

# SELF-REPRESENTED LITIGANTS, THE COURTS, AND THE LEGAL PROFESSION: MYTHS AND REALITIES

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Many general jurisdiction trial judges believe that family law litigants choose not to use lawyers and that this choice leads inevitably to their inability to obtain just results in their cases and constitutes an expensive, frustrating, and largely insoluble problem for the judicial branch. There is a parallel view within the family law bar which can be summarized: The provision of forms and information on the Internet has deceived self-represented litigants into believing that they can and should handle their own family law cases. They not only sacrifice their legal rights, but also squander judges' time, which in turn jeopardizes the rights and raises the costs of those clients who retain lawyers. The self-help phenomenon also threatens the financial livelihood of lawyers. Available data and experience contradict both beliefs. This article points out that (1) most self-represented litigants do not choose to represent themselves, instead they have no alternative; (2) judges who follow recognized best practices for dealing with self-represented litigants encounter no unusual ethical issues; (3) self-represented litigants, when given appropriate accommodation, are able to obtain fair outcomes reflecting the facts and law applicable to their cases; (4) cases involving self-represented litigants consume far *less* court and judicial resources than cases in which both sides are represented; and (5) self-represented litigants constitute a potentially lucrative market for the delivery of limited-scope representation by the private bar.

Key Points for the Family Court Community:

- most self-represented litigants do not choose to represent themselves, instead they have no alternative;
- judges who follow recognized best practices for dealing with self-represented litigants encounter no unusual ethical issues;
- self-represented litigants, when given appropriate accommodation, are able to obtain fair outcomes reflecting the facts and law applicable to their case;
- cases involving self-represented litigants consume far *less* court and judicial resources than cases in which both sides are represented;
- self-represented litigants constitute a potentially lucrative market for the delivery of limited-scope representation by the private bar.

**Keywords:** *Burden on Courts; Judicial Myths; and Self-Represented Litigants.*

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The White Paper of the Institute for the Advancement of the American Legal System's (IAALS) Honoring Families Initiative on the court and separating and divorcing families<sup>1</sup> notes the growing number of litigants in family law cases handling their cases without lawyers. In their discussion of this phenomenon, they make the following statements:

[S]elf-represented litigants place strain on the court system, as courts have to adjust their processes to accommodate persons unschooled in the law and in legal procedures. The role of the judge in a family case involving self-represented litigants is also more complex. Judges must master all aspects of family law because they cannot rely on the attorneys to raise all relevant legal issues. Judges are often conflicted about how much help to provide a self-represented litigant so that he/she avoids mistakes and still complies with legal procedures, fearing they will be compromising their neutrality and impartiality in providing assistance. In July 2010, the ABA conducted a nationwide survey of approximately 1,200 state trial judges on the issue of pro se litigation. The judges responded that litigants are generally doing a poor job of representing themselves and are burdening the courts. Many state court judges around the country view the rise in self-represented litigants as one of the foremost challenges facing the system.<sup>2</sup>

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Combined, these statements describe a judicial attitude that can be summarized as follows: The decision of family law litigants not to use lawyers leads inevitably to their inability to obtain a just result in their cases and constitutes an expensive, frustrating, and largely insoluble problem for the judicial branch.<sup>3</sup> Because there is one or more self-represented party in the majority of family law cases in most U.S. jurisdictions, this means that judges who take this view have conceded that it is beyond their powers, and not their responsibility, to resolve most cases involving family law issues in a fair and just manner.

There is a parallel view within the family law bar which can be summarized: The provision of forms and information on the Internet has deceived self-represented litigants (SRLs) into believing that they can and should handle their own family law cases. They not only sacrifice their legal rights, but also squander judges' time, which in turn jeopardizes the rights and raises the costs of those clients who retain lawyers. The self-help phenomenon also threatens the financial livelihood of lawyers.<sup>4</sup> The courts and the bar should work together to smother this phenomenon and force all parties in family cases to do what is obviously in their best interests—hire lawyers to handle their cases in the traditional way.

Not all judges and lawyers subscribe to these points of view. Many realize that these attitudes are based on factual misconceptions, constitute institutional prejudice against SRLs, and represent a perversion of the legal system's commitment to justice for all. In many states, judges, court staff, and most of the family law bar now realize that it is their obligation to ensure that family law litigants obtain outcomes that reflect the facts and law applicable to their case regardless of their representation status. And they have created processes—fully consistent with judicial and legal ethics—that deliver fair and just outcomes in these cases at less cost to the judicial system than the resolution of cases with legal representation.

In this commentary, I address a number of fallacies contained in the judicial and legal attitudes reported in the IAALS White Paper and summarized somewhat differently above—that most SRLs choose to proceed without legal representation, that judges and court staff cannot assist them without violating their ethical obligations, that SRL cases take more time than represented cases, that SRLs are unable to obtain fair and just outcomes in their cases, and that the SRLs movement threatens the financial well-being of family lawyers. Demonstrating that the views reported in the 2010 ABA survey have no basis in fact, the question for IAALS and the American legal system is why large numbers of general jurisdiction trial judges continue to hold them and what can be done about that.

### **MOST SRLS ARE NOT CHOOSING TO REPRESENT THEMSELVES**

The Legal Services Corporation reports that civil legal services organizations in this country are only able to provide legal representation to twenty percent of eligible persons with an “essential” civil legal need. Every legal services program is required to set priorities for deciding which twenty percent of the eligible cases it will take. Most legal services programs exclude family law cases from their priorities altogether, with a frequent exception for cases involving domestic violence.<sup>5</sup> For the most part, then, free legal representation is not available for poor people with family law matters.<sup>6</sup>

Nor is it as a practical matter available to persons of moderate means. Every study that asks SRLs why they do not have a lawyer finds that the most frequent reason is that they cannot afford one, followed by their not wanting to pay so much for one, followed by their view that their case was simple enough to handle on their own.<sup>7</sup> All studies show that a large majority of SRLs are poor, although they all also show that some percentage could clearly afford a lawyer. A recent study in Canada showed that most SRLs did not spurn legal representation; rather the traditional legal system failed them—fifty-eight percent of the persons who volunteered to be interviewed reported that they had begun their case with a lawyer but had run out of money or concluded that their lawyer was not providing them any useful service.<sup>8</sup> Finally, every study that has examined the issue finds that SRLs are on average more satisfied with the legal process than persons represented by a lawyer.<sup>9</sup>

Empirical data supports the views of SRLs that they are choosing to represent themselves in less complicated cases. A study in California in 2001 found that the rate of self-representation varied

significantly based on case type, with self-representation much less frequent in more serious types of cases.<sup>10</sup>

Small claims	91.1%
Infractions	83.1%
Unlawful detainer	81.1%
Family	35.3%
Civil < \$25,000	11.5%
Motor vehicle torts	6.1%
Felony property crimes	4.5%
Juvenile dependency	0.3%

In sum, most SRLs represent themselves because they have no realistic alternative—free legal services are not available to them if they are poor; private representation is not affordable if they are persons of modest means. Those who could afford a lawyer appear to be making rational decisions about whether they are capable of handling their own case. And they are consistently more satisfied with the process than are those persons who chose to retain a lawyer.

### JUDGES AND COURT STAFF CAN ASSIST SRLS WITHOUT VIOLATING THEIR ETHICAL OBLIGATIONS

Any discussion of complaints about the ethical quandaries faced by judges dealing with unrepresented persons needs to begin with the observation that these complaints never come from limited-jurisdiction judges who handle traffic, small claims, and misdemeanor courts—where historically lawyers have rarely appeared. Instead of complaining about the difficulties presented by SRLs, these courts proudly refer to themselves as the “people’s courts” and pride themselves in being able to provide just outcomes for unrepresented persons.<sup>11</sup> In response to concerns raised by general jurisdiction judges, the ABA and most states have adopted commentary to Rule 2.2 of the *Model Code of Judicial Conduct* as follows:

To ensure impartiality and fairness to all parties, a judge must be objective and open-minded, and must not show favoritism to anyone. *It is not a violation of this Rule, however, for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard.*

The Conference of Chief Justice has adopted a resolution calling upon state judicial branches to include even more expansive language. At least nine states have done so.

Many trial judges who feel that they may not assist SRLs in the courtroom are misled by statements in state and federal appellate opinions to the effect that “[SRLs] are held to the same standards as lawyers.” While it is certainly true that the basic legal rules of both substance and procedure have to be the same for persons with and without lawyers, it is not a correct reading of these appellate precedents that judges must require SRLs to perform in the courtrooms as if they are lawyers.

In a 2003 article, Judge Rebecca Albrecht, Bonnie Hough, Richard Zorza, and I analyzed appellate precedents from multiple states and showed that, in many of the cases in which an appellate court used this language, the court also enumerated a series of steps the trial judge had taken to accommodate the needs of the SRL and praised the judge for taking those steps. The appellate cases can be summarized in this way: A judge will usually be affirmed in his/her exercise of discretion in deciding the extent of assistance to provide an SRL. The judge is much more likely to be reversed for providing too little assistance than for providing too much. Decisions of judicial discipline commissions are consistent—there are many decisions criticizing a judge for abusing SRLs and very few for giving them too much assistance.

In his writings,<sup>12</sup> Richard Zorza has shown that judicial neutrality is not synonymous with judicial passivity. Judges can be both neutral and engaged with litigants to ensure that all evidence and points

of view bearing on a matter come to the judge's attention. This point of view is incorporated in a set of best practices that have been developed for dealing proactively with SRLs in the courtroom. They have been embodied in a benchbook for judges in California and in a curriculum for judges first presented to teams of judges from thirty-eight jurisdictions at Harvard in 2007.

The best practices are:

- Framing the subject matter of the hearing
- Explaining and guiding the process that will be followed
- Eliciting needed information from the litigants by
  - Allowing litigants to make initial presentations to the court
  - Breaking the hearing into topics
  - Asking questions to obtain information needed for a fair decision
  - Obviously moving back and forth between the parties
  - Paraphrasing
  - Maintaining control of the courtroom
  - Giving litigants an opportunity to be heard while constraining the scope and length of their presentations, and
  - Giving litigants a last opportunity to add information before announcing a decision
- Engaging the litigants in decision making
- Articulating the decision from the bench
- Explaining the decision
- Summarizing the terms of the order
- Anticipating and resolving issues with compliance
- Providing a written order at the close of the hearing
- Setting litigant expectations for next steps, and
- Using nonverbal communication effectively

When judges engage actively in a hearing using these techniques, the litigants perceive that they are treated fairly and the judge is able to make a ruling based on the law and facts of the case. These same practices are effective when one side is represented as well as when neither side is represented.

This same point of view informs the provision of forms, information, and assistance by court staff and in the proactive management of SRL cases to ensure that they move successfully through the court process—identifying cases that are not progressing and bringing them into the court (or into a self-help center) for detailed instructions on how to move the case forward. The most frequent use of this process is when an SRL petitioner fails to file a proof of service in a timely manner.<sup>13</sup>

In 2011, the U.S. Supreme Court held that assistance for SRLs is not only permissible, but is required by the Due Process clause of the Fourteenth Amendment of the U.S. Constitution in the case of an unrepresented defendant facing a civil contempt citation for nonpayment of child support. In *Turner v. Rogers*,<sup>14</sup> the Court held that appointment of counsel at public expense is not required in such cases, but reversed the South Carolina Supreme Court for failing to provide “substitute procedural safeguards.” The Court held that the following safeguards are required in these cases:

- (1) notice to the defendant that his “ability to pay” is a critical issue in the contempt proceeding;
- (2) the use of a form (or the equivalent) to elicit relevant financial information;
- (3) an opportunity at the hearing for the defendant to respond to statements and questions about his financial status (e.g., those triggered by his responses on the form); and
- (4) an express finding by the court that the defendant has the ability to pay.

Of particular significance is the fact that neither the majority nor the dissenting opinion in *Turner v. Rogers* considered it necessary to address whether these requirements are or are not consistent with the judge's requirement of impartiality.

## SRLS ARE ABLE TO OBTAIN FAIR AND JUST OUTCOMES IN THEIR CASES

In 2007, Greacen Associates conducted research in four courts with advanced practices in handling cases involving SRLs to test the hypothesis that SRLs do not understand what is going on in the courtroom. The research consisted of videotaping actual court hearings involving two SRLs—one tape of the litigants and the other of the judge, followed by separate playback sessions with each litigant. The full audio recording of the hearing was preserved on both of the hearing tapes. During the litigant playback sessions, a researcher would play the hearing tape of the judge on a monitor, stopping the tape after every significant interaction between the court and a litigant and asking the SRL what s/he understood to have happened during the interaction. We conducted a similar playback session with the judge, using the litigant tape and asking the judge for her/his understanding of each interaction. All playback sessions were recorded for subsequent analysis. The judge tapes were sent to an expert on nonverbal communication for scoring the judge's effectiveness as a nonverbal communicator. The principal finding of the study was that almost all the litigants who agreed to participate in the study understood what transpired during these short contested family law hearings, and indeed did so at a deep and nuanced level.

The litigants, each of whom had participated in at least one previous hearing, not only understood the issues raised during the hearing, they also understood the legal concepts at the heart of family law (such as joint physical and legal custody of minor children). Many of them were also able to make reasonable distinctions between issues that were critical to the hearing and issues that were tangential; they made conscious choices not to take up the time of the court with the latter. The overall level of successful communication was 8.7 on a ten-point scale; some of the communication failures were attributable to the judge (for instance, in one child support modification case, the litigants did not understand when the new child support amount was to take effect because the judge did not announce the effective date during the hearing). Three factors that impaired understanding were the use of legal terms by the judge or the child support attorney, translation into a language other than English, and low mental functioning by one litigant of the thirty studied. In the latter case, the judge's ability to perceive the low mental functioning was made more difficult by the fact that the case involved interpreters.

Each litigant completed a litigant satisfaction survey. The judges completed two surveys. The first asked about their experiences with SRLs over the past year. The results from this survey showed that these judges recognize the need for judge assistance of SRLs, agree that judges should explain the procedures that will be followed in a hearing, strongly agree that judges should ask questions in these hearings to obtain needed information, strongly disagree that SRLs should be treated as if they were lawyers, and disagree with the notion that these cases take more court time than those involving represented litigants.

The second survey asked the judges to rate the courtroom performance of the litigants in these cases on seven factors and to record the outcome of the case. Judges and litigants perceived the court outcomes identically. The judges reported that twenty-two of the thirty litigants prevailed in whole or in part or were in hearings in which neither party prevailed. Twenty-two of the litigants reported that the outcome of the hearing was favorable to them or a draw.

The litigants were very satisfied with the way the hearings were conducted. In addition to asking about the outcome, we asked the litigants to rate the hearing on nine dimensions. We analyzed the results separately for petitioners and respondents. Of the eighteen resulting average scores, twelve were 4.0 or above on a five-point scale. The other six were between 3.5 and 4.0. Respondents were more likely than petitioners to report that the outcomes were unfavorable to them and reported somewhat lower (but still high) scores for the fairness of the hearing and their overall satisfaction with the process. However, respondents reported higher scores than petitioners on the four key procedural fairness indicators: the opportunity to be heard, equal treatment with others in the courtroom, respectful treatment, and a sense that the judge cared about his/her case. This finding is consistent with other studies showing that litigants are able to distinguish between the procedural fairness of a hearing and whether they won or lost.

Judges' ratings of the performance of the litigants in the hearings were consistently higher than their survey responses concerning their experiences with SRLs in general over the past year. The same seven questions were used in both instruments. Judges rated the litigants in the cases observed more positively than SRLs in general sixty-four percent of the time and lower only fourteen percent of the time. All ten judges reported that SRLs do not take more of their judicial time than represented litigants.

The communications study was conducted in four courts that employed sophisticated techniques for dealing with SRLs both in the courthouse and in the courtroom. The specific practices that they followed are documented in the list of best practices reported above.

In a fascinating article in the *Yale Law Journal*, Jeanne Charn reviews recent empirical studies of the impact of lawyers' services on court outcomes and "celebrates" the findings of no effect as showing that the courts are able to deliver justice to persons representing themselves.<sup>15</sup> Additional supporting empirical evidence comes from an unpublished study conducted a decade ago by the Self Help Center for Minnesota's Fourth Judicial District in Minneapolis, Hennepin County. In an effort to determine whether their efforts were helping the persons they served, Self Help Center staff traced 100 family court cases in which the Center had given assistance in preparing a request for relief and the party decided to proceed with filing. Law student volunteers reviewed court files to determine whether there were problems with service of process, whether hearings were rescheduled or cancelled, if the cases were dismissed for failure to follow procedural requirements, and what the outcomes were. They found no evidence of problems relating to service of process or missed or rescheduled hearings. All but two of the petitioners not only were able to obtain a court determination on the merits of their case, but also obtained all or part of the relief they sought.<sup>16</sup>

### SRL CASES TAKE FEWER JUDICIAL RESOURCES THAN REPRESENTED CASES

The 2007 communications study summarized above documents the view among judges who use sophisticated techniques for dealing with SRLs in the courtroom that these cases do not take more time than cases in which lawyers appear. In interviews with judges who have made effective use of the best practices, I have learned that many of them now report that hearings with SRLs actually take *less* time than hearings in which lawyers appear. This point of view is reinforced by empirical studies of several dimensions of court case processing time.

A 1993 study in Maricopa County, Arizona<sup>17</sup> found that parties in cases with at least one SRL were less likely to seek interim relief, less likely to seek modification of a decree, and more likely to report that they understood the decree than cases in which both parties were represented by counsel. Another study, in Washington in 2001, found that family law cases in which at least one lawyer appeared were twenty times more likely to have trials in divorce cases involving children and forty times more likely in cases without children, twice as likely to have motion hearings (in both case categories), and twenty-four times more likely to involve a continuance in cases with children and 240 times more likely to involve a continuance in cases without children.<sup>18</sup>

<i>Dissolutions with children</i>	<i>2 SRL cases</i>	<i>At least one party represented</i>
Nonjury trial	2.1%	41.9%
Motion hearing	37.3%	74.7%
Continuance	1.5%	35.6%
<i>Dissolutions without children</i>		
Nonjury trial	1.0%	40.1%
Motion hearing	23.4%	57.7%
Continuance	0.1%	24.3%

The Washington 2001 study found that dissolution cases—both with and without children—took two and a half times longer from filing to disposition if a lawyer was involved than if both parties were SRLs. Studies by the National Center for State Courts and the IAALS have reached the same result.<sup>19</sup>

The California 2001 study found that the average time required to complete a hearing is longer for some case types if both parties are SRLs; but that is not the case for family law cases, which took thirty percent *less* time. The table below shows the average number of minutes for hearings with and without lawyers in representative case types:

<i>Average hearing length</i>	<i>both SRL</i>	<i>At least 1 lawyer</i>
Probate	3.4	17.2
Felony/person	14.0	37.7
Motor vehicle torts	16.1	22.3
Family	15.8	12.2
Small claims	15.5	10.4
Unlawful detainer	13.0	5.7

In sum, cases involving a SRL have fewer hearings, trials, and continuances; take shorter time from filing to disposition; and take less average hearing time than cases involving a lawyer. The data on the reduced demand on judicial resources in SRL cases is related to some degree to the data cited earlier in note 10 that litigants are more likely to represent themselves in less complex cases.

### **THE SRL MOVEMENT OFFERS A FINANCIAL OPPORTUNITY FOR FAMILY LAWYERS**

A recent resolution from the ABA<sup>20</sup> advocates that lawyers throughout the United States take advantage of their ethical option to offer “limited-scope legal representation”—such as providing legal advice, drafting a document, or making an appearance in court—while leaving overall responsibility for handling the case with the client. Many SRLs yearn for an opportunity to consult a lawyer about their case or to get help with a particular task—and are willing to pay a reasonable hourly rate for that help. Providing this form of legal assistance to SRLs offers the private bar a new and lucrative form of practice that takes advantage of the SRL phenomenon, rather than fighting it. Most state bar associations, however, have refused to create separate referral directories directing potential clients to lawyers willing to offer this form of representation for fear that its existence will reduce the number of full-service clients.<sup>21</sup>

In summary, the problems that many general jurisdiction trial judges perceive in dealing with SRLs in family law cases do not exist. The techniques for dealing successfully with SRLs in the courthouse and in the courtroom are well established and well documented. That judges fail to adopt them and persist in perceiving problems where they do not exist constitute a form of willful blindness that is probably best attributed to their identification with family lawyers and their fear of alienating them by providing a fair and just court environment for litigants who cannot afford or choose to do without their services.

### **NOTES**

1. Rebecca L. Kourlis et al., *IAALS' Honoring Families Initiative: Courts and Communities Helping Families in Transition Arising from Separation or Divorce*, 51 FAM. CT. REV. 351 (2013).

2. Footnotes omitted.

3. A 2012 study in Arkansas found that eighty percent of the judges reported that self-representation has a negative impact on case outcomes. One judge reported that “there have been times [self-represented litigants] prevailed, but very, very seldom.”

4. It is clear that many judges share this viewpoint with the lawyers. Part of their resentment toward SRLs arises from their perception that these litigants are thumbing their noses at the legal profession. They identify much more closely with the bar than with SRLs.

5. This appears to have had the perverse consequence in some jurisdictions of the filing of requests for restraining orders simply to obtain representation.

6. With support and encouragement from the Legal Services Corporation, legal services programs in the United States have invested significant resources in developing online forms and information resources for family law litigants and legal services hotlines provide brief advice to millions of poor persons with family law issues. But representation remains largely unavailable, even from lawyer pro bono programs (which have difficulty finding volunteer lawyers willing to take on family law cases).

7. Small percentages of SRLs report that they believe lawyers would slow down and complicate their case and that they do not trust lawyers. Empirical evidence reported later in this article shows that the former view is warranted.

8. Julie Macfarlane, *Final Report: The National Self-Represented Litigants Project: Identifying and Meeting the Needs of Self-Represented Litigants* (May 2013), available at <http://www.representing-yourself.com/PDF/reportM15.pdf>.

9. See, e.g., John M. Greacen, *How Fast, Fair, and Cheap Should Courts Be? Instead of Letting Lawyers and Judges Decide, New Mexico Asked Its Customers*, 82 JUDICATURE 287 (May–June 1999).

10. A recent Greacen Associates study of self-help centers in Los Angeles County showed that persons who began their cases without a lawyer but obtained a lawyer during the case had more complicated cases than persons who sought help from a self-help center or handled their case without help of any kind.

11. There have, of course, been critical studies of these limited-jurisdiction courts that question whether justice is always meted out in these venues.

12. See, e.g., Richard Zorza, *The Disconnect Between the Requirements of Judicial Neutrality and Those of the Appearance of Neutrality when Parties Appear Pro Se: Causes, Solutions, Recommendations, and Implications*, 17 GEORGETOWN J. LEGAL ETHICS 423 (2004).

13. I have personally spoken with judges who declare “my hands are tied” in this situation; the only procedure the judge perceived to be available was to wait until the case could be dismissed for failure to prosecute. The petitioner would be left with the need to start the process over without any notion of why the previous attempt failed.

14. *Turner v. Rogers*, 131 S. Ct. 2507 (June 20, 2011).

15. Jeanne Charn, *Celebrating the “Null” Finding: Evidence-Based Strategies for Improving Access to Legal Services*, 122 YALE L.J. 2206 (2013).

16. E-mail from Susan T. Ledray, former director of the Fourth Judicial District Self Help Center to the author, August 5, 2014.

17. Bruce D. Sales et al., *Is Self-Representation a Reasonable Alternative to Attorney Representation in Divorce Cases?*, 37 ST. LOUIS U. L.J. 353 (1993).

18. Judicial Services Division, Administrative Office of the Courts, *An Analysis of Pro Se Litigants in Washington State, 1995–2000*, Olympia, WA.

19. Nicole L. Mott & Paula L. Hannaford, *A Picture of Pro Se Litigants: Who and Why?*, Paper presented to the Joint Law and Society Meeting and Research Committee on Sociology of Law of the International Sociological Association, Budapest, Hungary, July 2001, The National Center for State Courts, Williamsburg, VA 2001; John M. Greacen & Pamela Gagel, *Family Law in Focus: A Retrospective Study of Colorado’s Early Experience with Proactive Case Processing*, Institute for the Advancement of the American Legal System (2013), [http://iaals.du.edu/images/wygwam/documents/publications/Family\\_Law\\_in\\_Focus.pdf](http://iaals.du.edu/images/wygwam/documents/publications/Family_Law_in_Focus.pdf)

20. Resolution 108 from the 2012 annual meeting.

21. There are exceptions. The Alaska bar has encouraged the development of this form of practice and established a section on unbundled legal practice. The Montana Bar has done the same.

*John M. Greacen, currently a principal of Greacen Associates, LLC, wrote the seminal article on the difference between legal information and legal advice for court staff in 1995 and continues to publish regularly on the topic. He has evaluated programs to assist self-represented litigants in Alaska, Arizona, Arkansas, California, Florida, Maryland, Minnesota, and Virginia. He was consultant to the Arkansas, Florida, and Utah judicial branch committees developing strategic plans for providing assistance to self-represented litigants. He has done research on communications in court hearings involving two self-represented litigants. He was editor of the California Benchbook on Self-Represented Litigants and author of the benchbook chapter on judicial ethics. He has made educational presentations on dealing with self-represented litigants in many states and in Canada. He is a project consultant to the Self-Represented Litigation Network and an ex-officio member of its executive committee. He is the principal consultant for the Network’s State Justice Institute-funded study of remote delivery of services to self-represented litigants.*