

May 2008

## Washington's Courthouse Facilitator Programs for Self-Represented Litigants in Family Law Cases: Summary Report

### BACKGROUND

Washington's courthouse facilitators have been providing services to large numbers of self-represented litigants in family law cases since 1993. Initially operating in seven counties, programs currently operate in 35 of Washington's 39 counties. Through these programs facilitators provide a variety of services to help litigants with paperwork and procedures in order to improve access to justice, the quality of justice, and court efficiency.

Washington's courthouse facilitator programs, however, have not been systematically examined since the initial months of operation nearly fifteen years ago. Therefore, this study was designed to address a number of questions:

- What are the characteristics of programs currently in operation?
- How many customers use facilitator services statewide?
- What are the characteristics of customers, what services do they receive, and are they satisfied with services?
- What impact do facilitator programs have on court operations and self-represented litigants' court experiences?

### RESEARCH METHODS

This study used multiple research methods to collect information from approximately 1,000 individuals across the state during 2007. Individuals included courthouse facilitators, program administrators, family law judicial officers, program customers, and other family law litigants. The specific methods included:

- Surveys of facilitators regarding general program information and the number of customers served
- Customer questionnaires distributed before and after every facilitator meeting held in four counties (Kitsap, Lewis, Thurston, and Yakima) during a 30-day period
- A 53-item Court Experiences Survey mailed to 2,163 family law litigants across the state

- An open-ended survey of all family law judicial officers and courthouse facilitator program administrators
- Analysis of case processing information obtained from the Administrative Office of the Courts' Judicial Information System

### FINDINGS

#### *Program Characteristics*

As seen in Exhibit 1, facilitator programs vary considerably in size, structure, services, and fees. Thirteen programs are administered by county clerks, ten are under the direction of a superior court, nine counties contract with independent facilitators, and one county has facilitators employed by both the clerk and the court.

While all facilitator programs provide similar "basic services" as outlined under GR 27, counties differ in the ways they meet the needs of their customers. One common element is that all programs provide the opportunity for one-on-one meetings with a facilitator. About 9 out of 10 programs (91%) schedule appointments, and the majority of programs also set aside time to see customers on a walk-in basis. The maximum length of meetings, however, ranges from 20 minutes up to two hours. Approximately 30% of programs offer meetings between 20 and 30 minutes, 15% offer meetings between 40 and 45 minutes, and 45% offer one-hour appointments or longer. In an effort to meet the demand given limited resources, many programs have developed classes and workshops for common case types, such as divorce orientation classes, to help customers get started with the court process.

To fund the programs, counties typically collect the \$20 courthouse facilitator filing fee surcharge on domestic case filings (the maximum allowed by law). Most programs also charge a user fee that ranges from \$0 - \$80 per hour for in-person visits (although many programs waive or adjust fees). Most programs also sell forms and/or instructional materials ranging from 15 cents per-page up to \$70 for detailed instructional books. Many counties rely on the filing fee surcharge, user fees, and the sale of forms and booklets to generate most, if not all, of the revenue to sustain their program.

## Exhibit 1. Facilitator Program General Characteristics

County	Program Administrator	CFs	Hrs/Week	Modes of Service*	Max Meeting Length	User Fees**	Required Services
Asotin/Col./Garfield	Contracted Services	1	23.5	Appt, WI, Impr, Tel, Groups	60	0	No
Benton	County Clerk	1	41	Appt, Impr, Tel	60	\$40/case	Visit prior to motions/entry of orders
Chelan	County Clerk	1	25	Appt, WI, Impr, WC	30	\$20/visit	No
Clallam	Contracted services	1	27	WI	90	0	No
Clark	County Clerk	2	40	Appt, WI	20	\$20/visit	No
Cowlitz	County Clerk	1	37.5	Appt, WI, Impr, Tel, WC	30	\$20/visit	Visit prior to final orders
Douglas	Contracted services	1	15	Appt, WI, Impr, Tel	60	0	No
Ferry	Contracted services	1	4	Appt, Tel	60	0	No
Franklin	Contracted services	1	4	Appt	60	\$25/visit (\$15 add visits)	Review of docs prior to entry
Grant	County Clerk	1	40	Appt, WI, Impr, Tel, WC	60	0	No
Grays Harbor	County Clerk	1	20	Appt, Impr, Tel	30	\$20/visit (if diff. county)	--
Island	Contracted services	1	24	Appt, Tel, WC, Groups	60	\$20/visit	Review parenting plans, Child Support worksheet, orders
Jefferson	County Clerk	1	8	Appt, WI, Tel	60	\$20/visit	Visit prior to final orders
King	Superior Court	4	140	Appt (interpreters), WI, Tel, WC	60	0	No
Kitsap	County Clerk	2	60	Appt, WI, Impr, WC	40	\$25 Appt, \$20 WI	Visit if unsuccessful at final hearing
Klickitat	County Clerk	2	1	Appt	30	\$25/visit	No
Lewis	Contracted services	1	18	Appt, WI, Impr, Tel	60	\$20-70/visit	No
Lincoln	County Clerk	2	40	WI, Impr, WC	--	0	--
Mason	Superior Court	1	20	Appt, WI	60	0	--
Okanogan	Superior Court	1	24	Appt, WI, Tel, WC	Varies	0	Visit prior to motions/final orders, parenting plan and worksheet prep, scheduling of court dates
Pacific	Contracted services	1	4	Appt	45	\$30/visit	No
Pend Oreille	Contracted services	1	4	Appt, Tel	60	\$10/visit	No
Pierce	County Clerk	2	75	Appt, Impr, Tel, WC, Groups	60	\$10/visit	No
San Juan	Superior Court	1	4	Appt, WI	60	\$20/visit	Review of docs related to children
Skagit	Superior Court	2	40	Appt, WI, Impr	30	0	Visit prior to final hearing
Skamania	Superior Court	1	Varies	Appt, WI, Impr, Tel	30	\$25/visit	No
Snohomish	County Clerk	3	120	Appt, WI	60	0	No
Spokane	Superior Court	1	37.5	WI, Impr, Tel, WC, Groups	Varies	0	No
Stevens	County Clerk	1	4	Appt	60	\$20/visit	No
Thurston	County Clerk/Superior Court	2	80	Appt, Tel, Groups	30	\$20/visit	Orientation (Dissos w/ Children), review of final paperwork
Walla Walla	Superior Court	1	20	Appt, WI, Impr, Tel, WC, Groups	120	0	Select forms, review of documents
Whatcom	Superior Court	2	80	Appt, WI, Tel, WC	40	\$10 Appt, \$5 WI	Visit prior to final hearing
Yakima	Superior Court	1	40	Appt, Tel, WC, Groups	30	\$40/visit, \$25/class	To finalize divorce

Note: No courthouse facilitator program in Adams, Kittitas, Wahkiakum, and Whitman counties.

\* Appt = in-person appointments;  
 WI = walk-in meetings;  
 Impr = impromptu meetings (e.g., immediately before a hearing);  
 Tel = telephone;  
 WC = written correspondence;  
 Groups = group meetings/ presentations

\*\* Does not include filing surcharge or fees for forms, instructional materials, or printing/copying

## Program Usage

During 2007, facilitators across the state conducted approximately 57,000 sessions with customers that lasted at least ten minutes (the typical session lasting considerably longer). Approximately 1,000 customers received services in group settings such as workshops or classes. Further, it was estimated that an additional 50,000 brief service contacts were made during the year, for an annual total of 108,000 customer contacts statewide. These estimates do not include customer contacts made for strictly administrative purposes (e.g., scheduling or reminder calls).

## Customer Demographics and Satisfaction

Customer demographics are presented in Exhibit 2. The majority of facilitator program customers were women (69%), had a monthly income less than \$2,000 per month (63%), and had, at most, a high school education (56%). Most (60%) said they were representing themselves in their family law case because they could not afford an attorney.

Exhibit 2. Demographic Characteristics

Sample Characteristics	Total (N=385)
<b>Age</b>	
< 18	1%
18 -- 25	15%
26 -- 35	33%
36 -- 45	30%
46 -- 55	15%
> 55	7%
<b>Gender</b>	
Female	69%
Male	31%
<b>Race/Ethnicity</b>	
African American	3%
Asian/Pacific Islander	5%
Hispanic/Latino	16%
Native American/Eskimo/Aleut	2%
White, non-Hispanic	73%
Other	1%
<b>Monthly Income</b>	
\$500 or less	16%
\$501 -- \$1,000	15%
\$1,001 -- \$1,500	18%
\$1,501 -- \$2,000	15%
\$2,001 -- \$3,000	12%
\$3,001 -- \$4,000	13%
Over \$4,000	12%
<b>Education</b>	
8th grade or less	4%
9th -- 11th grade	10%
High School/GED	42%
Some college/AA	35%
Bachelor's degree	7%
Advanced degree	3%

The vast majority of facilitator program customers were very satisfied with the services they received (see Exhibit 3). More than 90% agreed or strongly agreed that they felt more knowledgeable and prepared immediately after a visit with a facilitator, 98% said they were treated with respect, and 82% said they had more trust and confidence in the courts.

Exhibit 3. Customer Satisfaction Survey (N=328)

Survey Item	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
The meeting was helpful	82%	16%	1%	1%	0%
I know what I need to do next	77%	21%	1%	1%	0%
I am more prepared for my next court appearance	71%	20%	7%	2%	0%
I understood the information and instructions I received	77%	19%	3%	1%	0%
The facilitator treated me with respect	88%	10%	1%	0%	1%
The meeting was worth the cost	80%	14%	5%	0%	1%
I have more trust and confidence in the courts	60%	22%	15%	1%	2%
I know where to go to get legal advice	67%	24%	8%	1%	1%

## Court Experiences of Facilitator-Assisted, Unassisted, and Attorney-Represented Family Law Litigants

A total of 2,163 family law litigants were mailed a Court Experiences Survey after their case had been resolved. Of the 481 survey respondents, 216 self-represented litigants received assistance from a facilitator ("facilitator assisted"), 103 self-represented litigants did not receive any assistance from a facilitator ("unassisted"), and 162 litigants were represented by an attorney ("attorney-represented").

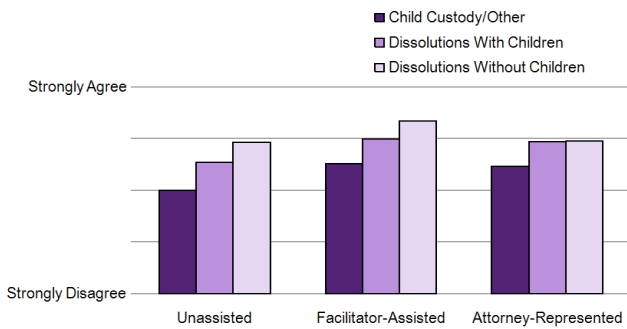
Litigants rated their court experiences on a scale ranging from "strongly agree" to "strongly disagree". Survey items assessed a broad range of court experiences including preparation for court, effectiveness presenting information, perceptions of procedural justice (e.g., being treated with respect, feeling heard by the judge), satisfaction with proceedings, outcomes, and representation, and general trust and confidence in the courts. The ratings of the three litigant groups were compared across case types (dissolutions with children, dissolutions without children, and child custody/other), controlling for a number of demographic variables (i.e., age, gender, education, income) as well as whether the other party was represented by an attorney.

Although facilitator-assisted, unassisted, and attorney-represented litigants did not differ with respect to how prepared they felt going into court, when it came to their actual court appearance, facilitator-assisted litigants reported more positive experiences than unassisted litigants. Facilitator-assisted litigants were more likely to indicate they knew what to do during their court

appearance and were able to effectively present their case. In addition, they were more likely to say that the judicial officer heard everything about their case they thought was important (see Exhibit 4). There were no differences between the ratings of facilitator-assisted litigants and attorney-represented litigants on these items.

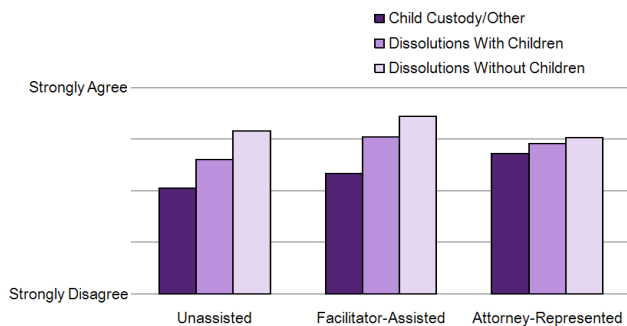
Regarding case types, self-represented litigants involved in child custody cases reported the greatest difficulties during court proceedings.

**Exhibit 4**  
Judge/Commissioner Heard Everything That Was Important



Similar findings existed on items assessing satisfaction with the court proceedings and the overall outcome of the case. Self-represented litigants who used facilitator services reported being more satisfied with both the court proceedings and the outcome than those who did not use facilitator services (see Exhibit 5). They were also more likely to think the judge’s decision was fair. In addition, facilitator-assisted litigants consistently reported being as satisfied as those who were represented by attorneys.

**Exhibit 5**  
Satisfied with the Outcome of the Case

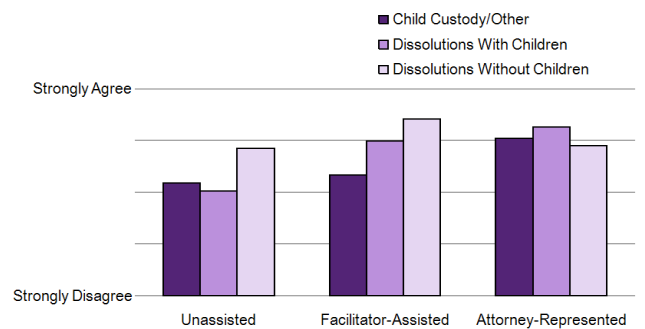


Again, significant differences existed across case types, with child custody/other litigants less satisfied and those involved in dissolutions with children, who in turn were less satisfied than those in dissolutions without children. The most satisfied individuals were facilitator-assisted litigants

involved in dissolutions without children.

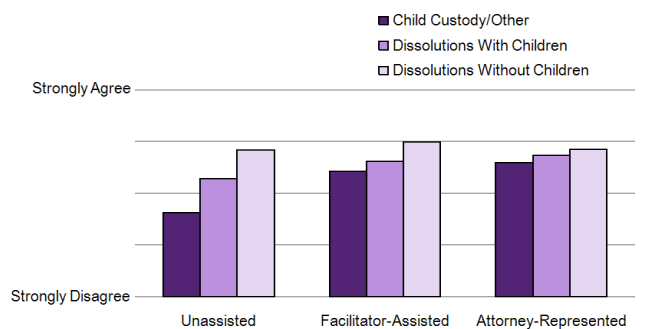
With respect to choice of representation (i.e., self or attorney), self-represented litigants (facilitator-assisted and unassisted) involved in dissolutions without children, and attorney-represented litigants in all case types, were generally satisfied with their decision about representation. Unassisted litigants in cases involving children (i.e., child custody and dissolutions with children) reported being the least satisfied with self-representation. If self-represented litigants received assistance from a facilitator, they were more likely to say they would choose the same form of representation if they had to do it over again—unless they were involved in a child custody/other type of case (see Exhibit 6).

**Exhibit 6**  
Would Choose Same Form of Representation



One item on the Court Experiences Survey asked litigants if they had trust and confidence in the courts. Again, statistically significant differences existed across case types and litigant groups. Those involved in dissolutions without children were the most likely to agree they had trust and confidence in the courts, followed by dissolutions with children, then child custody/other case types. Self-represented unassisted litigants reported the least trust and confidence, while facilitator-assisted and attorney-represented litigants reported similar levels (see Exhibit 7).

**Exhibit 7**  
Have Trust and Confidence in the Courts



## Judicial Officers' and Program Administrators' Perceptions of Program Impact

Twenty judicial officers and 16 program administrators (representing 26 different programs) responded to an open-ended survey that asked, in part, about their program's impact on litigants, proceedings, case processing, and access to justice, as well as current challenges facing the program.

Thirty-five of the 36 respondents (97%) indicated that their courthouse facilitator program was having a significant positive impact on litigants and was improving access to justice. The three common themes were: (1) facilitator programs open the doors of the courts to a greater number of litigants, especially those with limited financial resources, (2) facilitators reduce litigants' distress, and (3) facilitators help litigants navigate the system. In addition, judicial officers and program administrators were unanimous in their belief that their courthouse facilitator program had a positive impact on case processing and courtroom proceedings by increasing efficiency and improving the quality of the proceedings.

Regarding current challenges facing courthouse facilitator programs, the most common issues mentioned were (in order of frequency) funding, legal advice and legal aid, and training. Approximately two-thirds of respondents mentioned that current resources were insufficient to adequately meet the demand for services. Nearly one-third of respondents mentioned the difficulty facilitators face in distinguishing between legal information and legal advice, and the difficulty litigants face in trying to obtain free legal advice when it is needed. Approximately one-quarter of respondents said initial and ongoing training continued to be a challenge.

### Impact on Case Processing

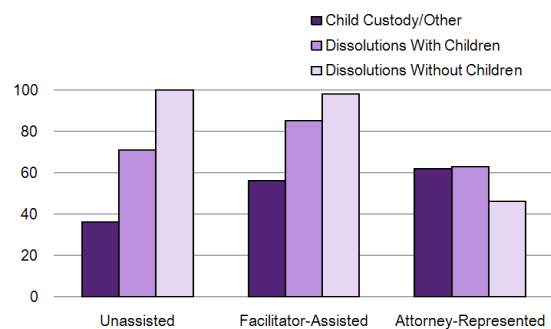
Information from the Judicial Information System was also used to examine whether facilitator programs improved court efficiency. One measure of court efficiency is the length of time from filing to resolution. Analyses were conducted on the percentage of cases resolved within 10 months of the date of filing. The 10-month period was chosen based on case management time standards for domestic cases.

Because case time is affected by the representation of both parties, combinations of the parties' representation were determined based on the responses from the Court Experiences Survey. Three combinations of representation were compared: (1) both parties self-represented, with at least one party assisted by a facilitator; (2) both parties self-represented, with at least one party unassisted; and (3) both parties represented by attorneys.<sup>1</sup>

<sup>1</sup> Because survey respondents could not provide information on whether an opposing party who self-represented had used facilitator services, a "pure" unassisted group (i.e. both parties known to have not used any facilitator services) could not be identified. Therefore, this analysis is a relatively weak test of program impact.

The percentage of cases resolved within 10 months was then examined across the three combinations of case representation for the three categories of case types (dissolutions with children, dissolutions without children, child custody/other; see Exhibit 8). For dissolutions without children, nearly all cases in which both parties self-represented (98%) were resolved within 10 months, regardless of facilitator services. When both parties were represented by an attorney, only 46% of cases were resolved in 10 months. For dissolutions with children, 85% of cases with at least one party assisted by a facilitator were resolved in a timely manner, in comparison to 71% of cases with at least one party unassisted, and 63% with both parties represented. And for child custody and other domestic case types, the rates were 56% for facilitator-assisted, 36% for unassisted, and 62% for attorney-represented litigants. It should be noted that the analysis leaves aside other factors, such as case complexity, that can affect processing times.

Exhibit 8  
Percent of Cases Resolved Within 10 Months



Another aspect in which facilitators are presumed to have an important impact on case processing is in the reduction in the number of continuances and hearings due to their review of paperwork prior to litigants' court appearances. It is also possible that facilitators help keep litigants organized and on track, and thereby reduce the likelihood that litigants will fail to appear for court. To investigate these issues, three types of docket codes in the Judicial Information System were examined: the number of continuances, the number of proceedings stricken for non-appearance, and the number of hearings held.

Analyses indicated that cases in which both parties were represented by an attorney had more continuances, more proceedings stricken due to non-appearance, and more hearings held than cases with other combinations of representation across all case types. No differences were found between the facilitator-assisted and unassisted groups on any of the measures.

The analysis of case processing data available in the JIS provided some evidence that facilitator-assisted litigants proceed more quickly through the court system and

improve court efficiency. The available data, however, were limited and lacked a level of precision and detail necessary to fully explore the impact of facilitator programs on court operations.

## SUMMARY AND CONCLUSIONS

This study used a multi-source, multi-method approach to provide an overall assessment of courthouse facilitator programs as currently implemented around the state and to identify issues for consideration for those who develop, implement, and fund their respective programs.

Results from this study indicate that courthouse facilitator programs have become a vital component of the court community's response to self-representation in family law cases. By opening the doors of the courthouse to a large number of individuals who cannot afford legal representation, by reducing litigants' anxiety and confusion about the legal process and their situation, and by helping litigants navigate a complex system of forms and procedures, facilitator programs have, by all accounts, significantly improved the administration of justice.

Further, this study demonstrates that self-represented litigants who use facilitator services, as a whole, have more positive court experiences, have a greater sense that justice was served, and have more trust and confidence in the courts than those who do not use facilitator services.

Results of this study, however, also indicate that facilitator-assisted litigants' perceptions of facilitator services depends upon their type of court case. Litigants in dissolutions without children, arguably the least contentious and complex of family law cases, are more satisfied with the services they receive and have more positive court experiences than individuals involved in dissolutions with children. Further, those involved in child custody cases are consistently the least satisfied of all.

While it may be that the very nature of certain types of cases affects litigants' perceptions of the courts and the services they receive, it also suggests that facilitator programs and the courts should consider altering their approach with respect to the different needs and challenges of different litigants and case types. Ongoing program development and research, as well as collaboration among members of the court community, will be needed to better understand and address these issues.

If you have questions about this report, please contact Thomas George at [thomas.george@courts.wa.gov](mailto:thomas.george@courts.wa.gov).

The complete report is available at <http://www.courts.wa.gov/wsccl/?fa=ccr.publications>.