

Cynthia Stratioti
Division Chief Deputy
St. Louis County District Court
100 N. 5th Avenue West, Rm. 320
Duluth, MN 55802-1285

FOUR PERSPECTIVES ON SELF-REPRESENTATION AND THE JUDICIAL SYSTEM IN DULUTH, MINNESOTA

There is a growing state and national trend for litigants to represent themselves in court proceedings, creating new dynamics for judges, attorneys, and court staff. This paper examines the attitudes and differing perspectives of those most affected by the increase of self-represented litigants in the courts—the judges, the attorneys, the court staff, and the self-represented litigants themselves. Then by comparing and contrasting opinions of these four groups in the St. Louis County court system in Duluth, key information is synthesized to explain why past initiatives have not worked effectively and to construct new, collaborative remedies that will have a better chance for success. A literature review of best practices and the increased trend of self-representation in Minnesota and across the nation also explores the complexity of the problem, and aids the construction of short-term and long-term remedies.

To better understand the differing attitudes and perspectives of the key stakeholders concerning the impact of increased self-representation, a survey instrument was administered to a sample of Duluth District Court judges, attorneys, court staff, and self-represented litigants most affected by the

increasing demand of self-representation. The survey consisted of five pages; the first three were identical for all respondents, and the remaining two addressed questions that dealt with issues unique to the respondents. Using a multidisciplinary model of management theory, the attitudes reflected in the survey results were analyzed from a structural, human resources, political and symbolic framework by respondent type, to describe the diversity of their goals, opinions and beliefs. The results of the survey are summarized in this paper, and the responses are detailed in the appendices. The synthesis of raw data obtained through the independent survey, combined with the literature review of state and national trend data and judicial challenges, provide a broad array of information useful in the development of collaborative solutions to improve the court's handling of self-represented litigants in St. Louis County. An understanding of the dynamics, issues and challenges forms the foundation for formulating long- and short-term plans. The information gathered from the survey revealed that judges, attorneys, staff, and self-represented litigants responded to the issues surrounding the increase of self-represented litigants through vastly different viewpoints and perspectives. By and large, the project's objectives were realized. The breadth of multiple perspective and opinion explains one of the reasons why previous remedying measures were inadequate and unsuccessful. National data also verify and explain the ongoing trend for self-representation and ultimately the need for courts to

confront and address this issue in a comprehensive manner.

The data obtained by the surveys lead to several conclusions related to the challenges of self-represented litigation. Two key conclusions were that self-represented litigants in Duluth have a lack of information and a lack of understanding on the topic. Other recurring characteristics were found. Judicial responses included lack of guidance, lack of training and resources as top concerns with self-representation. In addition to these concerns, attorneys noted the pace of litigation as problematic with self-representation cases. Court staff agreed that a lack of training, guidance, and uniformity were among top concerns about self-representation. The responses were similar to results in the Minnesota State Bar survey and other survey outcomes. Case types where largest increases were seen in self-representation included child support and dissolution cases, which compare to national trends and other survey results. The data elicited by the survey demonstrates a variety of viewpoints of each of the four groups of respondents. Survey responses concluded that court staff are responding to the human resource frame, attorneys approach self-representation, for the most part, through structural and symbolic frames, but also through a political frame. Self-represented litigants primarily view self-representation through the political frame. Judges, through their formal authority, approach self-representation from structural and symbolic frames. A central proposal in this project is that conflicting viewpoints among court participants stimulates interest, change, and innovation. While there are several recommendations overall, the most important are that the frames should be used as scripts to channel action in the demanding circumstances of self-representation. Differences in attitudes of the participants can build a collaborative approach toward short- and long-term solutions, paying attention to designing a process that informs people about the complexities of self-representation and involves a cross-represented group of participants. Secondary recommendations are to develop a strong education and awareness program of self-representation issues using an understanding of self-representation from the management frameworks, to formulate a plan, and to train others to create a self sustaining system to deal with a full range of issues.

This [research paper](#) is available in its entirety in portable document format. To access, you must first obtain and install the Adobe Acrobat Reader



To obtain a copy of this research paper, please contact:

Knowledge Information Services
National Center for State Courts
300 Newport Avenue
Williamsburg, VA 23185
Phone: (800) 616-6164