

# Self-Represented Litigants: Characteristics, Needs, Services

## THE RESULTS OF TWO SURVEYS

### Self-Represented Litigants in the New York City Family Court and New York City Housing Court



### Services for the Self-Represented in the Town and Village Courts

# Self-Represented Litigants in the New York City Family Court and New York City Housing Court



## Executive Summary

The New York State Unified Court System's Office of the Deputy Chief Administrative Judge for Justice Initiatives (DCAJ-JI) surveyed 3,303 litigants appearing without a lawyer ("self-represented litigants") in the New York City Family Court and New York City Housing Court in 2003. Most litigants in these courts appear without a lawyer for critical types of cases: evictions; domestic violence; child custody; guardianship; visitation; support; and paternity.

The survey revealed that the majority of self-represented litigants:

- have low incomes;
- feel they cannot afford a lawyer for their case;
- do not consult with a lawyer; and
- have relatively low levels of formal education

Other significant survey results included the following:

- 83% of the survey respondents reported themselves as either African-American, Asian, or Hispanic.
- Survey respondents had less education and lower income than New York City residents as a whole.
- Respondents who completed the survey in Spanish reported lower income and education levels than those who completed it in English.
- The percentage of self-represented litigants who felt they could not afford an attorney (approximately 60%) was similar throughout the entire range of reported annual incomes (under \$15,000 to more than \$45,000).
- Family Court and Housing Court staff received high ratings for the quality of the services they provide.
- Relatively few self-represented litigants are aware that the courts have public-access law libraries that can be used for research; even fewer reported using a library to do research.

- Most self-represented litigants want written materials to be available in courthouses and court staff to be available to explain procedures.
- Approximately one-third of self-represented litigants would like courthouse and case information, including court forms, available on the Internet.

From these findings, a series of recommendations emerge for new and existing programs aimed at ensuring the maximum practical degree of equal access to justice for self-represented litigants in these and similar courts. *See Recommendations, infra.*

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## **Introduction**

During the past fifteen years, a number of studies have examined pro se (“self-represented”) litigants and the causes of pro se litigation.<sup>1</sup> In general, these studies have highlighted the increase in self-represented litigation nationwide and observed that self-representation is likely to be a major feature of litigation in courts over the long-term.

In 2001, the Unified Court System’s Office of the Deputy Chief Administrative Judge for Justice Initiatives (DCAJ-JI) surveyed court managers and reported on the programs and services available for self-represented litigants in the New York State courts.<sup>2</sup> A majority of court managers reported an increase in demand for court services by self-represented litigants. To supplement this information, the DCAJ-JI began research to learn more about self-represented litigants: who they are; what kinds of cases they are handling on their own; whether they feel they need a lawyer for their cases and feel they can afford a lawyer; and what kinds of services they would find most useful for the courts to provide.

This new study focuses on the New York City Housing Court and the New York City Family Court. Both of these courts handle large caseloads involving self-represented litigants. While precise data do not exist, informal surveys of court managers have revealed that most litigants (Family Court, approximately 75%; Housing Court, approximately 90%) appear without a lawyer for critical types of cases: evictions; domestic violence; child custody; guardianship; visitation; support; and paternity.

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<sup>1</sup> See generally, Sales, Beck, and Haan, *Self-Representation in Divorce Cases* (American Bar Association 1993); New York State Bar Association, *The Report of the New York State Bar Association Commission on Providing Access to Legal Services for Middle Income Consumers* 25 (1996); Jona Goldschmidt et al., *Meeting the Challenge of Pro Se Litigants: A Report and Guidebook for Judges and Court Managers* (American Judicature Society 1999); State of New Hampshire Judicial Branch, *Challenge to Justice: A Report on Self-Represented Litigants in New Hampshire Courts* (2004).

<sup>2</sup> Office of the Deputy Chief Administrative Judge for Justice Initiatives, *Programs and Services for Self-Represented Litigants in the New York State Courts* (2001).

## Methodology

Volunteers distributed the surveys in the Housing and Family Courts of all five New York City boroughs. The volunteers were trained in administering the surveys and collecting data. The final analysis included 3,303 surveys, of which 361 (10.9%) were in Spanish. Table 1 shows the number of questionnaires completed by court and borough. Fifty-six percent of the surveys were received from Family Court, 44% from Housing Court.<sup>3</sup>

**Table 1: Self-Represented Litigants Surveyed by Court and Location**

	Family Court	Housing Court	Total
Bronx	471	378	849
Kings (Brooklyn)	395	269	664
New York (Manhattan)	288	299	587
Queens	245	483	728
Richmond (Staten Island)	458	17	475
TOTAL	1857 (56%)	1446 (44%)	3303 (100%)

## Representativeness of Survey

Survey subjects were approached randomly and were selected to complete a survey based solely on their willingness to participate. This selection criterion resulted

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<sup>3</sup> A pilot study involving more than one hundred surveys and on-site interviews was conducted in New York County Family Court and New York County and Kings County Housing Courts. A fifteen-item questionnaire resulted. Thereafter, the final survey was conducted. The final survey version was offered in both English and Spanish. Volunteers from the Red Hook Safety Corps, through a collaboration with the Center for Court Innovation, were assigned to a courthouse lobby, waiting area, or near an active courtroom during regular business hours in all boroughs. Individuals who were determined to be self-represented were asked to complete a survey. The first questionnaire item asked "Are you representing yourself in court?"; on the basis of their responses, 360 respondents (surveys) were excluded from the analysis. The analysis also excluded surveys in which a respondent did not indicate either which court they were visiting or their place of residence. In the end, 3,303 surveys were analyzed out of 4,125 collected (80.1%). Surveys in Spanish represented 10.2% of surveys collected and 10.9% of surveys analyzed.

in a substantial similarity in the distribution of the types of cases reported by self-represented litigants completing the survey and the types of cases filed in New York City Family Court during the period of time the surveys were collected (*See* Table 2). The similarity of case types suggests that the Family Court survey respondents were involved with the same types of cases as others in that court.<sup>4</sup>

**Table 2: Survey Representativeness**

<b>Case Type in Family Court</b>	<b>Survey Respondents</b>	<b>All Family Court Users *</b>
Custody	26%	26%
Family Offense/ Domestic Violence	30%	25%
Paternity	8%	9%
Support	33%	30%
Visitation	22%	9%

\* Source: Unified Court System caseload statistics for 2003.

## **Profile of Self-Represented Litigants in the NYC Family and Housing Courts**

### *Diversity of the Self-Represented*

Most self-represented litigants in these courts reported themselves as either African-American (48%), Asian (4%), Hispanic (31%), or Native American or Other (1%). The percentages were nearly identical for both Family Court and Housing Court. The figures for New York City residents identifying themselves in these categories to the U.S. Census Bureau are: African-American (27%), Asian (11%), Hispanic (28%), Native American/Other (1%).<sup>5</sup>

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<sup>4</sup> A similar comparison could not be made for Housing Court litigants. While Family Court deals with a myriad of petition types, the Housing Court caseload is overwhelmingly made up of eviction proceedings for nonpayment of rent. A court system study (New York State Unified Court System, *Housing Court Program: Breaking New Ground* [1997]) found that 98% of the New York City Housing Court filings in 1996 were for eviction proceedings due to nonpayment of rent (90%) and holdovers (8%).

<sup>5</sup> U.S. Census Bureau, *American Community Survey 2003 Data Profile*, Table 1: New York City General Demographic Characteristics. In both the survey and the Census data, Hispanics may be of any race.

Forty-five percent of survey respondents were women. The comparable figure for New York City is 53%.<sup>6</sup>

*Education and Income of Self-Represented Litigants*

Approximately half of the survey respondents reported a high school education or less.

**Table 3: Self-Represented Litigants by Education Level**

<b>Education</b>	<b>Family Court (N=1757)</b>	<b>Housing Court (N=1371)</b>	<b>Overall (N=3128)</b>
< High School	11%	13%	11%
High School Diploma	39%	31%	36%
Technical School	13%	16%	14%
Some College	23%	23%	23%
Associate Degree	8%	8%	8%
Bachelors Degree	5%	6%	5%
Post-Graduate Degree	2%	3%	2%

Most self-represented litigants (83%) reported household income of under \$30,000. More than half (57%) reported household income of under \$20,000. In Housing Court, that figure was 64%.

**Table 4: Self-Represented Litigants by Income Level**

<b>Income</b>	<b>Family Court</b>	<b>Housing Court</b>	<b>Overall</b>
< \$10,000	17%	26%	21%
\$10,000 - \$20,000	36%	38%	36%
\$21,000 - \$30,000	26%	24%	26%
\$31,000 - \$40,000	12%	8%	10%
\$41,000 - \$50,000	4%	2%	3%
Above \$50,000	4%	3%	4%

<sup>6</sup> *Id.*

These levels of education and income are lower than those in the New York City population as a whole. Census data for 2003 show that 30% of New York City residents have a bachelors degree or more, compared to 7% of the self-represented litigants surveyed.<sup>7</sup> In addition, 23% of New York City households have household incomes of less than \$20,000 in comparison to 64% of the self-represented litigants surveyed in Housing Court and 53% in Family Court whose income is below \$20,000.<sup>8</sup>

*Self-Represented Litigants Completing the Survey in Spanish*

Self-represented litigants completing the survey in Spanish had less education and lower income levels compared to respondents completing the survey in English. A total of 361 respondents preferred to complete the survey in Spanish. A comparison was made to determine whether differences existed in terms of education and income levels between respondents who completed the survey in English and those who completed it in Spanish. Ten percent of self-represented litigants completing the survey in Spanish had more than a high-school or technical school education compared to 43% of the self-represented litigants who completed the survey in English. Eighty percent of respondents completing the survey in Spanish reported income of \$20,000 or less compared to 54% of respondents in English.

**Table 5: Education Levels of Self-Represented Litigants Completing Surveys in English vs. Spanish**

<b>Education Level</b>	<b>English Version</b>	<b>Spanish Version</b>
< High School	10%	22%
High School Diploma	35%	37%
Technical School	12%	31%
Some College	25%	7 %
Associate Degree	9%	3%
Bachelors Degree	6%	0.3%
Post-Graduate Degree	3%	0%

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<sup>7</sup> U.S. Census Bureau, *American Community Survey 2003 Data Profile*, Table 2: Selected Social Characteristics.

<sup>8</sup> The data for New York City are from U.S. Census Bureau, *American Community Survey 2003 Data Profile*, Table 3: Selected Economic Characteristics.

**Table 6: Income Levels of Self-Represented Litigants Completing Surveys in English vs. Spanish**

<b>Income Levels</b>	<b>English Version</b>	<b>Spanish Version</b>
< \$10,000	19%	36%
\$10,000 - \$20,000	35%	44%
\$21,000 - \$30,000	27%	15%
\$31,000 - \$40,000	11%	4%
\$41,000 - \$50,000	4%	1%
Above \$50,000	4%	0%

**Purpose of Court Visit**

As might be expected, many more self-represented litigants reported being in court to appear for an ongoing case than to start a new case.

**Table 7: Purpose of Court Visit**

<b>Court Type</b>	<b>Start a Case</b>	<b>Appear for an On-going Case</b>
Family Court	27%	73%
Housing Court	7%	93%
<b>Total</b>	<b>18%</b>	<b>82%</b>

For Family Court, the data were analyzed by case type.

**Table 8: Purpose of Family Court Visit by Case Type**

Case Type	Start a Case	Appear for an On-going Case
Custody	36%	64%
Family Offense	26%	74%
Paternity	14%	86%
Support	26%	74%
Visitation	24%	76%

### Why Litigants Represent Themselves

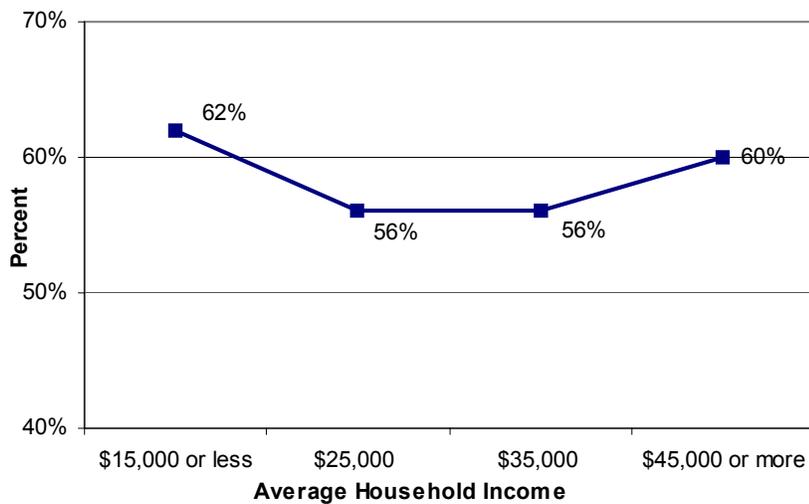
All survey respondents were asked whether they felt they could afford an attorney and whether they felt an attorney was needed for their case. (Respondents could indicate both of these responses, one, or neither.) Respondents were also asked whether they had consulted with an attorney. Table 8 shows the results. A majority (60%) reported feeling that they could not afford an attorney. Just 32% had consulted with an attorney; 44% felt they did not need an attorney. The data were similar for both Housing Court and Family Court.

**Table 9: Ability to Afford An Attorney; Consultation with An Attorney; Opinion that Attorney Not Needed**

	Family Court	Housing Court	Combined
Attorney Not Affordable	60%	60%	60%
Consulted With An Attorney	33%	32%	32%
Attorney Not Needed	45%	41%	44%

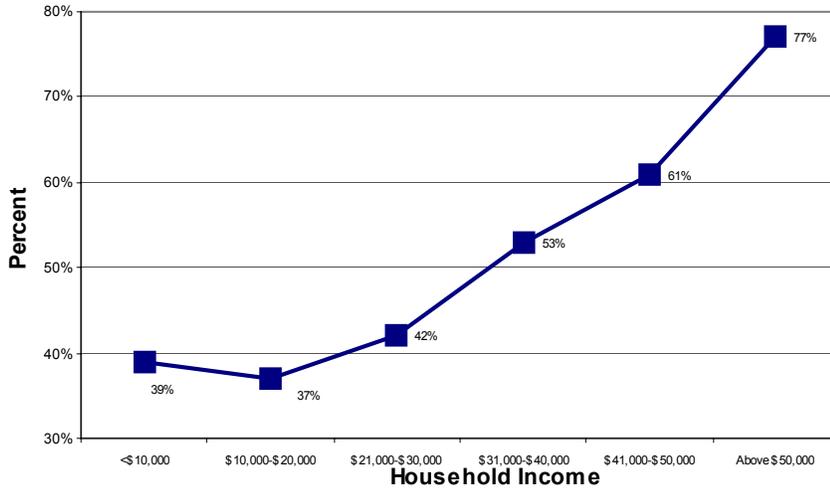
It was anticipated that at lower household incomes, survey respondents would be more likely to report they could not afford an attorney. As shown in Figure 1, however, as household income varied, little difference was observed in the percentage of individuals who indicated that they could not afford an attorney, i.e., 60% of self-represented litigants reporting income of \$45,000 or more felt they could not afford an attorney compared to 62% of self-represented litigants reporting income of less than \$15,000. It should be noted, however, that a large proportion of the respondents were in the lower-income brackets and no data were collected that controlled household income relative to family size.

**Figure 1: Percent of Respondents Reporting They Could Not Afford an Attorney: By Income Level**

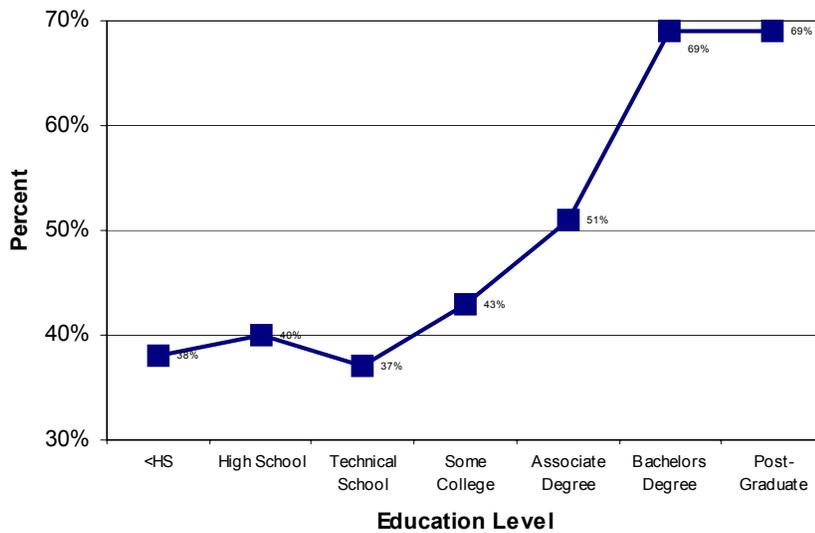


Household income and education level also were examined to determine their relationship to whether litigants felt an attorney was needed for their legal matters. As shown in Figure 2 and Figure 3, with increasing income and education self-represented litigants were more likely to feel an attorney is not needed.

**Figure 2: Percent of Respondents Reporting That They Felt An Attorney Was Not Needed: By Income Level**



**Figure 3: Percent of Respondents Reporting That They Felt An Attorney Was Not Needed: By Education Level**



**Legal Resources for the Self-Represented and Case Preparation**

Self-represented litigants have little familiarity with resources such as public access law libraries and, even if they know of them, are unlikely to use them. Nearly one-quarter of self-represented litigants reported that they knew that the courts have public access law libraries that can be used to do research, but only 9% reported using a law library to do research for their case. Some of these results varied depending on the type of court and its location. For example, in the New York County Family Court, as many as 26% of the self-represented litigants reported having done research in the library.

**Table 10: Knowledge and Use of Public Access Law Libraries Among Self-Represented Litigants**

	Family Court		Housing Court	
	Knowledge of Library	Use of Public Library	Knowledge of Library	Use of Public Library
Those starting a case	18%	14%	27%	18%
Those appearing for an on-going case	22%	9%	26%	6%
Total	21%	11%	27%	7%

**Quality Service in the Courts**

The survey asked a series of questions of self-represented litigants about their experiences during their visit to the court. As indicated in Table 11, 92% of self-represented litigants reported that they “strongly agreed” or “agreed” that court employees answered their questions completely. Ninety-one percent of litigants “strongly agreed” or “agreed” that court employees were polite and courteous, and 88% of the litigants “strongly agreed” or “agreed” that court employees were prompt and efficient.

**Table 11: Percent of Self-Represented Litigants That “Strongly Agreed” or “Agreed” That Quality Service Exists Within the NYC Family and Housing Courts**

	Family Court	Housing Court	Combined
Court employees answered questions completely	90%	94%	92%
Court employees were polite and courteous	90%	93%	91%
Court employees were prompt and efficient	85%	92%	88%

### How the Courts Can Help Self-Represented Litigants

The survey asked a series of questions about ways in which the courts can help self-represented litigants. In general, the respondents preferred to have written materials as well as court employees that explained court procedures and forms. As Table 12 shows, 47% of self-represented litigants reported that brochures explaining court procedures and forms would be very helpful, 46% reported that court employees explaining court procedures and forms would be very helpful, and 41% reported that a telephone hotline to call and obtain answers to their questions would be very helpful.

**Table 12: Ways the Courts Can Help Self-Represented Litigants: Percent Rating “Very Helpful”**

	Overall Rank(%)	Family Court	Housing Court
Brochures that explain court procedures and forms	47%	43%	53%
Court employees to explain court procedures and forms	46%	43%	50%
A telephone hotline to call and get answers to questions	41%	38%	46%
Information about how to find an attorney	40%	39%	42%
An Internet site with court information and forms	34%	32%	38%
Court information, procedures and forms available at public libraries	33%	31%	35%
Public meetings in which attorneys explain court procedures and forms	32%	31%	34%
Videos that explain court procedures and forms	27%	24%	31%

## Recommendations

The survey responses provided useful information for policy-making on how to allocate court resources to enhance equal access to justice for self-represented litigants:

- Continue the Unified Court System's efforts to increase funding for civil legal services and to expand pro bono legal help.
- Develop and promote legislation, rules, and pilot projects that would promote discrete task ("unbundled") legal representation in order to increase the availability of attorneys and lower the cost of representation to litigants.
- Continue to emphasize the Unified Court System's program to provide Quality Service, which appears to have yielded good results for self-represented litigants. The Quality Service Program is a formal Unified Court System program whereby court staff are trained to implement a policy of providing courteous, helpful, efficient responses to the needs of court users. The survey showed that people-to-people services are a key requirement for the self-represented.
- Continue to maintain and upgrade the Unified Court System's CourtHelp website ([www.nycourthelp.gov](http://www.nycourthelp.gov)) for self-represented litigants; continue and complete installation of CourtHelp public access terminals at courthouse locations throughout the state. CourtHelp was designed to help the self-represented find and use the courts more easily. Approximately 250,000 people have made a total of more than 600,000 visits to the CourtHelp site.
- Continue the Unified Court System's "facilitating access" training for providing legal information to self-represented persons without giving legal advice – train all non-judicial staff, then provide ongoing refresher training. This training, begun in 2004, is intended as a statewide program to ensure that court staff understand the broad permissible limits of their assistance to the self-represented and have the tools to provide it.
- Expand court and community-based services for the self-represented statewide, including courthouse Offices for the Self-Represented, Community Resource Centers, and other service delivery models as may be locally appropriate.

- Publicize the Unified Court System's extensive network of public-access law libraries; improve courthouse signage, conduct library tours that include tutorials to help self-represented litigants use the libraries; develop additional strategies to increase usage.
- Conduct research into other possible reasons besides affordability as to why litigants decide to appear without counsel.

# NEW YORK STATE UNIFIED COURT SYSTEM



The New York State Unified Court System wants to provide equal access to justice for all court users. To help us improve the services we provide to people who represent themselves, we have prepared this short survey. It will only take a few minutes to complete. This survey is completely anonymous.

Use a No. 2 pencil or blue or black ink pen only.  
 Fill in the ovals next to your answers.  
 Make no stray marks.  
 Do not fold or tear this form.

● Correct Mark  
 ✓ ✗ ○ Incorrect Marks

TO BE COMPLETED BY COURT STAFF			
COUNTY	DATE		
	MONTH	DAY	YEAR
<input type="radio"/> Bronx	<input type="radio"/> Jan		<input type="radio"/> 03
<input type="radio"/> Kings	<input type="radio"/> Feb		<input type="radio"/> 04
<input type="radio"/> New York	<input type="radio"/> Mar	<input type="radio"/> 0	<input type="radio"/> 0
<input type="radio"/> Queens	<input type="radio"/> Apr	<input type="radio"/> 1	<input type="radio"/> 1
<input type="radio"/> Richmond	<input type="radio"/> May	<input type="radio"/> 2	<input type="radio"/> 2
<input type="radio"/> Other	<input type="radio"/> June	<input type="radio"/> 3	<input type="radio"/> 3
<b>COURT</b>	<input type="radio"/> July		<input type="radio"/> 4
<input type="radio"/> Civil	<input type="radio"/> Aug		<input type="radio"/> 5
<input type="radio"/> Family	<input type="radio"/> Sept		<input type="radio"/> 6
<input type="radio"/> Housing	<input type="radio"/> Oct		<input type="radio"/> 7
<input type="radio"/> Supreme	<input type="radio"/> Nov		<input type="radio"/> 8
<input type="radio"/> Other	<input type="radio"/> Dec		<input type="radio"/> 9

1. Are you representing yourself in court?  Yes  No

**IF YOU SAID "NO" TO QUESTION 1 PLEASE DO NOT COMPLETE THIS FORM.**

2. Did you ever consult an attorney about this case?  Yes  No

3. Why are you representing yourself? (Please respond to each statement.)

Cannot afford an attorney  Yes  No

Don't feel an attorney is needed  Yes  No

Other (specify) \_\_\_\_\_

4. I came to court today to: (Please respond to each statement.)

Learn how to start a case  Yes  No

Start a court case or file a petition  Yes  No

Appear for a scheduled court date  Yes  No

Apply for poor person's status  Yes  No

Respond to a petition, complaint or summons  Yes  No

Make or respond to a motion  Yes  No

Get information about my case  Yes  No

Give the court information about my case  Yes  No

Other (explain) \_\_\_\_\_

5. Have you used a law library to do research for your case?  Yes  No

6. Did you know that the courts have public access law libraries that you can use to do research for your case?  Yes  No

7. What type of case do you have? (Mark all that apply.)

<b>FAMILY COURT MATTER</b>	<b>OTHER COURT MATTERS</b>
<input type="radio"/> Custody	<input type="radio"/> Birth Certificate Correction
<input type="radio"/> Family Offense/Domestic Violence	<input type="radio"/> Divorce (Uncontested)
<input type="radio"/> Paternity	<input type="radio"/> Divorce (Contested)
<input type="radio"/> Support	<input type="radio"/> Housing (Landlord/Tenant)
<input type="radio"/> Visitation	<input type="radio"/> Loss of Public Benefits
	<input type="radio"/> Name Change
	<input type="radio"/> Small Claims
	<input type="radio"/> Will or Estate
	<input type="radio"/> Other (explain) _____

8. Which court are you visiting today?  Civil  Family  Housing  Supreme  Small Claims  Surrogate's  Other (explain) \_\_\_\_\_  Don't know

9. Here are some ways that the courts can help you.  
Please indicate how helpful each one would be to you.

	Very Helpful	Somewhat Helpful	Not At All Helpful
Brochures that explain court procedures and forms.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Information about how to find an attorney.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public meetings in which attorneys explain court procedures and forms to court users.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Court employees to explain court procedures and forms.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Videos that explain court procedures and practices.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A telephone hotline to call and get answers to my questions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
An Internet site with court information and forms.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Court information, procedures and forms at my public library.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

10. Please rate the quality of service you received during your visit to the court.

	Strongly Agree	Agree	Disagree	Strongly Disagree
Court employees answered my questions completely.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Court employees were polite and courteous.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Court employees were prompt and efficient.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

11. Where do you live?

- Bronx                       New York (Manhattan)     Richmond (Staten Island)  
 Kings (Brooklyn)             Queens                       Other

12. Race/Ethnicity:

- White                               Hispanic                       American Indian/Alaskan  
 Black                               Asian/Pacific Islander     Other (specify) \_\_\_\_\_

13. Gender:

- Male                               Female

14. How far did you go in school?

- Less than High School     Technical School             Associate's Degree             Post-Graduate Education  
 High School Diploma     Some College                 Bachelor's Degree

15. Yearly income of your household:

- Less than \$10,000             \$21,000–\$30,000             \$41,000–\$50,000  
 \$10,000–\$20,000             \$31,000–\$40,000             Above \$50,000

**YOUR COMMENTS OR SUGGESTIONS:**

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**THANK YOU FOR TAKING THE TIME TO COMPLETE THIS FORM.  
YOUR CONTRIBUTION WILL HELP US TO GIVE BETTER SERVICE.**

# Services for the Self-Represented in the Town and Village Courts



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## Introduction

Achieving equal access to justice for persons who appear in court without a lawyer (the “self-represented”) is an important goal of the New York State Unified Court System. As one means of promoting this goal, the Office of the Deputy Chief Administrative Judge for Justice Initiatives has conducted surveys of the trial courts and of trial court litigants to assess the need for, and availability of, court services for self-represented persons. This survey of the Town and Village Courts is the third of these surveys, following a 2001 survey of programs and services for the self-represented in the Supreme and County Courts<sup>1</sup> and a 2003 survey of self-represented litigants in the New York City Family Court and New York City Housing Court.<sup>2</sup>

The many Town and Village Courts, with jurisdiction over traffic cases, criminal proceedings, housing matters, small claims, and other civil cases, have an important role in New York’s justice system and the lives of New Yorkers. Although locally funded, and not technically a part of the state-funded Unified Court System, the Town and Village Courts and the Unified Court System maintain a close relationship, with the Unified Court System providing training and other kinds of technical support for their operation.

## Methodology

The survey was mailed to each of the 924 Town Courts and 363 Village Courts in New York State, a total of 1,287 courts.<sup>3</sup> A second mailing of the survey was made to every court that did not respond to the initial mailing. A total of 668 surveys were completed and returned, a survey return rate of 52%.<sup>4</sup> Respondents represented the full range of geographic locations associated with these courts throughout New York State. Unless specifically noted below, the data presented are based upon the surveys received from the Town and Village Courts combined. Analysis showed few, if any, meaningful statistical differences between the two court types as to survey responses.

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<sup>1</sup> *Programs and Services for Self-Represented Litigants in the New York State Courts* (2001).

<sup>2</sup> *Report on Self-Represented Litigants in the New York City Family Court and New York City Housing Court* (2005).

<sup>3</sup> A prior pilot study consisting of a written questionnaire and follow-up phone surveys with Town and Village Justices and court administrators was conducted among 12 geographically diverse Town and Village Courts. Based upon responses from the pilot, it was determined that a written survey mailed to Town and Village Courts statewide would be appropriate.

<sup>4</sup> The breakdown of returns was 486 Town Courts (54%), 177 Village Courts (73%), 177 Village Courts (26%), and 5 combined Town and Village Courts (1%).

## Survey Results

### 1. Caseloads

The survey requested caseload data for 2003. Caseloads varied considerably in these courts depending on location; the reported range was from 18 cases to nearly 75,000 cases. The average court caseload was 2,361 cases. Approximately 70% of the Town and Village Courts handled more than 200 but less than 3,500 cases. Only approximately 15% handled more than 3,500 cases.

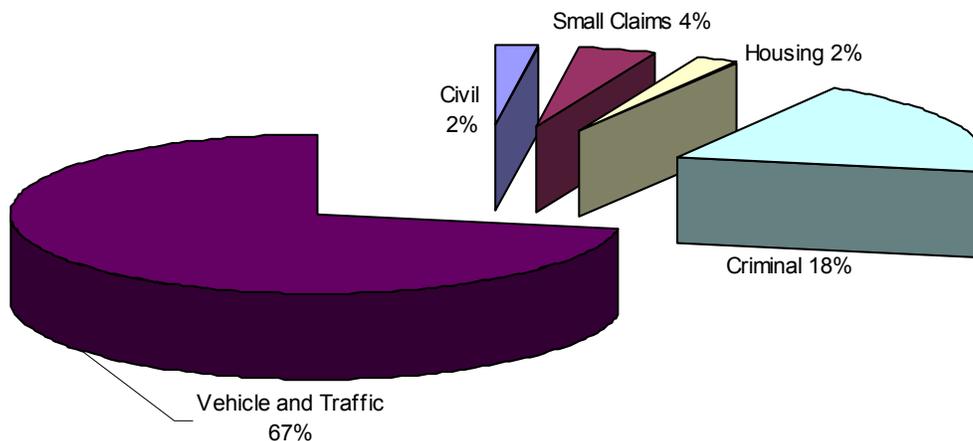
The breakdown of caseload by case type was as follows:

Vehicle and Traffic Law	67%
Criminal cases (mostly misdemeanors)	18%
Small Claims	4%
Civil Cases Other than Small Claims and Landlord-Tenant	2%
Landlord-Tenant and other Housing	2%
Other ( <i>e.g.</i> , cases involving the Alcohol Beverage Control Law, Parks/Recreation and Historic Preservation Law, Public Health Law, environmental conservation laws, and other village and town ordinances)	7%

Figure 1 illustrates the distribution of types of proceedings.

**Figure 1**

#### **Types of Proceedings in the Town and Village Courts**



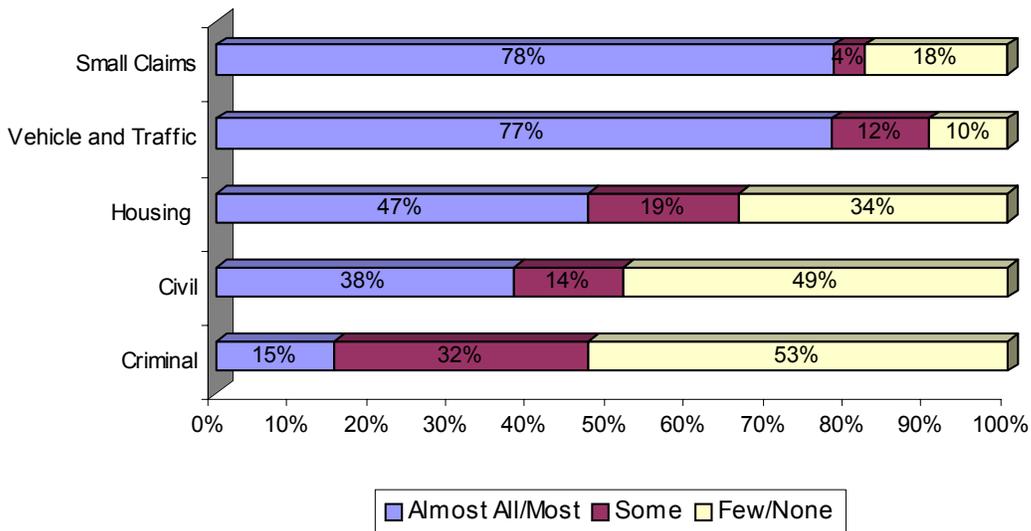
Approximately half (47%) of the Town and Village Courts indicated that they used the monthly report to the New York State Comptroller (Form AC 1030) as the source of their caseload statistics. Another 36% of respondents indicated that they relied exclusively on some other (unspecified) kind of record-keeping system to track the number of cases handled. The remainder of courts (17%) reported using informal estimates to report caseload data.

## 2. Self-Represented Cases

Only 2% of the courts reported maintaining records of the number of cases that involve self-represented litigants.<sup>5</sup> Survey respondents were asked to estimate the data if they did not have records; the courts estimated that, on average, 69% of their annual caseload involves self-represented litigants. Figure 2 shows survey respondents' estimates of the frequency (from "almost all of the time" to "not at all") with which litigants appear without lawyers in specific case types. Respondents estimated that 78% of litigants appear without a lawyer *almost all or most of the time* in small claims matters, 77% in vehicle and traffic cases, 47% in housing cases, 38% in civil cases, and 15% in criminal cases.

Figure 2

### Frequency With Which Litigants Appear Without An Attorney by Type of Proceeding



<sup>5</sup> By contrast, 15% of the state's Supreme and County trial-level courts report keeping such records.

### 3. Court Record Types

The survey asked for information about the type of record ordinarily made of the various types of court proceedings. (The data were considered relevant to self-represented litigants who seek to appeal a Town and Village Court decision.) As shown in Table 1, the majority of the Town and Village Courts primarily use handwritten notes as a record of proceedings. While many of the courts reported using more than one method of recording (*e.g.*, both stenographic and/or taped records in addition to handwritten notes), 43% of respondents reported relying exclusively on handwritten notes. The use of a stenographic record was most common in criminal cases, although just 12% of respondents reported using this method as their primary method for this case type, with approximately 70% of the courts relying primarily on handwritten notes for the record of proceedings in criminal cases (and in all other case types as well).

**Table 1**

**Types of Record of Proceedings in Town and Village Courts**

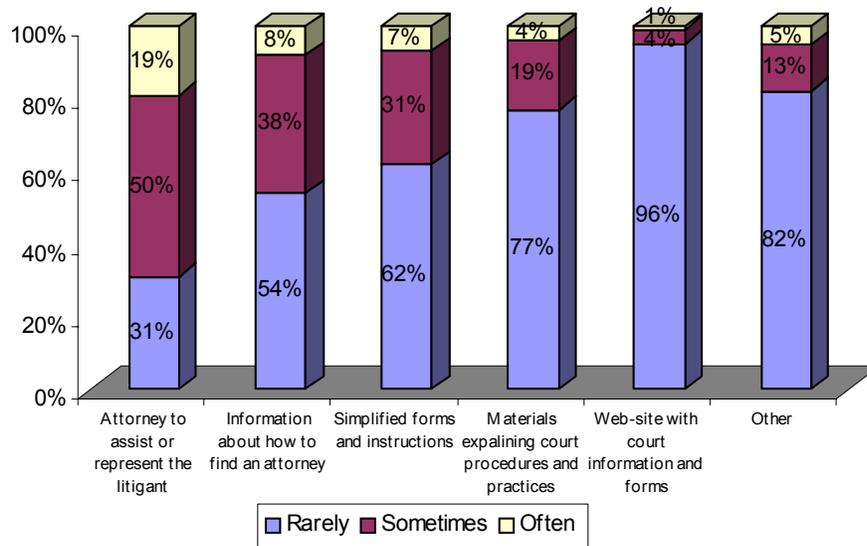
<b>Case Type</b>	<b>No Record</b>	<b>Handwritten Notes</b>	<b>Taped Record</b>	<b>Stenographic Record</b>	<b>More than One Method</b>
Civil	5%	72%	9%	6%	8%
Small Claims	2%	71%	11%	5%	11%
Housing	3%	75%	8%	5%	9%
Criminal	1%	69%	6%	12%	11%
Vehicle and Traffic	6%	77%	4%	8%	6%

#### 4. Services Requested by Self-Represented Litigants

Survey respondents were asked how often self-represented litigants request various types of services. Figure 3 shows the results. According to respondents, self-represented litigants “often” or “sometimes” request the following services:

An attorney to assist or represent them	69%
Information about how to find an attorney	46%
Simplified forms and instructions	38%
Materials explaining court procedures and practices	23%
A website with court information and forms	5%
Other (mediation services, translators and interpreting services, pro bono legal assistance, procedures for appeals)	18%

**Figure 3**  
**Frequency of Requests for Services by Self-Represented Litigants**



## 5. Services Available to Self-Represented Litigants

Table 2 shows the types of services and materials currently available to assist self-represented litigants in the Town and Village Courts.

**Table 2**  
**Percentage Reporting the Availability of Certain Types of Materials and Services to Assist Self-Represented Litigants**

<b>Materials or Services Available</b>	<b>Percent (Yes)</b>
Small claims booklets	92%
Applications for assigned counsel	79%
Appeals information	56%
Court forms	54%
Landlord-tenant case legal information	44%
Vehicle and traffic case legal information	40%
Poor person applications	38%
Community education/outreach	35%
Social service agency referral information	32%
Attorney referral information	28%
Other types of materials and services	7%

In addition, 37% of survey respondents indicated that a public law library was located nearby their court.

## 6. Helpful Resources for Self-Represented Litigants

The survey listed various types of resources, services, and other approaches that the New York State courts currently use to help the self-represented. Survey respondents were asked to indicate the extent to which these services would be helpful in their particular Town or Village Court. As shown in Table 3, the services considered to be the most helpful to self-represented litigants in the Town and Village Courts would be: simplified court forms; brochures explaining court procedures and forms; information about how to find an attorney; attorney representation itself; and training for court staff.

**Table 3**

### **Perceived Helpfulness of Various Services and Approaches to Self-Represented Litigants in Town and Village Courts**

<b>Services to Assist the Self-Represented</b>	<b>% Responding "Very Helpful" or "Helpful"</b>
Simplified court forms and instructions	86%
Brochures explaining court procedures and forms	84%
Information about how to find an attorney	77%
Attorneys to assist self-represented litigants	74%
Training for court employees on what constitutes legal advice	72%
A web-site with court information and forms	72%
Information about court procedures and forms readily available at the local public library	72%
A telephone hotline to answer self-represented litigants questions	70%
An office in the county for self-represented litigants	65%
Staff training aimed at the special issues that arise in assisting self-represented litigants	47%
Increased staff for handling self-represented litigants' matters	39%
Public meetings where attorneys explain court procedures and forms to court users	39%
Videos that explain court procedures and practices	37%
Electronic filing of documents via the internet	36%

Fewer than 2% of survey respondents indicated that their court had plans to establish, modify, or expand services for self-represented litigants.

Finally, the survey provided for open-ended responses providing suggestions about how the courts can serve the self-represented. Approximately 15% of survey respondents offered suggestions, including: more convenient access to legal forms; the use of simplified forms; brochures and web sites explaining legal procedures and terminology; hotlines [toll-free phone numbers] staffed by volunteer attorneys; employing or allowing paralegals and law assistants to help self-represented litigants [without representing them]; and CLE/pro bono credit to attorneys for serving as “Attorney of the Day” to assist the self-represented.

### **Conclusions and Recommendations**

The majority of cases which the Town and Village Courts process are Vehicle and Traffic cases (67% of caseload), in which most litigants (77%) appear without a lawyer. An additional 15% of the caseload is comprised of civil cases, in which many litigants (78% for small claims, 47% for housing, and 38% for other civil cases) appear without lawyers. Thus, services for the self-represented in these courts are important to the ability of litigants to use the courts effectively and obtain access to justice.

While attorney representation appears to be the most urgent need, simplified forms and instructions, and materials explaining court procedures and practices would also be helpful. Court staff are in agreement with the litigants that fulfilling these needs would be helpful, and also believe that court staff training for providing the public with information would be useful.<sup>6</sup>

The Unified Court System maintains CourtHelp ([www.nycourthelp.gov](http://www.nycourthelp.gov)), a website to help people find and use the courts more effectively. The site contains courthouse information, court forms, frequently asked questions and answers, bar association and legal services agency referral information, public law library addresses, and other information for the self-represented. Public access computer terminals with access to CourtHelp are being installed at courthouses in every New York State judicial district. The recommendation to help staff with the function of providing the public with information would be advanced by expanding installation of CourtHelp public access computer terminals on a broad basis to the Town and Village Courts.

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<sup>6</sup> Training of this type conducted by Unified Court System staff began to be provided in 2005.

The Unified Court System also assists in the development of Community Resource Centers, places where people can obtain information about the courts and court processes within their communities. These sites are staffed by volunteers and by employees of the facility that serves as the resource center. The availability in Community Resource Centers of materials and other information relevant to Town and Village Court operations and case types should be emphasized as these centers are expanded throughout New York State. These same materials and types of information should receive emphasis in the courthouse Offices of the Self-Represented, Public Access Law Libraries and in other court settings where services for the self-represented are offered.

Finally, the local pro bono committees outside New York City that are being established statewide as part of the Unified Court System's statewide pro bono initiative to increase voluntary pro bono legal services, should consider initiatives to assist litigants appearing in the Town and Village Courts.



# Survey of Services for the Self-Represented in Town and Village Courts

People who appear in court without a lawyer ("self-represented" persons) often need special help. By completing this survey, you will be contributing your expertise and first-hand knowledge to efforts to assist them. Thank you for taking the time to help.

1. Approximately how many cases were handled by your court in 2003? .....           ,

2. What is the source of the information provided in response to Question #1?  
(Please check all boxes that apply.)
- a. Monthly report to Comptroller (AC-1030) .....
  - b. Another type of record-keeping system .....
  - c. An informal estimate .....

3. Please estimate what percentage of your court's annual caseload is in the following categories:
- a. Civil (*other than Small Claims and Landlord-Tenant*) .....  %
  - b. Small Claims .....  %
  - c. Housing (*Landlord-Tenant*) .....  %
  - d. Criminal .....  %
  - e. Vehicle and Traffic .....  %
  - f. Other (Please describe below.) .....  %
- (TOTAL = 100%)
- 

4. Does your court maintain an annual count of the number of self-represented litigants who appear on cases? .....  YES  NO

5. Approximately what percentage of your court's overall annual caseload involves self-represented litigants? .....  %

6. For each of the case types below, please check the box which best describes how many litigants appear **WITHOUT** lawyers:
- |   | ALMOST<br>ALL            | MOST                     | SOME                     | A FEW                    | NONE                     |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Civil ( <i>other than Small Claims and Landlord-Tenant</i> ) . . . . . | <input type="checkbox"/> |
| b. Small Claims . . . . .   | <input type="checkbox"/> |
| c. Housing ( <i>Landlord-Tenant</i> ) . . . . .                           | <input type="checkbox"/> |
| d. Criminal . . . . .   | <input type="checkbox"/> |
| e. Vehicle and Traffic . . . . .  | <input type="checkbox"/> |

7. For each of the case types listed below, please indicate which type of record is usually made of the proceedings:

	STENOGRAPHIC	TAPED	HANDWRITTEN NOTES	NONE
a. Civil ( <i>other than Small Claims and Landlord-Tenant</i> ) . . . . .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Small Claims . . . . .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Housing ( <i>Landlord-Tenant</i> ) . . . . .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Criminal . . . . .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Vehicle and Traffic . . . . .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. Please check the box which best describes how often self-represented litigants request the following types of services:

	OFTEN	SOMETIMES	RARELY
a. An attorney to assist or represent the litigant . . . . .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Information about how to find an attorney . . . . .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Materials explaining court procedures and practices . . . . .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Simplified forms and instructions . . . . .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. A web site with court information and forms . . . . .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Other type of service requested. ( <i>Please describe below.</i> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. Does your court make any of the following materials or services available to assist self-represented litigants?

	YES	NO
a. Appeals information . . . . .	<input type="checkbox"/>	<input type="checkbox"/>
b. Small claims booklets . . . . .	<input type="checkbox"/>	<input type="checkbox"/>
c. Landlord-Tenant information . . . . .	<input type="checkbox"/>	<input type="checkbox"/>
d. Vehicle and Traffic legal information . . . . .	<input type="checkbox"/>	<input type="checkbox"/>
e. Court forms . . . . .	<input type="checkbox"/>	<input type="checkbox"/>
f. Applications for assigned counsel . . . . .	<input type="checkbox"/>	<input type="checkbox"/>
g. Poor person applications . . . . .	<input type="checkbox"/>	<input type="checkbox"/>
h. Attorney referral information . . . . .	<input type="checkbox"/>	<input type="checkbox"/>
i. Social service agency referral information . . . . .	<input type="checkbox"/>	<input type="checkbox"/>
j. Community education/outreach . . . . .	<input type="checkbox"/>	<input type="checkbox"/>
k. Other. ( <i>Please describe below.</i> ) . . . . .	<input type="checkbox"/>	<input type="checkbox"/>

10. Is there a law library open to the public in or near your court? . . . . .

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

11. If yes to Question #10, please specify the type of law library (check all that apply):

- a.  Bar association library      c.  Court library      e.  College Library  
 b.  Law school library      d.  Public library      f.  Other type of library

12. Does your court refer self-represented litigants to any of the following?

	YES	NO
a. Legal services offices .....	<input type="checkbox"/>	<input type="checkbox"/>
b. Bar associations .....	<input type="checkbox"/>	<input type="checkbox"/>
c. Public defenders .....	<input type="checkbox"/>	<input type="checkbox"/>
d. Assigned Counsel .....	<input type="checkbox"/>	<input type="checkbox"/>
e. Individual pro bono lawyers .....	<input type="checkbox"/>	<input type="checkbox"/>
f. Law library .....	<input type="checkbox"/>	<input type="checkbox"/>
g. Pro bono program(s) .....	<input type="checkbox"/>	<input type="checkbox"/>
h. Other type of referral. (Please describe below.) .....	<input type="checkbox"/>	<input type="checkbox"/>

13. If your court refers self-represented litigants to pro bono program(s), please describe the program(s):

14. How helpful would each of the following be to self-represented persons who use your court (assuming there is funding available)?

	VERY HELPFUL	HELPFUL	ONLY SOMEWHAT HELPFUL
a. Brochures explaining court procedures and forms .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Information about how to find an attorney .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Public meetings where attorneys explain court procedures and forms to court users ..	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Videos that explain court procedures and practices .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. A telephone hotline to answer self-represented litigant questions .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. A web site with court information and forms .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Electronic filing of documents via the internet .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Attorneys to assist self-represented litigants .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Information about court procedures and forms readily available at the local public library .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Increased staff for handling self-represented litigants' matters .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Staff training aimed at the special issues that arise in assisting self-represented litigants .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Simplified court forms and instructions .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m. Training for court employees on what constitutes legal advice .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n. An office in your county for self-represented litigants .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

15. Has any staff member of your court received formal training on how to help self-represented litigants? .....  YES  NO

If yes, please describe the type of training:

16. Does your court have any specific plans to establish, modify, or expand services for self-represented litigants? .....  YES  NO

If yes, please describe the plans:

17. What other suggestions do you have about how the courts can serve the self-represented?

**PLEASE PROVIDE THE FOLLOWING INFORMATION:**

Name of court: \_\_\_\_\_ County: \_\_\_\_\_

Address of court: \_\_\_\_\_

Name of person completing questionnaire: \_\_\_\_\_

Title of person completing questionnaire: \_\_\_\_\_

When is the best day and time to reach the person completing the questionnaire: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_ Hours of court: \_\_\_\_\_

**PLEASE RETURN THE SURVEY IN THE POSTAGE-PAID RETURN ENVELOPE PROVIDED AND MAIL TO:**

Diana Colón, Esq.  
Office of the Deputy Chief Administrative Judge for Justice Initiatives  
100 Centre Street, Room 549-B, New York, NY 10013  
(212) 374-4515

***Thank you very much for completing the questionnaire.***