

American Bar Association News Service

Self Representation Hurting Individual Cases, Courts, Say Judges

ABA Releases New "View from the Bench" Study

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WASHINGTON, D.C. — In a survey released today by the American Bar Association, judges indicated that a lack of representation in civil matters is hurting those individuals' cases, and is negatively impacting courtrooms.

Approximately 1,000 state trial judges responded to the survey, which posed questions about their dockets, self-representation and the impact on the courts. More than half of the judges stated that their dockets increased in 2009, with the most common areas of increase involving foreclosures, domestic relations, consumer issues such as debt, and non-foreclosure housing issues such as rental disputes.

Sixty percent of judges said that fewer parties are being represented by lawyers, with 62 percent saying that parties are negatively impacted by not being represented. The impact is exemplified, through a failure to present necessary evidence (94 percent), procedural errors (89 percent), ineffective witness examination (85 percent), failure to properly object to evidence (81 percent) and ineffective argument (77 percent).

The ABA has a resource page on its website that can help individuals find legal assistance — www.findlegalhelp.org.

During a time when state budgets are constrained, agencies as well as courts are being asked to become more efficient. However, the increase in non-represented parties makes this more difficult for courts. The lack of representation has a negative impact on the court, said 78 percent of the judges, and 90 percent of judges stated that court procedures are slowed when parties are not represented.

Nearly half of the judges responding believe that there is a middle-class gap with respect to access to justice, stating that the number of people who are not represented and who do not qualify for aid has increased.

Lamm announced the findings during a news conference earlier today at the National Press Club in Washington, D.C.

The survey of judges on the impact of the economic downturn on representation in the courts was conducted for the ABA Coalition for Justice. Respondents came from around the country.