversation focused on the SRL continuum of experience with court services—from getting served, to visiting the Clerk's Office and the Self-Help Center, and finally getting through the hearing.

- A person's **relationship** with people central to their lives (partner, friends, children, parents)
- Whether a person is a **caretaker** (children and other family, such as older parent or family)
- A person's **transportation** needs (traffic, public, private, parking)
- A person's **health**
- A person's **finances** (ability to pay, savings, debt)
- Other **nonlegal factors** that impact their decisions (child's or personal health needs, mental health, education)

*Are there any specific factors in your court you think service designs ought to consider?*

**[Give participants time to discuss]**

*I want to thank everyone for contributing to the conversation. The goal of this was to get us all to break away from what we initially think—we oftentimes just go on with our day. I found it extremely valuable to hear about your perspectives. In my work I am often interviewing SRLs about their experience, but I think it's also important to think about the people delivering the help/information when we think about improvements.*

*One of the best ways to learn what you need to know about someone is by asking. Think back on that new experience we talked about earlier, maybe all you needed was someone to understand why you were feeling lost and to direct you to the right information.*

**[After discussion, conclude with common themes, behaviors, and beliefs]**

## Appendix D – Guide to Building a Persona

User-experience researchers utilize an array of tools to examine and assess the conditions and environments in which people interact with products and services. One such tool are *user personas*, which function as archetypical users of a given system and provide a way to assess the challenges one might encounter with a certain product or service. These profiles combine ethnographic research gathered from surveys, interviews, and observations. Unlike “hypothetical” users that tend to abstract for *all* possible users, “personas” provide a focus for design modeling that considers the experiences of a *typical* or *target* user. Often, designing for the most limited-resourced persona yields designs accessible by more well-resourced personas.

For example, a clerk wants to assess what improvements can be made to a website. A persona is designed to test what a typical user would experience. The clerk discovers that her jurisdiction has a high population of middle- to low-income citizens whose primary language at home is Spanish. The average age is 45, with most families having one to two children. A smaller percentage of the population cares for an older adult. The clerk also finds that the most common cases in her court are divorce and landlord-tenant.

Using this information, the clerk creates a persona to navigate the court website trying to find information for filing a divorce.

Paula Aguirre: 43-years old; Orlando, Florida; suburban		
Personal Information	Needs	Concerns
<b>Marital Status:</b> Yes  <b>Household:</b> two young children, spouse, older parent  <b>Language:</b> primarily Spanish  <b>Transportation:</b> one vehicle (used by spouse), primarily public transportation  <b>Employment:</b> part-time nurse (overnight shift), part-time provider (mother)	<ul style="list-style-type: none"><li>• Information about divorce</li><li>• Websites and documents translated into Spanish</li><li>• May have trouble traveling to the court</li><li>• May need assistance caring for children and older parent</li><li>• Must manage two jobs</li></ul>	<ul style="list-style-type: none"><li>• Causing stress to children over possible divorce</li><li>• Ongoing healthcare bills</li><li>• Nervous about finding secure housing if she follows through with divorce</li><li>• Has never been through the court process</li></ul>

**Goals:** Paula wants to get divorced while minimizing the time she needs to visit the courthouse. Paula’s children often help her translate English websites, but she wants to minimize the impacts on her family as she considers her circumstances. She doesn’t feel able to discuss the issue with other family.

- Get information about divorce in Spanish
- Minimize help she gets from children and family

The clerk in this example can assess the navigating problems Paula would face, such as having trouble navigating the website without an obvious Spanish-translation option. Additionally, Paula will need to consider child custody issues (and that information is not on the same webpage as the divorce page). She is nervous about asking her child for help navigating the court website because it might cause too much strain. If Paula is going to visit the court, she must find a caretaker for her mother and children. Alternatively, if Paula was able to easily find and use a call line—with a Spanish-speaking staffer—she might get the help she needs without having to visit the court.

## **Creating a Persona**

Before beginning the process of creating a persona, identify the system in which the persona will have to interact. For this report, consultants focused on court-user experiences, i.e., individuals in Florida that use court services, with an emphasis on self-represented litigants.

### **Step 1: Gathering Location Specific Information (Common Information Sources):**

- Demographic information for the county in which the court is situated
- Surveys issued through the mail or posted on a website<sup>86</sup>
- Observations of interactions users have at the court

### **Step 2: Collect Narratives from Users to Identify Typical User Characteristics (Common Collection Tools):**

- Interviews with self-represented litigants
- Focus groups held at the court, a local library, or community organization in which SRL experiences navigating the court are discussed
- Review field studies

### **Step 3: Identify Touchpoints with a Product or Service (Common Considerations):**

- Time constraints
- Household
- Employment

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<sup>86</sup> Surveys should track county and/or zip code to ensure the correct data points reflect the demographics of the jurisdiction being surveyed.

- Caretaking (children, family)
- Health
- Transportation
- Finances
- Language

Step 4: Weave Environment, Circumstances, and Touchpoints Into a Narrative (Common Structure):

- Personal information
- Needs
- Concerns
- Goals

You can find additional information about personas at the website of the Nielsen Norman Group entitled “Personas Make Users Memorable for Product Team Members.” Written by Aurora Harley, a Senior User Experience Specialist, it lays out the methodology for embracing user-centered design (UCD) techniques to “design products around people, rather than teaching people how to use products.”<sup>87</sup>

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<sup>87</sup> Harley, *Personas Make Users Memorable for Product Team Members*.

## Appendix E – Courthouse Navigation Observations

### Court Services Observation Guide

Conducting system observations of services, resources, interactions, and conditions is critical to studying a local community's behaviors, habits, and challenges.<sup>88</sup> For this project, consultants looked to the nexus of activities surrounding self-representation in civil court to target observations. Therefore, the comments observed for this report include the following:

- **Navigating the court:** Prior to conducting interviews and interacting with court and clerk personnel, consultants conducted a walkthrough of the court that included a number of common tasks performed by SRLs when dealing with a legal issue.
  - Walk around the nearby area where the court is located looking for parking, parking meters, distance from public transportation, and other costs
  - This task also involved looking for navigation aids such as kiosks, guidance signage, and maps
- **Entering the court:** Consultants noted instructions, rules, restrictions, and other signage posted at the entrance of a court and navigated the security desk. This information typically sets the tone for the way a person will interact within the court. In some jurisdictions, cellphones cannot be taken into the court by anyone, while in others only attorneys and court and clerk personnel are allowed to have cellphones and other electronics.
- **Find court services:** This involved identifying signage or directions to help desks, a concierge, clerk's office, self-help centers, kiosks, and possible law libraries.
- **Find other services:** If printing and copying cannot be done at the court, consultants identify nearby locations that provide that service.

Once the tasks of locating services was completed, consultants created a plan to observe available services. The following list represents a range of services that can be observed:

- Court signage and information
- Court help desks

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<sup>88</sup> There are traditionally two ways to conduct observations. The first is *direct observation*, in which the researcher does not participate or interfere in the activities of the community being observed but rather collects data based on impressions, watching, and listening to observable behavior. The second type, by contrast, is *participant observation*. In this method, researchers immerse themselves in the culture, customs, and interactions of the community. It also typically takes a much longer time to establish oneself as a community member. For the purpose of this report, consultants elected *direct observation* because of their expertise about the court process. Nevertheless, *direct observations* are a preferred method to study SRL communities because this research goes to the heart of how interruptions affect the daily life of community members and it is nearly impossible to participate in that crisis. Community Tool Box, *Community Assessment Toolkit*, ch. 3, sec. 15 *Observation*, <https://ctb.ku.edu/en/table-of-contents/assessment/assessing-community-needs-and-resources/qualitative-methods/main> (last visited Jan. 8, 2020).

- Court kiosks
- SRL intake
- Clerk's office (information, filing, forms)
- Self-help center (lobby, intake, workstations, one on one services)
- Programs and workshops at the court
- Law library (research tools, assistance, facility)
- SRL hearings

The goal of these observations was not evaluative, meaning the frequency and quality of these services were purposefully not tracked. Rather, consultants took notes to inform the context and conditions in which a possible user persona would interface. Navigating the court involves getting to it (transportation, possible parking, employment considerations, child and family care situations, health), identifying and locating resources (clerk's office, self-help center, library, and language appropriate materials), planning tasks (prioritizing document delivery, filling out forms, and other documentation tasks like printing), and finally the actual part of resolving an issue (mediation, counseling, and an actual hearing). Even after this process, an SRL needs to follow through with their issue. Going to court often involves multiple iterations for motion hearings and other required appearances, trial, information services, and extends to compliance with court orders, modifications, and appeals.

In their observations, consultants discovered a number of behaviors that validate existing research into SRL experiences:

- **Getting to court isn't as simple as it sounds:** Often, as is the case across the nation, low-resourced individuals representing themselves need to account for more than just themselves. Individuals experience transportation concerns, with some people relying on unreliable or ineffective public transportation. This is especially true when SRLs must rely on third parties for rides. Even those with vehicles often contend with sharing it with a spouse or partner.

*"I can't stay much longer [at the self-help center] as my train leaves in 30 minutes and I can't wait for the next one; my kids get home from school."*

*"My ride is coming at 2:00 pm and I have to leave now. We can't have our phones so I can't tell them I need more time."*

- **Court navigation is affected by navigation aids:** One of the more unique methods to help court users navigate the courthouse was a computer directory system that allowed them to input their desired location and the computer would display directions with a route overlay to help them find the room or office they needed. But to use this resource, a person would need to know the name of the department they were trying to find. While other courts had digital directories that didn't include a routing feature, some did not have digital aids at all. Some court users leave the security check only to



find a set of elevators and a static directory. Where signage and navigation aids are scarce, court users seem to exhibit more anxious behavior, such as an unwillingness to engage in a conversation or ask questions, discomfort for fear of missing a time sensitive matter, and indicators of resignation such as slumped shoulders, muffled speech, and closed body language.

- **Microtasks such as finding, filing, and getting copies of court documents causes fatigue:** Across multiple jurisdictions, consultants observed—and people expressed—signs of distress when SRLs were required to perform microtasks in between dealing with their legal issue. Microtasks included finding a copy machine to make copies; getting forms in one office, filling them out in another, and returning to file them at the original office; finding an ATM or specific ways to pay; needing to return to court or visit a different court altogether; discovering the office they visited was incorrect and needing to re-navigate to a different office. This fatigue played a role in court users feeling emotions such as frustration, anger, and distress.

*“You get tired of being wrong all the time. I feel like I can’t get anything right.”*

- **People display higher levels of confidence and attention when a person is helping them:** When SRLs were observed receiving help—whether in person, on the phone, through a directory, or through an online system such as a chat—they were more confident, especially when their query resulted in the desired outcome. For example, some SRLs expressed that they found navigating the court easy because they correctly identified the self-help center location in the courthouse and navigated there without a problem. Others who were not successful on their first attempt, however, exhibited lower levels of self-efficacy and displayed behaviors that correspond with accounts of SRLs “shutting down.” During document review appointments, one individual even noted that he would prefer the self-help center make copies of the forms he required over concerns he would make an error and elected to return for help only after paying for the copies at the clerk’s office.

Throughout the guides in this report, consultants reference “empathy maps” that serve as tools to capture a user’s experience with the environment. This practice involves observing behavior that tends to be responsive to four primary questions:

- What does the user see?
- What does the user feel?
- What does the user think?
- What does the user do?

With these questions, the observer can use other environmental observations to determine what a user’s pain and gain points are. In other words—at what moments and why does the user exhibit negative or positive behaviors? Many of the tools available in Appendix C (and used

to analyze the empathy sessions) can be used here, such as the Empathy Map mentioned in this report and included below:

<b>Empathy Map</b>	
"Think" Component	"Feel" Component
"Do" Component	"See" Component
Pain points: Gain points:	

## Appendix F – Summary Matrix of Needs and Strategies for Solutions

**Needs and Strategies for Improvement– summary charts from the section entitled: *The Self-Represented Litigant Personas: Giving Voice to the User Experience*.**

### Alfred

Needs	Strategies
<b>Identifying and Assessing Legal Issues</b>	<b>Helpers:</b> navigators, community-based assisted self-help (within their community, libraries, or through local networks), court self-help center, hotline, helpers as referral pipeline to lawyers, decision support tools
<b>Online Navigation Challenges</b>	<b>Standardization and Support:</b> standardized legal information template, chat, co-browsing with remote helpers, in-person helpers
<b>Information About Process and Requirements</b>	<b>Standardized Plain Language Resources:</b> checklists, FAQs, flowcharts, forms, glossaries, short locally produced videos

### Betty

Needs	Strategies
<b>Fear and Confusion</b>	<b>Helpers:</b> navigators, community-based assisted self-help (within their community, libraries, or through local networks), court self-help center, hotline, helpers as referral pipeline to lawyers, decision support tools
<b>Forms Confusion</b>	<b>Simplified and Supported Plain Language Forms Sets:</b> simplification of both process and forms, real-time remote or in-person support via navigator, community-based self-help (in library or trusted social service provider or school) or court self-help center
<b>Information About Process and Requirements</b>	<b>Standardized Plain Language Resources:</b> checklists, FAQs, flowcharts, forms, glossaries, short locally-produced videos, court-based attorney-for-the-day program

Needs	Strategies
<b>Information Overload</b>	<b>Triage and Helpers:</b> outcome-driven pathways in plain language, decision support tools, online and in-person human support via navigators, community-based assisted self-help (within their community, libraries, or through local networks), court self-help center, hotline, helpers as referral pipeline to lawyers
<b>Understanding App Functionality</b>	<b>Provide “Info About This App” before navigation screen:</b> identify use cases and limitations of app in plain language: 1) must have access to data, 2) cannot file forms directly from app, 3) best for research and not for use when working on a time-sensitive task, and 4) cannot be fully used on a computer
<b>App Navigation</b>	<b>User Testing:</b> field testing before deployment and then on an ongoing basis across demographic groups is a best practice, self-help centers and libraries are readymade locations that can provide users and testers, staff can be easily trained to serve as testers
<b>Forms Confusion</b>	<b>Simplified and Supported Plain Language Forms sets:</b> simplification of both process and forms, real-time remote or in-person support via navigator, community-based self-help (in library or trusted social service provider or school) or court self-help center
<b>Information About Process and Requirements</b>	<b>Standardized Plain Language Resources:</b> checklists, FAQs, flowcharts, forms, pop-out glossaries, short locally-produced videos, court-based attorney-for-the-day program

## Diana

Needs	Strategies
<b>Reassurance That They Are on The Right Path</b>	<b>Navigators:</b> Provide human assurance by answering questions about how to get around the court house, offering emotional support with a calming presence, encouraging SRLs to keep going when completing or copying a form, coaching on technology, helping to understand case timelines, or finding other resources in the community.
<b>Result-Oriented Options</b>	<b>Plain Language Outcomes:</b> A part of plain language review is to learn how people prioritize their needs and find information. Diana sought an outcome that she didn't know had a special term. Creating an index of outcomes and remedies that courts can grant may prove a helpful to help SRLs navigate forms and terms.
<b>Forms Confusion</b>	<b>Simplified and Supported Plain Language Forms Sets:</b> Provide simplified process and forms, real-time remote or in-person support via navigator, community-based self-help (in library or trusted social service provider or school) and court self-help center.
<b>Information About Process and Requirements</b>	<b>Standardized Plain Language Resources:</b> Provide checklists, FAQs, flowcharts, forms, pop-out glossaries, short locally-produced videos, court-based attorney-for-the-day programs.
<b>Coordination with Other Providers</b>	<b>Cross-Training with Community Organizations:</b> Regular sharing of resources, information, and protocols between court and community organizations, such as DV shelters, school districts, food banks, after-school programs, and school nurses will ensure staff sets expectations properly and can help support finding information.

## Needs and Strategies for Improvement Impacting Traditional Stakeholders

Needs	Strategies
SRLs need more <b>human connection</b> than staff have the bandwidth to give.	<p><b>Navigators:</b> Develop volunteer non-lawyer navigator programs that work under the supervision of the clerk or court administration.</p> <p><b>Community Partners:</b> Join community networks to leverage them as helpers.</p>
<b>Harmonization</b> of court departments and resources	<b>Network Development:</b> Consider creating a statewide SRL Services Working Group that brings all traditional stakeholders together so they can share ideas and resources and work to create standardized statewide resources.
<b>Knowledge gap</b> about self-help resources by attorneys	<p><b>Cross-Training with Community Organizations/Join Existing Networks:</b> Regularly share resources, information, and referral protocols between court and community organizations such as DV shelters, school districts, food banks, after-school programs, and school nurses. This will ensure staff set expectations properly, attorney referral networks are optimized, and all can better find and improve information.</p>

## Needs and Strategies for Improvement Impacting Nontraditional Stakeholders

Needs	Strategies
<b>Knowledge gap</b> on legal resources for their clients	<b>Cross-Training with Community Organizations/Join Existing Networks:</b> Regularly share resources, information, and referral protocols between court and community organizations such as DV shelters, school districts, food banks, after-school programs, and school nurses. This will ensure staff set expectations properly, attorney referral networks are optimized, and all can better find and improve information.
<b>Online Confusion</b>	<b>Design a Branding Strategy:</b> Public and trusted intermediaries can readily identify the trusted, noncommercial resources of the courts, clerks, legal aid, and bar associations and align these resources so there is consistent information and pathways between and among providers to support a no-wrong-door approach. Ideally, self-help webpages would be standardized, with tested navigation designs, so helpers and users could find information quickly. Also publish foundational self-help documents of FAQs for common case types, procedural timelines, flow charts, and referrals to other legal providers that can be used by any traditional or nontraditional stakeholder.