

UNIVERSITY OF ARKANSAS  
**Clinton School of Public Service**



**Exploring the Problem of Self-Represented  
Litigants in Arkansas Civil Courts**

**Arkansas Access to Justice Commission  
in partnership with the  
Clinton School of Public Service**

**2011 Capstone Project  
Chanley S. Painter**

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## I. Introduction

One in five Arkansans live at or below 125% of the federal poverty level.<sup>1</sup> When faced with civil legal issues, these Arkansans are qualified to receive legal aid; yet, every year, one-third to one-half of qualified Arkansans who contact a legal aid provider for help are turned away due to lack sufficient resources. In addition, many Arkansans—whose income does not fall below the eligibly threshold—are still unable to afford attorneys to help them.

The legal issues affecting Arkansas' working poor involve the most basic human needs: protection from domestic violence, child support, and housing, to name a few. When they cannot obtain legal aid or afford to hire an attorney, they are left to navigate the legal system on their own as self-represented litigants (SRLs) or what is known as *pro se* representation, and such representation without the aid of an attorney often results in devastating consequences.

The Arkansas Access to Justice Commission was created by the Arkansas Supreme Court in 2003 to address this “justice gap.” The court set out a number of goals, including: (a) the development of an objective and accurate understanding of the problems Arkansans face in using our legal system to obtain justice in civil cases, (b) the development of recommended innovations that will increase effective access to the civil justice system for all Arkansans; and (c) the development of stable, long-term funding and other resources to support access to civil justice.

As a method of achieving these goals, the Arkansas Access to Justice Commission proposed this capstone project to examine the prevalence of self-representation or *pro se* representation in Arkansas for a particular subset of cases and to research the impact of *pro se* representation on case outcomes and the efficiency of court operations. Clinton School student Chanley Painter<sup>2</sup> took on this study as her Capstone under the advising of Amy Johnson, Executive Director of the Arkansas Access to Justice Commission.

Part II of this report will detail the methodology for gathering case data via courthouse visits and a survey of circuit court judges. Next, the findings from that research will be outlined in Part III. Based on those findings, Part IV will analyze and draw conclusions as to the scope and impact of self-representation on SRLs and circuit courts.

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<sup>2</sup> Full-time concurrent degree student at the William H. Bowen School of Law and the Clinton School of Public Service. JD/MPS Candidate May 2011.

## II. Methodology

In order to accomplish this research, Chanley Painter engaged in two methods of gathering information: 1) courthouse visits—quantifying a more specific data focus, and 2) a statewide judge’s survey—quantifying a more general or broader focus on the issues. The first method involved traveling to courthouses in three different counties to pull case files in certain subsets of cases. The second method of research gathering involved preparing, distributing, and analyzing a survey for all circuit court judges in Arkansas.

This section will first describe specific methodology for the courthouse visits and then for the survey component of the project.

### A. Courthouse Data Collection

Research of pro se representation in Arkansas courthouses has never been conducted before this project. As a result, the methodology of obtaining such information began by discovering exactly what would be the best methodology. It was quickly learned that each courthouse across the state utilizes different systems for recording and storing case information; so, in order to determine appropriate methods for how to obtain the information desired, Chanley Painter inquired courthouse clerks concerning each office’s mode of organizing case files and docket sheets, any technology that would be accessible, and any other helpful resources the clerk could provide.

Based on these initial methodological inquiries and through first-hand experimentation of different approaches, the process of data gathering was refined to strategies proving most effective in navigating each courthouse system. Later, this section will outline the specific steps taken for each of the three counties chosen for this research.

The three counties featured here include Cleburne, Pulaski, and St. Francis. In short, these counties were selected based on convenience, accessibility, and the amount of resources available as well as representativeness of different poverty levels and demographic characteristics.<sup>3</sup> For reference, the poverty distribution map located in Appendix 1 of this report divides the state of Arkansas into four categories of poverty. The counties in this research represent the first and third categories. St. Francis County, according to the map, is one of the poorest counties in the state of Arkansas, showing one in three residents who live in poverty and qualify for legal aid. Both Cleburne and Pulaski Counties have about one in six residents that live in poverty and qualify for legal aid, yet while Pulaski County is very populated and urban, Cleburne County is quite rural. More demographic characteristics for each county will be featured below.

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<sup>3</sup> It is important to note the limitations on the generalizability of the courthouse data research; a true representative sample encompassing enough counties across the state was beyond the scope of this student project as it would require a great amount of resources. Accordingly, the project limited its focus as a solid exploratory study of courthouse-specific data.

Also important in determining methodology was finalizing the scope of data to be obtained from each county, including the types of cases and number of cases. Broadly, case information was gathered in civil, domestic relations, and probate case categories. To narrow the scope of potential cases for each category, Amy Johnson consulted with an experienced legal aid attorney who was able to advise on the types of cases most likely to involve SRLs and the types of cases legal aid attorneys typically handle. As a result, only the most relevant case types from the civil cover sheets<sup>4</sup> were targeted. The following lists the types of cases that were included for each category:

- Civil - Debt: Open Account; Foreclosure; Quiet Title; Unlawful Detainer; Administrative Appeal
- Domestic Relations - Divorce; Divorce with Support; Custody/Visitation; Child Support; Paternity; Paternity/Support; Domestic Abuse
- Probate - Small Estate; Guardianship<sup>5</sup>

Realizing the magnitude of potential filings in urban Pulaski County, the research for that county was limited to cases closed in the month of January 2011 alone. For the other two, less populated counties the aim was set for establishing a time parameter that would provide at least 100 closed cases for the sample. The process for determining this parameter will be addressed in more detail for those counties below.

Finally, other reference information was obtained during the data gathering phase that helped form useful background and context, including basic state-wide case statistics from the Administrative Office of the Courts (AOC), who compiles civil cover sheets in every civil matter filed in state circuit courts,<sup>6</sup> and the blank civil cover sheet forms noted above from the Arkansas Judiciary Homepage.<sup>7</sup> Additionally, a brief Phillips County document detailing a limited list of pro se cases filed in 2009 was an available reference.

Next, this section will briefly highlight demographic data for the three counties before discussing the specific methods of data gathering from each courthouse.

## 1. Context for Counties

To provide some background and contextual basis for the findings of this research, it is necessary to examine key characteristics of the three counties.

According to 2010 census data, Cleburne County has a population of 25,970 people, while 382,748 people reside in Pulaski County and about 28,258 in St. Francis County.<sup>8</sup> Figure 1 below organizes the ethnic make-up of each county's population by number and percentage. As shown, a majority of St. Francis County's population is made up of

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<sup>4</sup> See Appendix 2. Online cover sheets are available here: <http://courts.state.ar.us/aoc/forms.cfm>.

<sup>5</sup> Adoption was initially included, but those case files are sealed.

<sup>6</sup> Located here: [http://courts.arkansas.gov/09\\_cal\\_report/index.cfm](http://courts.arkansas.gov/09_cal_report/index.cfm)

<sup>7</sup> Located here: <http://courts.state.ar.us/aoc/forms.cfm>

<sup>8</sup> U.S. Census Bureau information available here: <http://2010.census.gov/2010census/data/>

minority races; for example, 44.2% of the population is white and 51.5% is black. In comparison, Cleburne County is 98.6% white and only 0.3% black. In addition, Pulaski County is 57.5% white and 35% Black, and it encompasses the most diverse mix of ethnicities overall, including the highest percentage of Hispanic/Latino population (5.8%).

**Figure 1: 2010 Race Information<sup>9</sup>**

2010 Race	Arkansas	Cleburne County	Pulaski County	St. Francis County
<b>Total People:</b>	<b>2,915,918</b>	<b>25,970</b>	<b>382,748</b>	<b>28,258</b>
Population of one race:	2,858,908 (98%)	25,605 (98.6%)	374,887 (97.9%)	27,848 (98.5%)
White alone	2,245,229 (77%)	25,130 (96.8%)	220,051 (57.5%)	12,502 (44.2%)
Black or African American alone	449,895 (15.4%)	72 (0.3%)	133,858 (35%)	14,667 (51.8%)
American Indian and Alaska Native alone	22,248 (0.8%)	141 (0.5%)	1,555 (0.4%)	148 (0.5%)
Asian alone	36,102 (1.2%)	52 (0.2%)	7,505 (2%)	136 (0.5%)
Native Hawaiian and Other Pacific Islander alone	5,863 (0.2%)	7 (0%)	272 (0.1%)	9 (0%)
Some Other Race alone	99,571 (3.4%)	203 (0.8%)	11,646 (3%)	386 (1.4%)
Hispanic or Latino (of any race)	186,050 (6.4%)	517 (2%)	22,168 (5.8%)	1,149 (4.1%)
Two or More Races:	57,010 (2%)	365 (1.4%)	7,861 (2.1%)	410 (1.5%)

Household income information for each county was also gathered from the American Community Survey, which is available on the U.S. Census Bureau webpage.<sup>10</sup> The data shows that the median Cleburne County household income in 2009 inflation-

<sup>9</sup> U.S. Census Bureau available here:

[http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC\\_10\\_PL\\_P1&prodType=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_PL_P1&prodType=table)

<sup>10</sup> U.S. Census Bureau, 2005-2009 American Community Survey: <http://factfinder.census.gov/>

adjusted dollars is \$36,405, and that 16.1% of the population lives below the poverty level. In Pulaski County, the median household income in 2009 inflation-adjusted dollars is \$44,370, and the data shows that 15.4% of the population lives below the poverty level. In comparison, the median household income in 2009 inflation-adjusted dollars for St. Francis County is \$27,016, and the percentage of individuals living below the poverty level there is 30.7% - almost double the percentage from Pulaski and Cleburne.

The U.S. Census Bureau webpage also contains “geography quickfacts” from 2000 and they are useful in further illustrating the urban and rural characteristics between the three counties.<sup>11</sup> For instance, Cleburne County had 43.5 persons per square mile, and Pulaski County had 468.8 persons per square mile. In St. Francis County in 2000, the data showed 46.3 persons per square mile.

Overall, it is apparent that while Cleburne and St. Francis Counties encompass similar levels of population and rural geography, their racial and poverty make-ups are starkly different, as St. Francis has the largest minority population of all three counties and is the poorest of all three counties.

Next, the specific data gathering process for each county will be described.

## 2. Cleburne County

Because Cleburne County was the first courthouse visited, the overall experience was used to refine the process of data gathering for future counties. At this time, Cleburne court records are not stored electronically, and thus the visit necessitated the pulling of individual case files from storage shelves, which are organized by category and by the date the case was filed. Each of these case files contained its cover sheet and other important documents relevant to that case.

For consistency purposes, Chanley Painter pulled case files for the entire 2010 year and January 2011<sup>12</sup> for all civil, domestic relations, and probate case categories. As these case files were pulled, the cover sheets were used to separate the files by date and type; for example, the cases that did not contain a disposition date or failed to fit one of the appropriate types of cases were returned to the shelf, and the cases that did contain a disposition date and fit the appropriate type of cases were kept and stacked in piles based on the month the case was closed.

Then, beginning with the stack of files for January 2011 and moving in reverse months to December, November, October, and September 2010 piles, Chanley Painter was able to exceed the aimed for 100 cases parameter for the sample. As a result, the case samples for Cleburne County include all cases, fitting the appropriate categories, closed in the months of September 2010 through January 2011.

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<sup>11</sup> U.S. Census Bureau: <http://quickfacts.census.gov/qfd/states/05/05023.html>

<sup>12</sup> January 2011 is the one month researched for Pulaski County and so it is included in the other two counties

For future reference, the cover sheets from each of these case files were copied and organized. While the cover sheets indicated whether the plaintiff/petitioner had an attorney, they failed to indicate whether the defendant/respondent had one; therefore, Chanley Painter delved into each case file scanning the documents looking for an Answer, motion document, or other papers submitted by the defendant/respondent or the defendant's attorney. If there was nothing in the case file referencing an attorney for the defendant/respondent on such documents, it was assumed the defendant/respondent was pro se.<sup>13</sup> Likewise, if the file contained no Response or other documents from the defendant, it was clear that the defendant/respondent took no action whatsoever nor appeared in court, often requiring a default judgment. Either way, the defendant/respondent was unrepresented.

After the cover sheets were copied and compiled with the attorney information, all data was taken from the courthouse and entered sheet by sheet into one Excel file indicating the type of case, date filed, date of disposition, time lapse (between open and close of case), docket number/case number, plaintiff attorney, defendant attorney, disposition/outcome, and other noteworthy findings from the file.<sup>14</sup>

In determining whether docket sheets should be examined in detail, Chanley Painter utilized the Excel file data, scrutinizing case types, lengths, outcomes, and available attorney information. Any significant disparities or similarities between similar types of cases—especially concerning the length and outcomes of the cases between represented parties and unrepresented parties—were noted for further analysis.

### 3. Pulaski County

The process for obtaining Pulaski County case data began by researching online the location of court records and contact information. The official Pulaski County Clerk webpage was found and served as an informative resource for discovering how Pulaski organizes and stores court records.<sup>15</sup> Fortunately, the county provides case information searches via their webpage—the only county of the three that stores records online. Chanley Painter then called court records and presented what she needed; she was advised on best way to obtain the data by speaking to a person who was able to have computer searches conducted for cases closed in all three categories in the month of January 2011.<sup>16</sup> After eventually receiving all the search results via email, Chanley Painter printed off the documents containing hundreds of cases listed by date and case type.

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<sup>13</sup> The Cleburne office workers advised this was the best strategy for determining whether or not the defendant/respondent was represented by counsel. After inquiring about the possibility of utilizing docket sheets, they stated that those may not be consistent in reporting attorneys for both parties, and the best bet would be to look in the case files. Chanley Painter decided if she needed to search docket sheets at a later time, she would return to the courthouse.

<sup>14</sup> See Appendix 3 for all Excel files containing courthouse data

<sup>15</sup> Pulaski County Clerk's webpage: <http://www.pulaskiclerk.com/>

<sup>16</sup> The process actually took a few weeks to finally receive the searches for all three categories and required much communication between Chanley Painter and the office assistant who experienced trouble in repeating the search for different categories.

In order to discover more information about the cases, Chanley Painter first went through the papers narrowing the caseload down to the ones fitting appropriate categories, and then she was able to enter the case numbers into the online search engine for court records to download docket sheets.<sup>17</sup> Once the docket sheets were obtained, they were printed off so the information could be entered into one big Excel file as was done for Cleburne County.<sup>18</sup>

The docket sheets were also saved for further analysis into possible case comparisons in hopes of uncovering information regarding the impact of unrepresented parties on the efficiency of court operations and case outcomes. In determining which docket sheets to examine, Chanley Painter utilized the Excel file data concerning case types, case lengths, case outcomes, and available attorney information. If any significant disparities were uncovered between similar types of cases—especially concerning the length and outcomes of the cases between represented parties and unrepresented parties—the docket sheets were pulled for further analysis into the amount of case activity (number and kind of hearings and motions if listed).

#### 4. St. Francis County

During the visit to St. Francis County Courthouse in Forrest City, case data was obtained using the same parameters as Cleburne County—all civil, domestic, and probate cases filed in 2010 were pulled and those closed in September 2010 through January 2011 were kept for analysis. Unlike the process experienced in Cleburne County, however, St. Francis County was able to offer a computer search of all the cases closed in those months. The printed list of this search, which contained the filing date, closing date, and docket numbers, was manually narrowed to include only the appropriate type of cases.

After consulting with the St. Francis County Clerk on the best mode of obtaining attorney information for the cases, she advised using the docket notebooks as opposed to only pulling case files. The Clerk stated that the docket sheets would list the attorneys, if any, and also the number of hearings and other case action by date. If the attorney portion of the sheet was blank, the Clerk stated that the person was unrepresented. So, Chanley Painter used the printed list of case numbers to locate the docket sheets in the notebooks and then copied those docket sheets for future reference. In addition, several cases required her to pull actual case files in order to obtain the needed information.

After compiling and copying all the docket sheets, the information was entered sheet by sheet into one Excel file, as was done for Cleburne and Pulaski Counties.<sup>19</sup> In an effort to uncover any trends regarding the impact of unrepresented parties on the efficiency of court processes and case outcomes, Chanley Painter utilized the Excel file information

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<sup>17</sup> Pulaski online case record search:

[https://arep2.aoc.arkansas.gov/cconnect/PROD/public/ck\\_public\\_qry\\_doct.cp\\_dktrpt\\_setup\\_idx](https://arep2.aoc.arkansas.gov/cconnect/PROD/public/ck_public_qry_doct.cp_dktrpt_setup_idx)

<sup>18</sup> See Appendix 3 for all Excel files containing courthouse data

<sup>19</sup> See Appendix 3 for all Excel files containing courthouse data

to note any significant disparities between similar types of cases—as was done with the Cleburne and Pulaski County Excel files. Then, if needed, the docket sheets for those cases were referenced for further analysis.

## **B. Survey Data Collection**

In addition to county courthouse-specific case data, this Capstone also conducted survey research targeting Arkansas circuit court judges. By broadly obtaining judges' perceptions of pro se representation experienced in their courts, this capstone can better gauge the prevalence and impact of pro se representation on case outcomes and the efficiency of court operations.<sup>20</sup>

The Arkansas Access to Justice Commission conducted similar survey research in 2005 and 2008, and accordingly, the 2008 survey was used as a basis for the current survey. Using best practices material as a reference to reformulate the 2008 survey, Chanley Painter added new questions and re-worked or re-ordered older questions. Additionally, she engaged Dr. Al Bavon of the Clinton School of Public Service to advise on the final survey draft. After the survey was finalized and confirmed by Amy Johnson, it was entered into Survey Monkey—an online survey database website. Survey Monkey created a “link” for the survey so it could easily be attached in an email and distributed to all potential respondents.

In an effort to garner as much support and incentive for the survey as possible, Amy Johnson recruited the help of former Arkansas Supreme Court Justice Annabelle Imber Tuck who was able to communicate with Chief Justice Jim Hannah about the survey and its importance. As a result, the survey was sent directly from the Administrative Office of Courts by the Arkansas Supreme Court to every Circuit Court judge in the state.

As the survey was taken, the responses were conveniently stored on the Survey Monkey website and accessible for analysis. In analyzing the survey results, Survey Monkey tools were used to report response numbers and percentages, while the open-ended responses were manually assessed and organized into readable lists or charts using Excel and Word. In addition, Chanley Painter cross tabulated the responses from several of the survey questions into one chart that will be featured in Figure 16 below.

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<sup>20</sup> As noted in section “III. Findings”, the survey results are generalizable to the entire state population of circuit court judges.

### III. Findings

Based on the methodological efforts, a substantial set of data had to be assessed. This section will first provide a summary of the findings from the exploratory study of courthouse cases and then analyze key findings from the statewide circuit court judges' survey.

#### A. Courthouse Findings

For the courthouse data collection, raw data findings from each of the three counties researched will be presented below. It is important to note that a fully representative sample of counties from across the state of Arkansas was outside the scope of this project as such research would require an abundance of resources beyond a student project.<sup>21</sup> However, the three diversely demographic counties explored here provide a valuable glimpse of county-specific pro se activity that compliments the statewide judge's survey—which provides a broader set of data that is representative statewide.<sup>22</sup>

##### 1. Cleburne County

Based on the methodological data collection process, Cleburne County encompassed a total of 112 cases closed in the months of September 2010 to January 2011. This total number of cases varied between different types of cases as outlined in Figure 2 below.

Of these 112 cases, 102 or 91% involved at least one unrepresented party. Specifically, 87 plaintiffs/petitioners (78%) were represented by an attorney and 25 were unrepresented (22%). In contrast, only 11 defendants/respondents (10%) were represented by an attorney while 101 (90%) were unrepresented. In the courthouse research, it is important to reiterate that the term “unrepresented” means there was nothing in the case file referencing an attorney for the defendant—which can indicate the defendant/respondent was pro se or submitted no response at all (not contesting and/or participating in any way).

**Figure 2: Cleburne Co. Types of Cases and SRL Numbers**

<b>Pro Se Numbers by Type of Case</b>			
<b>Type of Case</b>	<b>Total Number of Cases</b>	<b>Number of Pro Se Plaintiffs/Petitioners</b>	<b>Number of Pro Se Defendants/Respondents*</b>
Child Support	2	0	2

<sup>21</sup> including great financial expense and amounts of time; however, even though the findings and trends in these three counties are not generalizable to the entire state, it is quite possible the same trends illustrated in these three counties represent trends in other counties across the state, but it is also possible that they are not illustrative for every county.

<sup>22</sup> See section “B. Survey Findings” for further explanation

Custody/Visitation	2	0	2
Debt: Open Account	24	0	24
Divorce	24	7	21**
Divorce with Support	5	0	3
Domestic Abuse	17	11	15
Foreclosure	2	0	1
Guardianship	16	0	15
Paternity/Support	2	0	2
Quit Title	1	0	1
Small Estate	16	7	16
Unlawful Detainer	1	0	1
<b>Total Numbers:</b>	<b>112</b>	<b>25</b> (22%)	<b>101</b> (90%)
<i>*Includes pro se, no response, and if case file contained nothing about a defendant/respondent</i> <i>**This is the only case of this type where the respondent had an attorney and the petitioner was pro se in the entire three county sample</i>			

According to these findings, the largest number of self-represented litigants (SRLs) for plaintiffs/petitioners and defendants/respondents seem to be in Domestic Relations cases, particularly in the Domestic Abuse and Divorce areas. The Debt cases, in addition to Unlawful Detainer cases, also stand out because while all plaintiffs were represented by counsel, no defendants acquired an attorney.<sup>23</sup>

Because Pulaski County data is limited to the month of January 2011, it is important to pull the January 2011 numbers out for Cleburne County. For January 2011, there was a total of 27 cases closed in Cleburne among researched categories; of this total, there were six unrepresented plaintiffs (33%) and 25 unrepresented defendants/respondents (93%). According to these percentages, there seems to be a “gap” between the number of plaintiffs/petitioners with representation as compared to the number of defendants/respondents with representation.

Finally, as noted in the methodology section, the Cleburne Excel file data was further examined to detect disparities or similarities in case lengths and outcomes depending

<sup>23</sup> Most were dismissed or ended with a default judgment. See Appendix 3 for all Excel files containing courthouse data

on representation and case type. The results of this investigation were not as revealing as expected. In most all case types, the case length and outcomes varied consistently regardless of representation for the plaintiff/petitioner and/or defendant/respondent. A notable case did arise in the Divorce category—as it was the only case where the respondent had an attorney and the petitioner was pro se in the entire three county sample. When comparing this case to a Divorce case where both parties were represented, it was found that both cases lasted about the same duration and resulted in the same outcome—representation did not seem to matter. Also interesting, in the Domestic Abuse cases for Cleburne, there were two cases—one with a represented plaintiff and one with a pro se plaintiff. These two cases both reached the same outcome (order of protection granted), but the case with representation was open longer than the case without representation. In addition, the limited Foreclosure case data in the Cleburne sample included one case with both parties represented and one case with one represented party; the results here also showed that cases may be open longer with representation; however, no solid conclusions could be made.

## 2. Pulaski County

Based on the methodological data collection process for Pulaski County, there were a total of 480 cases closed in the month of January 2011. Figure 3 demonstrates the types of cases that were reported for that month and the total numbers within each type of case. Of the total 480 cases, 439 or 91% involved at least one unrepresented party.

More specifically, 130 plaintiffs/petitioners (27%) were unrepresented and 350 were represented (73%). In contrast, 439 defendants/respondents (91%) were unrepresented while 41 were represented (9%) by attorneys.

**Figure 3: Pulaski Co. Types of Cases and SRL Numbers**

<b>Pro Se Numbers by Type of Case</b>			
<b>Type of Case</b>	<b>Total Number of Cases</b>	<b>Number of Pro Se Plaintiffs/Petitioners</b>	<b>Number of Pro Se Defendants/Respondents*</b>
Administrative Appeal	4	1	2
Debt: Open Account	143	0	130
Divorce	65	11	55
Divorce with Support	63	7	53**
Domestic Abuse	86	84	86
Foreclosure	5	1	4
Guardianship	4	0	4

Quite Title	9	1	5
Small Estate	34	24	34
Unlawful Detainer	67	0	65
<b>Total Numbers:</b>	<b>480</b>	<b>129</b> (27%)	<b>438</b> (91%)
<i>*Includes pro se and no response or nothing in case file about a defendant/respondent</i> <i>**This is the only case of this type where the respondent had an attorney and the petitioner was pro se in the entire three county sample</i>			

As was seen in Cleburne County, the data for Pulaski also shows the greatest number of SRLs in the Domestic Relations cases—here, overwhelmingly in the Domestic Abuse category. The Debt cases, as well as the Unlawful Detainer cases, are notable as, again, all plaintiffs were represented by counsel and no defendants were represented by counsel.

The total percentage numbers of SRLs between Cleburne and Pulaski for the month of January 2011 alone are analogous: in Cleburne, unrepresented plaintiffs/petitioners make up 33% of the total cases, while in Pulaski they make up 27%; and for the defendants/respondents in Cleburne, 93% were unrepresented, while in Pulaski, 91% were unrepresented. Again, data trends seem to uncover a “gap” as more plaintiffs/petitioners obtain representation than the defendants/respondents.

Finally, as was conducted for Cleburne, the Pulaski Excel file data was further examined to detect disparities, if any, in case lengths and outcomes depending on representation and case type. The results of this investigation were also not as revealing as expected, because in most all case types, the case length and outcomes varied consistently regardless of representation for plaintiff/petitioner and/or defendant/respondent. The only detectable finding was that Unlawful Detainer cases where the defendant had an attorney were more likely to last longer when compared to other cases. This diminutive trend is similar to the Cleburne findings above where a tiny number of cases tended to support the notion that a case is open longer with represented parties; however, no statistical conclusions could be reached.

### 3. St. Francis County

Based on the methodological data collection process, St. Francis County research resulted in a total of 187 cases closed from September 2010 through January 2011. As in Cleburne and Pulaski, case types and numbers varied throughout categories, and Figure 4 graphs the case types and numbers on self-representation.

Of the total 187 cases, 178 or 95% involved at least one unrepresented party. Comparatively, this total percentage is higher than the percentages from Cleburne and

Pulaski Counties, which each had 91% of their total cases encompassing at least one unrepresented party.

In St. Francis County, more specifically, there were 140 plaintiffs/petitioners represented (75%) and 47 unrepresented (25%), while there were only 9 defendants/respondents represented (5%) and 178 unrepresented (95%).

**Figure 4: St. Francis Co. Types of Cases and SRL Numbers**

<b>Pro Se Numbers by the Type of Case</b>			
<b>Type of Case</b>	<b>Total Number of Cases</b>	<b>Number of Pro Se Plaintiffs/Petitioners</b>	<b>Number of Pro Se Defendants/Respondents*</b>
Child Support	30	0	28
Debt: Open Account	18	0	18
Divorce	45	13	40
Divorce with Support	3	0	2
Domestic Abuse	25	25	25
Foreclosure	9	0	8
Guardianship	2	0	2
Paternity/Support	41	0	41
Quite Title	1	0	1
Small Estate	9	9	9
Unlawful Detainer	4	0	4
<b>Total Numbers:</b>	<b>187</b>	<b>47</b> (25%)	<b>178</b> (95%)
<i>*Includes pro se, no response, and if case file contained nothing about a defendant/respondent</i>			

The same trends from both Cleburne County and Pulaski County seem to continue in St. Francis as the data here also denotes Domestic Relations cases with the highest number of SRLs, including Child Support, Divorce, Paternity, and overwhelmingly again, Domestic Abuse. Also similar here, the Debt cases, Unlawful Detainer cases, as well as the Foreclosure cases all encompass representation for 100% of the plaintiffs and none for the defendants.

Again, it is important to pull the month of January 2011 data aside for comparison purposes with Pulaski County. For January 2011 alone, there was a total of 38 cases closed among the researched categories in St. Francis County; of this total, there were 11 unrepresented plaintiffs/petitioners (29%) and all 38 defendants/respondents (100%) were unrepresented. These total percentages of unrepresented litigants in St. Francis County during January 2011 follows the same “gap” trend observed in Cleburne and Pulaski Counties—though St. Francis County’s defendant/respondent numbers are the worst.

To emphasize this disparity, the total SRL numbers between the three counties for the month of January 2011 are as follows:

- Cleburne: Total = **93%** with at least one unrepresented party for Jan. 2011
  - **33%** were unrepresented plaintiffs/petitioners
  - **93%** were unrepresented defendant/respondents
- Pulaski: Total = **91%** with at least one unrepresented party for Jan. 2011
  - **27%** were unrepresented plaintiffs/petitioners
  - **91%** were unrepresented defendant/respondents
- St. Francis: Total = **100%** with at least one unrepresented party for Jan. 2011
  - **29%** were unrepresented plaintiffs/petitioners
  - **100%** were unrepresented defendant/respondents

Additionally, because St. Francis and Cleburne Counties were researched using the same overall time parameter, the two can be compared for September 2010 through January 2011. The following summarization further supports the disparity between plaintiffs and defendants:

- Cleburne: 112 cases, **91%** with at least one unrepresented party
  - *Plaintiffs/Petitioners*: **78%** represented; **22%** unrepresented
  - *Defendants/Respondents*: **10%** represented; **90%** unrepresented
- St. Francis: 187 cases, **95%** with at least one unrepresented party
  - *Plaintiffs/Petitioners*: **75%** represented; **25%** unrepresented
  - *Defendants/Respondents*: **5%** represented; **95%** unrepresented

Finally, as was conducted for Cleburne and Pulaski, the St. Francis County Excel file data was examined to detect discrepancies and similarities in case lengths and outcomes between represented and unrepresented cases. However, like the other examinations, the results of this search were not as revealing as expected. The expectation was to notice consistent differences in case lengths and/or outcomes between cases with attorneys and cases without attorneys comparatively. Yet, case lengths and outcomes varied regardless of representation for plaintiff and/or defendant, and as a result, no detectable trend could be identified with this sample. While more promising findings may result from a larger sample of counties across the state, the

following survey findings will address state-wide judge’s perceptions towards case length and outcomes for SRLs.

## B. Survey Findings

The Survey of Arkansas Circuit Court Judges was distributed via email by the Administrative Office of the Courts directly from the Arkansas Supreme Court. It was sent to every circuit court judge in the state—approximately 117 email recipients noted. The survey garnered 58 responses resulting in about a 50% response rate. Appendix 4 provides a copy of the survey questionnaire and raw data results.

Utilizing the survey results, this section will first present an overview of survey demographic findings, then examine the prevalence of SRLs generally, the impact of SRLs on court operations and case outcomes, and then outline responses concerning SRL services and resources before uncovering responses to two important open-ended questions. If applicable, this section will also compare the Commission’s 2008 survey results, which garnered 33 responses, to the current survey findings.<sup>24</sup> And finally, the end of this section will feature a cross-tabulation of residency and key responses.

### ***Demographics***

Basic demographic information in the questionnaire sought data on residency, gender, length of time on the bench, and annual caseload numbers for each judge.

For residency, the survey asked respondents to provide the county in which they live, as the answer likely indicates the county or area of the state where each judge works, and thus the location of the cases each judge references in answering the survey questionnaire. The question did not specifically ask respondents to identify the county where they “work” for fear respondents would not answer the question for anonymity purposes. In the survey, 50 respondents did name their county of residence, and according to Figure 5, the judges are from a diverse assortment of counties across the state of Arkansas.

**Figure 5: Counties of Residence**

<b>County of Residence</b>	<b>Number of Judges</b>
Benton (NW)	3
Carroll (NW)	1
Craighead (NE)	3
Crawford (NW)	2
Crittenden (east)	1
Cross (east)	1

<sup>24</sup> It is important to note the 2008 survey was not generalizable to the larger population of judges

Faulkner (central)	3
Franklin (NW)	1
Garland (central)	2
Greene (NE)	1
Hempstead (SW)	1
Hot Springs (south central)	1
Jackson (NE)	1
Jefferson (SE)	3
Johnson (NW)	1
Lonoke (central)	1
Madison (NW)	1
Miller (SW)	1
Mississippi (NE)	1
Nevada (SW)	1
Ouachita (south)	1
Phillips (east)	1
Pike (SW)	1
Polk (west)	1
Pulaski (central)	3
Saline (central)	3
Sebastian (west)	4
Union (south)	3
Washington (NW)	2
Yell (west)	1

Because of the excellent 50% response rate and diverse residential and working locations of the judges across Arkansas, this survey's results can be generalized to the larger population of circuit court judges throughout the state of Arkansas.<sup>25</sup>

In addition to the county they reside, the judges were asked their gender and how long they have served as a judge. Of the total respondents, 23% were female and 77% were male. The greatest amount of respondents, 40%, indicated they had been a judge for over 12 years, while 22% indicated five to eight years. Zero to four years of service was indicated by 20% of the judges, and about 18% have served for nine to 12 years.

Finally, the judges could provide an estimate of their annual caseload. Figure 6 illustrates the distribution with 68% of the judges indicating they try somewhere between 1,001 to 2,000 cases annually. Also note that Figure 16 later in this section will specify more specific caseload amounts.

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<sup>25</sup> Confirmed after consulting Dr. Al Bavon, Clinton School of Public Service

**Figure 6: Judges Estimated Annual Caseload**

<i>Please estimate your annual caseload number.</i>		
<b>Amount of Cases</b>	<b>Number of Responses</b>	<b>Percentage</b>
<b>1,000 cases or less</b>	6	<b>13%</b>
<b>1,001 to 2,000 cases</b>	32	<b>68%</b>
<b>2,001 to 3,000 cases</b>	6	<b>13%</b>
<b>Over 3,000 cases</b>	3	<b>6%</b>
<b>Total:</b>	47	

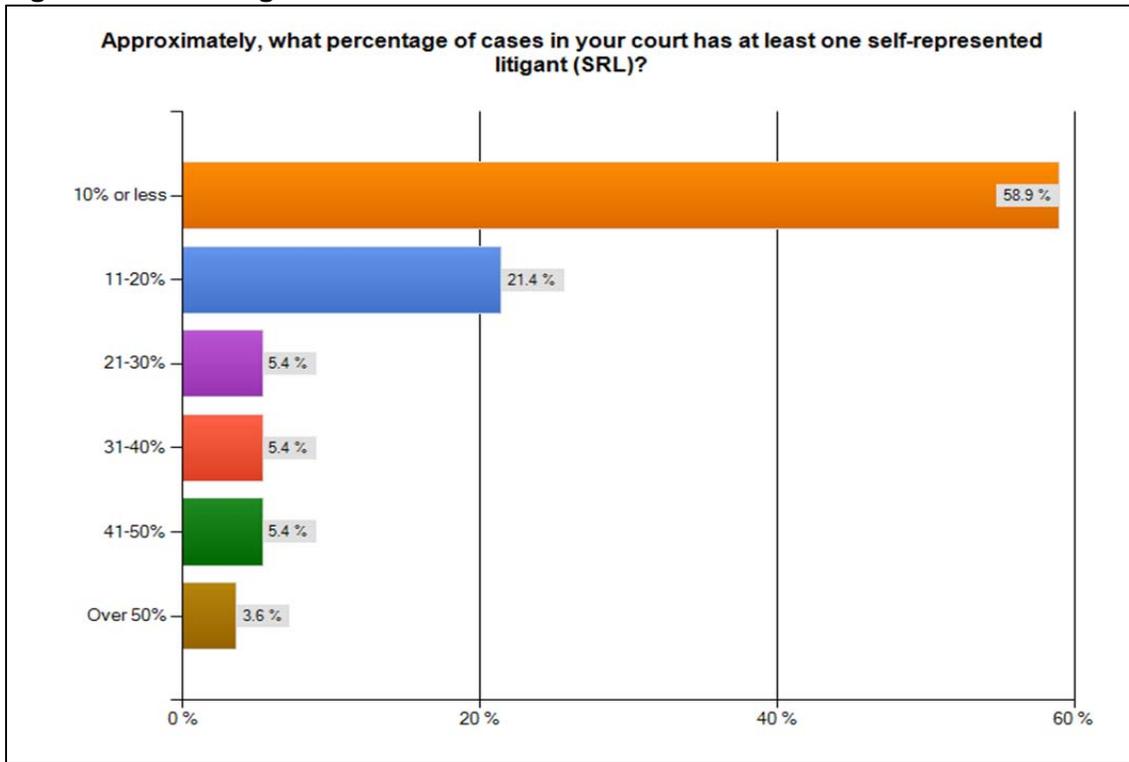
### ***Gauging the Prevalence of SRLs Generally***

In order to obtain a general sense of SRLs in circuit courts, the judges were asked what percentage of their cases encompassed at least one SRL. The majority (59%), as Figure 7 below shows, revealed that about “10% or less” of their total caseloads encompass at least one SRL, as compared to the second highest choice where about 21% indicated “11 to 20%” of their caseload. In the 2008 survey, 24 of the 33 judges designated 10% or less of their cases had at least one SRL, which would be about 73%. Only two other categories garnered responses: 9% chose 10-20% of their cases and 18% indicated 20-30%.

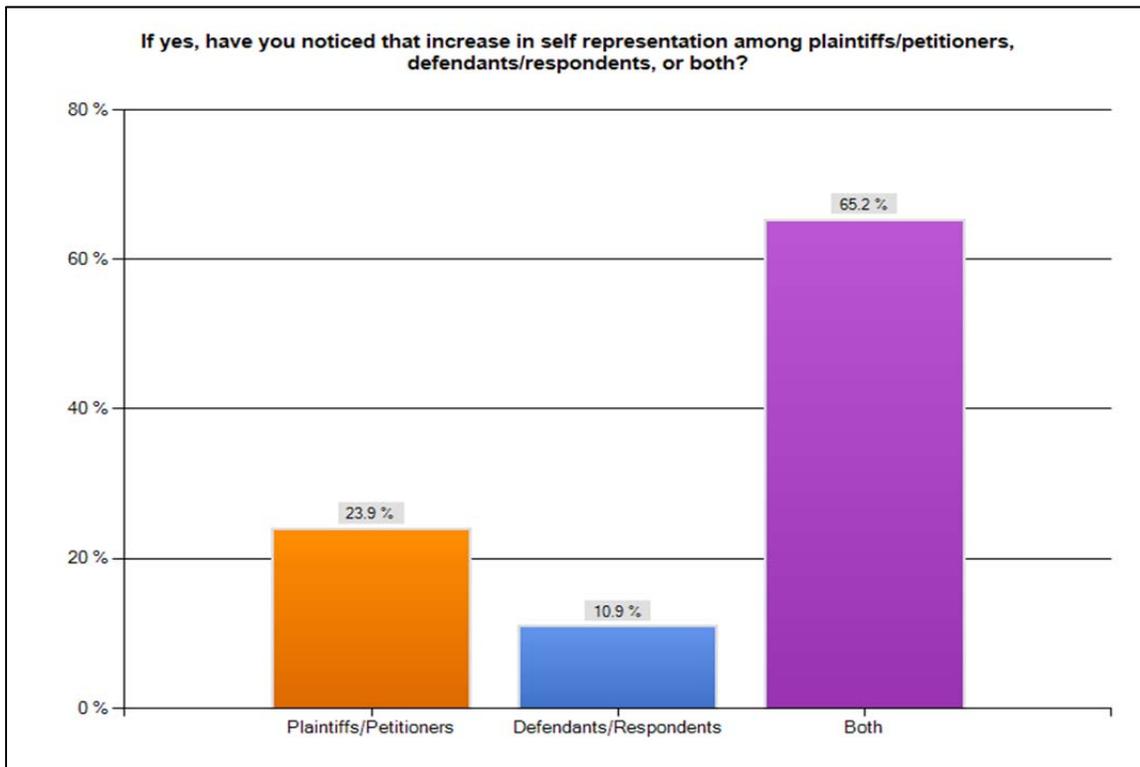
Next, the survey inquired about possible increases, if any, in the number of SRLs in the judges’ courts. According to an overwhelming 84% of the respondents, there has been an increase in the number of SRLs over the last three years. When asked more specifically whether this increase in self-representation was among plaintiffs/petitioners, defendants/respondents, or both, 65% stated the increase encompassed both parties. Figure 8 below graphs the SRL increases by type of party; as shown, about 24% of the judges indicated that the increase in SRLs was in the number of pro se plaintiff/petitioners. However, about 11% of them noted the increase in the number of pro se defendants/respondents.

Comparatively, in 2008, the findings showed 94% of the 33 respondents indicated an increase in the number of SRLs, while 6% had not seen an increase.

**Figure 7: Percentage of Cases with at least One SRL**

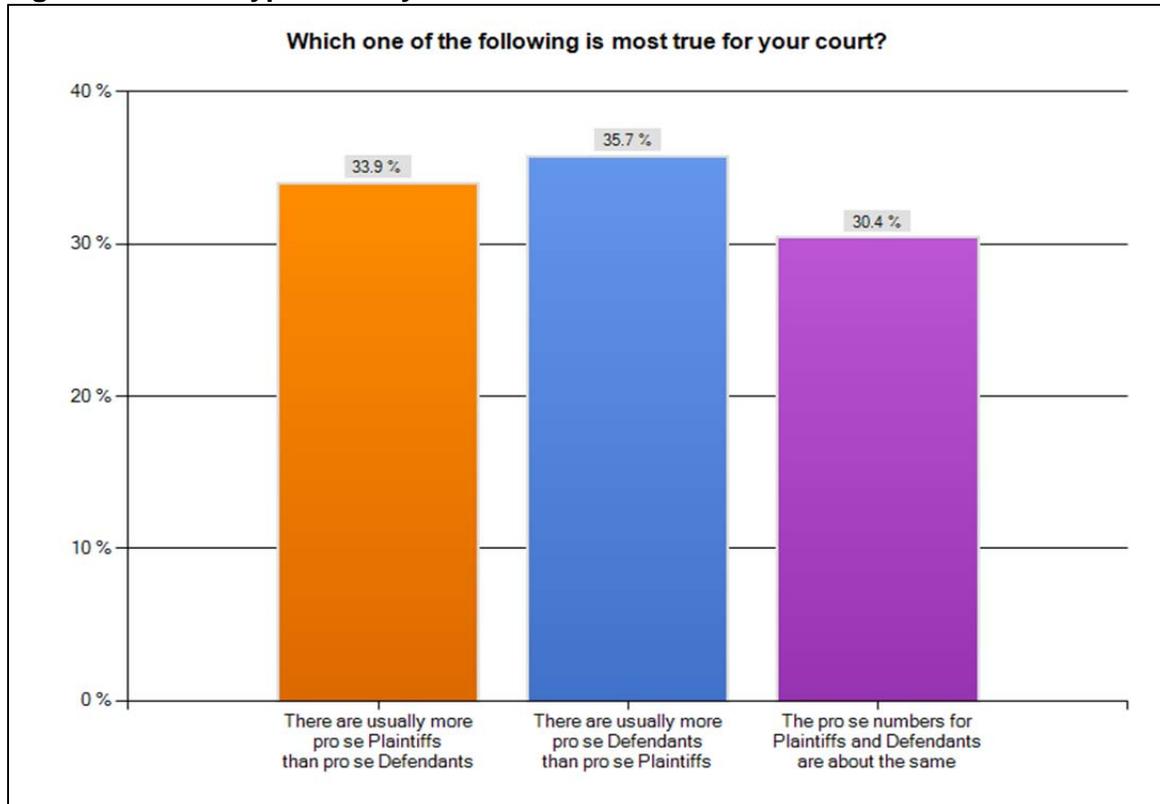


**Figure 8: SRL Increases by Type of Party**



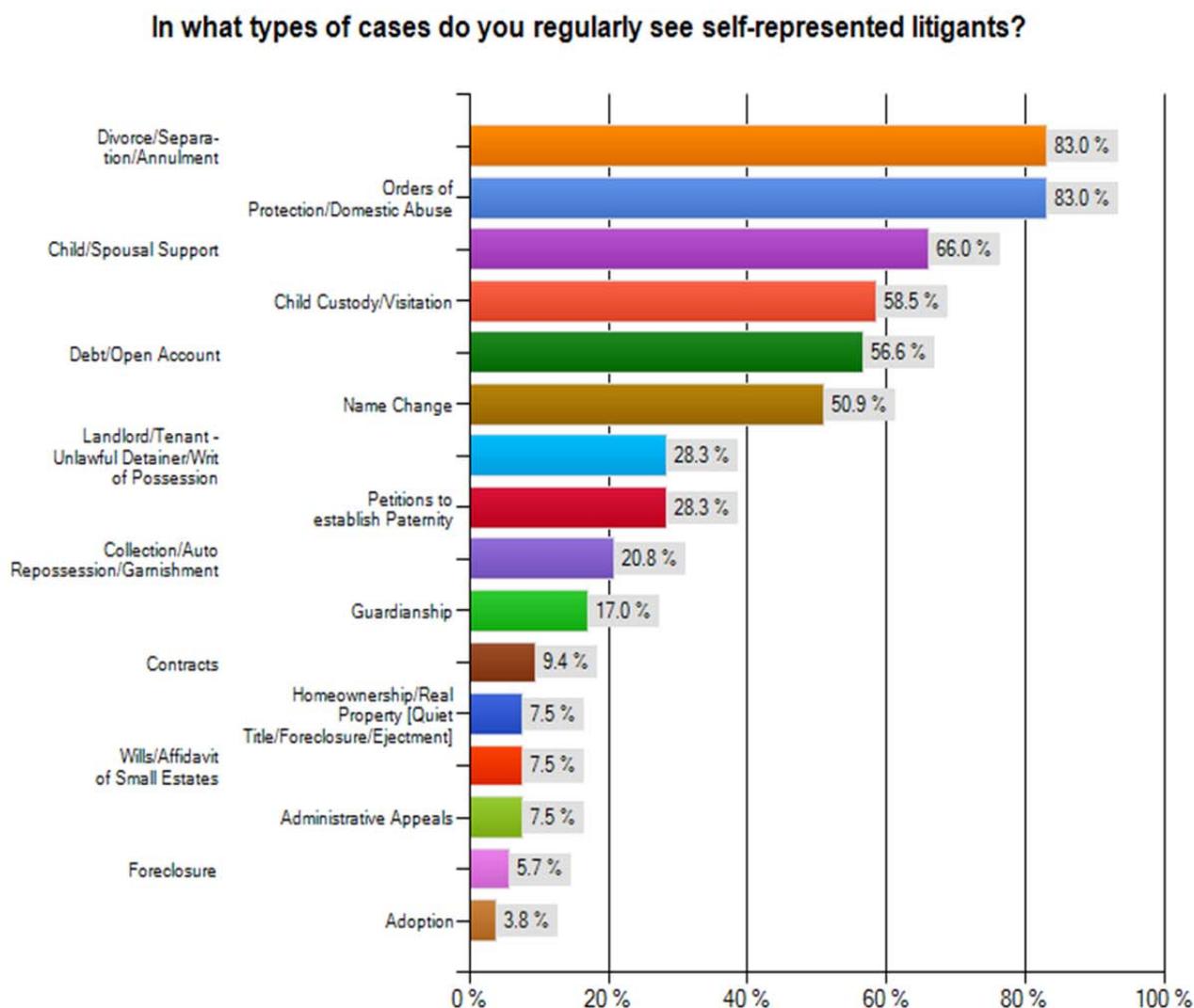
In addition to the increases in number and types of SRLs, the survey also measured which type of pro se party the judges usually see more of in their courts. Are there more pro se plaintiffs/petitioners in cases filed or are there more pro se defendants/respondents? Figure 9 demonstrates how close the answer to that question turned out. Between the three response options, the greatest percentage of responses (about 36%) indicated that there are more pro se defendants/respondents seen in court than plaintiffs/petitioners.

**Figure 9: Which Type of Party is more Prevalent?**



Next, the survey inquired into the specific types of cases where the judges regularly observe SRLs in their court, and Figure 10 below reveals the pervasiveness of SRLs by the type of case. As shown, Divorce and Domestic Abuse are the two categories where judges regularly see SRLs. In fact, the dominance of SRLs in Domestic Relations cases was a trend uncovered in the courthouse data collection research discussed earlier. Comparatively, in the 2008 survey, Divorce and Domestic Abuse also garnered the most responses for the types of cases judges see more SRLs.

**Figure 10: SRLs by Type of Case**

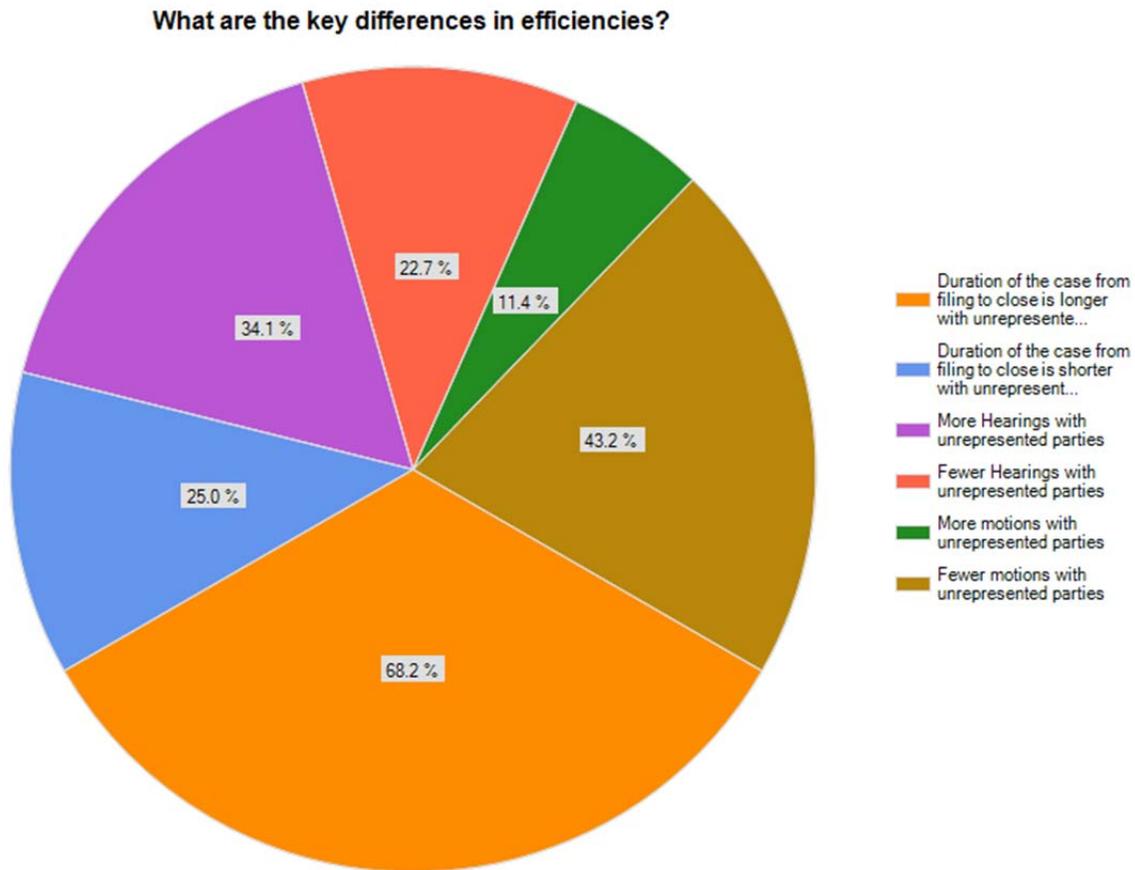


***Impact of SRLs on Court Operations***

The next portion of the survey addressed the impact of self-representation on the efficiency of court operations. Overall, a majority of 91% of the judges indicated that differences abound in how efficiently cases are conducted where one or more parties are represented by counsel as compared to where one or more parties are unrepresented.

When asked more specifically about what those key differences in efficiencies entail, about 68% noted the duration of the case from filing to close is longer with unrepresented parties, and 43% noted there are fewer motions presented with unrepresented parties. Figure 11 displays the response percentages for differences in efficiencies of court operations in more detail.

**Figure 11: Differences in Efficiencies of Court Operations**



Additionally, the judges could submit other key differences in efficiencies via comments to two questions. General themes expressed included issues with the length of the case, appearance of favoritism, SRLs' lack of understanding and familiarity with basic courtroom and procedural rules, and overall adequacy of representation. A selection of these comments follows:

**Time**

- *"The court has to take time to explain the procedure and the reasons for it."*
- *"More time spent for the Court to tell the unrepresented parties how the proceedings are supposed to be conducted, burdens of proof, service issues, etc."*
- *"Attorneys often work out issues before trial. Pro se parties are typically clueless about their ability to negotiate settlement."*
- *"Time wasted on issues that are not defined or relevant, or not properly noticed up."*
- *"The unrepresented parties simply cannot conduct themselves in accordance with the rules. They thereby waste large amounts of time expecting the Court to conduct their case for them."*

- *“Cases involving pro se parties take more time for hearing. There are more motions that are usually dispositive because lawyers recognize the pro se litigant is unlikely to properly respond.”*

### **Appearance of Favoritism**

- *“Constantly asking the court what they should do during the proceedings. It gives the appearance that the court is helping the pro se party get through the case.”*
- *“Many pro se cases are procedurally defective and never go to a hearing. Hearing where one party is pro se and the other is represented by counsel are difficult. The pro se person many times does not follow or understand procedure of rules of evidence. The counsel makes valid objections that are sustained by the court. The appearance of favoritism is concerning.”*

### **Lack of Understanding**

- *“The best way I can describe it is that they simply lack the knowledge of how to effectively litigate and lack the experience to prepare documents which will last into the future. We see a large number of pro se divorces. I would literally have to draft all of the property settlement agreements myself for them to be what I would consider truly acceptable.”*
- *“SRL have no clue as to procedure rules. The SRL also is not bound by legal and ethical rules so they do and say whatever. The SRL doesn't follow rules. They also are more likely to file complaints, put comments on Internet or other media if they feel they aren't getting their way.”*

### **Adequacy of Representation**

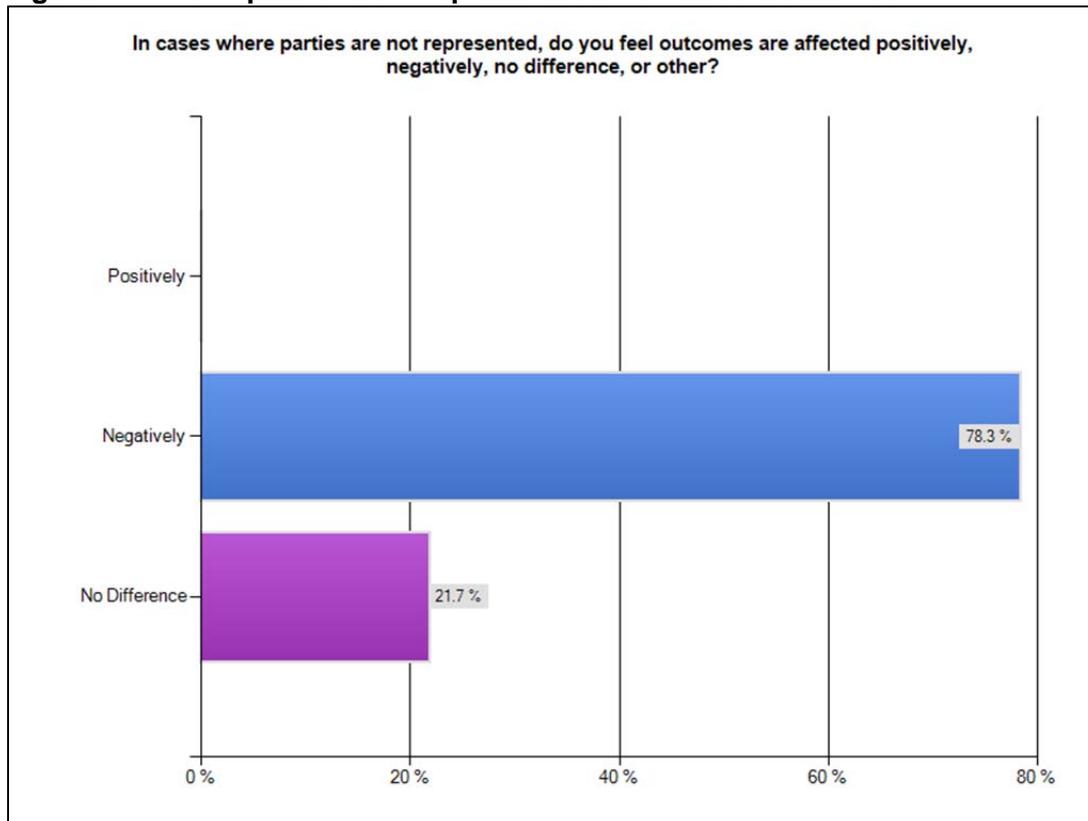
- *“The adequacy of the pleadings, motions and testimony.”*
- *“Unrepresented parties make more mistakes. They have to be told to amend pleadings and perfect service more often than with parties who are represented.”*
- *“Unrepresented parties are not prepared.”*
- *“More and more self-represented litigants will show up with forms they have obtained from the internet and when their case is called present those forms to me and expect me to do whatever needs to be done to handle their case.”*
- *“The pro se tends to bring much more irrelevant material”*
- *“Lot of rule 41 dismissals on self represented parties. they get frustrated and walk away with case still pending”*
- *“Pro ses do not know how to conduct discovery. Pro ses do not know how to settle cases. The Court cannot practice law for the pro se. Therefore, I often feel uncomfortable as I am caught between letting the pro se try his case and doing justice. Pro ses do not know courtroom etiquette; everything has to be explained to them - a distraction.”*

### **Impact of SRLs on Case Outcomes**

In addition to the effects of pro se representation of the efficiency of court operations, the survey also assessed the impact of self-representation on case outcomes.

Generally, where parties are not represented, 78% of judges feel case outcomes are negatively affected, as demonstrated in Figure 12. In addition, about 22% of judges selected “no difference” in outcome of cases, and 0% indicated that self-representation had a positive impact on case outcomes.

**Figure 12: The Impact of Self-Representation on Case Outcomes**



Even further, the survey requested respondents to indicate whether case outcomes tended to favor or disfavor a represented party over a self-represented party. An overwhelming 84% expressed that case outcomes favored represented parties, while about 16% noted outcomes disfavored represented parties.

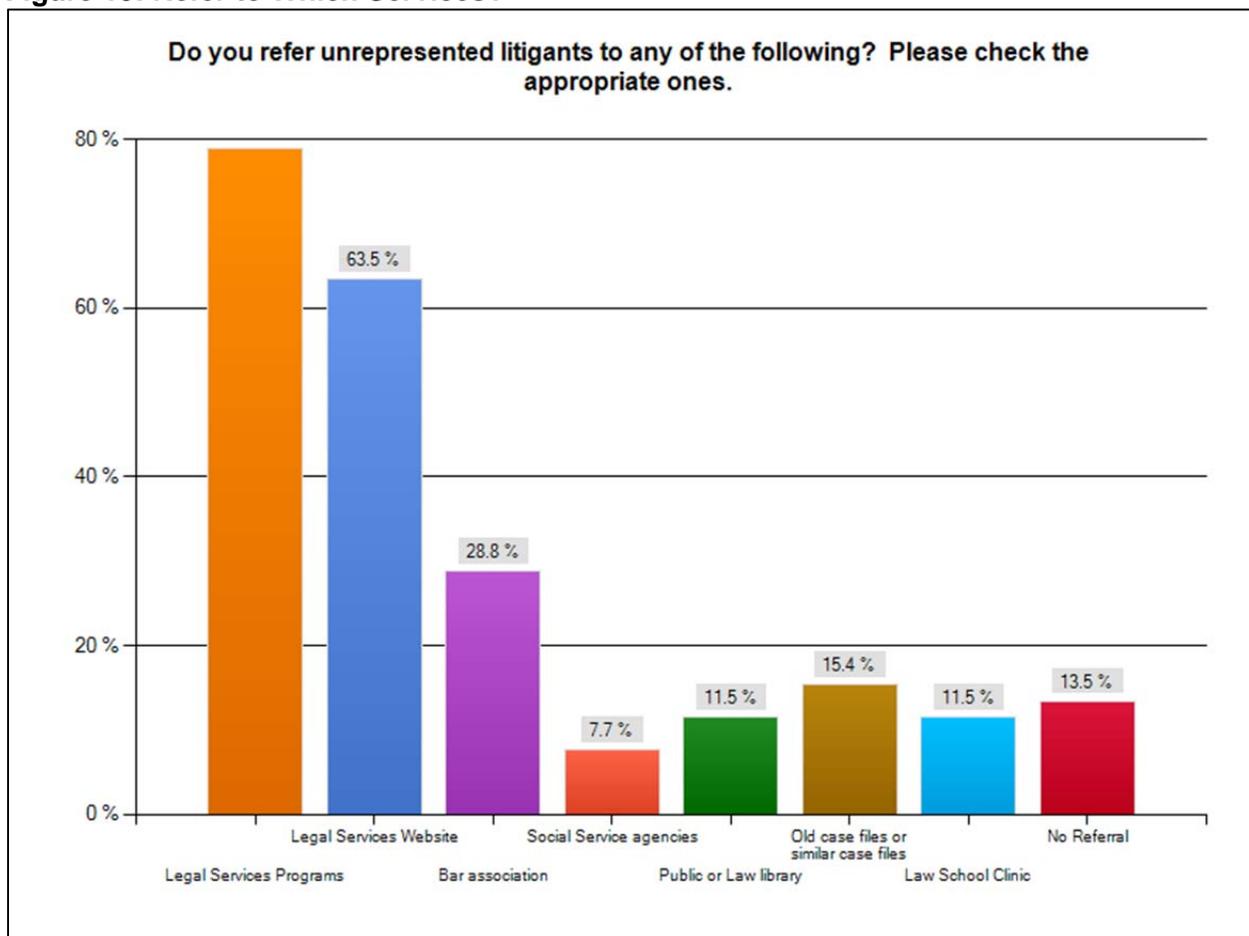
Several judges did express reasons for the negative and unfavorable affects SRLs' experience with case outcomes. Generally, their sentiments concerned SRLs' inability to “sufficiently prove their case” or “know how to get [evidence] in the record,” subsequently affecting the outcome. In fact, one respondent stated that self-representation having a negative effect on the outcome of the case was the “general rule,” however, “there have been times [SRLs] prevailed, but very, very seldom.” Others emphasized that outcomes ultimately depended on the type of case, whether or not the case was contested, and whether or not the other party in the case was also pro se.

## Resources and Services

In another section of the survey, responses were requested concerning self-representation resources and services.

First, judges were asked to indicate whether they refer pro se litigants to the available resources or services listed in the question. Figure 13 shows that a majority (79%) of judges refer SRLs to legal services programs and legal services website (about 64%); the third most popular reference is to bar associations (about 29%). The top two services chosen in the 2008 survey were also Legal Services programs and website.

**Figure 13: Refer to Which Services?**



Next, the respondents could indicate whether or not pro se litigants in their courts used the self-help resources (forms and directions) developed by the Commission or Arkansas Legal Services Partnership. The question directed the judges to the resources located at [www.arlegalservices.org](http://www.arlegalservices.org). About 73% of the judges responded “yes,” that SRLs used the resources, while about 9% answered “no” and about 18% answered they didn’t know if SRLs used the resources. In comparison, the 2008 results

showed that 60% of the judges chose “yes,” and 37% chose “no.” The change indicates an increase in the amount of SRLs using the self-help resources.

For the respondents who had used those resources in their courts, 63% believed them to be beneficial to their court and court operations (48% in 2008), while 10% believed they were not (10% in 2008), and 28% chose “not applicable” (42% in 2008). More specifically, some respondents expounded on the usefulness of such resources stating:

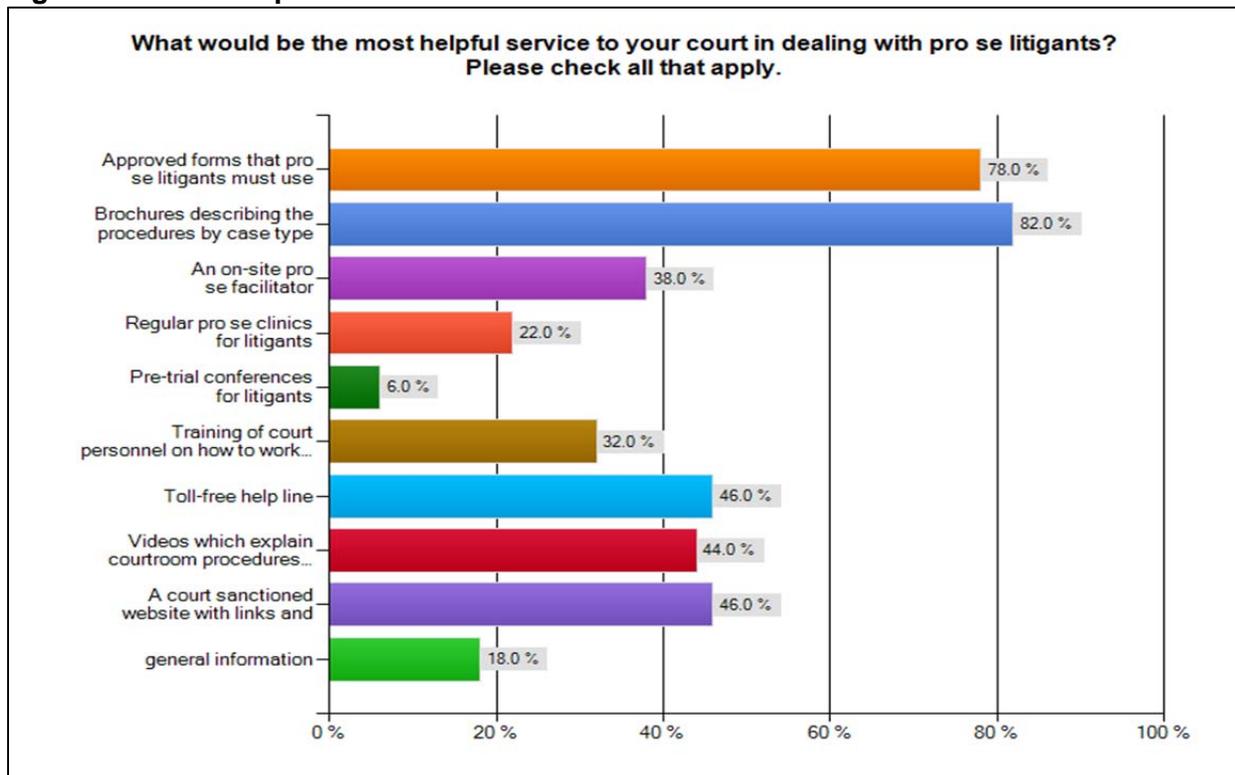
- *“Having the proper paperwork for pleadings helps make the pro se process more efficient”*
- *“They would be more helpful if the litigant would print off the portion re testimony/proof necessary for Court (divorce cases). They seem to get the forms and not the list of courtroom proof.”*
- *“The scripts of expected testimony are extremely helpful”*
- *“They are used by me when presented by SRL. They are just good enough to be dangerous. They are meant for people with college educations. My SRL's on less than high school level.”*

Also, the survey gauged judge's perceptions concerning whether these self-help resources were beneficial to the pro se litigants themselves, and about 65% of the survey respondents thought they were (64% in 2008), while 14% indicated the resources were not helpful to SRLs (4% in 2008) and 21% chose “not applicable” (32% in 2008). Some of the additional comments to this question included:

- *“If they didn't have the forms they would not even get their case filed. However, they now get the case filed but then all too often have no idea what to do in Court”*
- *“I sometimes question if the resources are beneficial. Some self-represented litigants view this help as the answer to their legal problems. Very frequently, the self-represented litigant does not understand their legal problem and possible consequences. As a result, they are confused and feel angry when the case does not go their way even when they have used these forms to the best of their ability”*
- *“They are more confident, less scared”*
- *“The commission forms and directives make it easier for litigants to know what to expect and how to act.”*

Next, the respondents had an opportunity to assert what type of service would be most helpful for their court in dealing with pro se litigants. Figure 14 below illustrates the survey results, including 82% favoring “brochures describing the procedures by case type” and 78% denoting “approved forms that pro se litigants must use.” These two options were also the most supported in the 2008 survey results.

**Figure 14: Most Helpful Services**

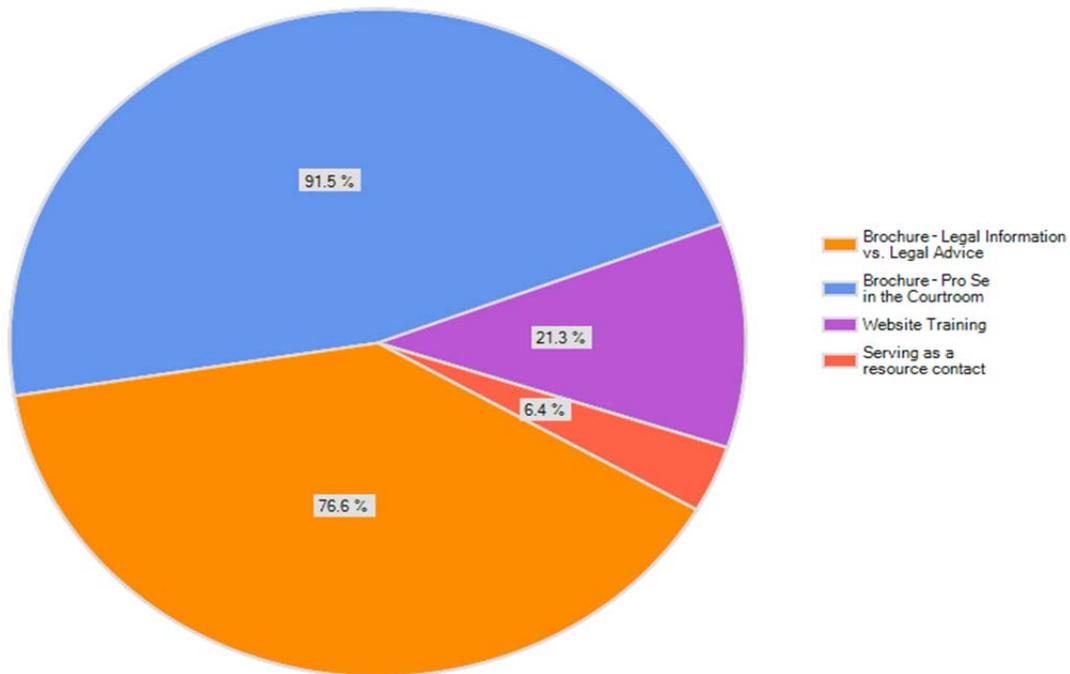


In addition, Figure 15 below demonstrates the level of interest among respondents for a “brochure – Legal Information vs. Legal Advice” (about 77%), “brochure – Pro Se in the Courtroom” (about 92%), “website training” (about 21%), and/or “serving as a resource contact” (about 6%). One respondent suggested additional interest in: “more literature for Legal Services and the Law School Clinic.”

Another interesting question included in the survey asked “would you in your court be willing to give legal aid pro bono attorneys priority on your docket?” A majority of 57% indicated “yes,” while 16% stated “no” they would not, and 27% were “undecided” on the issue. In 2008, the same question resulted in 45% stating “yes,” 52% stating “no,” and 3% undecided.

**Figure 15: Items of Interest**

Please indicate which of the following items your court would be interested in.



### ***Two Open-Ended Questions***

Finally, the respondents had the opportunity to submit their overall concerns with SRLs in their court and present any additional comments and/or ideas for the Commission.

First, the question requesting the judge's overall concerns garnered 51 responses. Interestingly, a majority of those responses voiced consternation regarding SRLs' expectations that the judge will help them litigate their case. For example:

- *“expect court to tell them what to do when judges can't give them legal aid”*
- *“expectation that I will help in presentation of case, time, and unfavorable results”*
- *“mistaken impression they will be represented by the judge to one degree or another”*

In addition, many of the other concerns echoed the themes highlighted earlier, including time, lack of understanding, and adequacy of representation. Some of the overall concerns are as follows:

- *“That they are not prepared for trial and do not understand how to get evidence into a trial. I am afraid that something important will be left out that could help the court make a better decision”*
- *“They take more time to accomplish less. They are harder to do a good job for because I can’t give them advice on all the important issues involving children.”*
- *“They cannot do it. They have these forms they do not understand. They don't know that I am not representing them. They don't know what to bring to court or what to ask. They don't know how to negotiate. They are too involved and uninformed to take advantage of mediation and ad litem.”*
- *“In divorces, failure to raise the issue of children between the parties. Failure to do so may be a bar to raising the issue in the future. No understanding of procedure in guardianships and adoptions; namely, notice and consents.”*
- *“I am concerned that they might be unable to effectively present relevant evidence over the objections of experienced attorneys, and that they might be unable to prevent the introduction of inadmissible evidence because of their lack of familiarity with the rules. I am also concerned that I might become more involved in the proceeding that I should (and otherwise would) in an effort to protect the pro se litigant.”*
- *“I am concerned about their lack of procedural knowledge and their idea that the Court can give them help during the trial. I do feel like the court can give very limited direction in procedure, I think it inappropriate to give advice about deadlines and time limits to self represented litigants. There is also the problem with lack of information about what might be considered by the Court. People show up and say they have proof of a certain thing, but don't have it with them on the hearing date, simply because they are not aware what will happen when they actually get to trial.”*

In the last open-response question, the judges could present any additional comments and/or ideas for the Commission on the issue of pro se representation. A selection of those responses is provided here:

- *“The online procedural videos is a good idea. I would be willing to help produce those. --Judge Robert Herzfeld.”*
- *“How can you give pro bono counsel priority in anything before the court. Does this not telegraph favoritism, warranted or not? We are now see SRLs that are not destitute. They think they are saving money by not hiring a lawyer, but very important matters and money are being waived and lost.”*
- *“I would like to the forms to place more emphasis on the requirement to provide copies of pleadings to opposing counsel.”*
- *“Access to Justice Forms have made a good difference”*
- *“Think that these service have gone over the line. It is destroying the legal profession and encouraging people to settle for less than the best.”*
- *“Forms need to be extended to help with children and support issues”.*
- *“To educate sufficiently the pro se litigant would be a huge task requiring time and money.”*

- *“Real need for step by step forms and model questions. Court procedure needs to be addressed”*
- *“Pro se litigants need access to justice in a timely and appropriate manner. Courts should do whatever they can to make sure pro se litigants who appear before the Court have full, fair, and impartial hearings”*

**Cross-tabulation Findings for Residency with Key Responses**

Because residency is indicative to the area of the state and/or county where the judges work, it is interesting to assess key responses in comparison to each area of the state. The counties named in the survey and judges’ answers to four of the survey questions were manually organized by region and entered into Figure 16 below. The regions include counties from the northwest, northeast, central, east, west, southeast, and southwest Arkansas areas. The graph shows the number of judges living in each county and each judge’s response to specific questions.

**Figure 16: Counties of Residence (area of AR judge works) & Key Responses**

<b>County of Residence Grouped by Region</b>	<b>Number of Judges</b>	<i>What percent of cases in your court have at least one SRL?</i>	<i>Have you seen an increase in the number of SRLs over the last 3 years?</i>	<i>Do case outcomes tend to favor or disfavor represented parties over SRLs?</i>	<i>Please estimate your annual caseload number.</i>
<b>Northwest AR</b>					
Benton	3	10% or less 41-50% 10% or less	Yes Yes Yes	Favor Favor Favor	-- 1,600 1,910
Carroll	1	11-20%	Yes	Favor	1,500
Crawford	2	10% or less 10% or less	Yes Yes	-- Favor	1,900 2,300
Franklin	1	21-30%	Yes	Favor	1,900
Johnson	1	10% or less	No	--	--
Madison	1	11-20%	No	--	1,800
Washington	2	10% or Less 10% or Less	No Yes	-- Favor	3,851 2,000
	=11		8 Yes/3 No		

<b>Northeast AR</b>					
Craighead	3	10% or less 11-20% 10% or less	Yes Yes Yes	-- Favor Favor	1,900 3,500 2,400
Greene	1	10% or less	No	Disfavor	2,100
Jackson	1	10% or less	No	Favor	15
Mississippi	1	10% or less	Yes	Favor	--
	=6		4 Yes/2 No		
<b>Central AR</b>					
Faulkner	3	11-20% 10% or less 10% or less	Yes Yes No	-- Favor --	-- 2,400 2,000
Garland	2	10% or less 10% or less	Yes Yes	Disfavor Favor	-- 2,500
Lonoke	1	11-20%	Yes	Favor	1,600
Pulaski	3	Over 50% 31-40% 11-20%	Yes Yes Yes	Disfavor Favor Favor	800 50,000 1,500
Saline	3	10% or less 11-20% 11-20%	Yes Yes No	Favor Disfavor Favor	1,700 -- 1,200
Hot Spring	1	10% or less	Yes	Favor	--
	=13		11 Yes/ 2 No		
<b>East AR</b>					
Crittenden	1	10% or less	Yes	--	2,000
Cross	1	10% or less	No	Disfavor	2,000
Phillips	1	11-20%	Yes	Favor	1,689
	=3		2 Yes/1 No		
<b>West AR</b>					
Polk	1	10% or less	Yes	Favor	1,400

Sebastian	4	10% or less 21-30% 10% or less 10% or less	Yes Yes No Yes	-- Favor Favor Favor	-- 1,500 1,500 1,300
Yell	1	31-40%	Yes	Favor	2,100
	=6		5 Yes/1 No		
<b>South AR</b>					
Ouachita	1	11-20%	Yes	Disfavor	1,600
Union	3	10% or less 10% or less 11-20%	Yes Yes Yes	Favor Favor Favor	-- 750 1,000
	=4		4 Yes		
<b>Southwest AR</b>					
Hempstead	1	41-50%	Yes	Favor	1,800
Miller	1	10% or less	Yes	Favor	1,200
Nevada	1	10% or less	Yes	Favor	200
Pike	1	10% or less	Yes	Favor	1,500
	=4		4 Yes		
<b>Southeast AR</b>					
Jefferson	3	31-40% Over 50% 41-50%	Yes Yes Yes	-- Disfavor Favor	1,400 1,800 1,500
			3 Yes		

While the responses of the judges residing in each area of the state vary, it is possible to note a few findings. With 13 altogether, the central Arkansas area had the highest number of judges who named their county of residence; and the judges residing in Pulaski County denoted some of the highest percentages of self-representation in their courts (responses include: Over 50%; 31-40%; and 11-20% of their cases had at least one SRL).

In addition, high instances of pro se representation were noted by judges living in Hempstead, Jefferson, and Yell counties. Judges from Jefferson County in southeast Arkansas seemed to have the most consistent answers, as all three assigned a higher percentage (31-40%; Over 50%; and 41-50% respectively) for the number of cases with at least one SRL and all stated the number of SRLs had increased over the last three years.

In the future, more in-depth research gauging the prevalence of SRLs by area of the state would be insightful.

## IV. Implications

Based on the findings from the courthouse data efforts and the statewide judges' survey, there are some apparent trends and comparisons that speak to the prevalence and impact of self-representation on SRLs and circuit courts in Arkansas. This section will briefly discuss significant conclusions from the research presented above.

### ***County Courthouse Data***

First, the exploratory study of courthouse-specific data covering three diversely demographic counties provides a valuable glimpse into pro se activity. The findings from the research above leads to several conclusions:<sup>26</sup>

- There is a “gap” between the number of plaintiffs/petitioners with representation and the number of defendants/respondents with representation, as plaintiff/petitioners obtain representation more regularly than defendants/respondents.
- All three counties demonstrated higher numbers of SRLs in Domestic Relations cases, with the most prevalent numbers in the Domestic Abuse area.
- Also notable with this data is that defendants/respondents rarely obtain representation in Debt, Unlawful Detainer, and Foreclosure cases.
- Finally, in all three county samples, overall case length and outcomes varied consistently regardless of representation for one or both parties; as a result, no sufficiently supportable trend could be identified with this particular study.

Additionally, the demographic differences among the three counties did not seem to impact the overall findings in this research. While Cleburne and St. Francis counties encompass similar levels of population and rural geography, their racial and poverty make-ups are starkly different, as St. Francis has the largest minority population of all three counties and is the poorest of all three counties. Yet, the percentages of represented and unrepresented plaintiff/petitioners and defendant/respondents between the three counties are similarly distributed, as presented below with the case data for January 2011:

- Cleburne: 16.1% below poverty level, and a total percentage of **93%** with at least one unrepresented party for Jan. 2011
  - **33%** were unrepresented plaintiffs/petitioners
  - **93%** were unrepresented defendant/respondents
- Pulaski: 15.4% below poverty level, and a total percentage of **91%** with at least one unrepresented party for Jan. 2011
  - **27%** were unrepresented plaintiffs/petitioners
  - **91%** were unrepresented defendant/respondents

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<sup>26</sup> Recall, the courthouse-specific findings are not generalizable to every county in the state; while these results may represent trends in other counties, it is also possible they do not. As a result, the findings here are limited to these three counties only and with the particular sample of cases gathered.

- St. Francis: 30.7% below poverty level, and a total percentage of **100%** with at least one unrepresented party for Jan. 2011
  - **29%** were unrepresented plaintiffs/petitioners
  - **100%** were unrepresented defendant/respondents

As shown, St. Francis County did encompass the highest percentage of unrepresented defendants of the three counties, but when considering its poverty level is about double that of Cleburne and Pulaski counties, one would expect a larger gap in the number of unrepresented parties for St. Francis County.

### ***Survey Research Data***

The second component of this project, the survey research, also garnered some very insightful information based on a sample of Arkansas circuit court judges' first-hand perceptions. With an excellent 50% response rate and diverse residential locations of the respondents across the state, the survey findings are representative of the larger circuit court judge population.

The sample of respondents also included a good variety of time on the bench and annual caseload numbers. The largest percentage of judges have served for over 12 years, which is a positive for this survey as the longer the service, the more likely it would seem a judge could respond from an informed, experienced perspective towards SRLs.

In fact, as outlined in the previous section, the findings from the survey data collection resulted in many revealing conclusions. The following is a quick summary:

- 59% of judges have about "10% or less" of their total caseloads with at least one SRL
- 84% of judges have seen an increase in the number of SRLs over the last three years
- Of those who noted an increase, 65% saw the increase in both plaintiffs/petitioners and defendant/respondents
- About 36% of judges indicated there are usually more pro se defendants/respondents seen in court than plaintiffs/petitioners
- Divorce and Domestic Abuse are the top two types of cases where judges most regularly see SRLs, followed by other Domestic Relations cases and Debt cases
- 91% of judges indicated differences in how efficiently cases are conducted where one or more parties are represented by counsel as compared to where one or more parties are unrepresented
- About 68% of judges noted the duration of the case from filing to close is longer with unrepresented parties, and 43% noted there are fewer motions presented with unrepresented parties
- General themes and concerns voiced by judges included issues with the length of the case, appearance of favoritism, the expectation judge will help SRLs,

SRLs' lack of understanding and familiarity with basic courtroom and procedural rules, and overall adequacy of representation

- Where parties are not represented, 78% of judges feel case outcomes are negatively affected
- 84% of judges expressed that case outcomes favored represented parties over unrepresented parties
- 79% of judges refer SRLs to legal services programs and 64% refer to the legal services website
- About 73% of the judges said SRLs use the self-help resources located at [www.arlegalservices.org](http://www.arlegalservices.org)
- For the judges who had used the self-help resources in their courts, 63% believed them to be beneficial to their court and court operations
- About 65% of judges thought the self-help resources were also beneficial to the pro se litigants themselves
- 82% of judges favored “brochures describing the procedures by case type” and 78% favored “approved forms that pro se litigants must use” when asked what type of service would be most helpful for their court in dealing with SRLs
- 92% of judges were interested in the “brochure – Pro Se in the Courtroom”
- 57% of judges indicated they would be willing to give legal aid pro bono attorneys priority on their docket

### ***Similarities and Differences between Courthouse Data and Survey Data***

One of the most significant similarities between the courthouse-specific data and the survey research was the finding that Domestic Relations cases have higher numbers of unrepresented parties. Overwhelmingly, the greatest amount of unrepresented parties was in the Domestic Abuse category. Additional support showing domestic abuse cases make up the category with the most SRLs is also found in the brief reference material from Phillips County (one of the poorest counties in Arkansas) detailing pro se cases for 2009.<sup>27</sup> This material focuses primarily on domestic relations cases; however, it does not indicate the total 2009 number of cases for percentage purposes or whether the defendant/respondent was self-represented in the cases.<sup>28</sup> Nonetheless, the numbers speak clearly. In 2009, Phillips County had a total of 74 pro se domestic relations cases. Of this total, 52 were domestic abuse, 21 were Divorce and one was Custody. Even though this data set is brief, it adds another county perspective to this report's findings on the prominence of SRLs in Domestic Relations cases.

In addition to Domestic Relations cases, the judges from the survey indicated Debt cases as encompassing higher percentages of unrepresented parties and this is supported by the courthouse-specific data also, in so far as none of the defendants in any of the three counties' samples obtained representation for Debt cases.

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<sup>27</sup> See Appendix 5 for the document and Appendix 1 for the poverty level of Phillips County

<sup>28</sup> The reference material also fails to include probate case data, and the civil information that was provided only included cases not assessed in this research. As a result, only the domestic relations raw pro se data is applicable in this report.

Another significant finding from the courthouse-specific data uncovered a consistent “gap” between the number of plaintiffs/petitioners with representation and the number of defendants/respondents with representation for all three counties, regardless of demographic make-up. Specifically, percentages showed plaintiff/petitioners obtaining representation more regularly than defendants/respondents. Yet, judges’ responses in the survey did not rise to a similar “gap”—the responses only slightly indicated more pro se defendants/respondents than plaintiffs/petitioners. There could be many reasons for this difference (and others) between data sets, including the possibility that judges’ considered other factors in answering the question.<sup>29</sup> Such subjective inferences in survey answers may can be minimized or more consistently accounted for in future survey research by the Commission.<sup>30</sup>

Finally, while both data sets aimed to gauge the impact of SRLs on court operations and efficiencies, the representative survey research proved more illustrative. As discussed, no sufficiently supportable trend could be identified with the courthouse-specific data; yet, the judges noted that there were indeed differences in how efficiently cases were conducted when one or more parties were unrepresented, including the length of the case being longer and fewer motions presented with unrepresented parties. Additionally, judges noted that the outcome of SRLs’ cases were negatively affected, tending to disfavor unrepresented parties over represented parties.

Based on several additional comments and open-ended responses, it is also important to note that some judges expressed that many considerations go into determining the impact of SRLs on the length and outcome of cases, including the particular type of case, whether or not the case was contested, and whether or not the other party in the case was also pro se. Therefore, some judges believe court efficiency “depends” on the circumstances of each case individually. This survey finding is significant here, because the “it depends” answer goes to support the finding from the courthouse-specific data sets—where no solid trend was detectable as individual cases in most all case types varied as to case length and outcomes regardless of representation for plaintiff/petitioner and/or defendant/respondent. However, as mentioned earlier, more promising findings may result from a larger sample of county courthouses across the state

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<sup>29</sup> Such as instances where some unrepresented defendants do not even show up to court nor submit response documents

<sup>30</sup> Perhaps by asking more detailed, specific inquiries where judges are asked only to consider certain factors

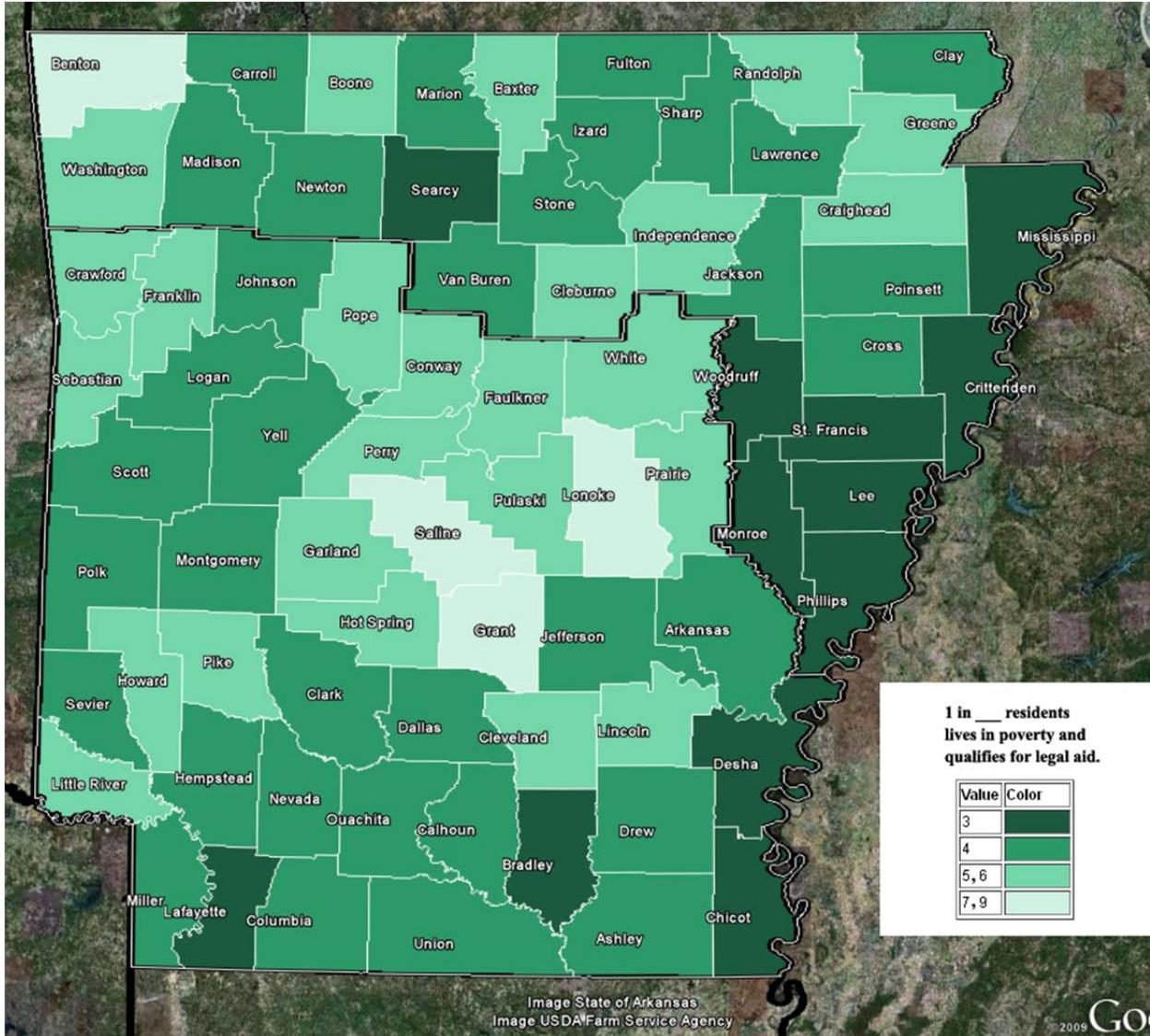
## V. Conclusion

Based on this research, it is clear that the numbers of SRLs have increased over the last several years, which is no surprise when considering the wavering economic conditions in the United States. Even further, results show that self-representation has a negative effect on the efficiency of court operations and case outcomes that disfavor unrepresented parties. However, a majority of the judges surveyed believe the self-help resources provided by legal services are beneficial to both the court and SRLs.

Overall, this project research and report aimed to build up a foundation for future work and research on pro se representation in Arkansas. This study refines the methodology of never-before conducted courthouse research and details significant findings from both a county-specific level and, with the survey, a broader statewide level. As a result, the efforts of this project can easily be continued by future researchers.

# Appendices

## Appendix 1: Where is Poverty in Arkansas?

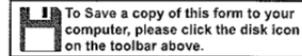


Located online at: <http://www.arkansasjustice.org/online/node/76>

## Appendix 2: Sample Case Cover Sheets with Case Types

**Multiple claims.** If a complaint asserts multiple claims which involve different subject matter divisions of the circuit court, the cover sheet for that division which is most definitive of the nature of the case should be selected and completed.

### COVER SHEET STATE OF ARKANSAS CIRCUIT COURT: CIVIL



The civil reporting form and the information contained herein shall not be admissible as evidence in any court proceeding or replace or supplement the filing and service of pleadings, orders, or other papers as required by law or Supreme Court Rule. This form is required pursuant to Administrative Order Number 8. Instructions are located on the back of the form.

**FILING INFORMATION**

County: \_\_\_\_\_ District: \_\_\_\_\_ Docket Number: CV \_\_\_\_\_

Judge: \_\_\_\_\_ Division: \_\_\_\_\_ Filing Date: \_\_\_\_\_

Plaintiff: \_\_\_\_\_ Defendant: \_\_\_\_\_

Attorney Providing Information: \_\_\_\_\_  
 Plaintiff  Defendant  Intervenor Address \_\_\_\_\_

Litigant, if Pro Se: \_\_\_\_\_ Address \_\_\_\_\_

Related Case(s): Judge \_\_\_\_\_ Case Number(s) \_\_\_\_\_

**Type of Case:**

<b>Torts</b>	<b>Equity</b>	<b>Miscellaneous</b>
<input type="checkbox"/> (NM) Negligence: Motor Vehicle	<input checked="" type="checkbox"/> (FC) Foreclosure	<input type="checkbox"/> (CD) Condemnation
<input type="checkbox"/> (NO) Negligence: Other	<input checked="" type="checkbox"/> (QT) Quiet Title	<input type="checkbox"/> (RE) Replevin
<input type="checkbox"/> (BF) Bad Faith	<input type="checkbox"/> (IJ) Injunction	<input type="checkbox"/> (DJ) Declaratory Judgment
<input type="checkbox"/> (FR) Fraud	<input type="checkbox"/> (PT) Partition	<input checked="" type="checkbox"/> (UD) Unlawful Detainer
<input type="checkbox"/> (MP) Malpractice	<input type="checkbox"/> (OT) Other _____	<input type="checkbox"/> (IN) Incorporation
<input type="checkbox"/> (PL) Product Liability		<input type="checkbox"/> (EL) Election
<input type="checkbox"/> (OD) Other _____		<input type="checkbox"/> (FJ) Foreign Judgment
<b>Contracts</b>		<input type="checkbox"/> (WT) Writs
<input type="checkbox"/> (IS) Insurance		<input checked="" type="checkbox"/> (AA) Administrative Appeal
<input checked="" type="checkbox"/> (DO) Debt: Open Account		<input type="checkbox"/> (CF) Property Forfeiture
<input type="checkbox"/> (PN) Debt: Promissory Note		<input type="checkbox"/> (RD) Remove Disabilities
<input type="checkbox"/> (EM) Employment		<input type="checkbox"/> (NC) Name Change
<input type="checkbox"/> (OC) Other _____		<input type="checkbox"/> (OM) Other _____

Jury Trial Requested:  Yes  No

Manner of Filing:  Original  Re-open  Transfer  
 Return from Federal/Bankruptcy Court

**DISPOSITION INFORMATION**

Disposition Date: \_\_\_\_\_  Bench Trial  Non-Trial  Jury Trial

<b>Judgment Type:</b>	<b>Dismissal Type:</b>	<b>Other:</b>
<input type="checkbox"/> (DJ) Default Judgment	<input type="checkbox"/> (DW) Dismissed with Prejudice	<input type="checkbox"/> (TR) Transferred to Another Jurisdiction
<input type="checkbox"/> (SJ) Summary Judgment	<input type="checkbox"/> (DN) Dismissed without Prejudice	<input type="checkbox"/> (RB) Removed to Bankruptcy Court
<input type="checkbox"/> (CJ) Consent Judgment		<input type="checkbox"/> (RF) Removed to Federal Court
<input type="checkbox"/> (TJ) Trial Judgment		<input type="checkbox"/> (AR) Arbitration
<input type="checkbox"/> (OJ) Other Judgment		
<input type="checkbox"/> (PG) Petition Granted		
<input type="checkbox"/> (PD) Petition Denied		
<input type="checkbox"/> (DF) Decree of Foreclosure		

Judgment For:  Plaintiff  Defendant  Both Judgment Amount: \$ \_\_\_\_\_

Clerk's Signature  
AOC 23 10-01  
625 Marshall Street  
Little Rock, AR 72201

Date \_\_\_\_\_

Send 1 paper or electronic copy to AOC upon filing.  
Send 1 paper or electronic copy to AOC upon disposition  
Keep original in court file

Effective 1-1-2002

Multiple claims. If a complaint asserts multiple claims which involve different subject matter divisions of the circuit court, the cover sheet for that division which is most definitive of the nature of the case should be selected and completed.

**COVER SHEET  
STATE OF ARKANSAS  
CIRCUIT COURT: DOMESTIC RELATIONS**

The domestic relations reporting form and the information contained herein shall not be admissible as evidence in any court proceeding or replace or supplement the filing and service of pleadings, orders, or other papers as required by law or Supreme Court Rule. This form is required pursuant to Administrative Order Number 8. Instructions are located on the back of the form.

**FILING INFORMATION**

County: \_\_\_\_\_ District: \_\_\_\_\_ Docket Number: DR

Judge: \_\_\_\_\_ Division: \_\_\_\_\_ Filing Date: \_\_\_\_\_

Plaintiff: \_\_\_\_\_ Defendant: \_\_\_\_\_  
Last Name First Name Last Name First Name

Date of Marriage: \_\_\_\_\_  
Month Day Year

Attorney Providing Information: \_\_\_\_\_  
 Plaintiff  Defendant Address \_\_\_\_\_

Litigant, if Pro Se: \_\_\_\_\_  
 Address \_\_\_\_\_

Related Case(s): Judge \_\_\_\_\_ Case Number(s) \_\_\_\_\_

Type of Case: (Select One) *All except annulment & separate maintenance*  IV-D Case (For OCSE use only)

<input type="checkbox"/> (DV) Divorce	<input type="checkbox"/> (CS) Custody/Visitation	<input type="checkbox"/> (DA) Domestic Abuse
<input type="checkbox"/> (DS) Divorce w/Support	<input type="checkbox"/> (SP) Child Support	<input type="checkbox"/> (FJ) Foreign Judgment
<del><input type="checkbox"/> (AN) Annulment</del>	<input type="checkbox"/> (PT) Paternity	<input type="checkbox"/> (CT) Contempt
<input type="checkbox"/> (SM) Separate Maintenance	<input type="checkbox"/> (PS) Paternity/Support	<input type="checkbox"/> (BA) Body Attachment
		<input type="checkbox"/> (OT) Other _____

Manner of Filing:  Original  Re-Open  Transfer

**DISPOSITION INFORMATION**

Disposition Date: \_\_\_\_\_  Bench Trial  Non-Trial  Jury Trial

Decree or Judgment Type:  (JD) Divorce Granted  (OD) Other Decree  (OJ) Other Judgment

Dismissal Type:  (DW) Dismissed with Prejudice  (DN) Dismissed without Prejudice

Other:  (TR) Transferred to Another Jurisdiction

Family Information:  
 There are no children born of the marriage.  
 There are children born of the marriage; See Confidential Data AOC Form 35

Public Law 104-193 Information:

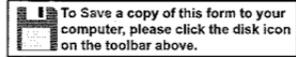
<input type="checkbox"/> (C) Custody Placed With:	<input type="checkbox"/> Plaintiff	<input type="checkbox"/> Defendant	<input type="checkbox"/> Other (Name) _____
<input type="checkbox"/> (CS) Child Support	<input type="checkbox"/> New	<input type="checkbox"/> Modified	<input type="checkbox"/> Terminated
<input type="checkbox"/> (SS) Spousal Support	<input type="checkbox"/> New	<input type="checkbox"/> Modified	<input type="checkbox"/> Terminated
<input type="checkbox"/> (OP) Order of Protection	<input type="checkbox"/> Plaintiff	<input type="checkbox"/> Defendant	<input type="checkbox"/> Child
<input type="checkbox"/> (IW) Income Withholding			

Judgment Amount \$ \_\_\_\_\_

Clerk Signature \_\_\_\_\_  
 AOC 24 7-05  
 625 Marshall Street  
 Little Rock AR 72201

Date \_\_\_\_\_  
 Send 1 paper or electronic copy to AOC upon Filing  
 Send 1 paper or electronic copy to AOC upon Disposition  
 Keep original in Court file

**Effective 8-12-2005**



**Multiple claims.** If a complaint asserts multiple claims which involve different subject matter divisions of the circuit court, the cover sheet for that division which is most definitive of the nature of the case should be selected and completed.

**COVER SHEET  
STATE OF ARKANSAS  
CIRCUIT COURT: PROBATE**

The probate reporting form and the information contained herein shall not be admissible as evidence in any court proceeding or replace or supplement the filing and service of pleadings, orders, or other papers as required by law or Supreme Court Rule. This form is required pursuant to Administrative Order Number 8. Instructions are located on the back of the form.

**FILING INFORMATION:**

County: \_\_\_\_\_ District: \_\_\_\_\_ Docket Number: PR

Judge: \_\_\_\_\_ Division: \_\_\_\_\_ Filing Date: \_\_\_\_\_

In the Matter of: \_\_\_\_\_

Attorney Providing Information: \_\_\_\_\_ Address \_\_\_\_\_

Litigant, if Pro Se: \_\_\_\_\_ Address \_\_\_\_\_

Related Case(s): Judge \_\_\_\_\_ Case Number(s): \_\_\_\_\_

**TYPE OF CASE:**

- |  |  |
|--|--|
| <input type="checkbox"/> (DE) Decedent Estate Administration | <input type="checkbox"/> (CP) Conservatorship          |
| <input type="checkbox"/> (AA) Ancillary Administration       | <input type="checkbox"/> (CV) Civil Commitment         |
| <input checked="" type="checkbox"/> (SE) Small Estate        | <input type="checkbox"/> (AL) Alcoholic Commitment     |
| <input type="checkbox"/> (TA) Trust Administration           | <input type="checkbox"/> (NC) Narcotic Commitment      |
| <input checked="" type="checkbox"/> (GD) Guardianship        | <input type="checkbox"/> (PC) Adult Protective Custody |
| <input checked="" type="checkbox"/> (AD) Adoption            | <input type="checkbox"/> (OT) Other _____              |

**MANNER OF FILING:**  Original  Re-open  Transfer

**DISPOSITION INFORMATION:**

Disposition Date: \_\_\_\_\_  Bench Trial  Non-Trial  Jury Trial  
 Small Estate

*Disposition Type*

- (JD) Judgment/Decree/Order
- (DW) Dismissed with Prejudice
- (DN) Dismissed without Prejudice
- (TR) Transferred

\_\_\_\_\_  
Clerk Signature

\_\_\_\_\_  
Date

AOC 25 10-01  
625 Marshall Street  
Little Rock, AR 72201

**Effective 1-1-2002**

Send 1 copy to AOC upon filing.  
Send 1 copy to AOC upon disposition.  
Keep original in court file

## **Appendix 3: Excel Files Containing Raw Data from the Courthouses**

*Attach Separately from Excel files – Cleburne, Pulaski, & St. Francis*

## Appendix 4: Survey for Circuit Court Judges

<b>Arkansas Access to Justice Commission Survey of Arkansas Circuit Court Judges</b>
--

**1. Approximately, what percentage of cases in your court has at least one self-represented litigant (SRL)?**

- **10% or less = 58.9% (33)**
- 11-20% = 21.4% (12)
- 21-30% = 5.4% (3)
- 31-40% = 5.4% (3)
- 41-50% = 5.4% (3)
- Over 50% = 3.6% (2)

answered question 56

skipped question 2

**2. In the past three [3] years have you seen an increase in the number of people representing themselves?**

- **Yes 83.9% (47)**
- No (Go to Question 4) 16.1% (9)

answered question 56

skipped question 2

**3. If yes, have you noticed that increase in self-representation among plaintiffs/petitioners, defendants/respondents, or both?**

- Plaintiffs/Petitioners 23.9% (11)
- Defendants/Respondents 10.9% (5)
- **Both 65.2% (30)**

answered question 46

skipped question 12

**4. Which one of the following is most true for your court?**

- There are usually more pro se Plaintiffs than pro se Defendants - 33.9% (19)

- **There are usually more pro se Defendants than pro se Plaintiffs - 35.7% (20)**
- The pro se numbers for Plaintiffs and Defendants are about the same - 30.4% (17)

answered question 56

skipped question 2

**5. In what types of cases do you regularly see self-represented litigants? [Please check all that apply.]**

- **Divorce/Separation/Annulment 83.0% (44)**
- **Orders of Protection/Domestic Abuse 83.0% (44)**
- Child/Spousal Support 66.0% (35)
- Child Custody/Visitation 58.5% (31)
- Name Change 50.9% (27)
- Foreclosure 5.7% (3)
- Debt/Open Account 56.6% (30)
- Collection/Auto Repossession/Garnishment 20.8% (11)
- Landlord/Tenant – Unlawful Detainer/Writ of Possession 28.3% (15)
- Petitions to establish Paternity 28.3% (15)
- Contracts 9.4% (5)
- Guardianship 17.0% (9)
- Adoption 3.8% (2)
- Homeownership/Real Property [Quiet Title/Foreclosure/Ejectment] 7.5% (4)
- Wills/Affidavit of Small Estates 7.5% (4)
- Administrative Appeals 7.5% (4)
- Other (please specify) (6)

answered question 53

skipped question 5

**6. Of the above types of cases, which would you say have more pro se litigants? Please rank your top 5 by assigning the category a number, 1 representing the area with the most pro se litigants.**

- **Divorce/Separation/Annulment - 83.3% (45)**
- **Orders of Protection/Domestic Abuse - 83.3% (45)**
- Child/Spousal Support - 72.2% (39)
- Child Custody/Visitation - 55.6% (30)
- Name Change - 38.9% (21)
- Foreclosure - 1.9% (1)
- Debt/Open Account - 42.6% (23)
- Collection/Auto Repossession/Garnishment - 9.3% (5)

- Landlord/Tenant – Unlawful Detainer/Writ of Possession - 20.4% (11)
- Petitions to establish Paternity - 20.4% (11)
- Contracts - 1.9% (1)
- Guardianship - 13.0% (7)
- Adoption - 0.0% (0)
- Homeownership/Real Property [Quiet Title/Foreclosure/Ejectment] - 1.9% (1)
- Wills/Affidavit of Small Estates - 3.7% (2)
- Administrative Appeals - 1.9% (1)

answered question 54

skipped question 4

**7. What are your concerns about self-represented litigants in your court? Please explain those concerns.**

- Open-Ended Response Count - 51

**8. Are there differences in how efficiently cases are conducted where one or more parties are represented by counsel when compared to where one or more parties are unrepresented?**

- **Yes (Go to Question 9) 91.1% (51)**
- No (Go to Question 10) 8.9% (5)
- Other (please specify) (1)

answered question 56

skipped question 2

**9. If yes, what are the key differences in efficiencies? Please check all that apply and explain.**

- **Duration of the case from filing to close is longer with unrepresented parties - 68.2% (30)**
- Duration of the case from filing to close is shorter with unrepresented parties - 25.0% (11)
- More Hearings with unrepresented parties - 34.1% (15)
- Fewer Hearings with unrepresented parties - 22.7% (10)
- More motions with unrepresented parties - 11.4% (5)
- Fewer motions with unrepresented parties - 43.2% (19)
- Other efficiency or time differences? Please explain. (25)

answered question 44

skipped question 14

**10. In general, what are some other key differences, if any, you have observed between cases where parties are represented by counsel and cases where parties are not represented?**

- Open-Ended Response Count - 43

**11. More specifically, in your experience, how do case outcomes compare between cases with self-represented parties and cases with parties that are represented by counsel?**

- Open-Ended Response Count – 48

**12. In cases where parties are not represented, do you feel outcomes are affected positively, negatively, no difference, or other?**

- Positively 0.0% (0)
- **Negatively 78.3% (36)**
- No Difference 21.7% (10)
- Other (please specify) (13)

answered question 46

skipped question 12

**13. Do case outcomes tend to favor or disfavor a represented party over a self-represented party?**

- **Favor 84.4% (38)**
- Disfavor 15.6% (7)
- Other (please specify) (13)

answered question 45

skipped question 13

**14. Do you refer unrepresented litigants to any of the following? Please check the appropriate ones.**

- **Legal Services Programs 78.8% (41)**
- Legal Services Website 63.5% (33)
- Bar association 28.8% (15)

- Social Service agencies 7.7% (4)
- Public or Law library 11.5% (6)
- Old case files or similar case files 15.4% (8)
- Law School Clinic 11.5% (6)
- No Referral 13.5% (7)
- Other (please specify) (4)

answered question 52

skipped question 6

**15. Have pro se litigants in your court used the self-help resources (forms and directions) developed by the Commission or Arkansas Legal Services Partnership to assist courts in Arkansas? (Resources located at [www.arlegalservices.org](http://www.arlegalservices.org))**

- **Yes 73.2% (41)**
- No 8.9% (5)
- Don't Know 17.9% (10)

answered question 56

skipped question 2

**16. If your court has used these resources, have they been beneficial to your court? Please explain.**

- **Yes 62.7% (32)**
- No 9.8% (5)
- Not Applicable 27.5% (14)
- Please explain. (26)

answered question 51

skipped question 7

**17. Also, have the resources been beneficial to the pro se litigants? Please explain.**

- **Yes 65.4% (34)**
- No 13.5% (7)
- Not Applicable 21.2% (11)
- Please explain. (24)

answered question 52

skipped question 6

**18. What would be the most helpful service to your court in dealing with pro se litigants? Please check all that apply.**

- Approved forms that pro se litigants must use 78.0% (39)
- **Brochures describing the procedures by case type 82.0% (41)**
- An on-site pro se facilitator 38.0% (19)
- Regular pro se clinics for litigants 22.0% (11)
- Pre-trial conferences for litigants 6.0% (3)
- Training of court personnel on how to work with pro se litigants 32.0% (16)
- Toll-free help line 46.0% (23)
- Videos which explain courtroom procedures and etiquette 44.0% (22)
- A court sanctioned website with links 46.0% (23)
- General information 18.0% (9)
- Other (please specify) (9)

answered question 50

skipped question 8

**19. Please estimate your annual caseload number.**

- Open-Ended Response Count - 48

**20. Would you in your court be willing to give legal aid pro bono attorneys priority on your docket?**

- **Yes 57.1% (32)**
- No 16.1% (9)
- Undecided 26.8% (15)

answered question 56

skipped question 2

**21. How long have you been a judge?**

- 0-4 years 20.0% (11)
- 5-8 years 21.8% (12)
- 9-12 years 18.2% (10)
- **Over 12 years 40.0% (22)**

answered question 55  
skipped question 3

**22. What is your gender?**

- Female 22.6% (12)
- **Male 77.4% (41)**

answered question 53  
skipped question 5

**23. What county do you live in?**

- Open-Ended Response Count - 51

**24. Please indicate which of the following items your court would be interested in.**

- Brochure – Legal Information vs. Legal Advice 76.6% (36)
- **Brochure – Pro Se in the Courtroom 91.5% (43)**
- Website Training 21.3% (10)
- Serving as a resource contact 6.4% (3)
- Other (please specify) (4)

answered question 47  
skipped question 11

**25. Finally, please use the space below for any additional comments or ideas you would like to share with the Commission.**

- Open-Ended Response Count - 11

## **Appendix 5: Phillips County 2009 Limited Reference Data**

*Attach PDF separately – emailed to and on file with Amy Johnson*