

Evaluation of Queensland Public
Interest Law Clearing House
Self Representation Service

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Executive Summary

Australian courts are encountering significant numbers of self-represented litigants (SRLs) and these litigants generate a range of issues for judges and court registry staff. The Queensland Public Interest Law Clearing House (QPILCH) has operated a self representation service (SRS) in the civil division of the Queensland Supreme and District Courts and Court of Appeal since 2007.

The SRS provides users with discrete task legal advice and assistance throughout the progress of their civil litigation, from drafting and amending pleadings, to disclosure of documents, preparation of evidence, conducting settlement negotiations and preparing for trial. SRLs are offered a one hour appointment with a solicitor while ongoing assistance is provided only to those unable to pay for private legal representation. The QPILCH SRS has provided the model for the establishment of a service for SRLs in the federal court registries across Australia currently being undertaken with funding from the Commonwealth Attorney-General's Department.

With support from the Australasian Institute of Judicial Administration, QPILCH sought assistance from the researchers to conduct an independent evaluation of its SRS. The first part of the evaluation involved a survey of judges, their associates and registry staff in relation to their understanding of the work of the SRS. It addressed their knowledge of the service, their referral practices and their opinions of the stages of litigation at which the SRS can be most constructively engaged.

The second part of this research focused on the experiences of users who access the Self Representation Service. This research was conducted via surveys distributed at the time of clients' initial meeting with a Service representative (Time 1) and via a follow-up survey that was mailed out to clients (Time 2). The survey was designed to assess clients' perceptions from a stress and coping perspective.

Responses from judges, their associates and court registry staff supported the performance of the SRS. The respondents identified the key purpose served by the SRS as it being an additional check on glaring injustice and a safeguard of the rights of SRLs. This was recognised as an important role and contribution made by the SRS to the workings of the court system. The data indicates that members of the judiciary and other court personnel are satisfied with the operation of the SRS and the benefits it generates for the SRLs it serves. Judges value the presence of the SRS in the court and are aware that it provides them with the opportunity to make an immediate referral from the bench.

The surveys of SRLs who used the SRS reported receiving a significant amount of both emotional and instrumental support from the Service. Respondents also evaluated both types of support as being positive, and felt that they had a common purpose with the Service. Self-efficacy and response efficacy, essentially the extent to which respondents thought they could manage their legal problem by themselves, were both relatively low (and below the mid-point of the scale). Respondents' wellbeing was also only modest, and below the mid-point of the response scale. Finally, the level of reported negative coping behaviours (e.g., denial, self-blame) was low.

The evaluation team have made recommendations designed to improve the effectiveness of the SRS in relation to the following matters:

- Publicising the SRS;
- Data collection;
- Communication with the courts;
- Working with the justice sector;
- Referral processes; and
- Further research.

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Introduction

Australian civil justice processes tend to be structured with an expectation that litigants will have had the benefit of legal advice and that they will have legal representation. This can no longer be taken for granted as the numbers of self-represented litigants (SRLs) have increased.¹ While limited legal aid availability and rising legal costs oblige many litigants to self-represent, others are SRLs by choice. Navigating the legal system can challenge SRLs and can be stressful and expensive. While courts have made various process changes to assist them, SRLs pose challenges for legal practitioners, court staff and the judiciary. They may have limited understanding of legal issues and processes and this can raise concerns for other parties.

The Queensland Public Interest Law Clearing House (QPILCH) has operated a self representation service (SRS) in the civil division of the Queensland Supreme and District Courts and Court of Appeal since October 2007.² The SRS provides users with discrete task legal advice and assistance throughout the progress of their civil litigation, from drafting and amending pleadings, to disclosure of documents, preparation of evidence, conducting settlement negotiations and preparing for trial. All SRLs who approach the Service with proceedings in the appropriate courts are offered a one hour appointment with a solicitor (either a volunteer or staff member) but ongoing assistance is provided only to those unable to pay for private legal representation.³

The SRS was developed with reference to a similar scheme conducted at the Royal Courts of Justice in London by the Citizens Advice Bureau. In January 2010, the Service expanded its operation into the jurisdiction of the Queensland Civil and Administrative Tribunal (QCAT)⁴ and in July 2011, QPILCH commenced a pilot service for six months in the Federal Court of Australia (Brisbane Registry).⁵

The QPILCH SRS is a national leader in delivering advice and assistance to SRLs. Elsewhere in Australia, services are provided to SRLs by organisations such as community legal centres, legal aid agencies and the PILCH bodies in Victoria and New South Wales.⁶ Beyond QPILCH and various courts, there appears to have been little recent innovation in SRL service delivery in Australia. In 2013, QPILCH received funding from the Commonwealth Attorney-General's Department and the Federal Court to operate a part-time pilot of the SRS in the Brisbane Registry of the Federal Court and Federal Circuit Court. The pilot stage of the Brisbane Federal Court SRS was independently evaluated by Dr Cate Banks, Cate Banks Consulting and, following that evaluation, the Commonwealth Attorney-General's Department provided funding for a national roll-out of the service in the registries of federal courts in all states and territories that is now under way.

While QPILCH has produced reports on the operation of the SRS and articles have been published in several journals, QPILCH has not had the capacity or funds to conduct a thorough evaluation. QPILCH recognised the importance of having these services independently evaluated and this resulted in approaches to each of the members of the evaluation team.⁷ This evaluation project is distinctive in

¹ Elizabeth Richardson, Tania Sourdin & Nerida Wallace, 2012, *Self-Represented Litigants: Literature Review*, ACJI, Monash University, Melbourne, available at <http://www.civiljustice.info/srl/>.

² Tony Woodyatt, Allira Thompson and Elizabeth Pendlebury, 'Queensland's self-representation services: A model for other courts and tribunals' (2011) 20 *Journal of Judicial Administration* 225

³ Tony Woodyatt, Allira Thompson and Elizabeth Pendlebury, 'Queensland's self-representation services: A model for other courts and tribunals' (2011) 20 *Journal of Judicial Administration* 225

⁴ Andrea de Smidt and Kate Dodgson, 'Unbundling our way to outcomes: QPILCH's Self Representation Service at QCAT, two years on' (2012) 21 *Journal of Judicial Administration* 246.

⁵ Banks C, "Evaluation of Effectiveness of Queensland Public Interest Law Clearing House – Self Representation Service in Federal Court and Federal Magistrates Court Brisbane" (Cate Banks Consulting, June 2012).

⁶ Some of these services are described in Elizabeth Richardson, Tania Sourdin & Nerida Wallace, 2012, *Self-Represented Litigants: Gathering Important Information. Final Report*, ACJI, Monash University, Melbourne, available at <http://www.civiljustice.info/srl/>, 83-87.

⁷ Professor Giddings was a founding member of the QPILCH Management Committee, serving on the Committee from 2001 to 2010. He is a member of the QPILCH Self Representation Service Reference Group.

terms of its focus on seeking to understand the mental well being of users of the service. It sought insights from service users and from those working in the court system.

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- Those litigants and court officials who took the time to respond to our request to complete the relevant survey;
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- The Honourable Justice Margaret White, former Judge of Appeal.

Conduct of the research

The research has been undertaken by Professor Jeff Giddings (Griffith University), Associate Professor Blake McKimmie (University of Queensland) and Dr Cate Banks (Cate Banks Consulting) and Tamara Butler (University of Queensland). The research team has operated independently of QPILCH. While it was necessary to have QPILCH staff and volunteers involved in the distribution of the survey to SRS users, this involvement was limited to the distribution process of that part of the research. All survey responses were directed to the research team and the analysis and findings contained in this report have not been developed with input from QPILCH. A draft of the report was shown to QPILCH staff prior to finalisation with a view to identifying and addressing any inaccuracies.

The evaluation project has been supported by a funding grant of \$10,000 from the Australasian Institute of Judicial Administration. These funds were used for some of the initial work conducted by Dr Cate Banks to design survey instruments, conduct fieldwork, and collate survey data while the rest of her time has been contributed on a *pro bono* basis. Professor Giddings and Associate Professor McKimmie have contributed their time and their research assistants' time on a *pro bono* basis.

Research objectives

The objectives of this research related to:

- Identifying the demand for such services and the data processes for recording demand and service by the court and the Service;
- Understanding the utility/appropriateness of the current services, in terms of cost-effectiveness, accessibility, addressing the legal and emotional needs of litigants;
- Considering access to justice for self-represented litigants; and
- Identifying appropriate arrangements (in terms of both service provision and resourcing) to sustain this type of service.

To ascertain whether the SRS improved the access to justice of service users, the following issues were addressed:

Effectiveness of self-representation services

- Does the service better prepare litigants to conduct their proceedings to finality, including greater use of mediation services and informal resolution?
- What information should be collected and what processes are needed to more readily ascertain the effectiveness of the service on an ongoing basis?
- Are the Service's procedures for assessing the merit of applications adequate?
- Does the assistance the Service provides meet the Service's objectives?

Pathways, critical points and roadblocks

- What court rules may particularly impede self-represented litigants' access to the courts and navigation through the system and how can they be improved for self-represented parties?
- What are the relevant referral pathways followed by self-represented litigants and what are the critical points along those pathways?
- What are the best ways to explain those critical points to self-represented litigants?

Consequences of self-representation

- What is the emotional impact of self-representation on the parties and are there better strategies for ameliorating that impact?
- What initiatives can be used to assist litigants to reduce the impact of their litigation on them, their families, other parties and the courts?

Self-represented litigants

It is widely acknowledged that SRLs are increasingly prominent in civil justice processes and present significant challenges for courts, tribunals and legal service agencies. A series of government and non-government reports have highlighted the need for better understanding of the prominence of SRLs in terms of their numbers, attributes and impacts.⁸ To date, the study of SRLs in Australia has not been systematic or comprehensive. Much of the Australian research in this area was conducted in the early 2000s and relates to the family law jurisdiction.⁹

⁸ Australian Institute of Judicial Administration and the Federal Court of Australia 2004, *Forum on Self-Represented Litigants*, AIJA, Sydney, available at <http://www.aija.org.au/online/SRLForumReport.pdf>; Cate Banks, Rosemary Hunter & Jeff Giddings, Australian Innovations in Legal Aid Services: Balancing Cost and Client Needs, Socio-Legal Research Centre, Griffith University 2006; Senate Legal and Constitutional Affairs References Committee, *Access to Justice*, December 2009, http://www.aph.gov.au/senate/committee/legcon_ctte/access_to_justice/report/index.htm, Elizabeth Richardson, Tania Sourdin & Nerida Wallace, 2012, *Self-Represented Litigants: Literature Review*, ACJI, Monash University, Melbourne, available at <http://www.civiljustice.info/srl/>.

⁹ John Dewar, Barry Smith, & Cate Banks, 2000, *Litigants in Person in the Family Court of Australia – Research Report No 20*, Family Court of Australia, available at <http://www.familycourt.gov.au/wps/wcm/resources/file/ebb87e04879610d/report20.pdf>, Family Law Council 2000, *Litigants in Person: A Report to the Attorney-General prepared by the Family Law Council*, Family Law Council, Canberra, Rosemary Hunter, Jeff Giddings & April Chrzanowski, 2003, *Legal Aid and Self-Representation in the Family Court of Australia*, Griffith University, available at <http://www.nationallegalaid.org/assets/Family->

The Australian Senate's Legal and Constitutional Affairs References Committee's 2009 report *Access to Justice*¹⁰ recommended that federal, state and territory governments quantify the economic effects that self-represented litigants have on the justice system (recommendation 16), that federal courts and tribunals report self-representation data publicly (recommendation 17), and that federal, state and territory governments jointly fund and establish a comprehensive duty solicitor scheme in high need areas in self-represented matters (recommendation 18). The Australian Government agreed in principle to recommendation 16 and noted recommendations 17 and 18.¹¹

Part of the policy challenges presented by SRLs relates to the limited data available about their experiences and characteristics. Research conducted through the Griffith Socio-Legal Research Centre developed a framework for understanding the capacity of SRLs to effectively address their legal concerns.¹² The research involved gathering data on the experiences of legal self-helpers SRLs in a range of contexts – including transactional legal work along with litigation and in civil and family law jurisdictions. In situations where citizens act in legal matters without representation by lawyers or other professionals, the quality, conduct and experience of their self-help legal work will be positively or negatively influenced by a large number of potential variables, which can be grouped into three main factor sets:

- *The context/environment*, referring to the general setting in which the self-help legal activity is carried out. Contextual factors include the utility of the physical environment from the self-helper's perspective, the quality and levels of information, support or assistance available to self-helpers, as well as the attitudes and practices of the officials and other players who inhabit the spaces in which this work is performed.
- *The legal work itself*, or the kind of "legal transaction" being undertaken, including its nature and the type of legal activity required to complete it; hence, its level of difficulty or otherwise from the self-helper's perspective, which was referred to by the shorthand of its degree of "legal complexity".
- The actual users of the legal transactions themselves, the self-helpers, referring to their *variable personal characteristics* including, for example, their age group, gender, vocation, income level, skill set and language abilities. Some of these, such as skills and language abilities, might significantly facilitate or hinder the conduct of the matter at hand. Personal characteristics also include attitudinal characteristics of the users, such as levels of motivation, engagement and commitment. We refer to this set throughout the article as the "personal factors".¹³

[Law/NLAselfrepFCA.pdf](#), John Dewar, Bronwyn Jerrard & Fiona Bowd, 'Self-representing Litigants: A Queensland Perspective', (2002) 23 *The Queensland Lawyer*, 65.

¹⁰ Senate Legal and Constitutional Affairs References Committee, *Access to Justice*, December 2009, http://www.aph.gov.au/senate/committee/legcon_ctte/access_to_justice/report/index.htm.

¹¹ Government response to Senate Legal and Constitutional Affairs References Committee report *Access to Justice* December 2009, http://www.ag.gov.au/www/agd/agd.nsf/Page/Legalaid_LegalAid

¹² Merran Lawler, Jeff Giddings & Michael Robertson, 'Opportunities and Limitations in the Provision of Self-Help Legal Resources to Citizens in Need' (2012) 30(1) *Windsor Yearbook of Access to Justice* 187, Rosemary Hunter, Cate Banks & Jeff Giddings, 'Australian Innovations in Legal Aid Services: Lessons From an Evaluation Study' in A. Buck, P. Pleasence & N. Balmer (eds) (2009) *Reaching Further: Innovation, Access and Quality in Legal Services*, The Stationary Office, London, Merran Lawler, Jeff Giddings & Michael Robertson, "'Maybe a Solicitor Needs to Know That Sort of Thing but I Don't'" User Perspectives on the Utility of Legal Self-Help Resources' in A. Buck, P. Pleasence & N. Balmer (eds) (2009) *Reaching Further: Innovation, Access and Quality in Legal Services*, The Stationary Office, London, Rosemary Hunter, Cate Banks and Jeff Giddings, 'Technology is the Answer...But What Was the Question? Experiments in the Delivery of Legal Services to Regional, Rural and Remote Clients' in P. Pleasence *et al*, (2007) *Transforming Lives: Law and Social Process*, The Stationary Office, London, Jeff Giddings & Michael Robertson, 'Large Scale Map or the A-Z? The Place of Self Help Services in Legal Aid' (2003) 30 (1) *British Journal of Law and Society* 102 & Jeff Giddings & Michael Robertson, "'Lay people, for God's sake! Surely I should be dealing with lawyers?'" Towards an assessment of self-help legal services in Australia' (2002) 11 (2) *Griffith Law Review* 436.

¹³ Michael Robertson and Jeff Giddings, 'Self-advocates in civil legal disputes: how personal and other factors influence the handling of their cases' (2014) 38 *Melbourne University Law Review* (forthcoming).

Robertson and Giddings note the importance of recognising the likelihood that these factors are often inter-connected as far as the self-helper's own performance is concerned. For example, even when users of particular legal processes are extremely well served with documentary and other resources, their ability to understand and manage their dispute more effectively will often also depend upon (1) whether or not they find the legal tasks and process daunting (complexity factors), as well as (2) their own skills and approach to the tasks and processes at hand, including whether or not they themselves approach these with a positive and constructive attitude (personal factors).¹⁴

A literature review on SRLs published in 2012 by the Australian Centre for Justice Innovation at Monash University drew on international research that identified the following different groups of SRLs:

- SRLs with an overall lack of social resources;
- Low income SRLs with limited social resources;
- SRLs with additional social barriers impacting on their capacity to access services;
- SRLs who want legal representation but are unable to locate an available lawyer;
- SRLs who previously had legal representation;
- SRLs in matters where representation is supposed to be unnecessary; &
- SRLs who prefer to be self-represented.¹⁵

¹⁴ Michael Robertson and Jeff Giddings, 'Self-advocates in civil legal disputes: how personal and other factors influence the handling of their cases' (2014) 38 *Melbourne University Law Review* (forthcoming).

¹⁵ Elizabeth Richardson, Tania Sourdin & Nerida Wallace, 2012, *Self-Represented Litigants: Literature Review*, ACJI, Monash University, Melbourne, available at <http://www.civiljustice.info/srl/>.

Research Part One – Insights From the Courts

The Research

The initial phase of the evaluation involved a survey of judges, their associates and registry staff in relation to their understanding of the work of the SRS. It addressed their knowledge of the service, their referral practices and their opinions of the stages of litigation at which the SRS can be most constructively engaged.

Methodology

The research commenced in February 2012 with the first phase to collect data from the courts, registry staff, judicial officers, associates and other potential referral bodies and stakeholders including Legal Aid Queensland and community legal centres. The research took much longer than expected because of the low response rate. Potential participants were contacted three times at three month time intervals. Data collection was completed in early 2013.

Sources of data

Surveys

A directed email survey was commenced to engage appropriate sources including members of the judiciary, judicial associates, registry staff and potential referral agencies to invite them to participate in the study. There was a disappointing response to the initial survey and as a result the decision was made to rerun the survey, three months after the initial deployment. This was repeated once more nearing the end of 2012. All of the responses received came from within the courts and were sent directly to the researcher Dr Cate Banks.

There were no responses from any of the potential referral agencies. Due to time and budgetary constraints it was not possible to follow this up, and as a result it is not possible to draw any conclusions about this lack of response from non-court referral paths. It was also not possible to conduct individual interviews with participants to gain some further insight into the responses. This research would certainly have been enriched by hearing the views of other organisations.

Prior to the survey all participants were given an Information Sheet (see Appendix 1) which detailed the purpose of the research, the methodology, the way in which the data would be used and contact details in case there were any concerns about the ethical conduct of the research.

Ethical clearance

Distribution of the survey to court officers and staff was undertaken with the assistance and involvement of the relevant courts. The content of the survey was confined to respondents' professional engagement with and awareness of the SRS and, as the research was conducted by Dr Banks, ethical clearance was not considered necessary for that part of the project.

Survey of court and justice system personnel regarding awareness of the SRS.

A short survey (see Appendix 2) was distributed to a wide range of participants, including superior and intermediate State Courts – the Supreme Court, Court of Appeal and District Court – along with the court network organisation, Legal Aid Queensland, and members of the Queensland Association of Independent Legal Services. The surveys were sent to relevant contacts within the judiciary, court registry and relevant directors of the other organisations. Almost all were distributed via email, although some hard copies were provided to participants who asked for that format. A total of forty-three responses were returned anonymously to the researcher Dr Banks, and all those were from within the State courts themselves. There were no surveys returned from outside referral agencies. It is not clear why this was the case.

Of the surveys returned 14 were from Judicial Officers, 10 were from Judge's Associates and 16 were from registry staff. Anecdotally, Dr Banks was informed that some people were reluctant to fill in the

survey because they weren't quite sure whether they knew enough about the service and would be able to participate effectively. Dr Banks offered to run information sessions about the research to explain the purpose in a face-to-face forum to Registry staff but the offer was declined and some surveys were returned shortly afterwards.

The surveys were all returned to Dr Banks, either via email or via hard copy via post. These were de-identified and collated accordingly.

Research Questions

We had six main areas for participants to consider

1. General information regarding demographics
2. Knowledge of the service
3. Understanding of the purpose of the service
4. Referral to service – where and when (if any)
5. Opinion on stage of litigation process for necessary referral
6. Impact of the service on clients and on courts

Demographics of respondents

We only collected a small range of demographic information. All of the participants were from Brisbane, as a result we have decided not to provide the exact ages of all the participants to preserve anonymity. However, the age range of participants was 22 – 68, 4 participants chose not to reveal an age. In terms of gender distribution, there were 18 female participants (42%) and 24 male participants (58%)

Knowledge of the service

Seven of the 43 respondents had not heard of the Queensland Public Interest Law Clearing House. As per the survey form (attached at Appendix 2) that meant they went no further with the survey.

Understanding of the purpose of QPILCH service

We asked judges what they understood about the purpose of the service in order to see whether it aligned with the intentions of the service and whether judges had a working knowledge of the service guidelines. We know that these parties are involved in a traditionally adversarial system which is predicated on two equally matched parties presenting a case to an impartial judge. Judges and associates indicated that a number of self represented parties who present to court do so without skills and experience that they identify as a potential disadvantage in presenting their claim or defence effectively.

Most judges who explained why they did not refer matters to the SRS indicated that they thought the SRLs wanted to be self-represented. For those judges who did refer SRLs, the average number of referrals over a 6 month period was 2-3, although one judge had referred 10. Most judges answered that the most important steps for parties to receive information from the SRS were when the litigant was responding to an allegation of a defect or noncompliance which the other party is relying on to end proceedings. However it appears that when judges did make referrals, they referred litigants much later in the litigation process.

Purpose of the Service as Understood by Judges

- Offer Advice To Those Who Do Not Have Legal Rep In Relation To Conduct Of Proceedings
- Provide advice to SRL's and to assist them in preparation of documents if required in court proceedings
- Provide assistance to SRL's, particularly assist them in understanding and dealing with court process

- It assists self represented litigants with information about court procedures relevant to matters they are involved in and perhaps with adverse consequences or how to prepare their application and court documents
- To enable people to represent themselves in court
- Contact point to endeavour to locate legal assistance for litigants
- To provide assistance to SRL's and where possible to refer them to legal practitioners either pro bono or to seek legal aid (if that is possible)
- To assist but not represent unrepresented litigants desiring assistance
- To assist litigants without legal representation to take the practical steps necessary to prepare their case for hearing and determination or for alternative dispute resolution so that those who have a valid claim or defence do not find themselves unable to litigate because of their lack of understanding of the procedural requirements of court process. By providing free legal advice, it also assists those whose claim or defence is likely to be successful to prepare for trial or alternate dispute resolution and those claim or defence is unlikely to be successful to understand that continuing proceeding may not be in their interest
- To assist litigants prepare to represent themselves in proceedings and not to provide legal advice on it's own or to represent them in court
- To arrange pro bono assistance to unrepresented worthy litigants

The comments from judges associates seemed to be fairly similar to those of the judges regarding their understanding of the purpose of the SRS

Purpose of the Service as Understood by Judge's Associates

- The self representation service exists to provide advice self represented litigants on conducting matters. As I understand it, their role is not provide (substantive) legal advice generally but advice related to the conduct and procedure of litigation
- To help clients with legal information that we can't provide them with
- Assist people with preparing for court interactions
- Provide legal advice to those self represented litigants who have a matter that is of interest to QPILCH
- To assist those people who are SR in how to conduct their own proceedings where legal aid funding may not be available
- A service for self represented litigants in civil proceedings that are unable to afford their legal advice, but require advice to properly litigate their matter
- Assist self represented litigants with the court processes - what to do when etc
- To provide legal and procedural advice to self represented parties

Purpose of the Service as Understood by Registry Staff

- To help clients with legal information that the registry can't provide them with
- To assist self reps with legal advice
- To provide legal services on a voluntary basis to provide access to the legal system for these who would not normally be able to do so
- To assist self represented litigants investigate or respond to proceedings when they could otherwise not afford to proceed
- Provide fee free legal advice to SRL

- To assist SRL due to lack of funds or lack of knowledge with matters that are important to public interest
- To help people with no knowledge of the law/court/legal system
- Provides legal advice for free or reduced fees which assists self reps in their legal matters
- Without giving formal legal advice, direct unrepresented litigants to legislation, rules and forms, court practice, and procedures and generally assist these people prepare their cases but not appear on their behalf
- Assist economically disadvantaged in civil matters whose matter has a strong likelihood of success
- Free service offered by the courts to provide legal advice to self represented litigants
- To help self represented litigants prepare their cases for court by assisting them with forms fees and legislation
- To assist self represented clients with preparation of courts documents
- Service provides free confidential legal advice to self represented litigants who want to commence/conduct proceedings (civil) in the Supreme and District Court, you also provide assistance for litigants in the Court of Appeal

Referrals

We asked all participants whether they made referrals to the service and if so why (see Appendix 2).

- 14 judges responded, 12 of whom had heard of QPILCH, while 8 had made referrals.
- 10 judges associates responded, 8 of whom had heard of QPILCH.
- 18 registry staff responded, 15 of whom had heard of QPILCH.

On average, judges referred 2 or 3 matters over 6 months, with one judge referring 10.

Interestingly, most judges who explained why they did not refer said that they thought litigants wanted to be self represented. It would have been informative to pursue these comments more directly with the judges. We know from the surveys that Judges and their Associates did refer parties to the SRS for legal advice and information regarding their litigation on foot. From the comments made by judges it is clear that they do value the presence of the SRS in the court and are aware that it provides them with the opportunity to make an immediate referral from the bench.

As in previous research (Dewar, Smith and Banks), judicial officers continue to be concerned about the lack of legal assistance and advice for people who appear before them. However, there does not seem to be any consistency about when referrals to the service are taking place. For instance, there seems to be a disconnect between the stages at which judges consider SRLs need the service and the stages at which judges are making referrals. Judges indicated that parties may need to access legal assistance before the first mention date so as to receive legal advice regarding the merit of their claim or to file accurately completed documents. But they are not able to make referrals until a later stage in the litigation process, once the SRLs have appeared before them.

As mentioned earlier, the survey did not allow us the luxury of eliciting any further detail from any participants (from face to face interviews) to elaborate on their understanding about the purpose, availability and usefulness of the service. This would be an interesting research question to pursue and would shed some more light on what is going on.

The surveys and informal discussions with court staff did reveal that registry staff are the most likely to see SRLs at the coal face, have direct face-to-face contact right from the beginning of the process such

as the document filing stage. Although we have seen evidence that sometimes judges are making referrals directly from the bench, it's an arm's length transaction because of their role in the adversarial system. We also know from the data that other referrals are made via the Associates rather than by judges in court per se.

The surveys indicate that most participants who referred SRLs to the service, did so because they believed that those parties would have difficulty stating their issues clearly enough, either in the documents or in court regarding their dispute. Some of the participants have indicated that the knowledge of SRLs regarding procedural and documentary requirements was a limitation on their proceeding and that a referral to the SRS would be beneficial for that particular client.

The number of referrals varied between the participants. 8 out of the 14 judges answered that they had referred SRLs to the SRS at different stages of the litigation process.¹⁶ Five of the Judges Associates had made referrals.¹⁷ The referral rate from Registry staff was high - 14 out of the 16 participants (although 2 did not answer).

The timing of the referrals also differed between participants. Figure 1 below outlines the responses.

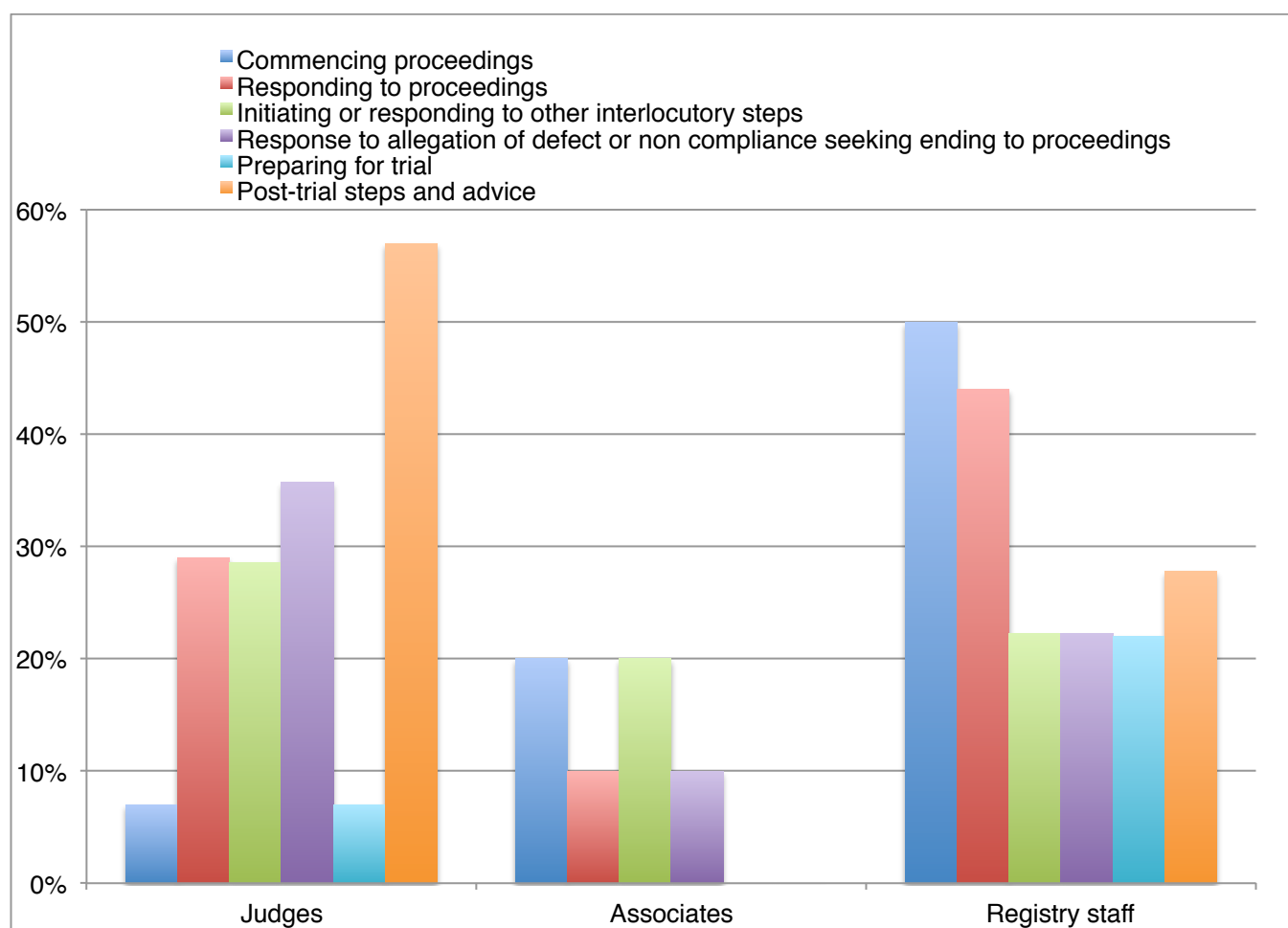


Figure 1. Timing of referrals

Most important point in litigation process to refer

Participants were also asked to rate the points in the litigation process at which they considered referral to the service was the most important (see Figure 2). Their responses were fairly uniform in identifying

¹⁶ Two did not answer the question

¹⁷ One respondent did not answer that question

the early stages of the process as most important, along with the trial preparation stage. The stage involving interlocutory steps was viewed by all three groups as less important.

We extracted the following comments from the participants to provide detail into the reasons for referral.

Main reasons for referral (quotes from judges)

- Concern that a reasonable claim/defence might not succeed and that there might be no prospect of settlement in absence of proper articulation of the SRL's case
- They do not understand what is required of them under the rules of court or generally in relation to the court process
- They appeared out of their depth but willing to learn
- Litigants mainly in applications who had no idea of what to do or where to go. I have referred all who I considered would be assisted
- In the Supreme Court many people appear in the applications jurisdictions without lawyers. I encourage them to seek assistance. I have had the responses that QPILCH cannot help them which I interpret meaning that they did not like the advice they got from QPILCH
- Person needed help
- Parties being disadvantaged by not being represented
- I suspected that they might have a good case which they were unable to put forward properly or to put forward without assistance

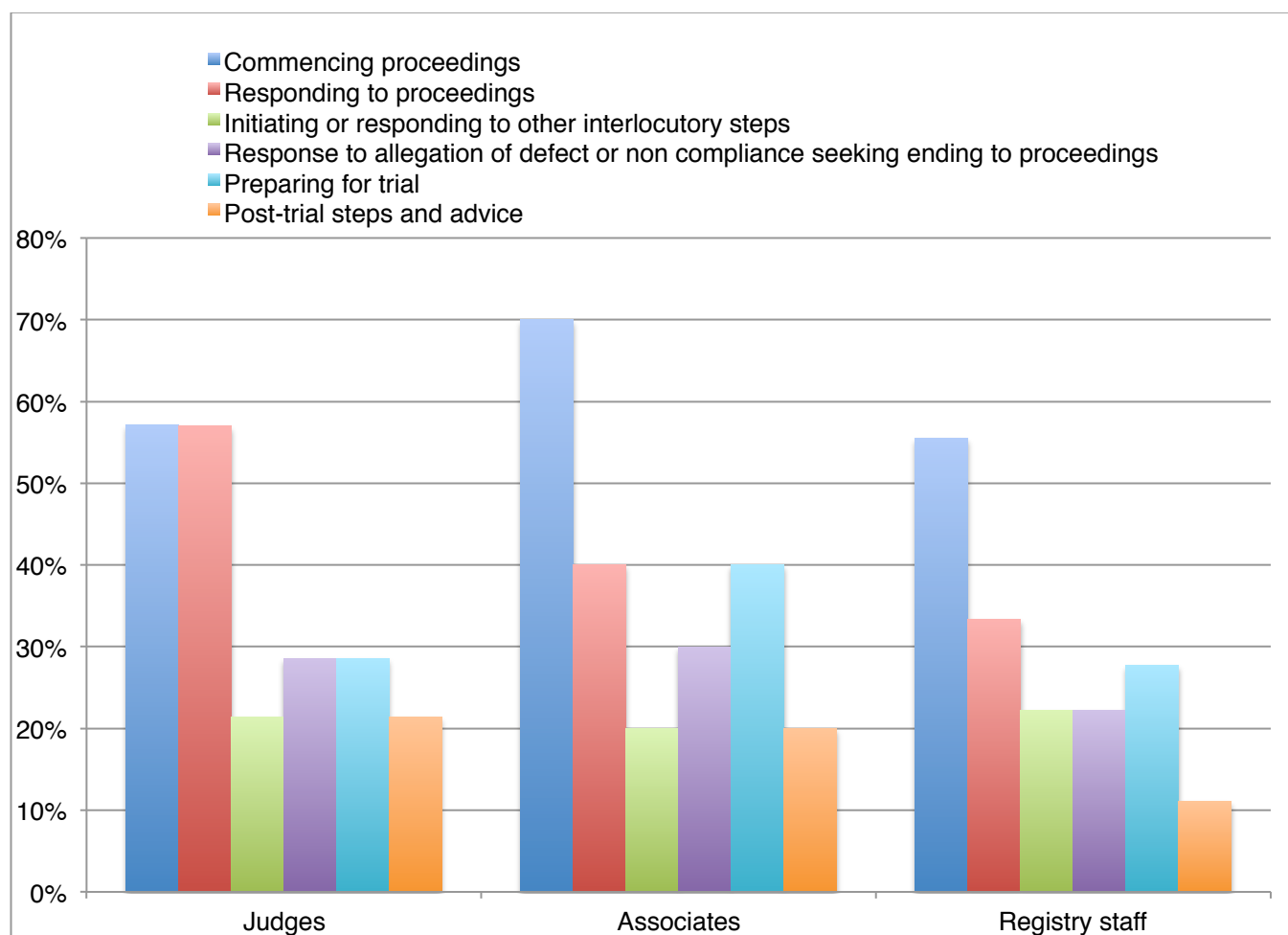


Figure 2. Most important time to refer

Main reasons for referral (quotes from Judges Associates)

- The service is a very worthwhile one helping to increase access to the law and assisting in the efficient administration of justice. Dealing with self represented litigants (in my case most frequently by email) is difficult when fundamental concepts to lawyers are not known to self represented litigants. For example, not including judge's associates in contentious correspondence or disclosing without prejudice communications to the court without agreement from other parties.
- More information made available about the service (ie pamphlets at courts etc) - and address explicitly the limitations of the service
- I can't answer question 9 as I don't know what became of the one litigant that His Honour referred to the service. From the perspective of an associate the service is useful because it gives an option the Judge to adjourn the matter and refer a litigant to the service, rather than simply summarily dismissing their application, or summarily ordering judgement against them. It gives them an extra chance.

Main reasons for referral (quotes from Registry Staff)

- It is a list of phone numbers we have to assist self representatives
- Legal advice
- Clients are registry who are not aware they can get help
- They required advice and direction in preparing documentation
- No legal representation or knowledge
- The clients were needing legal advice and could not afford it
- To get some advice
- They were self reps who were refused Legal Aid or couldn't afford legal fees to proceed with their court matter
- The person had no idea how to prepare the necessary documents
- The registry is only able to provide procedural advice not legal advice to clients
- The parties involved required legal advice
- Clients needed assistance to complete court forms

Participants' views on the most important stage for assistance

The participants in the survey were asked specifically about the stages of the litigation process at which they were making referrals to the SRS. To some extent, the responses correlated with their role in the court process. For instance, registry staff said more often that they may make referrals to people at a time when they are commencing and responding to proceedings or initiating or responding to interlocutory step and seeking further clarification about procedural matters.

Most judges answered that the most important steps for parties to receive QPILCH assistance was responding to allegations or response to allegation of defects or noncompliance seeking endings to proceedings. There a wide variety of responses from the other participants about which stage of the process.

The survey asked respondents to respond to the effect (positive or negative) of the service on self represented litigants. There were a wide variety of responses but more participants rated the survey above 5 (of 7 as highest).

The survey asked respondents to rate the effect (positive or negative) of the service on the court. There were a wide variety of responses but more participants rated the survey above 5 (of 7 as highest).

Further comments by participants on value of the SRS

Judges

- “This is a very valuable service. SRL's occupy an increasing amount of court time. It is often inappropriate for a Judge to give advice and the capacity to refer to this service is often of great assistance to the parties and to the courts”
- “I might have heard of the SRS some time ago but have no real knowledge of it. I am not aware that any self represented litigants before me had engaged with QPILCH”
- “Don't know the outcome or no feedback. It is very helpful to have a contact person.”
- “Inevitably some LIPs do not meet the criteria for assistance from the courts point of view, almost every legal rep is better than none. Judges are very grateful for the assistance provided to those who need help”.

Associates

- “The service is a very worthwhile one helping to increase access to the law and assisting in the efficient administration of justice. Dealing with self represented litigants (in my case most frequently by email) is difficult when fundamental concepts to lawyers are not known to self represented litigants. For example, not including judge's associates in contentious correspondence or disclosing without prejudice communications to the court without agreement from other parties.”
- “More information made available about the service (ie pamphlets at courts etc) - and address explicitly the limitations of the service”
- “The service doesn't appear to have a presence in the Beenleigh District Court”
- “I can't answer question 9 as I don't know what became of the one litigants that His Honour referred to the service. From the perspective of an associate the service is useful because it gives an option the Judge to adjourn the matter and refer a litigant to the service, rather than simply summarily dismissing their application, or summarily ordering judgement against them. It gives them an extra chance.”

Registry staff

- “Would be great if we could have a meeting with staff and find out more info about the service. The registry would really benefit from this”
- “It is helpful to know that this service is available to unrepresented litigants and allows the registry staff to have a positive option to offer to clients”
- “Maybe a bit more transparency regarding the role/services QPILCH can provide so Registry staff can refer clients better”

Discussion

The performance of the QPILCH SRS is to be commended. A significant number of SRLs are looking for a service that will provide them with legal representation and the SRS offers them a different service. To achieve strong levels of satisfaction in this context is a considerable achievement. There is nothing in the data that revealed any sense from the judges, associates and registry staff that they are frustrated by the service. In fact, all accounts point towards members of the judiciary and other court personnel being satisfied with the operation of the SRS and the benefits it generates for the SRLs it serves.

Alignment of understanding with purpose

The prevalence of SRLs indicates the importance of services like the SRS to the operation of a modern court system. The respondents identified the key purpose served by the SRS as it being an additional check on glaring injustice and a safeguard of the rights of SRLs. This was recognised as an important role and contribution made by the SRS to the workings of the court system. Operation of the SRS will

benefit from all concerned having a clear understanding of the services the SRS provides. This research has demonstrated that those court officials and staff who engage with the SRS have a range of understandings of what the SRS can provide to SRLs. Some referred to the provision of advice, others to the provision of information or the completion of paperwork. There were also respondents who identified the arrangement of pro bono legal representation as the main purpose of the SRS. QPILCH should continue to work with the courts to clarify what it sees as the priorities and parameters for the SRS.

Referral vs Screening

It appears that judges, their associates and court registry staff are screening SRLs rather than referring all such litigants to the SRS. The SRS will have a better opportunity to fulfil its potential and support both SRLs and the courts if all SRLs are referred for consideration. Early in 2013, a link to the SRS section of the QPILCH website was included in the *Judicial Virtual Library* to provide judges with information about the SRS. This page may need to be revamped if it is to assist in raising understanding of the purpose and parameters of the SRS.

Increasing communication

There seemed to be some differences in the reasons for referral, while a small number of respondents had not heard of the SRS. This suggests the need for better communication and it would be appropriate to initiate information sharing and education sessions with all relevant court officers and staff, a newsletter or other regular updates. It might be useful for QPILCH to offer focus group discussions or an ongoing dialogue with the court staff to provide feedback about where they may see a need for the service in the litigation process. Judges Associates knew less about the SRS than might have been expected but did seem to have the ability to assist judges in making referrals. More communication with the Judges Associates such as through briefing them during their induction process would certainly raise the profile of the SRS in the minds of the new recruits.

Although we did not have the opportunity to speak directly (face to face) with all the Registry Staff, recent research involving a similar QPILCH service provided some information that correlates with some of the comments made by the State court staff. In particular, we know that registry staff are often impacted by stressful situations when the difference between providing legal advice and legal information is not clear to SRLs. We also know that generally, it is the Registry staff that often bear the brunt of dissatisfaction, confusion and sometimes aggression as self represented people try to navigate their way through a complex system and may be unable to complete their documents adequately or on time.

Early referrals to services designed to support SRLs appear to be recognised as the most constructive. This emphasises the importance of the SRS continuing to engage with court registry staff to promote the service and understand the SRL-related issues faced by registry staff. This is particularly critical when litigants attempt to direct complex dialogue to staff who are unable to provide the clients with the specialized legal advice or information they may need.¹⁸ The limitations of the survey format meant that we did not have the opportunity to pursue this any further in this research. But some of the comments by the State court registry staff indicated that they would value information clarifying the boundaries between the services provided by the registry and those offered by the SRS. It may assist in avoiding duplication of effort between registry staff and SRS staff in relation to matters such as the filing of incomplete or defective documents. It may also relieve some pressure from registry staff by assisting them understand the limitations and what they can give them and why but providing an alternative solution for the clients. Greater understanding is likely to result in increased rates of referral to the SRS.

¹⁸ Banks, Cate, Evaluation of Effectiveness of Queensland Public Interest Law Clearing House Self Representation Service In Federal Court and Federal Magistrates Court, Brisbane, Cate Banks Consulting, June 2012 at 17.

Communication with key court staff is central to the effective operation of the SRS. Registry staff and the officers of the courts need to be clear regarding what the service can and cannot do and to feel confident in relation to referring SRLs to the SRS. We understand that Senior Registry staff and SRS staff members meet regularly but the survey responses indicate the importance of sharing information on the functions and activities of both organisations.

The lack of survey responses from justice sector agencies and organisations beyond the courts suggests that QPILCH and the SRS need to work to strengthen the sector's understanding of and confidence in the SRS. While most of the court staff who completed the survey knew about the service and made referrals, their responses provided little information regarding how the SRS promotes its services to SRLs and to the courts.

Promotion

Promotion of the service to SRLs, the courts and related organisations from across the justice sector needs to be a continuing priority. A major focus of such promotional activities should be to outline what the service can and cannot provide to SRLs. One of the recommendations of this research is that surveys be used to publicise the service and obtain feedback from court staff and service user. Such surveys are likely to promote more effective referrals, not just to the court but to share information about other service needs of SRLs.¹⁹ There may be underlying non-legal issues that litigants face that impact on (1) whether they choose to continue the litigation process and (2) their ability to engage in the demanding process of litigation. The development of a broader referral base within the community justice sector rather than just from within the court itself would present clients with alternative options. These may or may not include services such as counselling and support from other relevant services. These would be beneficial for all stakeholders in the system.

Operation of the SRS will benefit from all concerned having a clear understanding of its purpose or purposes. This research has demonstrated that those court officials and staff who engage with the SRS have a range of understandings of its purpose. Some referred to the provision of advice, others to the provision of information or the completion of paperwork. There were also respondents who identified the arrangement of pro bono legal representation as the main purpose of the SRS. QPILCH should continue to work with the courts to clarify what it sees as the priorities and parameters for the SRS.

There appears to be a need for mechanisms that will enable the SRS to inform court staff of the progress of SRLs that have been referred. We note that the Chief Justice has recently issued a new Practice Direction to flag cases involving an SRL in order to enable more active management of such matters, including referral to support services.²⁰

Further research will be important in relation to the operation of the SRS. When justice sector agencies provide funding for this type of innovative service, there needs to be a commitment to evaluation with a view to supporting the work of the service.

¹⁹ This was also raised in the Federal Court Self Representation Service offered by QPILCH in Banks, Cate, Evaluation of Effectiveness of Queensland Public Interest Law Clearing House Self Representation Service In Federal Court and Federal Magistrates Court, Brisbane, Cate Banks Consulting, June 2012 at 19.

²⁰ Practice Direction No 10 of 2014 - Supervised case list involving self represented parties: Civil jurisdiction Brisbane accessed at http://www.courts.qld.gov.au/__data/assets/pdf_file/0008/225638/sc-pd-10of2014.pdf on 13 March 2014.

RESEARCH PART TWO – INSIGHTS FROM SERVICE USERS

The second part of this research focussed on the experiences of users who access the Self Representation Service. This research was conducted via surveys distributed at the time of clients' initial meeting with a Service representative (Time 1) and via a follow-up survey that was mailed out to clients (Time 2). The survey was designed to assess clients' perceptions from a stress and coping perspective. In essence, this approach seeks to assess how perceivers view the demands placed on them (for example their legal issues) both in terms of whether it is a threat or not and in terms of whether they have the coping resources to be able to manage the demands. We were particularly interested in whether receiving support from the Service would be related to how the legal problem was perceived. We then assessed a number of ways that these appraisals can influence important outcomes such as wellbeing, coping, and coping styles. We were also interested in clients' perceptions of their ability to be able to manage their legal problem effectively. The general approach can be summarised in the following model (see Figure 3).



Figure 3 Conceptual Framework

Lazarus and Folkman (1984)²¹ suggest that when a stressful situation is experienced, individuals move through two stages of appraisal of the problem. The first, primary appraisals, is when the individual assess the extent to which the problem is a threat (something which may harm the individual) or a challenge, such as an opportunity for personal growth. In the secondary stage of the appraisal, the individual judges whether they have the resources to manage the stressful situation. Perceiving that one has resources to draw on in order to cope with the stressor is associated with more positive coping outcomes. One resource that individuals can draw on is social support. In this survey, we were interested in emotional and instrumental support in particular. Emotional support is when a sense of understanding and acceptance is conveyed to the individual undergoing the stressful situation, while instrumental support is when resources or information is exchanged that helps the individual deal with the problem more effectively.

Emotional and instrumental support can be used in both the primary and secondary stages of appraisals. In the primary stage, support can be used to influence if the stressor is perceived as a challenge or a threat (Haslam, Jetten, O'Brien, & Jacobs, 2004)²². In the secondary appraisal stage, emotional and instrumental support can allow the individual to feel as though they have the resources to manage the stressful situation (Haslam, O'Brien, Jetten, Vormedal, & Penna, 2005)²³.

Appraisals may influence how the individual copes with the issue. Better coping may occur if the individual feels as though the stressful situation is a challenge rather than a threat, and that they have the resources to deal with it. Individuals can cope with a stressor in a range of ways, some of which are positive, and some of which are negative. For example, a positive way of coping with a stressful situation

²¹ Lazarus, R.S., & Folkman, S. (1984). *Stress, appraisal and coping*. New York. Springer Publishing Company.

²² Haslam, S. A., et al. (2004). "Social identity, social influence and reactions to potentially stressful tasks: Support for the self-categorization model of stress." *Stress and Health* 20(1): 3-9.

²³ Haslam, S. A., et al. (2005). "Taking the strain: Social identity, social support, and the experience of stress." *British Journal of Social Psychology* 44(3): 355-370.

would be to create plans to address the issue. A negative way of coping with a stressful situation might be to deny that the situation exists at all, or disengage with the issue. Appraisals may also impact overall wellbeing, as well as the extent to which the individual feels they have the efficacy to manage the issue.

Time 1

Demographics

Respondents were 41 members of the community (11 women, 26 men, 4 not reported) who accessed the Self Representation Service during the survey time period. Their ages ranged from 21 years to 76 years ($M = 47.58$, $SD = 11.95$ years).

Problem demographics

Respondents first completed questions about their legal issue that brought them to the SRS (see Appendix 3 for survey).

When did the problem arise?

Respondents were asked when the legal issue that first brought them to the SRS presented itself. Responses are displayed in Figure 4. Most problems arose during or after 2011. Six respondents did not report the year or it was unclear when the problem first arose. As the survey was conducted in the second half of 2013, this suggests that there was a substantial time period between when the problem first arose and when the service was accessed for the approximately 37% of respondents who reported that the problem first arose in 2011 or before.

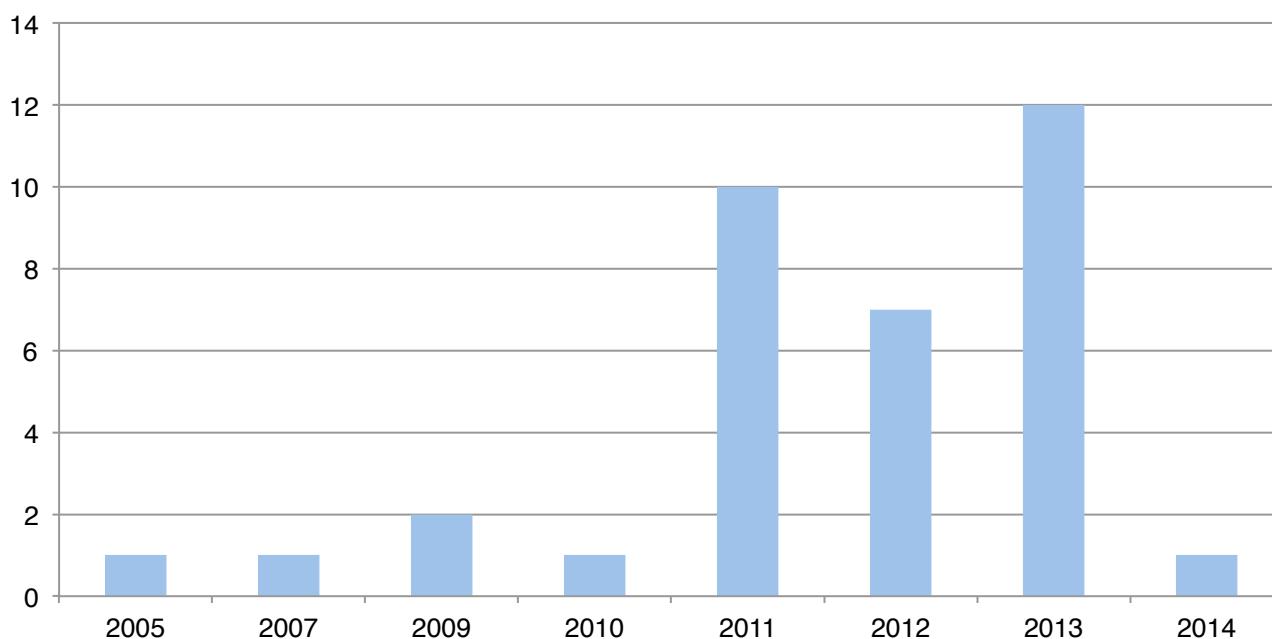


Figure 4. Number of responses as a function of year when problem arise. Larger numbers mean more responses.

Why did the problem arise?

Respondents were asked to describe why the legal issue became a problem. They described a range of legal issues, with the most common being problems to do with property, tenancy, and leases (19.5%). The second most common were legal problems broadly to do with awards or claiming damages (12.2%) followed by family law, custody and wills (9.8%). 7.3% had defamation legal matters. 4.9% each reported business liquidation or issues with lawyers or the cost of lawyers. 2.4% had legal matters to do with

fence lines, privacy matters, or patent expirations, each. About a third of the sample (34.1%) did not respond to this item or were unclear on how the problem arose.

How did you first deal with it?

Respondents were asked how they chose to deal with the legal issue that brought them to the SRS in the first instance. The majority of respondents (53.7%) reported that their first method of dealing with the issue was to seek legal advice. This included a range of different sources, such as legal aid or a lawyer. The second most common response (24.4%) was contact with the other party involved in the legal issue. Several respondents (7.3%) reported that their first method of dealing with the issue was an emotional response (e.g., embarrassment, anger, or anxiety). 4.9% dealt with the problem alone. 2.4% mentioned having to borrow money to deal with the issue, or trying to ignore the problem, respectively. Two responses were missing or unclear.

Who did you seek assistance from then?

The majority of respondents reported that their first source of assistance with the problem was a legal source (70.7%). 12.2% reported not getting assistance from anyone. 7.3% reported getting assistance from a friend or family, and 4.9% reported getting assistance from another non-legal source. 4.9% of responses were missing or unclear.

Other problems at the time?

Respondents were also asked if they were experiencing any other problems during the time that they first went to the SRS for their legal issue. Most reported not having any other problems (29.3%). Several specifically reported they were only having problems related to the legal issue (14.6%). A further 12.2% reported having financial difficulty. 7.3% each reported having family or relationship difficulties, or problems at work. 4.9% each reported having health or mental difficulty, or problems with property. 19.5% of responses were missing or unclear.

Motivation to resolve the issue

There were high levels of motivation to resolve the issue, even if it meant compromising ($M = 6.55$, $SD = 1.15$, on a 7 point scale). A one sample t -test revealed that respondents were significantly more likely than the midpoint of the scale (4) to be motivated to resolve the issue, even if it meant compromising, $t(39) = 13.98$, $p < .001$.

Summary

While there was some delay between accessing the Service and when problems arose for a substantial proportion of respondents, this may have been due to pursuing legal advice from other sources prior to being referred to the Service rather than avoiding engaging with the legal issue. Respondents appeared to be motivated to resolve the issue, even if it meant compromising to reach an agreement. This suggests that the typical respondent was not vexatious and generally did not have other concurrent problems in their lives.

Major advantages and disadvantages of using the service

Respondents were asked what the three main advantages and disadvantages of using the SRS were. The advantages are displayed in Figure 5. The most frequent response was that the SRS provided legal advice. The next most frequent advantage was that the SRS provided legal advice at no cost. The disadvantages are displayed in Figure 6. The most frequent disadvantage was time. This included responses such as that visiting the SRS was time-consuming or that not enough time was allocated for each appointment. The next most frequent disadvantage was that the SRS was not helpful enough with the specific legal issue.

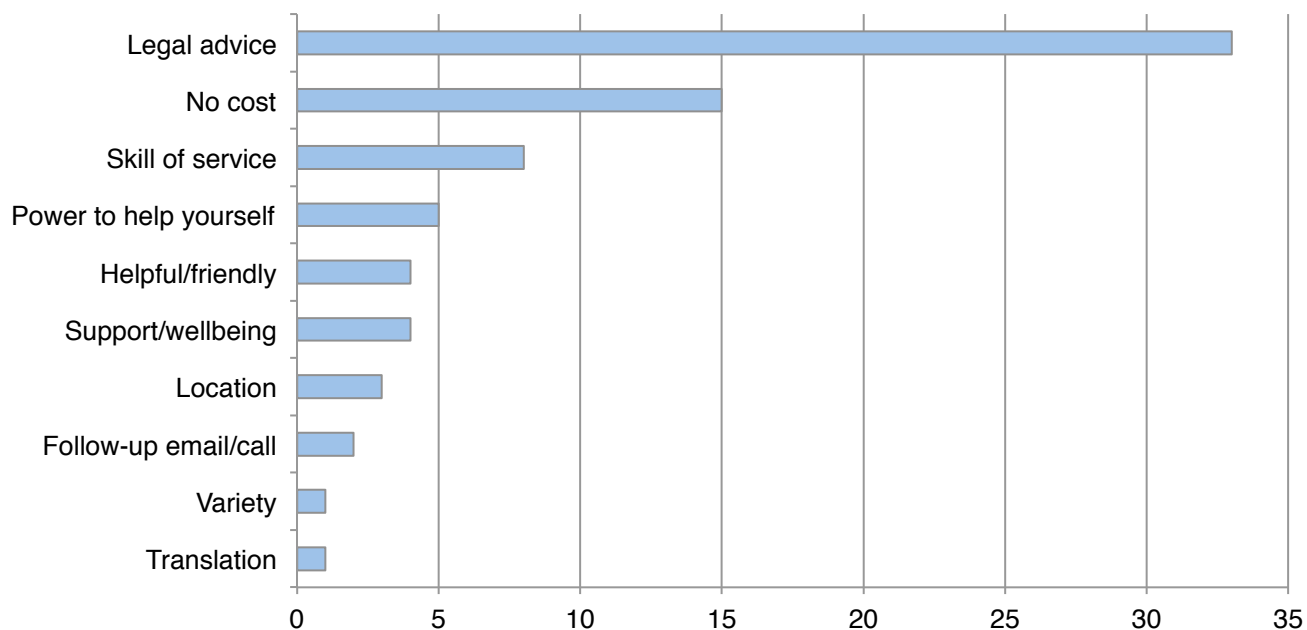


Figure 5. Number of responses as a function of major advantages of using the Service. Larger numbers mean more responses.

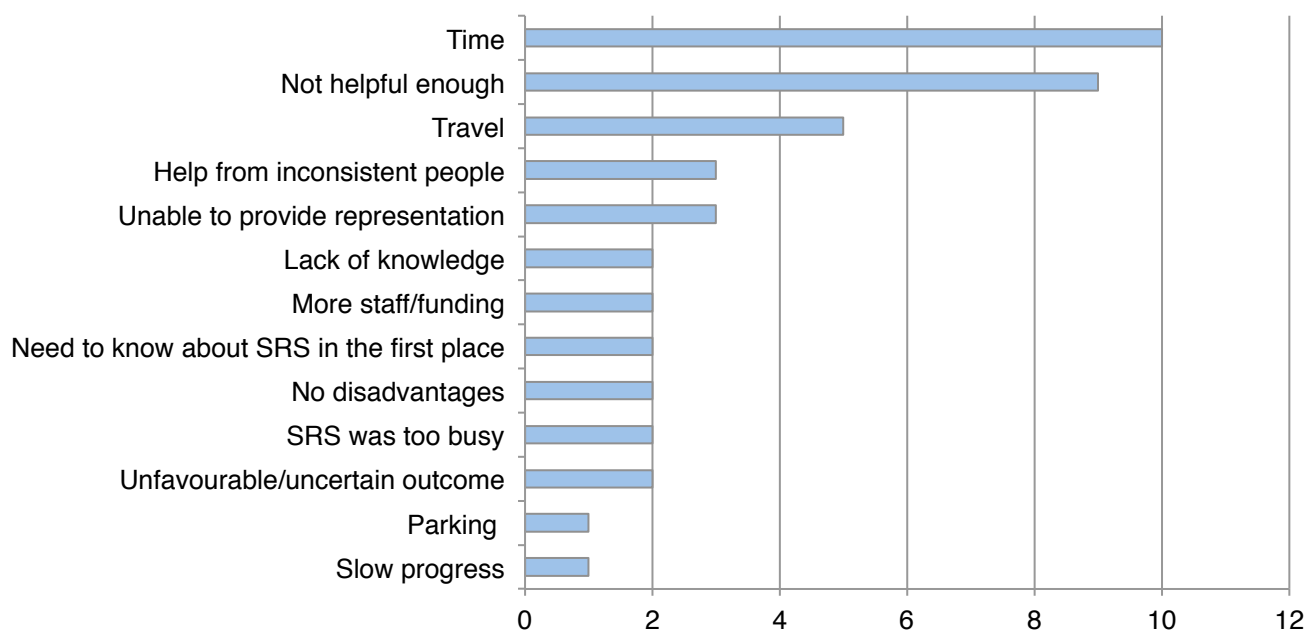


Figure 6. Number of responses as a function of major disadvantages of using the Service. Higher numbers mean more responses.

Focal Measures

The focal measures are reported in Table 1. In particular, we were interested in how emotional and instrumental support from the SRS might influence how clients appraise their legal issue, and how this may influence coping and general wellbeing.

Table 1. Time 1 Focal Measures

Measure	Example question	Number of questions	Reliability	Scale mid-point	Mean (SD)
Emotional support	How often has the Service been willing to listen to you when you needed to talk? <i>From 1, rarely, to 5, very often.</i>	3	$\alpha = .92$	3.00	3.93*** (1.26)
Evaluation of emotional support	How would you evaluate the emotional support provided to you by the Service? <i>From 1, negative, to 7, positive.</i>	2	$r = .41^*$	4.00	4.68* (1.90)
Instrumental support	How often did you feel that the Service was really trying to understand your problems? <i>From 1, rarely, to 5, very often.</i>	5	$\alpha = .96$	3.00	3.98*** (1.27)
Evaluation of instrumental support	How would you evaluate the active support provided to you by the Service? <i>From 1, negative, to 7, positive.</i>	2	$r = .56^{***}$	4.00	4.68* (1.92)
Common purpose	To what extent do you feel that the Service is “on your side”? <i>From 1, not at all, to 7, very much</i>	3	$\alpha = .85$	4.00	5.62*** (1.42)
Primary appraisals	To what extent do you see your current legal issues(s) as a threat compared to a challenge? <i>From 1, threat, to 7, challenge</i>	2	$r = .38^*$	4.00	3.89 (1.86)
Secondary appraisals	To what extent do you feel you have the resources to manage your current legal issue(s)? <i>From 1, not at all, to 7, very much</i>	5	$\alpha = .80$	4.00	3.68 (1.50)
Self-efficacy	How certain are you that you could manage your current legal issues? <i>From 1, not at all, 1, to 7, very much</i>	4	$\alpha = .93$	4.00	2.85*** (1.58)
Response efficacy	If I attempted to manage my legal issue by myself, how effective would my actions be? <i>From 1, not at all, to 7, very</i>	1	-	4.00	3.09** (1.90)

Wellbeing	During the past month, have you been able to enjoy your normal day-to-day activities? <i>From 1, much less than usual, to 4, much more than usual</i>	12	$\alpha = .88$	2.50	2.16** (0.63)
Subjective coping	How well have you been coping in general over the last month? <i>From 1, not at all, to 7, very well</i>	1	-	4.00	3.89 (2.14)
Positive coping	Positive coping styles: active, seeking instrumental support, seeking emotional support, positive reframing of problem, humour, and acceptance of problem. I've been thinking hard about what steps to take. <i>From 1, I haven't been doing this at all, to 4, I've been doing this a lot.</i>	14	.78	2.50	2.64 (0.51)
Negative coping	Negative coping styles: Denial, substance use, venting, disengagement, and self-blame. I've been giving up the attempt to cope. <i>From 1, I haven't been doing this at all, to 4, I've been doing this a lot.</i>	10	.84	2.50	1.96*** (0.74)
Note. * $p < .05$, ** $p < .01$, *** $p < .001$.					

Summary

A series of one-sample *t*-tests were conducted to assess the extremity of scores on each of the focal measures (see Table 1). This analysis revealed that emotional support, evaluation of emotional support, instrumental support, evaluation of instrumental support, common purpose, self-efficacy, response efficacy, wellbeing, and negative coping style scales were significantly different from the midpoint of the scale.

Respondents reported receiving a significant amount of both emotional and instrumental support from the Service. Respondents also evaluated both types of support as being positive, and felt that they had a common purpose with the Service. Self-efficacy and response efficacy, essentially the extent to which respondents thought they could manage their legal problem by themselves, were both relatively low (and below the mid-point of the scale). Respondents' wellbeing was also only modest, and below the mid-point of the response scale. Finally, the level of reported negative coping behaviours (e.g., denial, self-blame) was low.

Level of support and evaluation of support

Emotional support and evaluation of emotional support were positively correlated, $r = .68$, $p < .001$, such that the higher the level of emotional support provided by the Service, the more positively respondents evaluated the emotional support. Instrumental support and the evaluation of instrumental support were also positively correlated in this same way, $r = .82$, $p < .001$. Instrumental and emotional support appeared to be linked in that the more that respondents reported receiving one type of support, the more they reported receiving the other, $r = .91$, $p < .001$.

Support and appraisals

Correlations were conducted in order to test the possibility that support from the Service might be related to how respondents' legal issues were perceived by respondents. As displayed in Table 2, primary appraisals were not significantly correlated with emotional or instrumental support. However, secondary appraisals were significantly correlated with emotional and instrumental support--the higher the level of emotional support and instrumental support from the SRS, the more positive the secondary appraisals of the legal issue. Therefore, although support from the SRS did not influence whether the legal issue was seen as a challenge or a threat, higher levels of support from the SRS were associated with respondents feeling as though they could manage the legal issue.

Appraisals and coping, wellbeing, and efficacy

Bivariate correlations were conducted to examine if appraisals of the legal issue influenced the use of positive and negative coping styles, subjective ratings of coping, wellbeing, and efficacy (see Table 2). Primary and secondary appraisals were not significantly correlated with positive or negative coping styles. However, evaluations of the legal issue as a challenge (rather than a threat) were associated with better subjective coping, wellbeing, self-efficacy, and response efficacy. Similarly, feeling as though they had the resources to manage the stressful situation was associated with more positive subjective coping, wellbeing, self-efficacy, and response efficacy.

Table 2. Correlations between appraisals and support, coping, wellbeing, and efficacy

	Primary appraisals	Secondary appraisals
Emotional	.26	.42*
Instrumental	.21	.40*
Positive coping styles	.30	.29
Negative coping styles	-.29	-.21
Subjective coping	.40*	.44**
Wellbeing	.40*	.37*
Self-efficacy	.52**	.50**
Response efficacy	.63***	.54**
Note. * $p < .05$, ** $p < .01$, *** $p < .001$.		

Regression analyses were conducted in order to examine if coping styles influenced subjective ratings of coping (Table 3) and wellbeing (Table 4). Subjective ratings of coping and wellbeing were positively correlated, $r = .77$, $p < .001$, such that the better individuals felt they had been coping in the last month, the better their overall wellbeing. In both analyses, positive and negative coping styles explained a significant amount of variance in subjective coping and wellbeing (57% and 46%, respectively). In each model, positive and negative coping styles also emerged as significant unique predictors of subjective coping and wellbeing, such that the more respondents engaged in positive styles of coping, and the less they engaged in negative styles of coping, the better their subjective ratings of coping and the more positive their wellbeing. In both models, negative coping styles emerged as the strongest unique predictor.

Table 3. Predictors of subjective coping

Predictor	B	SE B	β	t
Positive coping styles	1.57	.50	.38	3.12**
Negative coping styles	-1.84	.34	-.65	-5.40***
Overall model: $R^2 = .57$, $F(2, 30) = 19.44$, $p < .001$.				

Table 4. Predictors of wellbeing

Predictor	B	SE B	β	t
Positive coping styles	.57	.18	.45	3.13**
Negative coping styles	-.44	.12	-.53	-3.67**
Overall model: $R^2 = .46$, $F(2, 26) = 11.13$, $p < .001$.				

Summary

The level of instrumental support reported by respondents was linked to the level of emotional support they perceived. The more that support of either type was provided by the Service, the more positively respondents evaluated the support. Respondents' perceptions that they had the coping resources to manage the demand created by their legal issue (their secondary appraisals) were positively related to receiving instrumental and emotional support from the Service. The more that respondents felt they were receiving support, the more they thought they had the resources to cope. Both primary and secondary appraisals predicted a range of outcomes— more positive appraisals were associated with higher self-efficacy and response efficacy, and more positive well-being and subjective coping. While increased positive coping style and reduced negative coping style were related to better wellbeing, appraisals were not, however, related to coping styles.

Time 2

A second wave of data collection was conducted to follow up on respondents after some time had elapsed to assess whether the assistance provided by the Service was have an influence on how respondents were perceiving and coping with their legal issue (see Appendix 4 for survey). Because of the low response rate, the analyses for the Time 2 data must be interpreted with caution. In addition, due to the timing of survey distribution, some respondents were approached within a relatively short period of time after completing the initial survey, and so respondents' legal issues were most likely still in the early stages of progressing.

Demographics

Respondents at Time 2 were 8 (2 women, 6 men) participants from Time 1 who agreed to return the second survey. Their ages ranged from 35 years to 60 years ($M = 51.75$, $SD = 7.52$ years).

Focal measures

Table 5. Time 2 Focal Measures

Measure	Example question	Number of questions	Reliability	Scale mid-point	Mean (SD)
Emotional support	How often has the Service been willing to listen to you when you needed to talk? <i>From 1, rarely, to 5, very often.</i>	3	.97	3.00	3.46 (1.05)
Evaluation of emotional support ^a	How would you evaluate the emotional support provided to you by the Service? <i>From 1, negative, to 7, positive.</i>	1	-	4.00	4.50 (2.00)
Instrumental support	How often did you feel that the Service was really trying to understand your problems? <i>From 1, rarely, to 5, very often.</i>	5	.96	3.00	3.93* (1.07)
Evaluation of instrumental support ^a	How would you evaluate the active support provided to you by the Service? <i>From 1, negative, to 7, positive.</i>	1	-	4.00	5.50* (1.69)
Common purpose	To what extent do you feel that the Service is “on your side”? <i>From 1, not at all, to 7, very much</i>	3	.99	4.00	5.00 (1.84)
Primary appraisals ^a	To what extent do you see your current legal issues(s) as a threat compared to a challenge? <i>From 1, threat, to 7, challenge</i>	1	-	4.00	4.00 (2.45)
Secondary appraisals	To what extent do you feel you have the resources to manage your current legal issue(s)? <i>From 1, not at all, to 7, very much</i>	5	.89	4.00	3.09+ (1.17)
Self-efficacy	How certain are you that you could manage your current legal issues? <i>From 1, not at all, 1, to 7, very much</i>	4	.78	4.00	2.59** (1.09)
Response efficacy	If I attempted to manage my legal issue by myself, how effective would my actions be? <i>From 1, not at all, to 7, very</i>	1	-	4.00	2.63* (1.30)
Wellbeing	During the past month, have you been feeling unhappy and depressed? <i>From 1, much less than usual, to 4, much more than usual</i>	12	.93	2.50	1.89+ (0.74)

Subjective coping	How well have you been coping in general over the last month? <i>From 1, not at all, to 7, very well</i>	1	-	4.00	2.89+ (1.55)
Positive coping style	Positive coping styles: active, seeking instrumental support, seeking emotional support, positive reframing of problem, humour, and acceptance of problem. I've been thinking hard about what steps to take. <i>From 1, I haven't been doing this at all, to 4, I've been doing this a lot.</i>	14	.87	2.50	2.35 (0.60)
Negative coping style	Negative coping styles: Denial, substance use, venting, disengagement, and self-blame. I've been giving up the attempt to cope. <i>From 1, I haven't been doing this at all, to 4, I've been doing this a lot.</i>	10	.93	2.50	2.30 (1.00)
Note. + $p < .10$, * $p < .05$, ** $p < .01$, *** $p < .001$.					

Summary

As in Time 1, the average of each scale was compared to the mid-point of that scale to examine if the average and the mid-point of the scale were significantly different from one another. The results from this analysis are displayed in Table 5. The amount of instrumental support, the evaluation of instrumental support, self-efficacy, and response efficacy were significantly different from the mid-point of the scale. These effects were such that respondents reported moderately high levels of instrumental support and evaluated the instrumental support positively. However, as for Time 1, respondents reported lower levels of self-efficacy and response efficacy than the mid-point of the scale.

Comparison between Time 1 and Time 2

Further analyses were conducted to compare the mean scores on each of the focal measures between Time 1 and Time 2 using the data from respondents who participated in both surveys. This analysis revealed that, generally, the mean scores on each of the focal measures stayed stable over time. The only significant differences observed were for the level of emotional support, the level of instrumental support, and for secondary appraisals. These differences were such that the amount of perceived emotional and instrumental support decreased somewhat over time, and that respondents felt somewhat less able to manage the legal issue over time. Given the small response rate and self-selection likely to be occurring at Time 2, these differences should be interpreted with caution.

Recommendations

Publicising the Self Representation Service

QPILCH should clarify and publicise the services provided by the SRS. This needs to be an ongoing focus of the service as the survey responses indicate the need for greater clarity around the provision of information, advice, assistance to SRLs and general eligibility to access the service. We note that service users identified the receipt of legal advice as the main advantage of accessing the SRS.

Providing a benefit of accurate knowledge to clients would assist clients to commence their relationships with the SR service with a realistic understanding and expectation of the service and staff and in turn what maybe expected of them is clear. Indeed in some instances it may be appropriate for some of the referral agencies to provide information about the service to the clients in order to reduce any misconceptions about the service. It might be useful for the service to consider providing other agencies with information provided in plain language about the aims of the service, how it operates for the benefit of users of the courts (as SRLs).

Data Collection

This research has highlighted the challenges involved in collecting data in relation to the experiences of court officers and staff in relation to the experiences of SRLs. We recommend that QPILCH and the SRS work with senior members of the relevant courts to convene a roundtable discussion on data collection relating to SRLs and the operation of the SRS.

Communication Processes

Communication with key court staff is central to the effective operation of the SRS. Registry staff and the officers of the courts need to be clear regarding what the service can and cannot do and to feel confident in relation to referring SRLs to the SRS. Early referrals appear to be recognised as the most constructive. This emphasises the importance of the SRS continuing to engage with court registry staff.

The data we gathered indicates that, in general terms, the interactions of the various groups of court personnel with the SRS are relatively loose and unstructured but they are nonetheless operating in ways that support the goals of the SRS. There is a gap in the data about what, if any, difficulties are faced by the SRS and the courts in terms of working collaboratively. QPILCH, the SRS and the courts should consider ways in which to share information on their work with SRLs and the operation of the SRS in particular.

Given that SRS-related communications between the stakeholders are not structured, the SRS and the users of its services would benefit from the development of cross disciplinary training for all relevant court staff to improve their general understanding of the needs of SRLs, the purposes of the SRS and the services it can provide. More communication with the Judges Associates such as through briefing them during their induction process would certainly raise the profile of the SRS in the minds of the new recruits.

While the survey data does not indicate that there is any 'breakdown' in communication, some comments indicate that it may be possible to address information barriers related to the services that different professions can provide to SRLs. Joint professional development meetings would provide a clear and accountable way to generate a positive working relationship between the groups, increase the expertise of the staff who represent the SRS.

Working with the Justice Sector

The lack of survey responses from justice sector agencies and organisations beyond the courts suggests that QPILCH and the SRS need to work to strengthen the sector's understanding of and confidence in the SRS. Promotion of the service to SRLs, the courts and related organisations from across the justice sector needs to be a continuing priority. A major focus of such promotional activities should be to outline what the service can and cannot provide to SRLs.

Referral Processes

It appears that judges, their associates and court registry staff are screening SRLs rather than referring all such litigants to the SRS. The SRS will have a better opportunity to fulfill its potential and support both SRLs and the courts if all SRLs are referred for consideration and it is recommended that court officers and registry staff refer all SRLs to the SRS for assessment and advice.

A mechanism that enabled the SRS to inform judges and court staff of the progress of SRLs who have been referred would be useful to build confidence in the SRS. We recognise that any such mechanism must respect duties of confidentiality owed to service users.

Service Users

The modest to low levels of wellbeing were of concern, and given that both emotional and instrumental support were associated with respondents having an improved sense that they could cope with the demands of their legal issue, it would be beneficial to provide both types of support as part of the service. The data suggest that this is happening already, and so the Service is encouraged to continue with its current method of offering support. As both primary and secondary appraisals were related to a number of positive outcomes (improved efficacy, well-being, and subjective coping), it would be worth building on the support that the Service already provides to promote positive secondary appraisals (the sense that one can cope), and help clients to develop a more positive primary appraisal (the sense that the legal issue is a challenge rather than a threat).

Overall, the support provided by the Service is well received by clients, and generally has a positive impact on clients' subjective experience of their legal issues. The Service should be commended for the support they are already providing, and it is recommended that some attention is given to building clients' sense of efficacy, perhaps by identifying the particular aspects of their legal issues that clients do not feel capable of managing and providing some clearly defined steps that can be followed.

Further Research

Further research will be important in relation to the operation of the SRS. When justice sector agencies provide funding for this type of innovative service, there needs to be a commitment to evaluation with a view to supporting the work of the service. We note the research gaps and the comprehensive list of variables identified by the Australian Centre for Justice Innovation as relevant to SRLs in its 2012 report, *Self-Represented Litigants: Literature Review*.²⁴

An economic analysis of costs savings was not possible as part of an evaluation with such a small budget. Such an analysis could usefully be the focus of a future project.

Another SRL-related area in which there is a need for further research relates to identifying what services and processes can support SRLs to constructively contribute to handling their own cases. Services could be providing constructive messages to SRLs to promote increased levels of self- and response-efficacy. They need to identify the importance of effective preparation by SRLs, the value of obtaining and considering professional advice along with the importance of SRLs understanding, accepting and operating within the legal processes they must work within.²⁵

²⁴ Elizabeth Richardson, Tania Sourdin & Nerida Wallace, 2012, *Self-Represented Litigants: Literature Review*, ACJI, Monash University, Melbourne, available at <http://www.civiljustice.info/srl/>.

²⁵ Merran Lawler, Jeff Giddings & Michael Robertson, 'Opportunities and Limitations in the Provision of Self-Help Legal Resources to Citizens in Need' (2012) 30(1) *Windsor Yearbook of Access to Justice* 187.

Appendices

1. Part 1: Information sheet
2. Part 1: Survey
3. Part 2: Survey Time 1
4. Part 2: Survey Time 2

Appendix 1

Part 1: Information sheet



W: www.catebanksconsulting.com.au

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INFORMATION SHEET FOR QUEENSLAND SUPREME AND DISTRICT COURTS AND QUEENSLAND COURT OF APPEAL

Researchers from Griffith University and the University of Queensland are conducting a review of the operation and effectiveness of QPILCH's self-representation service for partially and fully self-represented litigants in the Queensland Supreme Court, District Court and Queensland Court of Appeal. The researchers are particularly interested in gaining some insight about this service from judicial officers, judges' associates, registry staff, referring bodies and self representation service courts staff.

This research project is being undertaken by Professor Jeff Giddings (Griffith University), Dr Blake McKimmie (University of Queensland) and Dr Cate Banks (Cate Banks Consulting) and is funded by the Australian Institute of Judicial Administration.

We are interested in whether you believe the service is an effective way of meeting the needs of litigants in person. We are interested in your knowledge of the service, how you may interact with the service and whether the services have had any impact on you or your organisation. We are also interested to know whether you believe the service could be improved.

Participation in the project will commence with a short survey. The survey should take no longer than 10 minutes. It can be completed electronically (word version) or alternatively printed in hard copy (pdf version) and completed by hand. Please return your completed survey by email to Dr Cate Banks - cate@catebanksconsulting.com.au by 15 March 2012.

Your participation in this study is entirely voluntary. You are free to withdraw at any time if you do not wish to continue. It is completely up to you to decide if you wish to be involved. We assure you that your name and identity will remain completely confidential and every attempt will be made to minimise the risks that you could be identified from the information you provide. A summary of the research findings will be made available to you, on request, at the end of the project.

If you would like further information on any issue relating to this project, please call Cate Banks on 0435 359 742 or cate@catebanksconsulting.com.au

We would appreciate hearing what you have to say about self representation services.
Thank you for your assistance with this research project.

Sincerely,

Dr Cate Banks with Professor Jeff Giddings and Dr Blake McKimmie

Appendix 2

Part 1: Survey

QPILCH Self Representation Service Survey

1. What is your role?

- ☐ Judge
- ☐ Judge's Associate
- ☐ Registry Staff
- ☐ Community Legal Centre staff
- ☐ Court Network staff
- ☐ Legal Aid Queensland staff
- ☐ Queensland Law Society/Bar Association
- ☐ Other _____

2. What suburb/town is your workplace located in? _____

3. What is your age? _____ (years)

4. What is your gender?

- ☐ Female
- ☐ Male

5. Have you heard about the Queensland Public Interest Law Clearing House (QPILCH) Self Representation Service before?

- ☐ No ► Thank you for your time, you do not need to answer the remaining questions.
- ☐ Yes ► Please spend a couple of minutes answering the following questions:

6. Please explain in your own words the purpose of the Self Representation Service:

.....

.....

.....

.....

7. Have you ever referred anyone to the Service?

- ☐ No
- ☐ Yes

► (a) Approximately how many people have you referred in the last six months?

.....

(b) At what points in the litigation process did you make referrals? (Please tick one or more)

- ☐ Commencing of proceedings
- ☐ Responding to proceedings
- ☐ Response to allegation of defect or non-compliance seeking to end proceedings
- ☐ Initiating or responding to other interlocutory step.
(Please specify _____)
- ☐ Preparing for trial
- ☐ Post-trial steps and advice (including enforcement and appealing)

(c) What were your main reasons for referring people to the Service?

.....

.....

.....

► (a) What were your main reasons for not referring people to the Service?

.....

.....

.....

[continued over]

8. In your opinion, what is the most important point in the litigation process for the service to help clients? (Please tick one or more)

- ☐ Commencing of proceedings
 - ☐ Responding to proceedings
 - ☐ Response to allegation of defect or non-compliance seeking to end proceedings
 - ☐ Initiating or responding to other interlocutory step.
- (Please specify _____)
- ☐ Preparing for trial
 - ☐ Post-trial steps and advice (including enforcement and appealing)

9. How positive or negative is the impact of the Service on self-represented litigants?

Very negative 1 2 3 4 5 6 7 *Very positive*

10. How positive or negative is the impact of the Service on the Courts?

Very negative 1 2 3 4 5 6 7 *Very positive*

11. Any other comments about the Service?

.....

.....

.....

.....

Thank you for your time.

Appendix 3

Part 2: Survey Time 1

Self Representation and Pro Bono Experiences

Thank you for participating in this research. This research examines the experiences of people with legal issues who are either self represented or accessing pro bono legal assistance. You can complete this survey in your own time and return it directly to the research team via the attached envelope.

Your participation in this research will involve answering questions about your current legal issue, how you view your current legal issue, how you are coping with your current legal issue, and your general well-being. You may be contacted up to two additional times as your legal issue progresses to see how your perceptions might have changed or stayed the same. Participation in one survey does not mean you have to participate in any subsequent surveys.

If, for any reason, your participation in this study causes you distress, you may email the researcher (b.mckimmie@psy.uq.edu.au), contact an Ethics Officer on 3365 3924 or Lifeline on 13 11 14.

We estimate that participation will take approximately 20 to 30 minutes. Responses will remain completely anonymous and confidential, and raw data will be securely stored. We will ask you to provide a unique code at the end of the survey. This is only to allow us to match your responses over time, and in no way will be used to attempt to identify you. Only members of the research team will have access to written responses. Data from this research will be published in de-identified form, and so no individual's responses will be able to be identified.

Participation in this study is voluntary; you may withdraw from the study at any point simply by not completing or returning the survey. Should you decide to withdraw from the project, there will be no repercussions to you.

If you have any questions about the survey please feel free to ask the researchers. If you would like a copy of the results once available you can contact the researcher (Blake McKimmie is contactable on: 3346 9519 or b.mckimmie@psy.uq.edu.au).

The investigators on this project are Dr. Blake McKimmie (School of Psychology, The University of Queensland) and Professor Jeff Giddings (Griffith University). The research team has worked with the Self Representation Service to develop this survey. This study has been cleared by the ethical review process at the University of Queensland in accordance with the National Health and Medical Research Council's guidelines. If you have any complaints or concerns regarding the ethical conduct of this project, you can contact the Ethics Officer on 3365 3924 or humanethics@research.uq.edu.au.

Thanks again for your time.



Dr Blake McKimmie
School of Psychology
University of Queensland

Professor Jeff Giddings
Law School
Griffith University

SRS Client Survey

Thank you for taking the time to complete this survey about the Self Representation Service. Your responses are important and will help us understand how the Service helps clients. There are no right or wrong answers to the following questions.

First of all, we would like to ask you about the legal issue that brought you to the Self Representation Service.

1. When did the problem arise?

.....

2. Why did it become a problem?

.....

.....

.....

3. How did you first deal with it?

.....

.....

.....

4. Who did you seek assistance from then?

.....

.....

.....

5. Why couldn't you fix it early on?

.....

.....

.....

6. Did you have other problems at the time? If so, what were they?

.....

.....

.....

7. How motivated were you to resolve the issue, even if it meant compromising?

Not at all

1

2

3

4

5

6

7

Very much

The next questions ask you about how you view the Self Representation Service.

Please list up to three <u>advantages</u> of using the Service:	How would you evaluate this <u>advantage</u> ?							How likely is it that this <u>advantage</u> would actually happen?						
	<i>Negatively</i>			<i>Positively</i>				<i>Very unlikely</i>			<i>Very likely</i>			
1.														
.....	1	2	3	4	5	6	7	1	2	3	4	5	6	7
.....														
2.														
.....	1	2	3	4	5	6	7	1	2	3	4	5	6	7
.....														
3.														
.....	1	2	3	4	5	6	7	1	2	3	4	5	6	7
.....														

Please list up to three <u>disadvantages</u> of using the Service:	How would you evaluate this <u>disadvantage</u> ?							How likely is it that this <u>disadvantage</u> would actually happen?						
	<i>Negatively</i>			<i>Positively</i>				<i>Very unlikely</i>			<i>Very likely</i>			
1.														
.....	1	2	3	4	5	6	7	1	2	3	4	5	6	7
.....														
2.														
.....	1	2	3	4	5	6	7	1	2	3	4	5	6	7
.....														
3.														
.....	1	2	3	4	5	6	7	1	2	3	4	5	6	7
.....														

What is your evaluation of the service?

Negative 1 2 3 4 5 6 7 *Positive*

How likely is it that you will continue to make use of the Service?

Not at all 1 2 3 4 5 6 7 *Very*

To what extent do you see the Service as being independent from the Courts?

Not at all 1 2 3 4 5 6 7 *Very*

How much do you trust the Service to look out for your interests?

Not at all 1 2 3 4 5 6 7 *Very*

Thinking about the Service, please indicate how helpful it has been in providing emotional support to you in relation to your legal problem so far.

	Rarely	Occasi- onally	Some- times	Fairly often	Very often
How often has the Service been willing to listen when you needed to talk?	1	2	3	4	5
How often have you been able to count on the Service to help you feel better when you experienced difficulties?	1	2	3	4	5
How often have you received sympathy and understanding from the Service when you needed it?	1	2	3	4	5

How would you evaluate the emotional support provided to you by the Service?

Negative 1 2 3 4 5 6 7 *Positive*

To what extent would you have liked to receive more emotional support from the Service?

Not at all 1 2 3 4 5 6 7 *Very much*

Thinking about the Service, please indicate how helpful they have been in providing active support to you in relation to your legal problem so far.

	Rarely	Occas- ionally	Some- times	Fairly often	Very often
How often did you feel that the Service was really trying to understand your problems?	1	2	3	4	5
How often did they fulfil their responsibilities towards you in helpful, practical ways?	1	2	3	4	5
How often were they helpful to you in getting the job done?	1	2	3	4	5
How often did they help you in practical ways to deal with your legal problems?	1	2	3	4	5
How often did they give you useful advice about how to solve your legal difficulties?	1	2	3	4	5

How would you evaluate the active support provided to you by the Service?

Negative 1 2 3 4 5 6 7 *Positive*

To what extent would you have liked to receive more active support from the Service?

Not at all 1 2 3 4 5 6 7 *Very much*

Next we would like to ask you about whether you feel as though the Service and you share a common purpose.

	Not at all						Very much
To what extent do you feel that the Service is “on your side”?	1	2	3	4	5	6	7
To what degree to you and the Service share a common purpose?	1	2	3	4	5	6	7
To what extent are you and the Service aligned around the same goals?	1	2	3	4	5	6	7

Well-being Survey

What is your age? _____ (years)

What is your gender? Female / Male

How many legal actions have you initiated in the past? _____

The following questions ask about how you are going at the moment. In particular, we would like to know how you perceive your current legal issue.

To what extent do you see your current legal issue(s) as a threat compared to a challenge?

Threat 1 2 3 4 5 6 7 *Challenge*

To what extent do you see your current legal issue(s) as being positive compared to negative?

Negative 1 2 3 4 5 6 7 *Positive*

	Not at all						Very
To what extent is your current legal issue(s) difficult?	1	2	3	4	5	6	7
To what extent is your current legal issue(s) something that you could change or do something about?	1	2	3	4	5	6	7
To what extent is your current legal issue(s) something manageable by you?	1	2	3	4	5	6	7
To what extent do you feel in control of your current legal issue(s)?	1	2	3	4	5	6	7
To what extent do you feel you could get practical help to manage your current legal issue(s)?	1	2	3	4	5	6	7
To what extent do you feel that you have the resources to manage your current legal issue(s)?	1	2	3	4	5	6	7
To what extent do you feel that you could get support in relation to your current legal issue(s)?	1	2	3	4	5	6	7

	Not at all						Very
How certain are you that you could manage your current legal issue(s)?	1	2	3	4	5	6	7
How confident are you that you could manage your current legal issue(s)?	1	2	3	4	5	6	7
If I wanted to, I could easily manage my current legal issue(s)?	1	2	3	4	5	6	7
	Easy						Difficult
For me, managing my current legal issue(s) would be:	1	2	3	4	5	6	7

If I attempted to manage my legal issue by myself, how effective would my actions be?

Not at all 1 2 3 4 5 6 7 *Very*

These items deal with ways you've been coping with the stress in your life since you found out about your legal problem(s). There are many ways to try to deal with problems. These items ask what you've been doing to cope with this one. Obviously, different people deal with things in different ways, but I'm interested in how you've tried to deal with it. Each item says something about a particular way of coping. I want to know to what extent you've been doing what the item says. How much or how frequently. Don't answer on the basis of whether it seems to be working or not—just whether or not you're doing it. Use these response choices. Try to rate each item separately in your mind from the others. Make your answers as true FOR YOU as you can.

	I haven't been doing this at all	I've been doing this a little bit	I've been doing this a medium amount	I've been doing this a lot
1. I've been turning to work or other activities to take my mind off things.	1	2	3	4
2. I've been concentrating my efforts on doing something about the situation I'm in.	1	2	3	4
3. I've been saying to myself "this isn't real."	1	2	3	4
4. I've been using alcohol or other drugs to make myself feel better.	1	2	3	4
5. I've been getting emotional support from others.	1	2	3	4
6. I've been giving up trying to deal with it.	1	2	3	4
7. I've been taking action to try to make the situation better.	1	2	3	4
8. I've been refusing to believe that it has happened.	1	2	3	4
9. I've been saying things to let my unpleasant feelings escape.	1	2	3	4
10. I've been getting help and advice from other people.	1	2	3	4
11. I've been using alcohol or other drugs to help me get through it.	1	2	3	4
12. I've been trying to see it in a different light, to make it seem more positive.	1	2	3	4
13. I've been criticizing myself.	1	2	3	4
14. I've been trying to come up with a strategy about what to do.	1	2	3	4
15. I've been getting comfort and understanding from someone.	1	2	3	4
16. I've been giving up the attempt to cope.	1	2	3	4
17. I've been looking for something good in what is happening.	1	2	3	4
18. I've been making jokes about it.	1	2	3	4
19. I've been doing something to think about it less, such as going to movies, watching TV, reading, daydreaming, sleeping, or shopping.	1	2	3	4
20. I've been accepting the reality of the fact that it has happened.	1	2	3	4
21. I've been expressing my negative feelings.	1	2	3	4
22. I've been trying to find comfort in my religion or spiritual beliefs.	1	2	3	4
23. I've been trying to get advice or help from other people about what to do.	1	2	3	4
24. I've been learning to live with it.	1	2	3	4
25. I've been thinking hard about what steps to take.	1	2	3	4
26. I've been blaming myself for things that happened.	1	2	3	4
27. I've been praying or meditating.	1	2	3	4
28. I've been making fun of the situation.	1	2	3	4

We would like to know how your general well-being has been during the past month. Please answer the following questions by circling the number of the response that best describes your answer.

During the past month, have you....

	Much less than usual	Same as usual	More than usual	Much more than usual
Been able to concentrate on whatever you are doing?	1	2	3	4
Lost much sleep over worry?	1	2	3	4
Felt that you were playing a useful part in things?	1	2	3	4
Felt capable of making decisions about things?	1	2	3	4
Felt constantly under strain?	1	2	3	4
Felt that you couldn't overcome your difficulties?	1	2	3	4
Been able to enjoy your normal day-to-day activities?	1	2	3	4
Been able to face up to your problems?	1	2	3	4
Been feeling unhappy and depressed?	1	2	3	4
Been losing self-confidence in yourself?	1	2	3	4
Been thinking of yourself as a worthless person?	1	2	3	4
Been feeling reasonably happy, all things considered?	1	2	3	4

How well have you been coping in general over the last month?

Not at all 1 2 3 4 5 6 7 *Very well*

This image shows a full page of a handwriting practice worksheet. It consists of multiple sets of three horizontal dashed lines, providing a guide for letter height and placement. The lines are evenly spaced across the entire page, which is otherwise blank.

Date of completion: _____

Important: You may receive additional surveys to help us understand how your legal issue is affecting you over time. To allow us to match your responses over time, it would be helpful if you could complete the following questions:

- (a) What is the third letter of your first name? _____
- (b) What is the last digit of the year that you were born in? _____
- (c) What is the first letter of your mother's maiden name? _____

Self Representation and Pro Bono Experiences Debriefing Sheet

Many legal processes within the Australian civil justice system operate with an assumption that the parties have legal representation. Increasingly, this is not the case, with self-represented litigants ('SRLs') accounting for between 17 and 93 per cent of parties in Commonwealth courts and tribunals, depending on the nature of the case and informality of the forum. Navigating the legal system might be stressful for self-represented individuals and involve significant personal and financial costs. This research is critical to understanding the attitudes, behaviours and experiences of people such as yourself. We also hope to find out what types of support can best improve how people experience legal issues such as you might have been recently facing. In this research, we seek to compare the experiences of un-assisted self-represented persons and pro bono represented persons, with those accessing the Self Representation Service. The outcomes of this project will directly inform how clients are assisted by the QPILCH Self Representation Service, and potentially also the information given to non-assisted self-represented litigants.

Should you have any questions or concerns about the research, please do not hesitate to get in touch with a member of the research team. If you would like a copy of the results once available you can contact the researcher (Blake McKimmie is contactable on: 3346 9519 or b.mckimmie@psy.uq.edu.au).

The investigators on this project are Dr. Blake McKimmie (School of Psychology, The University of Queensland) and Professor Jeff Giddings (Griffith University).

Thanks again for your time.

Dr Blake McKimmie
School of Psychology
University of Queensland

Professor Jeff Giddings
Law School
Griffith University

Appendix 4

Part 2: Survey Time 2

SRS Client Survey

We would like to start by asking you about how you view the Self Representation Service.

Please list up to three <u>advantages</u> of using the Service:	How would you evaluate this <u>advantage</u> ?	How likely is it that this <u>advantage</u> would actually happen?
	<i>Negatively</i>	<i>Positively</i>
		<i>Very unlikely</i>
		<i>Very likely</i>
1.		
.....	1 2 3 4 5 6 7	1 2 3 4 5 6 7
.....		
2.		
.....	1 2 3 4 5 6 7	1 2 3 4 5 6 7
.....		
3.		
.....	1 2 3 4 5 6 7	1 2 3 4 5 6 7
.....		

Please list up to three <u>disadvantages</u> of using the Service:	How would you evaluate this <u>disadvantage</u> ?	How likely is it that this <u>disadvantage</u> would actually happen?
	<i>Negatively</i>	<i>Positively</i>
		<i>Very unlikely</i>
		<i>Very likely</i>
1.		
.....	1 2 3 4 5 6 7	1 2 3 4 5 6 7
.....		
2.		
.....	1 2 3 4 5 6 7	1 2 3 4 5 6 7
.....		
3.		
.....	1 2 3 4 5 6 7	1 2 3 4 5 6 7
.....		

What is your evaluation of the service?

Negative 1 2 3 4 5 6 7 *Positive*

How likely is it that you will continue to make use of the Service?

Not at all 1 2 3 4 5 6 7 *Very*

To what extent do you see the Service as being independent from the Courts?

Not at all 1 2 3 4 5 6 7 *Very*

How much do you trust the Service to look out for your interests?

Not at all 1 2 3 4 5 6 7 *Very*

Thinking about the Service, please indicate how helpful it has been in providing emotional support to you in relation to your legal problem so far.

	Rarely	Occasi- -onally	Some- times	Fairly often	Very often
How often has the Service been willing to listen when you needed to talk?	1	2	3	4	5
How often have you been able to count on the Service to help you feel better when you experienced difficulties?	1	2	3	4	5
How often have you received sympathy and understanding from the Service when you needed it?	1	2	3	4	5

How would you evaluate the emotional support provided to you by the Service?

Negative 1 2 3 4 5 6 7 *Positive*

To what extent would you have liked to receive more emotional support from the Service?

Not at all 1 2 3 4 5 6 7 *Very much*

Thinking about the Service, please indicate how helpful they have been in providing active support to you in relation to your legal problem so far.

	Rarely	Occas- -ionally	Some- times	Fairly often	Very often
How often did you feel that the Service was really trying to understand your problems?	1	2	3	4	5
How often did they fulfil their responsibilities towards you in helpful, practical ways?	1	2	3	4	5
How often were they helpful to you in getting the job done?	1	2	3	4	5
How often did they help you in practical ways to deal with your legal problems?	1	2	3	4	5
How often did they give you useful advice about how to solve your legal difficulties?	1	2	3	4	5

How would you evaluate the active support provided to you by the Service?

Negative 1 2 3 4 5 6 7 *Positive*

To what extent would you have liked to receive more active support from the Service?

Not at all 1 2 3 4 5 6 7 *Very much*

Next we would like to ask you about whether you feel as though the Service and you share a common purpose.

	Not at all						Very much
To what extent do you feel that the Service is “on your side”?	1	2	3	4	5	6	7
To what degree to you and the Service share a common purpose?	1	2	3	4	5	6	7
To what extent are you and the Service aligned around the same goals?	1	2	3	4	5	6	7

Well-being Survey

What is your age? _____ (years)

What is your gender? Female / Male

How many legal actions have you initiated in the past? _____

The following questions ask about how you are going at the moment. In particular, we would like to know how you perceive your current legal issue.

To what extent do you see your current legal issue(s) as a threat compared to a challenge?

Threat 1 2 3 4 5 6 7 *Challenge*

To what extent do you see your current legal issue(s) as being positive compared to negative?

Negative 1 2 3 4 5 6 7 *Positive*

	Not at all						Very
To what extent is your current legal issue(s) difficult?	1	2	3	4	5	6	7
To what extent is your current legal issue(s) something that you could change or do something about?	1	2	3	4	5	6	7
To what extent is your current legal issue(s) something manageable by you?	1	2	3	4	5	6	7
To what extent do you feel in control of your current legal issue(s)?	1	2	3	4	5	6	7
To what extent do you feel you could get practical help to manage your current legal issue(s)?	1	2	3	4	5	6	7
To what extent do you feel that you have the resources to manage your current legal issue(s)?	1	2	3	4	5	6	7
To what extent do you feel that you could get support in relation to your current legal issue(s)?	1	2	3	4	5	6	7

	Not at all						Very
How certain are you that you could manage your current legal issue(s)?	1	2	3	4	5	6	7
How confident are you that you could manage your current legal issue(s)?	1	2	3	4	5	6	7
If I wanted to, I could easily manage my current legal issue(s)?	1	2	3	4	5	6	7
	Easy						Difficult
For me, managing my current legal issue(s) would be:	1	2	3	4	5	6	7

If I attempted to manage my legal issue by myself, how effective would my actions be?

Not at all 1 2 3 4 5 6 7 *Very*

These items deal with ways you've been coping with the stress in your life since you found out about your legal problem(s). There are many ways to try to deal with problems. These items ask what you've been doing to cope with this one. Obviously, different people deal with things in different ways, but I'm interested in how you've tried to deal with it. Each item says something about a particular way of coping. I want to know to what extent you've been doing what the item says. How much or how frequently. Don't answer on the basis of whether it seems to be working or not—just whether or not you're doing it. Use these response choices. Try to rate each item separately in your mind from the others. Make your answers as true FOR YOU as you can.

	I haven't been doing this at all	I've been doing this a little bit	I've been doing this a medium amount	I've been doing this a lot
1. I've been turning to work or other activities to take my mind off things.	1	2	3	4
2. I've been concentrating my efforts on doing something about the situation I'm in.	1	2	3	4
3. I've been saying to myself "this isn't real."	1	2	3	4
4. I've been using alcohol or other drugs to make myself feel better.	1	2	3	4
5. I've been getting emotional support from others.	1	2	3	4
6. I've been giving up trying to deal with it.	1	2	3	4
7. I've been taking action to try to make the situation better.	1	2	3	4
8. I've been refusing to believe that it has happened.	1	2	3	4
9. I've been saying things to let my unpleasant feelings escape.	1	2	3	4
10. I've been getting help and advice from other people.	1	2	3	4
11. I've been using alcohol or other drugs to help me get through it.	1	2	3	4
12. I've been trying to see it in a different light, to make it seem more positive.	1	2	3	4
13. I've been criticizing myself.	1	2	3	4
14. I've been trying to come up with a strategy about what to do.	1	2	3	4
15. I've been getting comfort and understanding from someone.	1	2	3	4
16. I've been giving up the attempt to cope.	1	2	3	4
17. I've been looking for something good in what is happening.	1	2	3	4
18. I've been making jokes about it.	1	2	3	4
19. I've been doing something to think about it less, such as going to movies, watching TV, reading, daydreaming, sleeping, or shopping.	1	2	3	4
20. I've been accepting the reality of the fact that it has happened.	1	2	3	4
21. I've been expressing my negative feelings.	1	2	3	4
22. I've been trying to find comfort in my religion or spiritual beliefs.	1	2	3	4
23. I've been trying to get advice or help from other people about what to do.	1	2	3	4
24. I've been learning to live with it.	1	2	3	4
25. I've been thinking hard about what steps to take.	1	2	3	4
26. I've been blaming myself for things that happened.	1	2	3	4
27. I've been praying or meditating.	1	2	3	4
28. I've been making fun of the situation.	1	2	3	4

We would like to know how your general well-being has been during the past month. Please answer the following questions by circling the number of the response that best describes your answer.

During the past month, have you....

	Much less than usual	Same as usual	More than usual	Much more than usual
Been able to concentrate on whatever you are doing?	1	2	3	4
Lost much sleep over worry?	1	2	3	4
Felt that you were playing a useful part in things?	1	2	3	4
Felt capable of making decisions about things?	1	2	3	4
Felt constantly under strain?	1	2	3	4
Felt that you couldn't overcome your difficulties?	1	2	3	4
Been able to enjoy your normal day-to-day activities?	1	2	3	4
Been able to face up to your problems?	1	2	3	4
Been feeling unhappy and depressed?	1	2	3	4
Been losing self-confidence in yourself?	1	2	3	4
Been thinking of yourself as a worthless person?	1	2	3	4
Been feeling reasonably happy, all things considered?	1	2	3	4

How well have you been coping in general over the last month?

Not at all 1 2 3 4 5 6 7 *Very well*

Is there anything else that you feel is important in relation to how you are experiencing your current legal issue(s) that we have not already asked about?

Date of completion: _____

Important: To allow us to match your responses over time while preserving your anonymity, it would be helpful if you could complete the following questions:

- (a) What is the third letter of your first name? _____
- (b) What is the last digit of the year that you were born in? _____
- (c) What is the first letter of your mother's maiden name? _____