

**Washington's Courthouse Facilitator Programs  
for Self-Represented Litigants in Family Law Cases**

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## EXECUTIVE SUMMARY

Self-represented litigants in family law cases are common in Washington's courts. In fact, the majority of family law cases involve at least one party appearing pro se. The large numbers of self-represented litigants present considerable challenges for the court community both in terms of court management and the administration of justice. Washington has responded to these challenges in large part through the development of courthouse facilitator programs, which currently operate in 35 of Washington's 39 counties. Through these programs, courthouse facilitators provide individualized one-on-one service to help litigants select, complete, and file proper paperwork as well as a variety of other services designed to improve access to justice, the quality of justice, and court efficiency.

Washington's courthouse facilitator programs, however, have not been systematically examined since the initial months of operation of seven pilot programs in 1993. Therefore, this study was designed to address a number of important questions:

- What are the characteristics of the programs currently in operation?
- How many customers use facilitator services statewide?
- What are the characteristics of customers, what services do they receive, and are they satisfied with services?
- What impact do facilitator programs have on court operations and self-represented litigants' court experiences?

To answer these questions, this study used a variety of research methods to collect information from approximately 1,000 individuals across the state. These individuals included courthouse facilitators, program administrators, judicial officers, and program customers. The study also included the perspectives of self-represented litigants who did not use facilitator services and attorney-represented litigants in order to gauge the impact of the programs.

### Key Findings:

- Courthouse facilitator programs vary considerably across counties in the services that are offered and the fees that are charged.
- Facilitator programs are heavily used. During 2007, facilitators statewide conducted approximately 57,000 customer sessions and made 108,000 customer contacts.
- The majority of facilitator program customers are women (69%), have a monthly income less than \$2,000 per month (63%), and have, at most, a high school education (56%).
- Low-income litigants say they self-represent because they cannot afford an attorney; higher income litigants self-represent because they believe their case is relatively simple.
- The majority of self-represented litigants spend less than \$500 on their case; the majority of attorney-represented litigants spend \$1,000 - \$5,000 on their case.

- The vast majority of facilitator program customers are very satisfied with the services they receive. Nine out of ten customers agree that they feel more knowledgeable and prepared immediately after a visit with a facilitator, and 83% say they have more trust and confidence in the courts. Over 80% of customers continue to indicate they are satisfied with services even after their court experience.
- Facilitator-assisted litigants report more positive court experiences, are more satisfied with court proceedings, outcomes, and choice of representation, and have more trust and confidence in the courts than unassisted self-represented litigants.
- Litigants' court experiences are strongly associated with the type of family law case. Those involved in dissolutions without children report more positive court experiences than those involved in dissolutions with children, who in turn report more positive experiences than those in child custody and other case types. Differences are especially pronounced among self-represented litigants.
- Family law cases involving a facilitator-assisted litigant are more likely to be resolved in a timely manner than cases involving an unassisted self-represented litigant.
- Nearly all judicial officers and administrators associated with a facilitator program indicate that the program has a positive impact on self-represented litigants, improves access to justice and the quality of justice, and increases court efficiency.
- The biggest challenges facing facilitator programs include program funding, managing self-represented litigants' needs for legal advice, and ongoing facilitator training.

## 1. INTRODUCTION

Over the past two decades the number of self-represented litigants has increased dramatically in courts across the country, especially in family law cases. A variety of underlying causes have been suggested for this phenomenon, including the rising costs for attorneys, decreased funding for legal services for low-income people, and an increased desire on the part of citizens to control their personal affairs and actively participate in the legal system (Hannaford-Agor & Mott, 2003). Regardless of the causes, the large numbers of self-represented litigants attempting to navigate an unfamiliar and complex system have created tremendous pressure on an already overburdened court system. Just some of the challenges brought on by self-represented litigants include a heavy demand for information from court staff, frequent errors in filings and procedures, unrealistic expectations of legal advice and the available legal remedies, lack of knowledge about courtroom protocol, lack of preparation for court appearances, and the additional requirements of time and resources from judicial officers and the courts (see, Goldschmidt, Mahoney, Solomon, & Green, 1998; Massachusetts Pro Se Committee, 1997). As a result, court operations become less efficient, resources are drained, ethical and legal boundaries get tested, and frustrated litigants lose confidence in the legal system.

Many jurisdictions, therefore, have responded to the needs and challenges of self-represented litigants by considerably altering their business practices. One of the most significant responses has been the widespread implementation of court-based assistance programs. These programs, which range from the simple provision of forms and materials to comprehensive help centers with individualized assistance, have now become common in jurisdictions around the country.<sup>1</sup> Assistance programs as a whole have two main overarching goals: (1) improve the efficiency of the courts that are overburdened by self-represented litigants who are unprepared, overwhelmed, and lack the requisite knowledge needed to competently pursue their case, and (2) improve access to justice by providing all citizens, especially those with limited financial resources, the opportunity to seek, participate in, and achieve legal relief.

In the State of Washington, members of the court community began responding to the needs and challenges of self-represented litigants nearly twenty years ago. Initially, a small number of jurisdictions provided assistance to family law litigants in the form of legal information about documents and procedures. By 1993, those services became formalized when the Washington State Legislature passed enabling legislation for the Washington State Courthouse Facilitator Program. This legislation stated that each county “may create a courthouse facilitator program to provide basic services to pro se litigants in family law cases.”<sup>2</sup> During that year, seven pilot programs around the state provided one-on-one assistance services which included the provision of educational materials, assistance in the selection and completion of appropriate forms, explanations of legal terms and procedures, reviews of paperwork, and calculation of child support. Since that time, courthouse facilitator programs have continued to expand and develop around the state. Today, programs operate in 35 of

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<sup>1</sup> For more information on variations of court-based assistance programs, see the Self-Represented Litigation Network’s recent publication of 41 best practices (SRLN, 2006).

<sup>2</sup> RCW 26.12.240. The terms *self-represented* and *pro se* are used synonymously throughout this report.

Washington's 39 counties and have become one of the cornerstones of the court community's response to self-representation in family court.

As courthouse facilitator programs have become more prevalent and established, considerable interest has developed as to whether and how these programs are achieving their goals of furthering access to justice and improving court efficiency. Although anecdotal reports of success are common, formal research in the area has been lacking. Research is needed not only to substantiate these claims of success, but, more importantly, to better understand program participants and processes in order to continue improving existing services. Despite a long history, Washington's courthouse facilitator programs have never undergone systematic examination. In 1994, an evaluation was conducted of the program's seven pilot sites, but the study was limited to customer demographic and service usage data (Urban Policy Research, 1994). Additional information on the program's impact on self-represented litigants and court processes, as well as updated information on customer demographics and service usage, is of considerable interest to a variety of stakeholders.

This study was conducted to answer a number of fundamental questions about family law courthouse facilitator programs: What are the characteristics of programs currently in operation around the state? How many customers use facilitator services? What are the characteristics of customers, what services do they receive, and are they satisfied with services? And most importantly, what impact do facilitator programs have on court operations and self-represented litigants' court experiences?

To address these questions, this study presents information provided by approximately 700 individuals who were directly involved with a courthouse facilitator program during 2007. These individuals included facilitators, program administrators, judicial officers, and program customers. In addition, approximately 300 litigants in family law cases who either self-represented but did not use facilitator services or were represented by an attorney provided information for comparison. Both qualitative and quantitative data were collected from participants through in-person interviews and surveys, and data was also obtained from the state's Judicial Information System.

Following a review of the extant research on self-represented litigants and the impact of court-based assistance programs (Chapter 2), Chapter 3 presents general information on each county's courthouse facilitator program, describes four programs in greater detail, and provides estimates of annual statewide usage of facilitator services. Chapter 4 presents the results of a study of courthouse facilitator customer visits that occurred in four counties during the summer of 2007. Data is presented on customer demographics, types of services used, reasons for self-representation, and customers' satisfaction with services. In Chapter 5, results are presented from an open-ended survey of program administrators and judicial officers about the programs' impact on access to justice, case processing, and court proceedings. Chapter 6 discusses results of a large-scale mail survey of family law litigants' court experiences. This survey is the first of its kind to compare the perspectives of facilitator-assisted litigants, unassisted self-represented litigants, and attorney-represented litigants across multiple types of domestic cases. Chapter 7 presents information from analyses of case information obtained from the state's Judicial Information System.



This report concludes with a summary of the findings across the various components of the study and presents a number of conclusions based on the data (Chapter 8). The purpose of the study is not to provide specific policy recommendations, but to provide information on the courthouse facilitator programs' operation and impact from a variety of perspectives in order to assist decision-makers in their future deliberations.

## 2. RESEARCH REVIEW

### Trends in Self-Representation

Prior to 1980, the phenomenon of self-representation in family law was relatively rare in the United States. Although empirical data is sparse, a study of two Connecticut courts in the mid-1970s found that only 3% of domestic cases involved a self-represented litigant (cited in Goldschmidt et al., 1998). During the 1980s and early 90s, however, self-represented litigants began flooding family courts across the country. In Maricopa County, Arizona, for example, the percentage of divorce cases involving at least one self-represented litigant increased from 24% in 1980, to 47% in 1985, to approximately 90% in 1990 (Sales, Beck, & Hann, 1990). A study by the National Center for State Courts of 16 large urban trial courts found that by 1992, 72% of domestic relations cases involved at least one party appearing pro se. Percentages ranged from 53% in Des Moines, Iowa, to 88% in Washington D.C. (Goldschmidt et al., 1998). Further, court managers, clerks, and judicial officers around the country consistently reported increases in self-representation during this period (Henschen, 2002).

Since the mid-1990s, however, the dramatic increase in self-representation appears to have moderated in many jurisdictions. For example, in Wisconsin, the percentage of family law cases involving a self-represented litigant increased from 43% to 53% from 1996-1999 in a judicial district of mostly rural counties, and only slightly from 69% to 72% in an urban jurisdiction (Wisconsin Pro Se Working Group, 2000). Similarly, statistics from Jackson County, Missouri, indicated a relatively stable percentage of pro se litigants in domestic cases from 1996-2001 (Missouri Supreme Court Joint Commission to Review Pro Se Litigation, 2003). And in Baltimore City, Maryland, the percentage of cases with self-represented litigants increased until 2001, but remained stable from 2001-2003 at about 82% (Collins & Greacen, 2004). Even though evidence suggests that the dramatic rise in self-representation has stabilized in many jurisdictions around the country, the fact remains that courts consistently report between 60-90% of family law cases involve at least one pro se litigant.

Although available data on trends in pro se litigation in Washington State is limited, what does exist mirrors national data in many respects.<sup>3</sup> In the early 1990s, county clerks were reporting significant increases in the number of self-represented litigants around the state (Urban Policy Research, 1994). For example, in Kitsap County, the percentage of domestic case filings by pro se petitioners increased from 39% in 1991 to 54% in 1994 (Sonntag, 1996). And by the mid-1990s, large jurisdictions such as King County were reporting that the percentage of domestic cases involving at least one pro se party exceeded 70%.

Since then, increases across the state have been modest, at least when averaged across counties. A 2001 report by the Administrative Office of the Courts found very little change in pro se litigation across multiple case types, including domestic cases, from 1995-2000 (Washington State AOC Judicial Services Division,

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<sup>3</sup> Prior to October of 1994, information on whether litigants appeared pro se was not entered into the Judicial Information System. Since 1994, entry of this data has been optional. See the Washington State AOC Judicial Services Division (2001) report for more information.

2001). With respect to dissolutions, the annual increase was less than 1% in dissolutions with children (from 43% to 47% over the five-year period) and just over 1% in dissolutions without children (from 56% to 62%).

An analysis of recent data indicated that the percentage of pro se litigants in dissolution cases in Washington has remained relatively stable. Using data from the same 17 counties as the 2001 report, the percentage of cases involving at least one self-represented litigant in dissolutions with children increased just 2% from 2001-2006 (from 47% to 49%) while the percentage for dissolutions without children *decreased* 1% (from 62% to 61%). Further analysis using data from all jurisdictions except King County indicated that the actual statewide percentage of cases with at least one pro se litigant in dissolution cases was slightly higher: dissolutions with children = 54%, and dissolutions without children = 66%.

### **Characteristics of Self-Represented Litigants**

In order to develop effective court-based assistance programs, a critical step is to understand the population targeted for services. In other words, what are the characteristics of self-represented litigants, what are their reasons for choosing self-representation, and what specific needs and challenges do they bring to the courthouse? Over the past decade, a growing body of research on self-represented litigants and program customers has addressed these issues, many in relation to family law litigants. Although demographic profiles of self-represented litigants vary by jurisdiction, research has indicated that litigants come from all segments of the population. In a Missouri survey, for example, family law pro se litigants varied considerably in age. At least 20% of the litigants fell in each of the age brackets of 21-30, 31-40, and 41-50, with 10% over the age of 50 (Missouri Supreme Court Joint Commission to Review Pro Se Litigation, 2003). With respect to education, studies typically have found that 10-15% of self-represented litigants who use assistance services have not graduated from high school, approximately three-quarters have a high school diploma with or without some college, and the remaining 10-15% have a college degree or higher (see Greacen, 2002; Harrison, Chase, & Surh, 2000).

Regarding income, although self-represented litigants and program customers do come from all income brackets (at least with respect to the brackets assessed), they are more likely to have low incomes. For example, in the Missouri study (2001), while 6% had annual household incomes over \$70,000, 29% had incomes under \$15,000. In California, two-thirds of family law facilitator customers had incomes under \$18,000 per year (Harrison et al., 2000). And in a New York City study of self-represented litigants in family court, more than half of the individuals reported annual household incomes under \$20,000 (New York Office of the Deputy Chief Administrative Judge for Justice Initiatives, 2005).

The reasons why family law litigants represent themselves have been assessed in a number of studies. Two reasons have been consistently mentioned by litigants far more than any other. Across studies, 45 - 65% of self-represented litigants have said they could not afford a lawyer, while 35 - 50% have said their case was simple enough to handle on their own (see Greacen, 2002; Missouri SCJC, 2003; New York ODCAJ-JI, 2005). Other reasons for self-representation typically have been mentioned by less than 10% of the litigants. The fact that the majority of family law litigants cannot afford a lawyer makes sense in relation to the statistics

indicating that a large proportion of these individuals have low incomes. Interestingly, the New York City study found that individuals with lower incomes and less formal education were much less likely to indicate that an attorney was not needed for their case. This suggests that a large number of low-income family law litigants realize a lawyer would be helpful, but feel they must self-represent out of financial necessity.

In Washington State, the 1994 evaluation of courthouse facilitator pilot programs provided data on the characteristics of over 8,000 program customers. This study found that the majority of customers were women (58%), and were most likely to be between the ages of 26 and 35 (42%). With respect to income, over 63% had incomes under \$12,000 per year (equivalent to approximately \$18,000 today), indicating that the majority had very limited financial resources. This stands in stark contrast to a report by Washington's AOC (2001) which concluded that there was no evidence to suggest that the typical pro se litigant involved in a dissolution was unable to afford legal services. However, the samples for the two studies were somewhat different (facilitator customers versus all pro se litigants), and the two studies used very different indicators of income. The 1994 evaluation used customers' reports of their own income, while the AOC study used litigants' addresses to estimate family income based on U.S. Census block data.

Understanding the characteristics of self-represented litigants is important for developing effective assistance programs. Of additional importance is how those characteristics compare to litigants who have attorneys, especially when considering issues of access to justice. Unfortunately, few studies have directly compared these two groups. In one study, Sales et al. (1990) found that self-represented litigants in divorce cases were more likely to be younger, have lower incomes, and have less formal education than those who used attorneys. In contrast, the study by Washington's AOC (2001) found no differences in the incomes of self-represented and attorney-represented litigants involved in divorces. Again, however, the two studies used very different indicators of income—Sales et al. used litigants' own reports obtained during telephone interviews, while the AOC study used census data.

### **Impact of Self-Representation on Court Processes and Quality of Justice**

Virtually all members of the court community, from clerks' staff to judges, agree that self-represented litigants greatly impact court management and the administration of justice (e.g. COSCA, 2000; Goldschmidt et al., 1998; Henschen, 2002; Massachusetts Pro Se Committee, 1997; New Hampshire Supreme Court Task Force on Self-Representation, 2004). By and large, these impacts, when left unaddressed, are viewed as detrimental to both litigants and the courts. For example, just some of the problems identified by the Massachusetts Pro Se Committee (1997) were the substantial time demands placed on court staff to explain forms, rules, and procedures; the inability on the part of self-represented litigants to analyze and articulate legal issues resulting in the need for substantial judge time to determine the procedural context; and the inability of litigants to correctly complete the necessary documents and procedures, set court dates, and move the case along to judgment. In a recent survey in Jackson County, Missouri, the overwhelming majority of family law judges, clerks, attorneys, and even the litigants themselves, reported that self-represented litigants had

problems with filing or responding to a case, rules of evidence, court procedures, and preparation of orders, resulting in delays and multiple appearances (Cook, 2007).

Yet very little objective research has been conducted that can validate and quantify these claims. A California judge time study (reported in Greacen, 2002) found that family law hearings actually took less time when self-represented litigants were involved in comparison to hearings with both parties represented. The Washington AOC study (2001) found that when both parties in dissolutions were self-represented, fewer hearings occurred, fewer continuances were granted, and a shorter time period occurred from filing to resolution. Similar results with respect to case time have been found in other jurisdictions across the country (see Greacen, 2002). Although far from conclusive, these data do not indicate that self-represented litigants are currently burdening the courts in terms of requiring additional court time and court hearings in comparison to litigants with attorneys.

This is not to say that self-represented litigants do not impact court processes or the quality of justice. One possible explanation for the findings above is that the services provided by assistance programs have improved many of the inefficiencies previously posed by self-represented litigants. Both California and Washington have long-standing family law facilitator programs, and many other jurisdictions around the country provide some form of assistance. It is difficult to assess the impact of self-represented litigants on court processes when court operations have constantly adapted to meet those challenges. Second, comparisons between cases involving self-represented litigants and attorney-represented litigants can be problematic, as cases involving attorneys may be more contentious and complex. Third, self-represented litigants may place heavy demands on other resources (e.g., clerks' staff time) or impact court processes in other ways which simply have not been studied. The near unanimity of the court community on the needs and challenges of self-represented litigants cannot be ignored, and more research is clearly needed to better understand the impact on court processes and the administration of justice.

### **The Impact of Court-Based Assistance Programs for Self-Represented Litigants**

Despite the widespread proliferation of assistance services, and the substantial investments on the part of numerous stakeholders, formal evaluations of programs for self-represented litigants have, until recently, been relatively rare. Henschen's (2001) study of 25 assistance programs in rural areas found that very few programs conducted substantive evaluations. Although Greacen (2002) located and reviewed 33 evaluations conducted through 2002, he noted that program variability, lack of consistent measurement instruments, less than rigorous research methods, and the limited scope of investigations severely limited the ability to make comparisons across studies and draw detailed conclusions. The data did, however, allow for some broad conclusions. In general, programs that provide direct assistance to self-represented litigants are heavily used; clerks, judicial officers, and other court staff report significant positive impacts for litigants and the courts; and most program customers are highly satisfied with services immediately after they receive them.

Since 2002, a number of additional evaluations of assistance programs have occurred, many of which addressed previous research limitations. The Trial Court Research Improvement Consortium developed and tested an evaluation protocol with nine assistance programs in five states, most of which dealt predominantly or exclusively with family law matters. The use of the same measures across the sites allowed for better cross-court comparisons (although somewhat different methods remained a concern). Results supported some of the previous conclusions, while challenging others. Consistent with previous research, customers reported high levels of satisfaction with program services in all the courts (see Greacen & Hough, 2004). In addition, customers who used program services generally felt prepared, respected, and satisfied with subsequent court proceedings. However, litigants' ratings after a hearing evidenced substantial variability across courts. This suggests that assistance programs may not be uniformly effective for all self-represented litigants even within a specific area such as family law. In addition, the evaluations indicated that the degree to which judges, staff, and lawyers were satisfied with program services varied considerably both across and within courts. In some jurisdictions, staff were much more satisfied with the program than judges and lawyers, while in other jurisdictions judges were the most satisfied. As many of the programs evaluated had very different program structures, this indicates that considerable work remains to fully understand the most effective components of assistance programs.

Two recent studies in California are among the most rigorous and comprehensive evaluations of court-based assistance programs to date. An evaluation of three Family Law Information Center pilot programs provides the best comparison for Washington's courthouse facilitator programs because of the similarity in program structures. Both programs focus exclusively on family law matters, the large majority of which are dissolution cases, both emphasize one-on-one in-person assistance, and both provide basic services such as the provision of forms and instructional materials, assistance completing forms, document reviews, and discussions of procedures. The California evaluation resulted in a number of important findings (see Chase, Hough, & Huffine, 2003). For one, an extremely high demand for services existed which quickly exceeded the availability of staffing resources (approximately 45,000 customers per year in three counties when the goal was 100 per site). Second, the programs appeared to improve citizens' access to justice. The vast majority of customers had an annual income under \$24,000, a greater percentage than the general population, and nearly 80% of customers said they could not afford an attorney. Third, in general, customers were extremely satisfied with the services, although there was some evidence that programs that provided direct assistance with completing and reviewing forms were perceived as most helpful. And fourth, 88% of the judges surveyed said the programs expedited cases and saved courtroom time, and most supported expanding services.

An evaluation of five Model Self-Help Pilot Programs in California also demonstrated heavy use of assistance services, high levels of satisfaction among program customers, and the important function they serve for low-income individuals (Judicial Council of California, 2005). Findings also indicated that members of the court community believed the self-help centers had improved court efficiency in many ways (e.g., by reducing errors on documents and in procedures, by helping litigants file more responsive declarations, and by reducing litigants' confusion). One unique aspect of this study was the review of court case files of those self-represented litigants who received program services and those who did not receive program services in an attempt to

provide objective evidence of program impacts. Data provided some evidence that when self-represented litigants in dissolution cases received assistance, they were more likely to file more complete paperwork.

The available research to date supports a number of conclusions about self-representation in family law cases: (1) a large proportion of family law cases involve self-represented litigants; (2) a disproportionate number of these litigants are from lower income brackets and self-represent because they cannot afford an attorney (although all segments of the population of family law litigants do self-represent); (3) self-represented litigants' lack of knowledge and experience in legal proceedings present unique challenges to the courts which have reduced court efficiency (as perceived by members of the court community); (4) court-based assistance programs for these litigants improve access to justice in terms of serving large numbers of customers, many of whom are low-income; (5) clerks, judicial officers, and court staff perceive important benefits for the litigants and the courts as a result of assistance programs; and (6) self-represented litigants are grateful for the programs and are generally satisfied with the services they receive, especially when it involves individualized one-on-one assistance.

Yet the research on court-based assistance programs is also limited in many respects. For one, conclusions are often based on customer demographic data and customers' ratings of services immediately after they received them. Few studies have examined the impact of services on self-represented litigants' actual court experiences or examined their perceptions of services after their case has been resolved. Second, studies have rarely included information from self-represented litigants who did not use program services or from litigants who were represented by attorneys. It is difficult to ascertain a program's impact without data from an appropriate comparison group or condition. And third, it is not likely that court-based assistance programs impact all litigants in the same way. Self-represented litigants have different needs, different types of family law cases present different challenges, and assistance programs provide different services. Research has yet to address how various components of assistance programs differentially impact self-represented litigants. A better understanding of court-based assistance programs in general, and Washington's courthouse facilitator programs in specific, will require a consideration of all these factors.

### 3. WASHINGTON'S COURTHOUSE FACILITATOR PROGRAMS

#### Program Background

By the early 1990s, many members of Washington's court community recognized the need to develop a programmatic response to the increasing numbers of self-represented litigants in family law. In a 1991 survey conducted by the Washington State Bar Association, county clerks reported that many self-represented litigants were having difficulty completing required forms and following court procedures. As a result, clerk staff were spending considerable amounts of time assisting these litigants, errors and omissions were tying up courts with continuances and modifications, and many litigants were leaving frustrated and disillusioned. The survey found that the majority of clerks favored, in part, an "ombudsman-type legal advisor" to assist self-represented litigants (Urban Policy Research, 1994).

In response to this survey, as well as a growing concern within the court community regarding self-representation, the Domestic Relations Task Force of the Washington State Bar Association proposed the development of a small number of courthouse facilitator pilot programs that would assist pro se litigants in family law matters such as dissolutions, custody, paternity, and child support. Three civil legal services programs in Washington then funded seven pilot programs for a one-year period beginning in early 1993. The programs were located in Chelan/Douglas, King, Pierce, Snohomish, Spokane, Whatcom, and Yakima counties. Although the specific program services that were proposed varied from county to county, all programs included a courthouse facilitator who would provide information about court procedures and forms, provide referrals for a variety of services, and in most cases provide assistance completing paperwork.

Meanwhile, the Washington State Legislature passed enabling legislation for facilitator programs statewide. The legislation stated that each county "may create a courthouse facilitator program to provide basic services to pro se litigants in family law cases" (RCW 26.12.240, see Appendix A). Although no state funding was attached to the legislation, it allowed each county to impose user fees or a surcharge on domestic relations filings to support the program.

In 1994, Urban Policy Research published an evaluation of the initial months of operation of the seven courthouse facilitator pilot programs. Based on four to eight months of data depending on the program, it was estimated that the seven pilot sites provided services to nearly 20,000 customers in the first year alone. The evaluation indicated that just over half of the customers were women (58%), most were between the ages of 26 and 45 (69%), and the majority had incomes at the time of less than \$12,000 per year (63%).<sup>4</sup> Approximately half of the customers sought assistance with a dissolution case. During the initial year of operation, assistance focused primarily on identifying and providing forms and describing procedures. At the time, only about one-third of the customers received assistance with the actual completion of forms or had their documents reviewed.

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<sup>4</sup> For the purposes of this report, percentages from the 1994 evaluation were recalculated using only valid (i.e., non-missing) responses to provide more accurate estimates of customer and service characteristics.



In 2002, the Washington State Supreme Court adopted General Rule 27 to clarify the role of facilitators and the program (see Appendix A). In part, GR 27 defined family law courthouse facilitators, provided examples of family law cases, indicated that no attorney-client relationship or privilege existed, and stated that facilitators were not engaged in the unauthorized practice of law. Further, GR 27 outlined the “basic services” facilitators were allowed to provide. These services included, but were not limited to, the provision of referrals, assistance calculating child support, processing interpreter requests, assistance selecting forms and instructions, assistance completing forms, explanations of legal terms and procedures, review of forms and documents, attendance at hearings, assistance with the preparation of court orders, and the preparation of instructional packets.

Since the inception of the Courthouse Facilitator Program in 1993, an increasing number of jurisdictions have created and implemented facilitator programs. Within the provisions of RCW 26.12.240 and GR 27, individual jurisdictions have developed and tailored their own courthouse facilitator programs to fit their specific needs and budgets. Currently, courthouse facilitator programs operate in 35 of Washington’s 39 counties. No formal study of these programs has occurred, however, since the evaluation of the seven pilot programs over a decade ago.

### **General Characteristics of Courthouse Facilitator Programs**

General information on each county’s courthouse facilitator program was collected during 2007 from county and court websites, surveys of facilitators and/or program administrators, and from existing records within the AOC. This information is presented in Table 1.<sup>5</sup> As can be seen in the table, programs vary considerably in size, structure, services, and fees. Thirteen programs are administered by county clerks, 10 are under the direction of a superior court, 9 counties contract with independent facilitators, and one county has facilitators employed by both the clerk and the court. In general, the number of facilitators on staff and the hours of service provided to customers are in direct relation to the population of the county. King County, for example, which is Washington’s largest county with over 1,850,000 residents, has four full-time facilitators on staff along with two intake specialists and one supervisor. All counties with populations under 100,000 have the equivalent of just one part-time or full-time facilitator. Of note are Pierce, Spokane, and Clark counties, three of the five largest in the state, which have few facilitators (the equivalent of 2, 1, and 1 respectively) relative to their size.

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<sup>5</sup> Facilitators were asked to review and update the obtained information in December, 2007. However, because not all programs responded to requests for updated information, and because some programs may have changed operations since that time, data may not reflect current practices.

**Table 1. Washington’s Courthouse Facilitator Programs: General Information**

County	Program Administrator	CFs on Staff	Total CF Hrs/Week	Support Staff	Support Staff Hrs/Week	Modes of Service*	Max Meeting Length (mins)
Asotin/Col./Garfield	Contracted services	1	23.5	0	--	Appt, WI, Impr, Tel, Groups	60
Benton	County Clerk	1	41	0	--	Appt, Impr, Tel	60
Chelan	County Clerk	1	25	1	5	Appt, WI, Impr, WC	30
Clallam	Contracted services	1	27	0	--	WI	90
Clark	County Clerk	2	40	0	--	Appt, WI	20
Cowlitz	County Clerk	1	37.5	0	--	Appt, WI, Impr, Tel, WC	30
Douglas	Contracted services	1	15	0	--	Appt, WI, Impr, Tel	60
Ferry	Contracted services	1	4	0	--	Appt, Tel	60
Franklin	Contracted services	1	4	0	--	Appt	60
Grant	County Clerk	1	40	1	0.5	Appt, WI, Impr, Tel, WC	60
Grays Harbor	County Clerk	1	20	2	10	Appt, Impr, Tel	30
Island	Contracted services	1	24	0	--	Appt, Tel, WC, Groups	60
Jefferson	County Clerk	1	8	0	--	Appt, WI, Tel	60
King	Superior Court	4	140	2	70	Appt (interpreters), WI, Tel, WC	60
Kitsap	County Clerk	2	60	0	--	Appt, WI, Impr, WC	40
Klickitat	County Clerk	2	1	0	--	Appt	30
Lewis	Contracted services	1	18	3	3	Appt, WI, Impr, Tel	60
Lincoln	County Clerk	2	40	2	38	WI, Impr, WC	
Mason	Superior Court	1	20			Appt, WI	60
Okanogan	Superior Court	1	24	0	--	Appt, WI, Tel, WC	Varies
Pacific	Contracted services	1	4	1	3	Appt	45
Pend Oreille	Contracted services	1	4	0	--	Appt, Tel	60
Pierce	County Clerk	2	75	0	--	Appt, Impr, Tel, WC, Groups	60
San Juan	Superior Court	1	4	0	--	Appt, WI	60
Skagit	Superior Court	2	40	0		Appt, WI, Impr	30
Skamania	Superior Court	1	varies	0	--	Appt, WI, Impr, Tel	30
Snohomish	County Clerk	3	120	0	--	Appt, WI	60
Spokane	Superior Court	1	37.5	0.5	10	WI, Impr, Tel, WC, Groups	Varies
Stevens	County Clerk	1	4	1	1	Appt	60
Thurston	County Clerk/ Sup. Crt.**	2	80	1		Appt, Tel, Groups	30
Walla Walla	Superior Court	1	20	1	10	Appt, WI, Impr, Tel, WC, Groups	120
Whatcom	Superior Court	2	80	0	0	Appt, WI, Tel, WC,	40
Yakima	Superior Court	1	40	1	20	Appt, Tel, WC, Groups	30

Note: No CF program in Adams, Kittitas, Wahkiakum, and Whitman counties.

\*Appt = in-person appointments; WI = walk-in meetings; Impr = in-person meetings; Tel = telephone; WC = written correspondence; Groups = group meetings/ presentations

\*\*2 CFs employed by the Clerk, 1 employed by the Superior Court. Data presented for the Clerk CFs only.

**Table 1 (Continued)**

County	Filing Surcharge	Waived?	User fees*	Waived?	Required CF services
Asotin/Col./Garfield	0	--	0	--	No
Benton	\$20	Never	\$40/case	Never	Visit prior to motions/entry of orders
Chelan	\$20	Occasionally	\$20/visit	Occasionally	No
Clallam	\$20	Occasionally	0	--	No
Clark	\$20	Never	\$20/visit	Often	No
Cowlitz	\$20	Occasionally	\$20/visit	Never	Visit prior to final orders
Douglas	\$10	Never	0	--	No
Ferry	\$20	Occasionally	0	--	No
Franklin	\$20		\$25/visit (\$15 add visits)		Review of docs prior to entry
Grant	\$20	Often	0	--	No
Grays Harbor	\$20	Often	\$20/visit (if diff. county)	Never	
Island	\$20		\$20/visit	Occasionally	Review parenting plans, child support worksheets, orders
Jefferson	\$20	Never	\$20/visit	Occasionally	Visit prior to final orders
King	\$20	Occasionally	0	--	No
Kitsap	\$20	Occasionally	\$25 Appt. \$20 WI	Never	Visit if unsuccessful at final hearing
Klickitat	\$20	Often	\$25/visit	Occasionally	No
Lewis	\$20	Never	\$20-70/visit	Almost always	No
Lincoln	\$20	Never	0	--	
Mason	\$20		0	--	
Okanogan	\$20	Often	0	--	Visit prior to motions/final orders, parenting plan and worksheet prep, scheduling of court dates
Pacific			\$30/visit	Never	No
Pend Oreille	\$20	Occasionally	\$10/visit	Never	No
Pierce	\$10	Never	\$10/visit	Often	No
San Juan	\$20		\$20/visit	Rarely	Review of docs related to children
Skagit	\$20	Occasionally	\$0	--	Visit prior to final hearing
Skamania	\$20	Occasionally	\$25/visit	Occasionally	No
Snohomish	\$20	Never	0	--	No
Spokane	\$20	Never	0	--	No
Stevens	\$20	Occasionally	\$20/visit	Occasionally	No
Thurston	\$20	Never	\$20/visit	Never	Orientation (Dissos w/ Children), review of final paperwork
Walla Walla	\$20	Occasionally	0	--	Select forms, review of documents
Whatcom	\$20	Occasionally	\$10 Appt, \$5 WI	Never	Visit prior to final hearing
Yakima	\$20	Never	\$40/visit, \$25/class	Occasionally	To finalize divorce

\*Does not include fees for forms, instructional materials, or printing/copying

While all facilitator programs provide similar “basic services” as outlined under GR 27, counties differ in the ways they meet the needs of their customers. The one common element is that all programs provide the opportunity for customers to meet one-on-one with the facilitator. Nearly all programs (91%) allow for customers to schedule appointments, and the majority of programs also set aside time to see customers on a walk-in basis. The maximum length of one-on-one meetings, however, ranges from 20 minutes up to two hours. Approximately 30% of programs offer meetings between 20 and 30 minutes, 15% offer meetings between 40 and 45 minutes, and 45% offer one-hour appointments or longer. In an effort to meet the demand given limited resources, many programs have developed classes and workshops for common case types, such as divorce orientation classes, to help customers get started with the court process. In addition, some limited assistance is often provided over the telephone or, less often, via email. A few counties offer assistance through computer kiosks, providing customers the ability to check their court records, calculate child support, and/or learn about court procedures.

In a number of counties, local court rules have been developed to allow or require certain facilitator services. In Yakima County, for example, pro se litigants in uncontested divorce cases very rarely appear before the commissioner as final paperwork is reviewed and submitted through the facilitator. In Thurston County, individuals involved in ex parte matters must first see the facilitator, and a divorce orientation class is required for those involved in dissolutions with children. Over a third of all programs in the state require self-represented litigants to visit a facilitator to review paperwork at some point in the process.

Another service provided by some facilitators is attendance at hearings. Some facilitators take roll, do a brief inspection of paperwork, and discuss procedures prior to the session. During hearings, facilitators differ in their level of participation. Some simply take notes in order to better assist future customers, while others are more actively engaged in dialogue with the judicial officer about issues that need to be addressed with litigants. In Kitsap County, for example, the commissioner may ask the pro se litigant and the facilitator to meet briefly outside the courtroom to correct minor errors so that the divorce can be finalized later that same session. A variety of other services are offered by facilitators around the state depending upon their specific program.

The sources of funding and fees charged also vary considerably from program to program. Nearly every county collects the \$20 courthouse facilitator filing fee surcharge on domestic case filings (the maximum allowed by law) in order to fund to the program. The majority of counties also charge customers a user fee to meet with the facilitator. Fees range from \$10 for a one-hour visit to \$40 for a 30-minute visit, although many programs adjust this user fee based on the customer’s ability to pay. Over one-third of the programs do not charge a fee to meet with the facilitator. The majority of counties also sell instructional materials or charge customers for printing or copying. This can range from 15 cents per-page for a few pages up to \$70 for detailed instructional books. Many counties rely on the filing fee surcharge, user fees, and the sale of forms and booklets to generate most, if not all, of the revenue to sustain their program. Other sources of support include child support reimbursement funds, grants, and disbursements from the county’s general fund.

## **Program Descriptions**

In order to present a more in-depth picture of how some courthouse facilitator programs operate, four programs are described in greater detail. Information was obtained through individual interviews with facilitators and/or program administrators and on-site visits. The four participating programs represent a diverse cross-section of programs in terms of structure, administration, and, to a lesser degree, geographic location, although all are relatively similar in size. The four programs have either one or two facilitators, and serve counties with a population of either 75,000 (Lewis County) or approximately 240,000 (Kitsap, Thurston, and Yakima counties). The following descriptions, therefore, do not adequately represent the characteristics or challenges of programs located in either sparsely populated or large, urban areas.

### ***Thurston County***

Thurston County has a long history of assisting pro se litigants in family law cases, providing some form of facilitation services since 1991. Currently, the program is staffed by two full-time facilitators and a program manager, with additional support provided by other clerk staff. The facilitator program, which is part of a larger self-help center which also serves victims of domestic violence, is integrated into the main clerk's area of the family and juvenile court building. The program has multiple computer kiosks where customers can obtain information, complete worksheets, and look up case records, as well as an extensive selection of informational packets and educational materials.

The facilitators provide a variety of services to their customers including in-person visits and workshops. In-person visits are by appointment only and were increased from 20 to 30 minutes due, in part, to the increasing complexity of mandatory forms. Facilitators also provide limited assistance over the phone or via email when necessary. Local court rules dictate that pro se litigants involved in dissolutions with children must attend an orientation workshop, and final paperwork must be reviewed by an attorney or a facilitator prior to the final hearing.

One unique aspect of the Thurston County facilitator program is the service provided for ex parte matters. Local court rules require all ex parte family law matters to go through the facilitators. Every weekday morning and afternoon, facilitators hold brief individual in-person meetings (usually 10-20 minutes) prior to the ex parte session to review paperwork. The facilitators also provide a brief written summary of each issue for the judicial officers. In many cases, the judicial officer no longer sees the litigant in person. By all accounts, this process has significantly reduced the number of ex parte hearings and courtroom time.

Funding for the facilitator program is generated through a variety of sources. The sale of informational packets and forms (ranging from \$5-\$40) and in-person visit fees (\$20 per visit, including ex parte matters) account for a significant proportion of the program revenue. Funding is also provided through a Parenting Access grant, Division of Child Support reimbursement money, and the \$20 domestic case filing fee surcharge. Together, these revenue sources make Thurston County's facilitator program largely self-supporting.

Another unique aspect of the Thurston County program is the involvement of a superior court facilitator. The superior court facilitator is an employee of the court, not an employee of the clerk's office. The superior court facilitator works with pro se litigants and the judicial officer in the courtroom on a variety of tasks such as filling out orders, scheduling settlement conferences, and preparing final documents. Although the clerk's facilitators and the court's facilitator work largely independently of one another on separate tasks, they provide an important continuity of service for litigants from case preparation to resolution.

### ***Lewis County***

The Lewis County courthouse facilitator program is run through Lewis County Bar Legal Aid under contract with the county. The facilitator is an employee of Legal Aid and housed within its offices, which are located approximately one block from the courthouse. The facilitator program has been in existence for over a decade and is overseen by the director of the Legal Aid program and its board. The board is composed primarily of local attorneys and the county clerk.

Facilitation services have been provided primarily by one facilitator who has been with the program since its inception. Legal Aid staff provide support by setting appointments, conducting intakes, and performing other administrative duties. In the past, temporary facilitators also assisted customers, but concerns developed about the quality of information given to customers. In order to ensure the quality of work and to stay on top of changing legal requirements, a decision was made to use only one established facilitator. This decision also allowed for the development of a close working relationship between the facilitator and the family law court commissioner, which both the facilitator and the commissioner described as essential to the success of the program.

Facilitator services consist primarily of in-person visits lasting up to an hour. Visits are scheduled up to two weeks in advance. Walk-ins are allowed only in the case of emergencies, and some services are provided over the telephone given the rural nature of the county and transportation difficulties of some residents. The facilitator also attends the pro se dissolutions calendar on a weekly basis. She checks-in the parties, briefly reviews paperwork, and notes specific difficulties or issues mentioned by the commissioner in order to more effectively serve the customer if follow-up meetings are necessary. The court does not require litigants to see the facilitator.

In addition to receiving funding from the county, the facilitator program and the agency rely heavily on the revenue generated from visits and the sale of informational packets for a significant portion of its budget. Fees for in-person visits are on a sliding scale from \$20 - \$70, and packets range from \$20 - \$30. Emergency walk-in visits are allowed when the facilitator is available for an additional \$25 fee. It is an ongoing struggle for the program and the agency to remain financially viable. Within the past year, both the director and the facilitator had to take a reduction in time and salary due to budget constraints.

As a part of Legal Aid, the facilitator program has developed a collaborative relationship with local attorneys. Board attorneys and/or supporting attorneys review the content of informational packets and forms,

advise the facilitator about changing legal requirements, and are available for consultation. The close relationship between the facilitator and local attorneys presents both unique benefits and challenges. The benefits for customers include an easier process for obtaining pro bono legal assistance and a continuity of service. Oftentimes, when a customer needs brief legal advice, the facilitator can contact an attorney on the phone during the facilitator visit. The challenge for the facilitator, however, is managing the prohibition of providing legal advice. On occasion, an attorney has requested that the facilitator provide the legal advice directly to the customer.

### ***Kitsap County***

Kitsap County's courthouse facilitator program, administered through the clerk's office, began in 1995 with one part-time facilitator. The program was developed through extensive conversations with facilitators from Pierce and Snohomish counties (two of the pilot programs), and from the work of a Courthouse Facilitator Policy Committee, composed of representatives from a variety of entities involved with family law issues.<sup>6</sup> Initially, the facilitator was required to be a licensed attorney based on opinions that facilitator services might constitute the practice of law. However, with the passage of GR 27 clarifying this issue, the requirement was eventually lifted. The program is currently guided by an advisory committee composed of the facilitators, the family law commissioner, the presiding domestic relations judge, representatives from the prosecuting attorney's office and the bar, and both clerks and administrators of the clerk's office and the superior court.

Over the past decade, services in Kitsap County have developed and expanded. Today, the clerk's office employs one full-time and one part-time facilitator. Both facilitators have had extensive experience working in the clerk's office or other settings related to family law. The bulk of current facilitator services falls into two general categories: one-on-one meetings, and in-court assistance. Brief assistance is also provided over the phone or email. In-person appointments with a facilitator are available during weekdays and are held in a private office at the superior court building near the clerk's office. Appointments last for 40 minutes and cover family law matters as outlined in GR 27. The cost is \$25 per appointment, and customers are usually able to schedule a meeting within a week. Recently, the program began offering walk-in visits during certain periods of the day. Walk-in visits cost \$20 for a 20-minute meeting. In the past, facilitators also offered separate informational workshops for litigants involved in dissolutions/legal separations and for those involved in non-parental custody cases, but these were recently discontinued.

Kitsap facilitators also provide considerable in-court assistance for the weekly pro se dissolutions calendar. Immediately prior to the calendar, one facilitator meets with all pro se parties as a group, briefs them about the upcoming proceedings, and reviews paperwork for errors or omissions. This gives litigants time to make minor corrections or locate the proper documents and still be heard the same day. Both facilitators also attend the hearings in order to better understand and assist litigants who have unresolved issues. It is not uncommon for the commissioner, during a hearing, to ask a litigant and one of the facilitators to step outside the courtroom, work to resolve an issue, and return before the end of session in order to finalize the divorce. Both

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<sup>6</sup> See Sonntag (1996) for more information on the history of the program in Kitsap County.

the commissioner and the facilitators have indicated that this procedure significantly increases the likelihood of finalizing a divorce, and therefore decreases the number of hearings per case. Although there is no formal requirement of the court that self-represented litigants must visit a facilitator at any point in the process, visits are strongly encouraged by the commissioner for those who repeatedly fail to obtain their divorce.

### ***Yakima County***

Yakima County's courthouse facilitator program, under the direction of the court administrator, officially began in 1993 as one of the seven pilot projects in the state. The program has had one full-time facilitator since its inception, and the current facilitator has held the position for the past ten years. During that time, the program added a part-time employee, supervised by the facilitator, who serves as a Spanish language interpreter and program assistant. In addition, the program has become part of a family court department which includes two family court investigators. Although the investigators offer different services, they share the same budget as the facilitator program.

Facilitator services include in-person meetings, workshops, limited assistance via email, and considerable assistance over the telephone. In Yakima County, the first level of service is provided through a phone information system, which provides information in both English and Spanish. If customers wish to speak to the facilitator, they must leave a message, and the facilitator returns the call within three business days. During the initial in-person contact over the phone, the facilitator obtains relevant information and orients the customer to the services that are offered. The facilitator may inform customers about required forms, discuss the available orientation workshop, check the court file, and/or schedule a one-on-one meeting. These phone contacts average 10-15 minutes in length.

Most customers will then see the facilitator on two occasions prior to resolution of the case. First, customers involved in dissolutions usually attend a one-hour divorce orientation class, which costs \$25, and purchase a "divorce book". A few months later, customers have an in-person meeting with the facilitator to review, finalize, and submit paperwork. Local court rules require the facilitator to review the paperwork in dissolution cases, and also allow paperwork to be submitted through the facilitator in uncontested divorces. In-person visits, which must be scheduled two to three weeks in advance, last for 30 minutes and cost \$40. Self-represented litigants involved in other family law matters will generally purchase the relevant book with forms and instructions (ranging in price from \$20-\$50), then have an individual meeting with the facilitator both at the beginning and toward the end of their case. All customers may call the facilitator with questions at any time during the process free of charge, and a significant number of customers receive brief service in this manner. Walk-in visits are not available given the high demand for services. Yakima's facilitator program is entirely self-supporting. Funding comes from user fees, the sale of instructional books, the filing fee surcharge, and Division of Child Support reimbursement.

One unique aspect to Yakima's program is the ability to provide most services to monolingual Spanish-speaking customers. Automated phone information is available in Spanish, and the program assistant is fluent



in Spanish. The program assistant is available to answer general questions, schedule appointments, and interpret for the facilitator over the phone, in-person, and during regularly scheduled Spanish language divorce orientation classes. For in-person meetings, one day a week is scheduled for monolingual Spanish-speaking customers.

The descriptions above illustrate how programs around the state have adapted, and continue to adapt, their courthouse facilitator program in response to the changing needs and challenges of self-represented family law litigants in their county. While all the programs provide individualized assistance to customers, the breadth and depth of program services, and the fees charged for those services, vary considerably. Programs are constantly adjusting fees and services in order to provide the most efficient and effective service to customers while generating enough revenue to remain viable.

### **Program Usage**

In order to estimate usage of courthouse facilitator programs statewide, facilitators in each county were asked to provide data on the number of customers they served in a typical month. The data requested included: (1) the number of individual customer sessions conducted by facilitators that lasted at least ten minutes; (2) the number of customers served through group sessions such as workshops, classes, or group meetings that lasted at least ten minutes; and (3) the number of brief service sessions that lasted less than ten minutes. Based on the data provided, estimates of annual program usage were developed.<sup>7</sup> During 2007, facilitators across the state conducted approximately 57,000 sessions with customers that lasted at least ten minutes (the typical session lasting considerably longer). This equates to roughly 1.5 individual sessions per domestic case filing. Approximately 1,000 customers received services in group settings such as workshops or classes. Further, it was estimated that an additional 50,000 brief service contacts were made during the year, for an annual total of 108,000 customer contacts statewide. These estimates do not include customer contacts made for strictly administrative purposes (e.g., scheduling or reminder calls).

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<sup>7</sup> Facilitators from 20 of the 35 counties with facilitator programs (representing 76.7% of all domestic case filings) provided data for a typical month, which were multiplied by 12 for annual usage estimates. Estimates for the remaining counties were developed based on the number of domestic case filings in those counties to create annual statewide usage estimates.

#### 4. COURTHOUSE FACILITATOR PROGRAM CUSTOMER VISITS STUDY

In order to provide detailed information about program customers and facilitator program services, the Kitsap, Lewis, Thurston, and Yakima County programs described in Chapter 3 volunteered to participate in a study of customer visits. Each program collected information on every in-person facilitator meeting that occurred during a 30-day period in the summer of 2007.

Data was collected using three forms: an Intake Form, a Service Delivery Form, and a Customer Satisfaction Survey.<sup>8</sup> The Intake Form (see Appendix B) was completed by each customer immediately prior to his or her scheduled visit with the facilitator. This 10-item form inquired about customer demographics, sources of information about the facilitator program, and reasons for self-representation.<sup>9</sup>

At the conclusion of each facilitator meeting, customers were asked to complete a brief Customer Satisfaction Survey (see Appendix C). The survey was completed by customers in a separate location and was anonymous. The survey asked customers to indicate how much they agreed or disagreed (using a 5-point scale ranging from “strongly agree” to “strongly disagree”) with eight statements about the facilitator meeting (e.g., “The meeting was helpful”). One additional open-ended item asked customers for suggestions on how to improve the program.

The Service Delivery Form (see Appendix D) was completed by the facilitator after each meeting. This form collected information on various aspects of the meeting such as the case type, types of services provided, and the length of the meeting. All three data collection forms were coded with a unique identifier to allow information to be associated across forms, but the forms were not associated with any personally identifying information.

##### Customer Demographic Information

In total, information was collected on 385 facilitator visits across the four programs during the 30-day study period.<sup>10</sup> Customer demographics are presented by program in Table 2. With respect to gender, over two-thirds of all customers (69%) were women. This represents a statistically significant increase in the proportion of women customers since the evaluation of the facilitator pilot programs in 1993 (69% vs. 58%).<sup>11</sup> With respect to age, the majority of customers (63%) were between the ages of 26 and 45, although many were over the age of 45 (22%). The percentage of customers over the age of 45 was significantly higher than was found in the 1993 evaluation (22% vs. 10%).

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<sup>8</sup> The three forms were based on those previously used by the California AOC and by Greacen and colleagues. Forms were modified for this study following visits and discussions with facilitators and county clerks from a number of counties around the state.

<sup>9</sup> Thurston County had an existing intake/service delivery form and data collection process in place. Therefore, intake and service delivery information was collected from the corresponding items on Thurston County’s existing forms, and the Customer Satisfaction Survey was added to their data collection procedures. Spanish-language versions of the three forms were offered in Yakima County given the large proportion of monolingual Spanish-speaking customers.

<sup>10</sup> Although precise data was not available, facilitators indicated that information was obtained from approximately 95% of all scheduled visits. The Thurston County facilitator program also collected information from walk-in customers with ex parte matters, but information on these visits was not included in this report.

<sup>11</sup> Throughout this report, any group differences reported were statistically significant at  $p < .05$ .

**Table 2. Demographic Characteristics of Courthouse Facilitator Program Customers**

<b>Sample Characteristics</b>	<b>Kitsap (n = 120)</b>	<b>Lewis (n = 27)</b>	<b>Thurston (n = 148)</b>	<b>Yakima (n = 90)</b>	<b>Total (N = 385)</b>
<b>Age</b>					
< 18	1%	0%	0%	2%	1%
18 – 25	15	11	14	17	15
26 – 35	33	22	37	28	33
36 – 45	34	33	28	26	30
46 – 55	14	15	14	17	15
> 55	3	19	6	11	7
<b>Gender</b>					
Female	65	67	72	70	69
Male	35	33	28	30	31
<b>Race/Ethnicity</b>					
African American	6	0	3	1	3
Asian/Pacific Islander	11	0	3	1	5
Hispanic/Latino	6	11	5	49	16
Native Am./Eskimo/Aleut	1	0	2	2	2
White, non-Hispanic	76	89	86	45	73
Other	1	0	1	1	1
<b>Monthly Income</b>					
\$500 or less	19	26	14	13	16
\$501 - \$1,000	16	15	7	29	15
\$1,001 - \$1,500	14	26	18	20	18
\$1,501 - \$2,000	13	7	20	10	15
\$2,001 - \$3,000	15	4	11	14	12
\$3,001 - \$4,000	15	11	14	8	13
Over \$4,000	8	11	17	7	12
<b>Education</b>					
8 <sup>th</sup> grade or less	2	4	0	14	4
9 <sup>th</sup> – 11 <sup>th</sup> grade	8	19	3	21	10
HS graduate/GED	32	37	55	35	42
Some college/AA	50	41	28	24	35
Bachelor's degree	6	0	11	3	7
Advanced degree	3	0	3	3	3

The ethnic and racial diversity of customers of each facilitator program largely reflected the ethnic diversity of the county within which each program resided. For example, in Yakima County, nearly half of all customers who met with the facilitator during the study period identified as Hispanic or Latino. This reflected the fact that approximately 40% of the residents of Yakima County are Hispanic or Latino (US Census Bureau, 2005). In the other three counties, over three-quarters of the customers identified as White, non-Hispanic. When viewed as a single sample of facilitator customers, the ethnic diversity was nearly identical to that of the populations of the four counties (i.e., within 2 percentage points for each ethnic group), and closely resembled that of the State of Washington.

The income level of program customers is an important factor when considering the programs' impact. Results from this study indicated that the facilitator programs served a large number of low-income individuals.

Across all four programs, approximately half of all facilitator program customers (49%) reported an annual income of \$18,000 or less. On the other hand, nearly one-quarter (24%) of all facilitator customers had monthly incomes over \$36,000 per year. In addition, the data suggested that the income level of program customers has shifted upward. In 1993, approximately 17% of facilitator program customers had annual incomes above \$26,000 (in 2007 dollars). In the current study, 37% of customers reported annual incomes greater than \$24,000.

As with income, the highest level of schooling completed by customers varied across the four programs. The percentage of customers who had not graduated from high school or earned a GED ranged from 3% in Thurston County to 35% in Yakima County, with an average across the four programs of 14%. The highest level of schooling for approximately three-quarters of all program customers was either a high school diploma/GED alone (42%) or with some college (35%). An additional 7% of customers had a Bachelor's degree, and 3% had an advanced degree.

### **Sources of Information and Reasons for Self-Representation**

On the Intake Form customers were also asked how they heard about the courthouse facilitator program, where they tried to get help prior to visiting the facilitator, and the reasons why they decided to represent themselves. The combined results are presented in Tables 3, 4, and 5.<sup>12</sup>

The most common source of information about the courthouse facilitator program was a friend or relative (41%). The clerk's office was the second most frequently indicated source of information (37%). Relatively few customers heard about the program through published materials, the internet, or other agencies. Nearly 70% of customers indicated that they did not receive any help related to their case prior to visiting the courthouse facilitator. When customers did receive assistance, a friend or relative was again the most frequently indicated source (22%). Approximately 15% of customers used the internet, followed by legal aid agencies (13%), private lawyers (10%), and self-help books (8%).

Customers were also asked about the reasons why they decided to represent themselves in their family law case. Past research has consistently indicated litigants choose self-representation for two main reasons: they cannot afford a lawyer, and they believe their case is relatively simple and straightforward. Results from this study supported previous research. By far the most frequently endorsed reason for self-representation was the inability to afford a lawyer (60%), followed by the belief that their case was not that complicated (29%). Interestingly, 18% of customers indicated that they did not know if they needed to be represented by a lawyer. Few customers indicated they would self-represent regardless of the complexity of the case or because they didn't trust lawyers (see Table 5).

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<sup>12</sup> Data were available from programs in Kitsap, Lewis, and Yakima counties.

**Table 3. How Customers Heard About the Courthouse Facilitator Program (N=237)**

Source	Percentage*
Friend or relative	41%
Clerk's office	37
Legal Aid/CLEAR	14
Internet	7
Pamphlets/written materials/posters	6
Community service agency	5
Lawyer	5
Judge/Commissioner	5
Other**	9

**Table 4. Sources of Assistance Prior to Visit (N=237)**

Source	Percentage*
Friend or relative	22%
Internet	15
Legal Aid	13
Private lawyer	10
Self-help books	8
Paralegal	4
Library	3
Other: Navy Legal	2
Other**	9
Nowhere	30

**Table 5. Reasons for Self-Representation (N=237)**

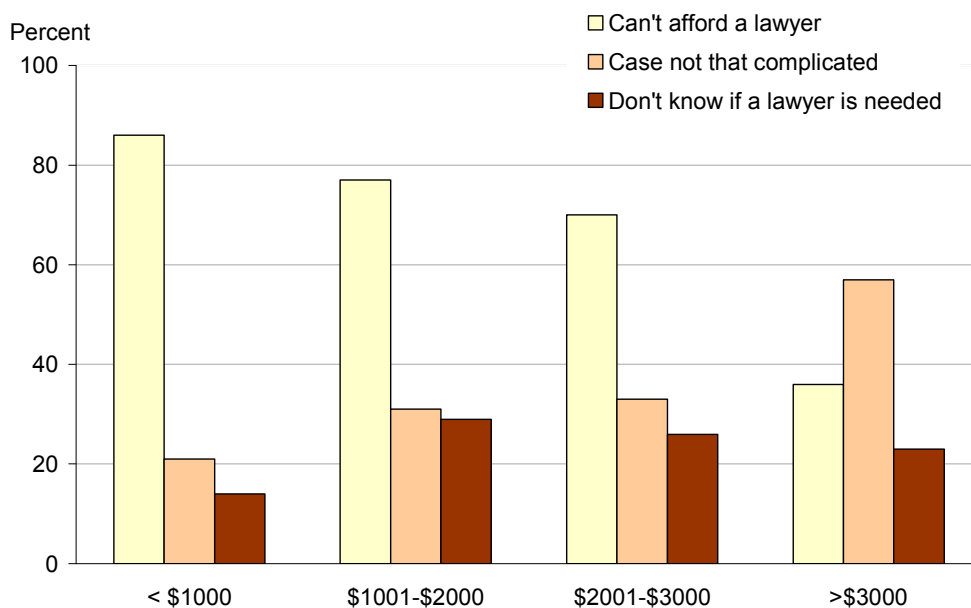
Reasons	Percentage*
I cannot afford a lawyer	60%
I choose to represent myself because I believe my case is not that complicated	29
I don't know if I need a lawyer	18
I can afford a lawyer, but I don't want to pay for one	5
I think a lawyer will slow me down	4
I don't trust lawyers	3
Legal Aid told me they could not help me	3
I choose to represent myself regardless of how complicated my case is	2
Other**	6

\*Total exceeds 100% as customers could select multiple responses.

\*\*No specific "other" response > 1%.

To shed additional light on customers' motivations for self-representation, the top three reasons were analyzed by customers' income level. Results are presented in Figure 1.<sup>13</sup> Two of the three reasons (i.e., "I cannot afford an attorney," and "My case is not that complicated") varied across customers' income level. Not surprisingly, customers with lower incomes were more likely to say they could not afford an attorney, while those with higher incomes said they chose to self-represent because their case was not that complicated. Eighty percent (80%) of customers who earned up to \$3,000 per month reported they could not afford a lawyer in comparison to 36% of those making more than \$3,000 per month. Only 21% of those earning less than \$1,000 per month said they chose self-representation because their case was relatively simple in comparison to over half of those making more than \$3,000 per month. It is important to note that for this question, customers were asked to select *all* of their reasons for self-representation, not just the primary reason. This suggests that for most lower-income customers, case complexity does not enter into their decision making. In fact, 57% of all customers who earned less than \$2,000 per month indicated that the cost of legal representation was their only reason for self-representation.

**Figure 1. Reasons for Self-Representation by Monthly Income Level**



### Service Delivery Information

Information from the Service Delivery Forms completed by the courthouse facilitators indicated that the majority of customers who sought assistance were involved in a dissolution case. Nearly 60% of all facilitator visits pertained to dissolutions, approximately equally divided between dissolutions with children and dissolutions without children (see Table 6). An additional 17% of visits dealt with establishing or modifying a parenting plan, followed in frequency by child support modifications (8%) and non-parental custody issues (8%).

<sup>13</sup> For purposes of presentation, some income levels were collapsed into single categories. Statistical analyses were conducted using all available categories.

All other presenting case types/issues (e.g., paternity, invalidity, legal separation) combined for fewer than 10% of the visits. These results are similar to those of the 1993 evaluation. The only notable difference was that in the current study, nearly twice as many facilitator visits involved dissolutions with children (30% vs. 16%).

**Table 6. Case Types/Issues of Customers (N=386)**

Case Type	Percentage*
Dissolution with children	30%
Dissolution without children	29
Modification of parenting plan	9
Establish parenting plan	9
Child support modification	8
Non-parental custody	8
Paternity	3
Legal separation with children	1
Legal separation without children	1
GAL appointment	1
Restraining order*	1
Invalidity without children	0
Invalidity with children	0
Denial of paternity	0
Other family law	6

\*Total exceeds 100% as facilitators could select multiple responses.

The facilitators provided a variety of services to their customers during visits. Over 70% of all visits involved a combination of services related to the required paperwork for the case, such as providing information about what forms were needed, providing instructions on how to complete forms, helping customers complete the forms, and reviewing the forms once they were completed (see Table 7). In addition, most meetings with the customers involved a discussion of case procedures and upcoming steps in the legal process. Other common facilitator activities included discussing courtroom procedures and protocol (44%), explaining court orders (32%), checking court files (28%), and calculating child support (25%).

### Customer Satisfaction

At the conclusion of each facilitator visit, each customer was asked to complete an anonymous satisfaction survey. Customers indicated how much they agreed or disagreed (using a 5-point scale ranging from “strongly agree” to “strongly disagree”) with eight statements about the facilitator meeting. Five items addressed the quality of the meeting (e.g., “The meeting was helpful”, “The facilitator treated me with respect”), one item asked whether the meeting was worth the cost, one asked whether the customer had more trust and confidence in the courts as a result of the meeting, and one asked whether the customer knew where to go to

get legal advice. Responses were received from 328 customers corresponding to a response rate of 85%. Results of the survey are presented in Table 8.

**Table 7. Services Provided to Customers (N=237)**

Service	Percentage*
Helped complete forms	78%
Reviewed forms/documents	75
Provided instructions on how to complete forms	71
Provided information about what forms were needed	70
Discussed case procedures/upcoming steps	70
Discussed courtroom procedures/protocol	44
Explained court orders	32
Checked court file	28
Calculated child support	25
Provided referrals	2
Requested translator/interpreter	1
Scheduled workshop or other appointment	0
Other**	6

\*Total exceeds 100% as facilitators could select multiple responses.

\*\*In Thurston County, customers could also visit facilitators for ex parte matters, with the most frequent issue being restraining orders.

**Table 8. Percentage of Responses for Items on the Customer Satisfaction Survey (N = 328)**

Survey Item	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
The meeting was helpful	82%	16%	1%	1%	0%
I know what I need to do next	77	21	1	1	0
I am more prepared for my next court appearance	71	20	7	2	0
I understood the information and instructions I received	77	19	3	1	0
The facilitator treated me with respect	88	10	1	0	1
The meeting was worth the cost	80	14	5	0	1
I have more trust and confidence in the courts	60	22	15	1	2
I know where to go to get legal advice	67	24	8	1	1

Overall, customers indicated a high level of satisfaction with their facilitator visit. Over 90% of all customers agreed or strongly agreed with statements indicating they were more knowledgeable and more prepared as a result of their visit, and 98% agreed or strongly agreed that the facilitator treated them with respect. Similarly, the overwhelming majority of customers indicated that the meeting was worth the cost (94%), that they had more trust and confidence in the courts (83%), and knew where to get legal advice (90%).

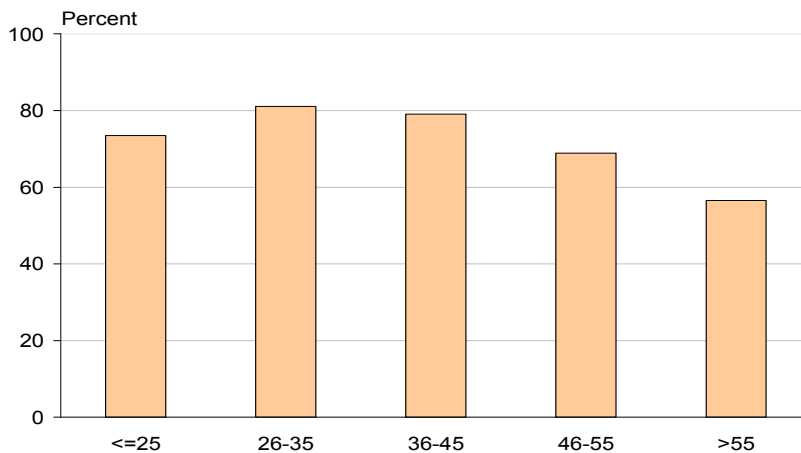
Follow-up analyses were conducted to determine if customers' satisfaction ratings varied with certain demographic variables (i.e., gender, age, income, education), or if ratings differed among litigants involved in



different types of family law cases.<sup>14</sup> Analyses indicated that satisfaction ratings did not differ significantly between men and women, nor did they differ among customers with different incomes.<sup>15</sup> With respect to customers' age and education, however, some relationships were found. Older customers were less likely to strongly agree that they understood the information and instructions they received from the facilitator and were less likely to feel they were treated with respect (see Figures 2 and 3).<sup>16</sup> In addition, customers who did not graduate from high school were less likely to strongly agree that they knew what to do next in their legal case (see Figure 4). It is important to remember, however, that the vast majority of customers across all levels of demographic variables agreed or strongly agreed with all the customer satisfaction items.

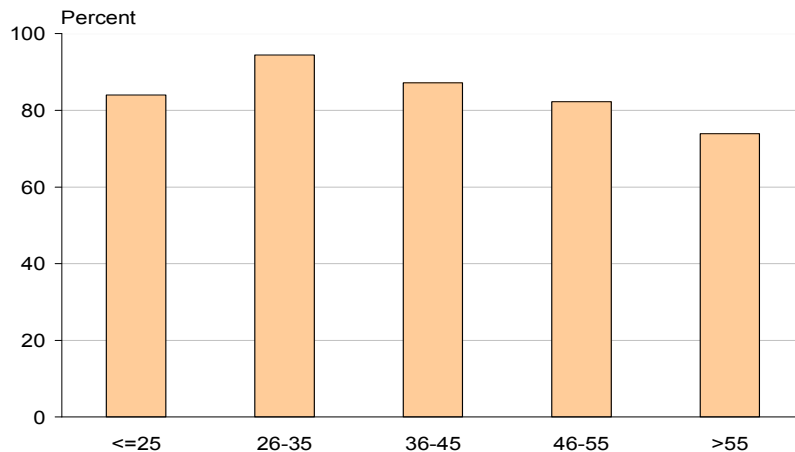
**Figure 2. Percentage of Customers by Age who “Strongly Agreed” with the Item:**

**“I understood the information and instructions I received”**



**Figure 3. Percentage of Customers by Age who “Strongly Agreed” with the Item:**

**“The facilitator treated me with respect”**

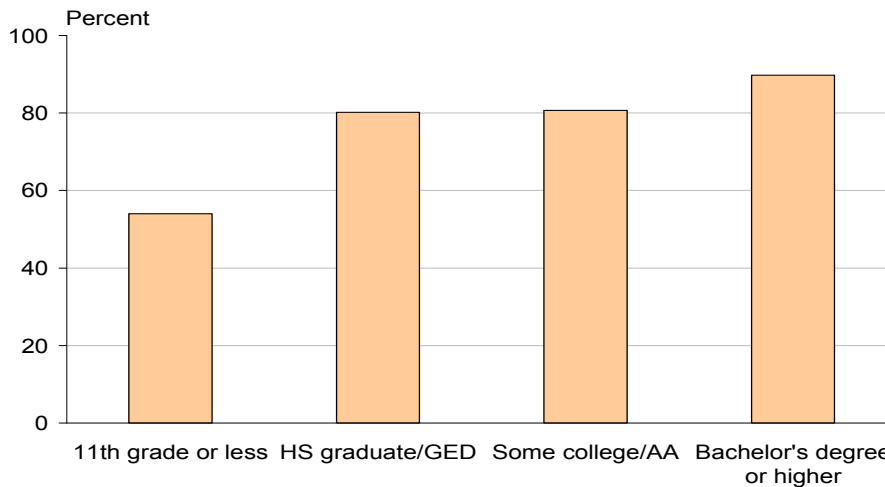


<sup>14</sup> As part of a cooperative research agreement with the four program sites, data was not analyzed in a way that would reflect upon individual programs or facilitators. Therefore, customer satisfaction ratings were not analyzed by program, or by variables strongly associated with specific programs (e.g., race/ethnicity).

<sup>15</sup> Due to the lack of variation in customers' responses across rating categories (i.e., most customers “strongly agreed” with the satisfaction items), responses were collapsed across categories to create two new categories: those who strongly agreed, and those who did not strongly agree. Chi-square tests were conducted to examine possible relationships among the new satisfaction categories for each survey item and the levels of the demographic and service variables.

<sup>16</sup> Throughout this report, any group differences reported were statistically significant at  $p < .05$ .

**Figure 4. Percentage of Customers by Education who “Strongly Agreed” with the Item:  
“I know what I need to do next”**



An analysis of customer satisfaction ratings was also conducted across four types of family law cases: dissolutions with children, dissolutions without children, child custody, and all other case types. Results indicated statistically significant associations between case type and the satisfaction survey items of feeling respected and the perceived value of the meeting in relation to the cost. Customers who were involved in dissolutions with children (93%) and all “other” case types (94%) were more likely to strongly agree that the facilitator treated them with respect than were customers involved in dissolutions without children and child custody cases (77%, 76% respectively). Similarly, customers involved with dissolutions with children (84%), child custody issues (76%), and other case types (86%) were more likely to strongly agree that the meeting was worth the cost in comparison to customers involved with dissolutions without children (69%).

The customer satisfaction rating-scales were followed by one open-ended item that asked customers, “How could the Courthouse Facilitator better serve you? Other comments?” Responses were received from 130 of the 328 customers who completed the satisfaction survey (40%). Although the item invited constructive criticism of the program, 117 (90%) of the customers simply expressed thanks, praised the services of the program, and/or made positive comments regarding the personal and professional attributes of the facilitator. For example, 45% described the program and/or the facilitator in glowing terms such as “great,” “excellent,” “outstanding,” “awesome,” or “perfect,” and 20% mentioned positive interpersonal qualities of the facilitator such as “friendly,” “courteous,” “kind,” or “professional.”

Only 13 customers (10%) suggested changes to the program. Of these, four suggested increasing the length of the meetings or having brief follow-up opportunities, three wanted facilitators to provide legal advice, two suggested facilitators slow down and explain things in more detail, two thought the services should be free, and one each suggested more advertising and better parking.

Some examples of customers' comments include the following:

*(The facilitator) was extremely helpful, and I would recommend her to anyone—especially if they are not able to afford a lawyer. She was very knowledgeable, and I couldn't have done it without her.*

*She was amazing! I have confidence in what to do next. Well worth every penny and every minute.*

*I feel that (the facilitator) was very helpful. Her personality is wonderful and made the experience seem easier than I expected. I walked in nervous and anxious; walked out feeling RELIEVED.*

*Advertise more. So many women in my situation feel STUCK because of the dollar amount for attorneys and not understanding the court system. They stay in very dysfunctional situations.*

*The courthouse facilitator is an awesome program. The people are friendly, helpful, and treat their customers with respect and dignity. Thank you!*

## 5. SURVEY OF JUDICIAL OFFICERS AND PROGRAM ADMINISTRATORS ON PROGRAM IMPACT

In order to provide another perspective on the impact of courthouse facilitator programs, all judicial officers and program administrators directly involved with the program in their jurisdiction were asked to respond via email to a survey consisting of a small set of open-ended questions (see Appendix E). The survey asked about (1) program funding, (2) their program's impact on litigants, proceedings, case processing, and access to justice (3) the current challenges facing the program, and (4) suggestions for improvement. A total of 36 responses were received from 20 judicial officers (11 judges, 9 commissioners) and 16 program administrators (7 county clerks, 9 court administrators). The respondents represented 26 of Washington's 35 counties with facilitator programs. Responses were analyzed for their content, and the common themes are presented below.<sup>17</sup>

### Impact of Facilitator Services on Self-Represented Litigants and Access to Justice

One survey question asked program administrators and judicial officers to assess the impact of facilitator services on self-represented litigants and access to justice. Thirty-five of the 36 respondents (97%) indicated that their courthouse facilitator program was having a significant positive impact on litigants and was improving access to justice. A number of themes emerged as to how the programs achieved this objective.

*"Opening the Doors."* Respondents indicated that facilitator programs "opened the doors" of the courts to a greater number of litigants, especially those with limited financial resources. Respondents emphasized that because of the courthouse facilitator program, the legal process had become less intimidating, and litigants were therefore more likely to go to the courthouse, obtain information, and consider the option of self-representation. For example, one county clerk said, "People gain confidence that they can address the court for redress versus just not even starting because it's overwhelming." A superior court commissioner mentioned, "It has helped some folks get into court who might otherwise be overwhelmed by the ever growing mountain of ever more complicated forms."

*Reducing Distress.* For many litigants, simply appearing in court is a stressful experience. For many self-represented litigants, adding the challenge of trying to navigate an unfamiliar environment and understand complex procedures and proceedings only heightens the distress. According to many of the program administrators and judicial officers, an important impact of facilitator services is that they reduce litigants' distress and increase their confidence. This, in turn, improves the probability that litigants will pursue their case to resolution and make better, more rational, decisions along the way. Comments from respondents included the following:

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<sup>17</sup> Responses were first broken down into separate idea units (i.e., a phrase, sentence, or paragraph reflecting a specific thought or idea), then idea units were coded for content. Coded units were grouped into categories and subcategories using a method of constant comparison.

*(The program) lessens the overwhelming perception and reality of helplessness and hopelessness in navigating the complex legal system. Less anger, less frustration. Fewer people just give up.*  
–Superior court judge

*Pro se parties are no longer melting down in the courtroom.*  
–Superior court judge

*(The program) often means the difference in success or utter frustration for them.*  
–Superior court judge

“*Navigating the System.*” The most common theme among respondents with respect to how facilitators impact self-represented litigants was the ability of courthouse facilitators to help their customers get the proper forms, fill them out correctly, and follow the proper procedures in order to resolve the legal issue—what many referred to as “navigating the system.” In the words of the respondents, litigants who use facilitator services were more likely to “have the necessary forms,” “get their paperwork right the first time,” “understand basic court procedures,” “have the proper service requirements prior to appearing in court,” “present paperwork in a procedurally correct manner,” and, in general, “know where to go and what to do.” One respondent noted:

*The ability to meet one-on-one with a facilitator to learn how the system operates and to ask questions as they proceed helps a vast number of people navigate a process that is otherwise impossible for them to figure out.*  
–Superior court commissioner

*Additional Impacts on Self-Represented Litigants.* In their responses, program administrators and judicial officers noted a number of positive outcomes for self-represented litigants who successfully navigated the system. One respondent noted that litigants who use facilitator services “have a better understanding of the whole court experience,” while another perceived litigants as “empowered.” One judge believed that, as a result of the program, litigants have more trust and confidence in the courts, stating,

*The facilitator program has done a great deal to ameliorate the animosity that builds against our political and legal system when those in desperate need of family law assistance are unable to obtain any degree of help.*

A few respondents also mentioned tangible benefits to litigants as a result of having received services from the courthouse facilitator. These included a savings of time (e.g., having to take less time off work for additional hearings due to procedural errors) and money (e.g., fewer trips to the courthouse; not having to hire an attorney). Respondents also mentioned that customers benefited by having an increased likelihood of obtaining a successful resolution.

Although rare, a few respondents noted the potential of courthouse facilitator programs to have negative impacts on litigants as well. If facilitators provided incorrect forms or other misinformation, the result was likely to be increased stress, additional hearings, and an erosion of trust and confidence in the courts. That is, the program’s impact depended upon the quality of services provided by the facilitator. Other potential drawbacks included contributing to the expectation that society owes people free counsel in all cases, and implicitly

encouraging self-representation in complex cases where legal advice and representation is needed. In the words of one respondent:

*The strength of the program is also its downside. We see an increased number of very complex situations, which would be difficult for an experienced attorney...A little bit of knowledge can be dangerous. Just because a person can get far enough into the process to get a hearing doesn't mean that they can represent themselves properly or that the court will grant their motion.*

*—Superior court commissioner*

### **Impact on Case Processing and Courtroom Proceedings**

Judicial officers and program administrators were unanimous in their belief that the courthouse facilitator program had a positive impact on case processing and courtroom proceedings. The positive impacts described centered around two interrelated themes: increased efficiency and improved quality of proceedings.

*Increased Efficiency.* Respondents indicated that facilitator programs increased efficiency in diverse ways, and many described the impact as “tremendous,” “dramatic,” “necessary,” and “very positive.” As a result of the program, front counter staff spent less time answering questions and assisting with paperwork, less incorrect paperwork was filed, fewer litigants returned due to errors or misunderstandings, and fewer hearings had to be scheduled. In addition, cases proceeded more quickly both in terms of the length of the case from filing to resolution as well as the length of courtroom hearings. Judicial officers reported significant amounts of courtroom time had been saved due to a reduction in faulty paperwork and less time spent explaining terms, forms, procedures, and reasons why the case could not be resolved. As one court administrator explained:

*Before (our county) had a family law facilitator, pro se litigants rarely showed up in court with their petitions/motions properly filed and served with proof of service in file. If they did manage those tasks, it is unlikely that they would have any orders prepared for the judge or commissioner to sign. Naturally this would result in hearings being continued, often numerous times. Every time a hearing gets continued there is additional work required for the clerk's office and superior court.*

*Improved Quality.* Note only did respondents note the improved efficiency of court operations as a direct result of facilitator programs, but a number of judicial officers also noted that the quality of court proceedings had improved. Knowledgeable and prepared litigants with correct and complete forms allowed the judge or commissioner to focus on the content and make more informed decisions. For example, one superior court judge said:

*The program is a tremendous help. The judge can concentrate on a decision and not spend his or her time trying to shepherd the litigants through the morass of forms. Additionally, after the facilitator has reviewed pleadings with parties, the information contained in their pleadings tends to be more complete and more intelligible, allowing the judge to make better decisions.*

Another superior court judge stated:

*The facilitators help pro se litigants ...so that the judicial officer can make decisions on the merits and not send the litigants out of the courtroom because they're in the wrong place or don't have the paperwork completed correctly.*

## Challenges and Suggestions for Improvement

Judicial officers and program administrators were also asked about the current challenges facing courthouse facilitator programs and how the programs could be improved. The most common issues discussed were (in order of frequency) funding, legal advice and legal aid, and training.

*Funding.* Despite the near unanimous support for facilitator programs and the numerous perceived benefits for clerks' offices, the courts, and the litigants, the majority of respondents indicated that adequate funding was a major issue. Approximately two-thirds perceived current resources as insufficient to adequately meet the demand for services.<sup>18</sup> As a result, the amount of facilitator time and the extent of services had to be limited. Several programs limited the length of facilitator meetings to 30 minutes or less, and a few counties were only able to see customers on a walk-in basis to maximize efficiency. Other counties were unable to expand their services in ways which were widely believed to provide effective assistance, such as attending court hearings, offering multiple modes of service (e.g., appointments, walk-ins, and telephone service), providing additional hours and locations of service, or developing comprehensive resource centers. Several respondents said they were forced to raise user fees in order to increase the number of facilitators (or amount of facilitator time) in order to meet the demand, which in turn raised concerns about the financial burden for low-income customers. Most of the respondents advocated for additional funding.

*Legal Advice and Legal Aid.* Another set of challenges for facilitator programs mentioned by nearly a third of respondents centered around the legal needs of litigants. One aspect of this issue involved the difficult distinction between legal information and legal advice. A number of judicial officers and program administrators acknowledged that the concept of legal advice was somewhat vague, and that determining and practicing appropriate facilitation services while not providing legal advice was a formidable challenge for facilitators. Adding to the difficulty was the need by court staff to manage litigants' understanding and expectations regarding the limitations on facilitator services. A second aspect of this issue involved the question of who needed legal advice. A number of judicial officers mentioned that an increasing number of self-represented litigants had appeared in court with very complex cases that required legal advice. Yet the challenge for facilitators to recognize these cases and encourage these litigants to seek legal representation was a difficult one. A third interrelated issue involved the ability of litigants to obtain legal advice. Even if the need was recognized, the lack of legal aid services for family law cases forced many litigants to continue without representation, placing facilitators and judicial officers in a difficult position. A number of respondents called for increased funding for legal aid and better coordination of services between legal aid and facilitator programs. One judge suggested developing limited practice rules to allow facilitators to provide more services.

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<sup>18</sup> In a separate question, program administrators were asked whether their facilitator program was funded from sources other than filing fee surcharges, user fees, and/or fees for materials (e.g., forms, instructional packets). Eight of the 12 respondents who answered this question indicated that additional funding sources were used to support the program. These sources included the general county fund, Division of Child Support reimbursement, and outside grants. Four respondents indicated that program revenue covered program expenses, but doing so required limiting the length of facilitator visits and extending waiting periods for appointments.

*Training.* Approximately one-quarter of respondents mentioned that initial and ongoing training for facilitators continued to be a challenge. It was acknowledged by some, however, that comprehensive and up-to-date training is difficult to achieve in light of the fact that (a) facilitator services vary significantly across counties, (b) facilitators (most of whom are not attorneys) come from a variety of backgrounds, (c) local court rules and procedures differ across jurisdictions, (d) judicial officers have different interpretations, expectations, and preferences, and (e) frequent changes in legislative requirements significantly alter the services that need to be offered. Suggestions for improving training included additional and more in-depth statewide trainings, developing mentorship resources, developing a “hotline” so facilitators could get immediate answers to their questions, and working more closely with local attorneys.

Program administrators and judicial officers overwhelmingly agreed that courthouse facilitator programs have a significant positive impact on self-represented litigants, case processing, and courtroom proceedings. Facilitator programs were perceived to make courts more accessible to citizens, reduce individuals’ distress, help self-represented litigants navigate the system, and increase the likelihood that litigants would achieve a resolution to their legal issue. As one commissioner stated,

*The courthouse facilitator program is the greatest thing since sliced bread. I doubt if commissioners and judges who came onto the bench after the program started have any idea how the access to justice has improved because of this program.*

Respondents also agreed that facilitator programs have greatly improved the efficiency of court operations, both in the clerk’s office and in the courtroom. Judicial officers noted that as a result of improved paperwork and procedures, hearings were more focused, cases moved more quickly to resolution, and the overall quality of justice was improved.



## **6. THE COURT EXPERIENCES SURVEY: A COMPARISON OF FACILITATOR-ASSISTED, UNASSISTED, AND ATTORNEY-REPRESENTED FAMILY LAW LITIGANTS**

In order to better assess the impact of the courthouse facilitator programs on self-represented litigants and the courts, and to better understand self-represented litigants as a whole, the Court Experiences Survey was developed and mailed to a sample of family law litigants across the state. Information obtained from the survey allowed for the identification and examination of three groups of family law litigants: self-represented litigants who received services from a courthouse facilitator (“facilitator-assisted”), self-represented litigants who did not receive any services from a courthouse facilitator (“unassisted”), and litigants who were represented in court by an attorney (“attorney-represented”). This is the first study in the State of Washington to directly compare the experiences of self-represented litigants who used facilitator services with other family law litigants.

### **The Court Experiences Survey**

The 53-item Court Experiences Survey was developed in order to obtain a variety of information from family law litigants after their case had been resolved. The survey addressed four main topics: (1) demographic information, (2) choice of representation and case preparation, (3) in-court experiences, and (4) satisfaction with facilitator services (if used). The survey consisted of 34 items relevant to all litigants, with an additional 19 items for facilitator-assisted litigants (see Appendix F).<sup>19</sup> A number of the questions were the same as those used in the Customer Visits Study (see Chapter 4) in order to compare findings across the two samples.

Litigants in recently resolved family law cases (i.e., those resolved within three months of mailing the survey) were selected as potential survey recipients. The timing of the survey allowed for litigants’ perspectives of recent court events, while not being subject to heightened emotions immediately after a court decision. The survey also allowed facilitator customers to judge the services they received in relation to subsequent court events, as opposed to asking about program satisfaction immediately following the receipt of services.

Recruitment focused on the four counties that had participated in the Customer Visits Study (Kitsap, Lewis, Thurston, and Yakima counties), again to permit comparisons of findings across samples and to assess the representativeness of the mail survey respondents. The timing of the mailed survey ensured that the two samples were completely independent—that is, no individuals who participated in the Customer Visits Study also received the Court Experiences Survey. One significant sampling issue, however, did arise. It was later discovered that Thurston and Yakima courts required most self-represented family law litigants to see a facilitator at some point in the legal process. This requirement effectively eliminated the possibility for obtaining a sample of unassisted litigants in these counties. Therefore, recruitment was expanded to include litigants in recently resolved dissolutions with children in ten counties that did not require litigants to see a facilitator at any

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<sup>19</sup> The survey was based on previous work conducted by California’s Administrative Office of the Courts (see Judicial Council of California, 2005).

point in the process. Litigants with mailing addresses available from the JIS system or from publicly available court records were eligible to receive the Court Experiences Survey.<sup>20</sup>

The final pool of potential survey respondents (i.e., those who were mailed the survey) included 442 litigants from Kitsap County, 100 from Lewis County, 645 from Thurston County, 419 from Yakima County, and 557 from the seven additional counties, for a total of 2,163 litigants. In order to maximize response rates, which are generally quite low for mail surveys and were expected to be even lower given that family law litigants often change residences, each mailed survey included a stamped return envelope and notification that participants could receive \$10 for returning the survey. In addition, reminder postcards were sent one to two weeks after the initial mailing.

Of the 2,163 surveys mailed, 18% were returned as undeliverable. Of the remaining surveys, 481 responses were received for a response rate of 27% (or 22 % of all surveys mailed). Response rates were similar across counties, ranging from 24% - 33%. Of the 481 survey respondents, 216 were designated as facilitator-assisted, 103 were unassisted, and 162 were attorney-represented. Responses came from Thurston (n = 145), Kitsap (n = 110), Yakima (n = 87), Pierce (n = 46), Snohomish (n = 30), Lewis (n = 25), Spokane (n = 18), Clark (n = 13), Chelan (n = 4), Grant (n = 2), and Stevens (n = 1) counties.

## Demographic Information

Demographic characteristics of the three groups of litigants (facilitator-assisted, unassisted, and attorney-represented) are presented in Table 9.<sup>21</sup> Analyses indicated that the three litigant groups did not differ significantly in terms of gender or ethnic background. With respect to the other demographic variables, attorney-represented litigants were slightly older, had higher incomes, and had more formal education than self-represented litigants as a whole. Among self-represented litigants, unassisted and facilitator-assisted litigants differed only with respect to education. A greater proportion of unassisted litigants had not graduated from high school, while a greater proportion of facilitator-assisted litigants had some college. Regarding case type, attorney-represented litigants were more likely to be involved in dissolutions with children, facilitator-assisted self-represented litigants were more likely to be involved in dissolutions without children, and unassisted litigants were more likely to be involved in child custody cases.<sup>22</sup>

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<sup>20</sup> One significant limitation of JIS data discovered during the course of this study was the fact that mailing addresses for litigants are not entered into the system consistently across case types, especially for those involved in dissolutions without children. Therefore, publicly available court records for this group of litigants were searched in an effort to obtain as many addresses as possible. As a result, mailing addresses were obtained for approximately 70% of all litigants involved in recently resolved dissolutions without children in comparison to approximately 95% of all litigants in dissolutions with children and child custody cases, and approximately 75% of other case types.

<sup>21</sup> The similarity of demographic characteristics of the facilitator-assisted litigants in this sample and the Customer Visits sample (see Tables 2 and 9) suggests that the survey respondents were representative of the larger population of facilitator customers. There was one exception: Facilitator-assisted survey respondents reported more formal education than those who participated in the Customer Visits component.

<sup>22</sup> The majority of cases involved dissolutions with children due to sampling procedures.

**Table 9. Demographic Characteristics of Family Law Litigants Who Returned the Court Experiences Survey**

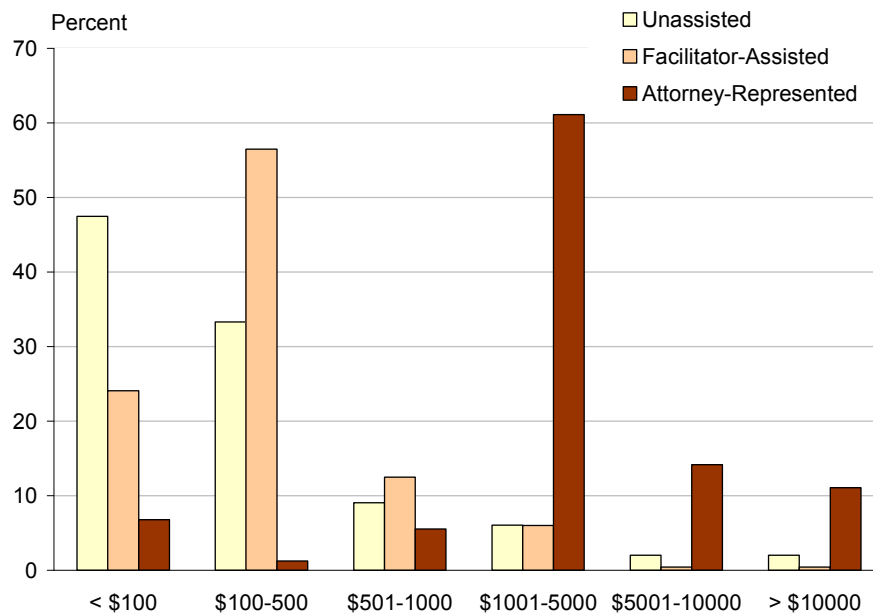
<b>Sample Characteristics</b>	<b>Unassisted (n = 103)</b>	<b>Facilitator- Assisted (n = 216)</b>	<b>Attorney- Represented (n = 162)</b>	<b>Total (N = 481)</b>
<b>Age</b>				
< 18	1%	0%	0%	0%
18 – 25	6	13	7	10
26 – 35	31	33	23	29
36 – 45	32	26	38	31
46 – 55	22	20	20	21
> 55	8	7	12	9
<b>Gender</b>				
Female	61	71	64	66
Male	39	29	36	34
<b>Race/Ethnicity</b>				
African American	6	3	4	4
Asian/Pacific Islander	6	6	5	6
Hispanic/Latino	8	13	6	9
Native Am./Eskimo/Aleut	2	3	3	3
White, non-Hispanic	76	74	82	77
Other	3	1	1	2
<b>Monthly Income</b>				
\$500 or less	14	12	6	10
\$501 - \$1,000	16	14	9	13
\$1,001 - \$1,500	13	15	7	12
\$1,501 - \$2,000	12	10	14	12
\$2,001 - \$3,000	18	19	18	19
\$3,001 - \$4,000	15	15	23	18
Over \$4,000	15	15	23	17
<b>Education</b>				
8 <sup>th</sup> grade or less	4	1	1	2
9 <sup>th</sup> – 11 <sup>th</sup> grade	12	7	4	7
HS graduate/GED	34	33	27	31
Some college/AA	35	47	46	44
Bachelor's degree	12	8	17	12
Advanced degree	4	4	6	4
<b>Case Type</b>				
Dissolutions w/ Children	52	51	66	56
Dissolutions w/out Children	20	32	17	24
Child Custody	18	11	9	12
Other*	10	7	8	8

\*\*Other\* domestic case types include Annulment/Invalidity, Legal Separation, Modification, and Miscellaneous domestic cases.

## Case Preparation

*Court case expenses.* Litigants were asked how much money they spent in total (including legal fees, court fees, expenses for materials, etc.) on their court case. As expected, attorney-represented litigants spent considerably more money than other litigants, and facilitator-assisted litigants spent more money than unassisted litigants (see Figure 5).<sup>23</sup> The majority of attorney-represented litigants (61%) spent between \$1,000 - \$5,000 on their case, and more than one in ten (11%) spent over \$10,000. In comparison, the large majority of self-represented litigants (81%) spent under \$500. Of the self-represented litigants, the majority of facilitator-assisted litigants (57%) spent between \$100 - \$500, while approximately half of those who were unassisted spent less than \$100 (48%). Results were similar across dissolutions with children, dissolutions without children, and child custody/other case types.<sup>24</sup>

**Figure 5. Total Amount Spent on Court Case**



*Reasons for self-representation.* In the Customer Visits Study (see Chapter 4), the cost of legal services was found to be the primary reason facilitator customers self-represented, followed by the belief that their case was not that complicated. The same question was asked of all self-represented litigants on the Court Experiences Survey. Results indicated that the same two reasons far outweighed all others, although the frequency with which they were endorsed was reversed. The most frequently mentioned reason for self-representation on the survey was the belief that their case was not that complicated (52%), followed closely by the inability to afford a lawyer (48%). No other reason was selected by more than 15% of the respondents (see Table 10).

<sup>23</sup> Throughout this report, any group differences reported were statistically significant at  $p < .05$ .

<sup>24</sup> Due to small sample sizes, child custody and "other" case types were combined for all subsequent analyses.

**Table 10. Reasons for Self-Representation for Unassisted and Facilitator-assisted Litigants on the Court Experiences Survey**

Reasons	Unassisted (n = 103)	Facilitator- Assisted (n = 216)	Total (N = 319)
I represented myself because I believed my case was not that complicated	42%	57%*	52%
I could not afford a lawyer	49	47	48
I could get the services I needed from someone other than a lawyer	7	16*	13
I could afford a lawyer, but didn't want to pay for one	7	12	10
I don't trust lawyers	4	8	7
Legal Aid told me they could not help me	10	5	6
I did not know how to find or hire a lawyer	6	5	5
I thought a lawyer would slow things down	4	4	4
I represented myself even though I knew my case was complicated	6	4	4
Other**	15	12	13

Total exceeds 100% as respondents could select multiple responses.

\*The difference between the Unassisted and Facilitator-Assisted groups is statistically significant at  $p < .05$

\*\* No specific "other" response > 1%.

In a comparison of facilitator customers in the two samples (i.e., the Court Experiences Survey and the Customer Visits Study), those who responded to the survey were much more likely to indicate that the simplicity of their case was a reason for self-representation (57% vs. 29%) and somewhat less likely to indicate they could not afford a lawyer than those customers who answered the question just prior to their facilitator visit (47% vs. 60%). One possible explanation is that facilitator-assisted litigants who received services and successfully resolved their case retrospectively viewed their case as relatively simple. Litigants who were just beginning their case, however (i.e., those in the Customer Visits Study), and did not know what was involved may have viewed the upcoming case as more complex. Another possibility is that litigants who had simple cases were more likely to respond to the mail survey than those with more complex cases. Regardless of the differences in the two samples, the top two reasons for self-representation were the same, and approximately half of the litigants in both samples said they could not afford a lawyer.

In a comparison of the reasons for self-representation given by unassisted and facilitator-assisted litigants, the overall pattern was similar (see Table 10). However, facilitator-assisted litigants were more likely than unassisted litigants to say they represented themselves because they believed their case was not that complicated, and that they could get the services they needed from someone other than a lawyer.

Some variation also existed across case types in litigants' reasons for self-representation. Not surprisingly, litigants involved in dissolutions without children were significantly more likely to say they chose self-representation because their case was not that complicated (65% vs. 46% for dissolutions with children and 50% for child custody/other cases), while those litigants with cases involving children were significantly more likely to say they self-represented because they could not afford a lawyer (52% and 56% vs. 29%).

*Unassisted litigants' reasons for not using a courthouse facilitator.* Given the available assistance from courthouse facilitator programs at a nominal fee, why would some litigants chose not to use take advantage of program services? This question was asked of unassisted self-represented litigants on the Court Experiences Survey. Of the 103 respondents, nearly half (49%) said they did not know about the program (see Table 11). The only other reasons selected by more than 10% of the respondents were they didn't think they needed the services of a courthouse facilitator (18%), and that they received help elsewhere (13%). The reasons for not using facilitator services were similar across all case types.

**Table 11. Reasons Unassisted Litigants did not use Courthouse Facilitator Services (N=103)**

Reasons	Unassisted
I did not know about the Courthouse Facilitator program	49%
I did not think I needed the services of the Courthouse Facilitator	18
I got help elsewhere	13
The fees were too expensive	10
The hours of operation did not fit with my schedule	9
The location was not convenient	4
I thought a Courthouse Facilitator would slow things down	1
Other*	11

Total exceeds 100% as respondents could select multiple responses.

\*No specific "other" reason was mentioned by more than two respondents.

*Other sources of assistance.* All three litigant groups were asked where they received additional help or advice on their case. Other than a lawyer or courthouse facilitator, the most common source of assistance for all three litigant groups was a friend or relative, with unassisted litigants (43%) and attorney-represented litigants (39%) citing this source more than facilitator-assisted litigants (27%; see Table 12). The only other frequently endorsed source of assistance was the internet, used by 15% of all litigants. Of the facilitator-assisted litigants, 19% used the internet, 13% used Legal Aid/CLEAR, and 13% used self-help books. The results for the facilitator-assisted litigants are remarkably similar to those found in the Customer Visits Study (see Table 4).<sup>25</sup> No other source of assistance was reported by more than 10% of any of the litigant groups.

Sources of assistance did not vary by case type with one exception: litigants involved in dissolutions both with and without children were more likely to use the internet for assistance than were litigants involved in other domestic case types.

<sup>25</sup> Percentages are slightly higher on the CES, which is not surprising given the longer time period for survey respondents to have used other sources of assistance.

**Table 12. Sources of Assistance (Other than a Lawyer or Courthouse Facilitator) by Litigant Group as Reported on the Court Experiences Survey**

Source	Unassisted (n = 103)	Facilitator-Assisted (n = 216)	Attorney-Represented (n = 162)
Friend or relative	43%	27%	39%
Internet	16	19	11
Legal Aid	9	13	4
Self-help books	8	13	5
Other court staff	8	10	2
Paralegal	5	5	7
Library	5	5	4
Other agency/organization	5	2	6
Other*	4	2	2
Nowhere	29	5	41

### Satisfaction with Courthouse Facilitator Services

The results from the Customer Visits Study (see Chapter 4) indicated that facilitator customers were highly satisfied with the serviced they received immediately following their meeting with the facilitator. But would facilitator customers still view the program as beneficial weeks to months later and after they had gone into court? The 216 facilitator-assisted litigants were asked about the impact of the facilitator program on their understanding and preparation of their case, the impact on their anxiety and confusion, the quality of their interactions with the facilitator, the affordability and convenience of the services, and their overall satisfaction with the program.

The majority of facilitator-assisted litigants agreed or strongly agreed that facilitator services had a beneficial impact on their situation (see Table 13). For example, 79% agreed or strongly agreed that they understood their situation better as result of facilitator services, and 73% felt more prepared for court. Over two-thirds reported being less worried and less confused because of the program services. With respect to the individual facilitators who assisted them, over 80% of the litigants felt listened to and respected, and 82% were satisfied with the services they received and would recommend the program to others.

Another important question was whether customers with different case types would have different perceptions of the program’s impact. Results indicated that the perceptions of facilitator-assisted litigants were strongly related to the type of case they were involved in after controlling for the demographic variables of age, gender, income, and education. Litigants involved in dissolutions (both with and without children) were more likely to agree that the program was positive and beneficial than were litigants involved in child custody and other case types (see Table 14). This finding was consistent on 12 of the 14 items.

**Table 13. Percentage of Facilitator-Assisted Litigants Who “Agreed” or “Strongly Agreed” with Customer Satisfaction Items on the Court Experiences Survey (N=212)**

Satisfaction Items <sup>a</sup>	Facilitator-Assisted
The information I received helped me to understand my situation better	79%
I was more prepared for my court appearances	73
I understood the forms and instructions given to me	75
I was less worried about my situation	73
I was less confused about how the court works	67
I know more about how the laws work in my situation	58
I have more trust and confidence in the courts	65
The facilitator listened to what I had to say	80
The facilitator treated me with respect	85
I was satisfied with the services I received	82
The fees for the Courthouse Facilitator services were affordable	73
The hours of operation worked with my schedule	72
The location was convenient	79
I would recommend Courthouse Facilitator services to someone who wanted to represent himself or herself in court	82

**Table 14. Mean Scores for Courthouse Facilitator Program Satisfaction Items (Ranging from 1 = “Strongly Disagree” to 5 = “Strongly Agree”) on the Court Experiences Survey by Case Type**

Satisfaction Items <sup>a</sup>	DWOC (n=67)	DWC (n=108)	CC/Oth (n=41)	Significant Differences <sup>b</sup>
The information I received helped me to understand my situation better	4.31	4.13	3.55	DWC, DWOC > CC
I was more prepared for my court appearances	4.10	4.02	3.49	DWC, DWOC > CC
I understood the forms and instructions given to me	4.22	4.00	3.36	DWC, DWOC > CC
I was less worried about my situation	4.26	3.95	3.20	DWC, DWOC > CC
I was less confused about how the court works	3.97	3.95	3.28	DWC, DWOC > CC
I know more about how the laws work in my situation	3.94	3.77	2.96	DWC, DWOC > CC
I have more trust and confidence in the courts	4.12	3.77	2.94	DWC, DWOC > CC
The facilitator listened to what I had to say	4.43	4.08	3.64	DWOC > DWC > CC
The facilitator treated me with respect	4.54	4.27	3.77	DWC, DWOC > CC
I was satisfied with the services I received	4.52	4.19	3.51	DWOC > DWC > CC
The fees for the Courthouse Facilitator services were affordable	4.23	3.87	3.35	DWOC, DWC > CC
The hours of operation worked with my schedule	4.30	3.82	3.51	DWOC > DWC, CC
The location was convenient	4.31	3.90	3.73	DWOC > CC
I would recommend Courthouse Facilitator services to someone who wanted to represent himself or herself in court	4.61	4.26	3.62	DWOC > DWC > CC

DWC = Dissolution with Children; DWOC = Dissolution without Children; CC/Oth = Child Custody and other domestic case types.

<sup>a</sup> Items have been abbreviated for presentation. See Appendix F for complete item wording.

<sup>b</sup> Univariate Analyses of Covariance (with age, gender, income, and education serving as covariates) indicated statistically significant differences among the means for each item at  $p < .01$ . Tukey post hoc comparisons of all pairs of means were then conducted, and reported differences were statistically significant at  $p < .05$ .



Regarding overall satisfaction with services and whether they would recommend the program to others, each of the case types was found to differ significantly from the other. Those involved in dissolutions without children were most likely to say they were satisfied with services and would recommend the program to others, followed by those involved in dissolutions with children, and then by those involved in child custody and other case types. However, it is important to note that these differences existed in the context of a generally high degree of satisfaction overall. Approximately 60% of child custody/other case type litigants agreed or strongly agreed that they were satisfied with services and would recommend the program to others, in comparison to over 80% of those involved in dissolutions with children, and over 90% of those involved in dissolutions without children.

### **Court Experiences of Unassisted, Facilitator-Assisted, and Attorney-Represented Litigants**

The fact that the majority of facilitator customers, when asked specifically about the courthouse facilitator program, felt the services they received had a positive impact on their situation is an important testament to the program. But would customers report positive court experiences and outcomes? That is, would litigants' improved knowledge and preparation, and reduced anxiety and confusion, translate into a better understanding of court proceedings, more effective case presentation, and a greater sense that procedures were just and outcomes were fair? In order to adequately assess the facilitator program's impact on litigants' court experiences, the experiences of facilitator-assisted litigants were compared to those of unassisted self-represented litigants and attorney-represented litigants. Experiences were also compared across case types.

Litigants' court experiences were assessed with 18 rating-scale items (ranging from 1 = "strongly disagree" to 5 = "strongly agree") on the Court Experiences Survey. The 18 items assessed a broad range of court experiences including preparation for court, understanding of words and instructions of court staff and judicial officers, effectiveness presenting information during a court hearing, aspects of procedural justice (e.g., being treated with respect, feeling heard by the judge), satisfaction with proceedings, outcomes, and representation, and general trust and confidence in the courts. The scores of the three litigant groups were compared across case types, controlling for a number of demographic variables (i.e., age, gender, education, income) as well as whether the other party was represented by an attorney.<sup>26</sup>

Results of the analyses for the 18 court experiences items indicated that statistically significant differences existed among some the groups on each of the 18 items.<sup>27</sup> With respect to items assessing litigants' preparation for their court appearance (Items 4, 5, 7, and 15), the three litigant groups did not differ significantly when averaged across all case types. However, litigants involved in child custody/other cases felt less prepared than those involved in dissolutions without children, and on some items less prepared than those involved in dissolutions with children as well. And those child custody/other litigants who used facilitator services actually

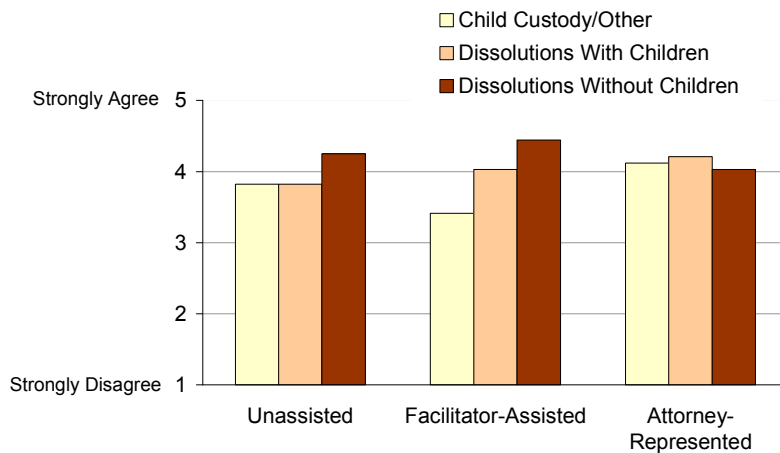
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<sup>26</sup> For each item, a 3 (litigant group) x 3 (case type) Analysis of Covariance was conducted with *age, gender, education, income* and *other party represented* serving as covariates.

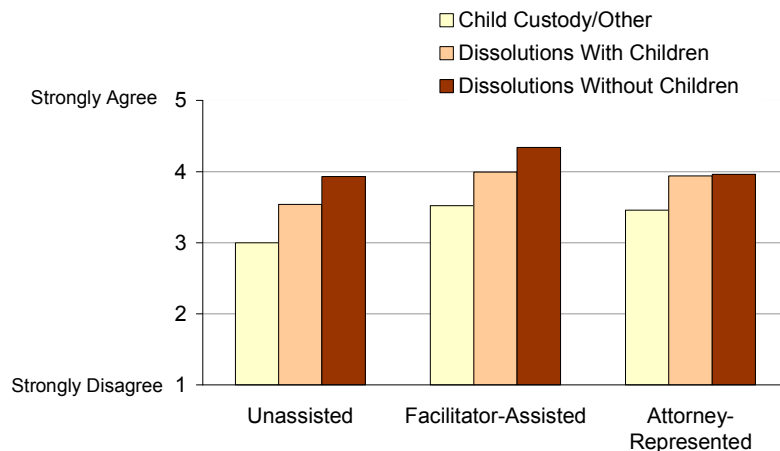
<sup>27</sup> For all items, main effect(s) and/or interactions were significant at  $p < .05$ . Results and figures for all 18 items are presented in Appendix G.

reported being the least prepared of any group, more so than unassisted litigants (see Figure 6). They were also the least likely to report understanding the instructions given to them by courthouse staff.<sup>28</sup>

**Figure 6. Prepared for Court Appearance (Item 5)**



**Figure 7. Judge/Commissioner Heard Everything That Was Important (Item 8)**



Although facilitator-assisted, unassisted, and attorney-represented litigants did not differ with respect to how prepared they felt going into court, when it came to their actual court appearance, facilitator-assisted litigants reported much better experiences than unassisted litigants. Facilitator-assisted litigants were more likely to agree that they (a) knew what to do during their court appearance,<sup>29</sup> (b) were able to effectively present their case,<sup>30</sup> and (c) thought the judicial officer heard everything about their case they thought was important (see Figure 7). In addition, there were no differences between the scores of facilitator-assisted litigants and attorney-

<sup>28</sup> See Figure A, Appendix G.

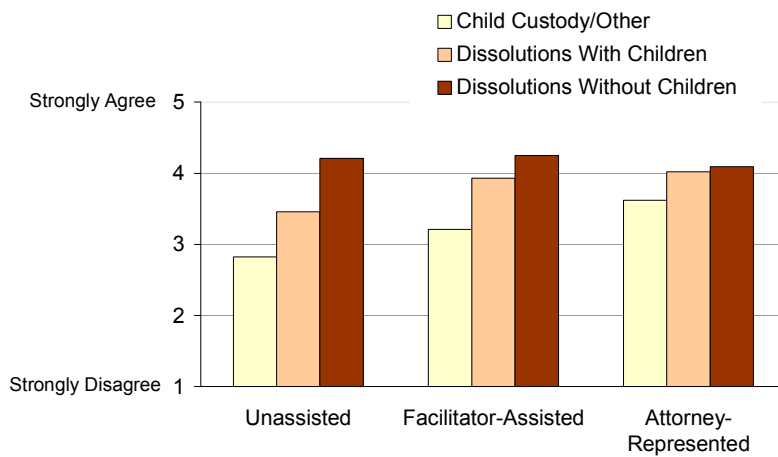
<sup>29</sup> See Figure I, Appendix G.

<sup>30</sup> See Figure J, Appendix G.

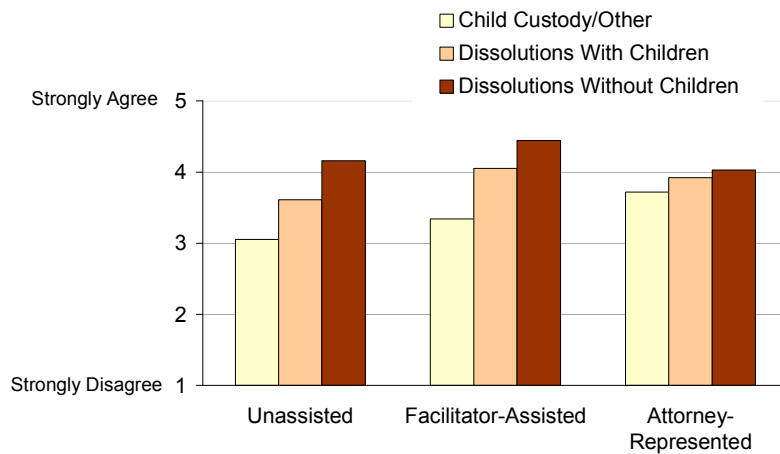
represented litigants. Regarding case types, self-represented litigants involved in child custody cases reported the greatest difficulties during court proceedings.

Similar findings existed on items assessing litigants' satisfaction with the court proceedings and the overall outcome of the case. Litigants who used facilitator services reported being more satisfied with both the court proceedings and the outcome than those who did not use facilitator services (see Figures 8 and 9) and were more likely to think the judge's decision was fair.<sup>31</sup> In fact, facilitator-assisted litigants consistently reported being as satisfied as those who were represented by attorneys. Again, significant differences existed across case types, with child custody/other litigants less satisfied and those in dissolutions with children, who in turn were less satisfied than those involved in dissolutions without children. Interestingly, the most satisfied individuals were facilitator-assisted litigants involved in dissolutions without children.

**Figure 8. Satisfied with Court Proceedings (Item 16)**



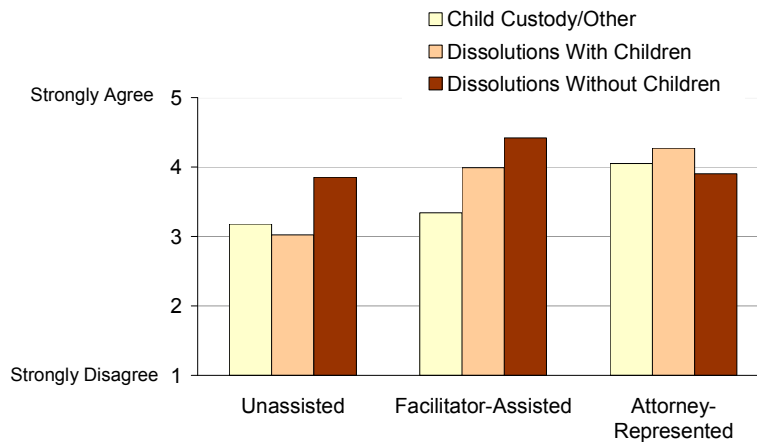
**Figure 9. Satisfied with the Outcome of the Case (Item 17)**



<sup>31</sup> See Figure L, Appendix G.

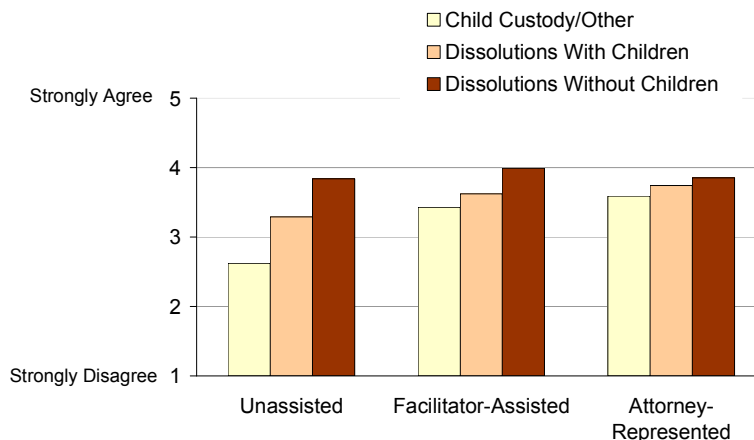
With respect to choice of representation (i.e., self or attorney), self-represented litigants (facilitator-assisted and unassisted) involved in dissolutions without children, and attorney-represented litigants in all case types, were generally satisfied with their decision about representation. Unassisted litigants with cases involving children (i.e., child custody and dissolutions with children) reported being the least satisfied with self-representation. If self-represented litigants received assistance from the facilitator program, they were more likely to say they would choose the same form of representation if they had to do it over again—unless they were involved in a child custody/other type of case (see Figure 10).

**Figure 10. Would Choose Same Form of Representation (Item 18)**



One item on the Court Experiences Survey asked litigants if they had trust and confidence in the courts. Again, statistically significant differences existed across case types and litigant groups. Those involved in dissolutions without children were the most likely to agree they had trust and confidence in the courts, followed by dissolutions with children, then child custody/other case types. Self-represented unassisted litigants reported the least trust and confidence, while facilitator-assisted and attorney-represented litigants reported similar levels (see Figure 11).

**Figure 11. Have Trust and Confidence in the Courts (Item 14)**



Overall, the results indicated that facilitator-assisted litigants had more positive court experiences than self-represented litigants who did not use facilitator services. In comparison to unassisted litigants, facilitator-assisted litigants reported being more knowledgeable and effective during court proceedings, were more likely to feel the judicial officer's decision was fair, and were generally more satisfied with the proceedings, the outcome, and their choice of representation. Self-represented litigants who used the facilitator program were similar to attorney-represented litigants on most items when averaged across all case types.

Self-represented litigants' court experiences were also highly influenced by the type of case in which they were involved. Those who were involved in child custody and other types of domestic cases reported significantly less positive court experiences, and facilitator services did not appear to prevent the difficulties experienced by the litigants in these types of cases. However, if litigants in child custody/other case types had an attorney, their levels of satisfaction were as high as any other group. One other finding that consistently emerged in the analyses was the significant influence of whether the other party was represented by an attorney. All litigants, whether they had an attorney or self-represented, who were up against an attorney in court reported significantly less positive court experiences on nearly every survey item.

To further illustrate the differences among the three litigant groups, the percentage of survey respondents who agreed or strongly agreed with each of the 18 court experiences items is presented in Table 15. Because case type was found to be a significant influence on litigants' experiences, and because it differentially impacted the three litigant groups, the data in Table 15 are limited to only those litigants involved in dissolutions with children.

The data illustrate how a greater proportion of facilitator-assisted litigants in dissolutions with children reported positive court experiences in comparison to those who did not use facilitator services. For example, 76% of facilitator-assisted litigants felt they were able to effectively present their case, in comparison to 58% of unassisted litigants. Eighty percent or more of facilitator-assisted litigants were satisfied with the proceedings, the outcome, and their decision to self-represent, in comparison to 60% or less of unassisted litigants. The largest discrepancy between the groups was on the item, "I would choose the same form of representation if I had to do it over again," with facilitator-assisted litigants much more likely than unassisted litigants to agree with the statement (73% vs. 40%). With respect to facilitator-assisted and attorney-represented litigants, those with attorneys reported fewer problems with paperwork and were most likely to say they would choose the same form of representation. They were also more likely to say that the judge heard everything about their case they thought was important. However, facilitator-assisted litigants were the most satisfied with court proceedings and the outcome of their case.

**Table 15. Percentage of Litigants in Dissolutions with Children Who Agreed or Strongly Agreed with Court Experiences Items by Litigant Group**

<b>Court Experiences Items</b>	<b>Unassisted (n=47)</b>	<b>Facilitator-Assisted (n=106)</b>	<b>Attorney-Represented (n=102)</b>
I understood the instructions given to me by courthouse staff (not including judge/commissioner)	65%	82%	85%
The courthouse staff treated me with respect	79	82	85
I had all the information I needed for my court appearance(s)	64	74	81
I was prepared for my court appearance(s)	74	77	84
I had correctly filled out all the necessary forms by the time I appeared in court	72	77	90
I had to go back to court for an additional hearing because of a problem with my forms	35	38	17
I knew what to do during court proceedings	39	68	63
I understood the words and instructions of the judge/commissioner	68	88	84
I was able to effectively present my case and my evidence	58	76	67
The judge/commissioner heard everything about my case I thought was important	72	77	90
The judge/commissioner treated me with respect	70	85	81
I was surprised by what happened	40	30	27
I was satisfied with the court proceedings	57	80	68
I thought the judge/commissioner's decision was fair	71	85	75
I was satisfied with the outcome of my case	57	82	68
I was satisfied with my decision to either have an attorney or represent myself	60	80	87
I would choose the same form of representation (i.e., attorney or self) if I had to do it over again	40	73	85
I have trust and confidence in the courts	43	60	51

## **7. ANALYSIS OF CASE PROCESSING INFORMATION FROM THE JUDICIAL INFORMATION SYSTEM**

Data presented in Chapters 4 – 6 converge from a variety of perspectives to demonstrate that courthouse facilitator programs have a positive impact on family law litigants and their court experiences. But what impact does the facilitator program have on court efficiency? A common belief among family law judicial officers and program administrators is that facilitator services have significantly improved case processing (see Chapter 5). The use of facilitator services has reportedly, for example, reduced the length of hearings, the number of continuances, and the time to case resolution. Research to validate or quantify these improvements, however, has not been conducted, in large part because the data is difficult to obtain (see Sonntag, 1996, for an exception). Reliable data on court operations and case processing both before and after facilitator programs were implemented either does not exist or is confounded by a variety of other court management practices that have changed over time. Further, information on whether a litigant used facilitator services is not entered into any statewide database.

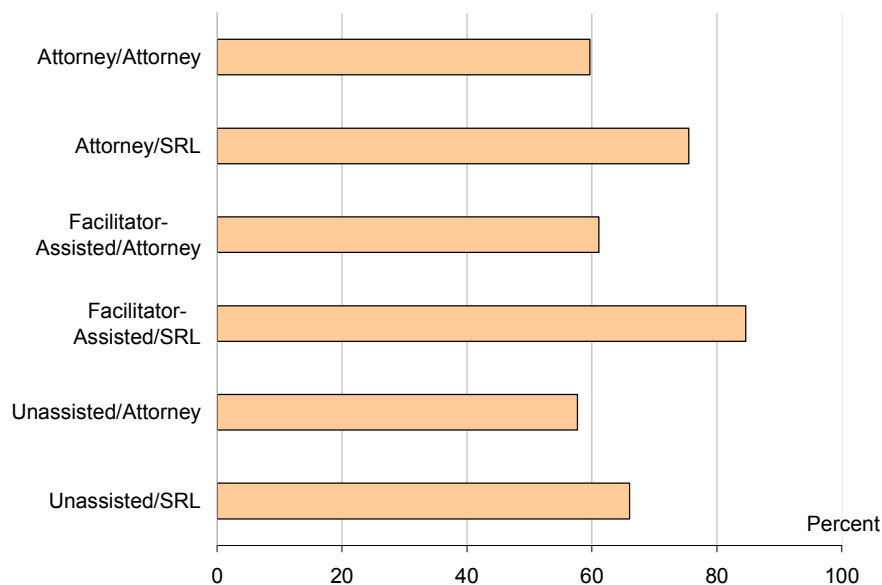
Yet data from the Court Experiences Survey used in combination with data from the state's Judicial Information System (JIS) allowed for some examination of this issue. One indicator of case processing efficiency is the length of time from case filing to resolution. Case time can be calculated from the filing and resolution dates in the JIS. Therefore, the number of days from filing to resolution was determined for each litigant who returned a Court Experiences Survey. However, due to the extreme variability in the number of days from filing to resolution across family law cases, analyses were conducted on the percentage of cases resolved within 10 months of the date of filing. The 10-month period was chosen based on case management time standards for domestic cases. Washington's Board of Judicial Administration has recommended that 90% of all domestic cases be resolved within 10 months.

Because case time is affected by the representation of both parties, combinations of the parties' representation were determined based on the responses from the Court Experiences Survey. However, while survey respondents provided information on whether or not the opposing party was represented by an attorney, they could not provide information on whether an opposing party who self-represented had used facilitator services. Therefore, the following six combinations of representation could be determined: (1) an unassisted litigant and another self-represented litigant whose use of facilitator services was unknown (Unassisted/SRL), (2) an unassisted litigant and an attorney (Unassisted/Attorney), (3) a facilitator-assisted litigant and another self-represented litigant whose use of facilitator services was unknown (Facilitator-Assisted/SRL), (4) a facilitator-assisted litigant and an attorney (Facilitator-Assisted/Attorney), (5) an attorney-represented litigant and a self-represented litigant whose use of facilitator services was unknown (Attorney/SRL), and (6) both parties represented by an attorney (Attorney/Attorney).

The percentage of cases resolved within 10 months was then examined across the six combinations of case representation. Analysis indicated a significant difference across the six groups (see Figure 12). The only representation combination that approached the target of a 90% resolution rate within 10 months involved a

facilitator-assisted litigant and another self-represented litigant (85%). Cases involving an attorney or an unassisted self-represented litigant were less likely to be resolved within 10 months (65% across the five groups). These figures, however, were for all family law cases combined. When analyzed separately by case type, it was found that these figures largely reflected only dissolutions with children. For dissolutions without children, nearly all cases were resolved within 10 months (96%) unless both parties were represented by an attorney (44%). For child custody and other domestic case types, only half of all cases were resolved within 10 months regardless of the representation of the parties.

**Figure 12. Percentage of Family Law Cases Resolved Within 10 Months by Representation of Parties**



Another aspect in which facilitators are presumed to have an important impact on case processing is in the reduction in the number of continuances and hearings due to their review of paperwork prior to litigants' court appearances. It is also possible that facilitators help keep litigants organized and on track, and thereby reduce the likelihood that litigants will fail to appear for court. To investigate these issues, three types of docket codes in the Judicial Information System were examined: the number of continuances, the number of proceedings stricken for non-appearance, and the number of hearings held.

Analyses indicated that cases in which both parties were represented by an attorney had more continuances, more proceedings stricken due to non-appearance, and more hearings held than cases with other combinations of representation across all case types. No differences were found between the Unassisted/SRL and Facilitator-Assisted/SRL groups on any of the measures.

The analysis of case processing data available in the JIS provided some evidence that facilitator-assisted litigants proceed more quickly through the court system and improve court efficiency. The available data, however, from both the JIS and the Court Experiences Survey was limited and lacked a level of precision and detail necessary to fully explore the impact of facilitator programs on court operations. An appropriate analysis would likely require extensive case file reviews and/or court observations, both in the clerk's office and



the courtroom, in order to determine the frequency of procedural errors and the amount of time spent by court staff and judicial officers with litigants who either have or have not received facilitator assistance.

## 8. SUMMARY AND CONCLUSIONS

Since 1993, an increasing number of counties around the state have developed courthouse facilitator programs to assist self-represented litigants in family law cases. Today, facilitator programs exist in 35 of Washington's 39 counties. Yet not since the initial year of operations has information been published about the services programs provide or the individuals they serve. In addition, very little information has ever been produced about the impact of facilitator services on the customers and the courts. This study was designed to address these issues from a variety of perspectives using a number of different research methods. Information on current program operations was collected from facilitators and other sources; customers and facilitators completed questionnaires before and after facilitator visits; program administrators and judicial officers provided perspectives about the impact of the program on litigants and the courts; family law litigants around the state completed a mail survey about their court experiences after their case was resolved; and case processing data was obtained from the state's Judicial Information System. This multi-source, multi-method approach was developed to provide an overall assessment of the Courthouse Facilitator Program as currently implemented around the state and to identify issues for consideration for those who develop, implement, and fund their respective programs. This study was not designed to identify strengths and weaknesses of individual programs or to compare one county's program with another.

Results from this study provide a clear and convincing picture that courthouse facilitator programs have become a vital component of the court community's response to self-representation in family law cases. By opening the doors of the courthouse to a large number of individuals who cannot afford or obtain legal representation, by reducing litigants' anxiety and confusion about the legal process and their situation, and by helping them navigate a complex system of forms and procedures, facilitator programs have, by all accounts, significantly improved access to justice and the efficiency of the courts. Further, this study demonstrates that self-represented litigants who use facilitator services have more positive court experiences, have a greater sense that justice was served, and have more trust and confidence in the courts than those who do not use facilitator services. In addition, self-represented litigants who use facilitator services appear to be as satisfied as those who use an attorney. The fact that facilitator programs not only make courts more accessible to the public, but also improve the relationship between the courts and the litigants, suggests that the programs could serve as a model for assisting litigants in other areas of law and potentially reduce negative perceptions of the courts by the public.

This is not to say, however, that the current services provided by courthouse facilitator programs are uniformly effective or have reached their potential in all areas of family law. Results of this study indicate that litigants involved in dissolutions without children, arguably the least contentious and complex of family law cases, are more satisfied with the services they receive and have more positive court experiences than individuals involved in dissolutions with children. Further, those involved in child custody cases are consistently the least satisfied of all. While it may be that the very nature of certain types of cases affects litigants' perceptions of the courts and the services they receive, it also suggests that facilitator programs and the courts

should consider altering their approach with respect to the different needs and challenges of different litigants and case types. Some customers may need additional time and effort from facilitators, some may need to be encouraged to seek legal counsel, and others may need a different approach by the courts altogether. Ongoing program development and research, as well as collaboration among members of the court community, will be needed to better understand these issues.

One significant factor limiting the development of courthouse facilitator programs is the available funding. Counties and courts around the state have the difficult task of trying to meet the overwhelming demand for services with the available resources. In order to provide services in the most efficient and effective manner, administrators are often confronted with a difficult choice. Do they shorten facilitator meetings or limit the types of services in order to reach the largest number of customers at the possible expense of service quality and customer satisfaction? Or do they raise fees for materials and visits in order to provide additional services at the risk of shutting out the poor? Many administrators, judicial officers, and staff have good ideas as to how to improve services, but funding limitations prevent innovative approaches from being implemented. Funding limitations also restrict efforts to publicize the programs and reach out to the community. This study found that most facilitator customers hear about the program from a friend or relative or from clerk staff, and half of the self-represented litigants who do not use facilitator services simply don't know about the program. Further, it is not known how many additional individuals never approach the courts because they don't know about the available services.

Despite these and other challenges, courthouse facilitator programs provide a valuable service for large numbers of self-represented litigants in family law cases around the state. The service is especially vital for those who cannot afford or otherwise obtain legal counsel. For those who use the program, the vast majority are satisfied with the services they receive, have more positive court experiences, and are more satisfied with the outcome of their case. Further, the increased competence on the part of facilitator-assisted litigants makes for more efficient court operations.

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## Appendix A

RCW 26.12.240 and General Rule 27

## **RCW 26.12.240**

### **Courthouse facilitator program--Fee or surcharge.**

A county may create a courthouse facilitator program to provide basic services to pro se litigants in family law cases. The legislative authority of any county may impose user fees or may impose a surcharge of up to twenty dollars on only those superior court cases filed under Title 26 RCW, or both, to pay for the expenses of the courthouse facilitator program. Fees collected under this section shall be collected and deposited in the same manner as other county funds are collected and deposited, and shall be maintained in a separate account to be used as provided in this section.

## **General Rule 27**

### **FAMILY LAW COURTHOUSE FACILITATORS**

(a) Generally. RCW 26.12.240 provides a county may create a courthouse facilitator program to provide basic services to pro se litigants in family law cases. This Rule applies only to courthouse facilitator programs created pursuant to RCW 26.12.240.

(b) The Washington State Supreme Court shall create a Family Courthouse Facilitator Advisory Committee supported by the Administrative Office of the Courts to establish minimum qualifications and administer a curriculum of initial and ongoing training requirements for family law courthouse facilitators. The Administrative Office of the Courts shall assist counties in administering family law courthouse facilitator programs.

(c) Definitions. For the purpose of this rule the following definitions apply:

(1) A Family Law Courthouse Facilitator is an individual or individuals who has or have met or exceeded the minimum qualifications and completed the curriculum developed by the Administrative Office of the Courts and who is or are providing basic services in family law cases in a Superior Court.

(2) Family Law Cases include, but not limited to, dissolution of marriage, modification of dissolution matters such as child support, parenting plans, non-parental custody or visitation, and parentage by unmarried persons to establish paternity, child support, child custody and visitation.

(3) "Basic Service" includes but is not limited to:

a) referral to legal and social service resources, including lawyer referral and alternate dispute referral programs and resources on obtaining family law forms and instructions;

b) assistance in calculating child support using standardized computer based program based on financial information provided by the pro se litigant;

c) processing interpreter requests for facilitator assistance and court hearings;

d) assistance in selection as well as distribution of forms and standardized instructions that have been approved by the court, clerk's office, or the Administrative Office of the Courts;

e) assistance in completing forms that have been approved by the court, clerk's office, or the Administrative Office of the Courts;

f) explanation of legal terms;

g) information on basic court procedures and logistics including requirements for service, filing, scheduling hearings and complying with local procedures;

h) review of completed forms to determine whether forms have been completely filled out but not as to substantive content with respect to the parties' legal rights and obligations;

i) previewing pro se documents prior to hearings for matters such as dissolution of marriage and show cause and temporary relief motions calendars under the direction of the Clerk or Court to determine whether procedural requirements have been complied with;

j) attendance at pro se hearings to assist the Court with pro se matters;

k) assistance with preparation of court orders under the direction of the Court;

l) preparation of pro se instruction packets under the direction of the Administrative Office of the Courts.

(d) Family Law Courthouse Facilitators shall, whenever reasonably practical, obtain a written and signed disclaimer of attorney-client relationship, attorney-client confidentiality and representation from each person utilizing the services of the Family Law Courthouse Facilitator. The prescribed disclaimer shall be in the format developed by the Administrative Office of the Courts.

(e) No attorney-client relationship or privilege is created, by implication or by inference, between a Family Law Courthouse Facilitator providing basic services under this rule and the users of Family Law Courthouse Facilitator Program services.

(f) Family law courthouse facilitators providing basic services under this rule are not engaged in the unauthorized practice of law. Upon a courthouse facilitator's voluntary or involuntary termination from a courthouse facilitator program, that person is no longer a courthouse facilitator providing services pursuant to RCW 26.12.240 or this Rule.



## Appendix B

### Customer Visits Study Intake Form

## COURTHOUSE FACILITATOR INTAKE FORM

Today's date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**(1) Have you already appeared before a judge or commissioner about this case?**

- No
- Yes

**(2) How many times have you visited the Courthouse Facilitator before?**

**(3) What is your gender?**

- Female
- Male

**(4) What is your age? \_\_ \_\_**

**(5) What is your race/ethnicity?**

- African-American/Black
- Asian/Pacific Islander
- Hispanic/Latino
- Native American/Eskimo/Aleut
- White, non-Hispanic
- Other: \_\_\_\_\_

**(6) What is your monthly income (this includes all income sources) before taxes?**

- \$500 or less
- \$501-\$1,000
- \$1,001-\$1,500
- \$1,501-\$2,000
- \$2,001-\$3,000
- \$3,001-\$4,000
- Over \$4,000

**(7) What is the highest level of school you completed?**

- 8<sup>th</sup> grade or less
- 9<sup>th</sup> to 11<sup>th</sup> grade
- High school graduate/GED
- Some college or Associates degree
- Bachelors degree
- Advanced degree

**(8) How did you hear about the Courthouse Facilitator program?**

**\*\*\*MARK ALL THAT APPLY\*\*\***

- Lawyer
- Judge/Commissioner
- Clerk's office
- Legal Aid organization/CLEAR
- Community service agency
- Pamphlets/written materials/posters
- Internet
- Friend or family
- Other (please explain) \_\_\_\_\_

**(9) Where did you try to get help with your case before coming to the Courthouse Facilitator?**

**\*\*\*MARK ALL THAT APPLY\*\*\***

- Nowhere, I did not seek help before today
- Legal Aid organization
- Self-help books
- Private lawyer
- Internet
- Friend or relative
- Paralegal
- Library
- Other (please explain): \_\_\_\_\_

**(10) Why did you decide to represent yourself in this case?**

**\*\*\*MARK ALL THAT APPLY\*\*\***

- I cannot afford a lawyer
- I can afford a lawyer, but don't want to pay for one
- I don't know if I need a lawyer
- I don't trust lawyers
- I think a lawyer will slow me down
- Legal Aid told me they could not help me
- I choose to represent myself because I believe my case is not that complicated
- I choose to represent myself regardless of how complicated my case might be
- Other (please explain): \_\_\_\_\_

## Appendix C

### Customer Visits Study Customer Satisfaction Survey

**How was your meeting with the Courthouse Facilitator?**

	<b>Strongly Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
The meeting was helpful.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I know what I need to do next.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I am more prepared for my next court appearance.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I understood the information and instructions I received.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The facilitator treated me with respect.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The meeting was worth the cost.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have more trust and confidence in the courts.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I know where to go to get legal advice.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**How could the Courthouse Facilitator better serve you? Other comments?**

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## Appendix D

### Customer Visits Study Service Delivery Form

**SERVICE DELIVERY FORM: IN-PERSON VISITS**

Today's date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**(1) Party:**

- Petitioner
- Respondent
- Other (specify) \_\_\_\_\_

**(2) CASE TYPE(s)/Issue(s):**

**(MARK ALL THAT APPLY)**

- Dissolution with children
- Dissolution without children
- Legal separation with children
- Legal separation without children
- Invalidity (annulment) with children
- Invalidity (annulment) without children
- Non-parental (3<sup>rd</sup> party) custody
- Parenting plan establishment
- Modification of parenting plan/custody decree
- Step-parent adoption
- \_\_\_\_\_
- Child support modification
- Protection order (response)
- Ex parte restraining order with children
- Ex parte restraining order without children
- Contempt order with children
- Contempt order without children
- Establishment of parentage: Paternity
- Establishment of parentage: Child support
- Rescission of acknowledgement/denial of paternity affidavit
- Domestic violence
- GAL appointment
- Other family law: \_\_\_\_\_

**(3) SERVICES provided during this visit:**

**(MARK ALL THAT APPLY)**

- Provided information about what forms were needed
- Provided instructions on how to complete forms
- Helped complete forms
- Reviewed forms/documents
- Discussed case procedures/upcoming steps
- Explained court orders
- Discussed courtroom procedures/protocol
- Checked court file
- Calculated child support
- Provided referrals
- Scheduled workshop or other appointment
- Requested translator/interpreter
- Other: \_\_\_\_\_

**(4) Time spent with person this visit:**

**(IN MINUTES)**

**(5) Previous contact with this person for this case: (MARK ALL THAT APPLY)**

- None
- In-person visit(s)
- Written correspondence
- Telephone
- Workshop/seminar/clinic
- Impromptu meeting(s)  
(e.g., immediately before or after hearing)
- Don't know

**(6) How many in-person visits has this person made to a Courthouse Facilitator so far for this case (including this visit)?**

- 1
- 2
- 3
- 4
- 5+

**(7) TOTAL time spent with this person this for this case so far (include all visits, phone calls, correspondence, workshops, meetings, etc.): (IN MINUTES)**

**(8) Service provided in:**

- English
- Spanish
- Other: \_\_\_\_\_

**(9) REFERRALS made:**

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## Appendix E

### Judicial Officers and Program Administrators Survey



## **Judicial Officer Survey**

1. How has the Courthouse Facilitator Program affected the work you do and the proceedings in your courtroom?
  2. How has the Courthouse Facilitator Program affected pro se litigants and access to justice?
  3. How could the Courthouse Facilitator Program be more helpful to you?
  4. How could the Courthouse Facilitator Program be more helpful to pro se litigants?
- Other thoughts about the Courthouse Facilitator Program and/or pro se litigants?

## **Program Administrator Survey**

1. How is the Courthouse Facilitator Program funded?
  2. What impact has the Courthouse Facilitator Program had on litigants and case processing in your county?
  3. What are the biggest challenges facing the Courthouse Facilitator Program? How could it be improved?
- Other thoughts about the Courthouse Facilitator Program and/or pro se litigants?

## Appendix F

### Court Experiences Survey



# Court Experiences Survey

Today's date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**(1) What is your age?** \_\_\_\_ \_\_\_\_

**(2) What language are you most comfortable speaking? (MARK ONLY ONE)**

- English
- Spanish
- Korean
- Mandarin
- Cantonese
- German
- Russian
- Tagalog
- Vietnamese
- Japanese
- Other \_\_\_\_\_

**(3) What is your race/ethnic group?**

- African-American/Black
- Asian/Pacific Islander
- Hispanic/Latino
- Native American/Eskimo/Aleut
- White, non-Hispanic
- Other: \_\_\_\_\_

**(4) What is your gender?**

- Female
- Male

**(5) What is your employment status?**

- Employed part time (<30 hours)
- Employed full time (30+ hours)
- Unemployed
- Retired
- Disabled, unable to work
- Other: \_\_\_\_\_

**(6) What is your monthly income before taxes (include all income sources)?**

- \$500 or less
- \$501-\$1,000
- \$1,001-\$1,500
- \$1,501-\$2,000
- \$2,001-\$3,000
- \$3,001-\$4,000
- Over \$4,000

**(7) What is the highest level of school you completed?**

- 8<sup>th</sup> grade or less
- 9<sup>th</sup> to 11<sup>th</sup> grade
- High school graduate/GED
- Some college or Associates degree
- Bachelors degree
- Advanced degree

**Please answer the following questions with respect to your recent  
FAMILY LAW CASE.**

**(8) You were the:**

- Petitioner/Plaintiff
- Respondent/Defendant

**(9) Was your case contested by the other party?**

- Yes
- No
- Don't know

**(10) Was the other party represented by a lawyer?**

- Yes
- No
- Don't know

**(11) Did you receive *any* legal services from a lawyer related to this case?**

- No
- Yes, a lawyer helped me with my case, but I represented myself during court hearings
- Yes, I was fully represented by a lawyer

**12) Approximately how much money did you spend on this case? Include any legal fees, court fees, expenses for books, forms, and packets, etc.**

- Less than \$100
- \$100 -\$500
- \$501-\$1,000
- \$1,001-\$5,000
- \$5,001-\$10,000
- \$10,001-\$20,000
- Over \$20,000

**(13) If you represented yourself in court, why did you decide to represent yourself?**

**\*\*\*MARK ALL THAT APPLY\*\*\***

- I could not afford a lawyer
- I could afford a lawyer, but didn't want to pay for one
- I did not know how to find or hire a lawyer
- I thought a lawyer would slow things down
- I don't trust lawyers
- Legal Aid organization(s) told me they could not help me
- I could get the services I needed from someone other than a lawyer
- I represented myself because I believed my case was not that complicated
- I represented myself even though I knew my case was complicated
- Other (*please explain*):

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- Not applicable. I was represented in court by a lawyer.

**(14) Other than a lawyer, where did you get help or advice?**

**\*\*\*MARK ALL THAT APPLY\*\*\***

- Courthouse Facilitator
- Legal Aid organization/CLEAR
- Paralegal
- Other court staff
- Friend or relative
- Self-help books
- Library
- Internet (*list websites*)  
\_\_\_\_\_  
\_\_\_\_\_
- Other agency/organization (*provide name*):  
\_\_\_\_\_
- Other (*please explain*):  
\_\_\_\_\_
- I did not get any other help or advice

**(15) If you did NOT receive services from the Courthouse Facilitator, why not?**

**\*\*\*MARK ALL THAT APPLY\*\*\***

- I did not know about the Courthouse Facilitator program
- I thought a Courthouse Facilitator would slow things down
- I did not think I needed the services of the Courthouse Facilitator
- The location was not convenient
- The hours of operation did not fit with my schedule
- The fees were too expensive
- I got help elsewhere
- I had a lawyer
- Other (*please explain*):  
\_\_\_\_\_

**Who was the Courthouse Facilitator?** If you represented yourself in a family law case in superior court, you may have received services from a Courthouse Facilitator. Courthouse Facilitators are also referred to as court facilitators, family court facilitators, or family law facilitators.

Some of the services Courthouse Facilitators provide include information about court forms, explanations of procedures or court orders, calculation of child support, and lawyer referrals. Services and fees vary by county, and some counties require individuals who represent themselves to meet with the Courthouse Facilitator at some point in the process. Courthouse Facilitators do not give legal advice or represent individuals in court.

**(16) After each statement, please fill in the circle that comes closest to how you felt about your court experience.**

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Not Applicable
I understood the instructions given to me by the courthouse staff (not including the judge/commissioner).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The courthouse staff treated me with respect.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The judge/commissioner treated me with respect.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I had all the information I needed for my court appearance(s).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was prepared for my court appearance(s).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I understood the words and instructions of the judge/commissioner.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I had correctly filled out all the necessary forms by the time I appeared in court.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The judge/commissioner heard everything about my case that I thought was important.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I knew what to do during court proceedings.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was able to effectively present my case and my evidence.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was surprised by what happened.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I thought the judge/commissioner's decision was fair.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was satisfied with my decision to either have an attorney or represent myself.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have trust and confidence in the courts.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I had to go back to court for an additional hearing because of a problem with my forms.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was satisfied with the court proceedings.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was satisfied with the outcome of my case.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I would choose the same form of representation (i.e., attorney or self) if I had to do it over again.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**(17) Please share your thoughts about your court experience:**

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**IMPORTANT!** If you received any services from a Courthouse Facilitator, please complete pages 5-6. **Otherwise, stop here.**

## COMPLETE PAGES 5 & 6 ONLY IF YOU RECEIVED SERVICES FROM A COURTHOUSE FACILITATOR

**Who was the Courthouse Facilitator?** If you represented yourself in a family law case in superior court, you may have received services from a Courthouse Facilitator. Courthouse Facilitators are also referred to as court facilitators, family court facilitators, or family law facilitators.

Some of the services Courthouse Facilitators provide include information about court forms, explanations of procedures or court orders, calculation of child support, and lawyer referrals. Services and fees vary by county, and some counties require individuals who represent themselves to meet with the Courthouse Facilitator at some point in the process. Courthouse Facilitators do not give legal advice or represent individuals in court.

If you did not receive services from a Courthouse Facilitator, stop here.

**(18) How did you receive services from the Courthouse Facilitator?**

**\*\*\*MARK ALL THAT APPLY\*\*\***

- In-person appointment(s) (scheduled or walk-in)
- Written correspondence (letters, email)
- Telephone
- Workshop/seminar/clinic
- Other meetings (e.g. immediately before or after a court hearing)
- Other: \_\_\_\_\_

**(19) How many in-person visits (scheduled or walk-in) did you have with the Courthouse Facilitator?**

- 0
- 1
- 2
- 3
- 4+

**(20) Approximately how much total time (in minutes) did you spend with the Courthouse Facilitator either in person, on the phone, or in group meetings?**

\_\_\_\_ \_ (minutes)

**(21) What assistance or information did you receive?**

**\*\*\*MARK ALL THAT APPLY\*\*\***

- Received forms only
- Received forms with instructions on how to complete them
- Assistance completing forms
- Explanation of court orders
- Order after hearing/judgment
- Document review
- Procedural information
- Had court file checked
- Child support calculation
- Other educational materials
- Referrals to Legal Aid or other providers
- Translator/interpreter
- Other: \_\_\_\_\_

**(22) After each statement, please fill in the circle that comes closest to how you feel about the services you received from the Courthouse Facilitator.**

	<b>Strongly Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
The information I received from the Courthouse Facilitator helped me to understand my situation better.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was less worried about my situation because of the services I received from the Courthouse Facilitator.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was less confused about how the court works because of the services I received from the Courthouse Facilitator.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I know more about how the laws work in my situation because of the services I received from the Courthouse Facilitator.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The fees for the Courthouse Facilitator's services were affordable.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was more prepared for my court appearances because of the services I received from the Courthouse Facilitator.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Courthouse Facilitator listened to what I had to say.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have more trust and confidence in the courts because of the services I received from the Courthouse Facilitator.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I understood the forms and instructions the Courthouse Facilitator gave to me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Courthouse Facilitator treated me with respect.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was satisfied with the services I received by the Courthouse Facilitator.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The hours of operation for Courthouse Facilitator services worked with my schedule.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The location for Courthouse Facilitator services was convenient.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I would recommend Courthouse Facilitator services to someone who wanted to represent himself or herself in court.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**(23) Please share your thoughts about the Courthouse Facilitator services:**

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***Thank you for completing this survey!***

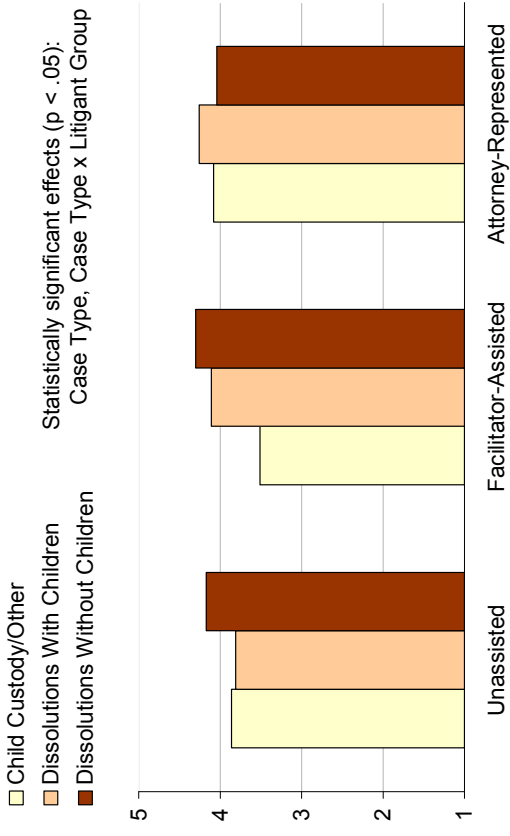
Washington State Center for Court Research  
 1206 Quince Street SE  
 PO Box 41170  
 Olympia, WA 98504-1170



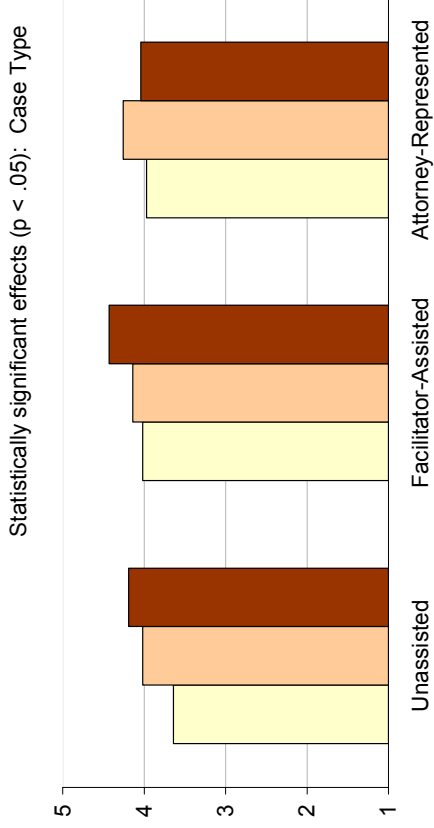
## Appendix G

### Analyses of the Court Experiences Items by Litigant Group and Case Type

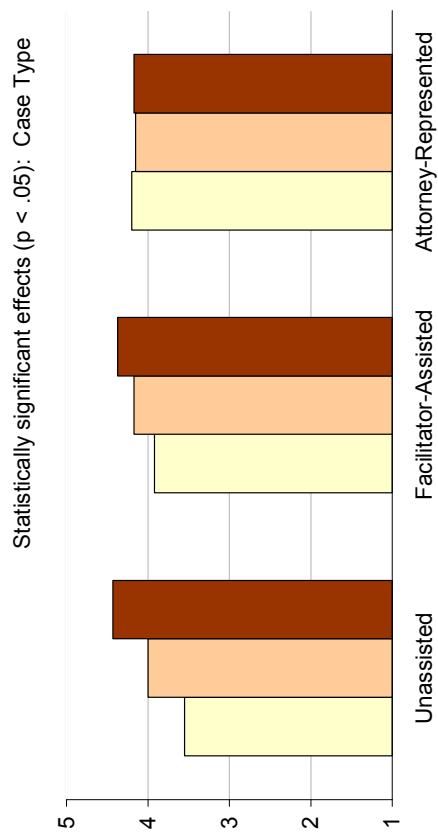
**Figure A. Understood Instructions by Staff (Item 1)**



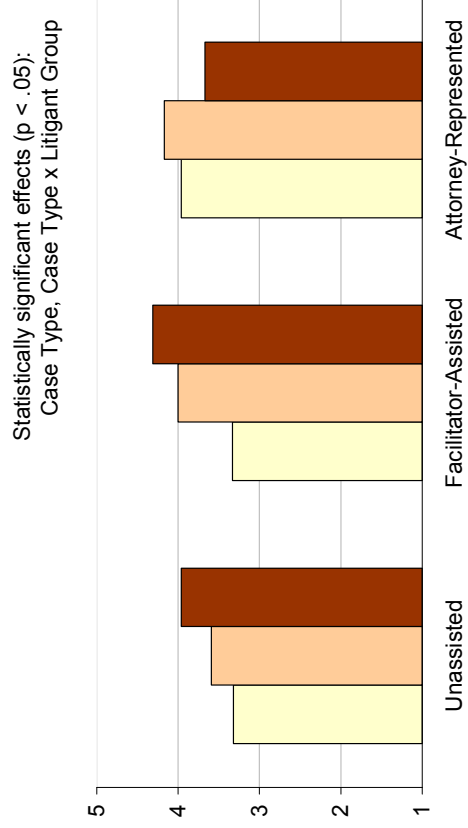
**Figure B. Treated Respectfully by Staff (Item 2)**



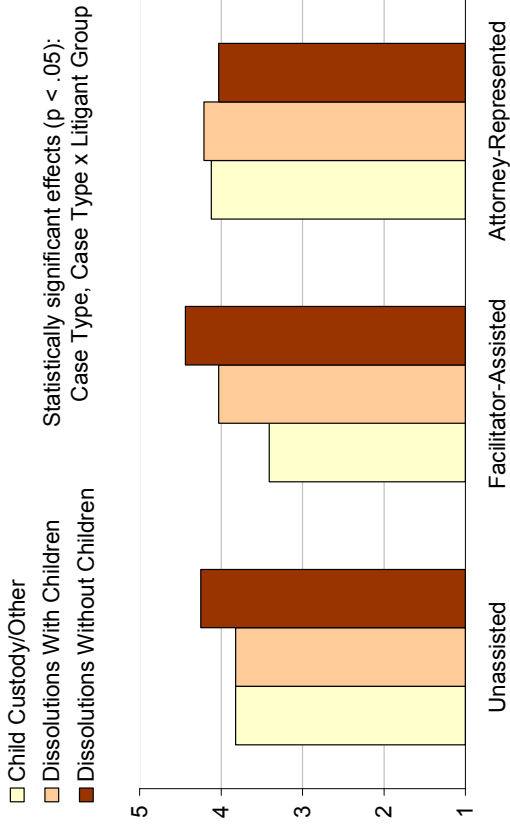
**Figure C. Treated Respectfully by Judge/Commissioner (Item 3)**



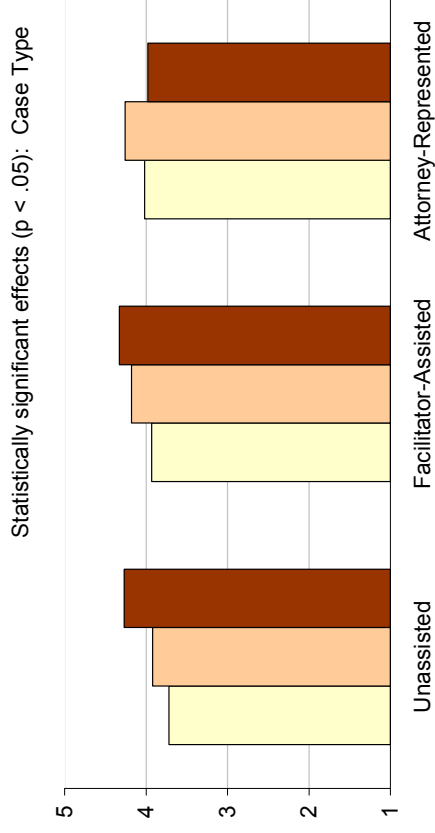
**Figure D. Had All the Information Needed (Item 4)**



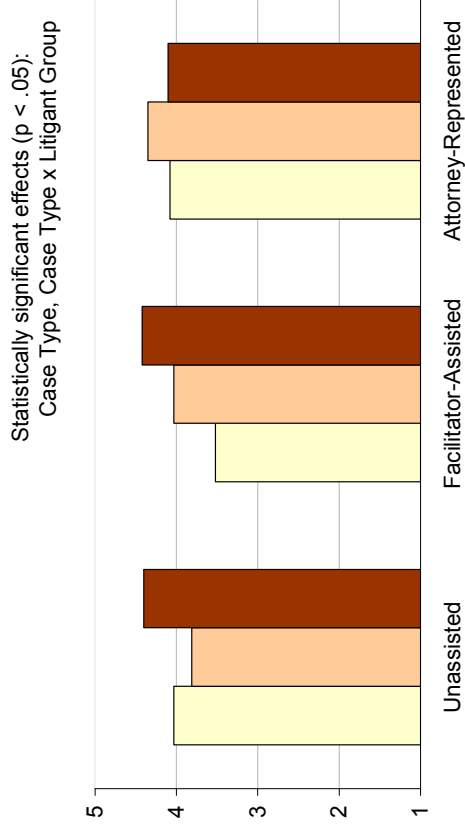
**Figure E. Prepared for Court Appearance (Item 5)**



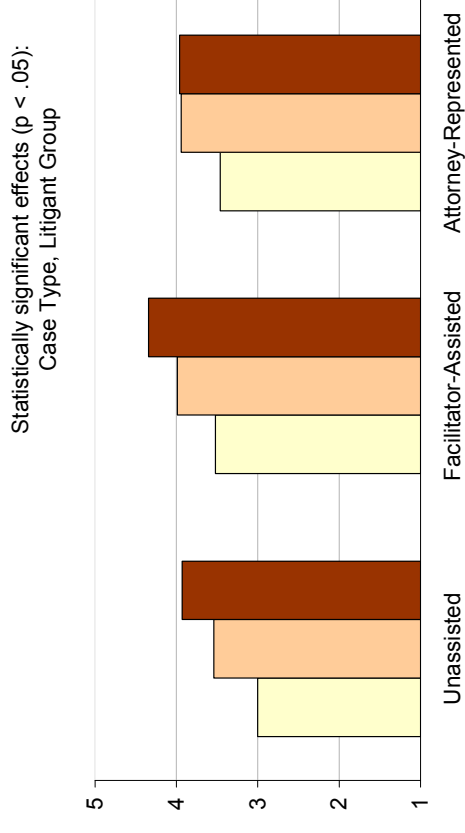
**Figure F. Understood Words and Instructions of Judge/Commissioner (Item 6)**



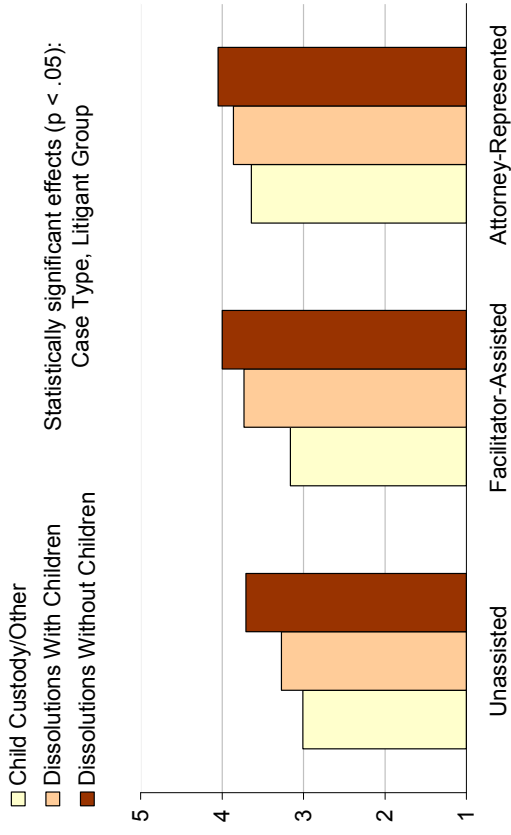
**Figure G. Correctly Filled Out Necessary Forms (Item 7)**



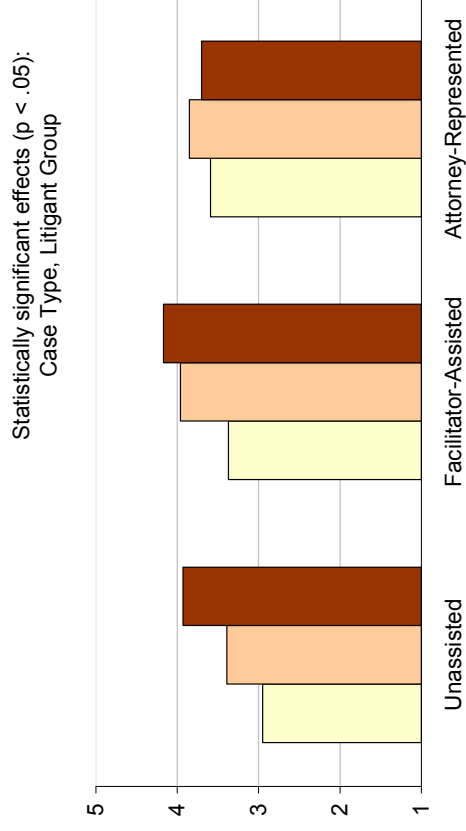
**Figure H. Judge/Commissioner Heard Everything That Was Important (Item 8)**



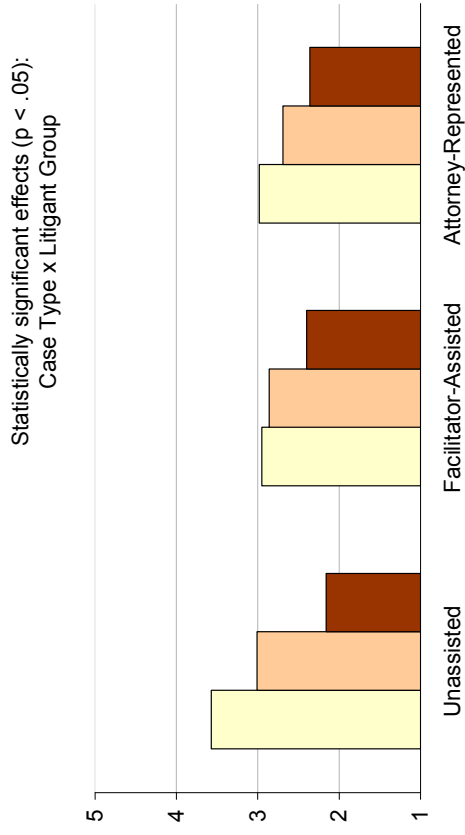
**Figure I. Knew What To Do During Court Proceedings (Item 9)**



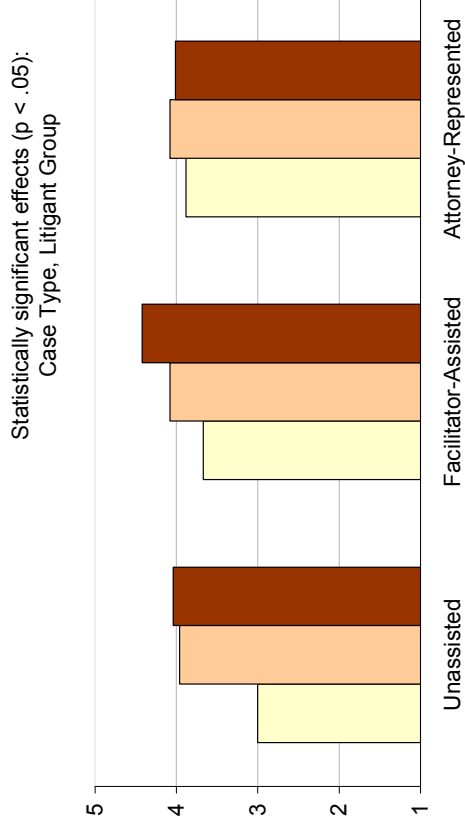
**Figure J. Effectively Presented Case and Evidence (Item 10)**



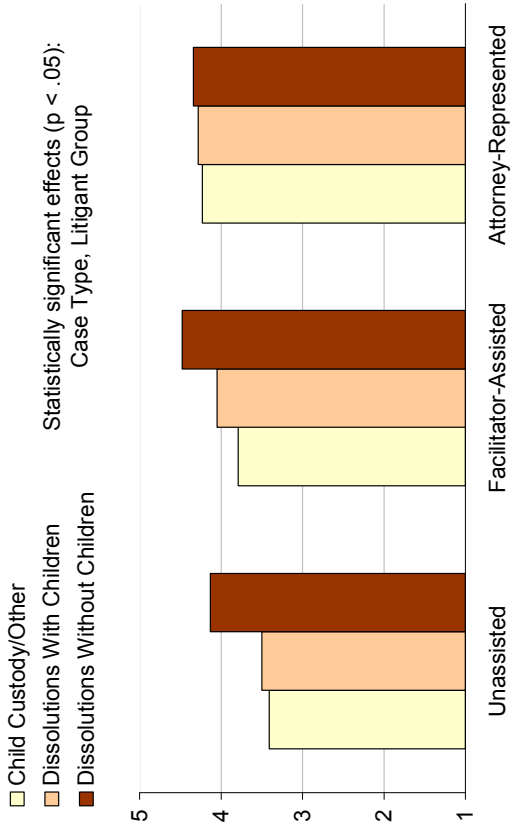
**Figure K. Surprised by What Happened (Item 11)**



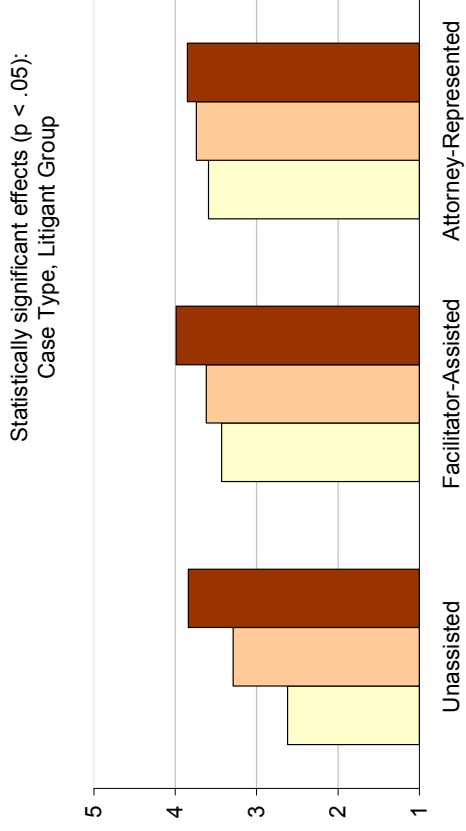
**Figure L. Judge/Commissioner's Decision Was Fair (Item 12)**



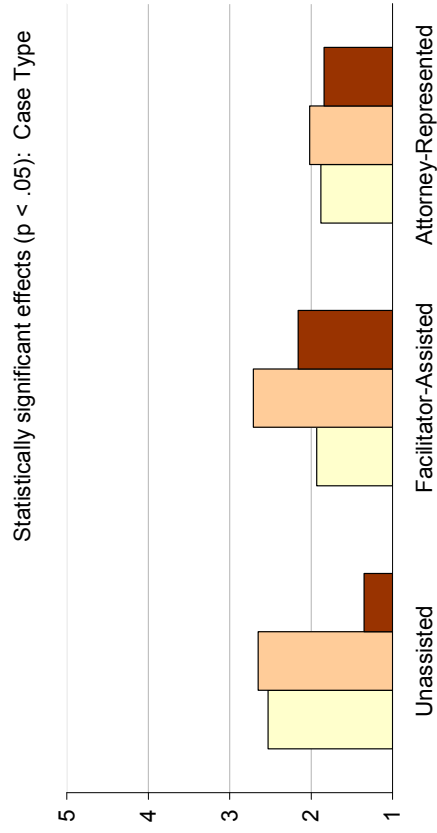
**Figure M. Satisfied with Choice of Representation (Item 13)**



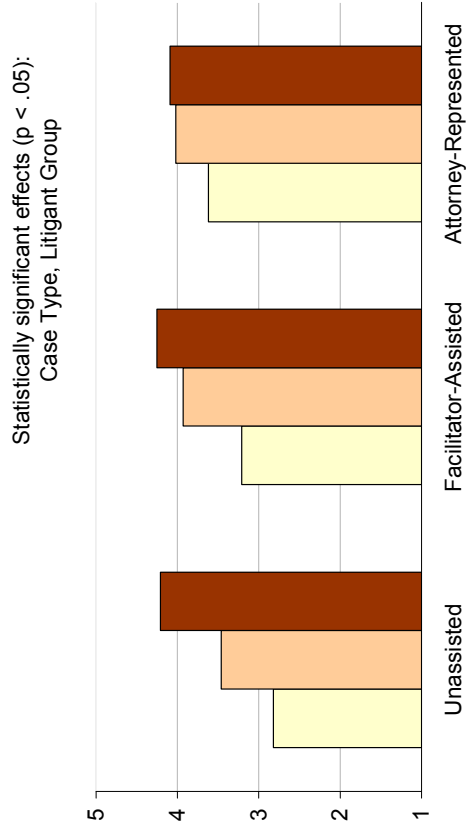
**Figure N. Have Trust and Confidence in the Courts (Item 14)**



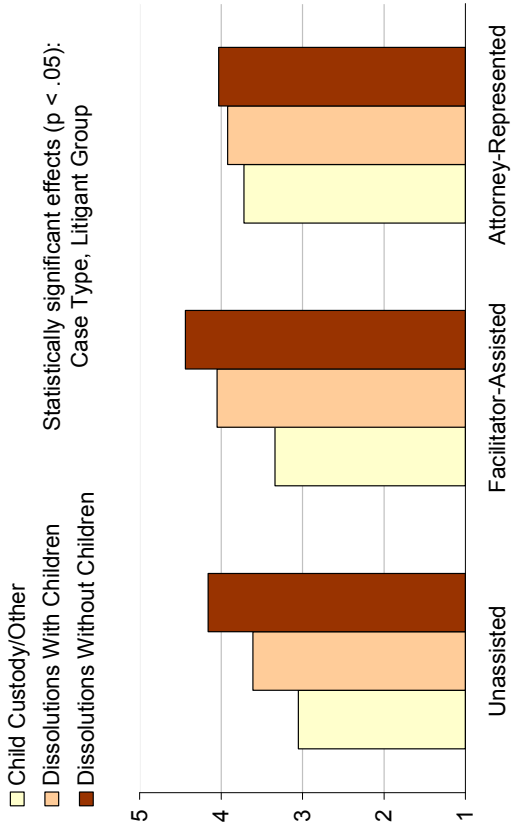
**Figure O. Had Additional Hearing Because of Problem with Forms (Item 15)**



**Figure P. Satisfied with Court Proceedings (Item 16)**



**Figure Q. Satisfied with the Outcome of the Case (Item 17)**



**Figure R. Would Choose Same Form of Representation (Item 18)**

