

Litigation Literacy in the Lawyerless Court

Evidence from a Community-Based Eviction Defense Curriculum

Jim Winner

Just Us Bridge, Chicago, Illinois

jim@professionallitigant.org

Preprint dated September 22, 2026. This version has not been peer reviewed.

Abstract

Federal law has protected a party's choice to conduct a case personally since the Judiciary Act of 1789, while modern civil procedure largely assumes professional representation. This article coins litigation literacy as the term for the knowledge, skills, and dispositions required to recognize a justiciable problem, invoke or respond to formal legal process, and participate competently in the adversarial resolution of that problem, with or without professional assistance. The Winner Litigation Literacy Framework turns that definition into an operational model of situation-bound procedural agency. It asks whether a person facing an active case can recognize a procedural event, identify the rule, deadline, and consequence it activates, select and complete a valid next act, communicate or prove what matters, and preserve claims and review options. Its unit is the event-response pair, and its standard is observable performance within a specified forum and case stage. Functional, interactive, and critical levels organize that performance. Searchable information and guided forms support discrete tasks. The framework measures whether a learner can act across an unfolding case. A Chicago eviction defense curriculum illustrates the measurement problem. Among 36 participants with paired intake and exam records, mean scores rose 16.9 percentage points (paired t-test, $p < .001$). The paired data establish immediate knowledge gains within that sample. Separate platform records show broader, topic-selective use, with approximately 47 percent of signups watching at least one

instructional video. The article proposes a short scenario-based instrument and places litigation literacy alongside representation and court simplification as an access-to-justice strategy.

Keywords: litigation literacy, procedural agency, access to justice, self-represented litigants, eviction, community legal education

1. Introduction

American law began by protecting a party's choice to conduct a civil case personally or through counsel. Section 35 of the Judiciary Act of 1789 provided that parties in federal court could "plead and manage their own causes personally or by the assistance of" counsel (Judiciary Act of 1789, § 35). Congress enacted the statute on September 24, 1789, one day before it proposed the amendments that became the Bill of Rights, and its descendant retains the same choice (28 U.S.C. § 1654; *Faretta v. California*, 1975, p. 832). The counsel-centered court developed later while the personal option remained in the law. Its scale is now unmistakable. In the National Center for State Courts' study of civil litigation, at least one party was self-represented in more than three quarters of the roughly 925,000 cases examined (National Center for State Courts, 2015). In eviction proceedings nationwide, roughly 3 to 4 percent of tenants have counsel while more than 80 percent of landlords do (National Coalition for a Civil Right to Counsel, 2023). Scholars describe these forums as lawyerless courts (Steinberg, 2015; Zambrano, 2022), and the Legal Services Corporation estimates that low-income Americans received no or inadequate legal help for 92 percent of their civil legal problems in 2022 (Legal Services Corporation, 2022).

Two features of the scholarly response to this crisis motivate the present article. First, the dominant remedies are supply-side. The civil Gideon movement seeks a categorical right to counsel in cases involving basic human needs; unbundled and limited-scope service models stretch existing lawyer capacity; and right-to-counsel ordinances in eviction, now enacted in

New York City and more than a dozen other jurisdictions, guarantee representation in one high-stakes docket. Strong evidence supports full representation in eviction (Office of Civil Justice data reported in Community Service Society of New York, 2024; Urban Institute, 2021). Funded capacity, political support, and program design limit its reach. Tens of millions of civil justice problems arise each year, and most never reach a courtroom or a lawyer (Sandefur, 2014).

Second, litigant capability remains undertheorized as an intervention target. Legal capability research maps what laypeople know, believe, and do about justiciable problems (Pleasence & Balmer, 2019), while legal empowerment scholarship shows how trained nonlawyers help communities use law (Namati, 2024). Zariski supplies a broad legal-literacy account centered on litigation, including analysis, planning, research, and communication (2014, pp. 3, 12-16). Litigation literacy names the situation-bound procedural agency examined here. The Winner Litigation Literacy Framework fixes an observable unit of performance, ties instruction to recurrent procedural failure, and specifies how competence can be measured in a particular forum. It recovers the practical capacity assumed by the preserved choice to proceed personally.

The author founded the program examined in Section 6 and litigates pro se in federal and state court. Independent consultant analyses supply the quantitative results reported here. The article reproduces those statistical results as delivered in the underlying evaluation reports, and Section 6.5 defines the study's evidentiary reach.

2. The Justice Gap and the Lawyerless Court

2.1 The preserved right and the counsel centered court

Early legal history sharpens the point. Faretta's constitutional holding concerns criminal defendants, and its historical analysis traces a broader tradition. English common law treated

personal advocacy as ordinary, compulsory counsel was associated with the Star Chamber, and the American colonists combined self-reliance with distrust of lawyers identified with Crown officials (*Faretta v. California*, 1975, pp. 821-827). The First Congress preserved the choice for all parties in federal court through Section 35. In *Stockton v. Bishop*, a civil case, the Supreme Court connected that choice to procedural accessibility, reasoning that because parties could manage their own cases, "technicalities could not be required" (1846, p. 168). Together, these authorities place personal conduct of a case within the institutional design and connect it to procedural accessibility. Counsel remained valuable, and the legal order preserved lay access to court.

The formal right survived while the institutions around it changed. From the late nineteenth century forward, organized bar associations consolidated authority over legal education, admission, and professional boundaries (Herzfeld, 2021). Unauthorized-practice rules narrowed the lawful space for nonlawyer assistance. Rhode and Ricca (2014) document organized-bar enforcement that blocked do-it-yourself legal tools and placed some enforcement decisions in bodies susceptible to anticompetitive interests. The formal right remained. The practical divide between licensed counsel and a person proceeding alone widened. By 1975, Justice Blackmun's *Faretta* dissent expressed the stigma through the proverb that a person acting as his own lawyer has "a fool for a client" (*Faretta v. California*, 1975, p. 852). Modern courts preserve the choice in form while operating through procedures and professional expectations built for lawyers. The result is a two-sided competence gap. Many people fail to recognize a civil justice situation as a legal problem before a deadline passes (Sandefur, 2014). Those who reach court often proceed without counsel in a forum designed around professional knowledge

(Steinberg, 2015; Zambrano, 2022). Litigation literacy addresses both failures by helping people recognize when law is operating on them and respond once formal process begins.

2.2 Eviction as the paradigm docket

Eviction is the docket in which lay incapacity is most consequential and best documented. Desmond's (2016) Milwaukee fieldwork established eviction as a driver of poverty, linking it to job loss, worse housing, neighborhood decline, and elevated depressive symptoms among evicted mothers years after the event. Representation asymmetries are extreme. Aggregating dozens of jurisdictional studies, tenant representation stands near 4 percent against landlord representation above 80 percent (National Coalition for a Civil Right to Counsel, 2023). In Cook County, Illinois, where the program examined below operates, 81 percent of landlords appeared with counsel while 88 percent of tenants were self-represented (Law Center for Better Housing, 2020), and court watchers observed self-representation among 86 percent of tenants in eviction hearings (Chicago Appleseed Center for Fair Courts, 2025).

The consequences of losing extend past the judgment. Eviction records function as a durable civil stigma: Cook County research documents that filings alone, regardless of outcome, enter tenant screening databases and depress future housing access, so that a tenant who successfully defends a case may still carry its scar (Law Center for Better Housing, 2020). This record effect changes the decision calculus that litigation literacy must teach. A tenant weighing whether to appear must account for the current tenancy and the marginal effect of a default judgment, an agreed dismissal, or sealing on every future rental application. That jurisdiction-specific calculus is critical-level knowledge in the Section 4 sense. A court form or hallway conversation with a landlord's lawyer rarely supplies it.

Representation changes outcomes. In New York City, the first jurisdiction to enact an eviction right to counsel, 84 percent of represented households in fiscal year 2023 and 89 percent in fiscal year 2024 remained in their homes, and between 2017 and 2024 filings declined 49 percent (Community Service Society of New York, 2024; New York City Comptroller, 2024). Yet the same reports document the supply-side ceiling: representation rates under the New York mandate fell from 71 percent in 2021 to 42 percent in 2024 as caseloads outran funded capacity (New York City Comptroller, 2024). A right without lawyers to staff it reverts, in practice, to the lawyerless baseline. That reversion is the strongest practical argument for asking what the tenant herself can be equipped to do.

2.3 What self-represented litigants face

The procedural texture of housing court compounds the problem. Zambrano (2022) documents the near-total absence of discovery in lawyerless courts, which converts many cases into contests of preparation and presence with little evidence exchange. Steinberg (2015) describes the poor people's court as a forum in which judges, constrained by norms of passivity designed for represented parties, watch unrepresented litigants forfeit meritorious defenses unknown to them. In *Turner v. Rogers*, 564 U.S. 431 (2011), the Court declined to recognize a categorical due-process right to appointed counsel for an indigent civil contemnor facing incarceration. Its holding depended on alternative procedural safeguards: notice that ability to pay is the critical issue, a form eliciting the relevant financial information, an opportunity to respond, and express findings (*Turner v. Rogers*, 2011). *Turner* presupposes a litigant who can use notice, complete forms accurately, and respond on the record. Those competencies are litigation literacy. The constitutional floor rests on an unexamined literacy premise.

2.4 The default judgment as a literacy event

Default judgment is the modal disposition in several high-volume dockets. In debt collection, a defendant who never appears commonly loses by default, and studies collected by the Legal Services Corporation's Civil Court Data Initiative find substantially similar patterns in eviction (Legal Services Corporation, 2023). Default can occur without any judgment about the merits of either side's position. A defendant may have a complete defense, a partial defense, or none; the system never reaches it. The record instead reflects a failure of notice, comprehension, response mechanics, or perceived legitimacy.

These failure modes map onto the proposed construct. Non-receipt implicates service rules; non-comprehension implicates functional literacy; inability to respond implicates pleading and appearance mechanics; and perceived futility implicates the legitimacy dynamics identified in procedural justice research (Tyler, 2006). Default thus converts the justice gap into teachable competencies. Knowing what a summons is, what ignoring it does, and how to appear requires the plaintiff to prove the claim on the merits.

Genre knowledge supplies the action script attached to a summons. A tenant may read fluently yet fail to recognize that script, just as a literate patient may misread medical instructions (Berkman et al., 2011). Because genre knowledge can be taught, it is a practical policy target.

3. Literacy Constructs as Policy Technology: Lessons from Health and Finance

The framework converts a broad account of legal competence into a bounded performance construct that can guide curriculum, measurement, and court design. The article names that construct litigation literacy. Health and financial literacy offer a practical template.

3.1 Health literacy

Nutbeam (2000) distinguished functional health literacy, interactive literacy needed to communicate and act, and critical literacy needed to evaluate information and address social determinants. Brief validated measures made the construct visible, and later studies linked low health literacy to hospitalization, emergency care, weaker preventive care, medication errors, and higher mortality among older adults (Berkman et al., 2011). The field also learned to treat literacy as a property of the encounter, which supported plain-language and system-side reforms.

3.2 Financial literacy

Financial literacy developed around an even shorter core. Lusardi and Mitchell's questions on compound interest, inflation, and diversification became common measures across national surveys (Lusardi & Mitchell, 2014). Scores predict retirement planning, debt management, and financial fragility, although debate continues over whether education changes behavior for long. The field also faces a structural critique: literacy can place responsibility on individuals for problems institutions create. Both lessons transfer to law.

The Big Three worked because each item tests a principle whose misunderstanding produces a costly error. A litigation measure should likewise focus on rules tied to default, forfeiture, or defective filing. Administrative outcomes can validate the measure, with confidence assessed separately. Court records create a direct, consent-based route from a short literacy measure to appearance, default, and disposition data.

3.3 Litigation-specific conditions

Litigation brings distinctive conditions to the comparison. An opposing party can adapt to gains in litigant knowledge. Jurisdiction-specific procedure requires local items or carefully chosen portable concepts such as service and default. Litigation also arises episodically. These conditions favor instruction delivered when a legal problem first appears.

3.4 The template

The model fixes the event-response pair as its unit: a triggering document, deadline, hearing, demand, or ruling, followed by the litigant's legally valid next act. It then defines the competencies required for that response, builds a short scenario-based measure, connects scores to behavior and outcomes, and tests education alongside system simplification. Legal capability research supplies broader population measures (Pleasence & Balmer, 2019). The framework developed here is calibrated to conduct within an unfolding case.

4. Defining Litigation Literacy

4.1 The Winner Litigation Literacy Framework

The Winner Litigation Literacy Framework defines the construct in one sentence: "Litigation literacy is the knowledge, skills, and dispositions required to recognize a justiciable problem, invoke or respond to formal legal process, and participate competently in the adversarial resolution of that problem, with or without professional assistance." The framework operationalizes this definition as situation-bound procedural agency. Its unit of analysis is an event-response pair. Its performance standard is timely, procedurally valid action within a specified forum and stage of an unfolding adversarial process.

Zariski supplies the broad educational foundation. He defines legal literacy through the knowledge, skills, and abilities needed to pursue litigation, including legal analysis, planning, research, and communication (2014, pp. 3, 12-16). He also treats civil process, procedure, interpretation, and advocacy in detail (pp. 63-85, 149-163). The Winner framework begins with that account and narrows the inquiry to performance at recurring procedural decision points.

Legal literacy in Zariski's sense covers understanding and use of law across a broad field. Litigation literacy begins when a justiciable problem requires a person to invoke or respond to formal process and continues through adversarial resolution. It measures whether that person can

translate knowledge into the next valid act before a deadline in a particular docket. A tenant may master notice, service, answer, appearance, and preservation rules for an eviction case while knowing little about legislation, contracts, legal research, or law reform. This boundary makes the construct teachable and measurable.

This article coins litigation literacy as the technical term for situation-bound procedural agency. A 2019 immigration-law presentation used the words as a title for institutional litigation options (Klasko et al., 2019). Winner gives the term a defined scholarly meaning through an event-response unit, a docket-specific performance standard, component domains, and a measurement protocol. Zariski's legal literacy supplies the broader educational foundation. These elements together form the Winner Litigation Literacy Framework.

Legal capability remains the established frame for population-level issue spotting, help seeking, and confidence (Pleasence & Balmer, 2019). Litigation literacy focuses on the person already facing a procedural event. It helps a self-represented party act and helps a represented client identify facts, evaluate advice, and preserve options. These uses complement right-to-counsel initiatives.

The framework is teachable and falsifiable by design. It measures learned procedural performance through scenario tasks requiring recognition, timing, choice, and preservation. Later research should test whether gains predict timely filings, appearances, asserted defenses, and preserved issues.

4.2 A three-level framework

The event-response standard operates at three levels adapted from Nutbeam (2000). The levels describe what a person can do in a litigation setting.

Functional litigation literacy is command of the mechanics: recognizing what a summons, complaint, notice, or motion is; knowing the deadline architecture that attaches to each; understanding service of process, including who may be served and how; and being able to complete the standard forms of the forum. In eviction, functional literacy includes distinguishing a termination notice from a court summons and understanding which pleading components belong in an answer and which may be filed separately.

Interactive litigation literacy is command of the encounter: the ability to communicate with the clerk's office, opposing counsel, and the bench; to present facts responsively under questioning; to negotiate in the shadow of trial; and to use help effectively, whether from a courthouse help desk, a limited-scope lawyer, or a community paralegal. This level maps onto Tyler's (1990, 2006) procedural justice findings: litigants who can participate voice their side, and voice is itself a determinant of perceived fairness and of the legitimacy that sustains compliance with outcomes.

Critical litigation literacy is command of strategy and structure: the capacity to evaluate the strength of claims and defenses, to make settle-or-fight decisions under uncertainty, to preserve issues for review, and to identify structural defects in the forum, connecting individual process to collective remedies such as organizing, policy advocacy, or affirmative litigation. Critical litigation literacy is the level at which the construct joins the legal empowerment tradition (Namati, 2024).

4.3 Component knowledge domains

Within the functional level, and drawing on failure points documented in the eviction literature and the curriculum data below, five domains recur: (1) notice and service, including permissible service and defects; (2) pleading mechanics, including answers, affirmative defenses,

counterclaims, and their relationships; (3) forum navigation, including filing, fee waivers, appearances, and continuances; (4) evidence basics, including what documents to keep, bring, and demand; and (5) judgment and post-judgment consequences, including defaults, sealing, and enforcement. Each domain should be assessed through an event-response scenario so a correct answer demonstrates a procedural choice.

4.4 Dispositions and the digital dimension

Two cross-cutting elements complete the construct. The first is dispositional. The legal capability literature consistently finds that confidence, persistence, and what Pleasence and Balmer measure as general legal confidence are independent predictors of whether people act on justiciable problems at all (Pleasence & Balmer, 2019). Knowledge and self-efficacy work together. A learner may answer quiz items accurately and still avoid an intimidating courtroom. Curriculum design should treat the affective register as content: normalize the courtroom, rehearse the encounter, and show peers who have done it. Community-based instruction can supply that rehearsal and social proof alongside accurate digital self-help.

The second is digital. Courts have moved filing, scheduling, and increasingly hearings themselves onto electronic platforms. This transition adds to the literacy burden. Denvir and colleagues find that legal capability and digital capability interact, with deficits in either impairing use of online courts (Denvir et al., 2021). For the low-income population served by the program examined below, in which a substantial share of participants completed coursework on mobile devices, litigation literacy in practice includes the ability to e-file, to appear by video without prejudicing oneself, and to manage service and notice conducted by email. Any measurement instrument built for the next decade must include this layer.

4.5 Boundary conditions

Litigation literacy measures docket-specific procedural agency. The framework is calibrated to high-volume, procedurally scripted state court dockets, where a finite body of knowledge often separates default from participation on the merits. Complex appeals, federal litigation, and cases driven by expert evidence impose higher competence thresholds than a short curriculum can deliver.

5. Positioning Litigation Literacy

Illinois Legal Aid Online (ILAO) delivers searchable articles, guides, videos, forms, guided Easy Forms, and referrals. Its eviction hub organizes resources around case stages, and its interviews can produce completed documents (Illinois Legal Aid Online, 2024a, 2024b, 2026). Those resources are detailed and situation-aware. ILAO helps a user locate verified information, select a resource, or complete a defined task. The Winner framework measures whether a learner recognizes when a task is required, completes it on time and in a valid form, communicates or proves what matters, and preserves the next option across an unfolding case. ILAO supplies resources at the point of need. A litigation literacy curriculum supplies sequence, rehearsal, and a performance measure. The two models work together.

Representation can produce large effects in high-stakes dockets (Community Service Society of New York, 2024). Effects vary by forum and service model. An experimental study of representation offers in unemployment appeals found no statistically significant win-rate effect and longer adjudication times (Greiner & Pattanayak, 2012). Limited assistance in housing court also produced little measurable change in substantive outcomes, supporting calls for demand-side court reform (Steinberg, 2011, 2015).

The synthesis is practical and historical. The preserved right places litigant competence within institutional design. Full representation needs sustained funding, and simplified procedure

assumes a person who can understand notice, use forms, and answer questions. Litigation literacy gives an unrepresented person a better chance to act and helps a represented client identify facts and evaluate advice. It makes the preserved choice more usable alongside representation and simplification.

Effects should be largest in high-stakes forums with represented opponents and passive judging. Greiner and Pattanayak's null result came from a forum designed for lay use, with inquisitorial judging, relaxed evidence rules, and simple forms (2012). Urban eviction court often has the opposite features. That difference yields a testable prediction: litigation literacy should matter most where the forum places the greatest procedural burden on an unrepresented party.

Litigation literacy also fits the legal empowerment tradition. Community paralegal programs train nonlawyers to help others and use case data for policy advocacy (Namati, 2024). Literacy programs distribute a shallower set of skills more broadly so community members can recognize and respond to process themselves. Course completers may later become lay advocates or court navigators.

The evidence base for community legal education remains thin. Reviews found few North American effectiveness studies and guarded evidence for public legal education generally (Legal Services Board, 2021; Department of Justice Canada, 2002). Carefully documented evaluations from operating programs can measure knowledge, exposure, and intermediate outcomes while court-outcome research develops.

6. Case Study: Just Us Bridge and the Eviction Defense Curriculum

6.1 Program and setting

Just Us Bridge (JUB) is a community-based legal education program operating in Chicago. Its flagship offering, the Eviction Defense (ED) curriculum, is a self-paced online course delivered through a commercial learning platform, organized as a sequence of video episodes with embedded assessments, a baseline intake quiz, and a cumulative final exam of up to 70 questions. The sequence follows successive procedural situations: pretrial choices, trial preparation and performance, and the different post-judgment paths that follow a win or loss. A companion micro-curriculum, Bite Size Law (BSL), isolates the single highest-failure topic, eviction notices, into an eight-question unit. Program funding comes through the Illinois Restore, Reinvest, and Renew (R3) program, which directs 25 percent of state adult-use cannabis tax revenue to communities most affected by disinvestment, violence, poverty, and incarceration, with civil legal aid as one of five statutory priority areas (Illinois Criminal Justice Information Authority, 2024). R3 eligibility is determined at the census tract level using data on gun injury, child poverty, unemployment, and prison commitments and returns.

The curriculum content tracks the functional domains specified in Section 4.3 for the Illinois eviction context: termination notices and the modes by which a landlord may serve them; the summons and the obligation to appear; the answer and its relationship to affirmative defenses and counterclaims; service of process, including personal and substitute service; and motion practice, including the Notice of Motion form. The lessons place these terms inside recurring fact patterns, procedural choices, and consequences. Two independent evaluation reports, commissioned from a third-party analytics consultant, provide the data summarized below (Sutaria, 2024, 2025). The consultant conducted every analysis reported here, using program data exported from the learning platform.

The curriculum changed in response to measured difficulty and patterns of selective use. Version 2 produced too few paired assessments for outcome analysis, while its viewing records still captured topic-selective use. Version 3 used shorter units, and Bite Size Law reduced the hardest topic, eviction notices, to eight questions. This progression reflects how people facing housing instability seek a particular answer at a particular time. Course completion is one form of use within a modular curriculum.

The assessment instruments mirror the functional domains specified in Section 4.3. Intake and exam items test, among other things, the components of a lawful termination notice and the modes of its service; the distinction between the notice period and the court process that may follow it; the summons and the consequences of nonappearance; the answer, and whether counterclaims and affirmative defenses must be filed with it; the definitions of personal, substitute, and process service; and the mechanics of the Notice of Motion form. Question formats include true/false, multiple choice, and fill-in-the-blank, a mix that turned out to carry analytic significance, as discussed below.

6.2 Who the program reaches

As of the March 2025 evaluation, 426 individuals had signed up for or expressed interest in the ED course. The consultant's assessment file identified 120 people (28 percent) who had submitted at least one intake or exam instrument, roughly triple the 43 participants analyzed in the April 2024 pilot (Sutaria, 2024, 2025). Separate platform viewing records maintained by the program indicate that approximately 47 percent of all signups watched at least one instructional video. In program service reporting, that first view counts as instructional reach because the registrant received the topic-specific instruction chosen. This definition fits a modular, situation-driven curriculum. People came for information about a particular notice, service rule, pleading,

or motion. Full-course completion measures depth and supports paired outcome analysis. Used alone, it undercounts the people who received the information they sought. Program administrative records maintained for state oversight list more than 500 registered contacts through mid-2025. Within the consultant's 120-person assessment file, 76 percent identified as Black (including 3 percent Black Hispanic) and 52 percent as female. Half reported household income below \$30,000, including 37 percent below \$14,580. Housing situations skewed precarious: 35 percent renters, 21 percent living with others, 3 percent homeless, and 3 percent in shelters, against 12 percent homeowners.

Reach into the intended communities is documentable because R3 eligibility is a mapped, tract-level designation. Sixty-three percent of participants resided in R3 zones, concentrated in the Chicago Western and Chicago Southern zones of Cook County. R3 designation is a published, tract-level administrative fact (Illinois Criminal Justice Information Authority, 2024). Geocoding participant addresses against the eligibility map converts a funder's targeting requirement into an auditable empirical claim and shows whether a program reaches high-need residents. The 2025 evaluation added a direct eviction-vulnerability measure, 2019 pre-pandemic eviction filing rates per 100 rental units from Law Center for Better Housing data. Participants were disproportionately concentrated in high-filing tracts: 35 percent lived in upper-quartile tracts, and 66 percent lived in tracts meeting the R3 or above-median filing criterion. That 66 percent is a conservative floor because filing data were unavailable for a third of participants (Sutaria, 2025). Black renters face the highest filing rates in Cook County (Law Center for Better Housing, 2020), and the participant profile tracks the population carrying the heaviest eviction burden.

An estimated 293 household members stand behind the 120 people in the consultant's assessment file, a conservative figure that assumes all nonrespondents on the household-size item live alone (Sutaria, 2025). The household multiplier matters for program theory because eviction affects every member of a household, including people outside the lease. In Milwaukee, the median evicted household contained children (Desmond, 2016).

Engagement patterns supply operational insight. Monthly intake and exam activity varied sharply, with a September 2024 peak that the evaluator associated with outreach (Sutaria, 2025). Registration, instructional reach, assessment participation, and paired outcome analysis measure different things. In this case, 426 records reflect expressed interest; approximately 47 percent of signups watched at least one lesson, the program's measure of instructional reach; 120 people form the consultant's assessment file; and 36 paired records support the within-person outcome analysis. Funders should report each measure. Topic-level use is a successful outcome when the participant received the instruction needed for an immediate problem.

6.3 Knowledge outcomes

The pilot evaluation of the first curriculum version found a 33 percent rate of improvement between the baseline entrance quiz (62 percent average score) and episode assessments (82 percent), with combined results across curriculum versions showing improvement from 60 percent to 83 percent (Sutaria, 2024). The pilot sample supported descriptive analysis. True/false items were easiest at baseline and improved least, while multiple choice items, which force discrimination among plausible legal categories, showed the largest gains, 53 percent in Version 1 and 59 percent in the combined pilot sample (Sutaria, 2024). The format gradient supports the genre-knowledge interpretation advanced in Section 2.4.

Participants were learning to discriminate among legal categories whose names are deceptively familiar.

The 2025 evaluation reached the threshold for paired statistical analysis. Among the 36 participants with both an intake and an exam record, mean scores rose from 66 percent at intake to 83 percent at exam, a gain of 16.9 percentage points (95 percent CI, 13.3 to 20.5). A Shapiro-Wilk test supported approximate normality of the paired differences ($W = 0.942$, $p = .059$), and the paired t-test was highly significant ($t(35) = 9.44$, $p = 3.7 \times 10^{-11}$). The effect size was very large (Cohen's $d = 2.03$; 95 percent CI, 1.28 to 2.78), indicating intake and exam distributions separated by more than two standard deviations. A nonparametric Wilcoxon signed-rank robustness check returned $V = 0$, meaning every one of the 36 paired participants scored higher at exam than at intake ($p = 1.8 \times 10^{-7}$) (Sutaria, 2025). This paired group supports the outcome analysis. Separate viewing data measure program reach.

The BSL notices micro-curriculum, analyzed separately on a sample of 29 participants, showed intake-to-exam improvement from 54 percent to 88 percent, a 34 percentage point gain, significant by Wilcoxon signed-rank test ($p = 3.4 \times 10^{-5}$). The $V = 21$ statistic reflects mixed individual movement within the sample. After the data failed the normality check, the evaluator used the Wilcoxon test in light of the discrete eight-point score scale and small sample (Sutaria, 2025).

6.4 What participants find hard

Item-level analysis is where the case study speaks most directly to the construct. The questions participants most often missed at both intake and exam cluster in the pleading-mechanics and service domains: whether an answer, counterclaims, and affirmative defenses must appear in the same document; the definition of substitute service (serving a resident of the

unit over age 13), which participants persistently confused with personal service; the role of an affirmative defense as an independent basis to avoid liability when the complaint's allegations are assumed for purposes of the defense; and the permissible modes of serving a Notice of Motion (Sutaria, 2025). The single hardest BSL item concerned the various ways a landlord may lawfully serve a termination notice.

The specific error patterns reward close reading. On the item asking which pleading element could be filed separately from the answer, the most popular wrong choice was counterclaims, with the correct answer being cross-claims. Participants correctly understood that defenses and the answer belong together. Their selection exposed confusion between claims against the plaintiff and claims against co-parties, a legal taxonomy with no everyday analogue. On the substitute service item, the most popular wrong answer was personal service, an error invited by ordinary language, as discussed in Section 7.3. On the affirmative defense definition, participants gravitated to answer, choosing the container over the content. On the Notice of Motion service item, participants over-selected in person, apparently reasoning from an intuition that physical delivery is the gold standard, where the governing practice contemplates specified alternatives. In each case the error is systematic: participants apply coherent lay schemata that the legal system's vocabulary happens to violate. Instruction should name the lay schema, mark its divergence from the legal category, and isolate the distinction in focused items (Sutaria, 2024). This is the program's specific meaning of situated instruction. The learner confronts a factual setting, identifies the legal category, and selects the consequence or next procedural move.

These difficulty patterns are theoretically informative. The persistently hard items arise where ordinary words such as answer, service, and defense carry technical meanings, and where

legal categories have no analogue in everyday problem-solving. They correspond to failure modes documented in lawyerless courts: tenants whose appearances omit defenses, service objections, and responsive filings (Steinberg, 2015; Chicago Appleseed Center for Fair Courts, 2025). The convergence between quiz errors and courtroom omissions is the strongest available evidence that the instrument measures the operative construct.

6.5 Scope and validity

The paired design establishes immediate knowledge gain among 36 self-selected participants. The absence of a control group leaves maturation and retesting as possible influences, although the effect size and item-level specificity weigh against a pure retest explanation. The paired-analysis group equals 30 percent of the consultant's 120-person assessment file and 8 percent of the 426-person interest pool. Its members may differ in motivation and baseline capability from people without paired records, so the effect estimate applies to the paired sample. The one-video measure, approximately 47 percent of signups, captures instructional exposure across the broader registrant pool. Exam scores capture proximal knowledge. A follow-up linking scores to filings, default rates, and dispositions will test court effects. The program authored the assessment items, and independent content review is the next step in instrument validation. The program commissioned the evaluations, and the author founded the program. Study strengths include paired within-person measurement, independent analysis, convergent parametric and nonparametric results, a conservative robustness check on the micro-curriculum sample that excluded repeat test-takers, and transparent reporting of data, code, and normality diagnostics in the evaluation workbook (Sutaria, 2025).

7. Discussion

7.1 Findings and scope

Placed against the community legal education evidence base, in which rigorous effectiveness studies are rare (Legal Services Board, 2021), the JUB data support four findings. The paired sample showed large, statistically well-supported knowledge gains. The gains varied across knowledge domains, with pleading mechanics and service rules hardest. The consultant's participant file and tract-level administrative data document that the program engaged eviction-vulnerable communities. Separate viewing records show topic-selective use beyond the people who completed assessments. The present design establishes instructional exposure and immediate knowledge gain. The next research stage links literacy scores to filing behavior, default, and disposition.

7.2 A measurement agenda

The next step is a validated short-form instrument built from event-response pairs. Each item should present a triggering document, fact pattern, deadline, hearing, or ruling, then test the consequence and next valid act. The JUB item bank suggests three starting clusters: notice and service, pleading mechanics, and process obligations. A three-to-five-cluster instrument, validated against behavior in help-desk or court-observation samples, could support comparison across programs and later outcome studies. Pleasence and Balmer's (2019) Rasch-modeled General Legal Confidence scale shows that rigorous psychometrics are feasible in this domain. The proposed instrument measures litigation conduct directly.

Validation can proceed in four stages. An expert panel first rates whether each event-response item captures an error that could cause default, forfeiture, defective filing, or loss of review. A development sample then supports item calibration. Criterion validation links scores, with consent, to timely appearance, valid filing, assertion of defenses, and disposition.

Sensitivity testing asks whether the instrument detects gains from instruction. This protocol is part of the framework's distinct contribution because it turns a broad educational goal into a testable performance model.

Stepped-wedge designs can randomize the order of neighborhood outreach, while encouragement designs can vary outreach intensity without denying access. Public court records and geographically clustered filings make eviction a workable setting for either approach, subject to consent and privacy safeguards.

7.3 System-side implications

Health literacy treats literacy as a property of the encounter, and the same logic applies here. The event-response unit measures the court's demand as well as the litigant's performance. If "substitute service" defeats motivated adult learners after instruction, the procedure has a design defect. Turner's safeguards show how courts can lower the literacy threshold through notice, usable forms, an opportunity to respond, and express findings (Turner v. Rogers, 2011). Stockton supplied an early version of the same principle when it linked personal conduct of a case with disregard of formal defects (Stockton v. Bishop, 1846, p. 168). A process is better designed when fewer hidden rules stand between a triggering event and a valid response.

The JUB item data illustrate how the metric would work in practice. Participants remained confused about personal and substitute service after instruction because the terms themselves are misleading. "Personal" service intuitively suggests service on any person, which is approximately what "substitute" service means in Illinois. A court that renamed its categories, or a legislature that simplified them, would remove the confusion at the source for every future litigant, an intervention with a one-time cost and permanent effect. Similarly, the finding that participants struggle with whether answers, counterclaims, and affirmative defenses belong in

one document points to a forms solution. A unified answer form with labeled sections, of the kind several jurisdictions have adopted, converts a literacy demand into a design feature. Every persistently missed item in a well-run curriculum is a candidate for system-side repair. Literacy programs therefore serve as court-reform diagnostic instruments by showing exactly where procedure defeats motivated laypeople.

7.4 Policy implications for funders and courts

State and local funders should report signups, viewers of at least one lesson, assessment participants, and paired outcome samples separately. Reporting topic-level instructional use together with full-course completion captures both reach and depth in a modular program. The R3 model also combines sustained revenue with tract-level evidence that the intended communities were reached (Illinois Criminal Justice Information Authority, 2024). Courts could use recurring item-level difficulty reports to identify forms or procedures that repeatedly confuse motivated learners. Legal aid providers could use documented lesson activity or topic completion as a warm-transfer signal while preserving representation for matters where it changes outcomes most. Public self-help systems supply verified information, forms, and referrals at the moment of a task. Curricula add sequence, rehearsal, and evidence of learning.

7.5 Litigation literacy within structural reform

Litigation literacy belongs alongside housing investment, income supports, full representation, and court simplification. Full representation produces large outcome effects where it is delivered (Community Service Society of New York, 2024). Current funded capacity leaves major gaps: 58 percent of covered New York tenants lacked mandated counsel in 2024 (New York City Comptroller, 2024), 92 percent of low-income legal problems received inadequate or no legal help (Legal Services Corporation, 2022), and many justiciable problems

were never recognized as legal (Sandefur, 2014). Literacy education serves people who must act before counsel becomes available. Its critical level also connects individual defense to collective remedies in the legal empowerment tradition (Namati, 2024). The framework recovers the competence that personal conduct of a case assumes and directs recurring failures back toward structural reform.

7.6 Limitations of the present study

This article offers a framework and a single-site case study in one docket and jurisdiction. Multi-site replication will test transferability and effect sizes. Expert-panel review is the next validation step. Section 4.1 defines litigation literacy as a measurable construct. The program commissioned the evaluation, and the program founder interpreted its results for this article. Unaffiliated replication with defensible counterfactuals should follow.

8. Conclusion

American law has preserved a party's choice to conduct a case personally since 1789. Modern civil process has made that choice increasingly technical and culturally suspect. Zariski's legal literacy supplies the broad educational foundation for meeting that problem. The Winner Litigation Literacy Framework gives litigation literacy a specific operational meaning and tests competence where a procedural event demands a timely and valid response. Those event-response competencies should be defined, measured, and taught, and courts should remove demands that serve no necessary purpose. Full representation, court simplification, and literacy education operate as complementary access-to-justice strategies. The Just Us Bridge paired sample showed substantial knowledge gains, while separate viewing data captured topic-selective use by other registrants. The next research task is to validate the scenario-based instrument and connect scores to filings, appearances, preserved defenses, and dispositions.

Declarations

Ethics and participant privacy

The underlying data were collected to assess and improve a specific educational program and were treated as routine program evaluation. No institutional review board review occurred. This article reports a secondary analysis of aggregate evaluation results. The article involved no new participant interaction or intervention and used no participant-level records.

Author and contributor roles

Jim Winner coined litigation literacy as the technical name for the construct defined in this article, conceived the Winner Litigation Literacy Framework, designed the curriculum, conducted the legal and interdisciplinary research, interpreted the evaluation findings, and wrote and revised the manuscript. Nisha Sutaria of Spek Strategies LLC curated and analyzed the program data, prepared the 2024 and 2025 independent evaluation reports, and provided program feedback.

Funding and competing interests

The program received funding through the Illinois Restore, Reinvest, and Renew program. The author founded the program discussed in the case study. The program commissioned the two independent evaluation reports on which the case study relies.

Data availability

The aggregate results are drawn from consultant reports and program platform records on file with the author. Participant-level administrative data remain confidential because the source files contain personally identifying information.

References

28 U.S.C. § 1654. <https://uscode.house.gov/view.xhtml?req=%28title%3A28+section%3A1654+edition%3Aprelim%29>

- Berkman, N. D., Sheridan, S. L., Donahue, K. E., Halpern, D. J., & Crotty, K. (2011). Low health literacy and health outcomes: An updated systematic review. *Annals of Internal Medicine*, 155(2), 97-107. <https://pubmed.ncbi.nlm.nih.gov/21768583/>
- Chicago Appleseed Center for Fair Courts. (2025). Evicted in the dark: Findings and observations from Cook County eviction courts. <https://www.chicagoappleseed.org/2025/08/27/new-court-watching-report-evicted-in-the-dark-findings-observations-from-cook-county-evictioncourts/>
- Community Service Society of New York. (2024). Right to counsel works: Why New York State's tenants need universal access to lawyers during evictions. <https://www.cssny.org/news/entry/right-to-counsel-new-york-tenants-lawyers-evictions>
- Department of Justice Canada. (2002). Evaluation of public legal education and information: An annotated bibliography. https://www.justice.gc.ca/eng/rp-pr/csj-sjc/jsp-sjp/rr02_2/p1.html
- Denvir, C., Sutherland, C., Selvarajah, A. D., Balmer, N. J., & Pleasence, P. (2021). Access to online courts: Exploring the relationship between legal and digital capability. SSRN. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3838153
- Desmond, M. (2016). *Evicted: Poverty and profit in the American city*. Crown.
- Faretta v. California, 422 U.S. 806 (1975). <https://tile.loc.gov/storage-services/service/ll/usrep/usrep422/usrep422806/usrep422806.pdf>
- Greiner, D. J., & Pattanayak, C. W. (2012). Randomized evaluation in legal assistance: What difference does representation (offer and actual use) make? *Yale Law Journal*, 121(8), 2118-2214. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1708664
- Herzfeld, M. (2021). The role of professional organizations in practice and policy: How lawyers overtook accountants and economists in the early 20th century tax field. *The Tax Lawyer*, 75(1), 79-124. <https://www.americanbar.org/groups/taxation/resources/tax-lawyer/2021-fall/role-professional-organizations-practice-policy/>
- Illinois Criminal Justice Information Authority. (2024). Restore, Reinvest, and Renew (R3) program. <https://r3.illinois.gov/>
- Illinois Legal Aid Online. (2024a). Easy Forms. Illinois Legal Aid Online Documentation. https://docs.illinoislegalaid.org/en/latest/cms_legal_content_easyforms.html
- Illinois Legal Aid Online. (2024b). Legal content. Illinois Legal Aid Online Documentation. https://docs.illinoislegalaid.org/en/latest/legal_content.html
- Illinois Legal Aid Online. (2026). Eviction resources. <https://www.illinoislegalaid.org/legal-information/eviction>
- Judiciary Act of 1789, ch. 20, § 35, 1 Stat. 73, 92. <https://www.govinfo.gov/link/statute/1/73?link-type=pdf>
- Klasko, H. R., Stock, W. A., & Lundy, D. B. (2019, January 14). Litigation literacy: Options for universities, hospitals, and research institutions [Webinar presentation]. Klasko

Immigration Law Partners. <https://www.klaskolaw.com/wp-content/uploads/2019.12.12-Presentation-Webinar-Litigation-Literacy-Options-for-Universities-Hospital-and-Research-Institutions-4832-9882-4619-v.pdf>

Law Center for Better Housing. (2020). Prejudged: The stigma of eviction court records. <https://lcbh.org/resources/prejudged-the-stigma-of-eviction-court-records/>

Legal Services Board. (2021). Effectiveness of public legal education initiatives: A literature review. <https://legalservicesboard.org.uk/wp-content/uploads/2021/02/PLE-systematic-review-report-Feb-2021.pdf>

Legal Services Corporation. (2022). The justice gap: The unmet civil legal needs of low-income Americans. <https://justicegap.lsc.gov/>

Legal Services Corporation. (2023). Civil Court Data Initiative: Debt collection and eviction cases. <https://civilcourtdata.lsc.gov/research/our-work/va-2023-eviction-and-debt/>

Lusardi, A., & Mitchell, O. S. (2014). The economic importance of financial literacy: Theory and evidence. *Journal of Economic Literature*, 52(1), 5-44. <https://www.aeaweb.org/articles?id=10.1257%2Fjel.52.1.5>

Namati. (2024). Building a movement for legal empowerment. <https://namati.org/news-stories/namatis-accelerated-action-for-justice-building-a-movement-for-legal-empowerment/>

National Center for State Courts. (2015). The landscape of civil litigation in state courts. <https://www.nccourts.gov/assets/inline-files/civil-justice-The-Landscape-of-Civil-Litigation-in-State-Courts.pdf>

National Coalition for a Civil Right to Counsel. (2023). Tenant right to counsel resources. https://civilrighttocounsel.org/resources/organizing_around_right_to_counsel/

New York City Comptroller. (2024). Evictions up, representation down: How New York City is failing to meet its right-to-counsel mandate. <https://comptroller.nyc.gov/reports/evictions-up-representation-down/>

Nutbeam, D. (2000). Health literacy as a public health goal: A challenge for contemporary health education and communication strategies into the 21st century. *Health Promotion International*, 15(3), 259-267. <https://academic.oup.com/heapro/article/15/3/259/551108>

Pleasence, P., & Balmer, N. J. (2019). Development of a general legal confidence scale: A first implementation of the Rasch measurement model in empirical legal studies. *Journal of Empirical Legal Studies*, 16(1), 143-174. <https://onlinelibrary.wiley.com/doi/abs/10.1111/jels.12212>

Rhode, D. L., & Ricca, L. B. (2014). Protecting the profession or the public? Rethinking unauthorized-practice enforcement. *Fordham Law Review*, 82(6), 2587-2610. <https://ir.lawnet.fordham.edu/flr/vol82/iss6/2/>

- Sandefur, R. L. (2014). Accessing justice in the contemporary USA: Findings from the Community Needs and Services Study. American Bar Foundation.
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2478040
- Sandefur, R. L. (2019). Access to what? *Daedalus*, 148(1).
https://www.researchgate.net/publication/330077674_Access_to_What
- Sandefur, R. L., & Burnett, M. (2024). Justice futures: Access to justice and the future of justice work. SSRN. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4836747
- Sandefur, R. L., & Teufel, J. (2021). Assessing America's access to civil justice crisis. *UC Irvine Law Review*, 11(3), 753-780. <https://scholarship.law.uci.edu/ucilr/vol11/iss3/7/>
- Sutaria, N. (2024, April 11). Memo for Just Us Bridge program Kartra data analysis [Internal evaluation memorandum]. Spek Strategies LLC. On file with author.
- Sutaria, N. (2025, March 4). Project report: Eviction defense curriculum evaluation [Internal evaluation report]. Spek Strategies LLC. On file with author.
- Steinberg, J. K. (2011). In pursuit of justice? Case outcomes and the delivery of unbundled legal services. *Georgetown Journal on Poverty Law and Policy*, 18, 453.
- Steinberg, J. K. (2015). Demand side reform in the poor people's court. *Connecticut Law Review*, 47(3), 741. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2613648
- Stockton v. Bishop, 45 U.S. (4 How.) 155 (1846).
<https://tile.loc.gov/storage-services/service/ll/usrep/usrep045/usrep045155/usrep045155.pdf>
- Turner v. Rogers, 564 U.S. 431 (2011). <https://supreme.justia.com/cases/federal/us/564/431/>
- Tyler, T. R. (2006). *Why people obey the law* (2nd ed.). Princeton University Press. (Original work published 1990)
- Urban Institute. (2021). Unveiling disparities in eviction.
<https://www.urban.org/research/publication/unveiling-disparities-eviction>
- Zambrano, D. A. (2022). Missing discovery in lawyerless courts. *Columbia Law Review*, 122(5), 1423-1494. <https://www.columbialawreview.org/content/missing-discovery-in-lawyerless-courts/>
- Zariski, A. (2014). *Legal literacy: An introduction to legal studies*. Athabasca University Press.
<https://doi.org/10.15215/aupress/9781927356449.01>