

# Self-Help, Reimagined

Lois R. Lupica

Maine Law Foundation Professor of Law  
University of Maine School of Law  
Fulbright Senior Scholar  
Melbourne Law School

Community Legal Centres Queensland Webinar  
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HARVARD  
LAW SCHOOL

UCI Law

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UNIVERSITY OF MAINE SCHOOL OF LAW  
**LAW**

# Access to Professionalized Knowledge

In the U.S. *pro se* or self-help materials is the dominant form of assistance received by low-income individuals seeking help with legal matters.

# There is a difference between:

## Access



## Deployment

"All your motions are denied, Mr. Campbell. Your case is dismissed."



# Deployment

Lay consumers are expected to deploy (put into use) expert knowledge on everything from retirement savings to health plans to household electronics.

# Consumer Self-help Materials

## Medical information ...

### What if I have a complaint?

If you have a complaint about your provider, you may contact the Department of Health. This includes, for example, if your provider:

- Misled you or lied about the services or instrument dispensed, rescission rights, the care you received, or the financial aspects of your evaluation and fitting.
- Treated you while they were under the influence of alcohol or drugs.
- Abused or mistreated you in any way.
- Released information without your consent.
- Was negligent in your treatment.

### What happens after I file a complaint?

The Board of Hearing and Speech can discipline fitter/dispensers, audiologists, and speech-language pathologists. They are disciplined if they are found to have violated Washington State laws and rules related to hearing and speech. All complaints are reviewed. If needed, an investigation may include reviewing the client records. The department may interview all persons involved. A decision is based on the information from the investigation. If the provider is found in violation, there are several actions which the board may take. If the provider is not found in violation, no action will be taken and the complaint will be closed.



### Additional Information

For additional information on the Board of Hearing and Speech, visit the Department of Health web site at [www.doh.wa.gov](http://www.doh.wa.gov).

The laws and rules governing hearing and speech are Chapter 18.35 RCW and Chapter 246-828 WAC.

Washington State  
Department of Health  
Board of Hearing and Speech  
PO Box 47852  
Olympia, WA 98504-7852

Phone: 360-236-4857  
Fax: 360-236-2901  
E-mail: [janette.benham@doh.wa.gov](mailto:janette.benham@doh.wa.gov)

This publication will be made available in accessible formats upon request.

DOH 654-057 (REV 6/2009)

## BOARD OF HEARING & SPEECH

### Consumer Rights Brochure

Washington State  
Department of Health  
Board of Hearing and Speech  
PO Box 47852  
Olympia, WA 98504-7852



# Investing information...

## Equity Franchise

The Multi-Asset Franchise is also responsible for managing the Core Equity Franchise. They have worked together for years and leverage off each other's strengths to create team synergies evidenced in their fund performance.

The Core Equity Franchise overlays their own research and convictions over the broader in-house equity research before making any buy or sell decisions. The research overlay focuses on causal drivers of earnings, cash flows and returns. They require analysts to provide extensive input into the key criteria that they believe are drivers of earnings, cash flows and returns.

They believe in the importance of anticipating economic cycles and determining which industries are best placed to benefit.

## Fixed Interest Franchise

The Fixed Interest Team, which is headed up by Henk Viljoen, is highly qualified with extensive experience in the industry and has been working together for over 10 years. The Franchise houses the Money Market, Bonds, Income, Liability Driven Investments and Credit Teams.

Other fixed interest managers typically develop skills that allow for outperformance of their benchmark through predominantly one strategy. Individual strategies can result in outperformance from time to time but they may not do so consistently. The Fixed Interest Franchise aims to exploit multiple strategies on a continuous basis, to be better positioned to outperform during all phases of the market.

## Listed Property Franchise

## Global (Managed by Offshore Partners)

### **threadneedle** – Global Equities

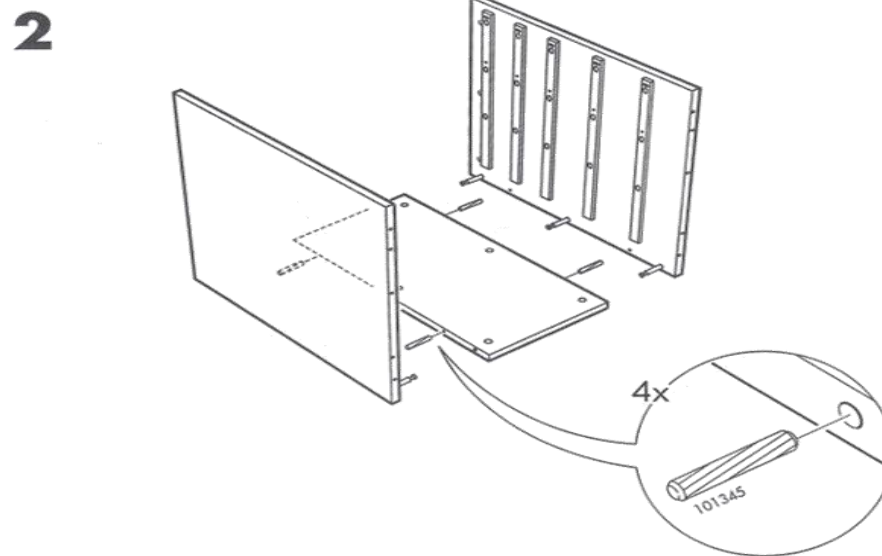
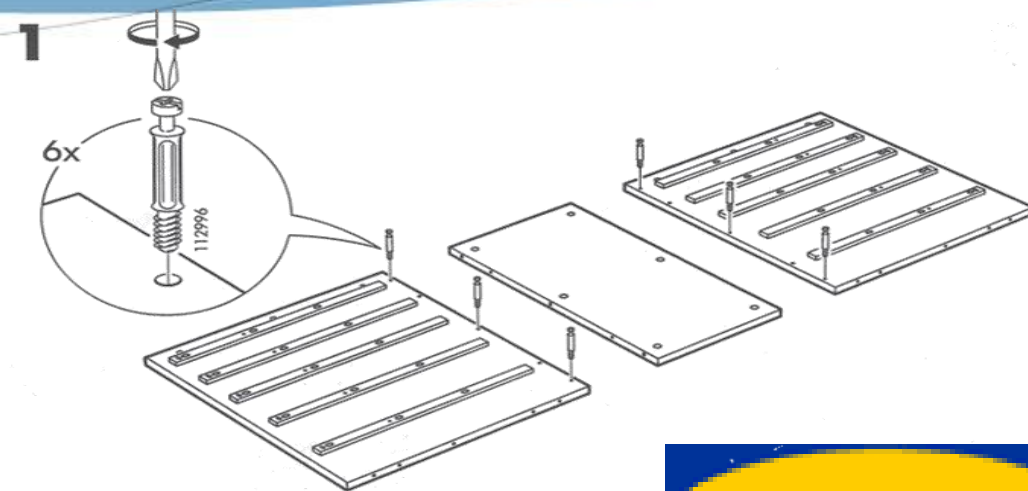
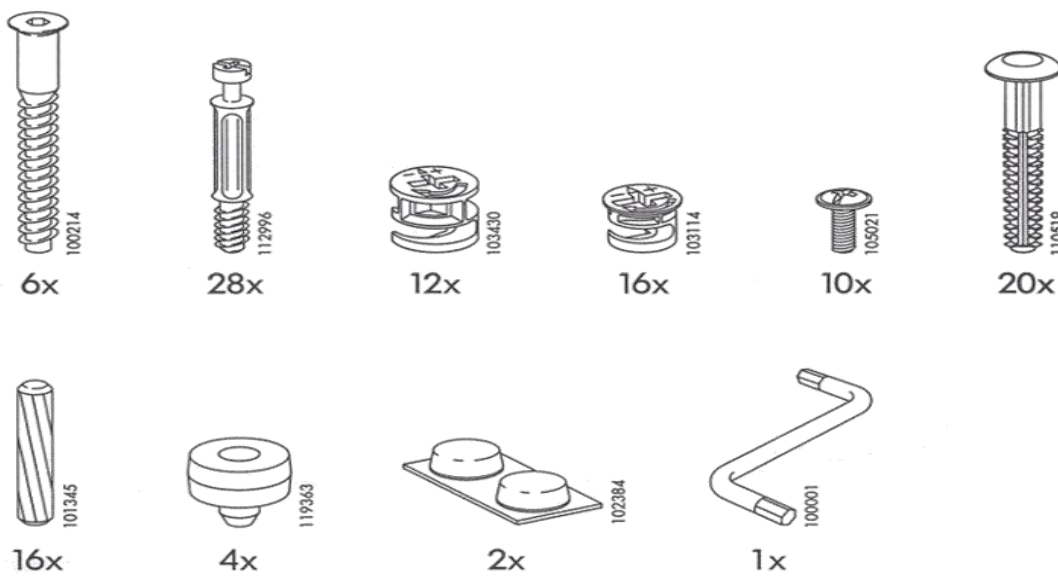
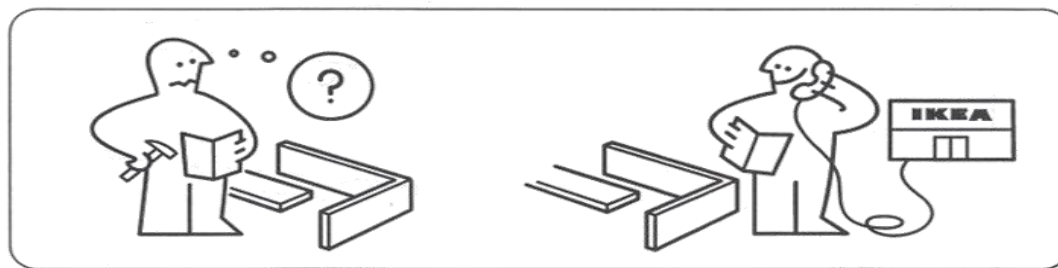
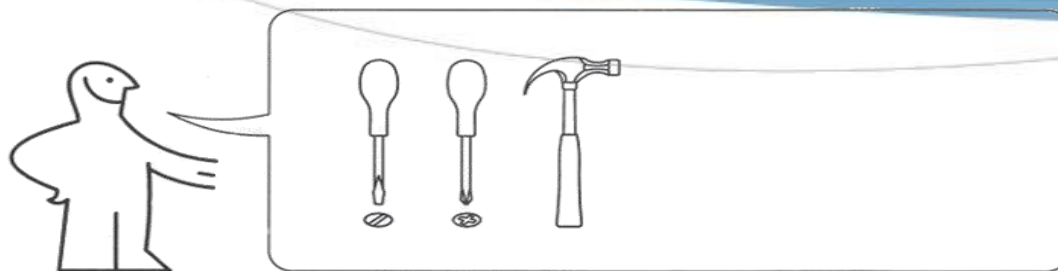
Founded in 1994, Threadneedle is an established global asset manager with assets under management of US\$150.1 billion with a compliment of over 160 investment professionals. Their sole focus is the active management of client assets across equities, fixed income, commodities, multi-asset exposures and property. Threadneedle offers emerging market exposure within a diversified global portfolio of 70 – 110 stocks.

The Threadneedle investment process is driven primarily using bottom-up fundamental analysis, although some top-down analysis is applied in the context of the macro environment. Their investment style is market driven and the portfolio is not expected to display persistent style biases over different economic cycles – therefore style agnostic. Their strategy exploits value opportunities during value cycles and growth opportunities during growth cycles.

### **Brandywine GLOBAL** – Global Bonds

Founded in 1986, Brandywine Global Investment Management manages US\$63 billion in assets as at 31 December 2014. Core to their principles is seeking value not yet recognised by others. Brandywine applies a top-down, value-driven process when structuring global income portfolios. Real (inflation-adjusted) yield is their primary measure of value.


Currency valuation is next in importance, as the real yield must be captured in US dollars. They focus on appreciating, undervalued currencies and overvalued currencies that can be hedged. Inflation trends, political risks, monetary trends, and business cycle and liquidity measures are also considered. Brandywine typically concentrate investments in eight to 16 countries that together offer the best total return potential



## 💧 Current self-help materials:


- 💧 use inaccessible legal jargon (*i.e.*, “vacating a default judgment”)
- 💧 are text heavy
- 💧 lack visual images
- 💧 lack organizers
- 💧 fail to provide guidance as to how to conduct a negotiation
- 💧 fail to set forth what to expect in court
- 💧 fail to help people overcome feelings of shame and guilt
- 💧 fail to recognize how people respond to stressful circumstances

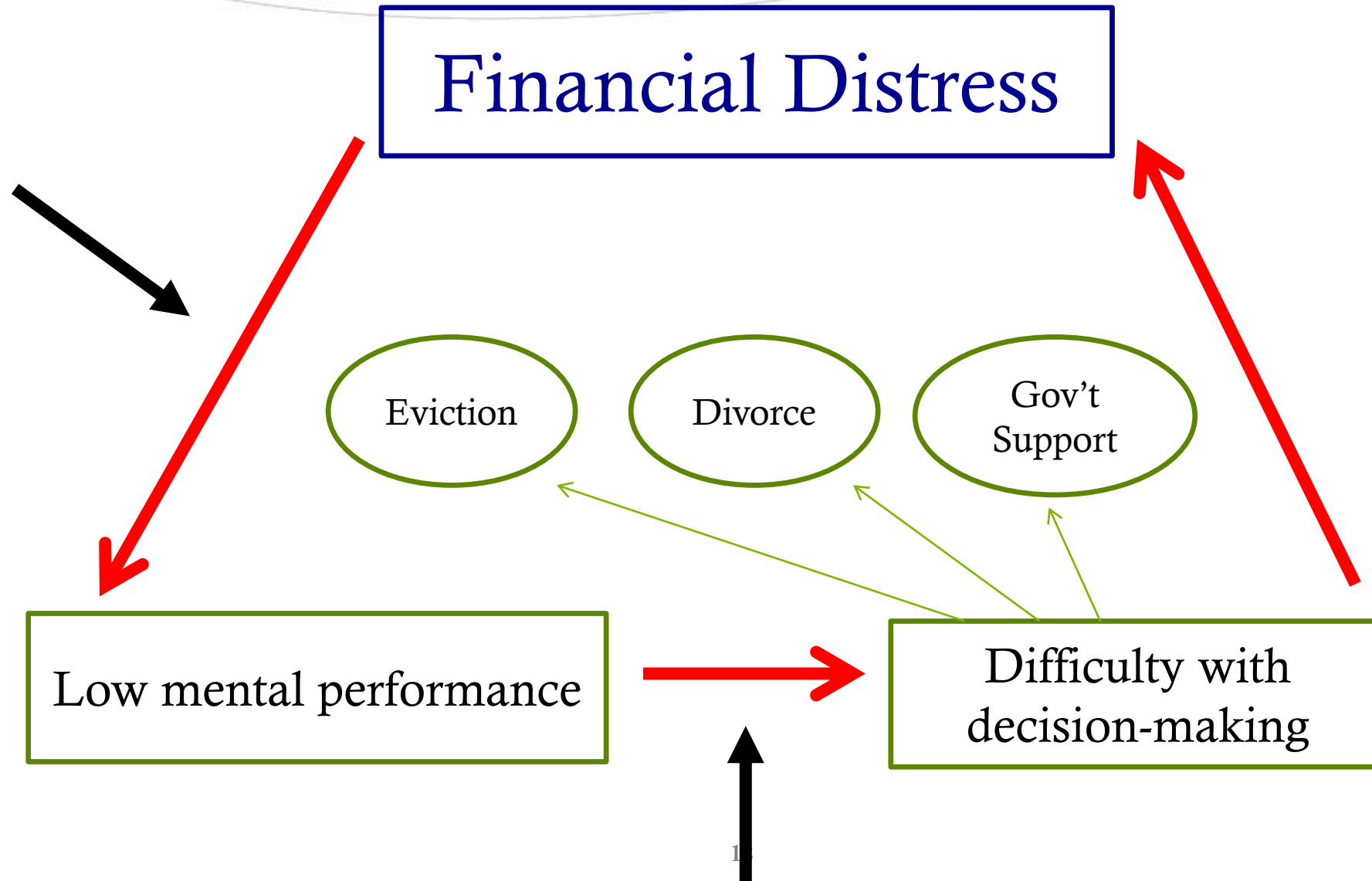


- 
- 💧 The state of the art in legal self-help must change.
  - 💧 And we need rigorous evidence of what sorts of materials produce good results.

# Study Context: Financial Distress

- ◆ As of 2018, about 71 million people in the United States have at least one debt in collection.
- ◆ More than one in six Australians — around 1.9 million people — are struggling to repay their debt.
- ◆ New report by ASIC shows that Australians owe \$45 billion in credit card debt.

- 
- ◆ Distressed debt results in:
    - ◆ collection lawsuits,
    - ◆ compromised credit,
    - ◆ family stress,
    - ◆ potential family dissolution or violence,
    - ◆ housing and food insecurity,
    - ◆ larger claims on public benefits.



# Study Question

- 💧 What helps consumers in financial distress improve their financial lives?





Some have suggested more affordable legal representation.

BUT ... In the U.S., there will never be sufficient legal aid resources to provide a traditional, attorney-client relationship to all low- and middle-income individuals facing debt-related legal problems.

- 💧 Others have suggested financial counselling which routinely covers legal subjects.
- 💧 We have, however, little rigorous evidence assessing whether counselling improves credit profiles.

The key is to produce rigorous evidence regarding when and where to deploy scarce lawyer time most effectively, while designing new interventions that are less expensive than lawyers.

# Randomized Treatment Groups (300 People/Group)

## **Treatment Group**

- Incentive (\$), placebo counseling
- Assistance packet + telephone advice

## **Financial Counseling Only**

- Incentive (\$), financial counseling
- Assistance packet + telephone advice

## **Lawyer Only**

- Incentive (\$), placebo counseling
- Offer of attorney representation

## **Both Financial Counseling and Lawyer**

- Incentive (\$), financial counseling
- Offer of attorney representation

**Self-help v.  
attorney  
representation**

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**Both Financial  
Counseling and Lawyer**

- Incentive (\$),  
financial counseling
- Offer of attorney  
representation



## Financial counseling v. Placebo counseling



### **Treatment Group**

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### **Both Financial Counseling and Lawyer**

- Incentive (\$), financial counseling
- Offer of attorney representation

# How do we design self-help materials that address & break down barriers to their deployment?



We have drawn on research in the fields of:

- Distance education
- Public health
- Behavioral economics
- Experimental psychology
- Cognitive psychology
- Sociology

# Pre-Tested the Deployment Problem

## Methodology

- ◆ Court observations
- ◆ Semi-structured cognitive interviews with consumers in debt collection cases in Maine, Connecticut, and Massachusetts
- ◆ Focus groups

# Cognitive Interview Example

Which graphic image best communicates the concept of the need for “best evidence” to be introduced in court?

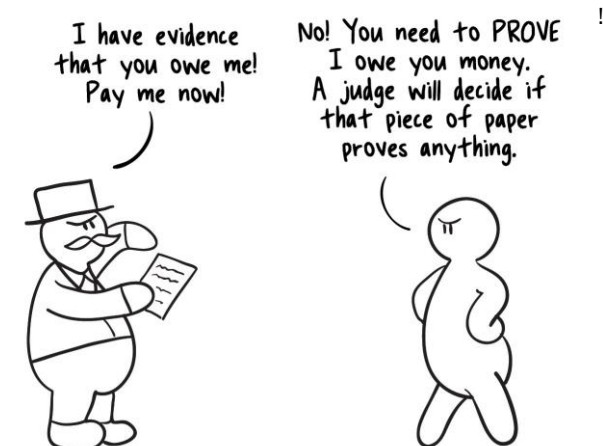
Version #1



Version #2



Version #3



# Post-Research and Testing Hypothesis

Individuals in financial distress will have trouble *deploying* professional legal knowledge as a result of a variety of barriers:

- 💧 Cognitive, emotional, behavioral, and psychological challenges
- 💧 Debilitating feelings of shame, guilt, or hopelessness
- 💧 Lack of self-agency
- 💧 Failures in plan-making and plan-implementation



# When people are over-indebted, they face the barrier of shame and guilt

This is hard. But you are not alone. Lots of people have trouble paying their debts. And it doesn't mean you are a bad person.

Pick some words that describe you.

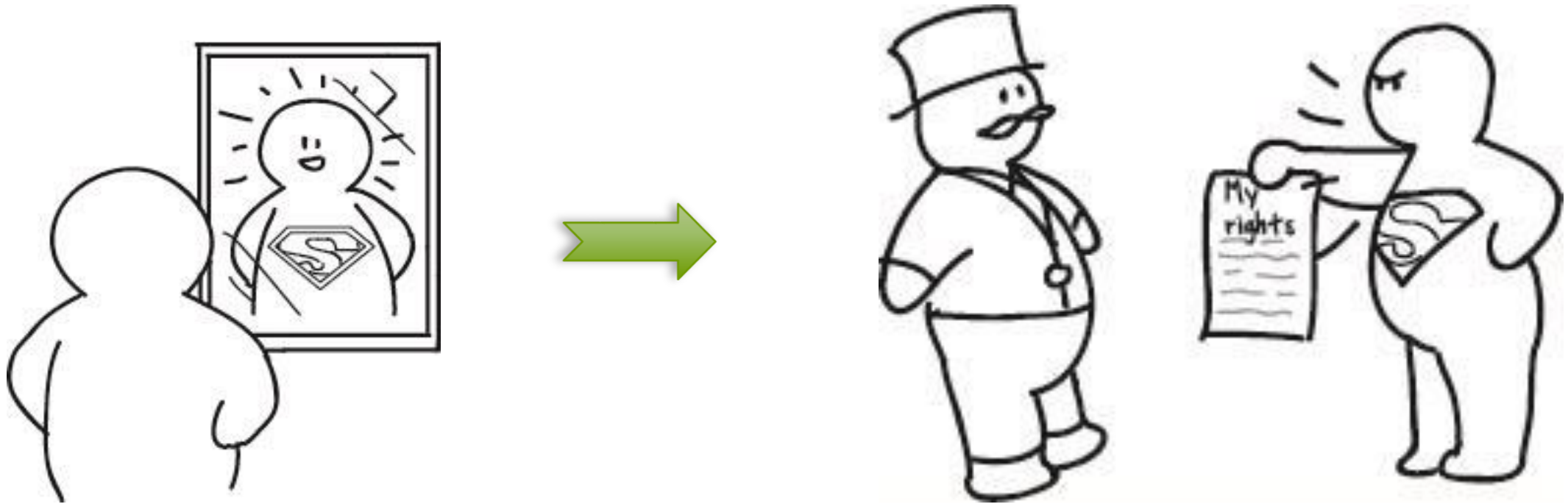
Maybe some of these:

- ☐ Kind
- ☐ Giving
- ☐ Fair
- ☐ Honest
- ☐ Hard-working

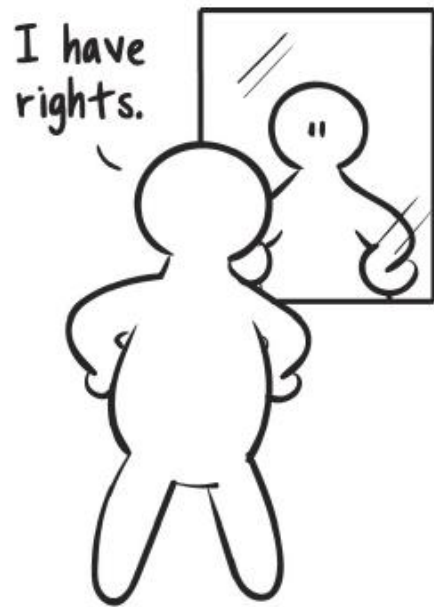


## Self-Affirmation Theory

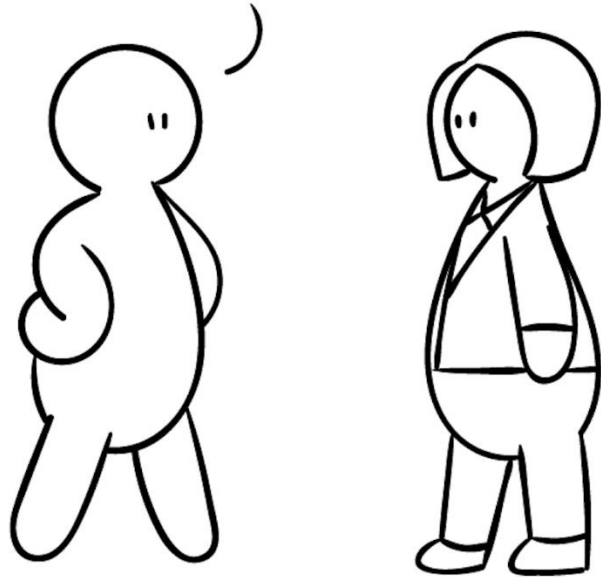
When people have to advocate for themselves before a figure of authority, they may face the barrier of a lack of agency



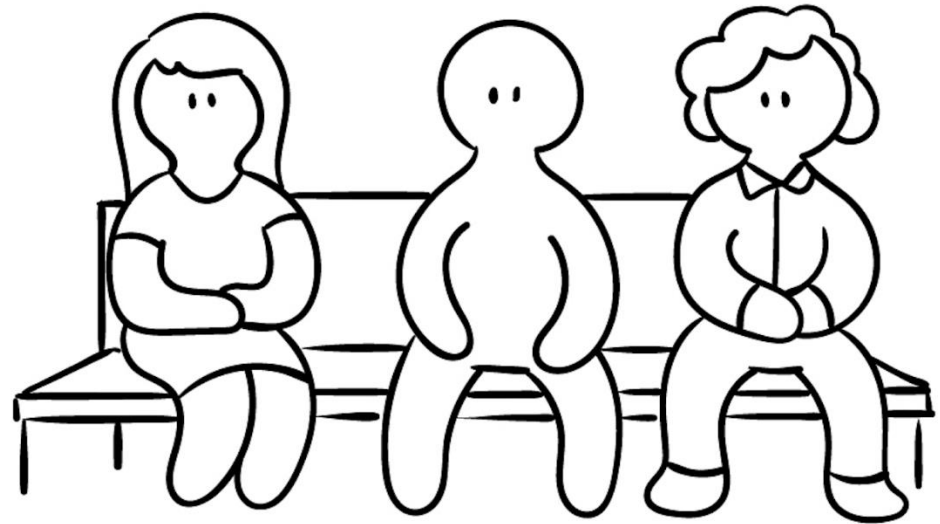
# When people have to assert themselves in an unfamiliar and intimidating context



No, I want to talk  
to the judge.



COURTROOM 5




# When people face the barrier of uncertainty about what to expect or what to do first in an unfamiliar context or environment

The diagram shows a court notice form from the State of Connecticut - Superior Court Centralized Small Claims. Three callout boxes provide instructions on how to use the form:

- Left Callout:** "Find the court date and time from the Notice. Plan to be at the court for several hours!" with an arrow pointing to the "Hearing Date" and "Time" fields.
- Right Callout:** "Find the court address. Plan how to get to court early!" with an arrow pointing to the "Report to" address field.

**Form Content:**

 State of Connecticut - Superior Court  
Centralized Small Claims

RE: Docket# SCC -16-3210

Report to: SUPERIOR COURT, 122 Broad St., New London, CT  
COURTROOM B

Hearing Date: 4/10/2017  
Time: 2:00 PM

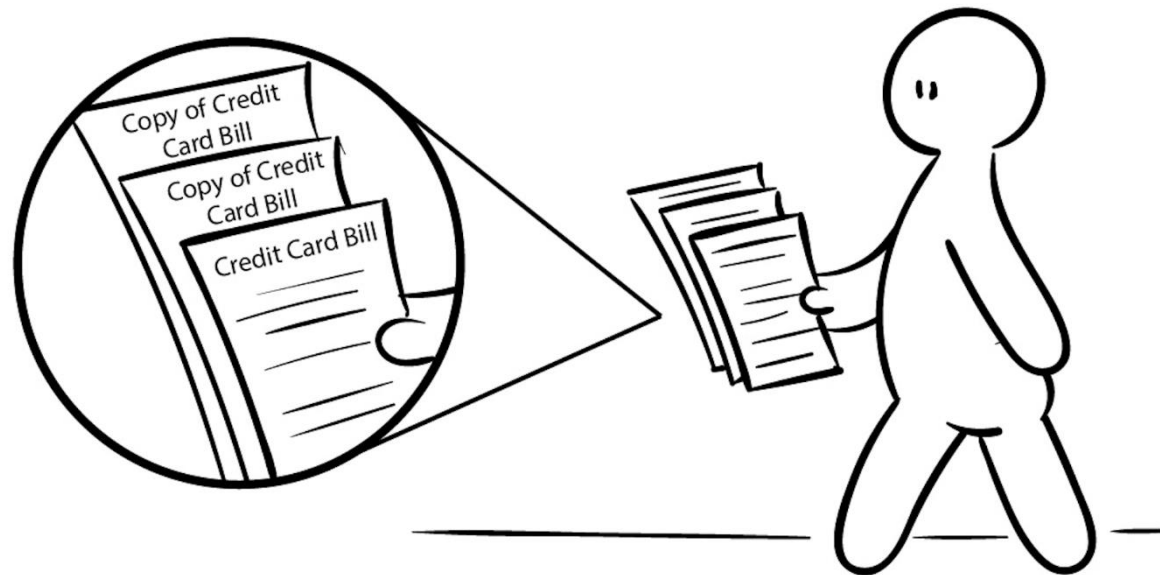
See opposite side for court directions:

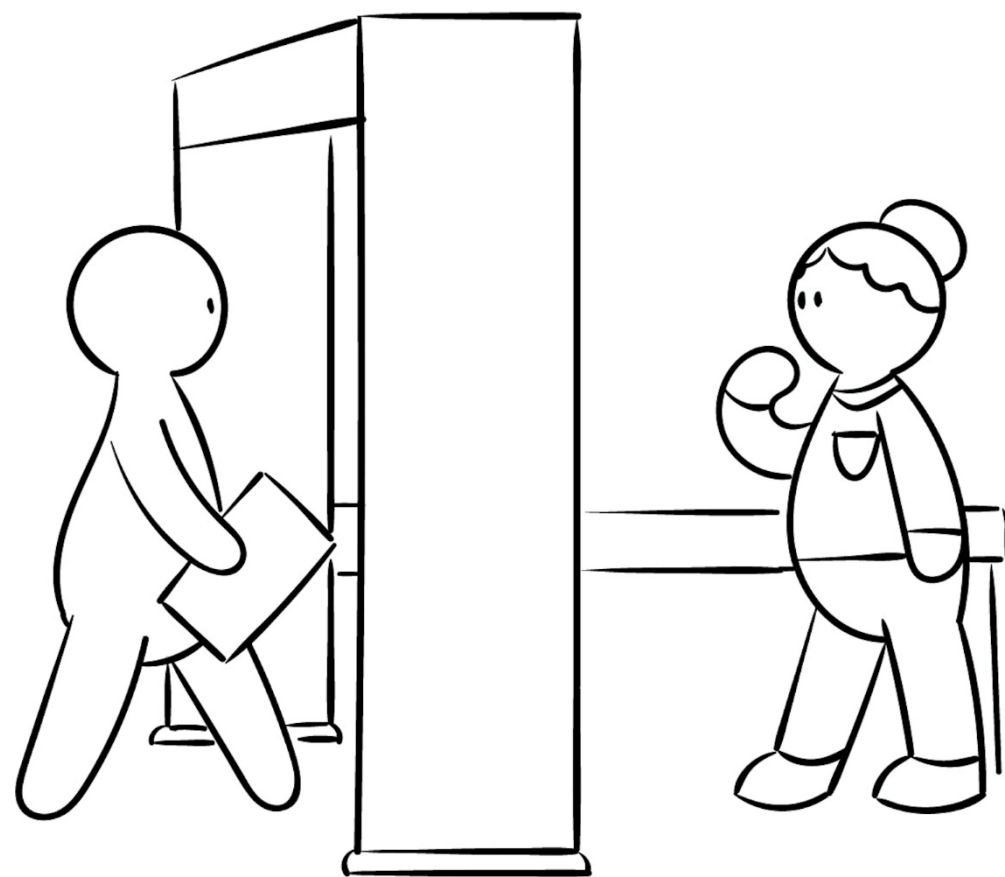


On the date listed on the *Notice of Small Claims Hearing* . . . go to court!!!

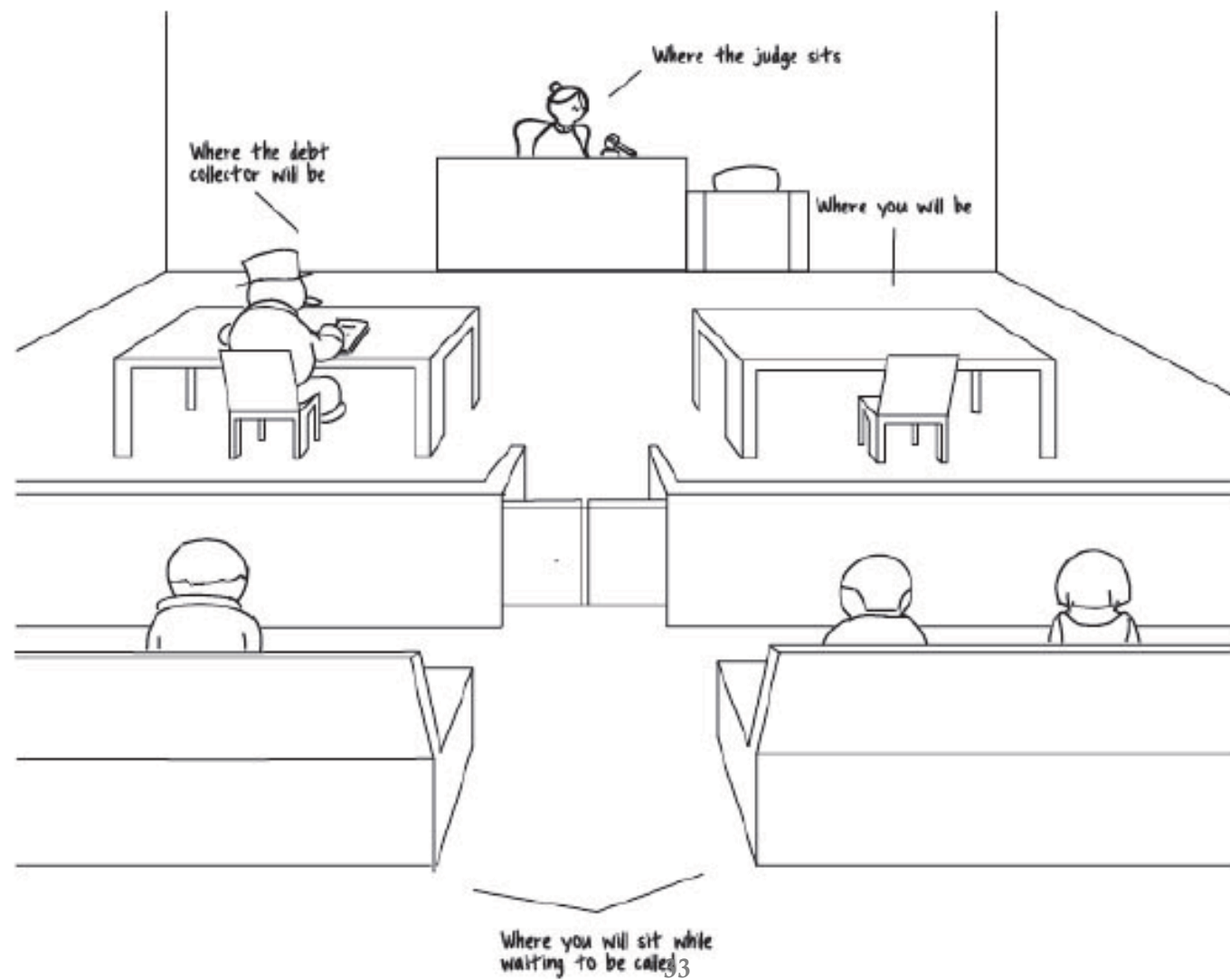


Welcome to  
Court









If the information in the self-help materials fails me on the small things, how can I trust it on the big things?





# Self-help users face the barrier of a lack of knowledge about details of how the formal legal system works

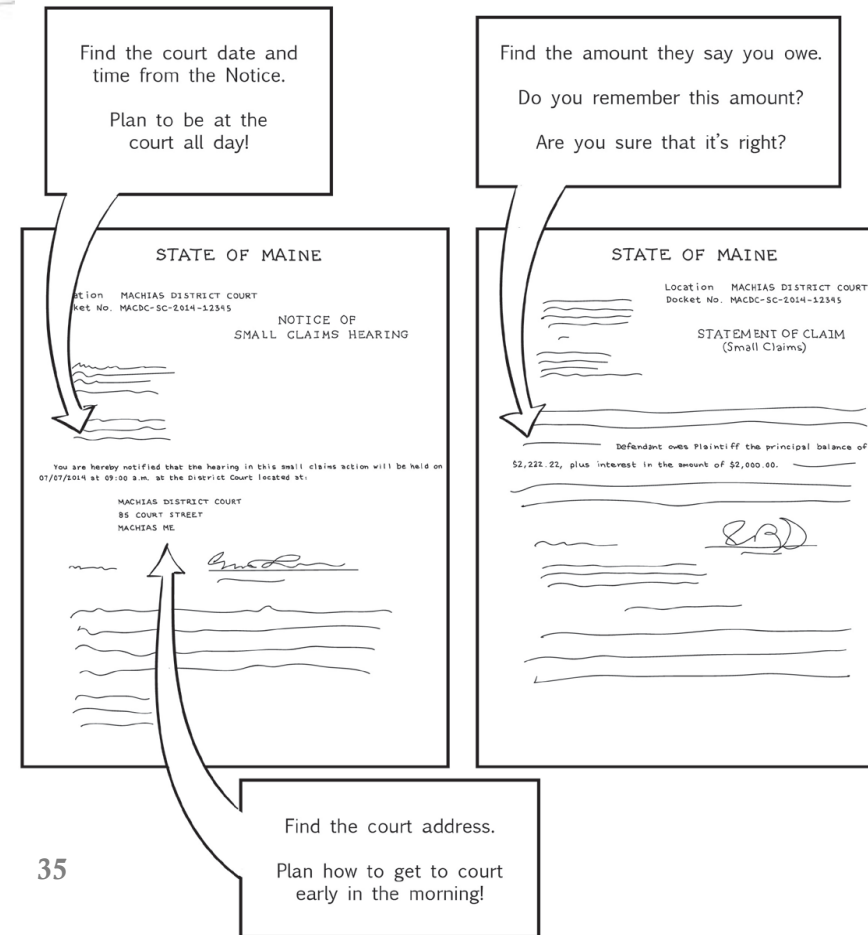
When do you go to court?

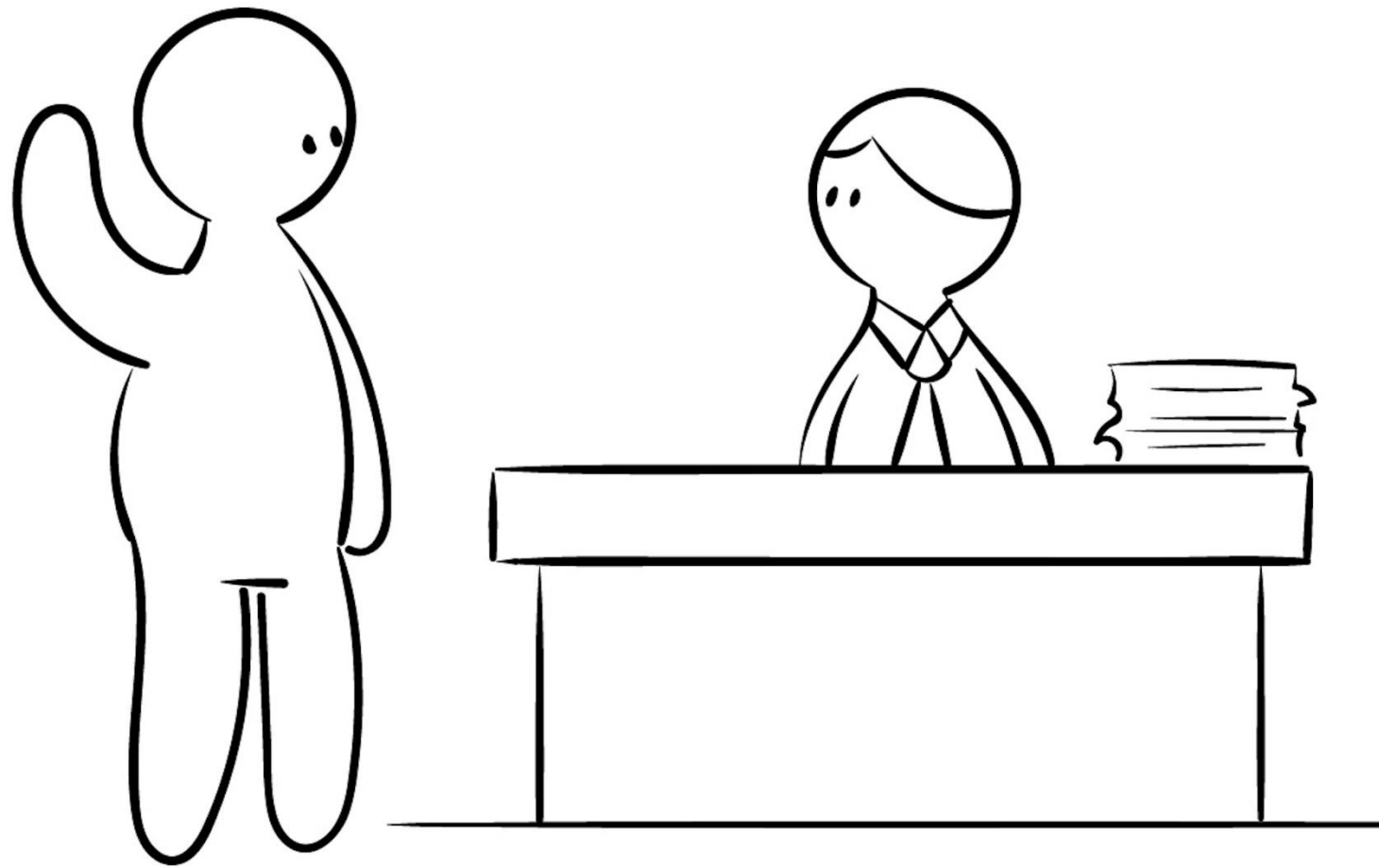
The court will mail you a letter telling you when to go.

So, watch for a letter from the court.

The letter will say “*Notice of Small Claims Hearing*” at the top.

When you get the paper that says “*Notice of Small Claims Hearing:*”





I've got lots of papers.  
I don't need every  
detail.



# People in financial distress often face challenges with making plans and with goal setting

- 💧 The self-help materials should provide tools to help users make plans and set important goals.
- 💧 The advance commitment to a plan decreases the need for self-control in the face of temptation.



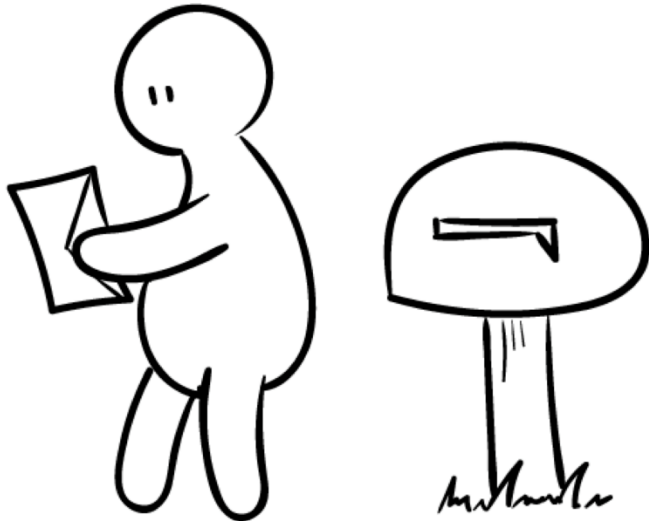
If goals are  
specific &  
proximate they  
are more likely to  
be accomplished

**“I will pay cash  
for groceries  
this week”**

*rather than* “I will try  
not to use my credit  
card so much”



If I get a refund check from my taxes, I will put it in the bank rather than spend it.



If “X” happens, then I will do “Y.”

- Self-help materials can give examples of a person committing to responding to a specific circumstance in a particular way.
- Having a plan in place eliminates decision-making in the moment.




If goals are framed positively they are more likely to be accomplished

**“If I call my creditor about making small payments tomorrow, I will happier” *rather than* “If I don’t set up a payment plan I’m in trouble”**



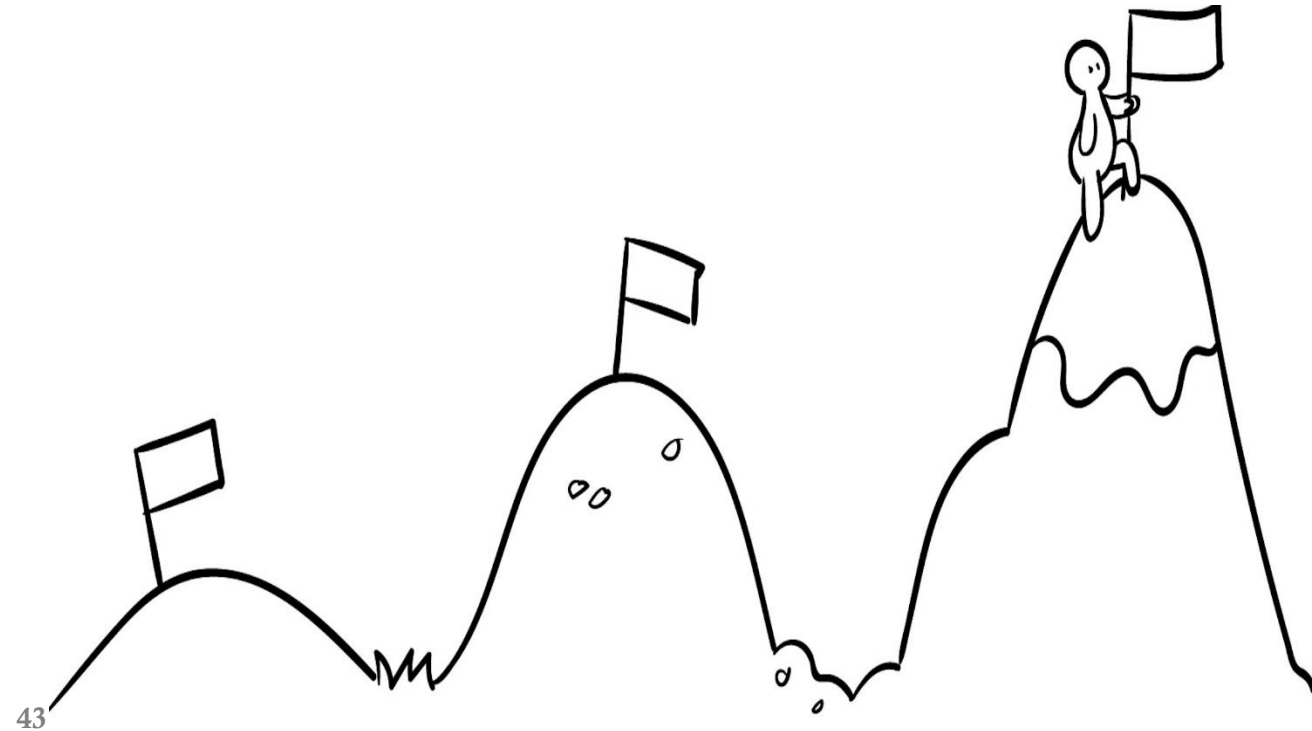
# Planning Prompts



Don't forget  
to go to court  
on Monday  
April 7th

Self-help materials should include encouraging words or pictures to help people stay motivated through a difficult or lengthy process

You can do this!



# Self-help materials should include relaxation exercises to lessen anxiety through a stressful process

A few minutes of deep breathing will help you feel calmer and less anxious



# When people face the barrier of difficulty with information processing & learning

## Conceptual Knowledge

- ◆ Understanding underlying principles
- ◆ Understanding ideas, connections & relationships
- ◆ Interpretation of concepts

# When a person faces the barrier of difficulty with information processing & learning

## Conceptual Knowledge

- ◆ Understanding underlying principles
- ◆ Understanding ideas, connections & relationships
- ◆ Interpretation of concepts

## Procedural Knowledge

- ◆ Skills
- ◆ Procedures
- ◆ Action sequences



Self-help materials should provide the user with procedural information. Less “why” they have to do something and more “this is what you need to do.”

**Step one:** Gather all of your pay stubs, bank statements, and every other paper that has to do with the money you get or have. Then make a list of everything you own.

**Step two:** Fill out the court forms.  
You can get the on line at [www.court.xxx](http://www.court.xxx) or you can go to the court and get the forms.

**Step three:** Send the forms to the Court. Here is the address:

100 Main Street  
Anytown, 12345

**Step four:** Send a copy of your forms to your spouse.  
You can do this by mail.  
If you go to the post office, you can get a receipt and tracking number.

# Self-help materials should provide the user with procedural information in the form of “scripts.”

**We’ve written something you can read to the judge.**

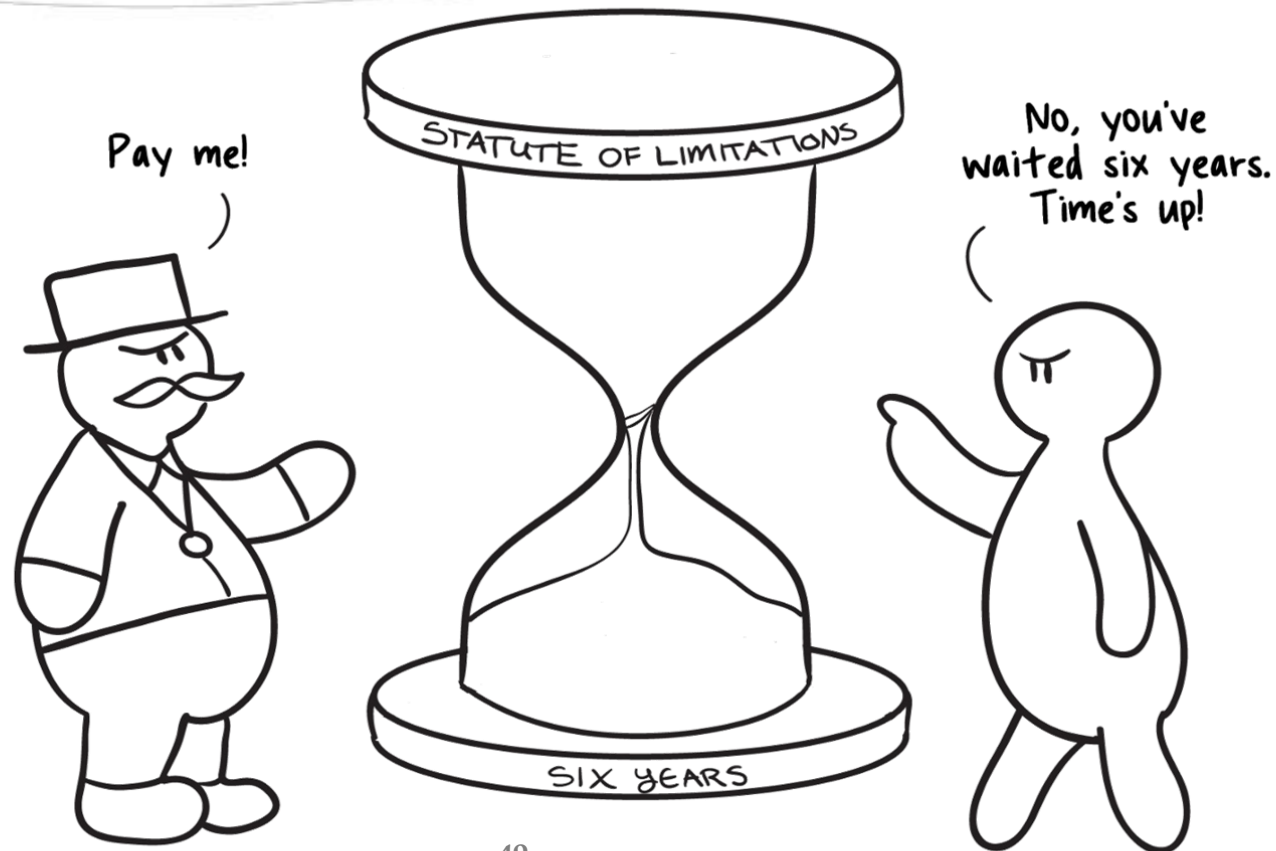
**There are some legal words there that you may not understand.**

**That’s O.K.! The judge will understand.**

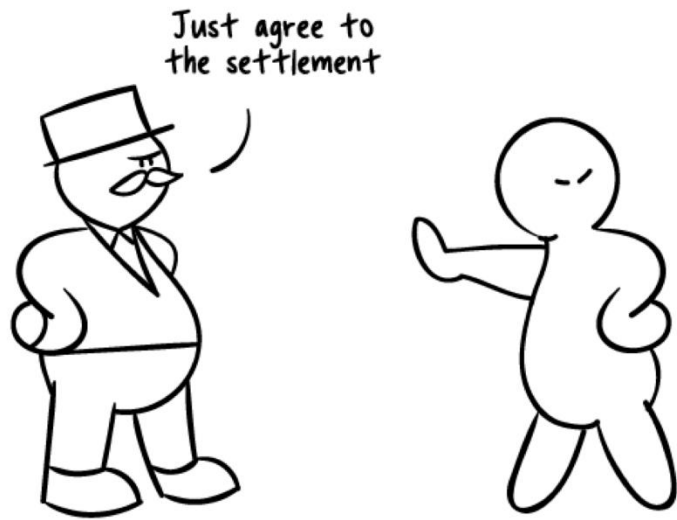
*First, Your Honor, I ask that you dismiss this case with prejudice because I don’t think the lawyer can prove anything. The lawyer needs to have a witness, or at least a sworn document. And the lawyer needs records from that company. Otherwise, none of the information is reliable. Nothing is based on personal knowledge. And the business records exception does not apply because there’s no witness to say so.*

# When conceptual knowledge is necessary, self-help materials should use analogy & imagery

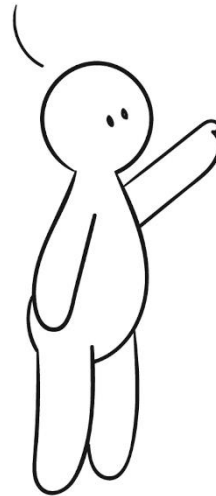
How to  
explain the  
statute of  
limitations



# Imagery can be used to explain, direct and entertain the self-help user



This number is smaller than the one in 13. I should check the first box, box 14a.



12a. \$ 4,000

x 12

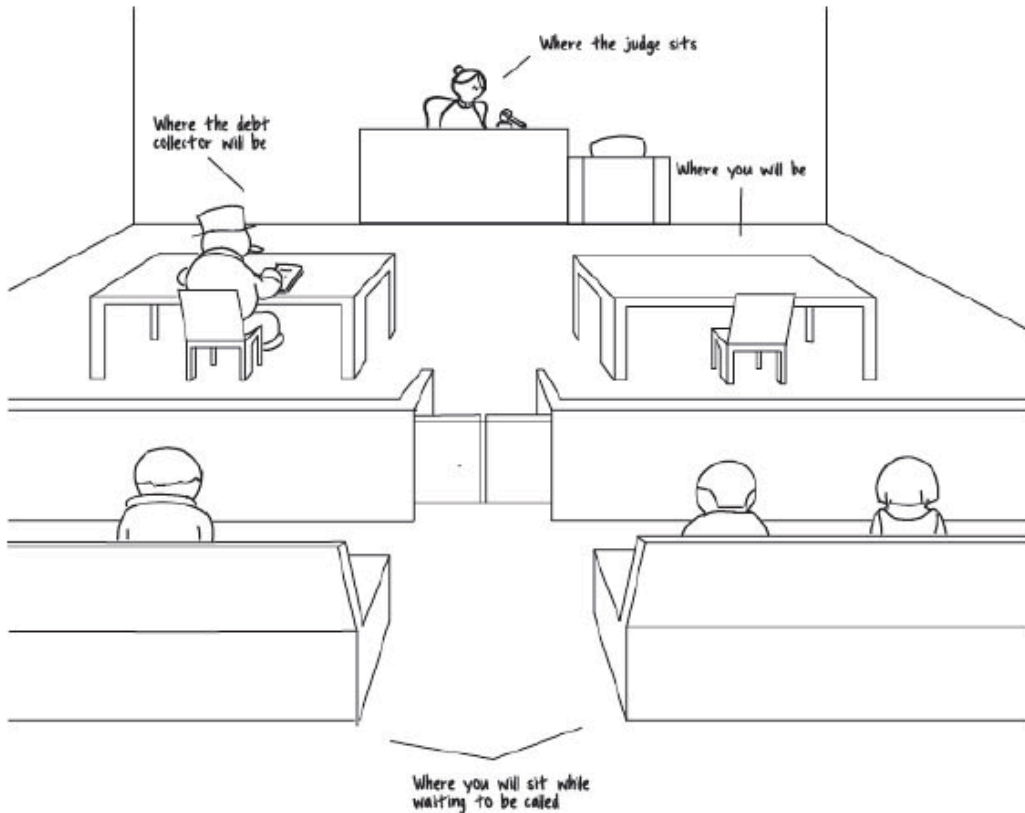
12b. \$ 48,000

13. \$ 61,527





# Stick figures should be used rather than detailed photographs or drawings



# Self- help materials should use checklists to help users keep organized

## Checklist

- ☐ **Step one:** Gather your papers. Turn to page \_\_\_ to see what papers you need to find.
- ☐ **Step two:** Fill out the court forms. Turn to page \_\_\_ to see how to get them and how to fill them out.
- ☐ **Step three:** Once you have filled out all the forms, you need to make copies of all the forms. Turn to page \_\_\_ to see where you can make copies.
- ☐ **Step four:** Give one copy to the court with a filing fee or a waiver form. Turn to page \_\_\_\_ to learn exactly how to do this.
- ☐ **Step five:** Send one copy of all the forms to your spouse. Turn to page \_\_\_\_ to learn exactly how to do this.



# Self- help materials should use advanced organizers to help users keep organized and see the process as a whole

You can take care of your court case without a lawyer. This packet will show you how. It has four parts:



Part One is called, "**You Should Go To Court.**" It explains why you should go to court.



Part Three is called, "**What To Do.**" It tells you what to do in court.



Part Two is called, "**Know Your Rights.**" It tells you why you might not have to pay any money, or as much money as the company suing you says you owe.



Part Four is called, "**Take This to Court.**" You should take this packet to court with you. It suggests what to say in court.

# Self-help materials should avoid legal jargon and simplify complicated processes

**home**

*rather than*

**domicile**

**papers or forms**

*rather than*

**documents**

**change**

*rather than*

**modify**

**next to**

*rather than*

**abutting**

# Self-help materials should avoid legal jargon and simplify complicated processes

When you go to court, you or someone else will give information to a judge. This is called “evidence”.

This evidence may include a story that you or someone else tells the judge. This is called “testimony”.

Emails and text messages, documents, photos, and objects that help you tell your story can also be evidence.

# Self-help materials must be written at a fifth grade reading level and in a conversational style



You can always tell your side of the story to the judge.

Even if the judge says that it will take a long time to finish the case if you don't settle.

If you want the judge to hear your story, the judge has to listen.

# Self-help materials should draw on and reflect communication theory at the level of the page, the sentence, and the word

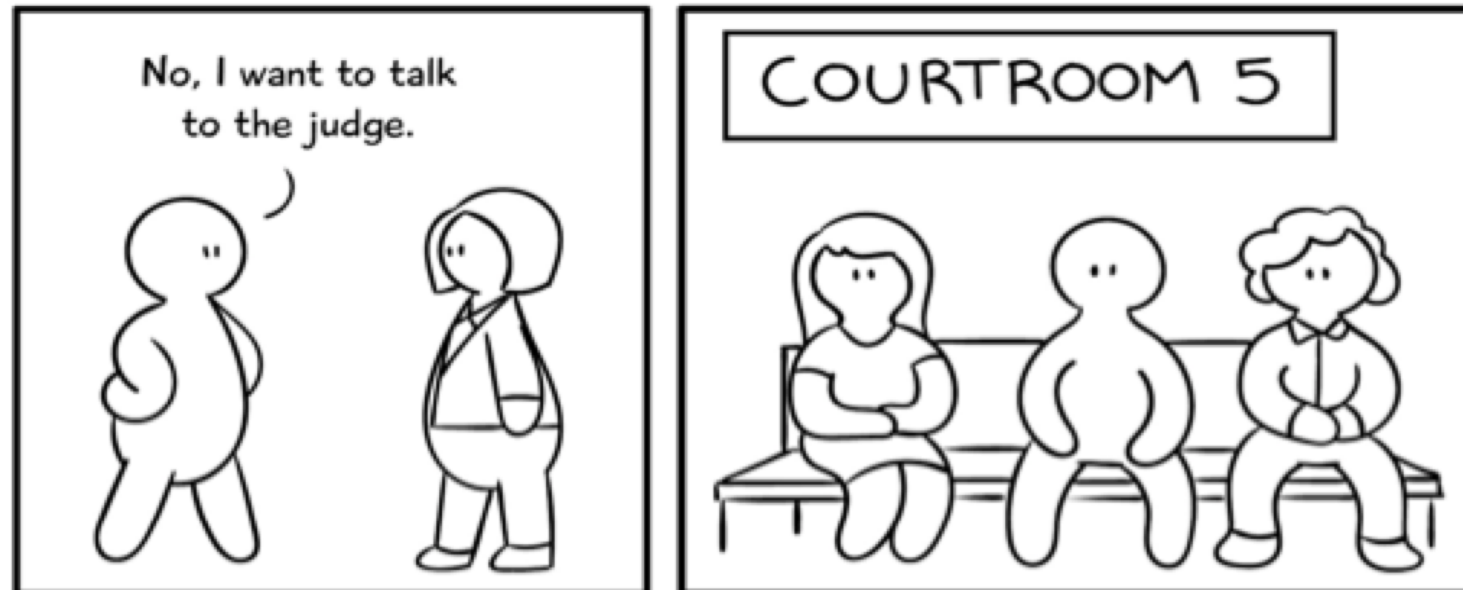
- Use the active voice and present tense
- Place the main idea before the exceptions
- Give examples of how one would follow a complicated direction
- Use headers on each page
- Leave plenty of white space on each page so as not to overwhelm the reader
- Don't mix fonts within the body of text

If you don't want to agree to a deal, you don't have to.

Tell the lawyer that you want the judge to decide. Then go back into the courtroom.

You might have to wait for a while before it is your turn. That's OK.

You have the right to see the judge.

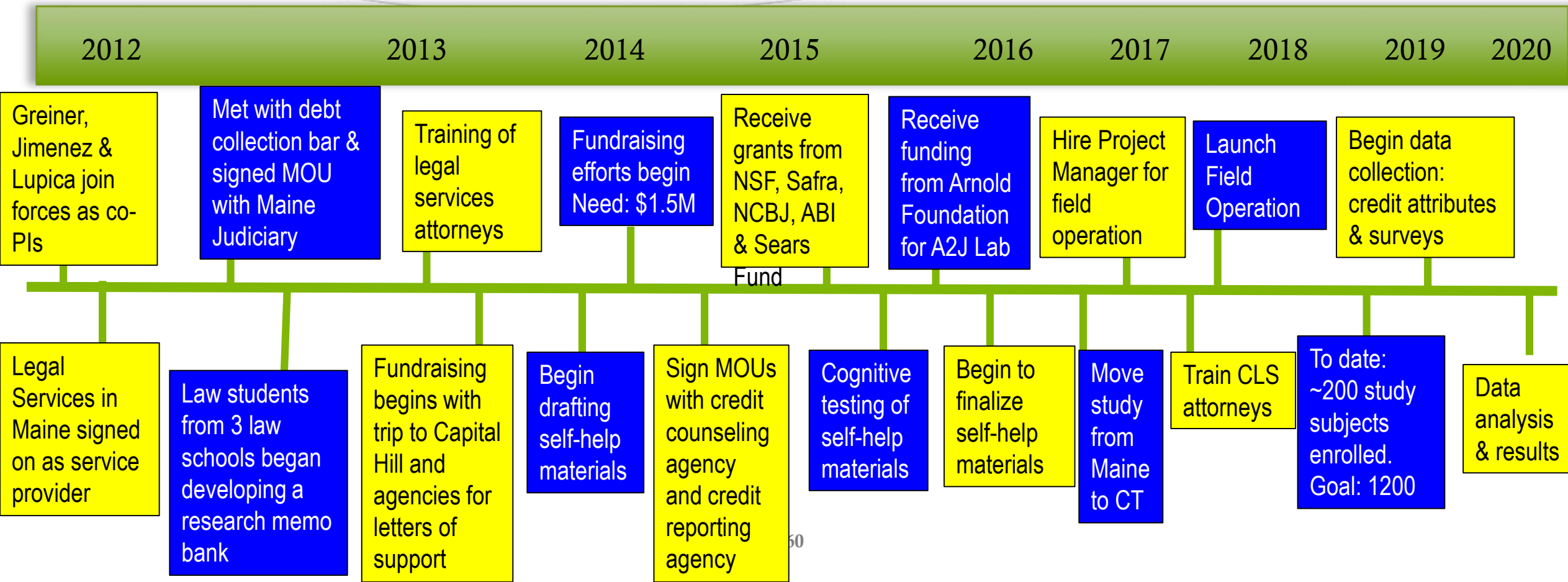




# Summation

- ◆ Simplicity in presentation is key
- ◆ Provide short-cuts and prompts
- ◆ Make self-improvement behaviors easy and the “default” (*i.e.*, direct deposit 10% of salary into a savings account)
- ◆ Use tools to improve user’s self-control and follow-through
- ◆ Keep people engaged while they are performing difficult tasks
- ◆ Understand your audience and have that understanding reflected in your communication (*i.e.*, low literacy, over-taxed bandwidth, stressed & overwhelmed)

# Timeline for Financial Distress Research Study: Signature Study of the Harvard Law School A2J Lab



# “Improved financial lives” will be measured using objective metrics

- 💧 200 credit attributes and credit scores
  - 💧 2 years before study enrollment
  - 💧 3 years after study enrollment

“Improved financial lives” will also be measured by physical and mental health survey

# Data and analysis in 2020 - 2021

# Thank you

