



# Self-Help Center Evaluation

Michigan Legal Help Program, 2018

## Abstract

Five years after the first MLHP-affiliated Self-Help Centers opened their doors, this evaluation examined the strengths and challenges of the centers and identified opportunities to improve services to self-represented litigants.

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## Acknowledgements

The Michigan Legal Help Program wishes to thank the individuals who participated in phone interviews and site visits to share their perspectives and expertise with this project:

Jerilee Cook	Livingston County Self-Help Center
Pamela Copeland	Michigan Legal Help Self-Help Center of Wayne County
Deborah Hughes	Legal Assistance Center (Kent County)
Amy Knepp	Michigan Legal Help Self-Help Center of Oscoda County
Sheri Lankheet	Ottawa County Legal Self-Help Center
Laura Mancini	Michigan Legal Help Self-Help Center of Oakland County
Debora Martinez	Michigan Legal Help Self-Help Center of Southwest Detroit
Saray Medina	Michigan Legal Help Self-Help Center of Southwest Detroit
Maritza Melendez	Michigan Legal Help Self-Help Center of Southwest Detroit
Amanda Puffhausen	Michigan Legal Help Self-Help Center Network of Calhoun County

The Michigan Legal Help Program is grateful for the ongoing funding from its major funders, the State Court Administrative Office and the Michigan State Bar Foundation; and the support of the Michigan Advocacy Program, the State Bar of Michigan, and the Legal Services Corporation's Technology Initiative Grants program.

## Executive Summary

Courts across the nation are reporting increased numbers of self-represented litigants. This presents a significant challenge to an overburdened legal system, designed on the assumption that litigants will have attorney representation. In Michigan, the vast majority of self-represented litigants are unable to afford an attorney. To serve the needs of this growing population of self-represented litigants, the Michigan Legal Help Program (MLHP) helped to establish 18 of Michigan's 22 legal Self-Help Centers (SHCs) and developed an online resource that provides detailed yet accessible legal information in numerous subject areas and guides users through legal form preparation.

Five years after the first four MLHP-affiliated SHCs opened their doors, the organization sought to evaluate the strengths and challenges of the Centers and identify opportunities to improve services to self-represented litigants. Bridgeport Consulting was engaged to

conduct a national scan of SHC models and best practices, followed by interviews with both MLHP-affiliated and non-affiliated SHCs in Michigan. This report describes the main SHC models in operation including strengths and challenges of each, highlights national best practices, explores various funding models, and examines trends and opportunities for strengthening SHC services.

These key findings emerged from the research:

- **Nearly 50% of SHCs nationwide are funded in part by court budgets;** 29% receive state funding and 14% have county funding.
- **Almost 90% of SHCs nationwide report providing family law services.** Most Michigan SHCs indicate that the majority of cases served in their center are family law cases.
- The two states with the highest numbers of SHCs provide **two fundamentally different approaches to serving self-represented litigants:**
  - **The California model** is characterized by a network of court-based SHCs, staffed by attorneys, organized under a statewide umbrella organization. This model requires significant financial resources.
  - **The Illinois model** is based on a more loosely confederated network of SHCs including many located in public libraries staffed by librarians and volunteers. The centers are built upon the foundation of a well-established online resource, IllinoisLegalAidOnline.org. This model is much less costly.
- **Michigan SHCs fall into two general categories:**
  - **Court-based SHCs** report 5,000 – 20,000+ client visits per year, have a close relationship with the courts, and are often supported financially by the court or county.
  - **Library-based SHCs** report 500 – 2,500 client visits per year, often have a more distant relationship with the courts, and usually have very little or no outside funding specific to the SHC services.
- **Key challenges** described by Michigan SHCs include:

- Requests for legal advice beyond the scope of SHC staff expertise.
- Complexity of legal language and processes, especially when serving clients with limited literacy and those facing emotional distress.
- Marketing and promotion of services.
- Challenges with caseload and staffing.

Two changes in the state of Michigan provide promising opportunities for courts and SHCs to improve services for self-represented litigants:

- **The Michigan statewide e-filing initiative** aims to increase efficiency throughout the court system by allowing litigants to electronically file documents. E-filing equipment and services could easily be combined with the other services provided by Michigan Legal Help SHCs.
- **Limited scope representation rules** may result in increased availability of unbundled services to Michigan's self-represented litigants. The rules make it easier for attorneys to provide affordable services by working on portions of a case without taking responsibility for the entire case from start to finish.

Based on these findings, **the following actions are recommended:**

1. MLHP should **advocate for broader local court support of SHCs** (including financial support) as both an obligation of, and a benefit to, the local court.
2. MLHP should **advocate for local courts to leverage e-filing efficiencies** and repurpose resources to expand and strengthen Self-Help Centers.
3. MLHP should **encourage SHCs to increase access to “unbundled” pro-bono or low-cost legal services** by offering legal clinics.
4. MLHP should **foster and support a strong community of practice** for resource-sharing, training and data collection.

5. MLHP should **strengthen data collection and evaluation efforts** across affiliated SHCs.
6. Until more robust data is available from its network of affiliated SHCs, MLHP is advised to **base decisions about new SHCs primarily on population density and level of interest among partners.**
7. MLHP should consider expansion of SHC services to **meet the needs of more self-represented litigants in district court.**

Michigan Legal Help Program has already begun to incorporate some of these recommendations into their practice. In July 2018, MLHP convened a statewide SHC partner meeting to further strengthen this community of practice, provide training on boosting the power of SHCs with legal clinics, and share newly developed evaluation resources.

## Full Report

### Introduction

Many of the nation's courts are experiencing an increase in unrepresented litigants, which presents a challenge to both the litigants and an overburdened legal system. According to the American Bar Association's 2014 Self-Help Center Census, there are over 500 Self-Help Centers across the country, serving an estimated 3.7 million people each year.<sup>1</sup> In Michigan alone, almost 2 million people *qualify* for free legal aid (annual income below 125% of the federal poverty limit), an increase of 44% from 2000 to 2015.<sup>2</sup> However, only about one quarter of these people actually receive assistance from legal services, due to the limited resources available. These low-income individuals, as well as many others who are of moderate income, cannot afford to hire an attorney, and become self-represented litigants.

Many courts report rising rates of self-representation. Meanwhile the complex legal system is structured on the foundational assumption that litigants have legal representation. Research suggests that most self-represented litigants do so out of necessity, and they do not have the financial resources for legal counsel.<sup>3</sup> The Michigan Judicial Institute reports that 80% of self-represented litigants in the state are unable to afford an attorney.<sup>4</sup> In a 2016 report entitled "Cases Without Counsel," authors from the University of Denver Institute for the Advancement of the American Legal System argue that the legal system has a moral obligation to either simplify the system or support self-represented litigants as they navigate the existing complexities:

"To expect these individuals to be self-sufficient necessitates that courts put into place a structure that enables self-sufficiency, whether this is achieved through simplification, increased information, case-specific guidance, or another approach. Self-represented litigants should not bear responsibility for creating an infrastructure that facilitates self-sufficiency; rather, this is the responsibility of courts, legal service providers, and the community."<sup>5</sup>

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<sup>1</sup> American Bar Association (2014, August). Self-Help Center Census: A National Survey. Retrieved from: [www.americanbar.org/content/dam/aba/administrative/delivery\\_legal\\_services/ls\\_del\\_self\\_help\\_center\\_census.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/delivery_legal_services/ls_del_self_help_center_census.authcheckdam.pdf)

<sup>2</sup> State Bar of Michigan (2017). Documenting the Justice Gap in Michigan: Update. Retrieved from: [www.michbar.org/file/programs/atj/pdfs/JusticeGap.pdf](http://www.michbar.org/file/programs/atj/pdfs/JusticeGap.pdf)

<sup>3</sup> Institute for the Advancement of the American Legal System (2016, May). Cases Without Counsel. Retrieved from: [http://iaals.du.edu/sites/default/files/documents/publications/cases\\_without\\_counsel\\_recommendations\\_report.pdf](http://iaals.du.edu/sites/default/files/documents/publications/cases_without_counsel_recommendations_report.pdf)

<sup>4</sup> Michigan Judicial Institute (2009). Serving the Self-Represented without Providing Legal Advice." Retrieved from: <http://courts.mi.gov/education/mji/Seminars-Training/Documents/Serving-the-Self-Represented/SSR.pdf>

<sup>5</sup> IAALS (2016). See citation 3.

Self-Help Centers have been designed to be part of this proposed solution, helping bridge the gap between the legal system and unrepresented litigants. Research from the San Joaquin Valley in California sought to quantify the value of SHC services to the courts themselves.<sup>6</sup> The study found that courts that provide one-on-one support and information services save “at least one hearing per case, 5 to 15 minutes of hearing time for every hearing held in the case, and 1 to 1.5 hours of court staff time related to providing assistance to self-represented litigants at the front counter and to reviewing and rejecting proposed judgments.” Additionally, the study found that litigants, judges, and court staff all reported high levels of satisfaction with such programs. The study went on to compare the cost of self-help services with the value gained and found a cost benefit ratio of \$.55 in costs for every \$1.00 saved when considering only the cost to the court. When factoring in the cost savings for the self-represented litigant, the cost fell to \$.33 in cost for every \$1.00 saved.

While no formal cost benefit evaluation has been performed in Michigan, anecdotal reports reflect the value of SHCs to court operations and litigants alike.

## Background

The Michigan Legal Help Program (MLHP) was established in 2010 with the mission of helping self-represented litigants handle legal matters. The two main modalities in which MLHP delivers this mission are the Michigan Legal Help website and a network of Self-Help Centers.

The Michigan Legal Help (MLH) website is an online resource that provides accessible, detailed legal information, step-by-step procedural directions for navigating the court system, and do-it-yourself form-completing tools to populate necessary forms related to many civil matters such as divorce, landlord-tenant disputes, small estates, etc. as well as some quasi-criminal matters such as expungement and drivers’ license restoration (latter coming soon).

Self-Help Centers (SHCs) are physical facilities where users can access the MLH website and receive assistance from an SHC staff person (called a “navigator”) in obtaining and

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<sup>6</sup> Greacan, J. (2009, May). The Benefits and Costs of Programs to Assist Self Represented Litigants. Retrieved from: [www.courts.ca.gov/partners/documents/Greacen\\_benefit\\_cost\\_final\\_report.pdf](http://www.courts.ca.gov/partners/documents/Greacen_benefit_cost_final_report.pdf)



completing the correct form(s), way-finding through the court system, or similar needs – with the caveat that navigators are not permitted to provide legal advice.

MLHP established an initial cohort of four SHCs in Fall 2012, which were located in Allegan, Oakland, Oscoda, and Wayne counties. Since that time, MLHP has established an additional 14 SHCs in other Michigan counties, and is in the process of developing two more. MLHP is involved in the SHCs' establishment – convening a planning committee, identifying priorities and preferences with regard to operations, donating computers and printers, provision of brochures and press releases, and training the navigator staff. SHCs operate autonomously after opening, although MLHP is available to provide ongoing resources (e.g., quarterly webinars) and support as needed. There are four additional SHCs in the state of Michigan; these precede the MLHP and work with the MLH website to varying degrees (see Appendix A: Michigan Self-Help Centers).

The location, scope, and staffing structure of Michigan's SHCs vary widely. Some are housed within the courthouse itself; others are hosted by a public library or co-located with a community-based agency. Some SHC navigator positions are funded by the courts directly (whether via a dedicated position or one that shares additional responsibilities); other SHCs are staffed by volunteers or contractors. As one might expect, the accessibility and level of service vary significantly among SHCs as a result.

The purpose of this project is to take stock of the range of MLHP Self-Help Centers in order to understand what's working well and where there are opportunities to improve. This report describes the main SHC models in operation including strengths and challenges of each, highlights national best practices, explores various funding models, and examines trends and opportunities for strengthening SHC services.

## Methodology

In late 2017, Bridgeport Consulting completed a scan of the national literature, including a set of reports examining SHCs currently operating in key states and a national Self-Help Center census. This literature review revealed salient characteristics of SHCs in operation across the country and identified leading practices that are recommended for consideration.

In early 2018, Bridgeport Consulting conducted interviews with staff from eight SHCs in the state of Michigan - six MLHP-affiliated sites and two unaffiliated sites. Five of these interviews were conducted by phone. The remaining three interviews were conducted in tandem with a site visit. The eight sites represented the spectrum of SHCs in the state of Michigan including three public library sites, three courthouse sites (one in a law library), one site co-located with a Friend of the Court, and one site embedded in a community agency (see Appendix B: Interview Sites). Finally, a Self-Help Center partners' meeting was held on July 26<sup>th</sup>, where input and feedback from 15 SHC staff members was gathered in response to a draft report and other discussions.

The authors recognize one key limitation to the data collection process to date. The users of SHC services were not interviewed for this report; however, a national SHC user study was examined as part of the national scan. Future evaluation efforts would benefit from inclusion of client surveys, focus groups, or other user data collection methods.

## Findings: National Scan

A review of national literature on SHC models and best practices revealed global characteristics common to most SHCs, including case types and services. These characteristics are presented below in addition to common funding and staffing models. The literature scan also identified two distinctly different approaches to statewide SHC networks. According to the 2014 Self-Help Center Census, California and Illinois have the most Self-Help Centers, with 80 and 120 respectively. "California requires that its court based self-help centers be staffed by attorneys and support staff under their direction where Illinois has many Self-Help Centers located in public libraries with volunteer staffing".<sup>7</sup> These two states are examined in the Case Studies section below.

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<sup>7</sup> American Bar Association (2014, August). Self-Help Center Census: A National Survey. Retrieved from: [www.americanbar.org/content/dam/aba/administrative/delivery\\_legal\\_services/lc\\_del\\_self\\_help\\_center\\_census.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/delivery_legal_services/lc_del_self_help_center_census.authcheckdam.pdf)

Across the country, the most common SHC services are family law, child support and domestic violence. Core service methods include in-person services, document assistance and web-based information. Less common services include interactive forms, workshops and pro bono legal services. Core funding for SHCs is provided by courts, states and counties. Other funding includes bar associations, grants, cities, federal funds, donations and special services income. There is consistent emphasis throughout the literature on the importance of Self-Help Center staff providing essential, neutral navigation assistance. The 2014 Self-Help Center Census provides further details on the staffing, funding and service characteristics of SHCs nationwide.

### Staffing

While staffing varies across SHCs, the vast majority are run with five or fewer full-time equivalent (FTE) staff positions. Overall, 17% of respondents indicated less than one FTE, 33% reported one FTE, 27% indicated between two and five FTEs, and 8% had six or more FTEs. 15% of respondents did not answer the staffing questions.

Of centers responding to the survey, 38% have a full-time or nearly full-time director. About 15% have directors dedicating between .26 and .75 FTE to the center. About 28% of centers have a director dedicating .25 FTE or less to the center and 7% reported no director. About half of the centers reported using volunteers, and of those centers approximately half use volunteer attorneys and about half use college students. Approximately a quarter use paralegals and a quarter use community volunteers.

### Funding

Nearly 50% of respondents indicated SHC funding from court budgets, 29% from state funding and 14% from county funding. Figure 1 shows the range of funding sources.<sup>8</sup>

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<sup>8</sup> Figures 1 and 2: ©2014 by the American Bar Association. Reprinted with permission. All rights reserved. This information any or portion thereof may not be copied or disseminated in any form or by any means or stored in an electronic database or retrieval system without the express written consent of the American Bar Association.

Respondents who chose “other” indicated sources including legal aid associations, law libraries, trust endowments and private donations. When asked what was the “primary” source of funding for their SHC, 47% responded *court budget* and 11% said *county funding*. These were the top “primary” funding sources, indicating that court funding of SHCs is quite common. Note that California is not included in this analysis due to its unique funding structure, including very robust state funding.

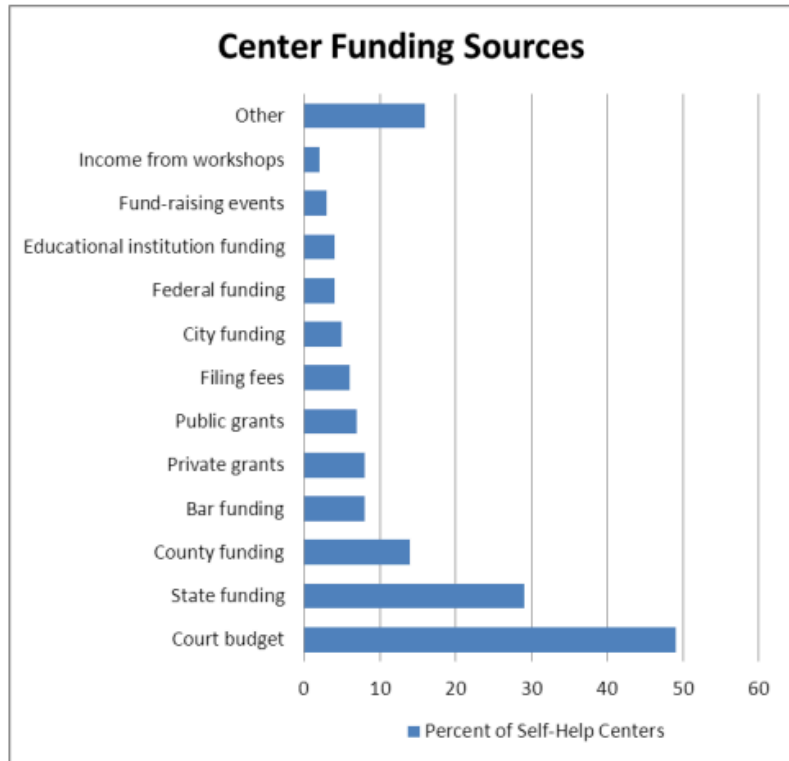


Figure 1. Self-Help Center Funding (check all that apply). The Self-Help Center Census (ABA, 2014). Note that figure does not include data from California centers.

### Services

The Self-Help Center Census found that most SHCs provide in-person services, document assistance and web-based information. Services less commonly provided include workshops (in-person or web-based), interactive web-based forms, video or online tutorials, email or online questions, and referrals for pro bono and unbundled attorney services. The Census acknowledges that technology-based services may be especially helpful for rural populations.

The most common substantive areas for service are shown in Figure 2. Almost 90% of SHCs reported providing family law services, with domestic violence and child support legal services also very common.

The Census report also notes that most respondents believed their customers would benefit from limited scope legal representation. However, only 38% of SHCs reported

providing information about these services and only 15% indicated that a limited scope lawyer referral service was available in their community.

Approximately half of SHCs provide multi-lingual services with Spanish as the most common language after English.

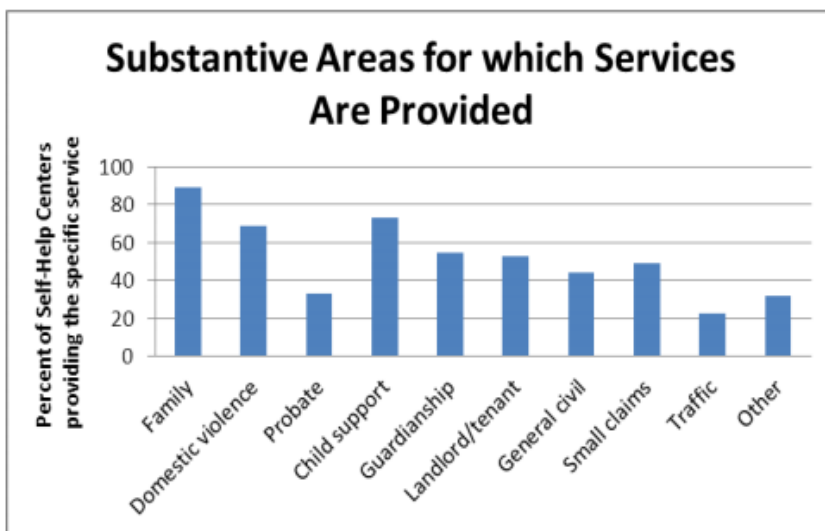


Figure 2. Substantive Areas for which Services are Provided. The Self-Help Center Census (ABA, 2014).

### Case Studies

While the Self-Help Center Census reveals several characteristics common across SHCs, including services rendered and types of cases served, states have taken distinctly different approaches to providing these services. As the states with the highest numbers of SHCs, California and Illinois provide useful case studies to examine this difference. California requires its network of court-based Self-Help Centers to be staffed by attorneys and support staff under the direction of a statewide umbrella organization. On the other hand, Illinois has developed a more loosely confederated network of SHCs including many located in public libraries staffed by librarians and volunteers.<sup>9</sup>

#### California

California’s Judicial Council established a *Statewide Action Plan for Serving Self-Represented Litigants* in 2004. At the core of the action plan was a system of staffed court-based Self-Help Centers with attorney supervision.<sup>10</sup> In recent years, the Judicial Council has allocated tens of millions of dollars from the judicial branch budget to California’s self-help programs. In fact, expanding SHCs was one of the top three funding priorities for the judicial branch. All 58 counties now have basic attorney-supervised self-

<sup>9</sup> American Bar Association (2014, August). See citation 7.

<sup>10</sup> Judicial Council of California (2007, June). *California Courts Self Help Centers: Report to the California Legislature*. Retrieved from: [www.courts.ca.gov/partners/documents/rpt\\_leg\\_self\\_help.pdf](http://www.courts.ca.gov/partners/documents/rpt_leg_self_help.pdf)

help services and courts have developed community partnerships to provide a continuum of services.

The California model includes a strong emphasis on staffing with a recent Model Self-Help Pilot Program evaluation finding that self-represented litigants consistently report that “the most beneficial service courts can provide is staff dedicated to answer their questions. Although technology can increase the efficiency and reach of legal assistance and provide innovative methods of providing legal information, it cannot substitute for the in-person assistance of attorneys and other Self-Help Center staff.”<sup>11</sup> The Judicial Council report argues that websites and online resources alone should not be called “Self-Help Centers” as the human element is deemed essential in answering questions and guiding clients, whether delivered via “individual assistance, workshops, telephone hotlines, videoconferencing, or e-mail, among other delivery models.”

### *Illinois*

Self-Help Centers across the state of Illinois provide a distinct counterpoint to the California system. Illinois Legal Aid Online (ILAO) reports SHCs in all 102 counties in Illinois, located in courthouses and public libraries.<sup>12</sup> Like MLHP, ILAO’s SHCs are built upon the foundation of a well-established online resource, IllinoisLegalAidOnline.org. While Illinois does have some traditional court-based SHCs, they are unique in their robust and far-reaching network of library-based SHCs which rely heavily on information available online. The ILAO approach recognizes that “the legal system is complex, expensive, and designed to be navigated by trained attorneys. Many people can’t afford a lawyer, but they still must engage in the legal system to solve critical problems like domestic violence, divorce, and foreclosure.” ILAO seeks to use technology “to lower barriers to the law so that people can understand their legal options, make informed decisions, and when necessary represent themselves in court.”

Whereas California’s system seeks to bring attorney oversight and expertise to the self-help process, Illinois has taken the approach of simplifying content to allow self-represented litigants to navigate more independently. The former comes at a much larger cost than the latter.

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<sup>11</sup> Judicial Council of California. (2007). See citation 10.

<sup>12</sup> Illinois Legal Aid. (n.d.). Illinois Legal Aid Online. Retrieved from: [www.illinoislegalaid.org](http://www.illinoislegalaid.org)

## Alternative Service Models

The New York State Courts guide to “Best Practices for Court Help Centers” presents two alternative service models for rural areas where traditional Self-Help Centers may not be practical or cost-effective.<sup>13</sup> The first alternative is a *Mobile SHC* which brings information and services directly to isolated communities. This service model may be particularly valuable for homebound, disabled, or transportation-challenged populations. In this model, traditional SHC services are provided from within a vehicle. The authors do note that the cost of establishing and maintaining mobile SHCs can be high.

The second alternative model is a *Virtual Help Center* where assistance is provided via telephone or internet. The Alaska court system uses this model to serve large, geographically dispersed populations. A Virtual Help Center is relatively inexpensive to establish and maintain and may include technologies such as Skype to allow for face-to-face interactions.

## Findings: Michigan

The state of Michigan has 22 Self-Help Centers, of which 18 are affiliated with the Michigan Legal Help Program. The SHCs fall into two general categories: court-based and library-based (see Table 1: SHC Models). Court-based SHCs include centers located in the courthouse (including the law library) and Friend of the Court offices. These centers each report 5,000 – 20,000+ client visits per year, have a close relationship with the courts, and are often supported financially by the court or county, with additional funding from the Friend of the Court (including Title IV-D funding), local bar associations, and/or fee-for-service (e.g. copies). Some non-MLH SHCs are structured as a 501(c)(3) not-for-profit and are supported in part by philanthropic contributions; however, one such SHC interviewed indicated that this structure is expensive to maintain.

Library-based SHCs each report approximately 500 – 2,500 client visits per year, often have a more distant relationship with the courts, and usually have very little or no outside funding specific to the SHC services. In Michigan, two SHCs are embedded within a community organization. One of these centers which was interviewed has similar characteristics to the library-based centers in that it sees approximately 500 self-

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<sup>13</sup> New York State Courts: Access to Justice Program (2015, April). Best Practices for Court Help Centers. Retrieved from: [www.nycourts.gov/ip/nya2j/pdfs/NYSA2J\\_BestPracticesHelpCenter.pdf](http://www.nycourts.gov/ip/nya2j/pdfs/NYSA2J_BestPracticesHelpCenter.pdf)

represented client visits per year, is not strongly connected to the courts, and has no SHC-specific funding.

Michigan Self-Help Center staff report case types in line with national trends, with the majority of cases being family law cases, including divorce, custody and child support. Personal Protection Orders (PPO) and landlord tenant disputes are also common.

Table 1: SHC Models

	<b>Court-Based Centers</b>	<b>Public Library Centers</b>
<b>Population</b>	<ul style="list-style-type: none"> <li>• Low-income</li> <li>• Some middle-income</li> <li>• Urban or high-population areas</li> </ul>	<ul style="list-style-type: none"> <li>• Low-income</li> <li>• Some middle-income</li> <li>• Rural or low-population areas</li> </ul>
<b>Service Volume</b>	<ul style="list-style-type: none"> <li>• 5,000 - 20,000+ visits per year</li> </ul>	<ul style="list-style-type: none"> <li>• 500 - 2,500 visits per year</li> </ul>
<b>Funding Source(s)</b>	<ul style="list-style-type: none"> <li>• Often supported by court/judicial district (level varies by center)</li> </ul>	<ul style="list-style-type: none"> <li>• Often very little outside funding</li> <li>• Rolled into existing operations</li> </ul>
<b>Staffing Model</b>	<ul style="list-style-type: none"> <li>• Center director</li> <li>• Small staff and volunteers</li> </ul>	<ul style="list-style-type: none"> <li>• Utilize existing library staff</li> <li>• Reference staff trained as navigators</li> </ul>
<b>Strengths</b>	<ul style="list-style-type: none"> <li>• Often have a close relationship with the courts</li> <li>• Able to serve higher volume of clients</li> <li>• Clients can move easily between the SHC and the court (one stop)</li> </ul>	<ul style="list-style-type: none"> <li>• Low cost</li> <li>• Utilize existing staff and resources</li> <li>• SHC work aligns with the library mission</li> <li>• Library staff are often trusted by the community</li> <li>• Tend to have more flexible hours and more accessibility</li> </ul>
<b>Challenges</b>	<ul style="list-style-type: none"> <li>• More expensive</li> <li>• Clients are often tense</li> <li>• Client access is sometimes limited by court security requirements and business hours</li> </ul>	<ul style="list-style-type: none"> <li>• Services are generally limited to assisting with access to online resources</li> <li>• Clients must move between the SHC and the courts</li> </ul>



## Challenges

When asked to describe the biggest challenges to their work, SHC staff described these key themes:

- **Requests for legal advice.** Across the board, SHC staff report that the biggest challenge in their work is providing assistance without giving legal advice. Clients/patrons make frequent requests for advice and guidance which is outside the scope of SHC staff expertise. Some sites address this need by hosting legal aid clinics or by making referrals to pro bono attorneys where available. Library staff report the strictest interpretation of their roles and often limit their support to assisting patrons with accessing online legal information and forms via Michigan Legal Help.
- **Complexity of legal language and processes.** This is especially challenging for clients with limited literacy and those facing emotional distress. While the MLH website is seen as a valuable resource for clients to access self-serve legal education and document preparation, many clients still request assistance navigating the complex legal language and processes. SHC staff report that many clients need personal assistance beyond the online forms, including: “options counseling” to help clients understand their choices, emotional support to help clients calm down and process information, and general literacy and computer literacy support.
- **Marketing and promotion of services.** A few SHC sites indicated that they would like to do additional marketing and promotion of their SHC services. A couple of the sites noted a recent decline in client caseloads and one site felt that, despite seeing many clients they were not meeting the needs in their community.
- **Challenges with caseload and staffing.** At least one site has seen an increase in caseload without adequate staffing increases. Staff report working long hours and falling behind on administrative duties such as reporting.

## Opportunities

Through the process of background research, site visits, interviews, and discussions with MLHP staff, two timely opportunities have been identified.

- **The Michigan statewide e-filing initiative (MiFILE).** This initiative promises to increase efficiency throughout the court system by allowing litigants to electronically file documents in any Michigan court. Many arguments are made for the potential value of e-filing including space savings, speed and access, security, environmental benefits, and data entry time savings. One return on investment study conducted in Manatee County, Florida found that the e-filing of 2.3 million documents per year resulted in almost \$1 million of cost savings.<sup>14</sup> With the continued growth in self-represented litigants, this population represents a significant portion of the potential cost savings as well as an increase in need for customer service on the part of the courts. E-filing by self-represented litigants will require courts to provide access to e-filing equipment and assistance navigating the system. Courts have an opportunity to maximize SHC partnerships by working with MLH to build combined MLH /e-filing SHCs, resulting in efficient, full spectrum services for self-represented litigants.
- **Limited scope representation rules.** These rules, recently adopted by the Michigan Supreme Court, may result in increased availability of unbundled services to Michigan's self-represented litigants. The rules make it easier for attorneys to provide affordable legal services by working on portions of a case without taking responsibility for the entire case from start to finish. This change represents an opportunity for SHCs which can refer clients to limited scope attorneys, and/or host legal clinics where limited scope attorneys can provide services to clients on a pro bono or low fee basis.

## Evaluation and data collection

When asked about current evaluation and data collection methods, most of the MLHP-affiliated SHCs indicated that very little data is collected. This was especially true among library-based centers where patrons could access the MLH website with or without assistance from a reference librarian. Generally, libraries reported collecting only basic

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<sup>14</sup> McMillan, J (2010). Future Trends in State Courts 2010. Retrieved from: <https://cdm16501.contentdm.oclc.org/digital/collection/tech/id/767>

data on the types of questions they are asked and the types of services that are provided. They intentionally avoid tracking case types or other specific details of the information being requested out of respect for patron confidentiality.

Both the MLHP-affiliated and non-affiliated court-based sites reported collecting more robust client data including client demographics, methods of contact, types of cases, and services provided. At least one site has initiated a client satisfaction survey which is administered periodically to capture data from a subset of clients regarding their presenting issue, and their satisfaction with staff courtesy, helpfulness, whether they accomplished their goal and whether they would recommend the SHC to others.

## Recommendations

Based on the review of national literature, interviews with staff from eight Michigan SHCs and conversations with the staff of the Michigan Legal Help Program, the following actions are recommended:

- 1. MLHP should advocate for broader local court support of SHCs as both an obligation of, and a benefit to, the local court.** There is a compelling case to be made that courts have an obligation to assist self-represented litigants in navigating the legalese and complicated processes that were designed with the assumption that litigants would have legal representation. But there is also a strong argument that providing assistance to self-represented litigants is beneficial to the court itself. Despite this benefit, courts are sometimes reluctant to support services to self-represented litigants, citing conflict of interest concerns. Nevertheless, 50% of SHCs across the country report financial support through court budgets indicating that this practice is in fact quite common and that these vital services can be provided to self-represented litigants without running afoul of conflict of interest or neutrality rules.
- 2. MLHP should advocate for local courts to leverage e-filing efficiencies and repurpose resources to strengthen Self-Help Centers by combining them with E-filing Service Centers.** Many self-represented litigants who need assistance from an SHC will also need assistance with e-filing, or at a minimum, access to computers and scanners to facilitate e-filing. Similarly, self-represented litigants who need help e-filing likely would benefit from the direction and assistance provided by an SHC. Courts will need to direct resources to providing e-filing assistance, and these resources should be found in the cost and staffing

efficiencies created by e-filing. Leveraging these resources, by combining them with MLH SHC resources, can create a very efficient way to provide all needed services to self-represented litigants. However, courts must understand that SHCs cannot simply take over the task of providing e-filing assistance without additional equipment, training, and staffing contributed by the court. In order to succeed, a combined MLH SHC/E-filing Service Center must be a true partnership between MLH, the SHC host agency (e.g., a library, a non-profit, or a community organization), and the courts.

- 3. MLHP should encourage SHCs to increase access to limited scope pro-bono or low-cost legal services by offering legal clinics.** Legal help websites and online assistance with legal forms are unquestionably valuable tools for many self-represented litigants. However, SHC staff report additional needs among clients who cannot interpret the options that are presented online or who need additional help navigating the legal system. Volunteer or low-cost attorneys providing advice-only and limited scope services can help fill this need while also relieving court clerks from being asked questions they cannot answer. For many SHCs, this service can be provided by hosting legal clinics in partnership with local bar associations and legal service organizations. It may even be possible to offer virtual consultations by video chat (i.e. Skype, FaceTime, etc.) when volunteer attorneys are in a different location.
  
- 4. MLHP should foster and support a strong community of practice for resource-sharing, training and data collection.** Some national leaders, such as the NY State Court Access to Justice Program, assert that a central statewide administration and supervision providing uniform procedures, resources and forms is the “unquestionable best practice.”<sup>15</sup> However, such a system requires significant resources and may be difficult to institute in a state with well-established, independently managed SHCs. Nevertheless, benefits of a centralized structure can be realized through strategies such as: common-to-all online resources, support services, and SHC marketing materials (all of which MLHP has established and currently provides); as well as a community of practice for resource-sharing, experience sharing, and ongoing training opportunities (which can all be developed by MLHP).

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<sup>15</sup> New York State Courts: Access to Justice Program (2015, April). Best Practices for Court Help Centers. Retrieved from: [www.nycourts.gov/ip/nya2j/pdfs/NYSA2J\\_BestPracticesHelpCenter.pdf](http://www.nycourts.gov/ip/nya2j/pdfs/NYSA2J_BestPracticesHelpCenter.pdf)

5. **MLHP should strengthen data collection and evaluation efforts across affiliated SHCs.** As management expert Peter Drucker is often quoted, “if you can’t measure it, you can’t improve it.” It is difficult to effectively evaluate the collective efforts of the MLHP-affiliated SHCs without development of a streamlined approach to data collection. An effort is currently underway to improve data collection. As this project is further refined, MLHP may find it beneficial to review Tools for Evaluation of Court-Based Self-Help Centers from the California Judicial Branch.<sup>16</sup>
6. **Until more robust data is available from its network of affiliated SHCs, MLHP is advised to base formats and locations of new SHCs primarily on population density and level of interest among partners.** The formation of robust SHCs with dedicated staffing and a close relationship to the courts appears to be warranted in urban, high-population areas. Support to library and community sites should continue as a low-cost alternative, especially in rural areas or in populations where distrust of the legal system is high. Additionally, the most successful MLH SHCs are those where the partnering organizations are very involved and provide ongoing and enthusiastic support for their local SHC. Organizations which contact MLH with plans and partners for a local SHC should be prioritized for support.
7. **MLHP should consider expansion of SHC services to meet the needs of more self-represented litigants in district courts.** In Michigan, more people have contact with the *district court* than any other court,<sup>17</sup> yet most of the cases served by SHCs are *circuit court* cases. While some district court matters such as landlord-tenant disputes, collection, traffic violations, and misdemeanors are served by the current SHCs, there appears to be a significant imbalance in part due to the locations of the Self-Help Centers in/near circuit courts rather than in/near district courts. There are many more district courts than circuit courts, and they tend to serve smaller populations, but dedicated district court SHCs should be considered and planned.

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<sup>16</sup> California Judicial Branch. Website: [www.courts.ca.gov/partners/158.htm](http://www.courts.ca.gov/partners/158.htm)

<sup>17</sup> Michigan Courts. Website: <http://courts.mi.gov/Courts/trialcourts/Pages/default.aspx>

## Conclusion

The number of self-represented litigants is rising across the nation's courts, yet the legal system is designed with the assumption of attorney representation. Self-Help Centers have been developed to fill the gap by helping self-represented litigants navigate the system, resulting in benefits to both the clients and the courts themselves. As courts evolve to incorporate e-filing, self-represented litigants will need assistance successfully navigating this new system. Combining e-filing service centers with MLH SHCs can create ideal locations for efficient and full-service assistance. At the same time, SHC supporters recognize that some legal matters cannot be successfully handled without legal counsel. To this end, SHCs are advised to partner with local attorneys and legal aid organizations to improve access to free and low-cost limited scope legal services. Michigan Legal Help Program can help further maximize the value of affiliated and unaffiliated SHCs by fostering a community of practice, expanding training opportunities, and guiding future data collection efforts.

## Appendix A: Michigan Self-Help Centers

### MLHP-Affiliated Sites

- Allegan County Legal Assistance Center
- Alpena County Legal Self-Help Center
- Livingston County Legal Self-Help Center
- Michigan Legal Help Self-Help Center Network of Calhoun County
- Michigan Legal Help Self-Help Center Network of Cass County
- Michigan Legal Help Self-Help Center Network of Genesee County
- Michigan Legal Help Self-Help Center Network of Grand Traverse County
- Michigan Legal Help Self-Help Center Network of Jackson County
- Michigan Legal Help Self-Help Center of Alcona County
- Michigan Legal Help Self-Help Center of Macomb County
- Michigan Legal Help Self-Help Center of Marquette County
- Michigan Legal Help Self-Help Center of Monroe County
- Michigan Legal Help Self-Help Center of Muskegon County
- Michigan Legal Help Self-Help Center of Oakland County
- Michigan Legal Help Self-Help Center of Oscoda County
- Michigan Legal Help Self-Help Center of Southwest Detroit
- Michigan Legal Help Self-Help Center of Wayne County
- Saginaw County Legal Self-Help Center

### Non-Affiliated Sites

- Eastern Michigan University Legal Resource Center (Washtenaw County)
- Legal Assistance Center (Kent County)
- Legal Self-Help Center (Ottawa County)
- Self-Help Legal Resource Center (Berrien County)

## Appendix B: Interview Sites

### MLHP-Affiliated Sites

- Livingston County Legal Self-Help Center
- Michigan Legal Help Self-Help Center Network of Calhoun County
- Michigan Legal Help Self-Help Center of Oakland County
- Michigan Legal Help Self-Help Center of Oscoda County
- Michigan Legal Help Self-Help Center of Southwest Detroit
- Michigan Legal Help Self-Help Center of Wayne County

### Non-Affiliated Sites

- Legal Assistance Center (Kent County)
- Ottawa County Legal Self-Help Center