

Michigan Legal Help Evaluation Report

An examination of the efficacy of the Michigan Legal Help website in helping self-represented litigants successfully navigate the divorce process



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Michigan Legal Help Evaluation Report

Table of Contents

Acknowledgements	3
Executive Summary	5
Full Report	8
Introduction	8
The Michigan Legal Help Program	9
Methodology	13
Figure 1. Map of Michigan counties selected for inclusion in this evaluation: Allegan, Genesee, Gratiot, Kent, Macomb, Midland, Oakland, Washtenaw, Wayne.....	13
Univariate Data Analysis: A Statewide Profile of Divorce in Michigan	15
Table 1. Summary of primary data variables under consideration	15
Figure 2. Litigant type (as defined by type of complaint filed; all cases weighted)	16
Figure 3. Divorce with or without children (all cases weighted).....	17
Figure 4. Fee waiver grants (all cases weighted)	18
Figure 5. Rate of defendants answering (all cases weighted)	18
Figure 6. Case outcome (all cases weighted).....	19
Figure 7. Types of judgments: consent vs. default (all cases weighted)	19
Figure 8. Types of dismissals: voluntary, lack of progress, lack of service (all cases weighted)	20
Figure 9. Case complexity (all cases weighted).....	20
Table 2. Length of time to complete divorce with & without children (weighted range, mean)	21
Multivariate Data Analysis: How Case Characteristics Interact With One Another	22
Success in reaching judgment.....	22
Figure 10. Completion of divorce cases, by plaintiff type	23
Time needed to reach judgment.....	23
Figure 11. Length of time to judgment, by litigant type.....	24
Case dismissal.....	25
Figure 12. Types of dismissals, by plaintiff type	25
Case complexity	26
Figure 13. Cases reaching judgment, by level of complexity	27
Figure 14. Length of time to judgment, by level of complexity.....	27
Figure 15. Level of complexity by Litigant Type	28
Presence of minor children.....	28
Figure 16. Plaintiff types, by presence of minor children	29
Figure 17. Length of time to reach judgment, by presence of minor children	29
Figure 18. Cases reaching judgment, by presence of minor children	30
Fee waiver grants.....	30
Figure 19. Fee waiver grants, by type of plaintiff.....	31
Filing an answer	31
Change in representation status.....	32
Judicial workload	32
Other factors	33
A note on statistical significance.....	34
Proportionality of litigant types; trends over time.....	34
Figure 20. Trends in litigant type, as defined by complaint format.....	34
The impact of MLH upon attorney representation of divorce litigants.....	35
Qualitative Findings	36

Michigan Legal Help Evaluation Report

Recommendations and Conclusion	37
Conclusion.....	39

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Michigan Legal Help Evaluation Report

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Michigan Legal Help Evaluation Report

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Executive Summary

The Michigan Legal Help Program (MLHP) consists of two components: an interactive statewide website and affiliated Self-Help Centers that provide legal information assistance to individuals representing themselves in simple civil legal matters in Michigan. The Michigan Legal Help website (MLH) has many tools for visitors, including articles, common questions, and detailed step-by-step instructions. MLH provides links to lawyer referral services, self-help centers, legal aid programs, and other community resources. Another central tool on the MLH website is the collection of interactive online “interviews” that use litigants’ answers to simple questions to populate State Court-approved forms necessary to process a legal matter from start to finish.

The website launched in September 2012, and the first four Self-Help Centers opened that fall. An additional 3 local MLHP Self-Help Centers opened thereafter. In 2014, the Michigan Legal Help Program received a Technology Initiative Grant (TIG) from the Legal Services Corporation to support an evaluation of the website’s efficacy in assisting self-represented litigants to resolve a legal matter — in this case, divorce.¹

This report shares the findings of that evaluation, which analyzed quantitative and qualitative data to answer the driving question: **How successful are Michigan Legal Help website users in completing the divorce process?**

Success was primarily defined as reaching a judgment within a reasonable time frame. The experience of Michigan Legal Help website users was compared to that of other self-represented litigants² and attorney-represented litigants. The evaluation also produced important data about divorce and self-represented litigants in Michigan that can be used to improve the experiences of litigants and courts. In addition, the data set can be extrapolated with confidence to provide an understanding of the divorce process across all Michigan counties.³

¹ Divorce was chosen because the Divorce With or Without Children interview currently accounts for 64% of all completed interviews available through MLH. The other 36% of all MLH interviews is divided among 35 other subjects. Also, divorce pleadings derived from MLH are easily identifiable as such.

² “Other self-represented litigants” are defined as litigants without attorney representation who do not use the MLH website.

³ Data were collected from over 2,900 divorce case files from eight Primary Sampling Units that were either randomly selected by the evaluators or were self-selecting based on size. Resulting

Michigan Legal Help Evaluation Report

The evaluators discovered these key findings:

1. 74% of litigants using the MLH website obtain a judgment of divorce, **a rate virtually equal to** that of other self-represented litigants and attorney-represented litigants.
2. In Michigan in 2013, **48%** of divorce cases were filed by **self-represented plaintiffs** and **68%** of cases had **one or more self-represented** litigants. **42%** of divorce cases had **no attorney involvement** at all.
3. Self-represented litigants **conclude the divorce process in less time** than attorney-represented litigants, with MLH litigants concluding slightly more quickly than other self-represented litigants. This finding is true even when controlling for other factors, such as complexity.

These findings suggest that the MLH website is achieving its desired result of supporting self-represented litigants in successfully resolving civil legal matters. The findings also support the need for MLH's resources, given the very large number of self-represented litigants involved in divorce cases.

Other highlights include:

- There was virtually **no change in the proportion of plaintiffs represented by attorneys** from 2012 (one year prior to the launch of the MLH website) to 2013, when MLH was launched. This finding suggests that the majority of MLH website users come from the group of plaintiffs who would be self-represented regardless of the existence of the MLH website.
- Only 3% of plaintiffs and 1% of defendants **change representation status** while a divorce case is in progress.
- The slight majority (56%) of Michigan divorces **do not involve minor children**.
- **Fee waivers** are granted in 22% of divorce cases; the majority of these were cases with self-represented plaintiffs.
- Nearly three-quarters (73%) of all divorce cases in Michigan **reach judgment**. Of these, 75% of cases result in a **consent** judgment, where the parties agree;

data were then weighted so that findings could be extrapolated to describe the whole state. More on the sampling and weighting process can be found on page 13.

Michigan Legal Help Evaluation Report

the remaining 25% result in a **default** judgment, which is entered by a plaintiff in the absence of any participation by the defendant.

- 24% of all Michigan divorce cases are **dismissed**. Of these, the largest proportion (40%) was dismissed by the court for **lack of service**. A similar proportion (39%) was voluntarily **dismissed by the parties**, while the courts dismissed the remaining 21% **for lack of progress**.
- As assessed by a number of factors, most divorce cases (79%) in Michigan can be described as “**not complex at all**.” Only 3% of divorce cases could be described as “very complex,” while the remaining 18% are “somewhat complex.” While the fraction of attorney represented cases grew as complexity increased, there were some instances of self-represented litigants completing “somewhat complex” and “very complex” divorces.

This evaluation also sought to gather information about which parts of the legal process are most challenging to self-represented litigants and whether the use of the MLH website has resulted in a positive impact on court interactions with self-represented litigants. Interviews with court and self-help center staff were conducted with the goal of uncovering potential opportunities for improving the MLH website to better serve the needs of both self-represented litigants and the courts. Several of the recommendations derived from the interviews and the data analysis are in the process of being implemented already, such as the creation of a judgment-only divorce interview. Others have greatly aided in the future planning of the direction of the Michigan Legal Help Program, such as automatically including fee waiver forms with other documents produced for litigants who are receiving public assistance, and making it easier for litigants to notify the court when they decide to dismiss a divorce.

One important conclusion appears to be that the self-represented individuals pursuing divorces in Michigan using the Michigan Legal Help website fare at least as well as attorney-represented litigants and litigants using other self-represented materials in obtaining judgments in a timely fashion. This supports the findings reported by Jeanne Charn in her Yale Law Journal article reflecting on other studies of the success of self-represented litigants. Charn suggests that advocates of the self-represented celebrate this lack of significant difference between self-represented and attorney represented litigants – that with access to appropriate self-help resources, self-represented litigants can successfully complete straightforward legal matters.

The following Full Report (also available at mplp.org/Taskforces/technology) presents further background regarding the Michigan Legal Help Program, elaborates on the evaluation’s complete findings, and articulates recommended next steps.

Michigan Legal Help Evaluation Report

Full Report

Introduction

Litigants who choose to represent themselves in civil proceedings are largely understood to do so at least in part because of economics. According to the Michigan Judicial Institute, 80% of self-represented litigants in Michigan are unable to afford an attorney.⁴

No-cost legal aid in civil matters is available to those who meet income eligibility requirements, typically defined as 125% of the federal poverty limit.^{5,6} According to the State Bar of Michigan, the number of people who are eligible for no-cost legal aid in Michigan increased about 56% between the years 2000-2012.⁷ This increase has placed significant demand on available no-cost legal aid resources. While one attorney exists for every 285 people in Michigan's general population, one legal aid attorney exists for every 13,179 people who qualify for assistance.⁸

Aside from economics, litigants may have other reasons for choosing to self-represent. These reasons may include the perceived simplicity of the issue requiring resolution or the proportionate cost of hiring an attorney relative to the overall financial stake of the legal matter. Jeanne Charn cites recent empirical studies demonstrating that in some types of cases, self-represented litigants tend to fare *equally well as those with access to lawyers*, regardless of the reason for choosing to self-represent.⁹

This combined context of (1) increasing interest in and need for self-representation; (2) apparent success of self-represented litigants in resolving legal matters; and (3) growing acceptance — and even expectation — of easy-to-use technological tools that facilitate self-service, led the Michigan Legal Help Program to create a solution designed to

⁴ Michigan Judicial Institute. "Serving the Self-Represented without Providing Legal Advice." (n.d.): n. pag. 4 Mar. 2009. <http://courts.mi.gov/education/mji/Seminars-Training/Documents/Serving-the-Self-Represented/SSR.pdf>. Accessed 14 Dec. 2014

⁵ State Bar of Michigan, ed. "Documenting the Justice Gap in Michigan." (n.d.): n. pag. Spring 2014. Web. 16 Dec. 2014

⁶ For reference, a family of three living on \$24,413 in 2013 would meet this eligibility threshold.

⁷ State Bar of Michigan, ed. "Documenting the Justice Gap in Michigan." (n.d.): n. pag. Spring 2014. Web. 16 Dec. 2014

⁸ State Bar of Michigan, ed. "Documenting the Justice Gap in Michigan." (n.d.): n. pag. Spring 2014. Web. 16 Dec. 2014

⁹ Charn, Jeanne. "Celebrating the "Null" Finding: Evidence-Based Strategies for Improving Access to Legal Services." Yale Law Journal 122.8 (2013): 2206-234. Yale Law Journal. Web. 16 Dec. 2014.

Michigan Legal Help Evaluation Report

support all self-represented litigants of any means in successfully navigating the court system in simple civil matters.

This project was undertaken to study the efficacy of the Michigan Legal Help Program and general traits of self-representation in Michigan, with the goals of continuing to improve the former and better understand the latter. The reason for choosing these particular goals is well described in a recent report released by the National Center for State Courts, noting the importance of perceived success for self-represented litigants to ensure compliance with court orders and equal access to justice, concluding that “Failure to deliver dispute resolution in a timely and fair manner threatens the very core values of our judicial proceedings.”¹⁰

The MLHP takes seriously its role as the ideal primary resource in the state for self-represented litigants, and strives to ensure that it indeed helps all litigants obtain equal access to justice.

The Michigan Legal Help Program

In April 2010, Michigan Supreme Court Chief Justice Marilyn Kelly established the “Solutions on Self-Help (SOS) Task Force,” charged with promoting greater centralization, coordination, and quality of support for Michigan residents representing themselves in simple legal matters.¹¹

The Michigan Legal Help Program (MLHP) is one of the projects that emerged from the Task Force. Hosted by the Michigan Poverty Law Program,¹² MLHP consists of an interactive statewide self-help website (www.MichiganLegalHelp.org) and affiliated Self-Help Centers. The Self-Help Centers are places where litigants can access computers, internet service, printers, and in-person assistance using the website and navigating local court procedures. Litigants cannot get legal advice at the Self-Help Centers, but the Centers do provide an additional level of assistance to self-represented litigants.

The Michigan Legal Help website launched in September 2012 under the leadership of Angela Tripp, Project Manager at the MLHP and Co-Director of the Michigan Poverty Law Program. The Michigan State Bar Foundation provides ongoing funding for MLHP.

¹⁰ National Center for State Courts. “Developing Standardized Definitions and Counting Rules for Cases with Self-Represented Litigants.” Final Report, 12/19/13.

¹¹ The SOS Task Force was co-chaired by Linda Rexer and Lorraine Weber, and the Task Force and its work groups were comprised of judges, courts, lawyers, bar associations, funders, nonprofit legal aid agencies, legal self-help centers, libraries and others. More information about the Task Force is available at www.sostf.org.

¹² MLHP and MPLP are programs affiliated with the Michigan Advocacy Program, f/k/a Legal Services of South Central Michigan.

Michigan Legal Help Evaluation Report

The Michigan Legal Help website provides legal information assistance in a wide range of topics in the areas of family law (divorce, custody, child support, change of domicile, etc.), housing law (eviction defense, subsidized housing, letters to landlords, etc.), public benefits (state programs such as food assistance, cash assistance, emergency relief, and federal programs like Social Security), consumer law (debt collection defense, payments plans, small claims, etc.), setting aside convictions, protection from abuse, income taxes, and individual rights (name change, emancipation, etc.).

The Michigan Legal Help website (MLH) features many tools for self-represented litigants, including articles, common questions, form-completing interviews, and detailed step-by-step instructions. MLH provides links to lawyer referral services, self-help centers, legal aid programs, and other community resources. The design of MLH and inclusion of these various resources are founded on the principle of a holistic approach to providing assistance to self-represented litigants. That holistic approach is well described here by leader in the field, John Greacen, in a report commissioned by Michigan's SOS Task Force:

Provision of forms is the foundational task of every court and every state that begins to provide assistance for persons representing themselves. It is the first resource requested by litigants. While necessary for litigants to assert their rights, forms by themselves are not sufficient to ensure that litigants will be able to assert those rights effectively. The forms must be part of a more comprehensive information process that provides accessible, understandable information about topics related to the person's legal issue, including substantive and procedural instruction that assists persons in completing the forms they need to use.¹³

Divorce was chosen as the focus of this study for two reasons. First, divorce is the subject area most often utilized on MLH: 64% of all interviews completed are the divorce interview, with the other 36% divided among 35 different interviews. Second, the MLH divorce pleadings are unique and easily identifiable as such. The apparent success of MLH as found in this study leads the evaluation team to think that MLH would be found similarly successful in other subject areas, and the MLHP might benefit from replicating this evaluation project in another subject area.

Prior to the establishment of the Michigan Legal Help website, no standard forms were available for people seeking a divorce in Michigan. Limited and inconsistent resources

¹³ John Greacen, Greacen Associates Report: 50 State Review – SRL Resources, June 2011, pp 8-9. <http://msbf.org/selfhelp/greacenreports2011.htm>

Michigan Legal Help Evaluation Report

were available to Michigan residents seeking to represent themselves in a divorce. Self-represented litigants could, for example, read books on the process, contract for support through a service such as LegalZoom®, purchase a packet of forms from the court, or visit a self-help center — provided these latter options are available locally.

One major step in building the MLH website was for the Michigan Legal Help Program to work with Michigan’s State Court Administrative Office (SCAO) to design divorce complaint, answer, and judgment forms to be used in conjunction with the in-depth, interactive divorce “interview” created by the MLHP and only available online through MLH. While all interviews are designed and created by MLH, the interviews and individual answer files are hosted on LawHelp Interactive,¹⁴ a non-profit organization that hosts interactive interviews and answer files for free for self-represented litigants and legal services advocates in 28 U.S. states and Canadian provinces.

A litigant’s responses to the interview prompts determine the course of the interview. At the end of the interview, a set of forms is produced that can be used to litigate the divorce from start to finish. Courts throughout Michigan must accept these completed forms, as they have been approved by the SCAO. All forms, from the complaint to the judgment, are delivered to the litigant upon completion of the interview. Litigants are given the option to save account information so they can return later to change or add information as needed. This option allows the litigant to modify the judgment and other documents as the case progresses.

User uptake of the Michigan Legal Help website is gaining traction. In the first two years of operation, website traffic increased from 1,500 visits per week to 13,600 visits per week. Completion of the MLH interviews on LawHelp Interactive has also grown steadily since 2012, and MLH visitors completed an average of 273 interviews per day in 2014. Mirenda Watkins of Pro Bono Net provided this summary:

From January 2014 to June 2014, LHI [*LawHelp Interactive*] delivered 459,575 interviews and assembled 259,330 documents. This is approximately **a 10% increase in interviews** and a **15% increase in document assemblies**, when compared to the same period last year. Top states in assemblies are New York, California, **Michigan**, Illinois, and Texas, respectively, **making Michigan the**

¹⁴ More information about LawHelp Interactive is available at www.lawhelpinteractive.org.

Michigan Legal Help Evaluation Report

third highest state in assemblies for the first time.¹⁵ (*Emphasis added*)

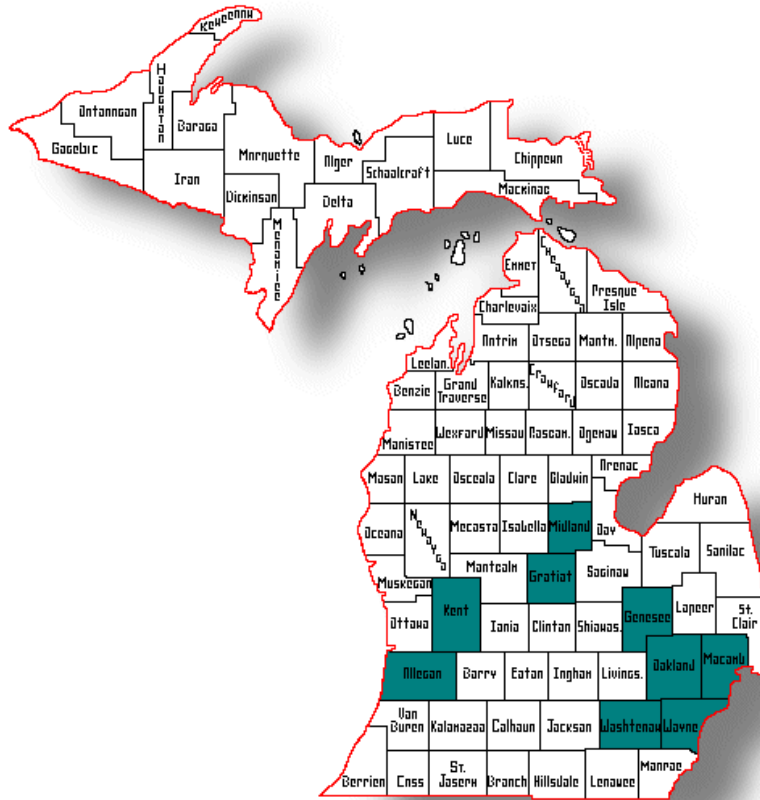
In 2013, the Michigan Legal Help Program sought and received a grant through the Legal Services Corporation's Technology Initiative Grant (TIG) program in order to evaluate the efficacy of the divorce interview tool and identify potential improvements. The evaluation project began in early 2014, after approximately 18 months of the website's operation. The following section describes the methodology of that evaluation.

¹⁵ Email from Mirenda Watkins to the LawHelp Interactive Email Announcement List, dated July 16, 2014; PDF of correspondence included in Appendices. Michigan has now moved into the second place spot, bypassing Illinois in the 3rd quarter of 2014.

Michigan Legal Help Evaluation Report

Methodology

Selected Counties



Source: diymaps.net (c)

Figure 1. Map of Michigan counties selected for inclusion in this evaluation: Allegan, Genesee, Gratiot, Kent, Macomb, Midland, Oakland, Washtenaw, Wayne

Quantitative data collection and analysis

For the main quantitative analysis, data were collected in summer and fall 2014 on a representative sample of individual initial divorce filings from 2013. The sample was designed to be representative of all cases filed in Michigan in 2013. The 83 Michigan counties were grouped into 54 Primary Sampling Units (PSUs), and these units were in turn stratified into 9 groups by size (based on expected minimum number of initial divorce filings) and geographic area (approximating Legal Services Corporation program areas). One unit within each group was randomly selected by the evaluators, with a probability proportional to size.

Within those selected units, individual cases were selected randomly but with different probabilities for the three major divorce complaint formats (MLH website format, other self-represented format, attorney-drafted format) with an objective of identifying 100 of

Michigan Legal Help Evaluation Report

each format in each PSU. The statistical case selection permitted the development of sampling weights so that weighted descriptive analyses would be a reasonable estimate of 2013 divorce filings statewide.

In addition to the main sample, two supplemental samples were drawn:

1. A baseline sample of 100 cases per PSU from 2012, before MLH was available, for comparison with the 2013 cases; and
2. A smaller sample in each unit of 2013 divorce filings to determine the relative frequency of the three complaint formats (MLH website format, other self-represented format, and attorney-drafted), for use in development of the weights for the main sample.

A more detailed report on the sampling and weighting methods is presented in the Appendices.

Qualitative data collection and analysis

Interviews were conducted with six judges, six judicial staff, and ten staff persons from county Clerk's offices and Self-Help Centers in the sample counties. The protocols that guided these interviews are included in the Appendices. Discussion within the sections that follow will note instances where interview results either notably conflict with or underscore the quantitative data analysis findings, with further elaboration in the Qualitative Findings section.

Originally, MLHP hoped to obtain feedback from self-represented litigants themselves as part of this study. To that end, a survey was developed for MLH litigants to complete after their cases were completed. The MLH litigants could access the survey through a QR code on a cover sheet that was included with the pleadings they created through MLH. However, the number of responses received was so low that the resulting data did not provide sufficient information to report. Furthermore, MLH initially hoped to include interviews with self-represented litigants at court after their final divorce hearings. However, providing in person coverage at local court hearings all over the state in order to speak with self-represented litigants presented a considerable logistical and resource challenge, and the evaluation team decided not to pursue these interviews.

Michigan Legal Help Evaluation Report

Univariate Data Analysis: A Statewide Profile of Divorce in Michigan

The following primary data variables were collected while surveying divorce cases filed in Michigan in 2013, along with the weighted univariate¹⁶ distributions of each of the variables. The distributions' weighting allows for confident extrapolation to produce statewide estimates of various case characteristics. To the evaluators' knowledge, such a study has never been conducted in Michigan, which may make these data of interest not only to the Michigan Legal Help Program and affiliated parties, but also to courts and others working with self-represented litigants and divorce cases in Michigan.

Table 1. Summary of primary data variables under consideration

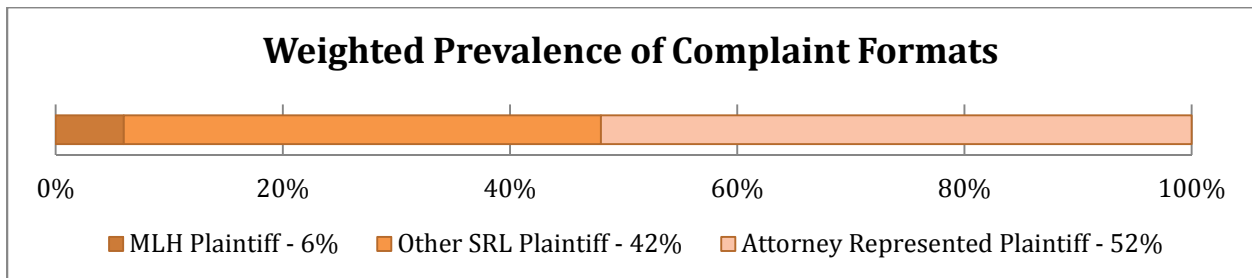
Variable	Statewide findings	See discussion:
Litigant type	<ol style="list-style-type: none"> 1. Michigan Legal Help (MLH) plaintiffs (6%) 2. Other self-represented plaintiffs (42%) 3. Attorney-represented plaintiffs (52%) 	Figure 2
Presence of minor children	<ol style="list-style-type: none"> 1. Divorce without minor children (56%) 2. Divorce with minor children (44%) 	Figure 3
Fee waiver	<ol style="list-style-type: none"> 1. Fee waiver <u>not</u> granted (78%) 2. Fee waiver granted (22%) 	Figure 4
Answer filed	<ol style="list-style-type: none"> 1. Defendant does <u>not</u> file answer (76%) 2. Defendant does file answer (24%) 	Figure 5
Case outcome	<ol style="list-style-type: none"> 1. Judgment reached (73%) 2. Case dismissed (24%) 3. Case still pending (3%) 	Figure 6
Type of judgment	<ol style="list-style-type: none"> 1. Consent judgment (75%) 2. Default judgment (25%) 	Figure 7
Type of dismissal	<ol style="list-style-type: none"> 1. By parties (39%) 2. By courts for lack of progress (21%) 3. By court for lack of service (40%) 	Figure 8
Complexity	<ol style="list-style-type: none"> 1. Not complex at all (79%) 2. Somewhat complex (18%) 3. Very complex (3%) 	Figure 9

¹⁶ "Univariate" indicates only one variable is involved, producing a descriptive analysis.

Michigan Legal Help Evaluation Report

Number of days to reach judgment	<i>Divorce without children</i>	Table 2
	<ul style="list-style-type: none"> ▪ Minimum: 36 days ▪ Mean: 129 days ▪ Maximum: 484 days 	
	<i>Divorce with children</i>	
	<ul style="list-style-type: none"> ▪ Minimum: 56 days ▪ Mean: 210 days ▪ Maximum: 456 days 	

Figure 2. Litigant type (as defined by type of complaint filed; all cases weighted)



This study divided divorce plaintiffs into three categories, as distinguished by the format of complaint filed:

- Those that filed a Michigan Legal Help (MLH) complaint,
- Those that filed an “other self-represented” complaint, and
- Those that filed an attorney-drafted complaint.

Plaintiffs defined as “other self-represented litigant (SRL)” may have sought assistance from a number of different available options, such as the popular Michigan Divorce Book; programs like LegalZoom®; and/or form packets prepared and distributed (for free or for a cost) by courts, self-help centers, and legal aid programs. Attorney-drafted complaints include those prepared by private, for-fee attorneys as well as those prepared by legal aid attorneys representing clients at no cost.

Defendants in divorce cases have three choices – they can proceed self-represented, they can proceed represented by an attorney, or can elect to not participate in the case. 71% of defendants who engaged in their divorce cases represented themselves, while 28% hired attorneys. Overall, 25% of cases that ended in judgments ended in default judgments, meaning that defendants failed to appear at all. Defendants in cases filed by self-represented plaintiffs only hired attorneys 11% of the time.

From the weighted percentages of the sample, one can extrapolate that statewide, 48% of divorces were filed by self-represented plaintiffs, and 68% of divorces had at least one self-represented litigant. Moreover, 42% of Michigan divorce cases were

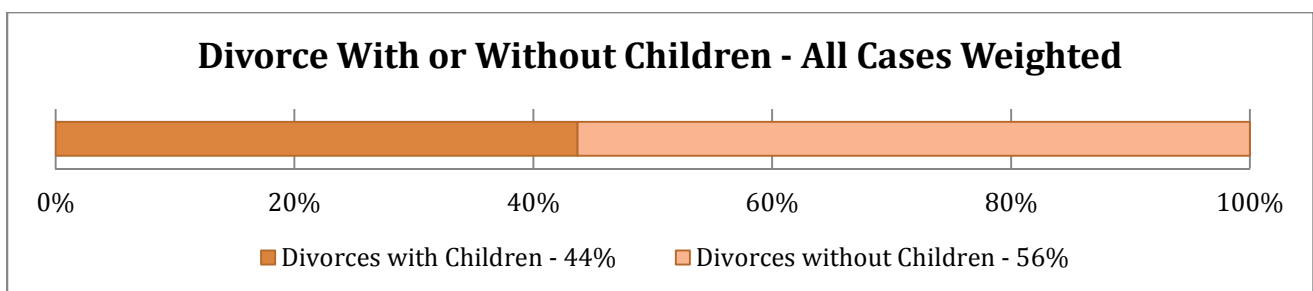
Michigan Legal Help Evaluation Report

completed in 2013 without any attorney involvement on behalf of either the plaintiff or defendant. The high proportion of self-representation among divorce litigants underscores the importance of coordinated and high-quality resources for self-represented litigants like those presented by the Michigan Legal Help Program.

The evaluators hypothesized that quite a few litigants would move from self-represented to attorney represented or vice versa as their cases became complicated or as they ran out of funds for paid representation. However, only 3% of plaintiffs and 1% of defendants ultimately changed representation status while their divorce cases were pending. One factor that may be relevant to this finding is the status of unbundled practice of law and limited scope representation in Michigan. An attorney cannot file an appearance for just one aspect of a case and would need to get a court's permission to withdraw from representation, unlike in other states where there are special rules allowing limited scope representation. However, this lack of change in representation status allows for the general discussion of self-represented plaintiffs based on their self-represented status at the beginning of the case.

Evaluators were also curious to know whether plaintiffs who began with MLH pleadings would continue to use them throughout their cases. The evaluators expected that most MLH plaintiffs would use MLH divorce judgments, since all needed documents are generated at the time the litigant completes the interview. The majority (73%) did use the MLH judgment form, while 18% finished using a judgment form from another resource available to self-represented litigants.¹⁷ The remaining 9% of cases ended with a judgment prepared by an attorney, counsel for either the plaintiff or defendant.

Figure 3. Divorce with or without children (all cases weighted)

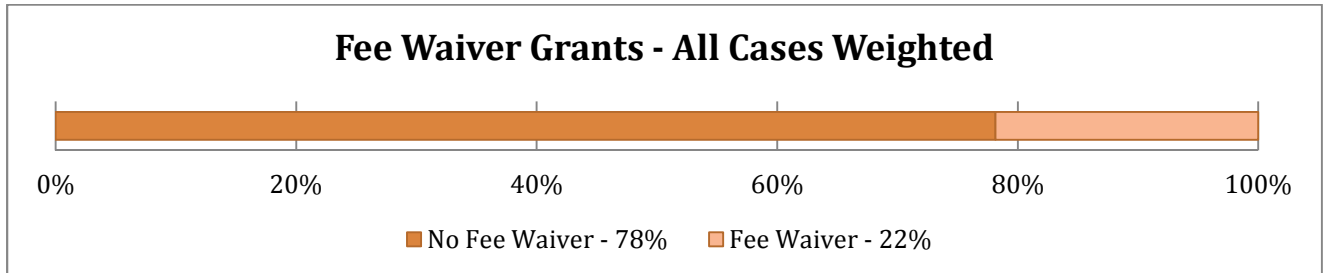


¹⁷ The Divorce interview completes all the documents a plaintiff will need for a divorce, which has both costs and benefits. Some litigants lose their judgments before it is time to enter them. Others need to make modifications but cannot because they do not have access to a computer again, did not save their data on LHI, or cannot access their data due to a lost password. This finding prompted the creation of a “Judgment Only” Divorce interview on Michigan Legal Help to accommodate litigants who just need the documents associated with entering a Judgment of Divorce.

Michigan Legal Help Evaluation Report

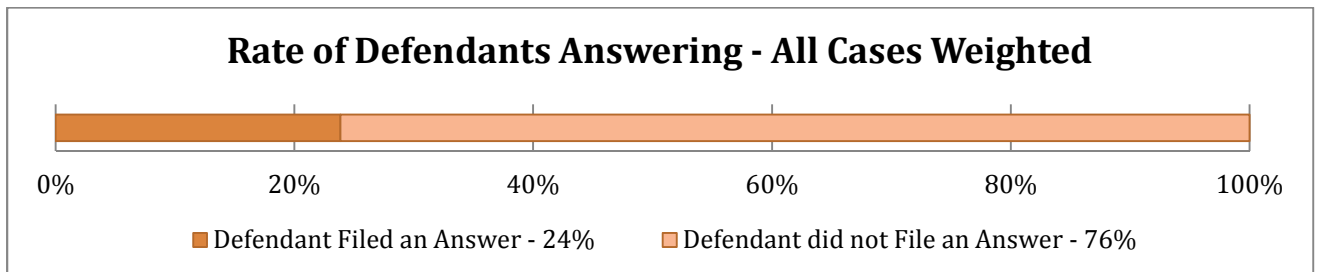
Divorce involving minor children requires the parties or the courts to determine physical and legal custody of the children, parenting time, child support, and related issues. 44% of divorce cases filed in Michigan in 2013 involved minor children and 56% did not.

Figure 4. Fee waiver grants (all cases weighted)



Litigants who cannot afford the filing fee for a divorce can ask the court to waive those fees and other costs. A fee waiver must be granted if the litigant is receiving public assistance; other applications are granted at the judge's discretion based on a report of the litigant's income, assets, debts, and number of people in the home. Fee waivers are granted in only 22% of divorce cases in Michigan. Typically, only plaintiffs require fee waivers in divorce cases, and they are filed with the initial pleadings.

Figure 5. Rate of defendants answering (all cases weighted)

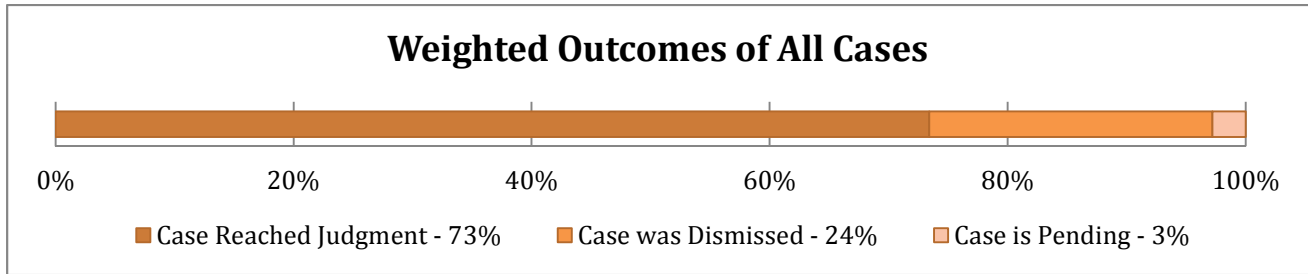


Less than one-quarter of defendants (24%) file a written answer when served with a complaint for divorce. The failure to file an answer can lead to the entry of a default or a default judgment. Typically, entry of a default means a defendant is prohibited from further participation in the case; however, in family law cases, defendants are still frequently able to participate later due to the personal, often non-financial nature of these cases (especially those involving children).¹⁸

¹⁸ Judges freely grant motions to set aside defaults in family law cases, and as a result, parties /attorneys often stipulate to set aside defaults. Also, if a defendant appears at the final hearing, attorneys and judges often strive to obtain the defendant's signature on a judgment of divorce regardless of a default or the non-participation of the defendant until the end of the divorce. This practice is reflected in a recent amendment to MCR 3.210, the court rule related to setting aside defaults, changing the legal standard for setting aside a default in a domestic case.

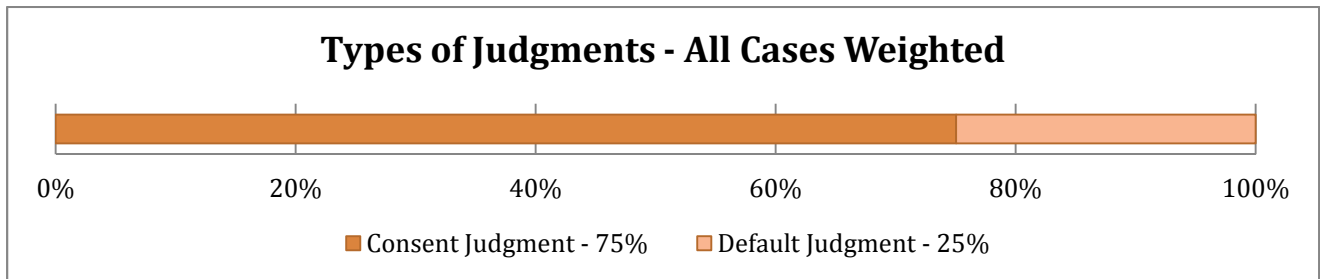
Michigan Legal Help Evaluation Report

Figure 6. Case outcome (all cases weighted)



The outcomes of divorce cases included in this evaluation were sorted among three categories: those that reached judgment, those that were dismissed, and those that were still pending at the time of the survey.¹⁹ Overall, nearly three-quarters (73%) of all divorce cases filed reached judgment, and slightly less than one-quarter (24%) were dismissed before a judgment was entered. A small percentage of cases (3%) remained open and pending as of September 2014.

Figure 7. Types of judgments: consent vs. default (all cases weighted)



For the cases that reach judgment, two different types of judgment are possible: (1) consent judgments, where both parties agree to the terms and sign the judgment, and (2) default judgments, which are entered by the plaintiff in the absence of any participation by the defendant.²⁰ A majority (75%) of judgments entered were consent judgments, and the remaining 25% were default judgments.²¹

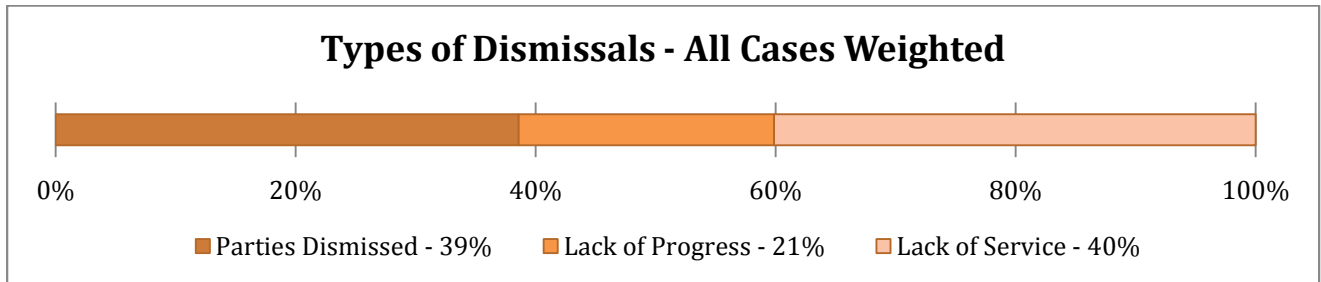
¹⁹ All pending cases were re-surveyed in September 2014 to check for updated status.

²⁰ In rare cases, default judgments are entered over the objections of a defendant who failed to file an Answer or appear at a hearing, but later attempted to participate in the case.

²¹ Michigan is a no fault divorce state. So while there may be contested proceedings in the course of a divorce that are decided by the judge (e.g., child custody or child support), the final divorce judgment normally incorporates all prior judicial rulings and enters those rulings either through a consent judgment (i.e., signed by both parties) or a default judgment (entered by one party when the other party fails to participate).

Michigan Legal Help Evaluation Report

Figure 8. Types of dismissals: voluntary, lack of progress, lack of service (all cases weighted)

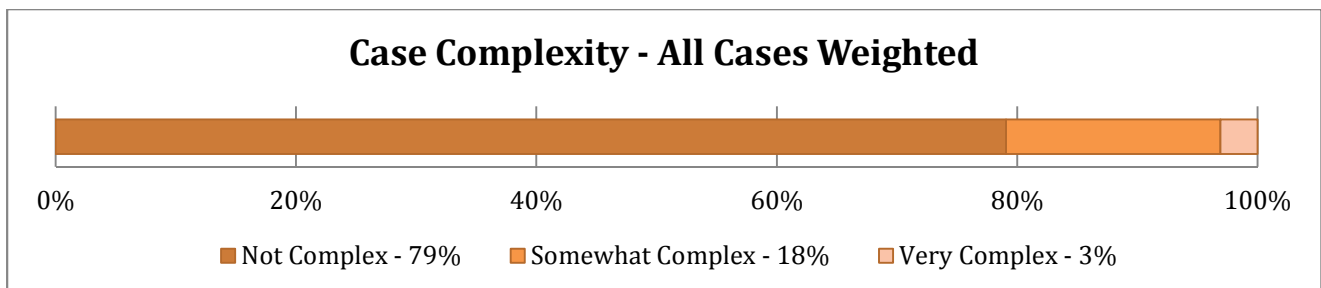


For those cases that are dismissed, there are three types of dismissals: voluntary by the parties, involuntary by the court for lack of progress, or involuntary by the court for lack of proper service. Voluntary dismissal may be accomplished by the plaintiff acting alone (if the defendant has not yet answered or appeared in any way) or upon the agreement of both parties (if the defendant has answered or appeared).

The second type is an involuntary dismissal for lack of progress. These cases are dismissed by the court when the parties fail to make adequate progress toward a judgment within a certain time frame. Courts are given timeliness standards by the State Court Administrative Office and may develop more detailed timelines within their own jurisdictions. Litigants are given a written warning before a case is dismissed for lack of progress and are able to appear at a hearing to explain why the case is taking a long time and should not be dismissed.

Finally, courts can dismiss a case for lack of service. A plaintiff must assure personal service of the defendant with the divorce complaint and accompanying documents within 90 days of initiating a case.²² If service is not properly conducted, the case cannot move forward and will be dismissed by the court after the 90-day deadline.

Figure 9. Case complexity (all cases weighted)



²² This timeline can be extended by a court granting a Motion for Second Summons.

Michigan Legal Help Evaluation Report

As a result of helpful preparatory conversations with the members of the Self-Represented Litigation Network,²³ this evaluation included a factor measuring the complexity of each case. The Michigan Legal Help Program data collectors were asked to assess the complexity of each case, based on a number of different factors either related to legal complexity or complexity caused by the parties' disagreement regarding major issues in the case.²⁴ Available assessment options were "not complex at all," "somewhat complex," and "very complex." Nearly 80% of cases were characterized as "not complex at all," while a small fraction (3%) were rated as "very complex." The remainder of cases (18%) was assessed to be "somewhat complex."

Table 2. Length of time to complete divorce with & without children (weighted range, mean)

Days to judgment			
Type of divorce	Minimum	Mean	Maximum
Without children	36	129	484
With children	56	210	456

The statutory waiting period in Michigan for divorces without children is 60 days. The number of days these cases required to reach judgment ranged from 36 to 484 days,²⁵ with a weighted mean of 129 days. The statutory waiting period in Michigan for divorces with children is 180 days, although litigants can ask the court to waive the additional 120 days beyond the general statutory threshold of 60 days.²⁶ The number of days these cases required to reach judgment ranged from 56 to 456 days, with a weighted mean of 210 days.

These findings and the manner in which all variables interact are discussed at greater length in the following section.

²³ For more about the Network, see <http://www.srln.org/>.

²⁴ The full list of factors involved in this assessment were mediation; arbitration; division of a home; formal or lengthy discovery process (interrogatories, request for production of documents, deposition, trial briefs or witness lists in the file, etc.); spousal support; deviation from the child support formula; existence of or reference to Personal Protection Orders in the file; an order excluding a child from the marriage; parties objecting to temporary orders or Friend of the Court orders; parties filing more than two motions; division of retirement accounts; and even the thickness of the file.

²⁵ There were a handful of cases where it appeared as though divorces were granted before the statutory 60-day waiting period expired.

²⁶ It was noted that the frequency of these motions being granted was largely determined by the filing county. Some counties have a culture of routinely granting these motions, while others only waive the waiting period for extraordinary circumstances.

Michigan Legal Help Evaluation Report

Multivariate Data Analysis: How Case Characteristics Interact With One Another

After establishing an overall statewide understanding of divorce cases in Michigan using weighted univariate analysis, the evaluators conducted a multivariate analysis using unweighted data in order to examine how case characteristics interact with one another. We initially analyzed correlates of two of the principal dependent variables — the rates of completion of a divorce case and the length of time cases pended. Then, bivariate distributions of the nominal variables in the dataset were analyzed, which describe the extent to which the various nominal variables are related to each other.

As a general statement, there was less interaction among some factors — for example, county size, poverty rates, and race — than was expected.²⁷ When statistically significant interactions were found, the weighted complement of the bivariate distributions of key nominal variables was calculated. Findings deemed relevant to this evaluation project are presented in this report. This section presents the evaluators' hypotheses and the resultant findings relative to each of the case characteristics that were found to interact with one another in a statistically meaningful way.

Success in reaching judgment

Hypotheses: Impact of plaintiff type on likelihood of reaching judgment

In divorce cases, the responsibility for following proper procedure and advancing the case falls on the plaintiff, which is why this evaluation focuses primarily on plaintiffs' representation status. However, when a defendant hires an attorney in a case started by a self-represented plaintiff (which happened in only 11% of these cases), that attorney may take over responsibility for moving the case forward.

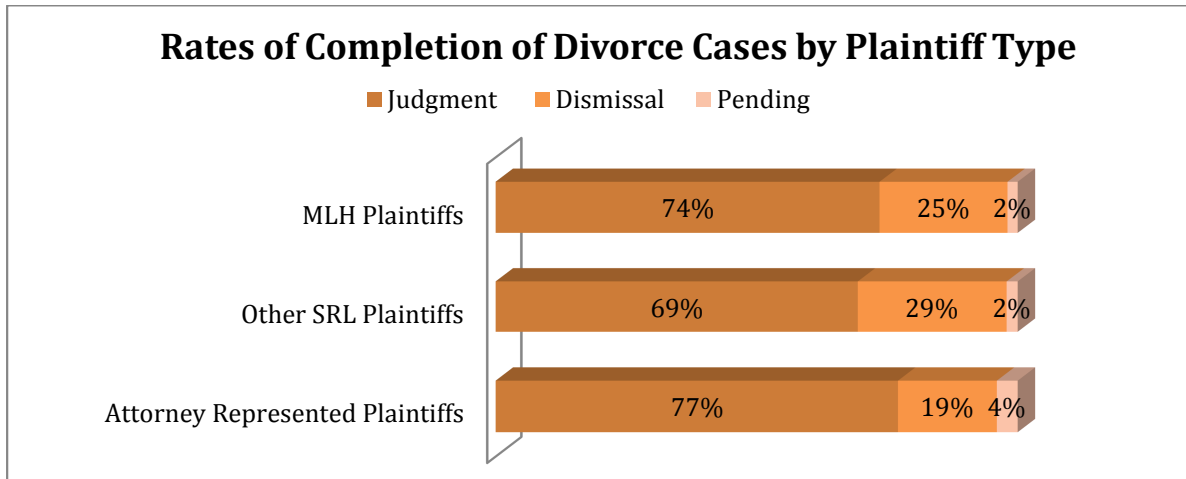
Evaluators predicted that plaintiffs using the MLH website would be at least as successful, if not more successful than, the other groups of plaintiffs in reaching a timely judgment. Great care was taken in creating the MLH website to provide comprehensive, easy-to-understand guidance about the divorce process, and emphasis was placed on the seamless production of accurate and complete documentation necessary to advance a case through the court.

²⁷ See discussion at p. 33 *infra*.

Michigan Legal Help Evaluation Report

Findings: Impact of plaintiff type on likelihood of reaching judgment

Figure 10. Completion of divorce cases, by plaintiff type



Overall, after taking other factors into consideration, it appears that the plaintiff's choice of complaint format has little effect on the likelihood that a judgment of divorce is granted. To the extent there are differences, the rate of completed judgments appears to be equal for plaintiffs using MLH forms and attorney-represented plaintiffs, and slightly less for plaintiffs using other self-represented materials; this difference is not statistically significant. This overall finding is encouraging; the evaluators confirmed this particular hypothesis and are eager to share the finding with others who have the inaccurate perception that self-represented plaintiffs are less successful at reaching judgment.

The discrepancy between the rates of success between the two types of self-represented litigants may reflect certain positive aspects of the MLH process — for example, the MLH forms are SCAO-approved and the MLH interview process is thoughtful and thorough. This discrepancy might also suggest that MLH users have some level of resources (computer access and literacy, both of which seem possible to correlate at least in part with income level) and/or resourcefulness, such as the determination to access free public computers, that is greater than that of other self-represented litigants. Indeed, self-represented litigants' motivation was mentioned consistently among interviewees as the most significant – if intangible – predictor of success, which seems to corroborate this hypothesis.

Time needed to reach judgment

Hypotheses: Impact of plaintiff type on time needed to reach judgment

Overall, the evaluators expected that cases with attorney-represented plaintiffs would take less time to resolve than those brought by self-represented plaintiffs, due to self-represented plaintiffs' unfamiliarity with court processes and rules.

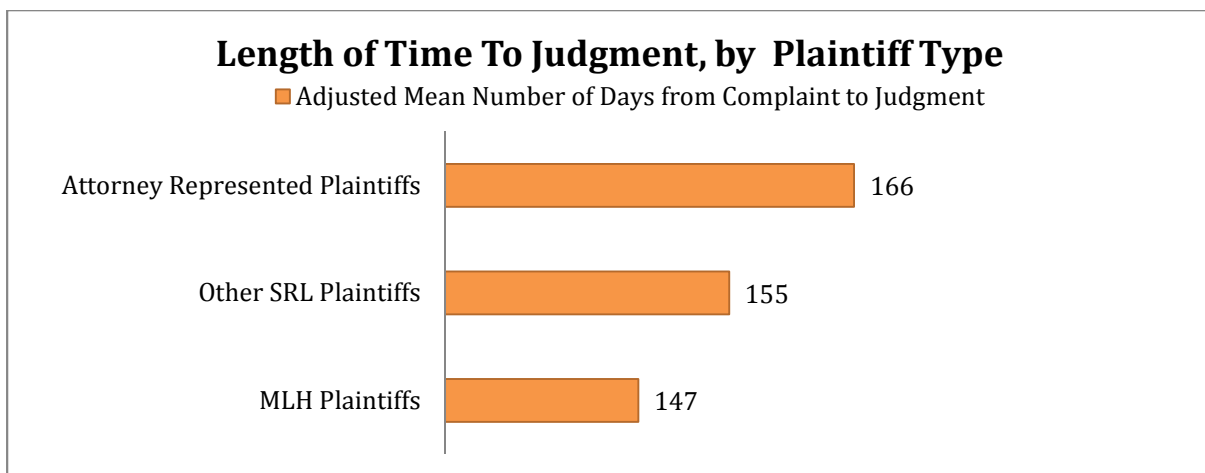
Michigan Legal Help Evaluation Report

Interviewees largely shared this perspective, reporting that self-represented litigants generally require significant support to navigate the divorce process successfully. Interviewees report needing to invest considerable time and energy in responding to self-represented litigants' questions, and self-represented litigants seem more prone to mistakes and misunderstandings that are likely to result in delays and postponements.

It is noted that one factor this evaluation did not study is the amount of time courts (clerks, judges, judicial staff) spend on the different types of cases, those with one or more self-representing litigants and those with attorneys involved. The only measure examined was the length of time it took the cases to move from complaint to judgment.

Findings: Impact of plaintiff type on time needed to reach judgment

Figure 11. Length of time to judgment, by litigant type



The data showed that plaintiffs using the MLH website complete their divorce cases in *less* time than other self-represented plaintiffs and attorney represented plaintiffs. This difference is small, yet statistically significant. The data disconfirmed the hypothesis that attorney represented cases, on average, would finish in the least number of days. In fact, attorney-represented cases take the longest time to reach judgment. This finding persists when controlling for all other factors involved, such as complexity of the case. Anecdotally, and without prompting, interviewees offered a corroborating theory that could explain this timeliness finding, speculating that any delays resulting from self-represented litigants' inexperience with the system may be offset by their concomitant inability to engage in complicated legal maneuvering.

The evaluators believe that many self-represented litigants are highly motivated to complete their divorce. Additionally, a possible factor is (in contrast to attorneys) self-represented litigants are not encumbered by scheduling conflicts created by handling an

Michigan Legal Help Evaluation Report

entire caseload; the singular focus on one case may also assist with faster completion. Finally, the evaluators believe that MLH plaintiffs may derive significant additional benefit from the clear, step-by-step instructions available on the website.

Case dismissal

Hypothesis: Impact of plaintiff type on case dismissal

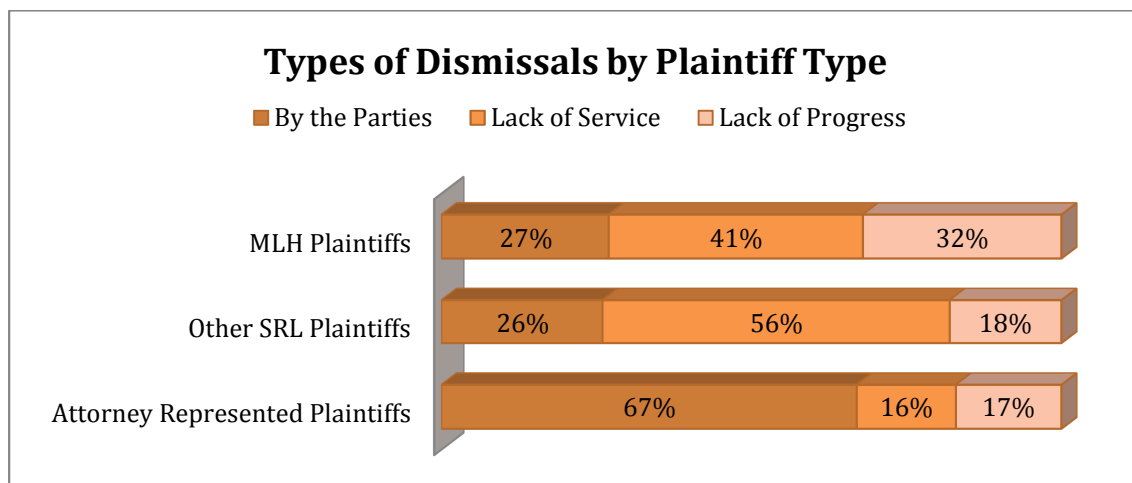
After a plaintiff files a divorce case, the case must progress to judgment or be dismissed. As noted above, there are three types of case dismissals: voluntary dismissal by the parties, involuntary dismissal by the court for lack of progress, and involuntary dismissal by the court for lack of service (in other words, the plaintiff's failure to provide proper notification of the case to the defendant).

Dismissal for lack of progress or service can reflect a failure of the plaintiff to successfully complete necessary procedural steps, while dismissal for lack of progress or voluntary dismissal could indicate either that the parties have reconciled or otherwise decided to abandon the case.

Given the pervasive perception shared by many interviewees that self-represented litigants struggle to advance a legal matter through the courts compared to attorney-represented litigants, the evaluators hypothesized that self-represented litigants' cases as a whole would result in more frequent involuntary dismissal. The evaluators tested the hypothesis that litigants using the MLH website would experience fewer involuntary dismissals than other self-represented litigants, in reflection of the detailed procedural instructions presented on the MLH website.

Findings: Impact of litigant type on case dismissal

Figure 12. Types of dismissals, by plaintiff type



Michigan Legal Help Evaluation Report

While all types of litigants experience similar rates of dismissal,²⁸ there are variances in the types of dismissals among groups. Of all self-represented litigants, litigants using the MLH website appear to be better equipped to conduct proper service but more likely to have a case dismissed for lack of progress. Unsurprisingly, attorney-represented litigants have the lowest rate of involuntary dismissals; this group undoubtedly benefits from counsel's familiarity with the procedural steps necessary to complete a divorce. It is also very likely that self-represented litigants as a whole may not go through the effort of formally dismissing the case if the parties choose to reconcile, while it would be logical that an attorney would take this extra step to enter a consent order of dismissal. As a result, involuntary dismissals may be somewhat over-reported for both categories of self-represented litigants.

Case complexity

Hypothesis: Impact of case complexity on timely judgment

Michigan Legal Help Program data collectors were asked to assess the complexity of each case²⁹ based on a number of different factors either related to legal complexity or disputing litigants. The evaluators hypothesized that case complexity would impact both the likelihood of completion of a case (the more complex the case, the less likely to reach judgment) as well as the time needed to reach judgment (again, the more complex the case, the lengthier time to judgment).

The evaluators also expected that attorney-represented litigants would primarily comprise the more complex cases, with both of the two self-represented categories presenting less complex cases. Along the same lines, the evaluators expected that the small number of pending cases would mostly fall in the category of represented parties, as these cases were presumed to be highly complex. However, that expectation was disproven by data showing that all three categories have a similar portion of cases still pending (see fig. 10).

Findings: Occurrence and impact of case complexity on timely judgment

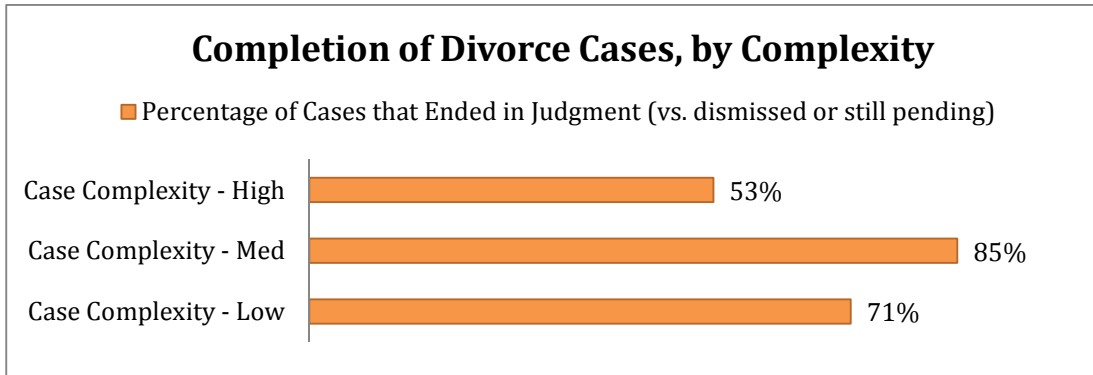
As expected, case complexity has the greatest effect on both whether the case reaches judgment and the number of days to judgment. Generally, the less complex a case, the more likely it is to lead to judgment and to take the shortest time in doing so. This finding is logical and is corroborated by the qualitative data. Interviewees observed that many self-represented litigants have fairly straightforward divorces, with little property to divide or without disputes as to child custody, parenting time, and child support.

²⁸ See fig. 10.

²⁹ As mentioned previously, data collectors assessed case complexity using the following scale: low = "not complex at all," medium = "somewhat complex," high = "very complex"). See fn. 24 for a list of all elements of this assessment.

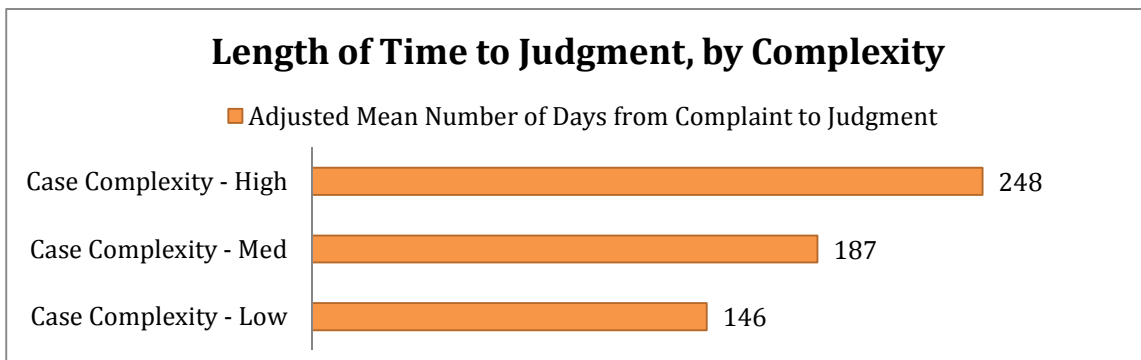
Michigan Legal Help Evaluation Report

Figure 13. Cases reaching judgment, by level of complexity



Curiously, however, the cases of *moderate* complexity are most likely to result in judgment (85%), followed by the least complex (71%). Only about half (53%) of the most complex cases reach judgment.³⁰

Figure 14. Length of time to judgment, by level of complexity

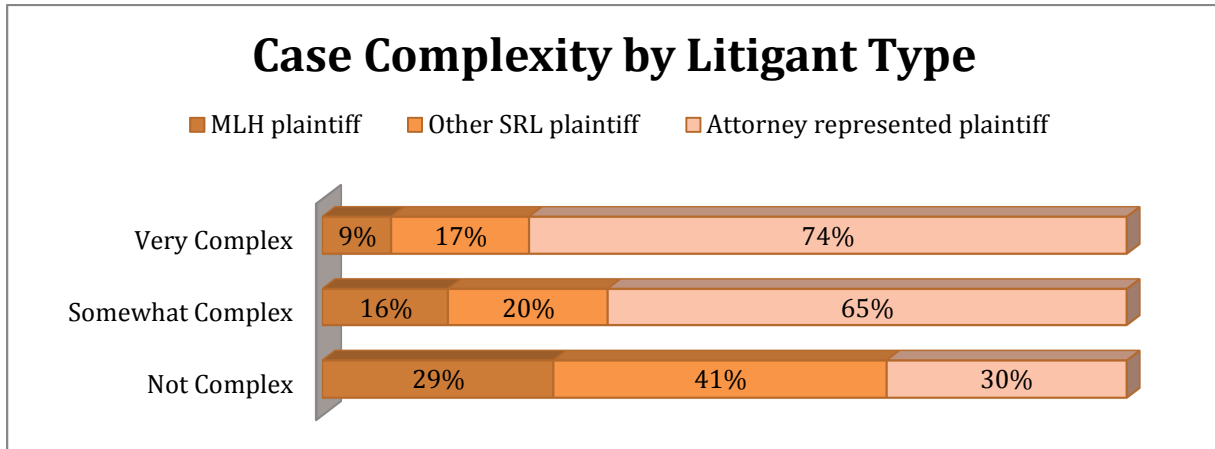


Even after taking into account the results of returning to the pending cases to collect more data, the finding persists: the more complex the case, the longer the case pends, resulting in an additional 100 days to judgment when comparing the most complex (248 days) with the least complex (146 days) cases.

³⁰ Of course, the more motions filed, the more complex the case, and the longer it will take to reach judgment; therefore, high complexity cases may be disproportionately represented among cases still pending.

Michigan Legal Help Evaluation Report

Figure 15. Level of complexity by Litigant Type



A third hypothesis is that the majority of “not complex” cases would be those of self-represented plaintiffs, while the majority of the “very complex” cases would be those with attorneys. Interestingly, the data show that while it is true that as the complexity increases, the proportion of attorney represented cases increases, there is more variance than expected. These findings are complicated by the fact that as complexity increases, there are fewer cases to be considered.³¹

Presence of minor children

Hypotheses: Presence of minor children

The evaluators expected that:

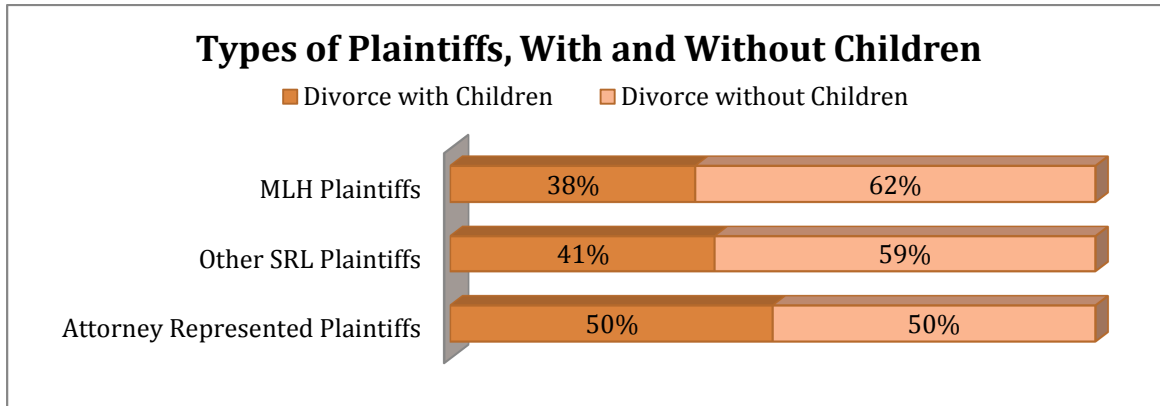
1. Plaintiffs with cases involving minor children would be more likely to engage an attorney due to the complexity of the case and the relatively higher stakes;
2. Divorce cases with minor children would take longer to complete than those without children, possibly as a result of increased case complexity;
3. Divorce cases with minor children would be less likely to reach judgment, possibly due to the increased likelihood that the parties would reconcile.

Findings: Presence of minor children

³¹ Per fig. 9, 79% of all cases are “not complex”, 18% are “somewhat complex” and only 3% are classified as “very complex.”

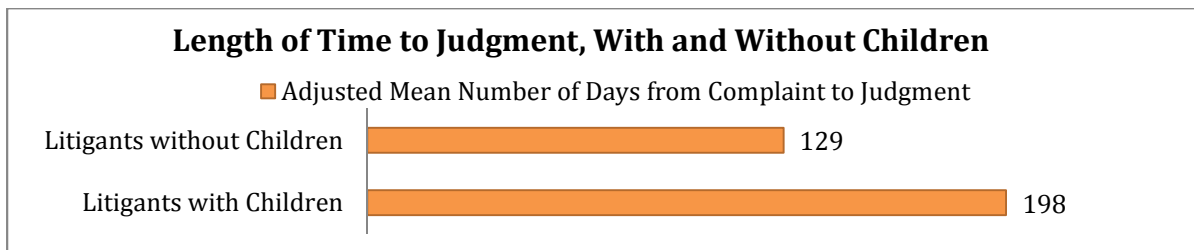
Michigan Legal Help Evaluation Report

Figure 16. Plaintiff types, by presence of minor children



When children are involved, the plaintiffs are more likely to have attorney representation, although there are still numerous self-represented litigants with children who successfully navigate the divorce process.

Figure 17. Length of time to reach judgment, by presence of minor children



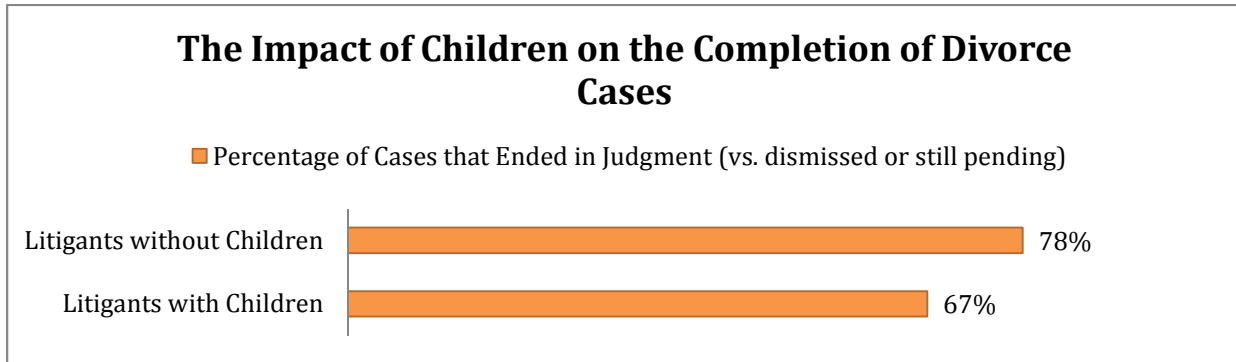
Controlling for all other factors, the presence of minor children in a divorce proceeding does statistically significantly increase the length of time a case pends, from 129 days (without children) to 198 days (with children). The practical reason for this difference can be attributed to the court rules described in the previous section (minimum of 60 days from filing to judgment for no-child cases; minimum of 180 days to judgment for child cases).³² The rationale behind these statutory minimums appears to be both a policy of enabling greater possibility of reconciliation in child cases, and to allow more time to make important child custody and child support recommendations.

It also seems reasonable to consider the presence of minor children as one indicator of case complexity (see above), given the potential for child custody and child support disputes.

³² Parties may file a motion to waive the statutory minimum, and ultimately the decision to grant this motion is up to the judge. See table 2.

Michigan Legal Help Evaluation Report

Figure 18. Cases reaching judgment, by presence of minor children



The evaluators hypothesized that parties may be more likely to reconcile where minor children are involved. The data confirm that cases involving minor children are, in fact, less likely to result in judgment (67%) than cases without children (78%).

Fee waiver grants

Hypotheses: Occurrence and Impact of fee waiver grants

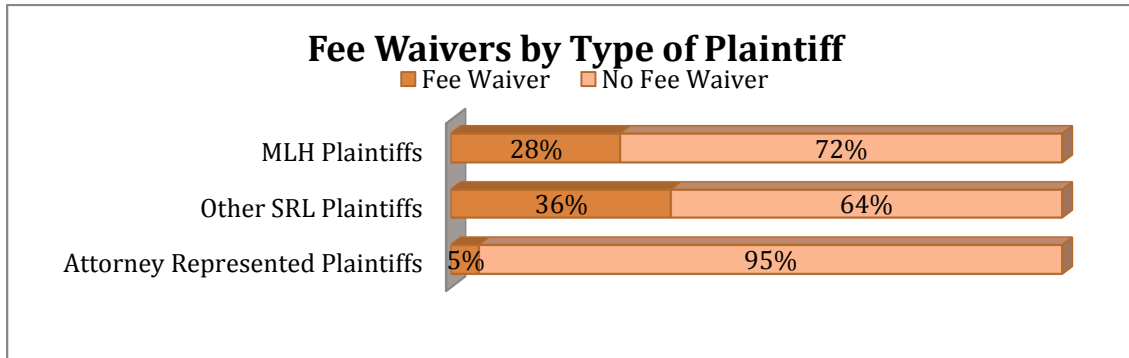
The evaluators were curious about how many fee waivers were granted overall and which litigant categories had the most fee waivers, as this metric is the only proxy indicator of poverty or income level that could be obtained during this evaluation. The evaluators hypothesized that the majority of fee waivers would be granted to self-represented litigants because litigants who can afford attorneys cannot generally qualify for fee waivers.³³ The evaluators were curious to compare the rates of fee waivers granted to litigants using MLH pleadings to those using other self-represented pleadings. The MLH website was deliberately designed to serve all self-represented litigants, regardless of income; accordingly, the evaluators suspected that slightly fewer of the MLH litigants would qualify for and receive fee waivers.

Findings: Occurrence and impact of fee waivers

³³ With the obvious exception of litigants represented by legal aid attorneys, who almost always qualify for fee waivers.

Michigan Legal Help Evaluation Report

Figure 19. Fee waiver grants, by type of plaintiff



Attorney-represented plaintiffs, as expected, have the lowest representation of fee waiver usage (5%). The largest proportion of fee waiver usage is indeed observed among self-represented plaintiffs. Those who are not using the MLH website obtained more fee waivers (36%) than did those using MLH-generated pleadings (26%). The evaluators did not anticipate such a significant discrepancy.

At least two explanations seem possible. First, the MLH website was deliberately designed to serve self-represented litigants of all means, as mentioned previously. Second, the divorce interview on MLH doesn't automatically produce an application for a fee waiver; it is a separate interview that visitors must complete. In other self-represented litigant packets — such as those created by courts, non-MLH self-help centers, and legal aid programs — the packets often include the fee waiver application form, leading to higher instances of these plaintiffs requesting and receiving fee waivers.

Filing an answer

Hypothesis: Impact of a defendant's answer

The filing of an answer to the divorce complaint by the defendant occurs in a significant minority of cases (24%) and may indicate a dispute about one or more issues in the divorce. Thus, answer filing could be characterized as an additional indicator of case complexity, which the evaluators hypothesized to result in increased length of time to judgment.

Findings: Impact of a defendant's answer

A defendant's answer is associated with somewhat longer times to judgment, with an average case duration of 164 days versus 155 days for cases with no answer filed.

Curiously, filing of an answer is associated with a higher likelihood of reaching a judgment (79%) than cases with no answer (72%) after controlling for other measures. The evaluators surmise that this finding might be attributable to more formal contact and

Michigan Legal Help Evaluation Report

cooperation among the parties if an answer is filed. This finding also reflects the likelihood that both parties are motivated to finish the divorce when an answer is filed.

The format of the defendant's answer (from the MLH website, other self-represented, or attorney-drafted) had no effect on the number of days from complaint to judgment or the likelihood of a judgment. In other words, all three groups fare equally well.

Change in representation status

Changes in representation status by either the plaintiff or defendant (from self-represented to attorney-represented, or vice versa) are rare (3% for plaintiffs, 1% for defendants) and are not significantly related to whether a judgment was reached. Because the fraction of plaintiffs who change representation status is so small, those plaintiffs who begin self-represented tend to remain self-represented.

Change in representation status did have a small effect on days to judgment, in a curious way. Cases in which the plaintiff changed representation status took longer time to reach judgment than those with no change (171 days versus 157 days). However, cases in which the defendant changed representation status reached judgment sooner (141 days versus 157 days).

The evaluators posit that plaintiffs may engage an attorney when encountering an unexpected increase — or previously underestimated element — of case complexity such that legal advice is necessary to proceed, resulting in a longer case duration. Conversely, the introduction of an attorney on behalf of the defendant may help overcome barriers presented by a disagreeable and uncooperative party, effectively speeding the case to completion.

Judicial workload

The only judicial variable that passed the initial screens for relationship to either of the two outcome variables was the State Court Administrative Office's measure of judicial workload.³⁴ In the multivariate analysis, it appears that the higher the workload on circuit judges, the less likely a case is to come to judgment; however, no effect on the number of days to judgment was observed in relationship to the workload variable.

One possible explanation is that there is a lower threshold among busier judges for determining that a case is making no progress and subsequently dismissing the case as such. However, it might be that this judicial workload measure is an artifact for other, unmeasured characteristics of the court or the county.

³⁴ Judicial workload is a calculation done by SCAO. It is a weighted measure of the number of judges needed to handle the work of the courts.

Michigan Legal Help Evaluation Report

Other factors

It is worth noting that there were several factors included in our analysis that were found to have little or no statistically significant impact on either the likelihood a case will reach judgment or the length of time it takes a case to reach judgment. These factors include:

- The size of the population of each county
- Whether a county has a Self-Help Center
- The median age of the residents of each county
- The poverty rate of each county
- The racial makeup of each county
- The total number of circuit filings in each county
- The total number of domestic relations filings in each county

On the one hand, some of these null data outcomes were mildly surprising. The evaluators had assumed that larger court systems might be more difficult to navigate for self-represented litigants, or that lower income litigants would have more difficulty navigating the system. On the contrary, the ability to resolve a legal matter in a timely fashion does not depend on one's county of residence or on age, poverty rate, or race.

The evaluators did not expect to encounter the above null findings relative to the presence of a Self-Help Center. However, the wide variation among Self-Help Centers in the counties studied may help explain the overall lack of significance of this variable's contribution to divorce cases' reaching timely judgment. The Self-Help Centers found in the sample were divided between those using MLH and those using their own materials for self-represented litigants. The existence of Self-Help Centers is not evenly distributed throughout the sample size or the state as a whole. There were only 8 Self-Help Centers during the time these cases were initiated; there are now 11.

Some Self-Help Centers were located within a courthouse, fully staffed, well-established and known through the community, and available during regular working hours. Not all Self-Help Centers are able to claim these characteristics, however. Particularly, the Self-Help Centers affiliated with the Michigan Legal Help Program were newly established at the same time that the divorce cases included in this evaluation were active in court. As the Self-Help Centers mature and awareness of their offerings grows, more demonstrable impact may be found.

In addition, the creative, "home-grown" tools that many county Clerk and court staff provide to self-represented litigants may further confound the impact of the Self-Help Centers in the statistical analysis. In other words, even — and perhaps especially — in counties where no Self-Help Center exists, self-represented litigants may nonetheless be able to access somewhat similar supports, simply from these different sources. One of the long-term goals of the Michigan Legal Help program is to open MLH-affiliated

Michigan Legal Help Evaluation Report

Self-Help Centers in more counties, with the effect of standardizing self-represented litigant information somewhat and easing the burden on courts of maintaining and distributing these home-grown tools themselves.

A note on statistical significance

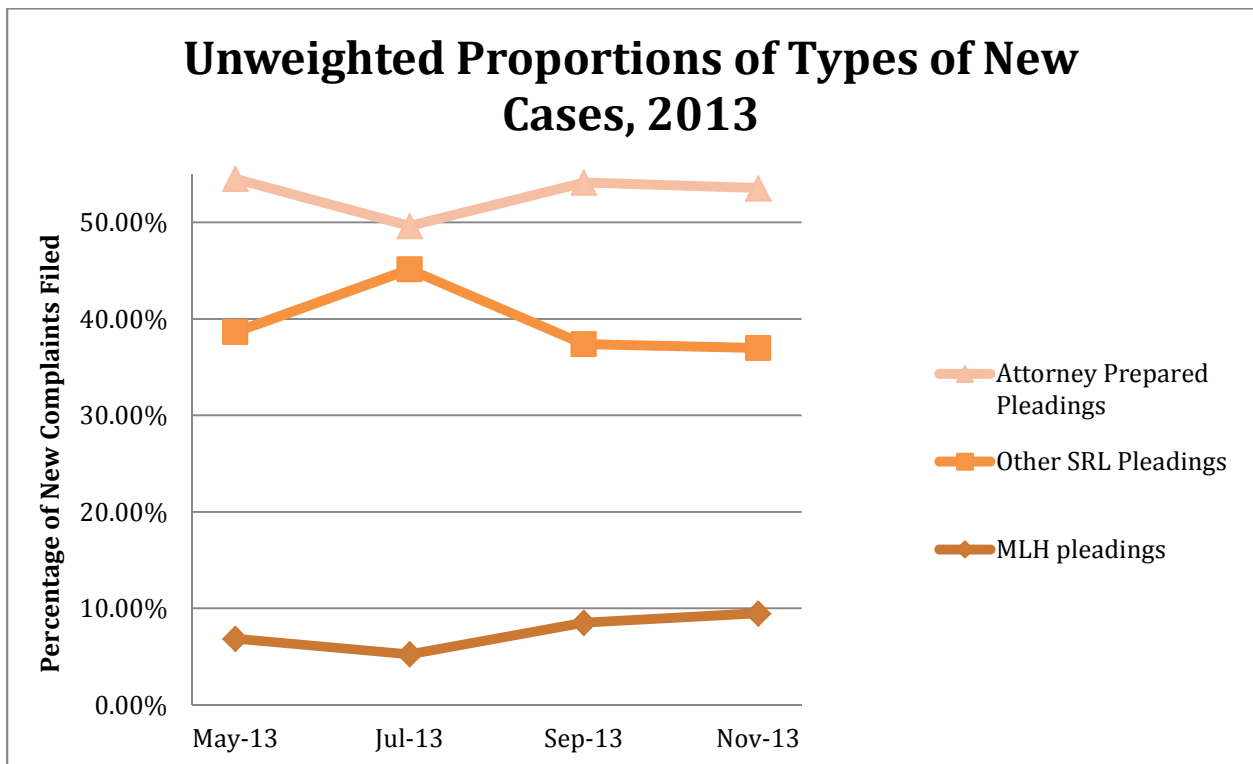
In analyzing the data, the evaluation team examined every difference that passed the “statistically significant” threshold. However, there is a distinction between “statistically significant” and “very meaningful to the individuals involved.”

Clearly, “meaningful” findings of the study are the high rate of self-represented litigants in the system (about 50%), their extremely high rate of success in obtaining divorce judgments (about 75% for MLH litigants), and the timeliness of completion (more quickly than attorney represented litigants and other self-represented litigants).

As the evaluators drilled down to the more detailed findings — for example, that the length of time to complete the divorce process takes 19 days longer for attorney-represented litigants than MLH litigants and 8 days longer for other pro se litigants than MLH litigants — we acknowledged that while these findings may be statistically meaningful, they are likely to have less impact on the lives of the people involved.

Proportionality of litigant types; trends over time

Figure 20. Trends in litigant type, as defined by complaint format



Michigan Legal Help Evaluation Report

The Michigan Legal Help website and the divorce interview were very new at the time the plaintiffs being studied here were filing their divorces. The website was launched on August 17, 2012, and the divorce interview was available the next week — less than a year before most of these data were collected. Even so, the evaluators were curious to know whether use of the MLH pleadings increased during this period. The evaluators hypothesized that the numbers would be low (as compared to the other groups) but were still surprised at how low they were.³⁵ However, the trend does show an increase in the use of MLH pleadings, a trend the evaluators imagine continues.

This chart also shows the large proportion of self-represented litigants in this time period. Anecdotally, interviewees shared a recognition that the self-represented demographic is large and growing. Many interviewees attributed this trend to economics, noting that higher-income people generally engage attorneys as a matter of course. Some interviewees posited that the decision to engage an attorney may be driven, at least in part, by the litigants' assessment of the degree of complexity of their case, and that this measure might also correlate with income; in other words, divorces involving the division of multiple assets seem likely to be more complex.

Interviewees also emphasized the mutually-reinforcing effect of the multiple modalities of supporting self-represented litigants; the MLH website appears to be most useful when supported by compassionate assistance from Self-Help Center and/or court staff. Interviewees also suggested that active promotion of the MLH website is helpful, and even necessary, to increasing usage.

The impact of MLH upon attorney representation of divorce litigants

It is important to note that the Michigan Legal Help website and Self-Help Centers are not intended to serve as substitutes for legal representation when legal advice is needed. These supports are designed for individuals with relatively simple cases who are capable of self-representation using the information provided by the MLHP. The data suggest that the MLHP is achieving this desired role, in that only a small reduction in the proportion of attorney-represented divorce litigants (as compared to self-represented litigants) was observed after the advent of the MLHP.

For purposes of comparison, in 2012, one year prior to the launch of the MLH website, 55% of plaintiffs in divorce cases were attorney-represented throughout the nine

³⁵ These data are presented in an unweighted format; the sample size was too small to report a weighted version with confidence, and the prevalence of MLH pleadings this early varied widely from one county to the next, based on the availability of other SRL pleadings in the clerk's office and the extent to which each county embraced this relatively new project.

Michigan Legal Help Evaluation Report

counties studied. In 2013, 53% of plaintiffs were attorney-represented in the same counties. However, the proportion of other self-represented plaintiffs in these counties *decreased* from 45% in 2012 to 40% in 2013, suggesting that the majority of MLH website users in 2013 came from the pool of those plaintiffs who would be self-represented regardless of the existence of the MLH website.³⁶

Similarly, in 2012, 28% of defendants in divorce cases in the sample counties were represented by counsel and 48% were self-represented; the remaining 24% never appeared. In 2013, there was a slight reduction in defendants who were represented (21%), but the proportion of self-represented defendants remained nearly identical (49%) while the number of defendants who failed to appear increased to 29%.³⁷

Qualitative Findings

The qualitative data (gathered through interviews of judges, judicial staff, county Clerk staff, and Self-Help Center staff) suggest several points where self-represented litigants tend to struggle in the divorce process. These include:

- General lack of familiarity with legal terms;
- Confusion (leading to frustration) with the legal process from beginning to end, which can lead to a lack of preparation, the need for considerable guidance and support from court or self-help center staff, and associated delays;
- Inability to serve process appropriately;
- Not comprehending the necessity of using the child support formula;
- Failure to prepare an adequate judgment form; and
- The missed opportunity to save time by entering a default judgment when the defendant does not answer the complaint.

In addition to the anecdotal evidence reported in relation to the specific findings in this report, the interviews also confirmed that MLH forms are regarded as equal to, or slightly better than, other self-represented litigant forms in quality and usability from the court's perspective. One interviewee expressed particular appreciation that the MLH forms are, by definition, not hand-written. Those who are familiar with the MLH forms appreciate that the documents are filled out completely, well-organized, and easy to read and understand; also, litigants presenting MLH pleadings tended to be less frustrated than others.

³⁶ Because the 2012 data were not weighted, this comparison is of unweighted 2012 data to unweighted 2013 data.

³⁷ As above, because the 2012 data were not weighted, this comparison is of unweighted 2012 data to unweighted 2013 data.

Michigan Legal Help Evaluation Report

Nonetheless, the MLH website is designed specifically to address the potential areas of struggle noted above, and improvements to the site are made routinely. Specific suggestions for improvements or expansions shared by interviewees are now being actively explored.

Recommendations and Conclusion

The evaluation team and the Michigan Legal Help Program Project Manager jointly developed the following recommendations, some of which have already been implemented.

- 1. MLH should make it easier for self-represented litigants already engaged in a divorce case to get a judgment of divorce.** MLH has already addressed this recommendation by creating a judgment-only divorce interview so that all self-represented litigants, even those who have completed some part of the divorce process using an attorney or another pro se forms packet, can easily create just a judgment in order to finalize their divorces.
- 2. MLH should make it easier for qualified individuals to request fee waivers.** Originally, MLH hesitated to produce fee waivers for everyone completing the divorce interview, fearing that many would not qualify. It would be a waste to print the fee waiver request and confusing to litigants to receive that document regardless of eligibility. However, MLH now realizes that this consideration can be addressed by modifying the divorce interview to automatically produce a fee waiver request for those plaintiffs who are receiving public assistance, since they automatically qualify. Other litigants who believe they may qualify based on income and expenses will still be directed to the separate interview where that additional information will be used to complete the request form.
- 3. MLH should make the checklists of instructions easier for self-represented litigants to locate and follow.** Anecdotal reports repeatedly cited frustration with self-represented litigants who didn't understand the process and procedures associated with filing a divorce. MLH includes detailed instructions in toolkits, but SRLs do not always easily find them. MLH is working on ways to highlight these checklists, and for some forms with simple instructions, has already shifted to a practice of including these instructions with the forms that are generated on LHI. Unfortunately, this isn't likely to happen for divorce cases, due to the complexity of the instructions and the differences based on jurisdiction. However, making these instructions more prominent on the website is an important change.
- 4. MLH should make it easier for self-represented parties to advise courts of their reconciliation and intent to dismiss a case.** MLH plans to add

Michigan Legal Help Evaluation Report

information and forms to make it clear to self-represented litigants that if they have reconciled, they should formally dismiss their divorce cases, saving the courts the time and work involved in notifying the litigants of the intent to close the case, holding a no progress hearing, and then closing the case.

- 5. MLH should increase the number of self-represented litigants using their forms.** It appears as though the main challenge for the Michigan Legal Help Program is to market and promote their services more assertively in order to raise awareness of this effective and accessible tool. Interviewees suggested numerous methods of outreach, such as partnering with local non-profits, funders, and legal assistance centers that are not affiliated with the Michigan Legal Help Program to achieve this end. Additionally, MLH is currently working with legal aid offices to integrate use of MLH into their self-represented litigant divorce clinics, which historically use paper-based fill-in-the-blank forms and instructions. Having legal aid programs steer clients to MLH for their divorces would free resources that are currently used to create, update, and disseminate these forms, while still giving them the opportunity to work closely with self-represented litigant clients in offering limited assistance to them.
- 6. The MLH Program Manager should discuss with the State court Administrative Office (SCAO) the potential value of mandating that all Michigan courts use a uniform system of tracking cases with self-represented litigants.** Much of the information about self-represented litigants discovered through this evaluation process would be easy for courts to assess and monitor if there was a uniform statewide system to identify cases with self-represented litigants. Methods and justification for this practice can be found in the National Center for State Courts' 2013 report "Developing Standardized Definitions and Counting Rules for Cases with Self-Represented Litigants."
- 7. Expansion of content on MLH should include legal issues similar to divorce.** The area of divorce is important to Michigan Legal Help. It is an area of law that is of critical importance to people and is well suited to this type of assistance. There is a high volume of divorce cases in the Michigan courts; with assistance, these cases are relatively straightforward. MLH should continue to explore and focus on similar areas of the law, where it is shown that a well drafted guided interview can help motivated litigants achieve the same outcome that could be accomplished with the help of an attorney. The success of this mechanism relative to divorce cases suggests that an expansion of this instrumentality is warranted in other areas, such as wills and powers of attorney.

Michigan Legal Help Evaluation Report

Conclusion

Litigants using the Michigan Legal Help website fare at least as well as attorney-represented litigants and litigants using other self-represented materials in obtaining judgments in a timely fashion, after taking other factors (such as case complexity) into account. This is promising news for self-represented litigants and courts in Michigan, and also supports the findings reported by Jeanne Charn, where she suggests that everyone celebrate the finding that with self-help supports, self-represented litigants can complete straightforward legal matters on their own.

Michigan Legal Help Evaluation Report

Appendices

Appendix A: Sampling Plan for Michigan Legal Help Evaluation Study

Appendix B: Case Selection Process Plan

Appendix C: Survey for Data Collection

Appendix D: Interview Protocols

Appendix E: Email from Mirinda Watkins to Document Assembly list serve on 7/16/14

Appendix F: Survey Processes in Each County

Sampling Plan for Michigan Legal Help Evaluation Study

By Terry Adams

This is the proposed sampling plan which includes two factors in the stratification and the primary and secondary selections of Primary Sampling Units (PSUs) for data collection. The two factors utilized in stratification are size (estimated number of total divorce filings in a six-month period of 2013) and geographic distribution. This plan use some multi-county units as PSUs. The geographic zones are basically legal services program areas, with one exception (Arenac).

The relative 'size' of each county is measured by the number of divorce filings in 2012, which should be a very accurate prediction of the number of all divorce complaint filings in 2013. (This data obtained from the State Court Administrative Office). The counties are divided by size into three categories: small (≤ 300 estimated divorce filings, medium (301-1000 filings), and large (1001+ filings).

For this project, our recommended minimum size (number of initial divorce petitions filed in a six month period) is 100. For this reason, we clustered counties that are geographically contiguous so we could reach this minimum number of files in each PSU. In most stratified sampling designs, some PSUs are considered so large that they must be included in the set of selected PSUs. In effect, substrata of PSUs with high size are created and selected with 100% probability within those substrata since they are the only members of the substrata. For this study, we set the self-representation criteria at 1,000 divorce filings in a six month period, more than double the PSU mean size.

The zones are zone 1 (Upper Peninsula), zone 2 (northern Lower Peninsula), 3 (western), 4 (eastern), 5 (south central), and 6 (Wayne-Oakland-Macomb). Combinations of these zones are used in grouping the small and medium PSUs into strata.

Self-Representing PSUs

1. Kent: PSU 20, geographic zone 2, large, self-help yes, size estimate 1322
2. Oakland: PSU 52, geographic zone 6, large, self-help yes, size estimate 2454
3. Macomb: PSU 53, geographic zone 6, large, self-help no, size estimate 1702
4. Wayne: PSU 54, geographic zone 6, large, self-help yes, size estimate 3151

Note that the self-representing PSUs include 41% of the estimated 21,021 total divorce filings in the first half of 2013.

Non-Self-Representing PSUs

NSR stratum	PSU number	PSU Name	size estimate	geographic zone
5 (small, UP, NLP and Western): select one			3393	
	1	Gogebic-Ontonagon-Keweenaw-Houghton-Barbara	106	1
	2	Iron-Dickinson-Menominee	139	1
	3	Marquette	112	1
	4	Delta-Alger	100	1
	5	Schoolcraft-Luce-Mackinac-Chippewa	144	1
	6	Emmet-Cheboygan	148	2
	7	Presque Isle-Alpena-Montmorency	122	2
	8	Otsego-Crawford	112	2
	9	Kalkaska-Antrim-Charlevoix	188	2
	10	Grand Traverse	228	2
	11	Leelanau-Benzie-Manistee	129	2
	12	Wexford-Missaukee	127	2
	13	Roscommon-Ogemaw-Oscoda	119	2
	14	Alcona-Iosco-Arenac	101	2
	15	Mason-Lake	104	3
	16	Osceola-Mecosta	155	3
	17	Newaygo-Oceana	209	3

NSR stratum	PSU number	PSU Name	size estimate	geographic zone
	21	Ionia	166	3
	22	Montcalm	174	3
	23	Allegan	246	3
	24	Van Buren	168	3
	27	Cass	130	3
	28	St. Joseph	166	3
6 (small, Eastern and South Central): select one			2550	
	29	Clare-Gladwin	171	4
	30	Isabella	128	4
	31	Midland-Gratiot	300	4
	32	Bay	250	4
	34	Tuscola	127	4
	35	Huron-Sanilac	170	4
	37	Lapeer	203	4
	39	Clinton	152	5
	40	Shiawassee	162	5
	43	Eaton	266	5
	44	Barry	150	5
	46	Branch	104	5
	50	Lenawee	236	5
	51	Hillsdale	131	5

NSR stratum	PSU number	PSU Name	size estimate	geographic zone
7 (medium, Western and Eastern): select one			3632	
	18	Muskegon	436	3
	19	Ottawa	540	3
	25	Kalamazoo	564	3
	26	Berrien	365	3
	33	Saginaw	410	4
	36	St Clair	372	4
	38	Genesee	945	4
8 (medium, South Central), select one			2817	
	41	Livingston	398	5
	42	Ingham	604	5
	45	Calhoun	342	5
	47	Jackson	430	5
	48	Washtenaw	664	5
	49	Monroe	379	5
statewide			21,021	

The strata are of substantially equal size, which is administratively convenient, but does not affect the sampling or sampling weights.

Below are primary and secondary PSUs randomly selected from each non-self-representing stratum. The secondary selection would be used only if we could not obtain permission to collect data in the primary selection.

Selected PSUs

Stratum 1:

- a. Primary selection: Kent
- b. Secondary selection: none

Stratum 2:

- a. Primary selection: Oakland
- b. Secondary selection: none

Stratum 3:

- a. Primary selection: Macomb
- b. Secondary selection: none

Stratum 4:

- a. Primary selection: Wayne
- b. Secondary selection: none

Stratum 5:

- a. Primary selection: Allegan
- b. Secondary selection: Schoolcraft-Luce-Mackinac-Chippewa

Stratum 6:

- a. Primary selection: Branch
- b. Secondary selection: Midland-Gratiot

Stratum 7:

- a. Primary selection: Genesee
- b. Secondary selection: Ottawa

Stratum 8:

- a. Primary selection: Washtenaw
- b. Secondary selection: Ingham

Case Selection Process Plan

Michigan Legal Help Evaluation Project

1. **Baseline data sample (from 2012):** Starting with the first case filed on 3/1/12, survey every file until you have surveyed 100 files.
2. **Snapshot data to determine frequency of case types:** Pull the first 50 cases filed on 5/1/13, 7/1/13, 9/1/13, and 11/1/13 and record whether the complaint in each case is one prepared by a plaintiff using Michigan Legal Help (MLH), by a self-represented litigant not using MLH, or by an attorney. Do not survey these cases, just track the complaint type. In PSUs where there aren't 50 cases for each time period, record the complaint type for every case filed between 5/1/13 and 12/31/13.
3. **Primary data sample from 2013:**
 - a) In selected PSUs with less than 300 total filings in the seven month period, survey every case filed between 5/1/13 and 12/1/13.
 - b) In selected PSUs with more than 300 cases, but where the preliminary findings indicate there will be fewer than 100 MLH forms in the seven month period, locate and survey all cases that contain MLH complaints, plus an equal number cases that contain other self-represented complaints and attorney-represented complaints. Reviewing the cases in order of filing date, survey every MLH case you find and then the next-occurring other self-represented case and attorney represented case as you continue moving chronologically through the files.
 - c) In selected PSUs with more than 300 cases, but where preliminary estimates indicate there will be 100 or more MLH filings found, locate and survey the first 100 cases with MLH complaints, plus 100 each of cases containing other SR complaints and attorney represented complaints. Reviewing the cases in order of filing date, survey every MLH case you find and then the next-occurring other self-represented case and attorney represented case as you continue moving chronologically through the files.

MLH Divorce File Survey - TIG 13061

Introductory questions

*1. County

- | | |
|--------------------------------|---------------------------------|
| <input type="radio"/> Allegan | <input type="radio"/> Macomb |
| <input type="radio"/> Branch | <input type="radio"/> Oakland |
| <input type="radio"/> Genessee | <input type="radio"/> Washtenaw |
| <input type="radio"/> Kent | <input type="radio"/> Wayne |

*2. What is the plaintiff's last name?

*3. What is the case number? (example: 13-1234-DO)

*4. Is this a divorce without children (DO) or divorce with children? (DM)?

- DM (with children)
- DO (without children)

*5. What kind of complaint is in the file?

Michigan Legal Help Pleadings say "Approved by SCAO..." at the top; Attorney prepared forms have an attorney's name in the header and/or are signed by an attorney; other pro se is everything else. If an attorney prepared and signed MLH forms, count them as attorney prepared forms.

- Michigan Legal Help
- Other pro se
- Attorney represented
- Other

Other (please specify):

*6. What date was the complaint filed and the summons issued? (Look for the date on the summons).

Date of filing/summons

MM	DD	YYYY		
<input type="text"/>	/	<input type="text"/>	/	<input type="text"/>

MLH Divorce File Survey - TIG 13061

***7. Was the plaintiff granted a fee waiver? (The judge's signature and Order may be on the back.)**

- Yes
- No

***8. Is there a proof of service showing that the Defendant was served with the initial divorce paperwork?**

- Yes
- No

***9. Is there a written Answer in the file from the Defendant?**

- Yes
- No

Answer Type

***10. What kind of answer is it?**

- on MLH forms
- prepared by an attorney
- other pro se forms

Case Status

***11. What is the status of the case?**

Disregard a dismissal in any cases dismissed then reopened.

- The case is unresolved
- A judgment has been signed
- This case has been dismissed

Case is unresolved

12. What is the most recent document in the file?

MLH Divorce File Survey - TIG 13061

13. What is the date of the most recent document in the file?

Document dated MM / DD / YYYY

Case was dismissed

*14. How was the case dismissed?

- Dismissed by the parties
- Dismissed by the court for lack of progress
- Dismissed by the court for lack of service

*15. What date was the case dismissed?

Dismissal date MM / DD / YYYY

Type of judgment

*16. What kind of judgment was issued?

- Default
- Consent
- Other (please specify):

*17. What kind of Judgment is in the file?

- Prepared on MLH forms
- Prepared by an attorney
- Prepared by a pro se litigant using something besides MLH
- Other (please specify)

*18. What date was the judgment issued?

Judgment issued MM / DD / YYYY

Plaintiff's representation status

MLH Divorce File Survey - TIG 13061

19. Did the plaintiff's representation status change during the proceedings?

- No (started pro se and stayed pro se)
- No (started represented and stayed represented)
- Yes (pro se -> represented)
- Yes (represented -> pro se)

Other (please specify):

Change in plaintiff's representation status

20. If you can tell, when did the representation change? (if you can't tell, skip this question)

Date of change MM DD YYYY
 / /

Defendant's representation status

21. Did the defendant's representation status change during the proceedings?

- No (started pro se and stayed pro se)
- No (started represented and stayed represented)
- Yes (pro se -> represented)
- Yes (represented -> pro se)
- Never appeared

Other (please specify):

Change in defendant's representation status

22. If you can tell, when did the representation change? (if you can't tell, skip this question).

Date of change MM DD YYYY
 / /

Complexity

MLH Divorce File Survey - TIG 13061

***23. Please rank the complexity of the case. Complexity can come from having difficult issues in the case, or be due to high conflict between the parties, or both.**

These things increase the complexity of a case: mediation; arbitration; division of a home; formal or lengthy discovery process (interrogatories, request for production of documents, deposition, trial briefs or witness lists in the file, etc.); spousal support; deviation from the child support formula; existence of or reference to Personal Protection Order in the file; an order excluding a child from the marriage; parties objecting to temporary orders or Friend of the Court orders, parties filing more than 2 motions, division of a retirement account. Even the thickness of the file can help you make this determination.

	Not complex at all	Somewhat complex	Very complex
Level of complexity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

24. Anything unusual about the case?

***25. Surveyor's initials**

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Interview Outline – Judges & Judges’ staff

Name _____

(if staff) Name(s) of Judge(s) you work for _____

Date _____

Phone Number _____

Be prepared to introduce self, Michigan Legal Help, this evaluation study (purpose for the interview). If they are already familiar with MLH, and/or the evaluation project, you can skip some of this part. You can write this up ahead of time if you want. In short, the purpose of this study is to find out how we can improve MLH and to evaluate how people who use MLH do once they get to court.

1. What types of cases are you routinely involved in?
2. In what ways do you interact with self-represented litigants?
3. What are your observations about self-represented litigants’ divorce cases? (not specific to MLH here – all self-represented litigants) **Prompts if no response:** Do they tend to be less complex than attorney represented cases, take less or more time, etc.? Do the litigants require a lot of help, have a lot of questions, etc.? What makes them hard to work with - lack of resources; you can’t help them; take up too much of your time; they don’t know what they want; they change their minds; they don’t follow instructions, other?
4. Have you observed any global changes in court/SRL interactions since the launch of Michigan Legal Help in August 2012?
5. Have you seen MLH divorce pleadings in your court? (They are the only ones that say “Approved by SCAO” at the top.) In your opinion, how do litigants with MLH pleadings compare to other self-represented litigants? (focus on pleadings and behavior of litigants) **Prompts if no answer:** Are they as prepared, more prepared, less prepared? Is their paperwork more accurate/complete, less accurate/complete, or the same as other self-represented litigants? Do they have fewer questions than other self-represented litigants? Do they seem more directed in their questions or know what they want? Do they take less of your time than other self-represented litigants?

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6. What aspect of working with self-represented litigants is most frustrating to you? (all SRLs)

7. From your perspective, what are the three most significant problems that self-represented litigants encounter at court? **Prompts: lack of sophistication, lack of education, lack of understanding the process, inadequate pleadings, struggle in hearings, etc.**

8. Where do SRLs struggle or stall out in a divorce case? (all SRLs here) Have you observed any differences between MLH users and other self-represented litigants?

9. From your perspective, what are the three most significant problems that the court experiences when working with self-represented litigants? (all SRLs)

10. What are some common characteristics of the most successful self-represented litigants?

11. Here, ask any questions raised by the early review of data collected from this court's divorce files.

12. What more can MLH do to meet the needs of self-represented litigants or the courts who interact with self-represented litigants? Anything specifically related to divorce cases?

13. Do you think MLH is well utilized in your county? If not, what could we do to improve this?

14. Do you have any additional comments or suggestions for Michigan Legal Help?

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Interview Outline – Clerk’s Office staff

Name _____

Position _____

Date _____


Phone Number _____

Be prepared to introduce self, Michigan Legal Help, this evaluation study (purpose for the interview). If they are already familiar with MLH, and/or the evaluation project, you can skip some of this part. You can write this up ahead of time if you want. In short, the purpose of this study is to find out how we can improve MLH and to evaluate how people who use MLH do once they get to court.

1. What are your observations about self-represented litigants’ divorce cases? (not specific to MLH here – all self-represented litigants) **Prompts if no response:** Do they tend to be less complex than attorney represented cases, take less or more time, etc.? Do the litigants require a lot of help, have a lot of questions, etc.? What makes them hard to work with - lack of resources; you can’t help them; take up too much of your time; they don’t know what they want; they change their minds; they don’t follow instructions, other?
2. Have you noticed any global change in courts’ interactions with SRLs since the launch of Michigan Legal Help in August, 2012?
3. Do you have any particular observations about cases where you can tell that litigants used the tools available on Michigan Legal Help? You can ID these by the “Approved by SCAO” on the top of the complaint form and judgment form. (try to focus on the behavior of the litigants here) **Prompts if no answer:** Do they have fewer questions than other self-represented litigants? Do they seem more directed in their questions or know what they want? Do they take less of your time than other self-represented litigants?
4. Have you seen MLH divorce pleadings get filed? In your opinion, how do the MLH pleadings compare to other self-represented pleadings? (try to focus on pleadings here) **Prompts if no answer:** Are the litigants as prepared, more prepared, less prepared? Is their paperwork more accurate/complete, less accurate/complete, or the same as other self-represented litigants? Easier/more challenging to understand?
5. At what times or phases in a case does the clerk’s office typically struggle with self-represented litigants? (again, all self-represented litigants here – not just MLH, although if they have MLH specific comments please record them) **Prompts if no answer:** Before they start a case? Service of process? Keeping the case moving forward (filing a default? Scheduling a settlement conference)? Judgment? Enforcement of judgment?

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- 
6. From your perspective, what are the three most significant problems that the court experiences when working with self-represented litigants? (all self-represented litigants)

 7. From your perspective, what are the three most significant problems that self-represented litigants encounter at court?

 8. From your perspective, what are the three most significant problems that self-represented litigants encounter at court? **Prompts: lack of sophistication, lack of education, lack of understanding the process, inadequate pleadings, etc.**

 9. What are some common characteristics of the most successful self-represented litigants?

 10. Here, ask any questions raised by the early review of data collected from this court's divorce files. Ang will fill these in for each county.

 11. What more can MLH do to meet the needs of self-represented litigants or the courts which interact with self-represented litigants? Anything specifically related to divorce cases?

 12. Do you think MLH is well utilized in your county? If not, what could we do to improve this?

 13. Do you have any additional comments or suggestions for Michigan Legal Help?

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Interview Outline – Self-Help Center staff

Name _____

Position _____

Date _____

Phone Number _____

MLH Self-Help Center? YES NO

Be prepared to introduce self, Michigan Legal Help, this evaluation study (purpose for the interview). If they are already familiar with MLH, and/or the evaluation project, you can skip some of this part. You can write this up ahead of time if you want. In short, the purpose of this study is to find out how we can improve MLH and to evaluate how people who use MLH do once they get to court.

1. What types of cases do you routinely see at your SHC? Any guess as to the proportions?
2. At what stages do you generally see self-represented litigants in their divorce cases? **Prompt if no answer:** before they start, in the middle, after they finish, all of the above?
3. What are your observations about self-represented litigants' divorce cases? (not specific to MLH here – all self-represented litigants) **Prompts if no response:** Do they tend to be less complex than attorney represented cases, take less or more time, etc.? Do the litigants require a lot of help, have a lot of questions, etc.? What makes them hard to work with - lack of resources; you can't help them; take up too much of your time; they don't know what they want; they change their minds; they don't follow instructions, other?
4. Have you observed any changes in court interactions with SRLs since the launch of Michigan Legal Help in August 2012?


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5. Do you interact with self-represented litigants after they have visited MLH? After they have started a divorce case using MLH? Do patrons find it useful? Are there aspects that seem to be confusing that we can change? At what point in their own process do they typically seek help from a SHC if they have already accessed MLH?
6. Are there places during the divorce process that self-represented litigants tend to have more trouble? Where? Is there more that MLH can do to help litigants through this phase/phases?
7. What aspect of working with self-represented litigants is most frustrating to you?
8. What aspect of working with self-represented litigants is most gratifying to you?
9. From your perspective, what are the three most significant problems that self-represented litigants encounter at court?
10. From your perspective, what are the three most significant problems that the court experience when working with self-represented litigants?
11. What are some common characteristics of the most successful self-represented litigants?
12. Here, ask any questions raised by the early review of data collected from this county's divorce files. (Ang will provide)
13. What more can MLH do to meet the needs of self-represented litigants or the courts which interact with self-represented litigants? Anything specifically related to divorce cases?

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Helping Michigan residents solve their legal problems



14. What more can MLH do to increase our partnership with SHCs? Anything specifically related to divorce cases?

15. Do you have any additional comments or suggestions for Michigan Legal Help?



Angela Tripp <trippa@lsscm.org>

[Document Assembly] Second Quarter LHI Reports are Now Available

17 messages

Mirenda Watkins <mwatkins@probono.net>

Wed, Jul 16, 2014 at 2:15 PM

Reply-To: For the document assembly community <docassembly@lists.lsnatp.org>

To: "docassembly@lists.lsnatp.org" <docassembly@lists.lsnatp.org>, "LawHelp Interactive Announcement E-mail List (docassemblyannouncements@mail.lawhelp.org)" <docassemblyannouncements@mail.lawhelp.org>

Hello,

LHI second quarter 2014 reports are now available in the LHI resource center, please visit:

<http://www.probono.net/link.cfm?23146>. If you have any questions about the reports, feel free to email me at mwatkins@probono.net or you can also reach out to Claudia Johnson (cjohnson@probono.net).

From January 2014 to June 2014, LHI delivered 459,575 interviews and assembled 259,330 documents. This is approximately a 10% increase in interviews and a 15% increase in document assemblies, when compared to the same period last year. Top states in assemblies are New York, California, Michigan, Illinois, and Texas, respectively, making Michigan the third highest state in assemblies for the first time. In addition, LHI has a content collection of 2,596 active HotDocs Template and over 1,000 active A2J interviews.

Next, we are happy to release two additional reports this quarter. First, a new report that provides information on LHI activity by user type. This report collects data on how many interviews and assemblies were generated by anonymous users, users with self-helper accounts, advocate/court employee accounts, and template provider accounts. Overall, 61% of all assemblies were generated by anonymous users, 23% by self helpers, and 15% by advocate/courts.

The second report we are releasing is a sample report on the length of time for each interview on LHI. This report was prepared for a one-week period in July. It provides insight on how much time, on average, your interviews took users to complete during this period.

If you want to brainstorm on how this data might impact your project and how you can use this new information to design your online forms and/or your instructions and staging pages, etc. please reach out. This is data of first impression for us, so we would like to hear from you and get your feedback and questions.

Thanks,

Mirenda

Mirenda Watkins, Esq.
LawHelp Interactive Program Coordinator
Pro Bono Net

Notes from the Field: Survey processes in each county
by Victoria Bell, Stefanie Skulsky, Pratik Ghosh and Charles Rossman

Oakland County (DO's e-filed)

- File clerks pulled boxes of about 50 files at a time and had the next box waiting on a counter for us after we took one; reshelved them for us as well.
- Surveys
 - One person looking through physical files in clerk's office and sending message via google chat to the other person in the e-file room to look up/survey the DO cases, because these were not available in paper files
- Problems
 - Some lag time when file clerks went to lunch - we would just be finishing up a box when they left and then not be able to continue until they came back and pulled the next batch of files

Macomb County

- We pulled the files ourselves and were told to put them on a cart when we were done for the clerks to reshelve. Clerks directed us to where the date ranges would be that we were looking for, and we pulled out all the DO and DM files.
- Surveys
 - One person was pulling files and putting them back in numerical order after being surveyed
 - One person going through the files looking for MLH/Pro Se/Atty
 - One person completing the surveys
- Problems
 - Pulling the files ourselves took up a fair amount of our time, and the clerks seemed to be a little frustrated with the huge quantity of files we were going through/they had to put back

Kent County (no wifi)

- Clerks pulled all of the files that we needed ahead of time (really sped things up!) and had them organized in a bunch of piles in a conference room. Clerks worked from a list of DO and DM cases in the time period and we had access to that list as well.
- Surveys
 - The 3 of us rotated jobs per pile: one person would take a stack and separate out the MLH etc. files to survey, and the other 2 people were working on the surveys
- Problems
 - None!

Allegan County

- No physical files - given list with all the case numbers we needed; clerks set us up on 2 of their computers and we looked up the case numbers and had access to scanned in versions of all the documents. Because of small number of cases, we surveyed every single file rather than selecting which ones to survey.
- Surveys
 - We split up the surveys - one person surveying the DM's and one person doing the DO's; same for 2012 files
- Problems
 - Not every file had the all of the documents scanned in

Genesee County

- Filled out cards ahead of time with judge's name and case number for snapshot files, and the pro se files afterwards (filled out the attorney file cards as needed from the court); clerks pulled and reshelfed the files for us
- Surveys
 - Files were separated by judge and not necessarily in chronological order so we each would take a judge and survey all the MLH and accompanying other pro se files and would fill out a card for the next sequential attorney represented file
- Problems
 - Clerks needed the cards sorted by judge which made all the filing dates out of order
 - They got really busy in the afternoons which made it difficult for them to continue pulling more files for us; in the future it would probably be best to give them all the cards up front so they can pull at their own pace/whenever is most convenient for them

Washtenaw County

- All files were electronic; court clerks gave us usernames to login to their computers so we could view the files
- Surveys
 - We received a list of all the file numbers ahead of time and divided them up based on the snapshot dates
 - Once we finished that, we divided up the list of 2012 case numbers to survey as well
- Problems
 - The clerks did not seem to know that we were coming so there was a bit of a delay in getting set up with IT and finding enough computers for us to work at

Midland County

- All files were electronic and could be viewed via a login on the court's website, and the surveys could be completed from anywhere
- Surveys
 - Worked on completing surveys whenever it was convenient; surveyed every file

- Problems
 - Court's website will only let you view the first page of each document (the rest can only be viewed if purchased) so it was a little difficult to tell whether it was a consent/default judgment for some of them

Wayne County (no wifi/hotspot)

- Used paper files; clerk printed off list with all the DM/DO cases we needed and we pulled all the files and reshelved them
- Surveys
 - We split up the printed pages of case numbers and would each survey any MLH, Pro Se, Atty files found in our individual piles
 - There was no internet so we had to use paper surveys and enter them in later
- Problems
 - Some of the files did not have all of the paperwork in them - they would be missing the judgment or dismissal and had to be marked as unresolved even though the last document in the file was from over a year ago and something had to have been done since then

Gratiot County

- Had access to electronic files; clerk printed off list with all the DO/DM cases filed in the time period.
- Surveys: all done by Pratik since there were so few
- Problems: clerks needed computer, got kicked off; had to take paper surveys for last section