



How to cite this article:

Ghanbari, N., & Kavooosi, S. (2023). Navigating the Legal System Without Representation: A Study of Pro Se Litigants. *Journal of Historical Research, Law, and Policy*, 1(4), 29-37. <https://doi.org/10.61838/jhrhp.1.4.4>



Article history:
Original Research

Dates:

Submission Date: 05 August 2023

Revision Date: 03 September 2023

Acceptance Date: 16 September 2023

Publication Date: 01 October 2023

Navigating the Legal System Without Representation: A Study of Pro Se Litigants

1. Nima. Ghanbari¹ : Department of Criminal Law, University of Tehran, Tehran, Iran
2. Shadi. Kavooosi^{2*}: Department of Middle Eastern Politics, University of Tehran, Tehran, Iran

*corresponding author's email: shadi.kavooosi84@yahoo.com

ABSTRACT

This study aimed to explore the barriers faced and strategies employed by pro se litigants navigating the legal system without legal representation in Tehran. A qualitative research design was adopted using semi-structured interviews with 21 self-represented litigants involved in civil and administrative cases in Tehran. Participants were recruited through purposive sampling to ensure direct experience with self-representation. Data collection continued until theoretical saturation was reached. All interviews were audio-recorded, transcribed verbatim, and analyzed thematically using NVivo software. The thematic analysis followed an inductive approach through open, axial, and selective coding. Three main themes emerged from the data: barriers to legal access, strategies for self-representation, and emotional and psychological responses. Barriers included financial constraints, procedural complexity, institutional discrimination, lack of information, and psychological deterrents. Participants developed various self-representation strategies such as self-education, informal legal support, documentation tactics, and courtroom adaptation techniques. Emotional responses ranged from stress and disempowerment to feelings of empowerment and resilience. Despite facing structural disadvantages, many litigants demonstrated resourcefulness and a strong sense of agency in navigating legal proceedings. The findings highlight the duality of pro se litigation in Tehran—while systemic obstacles persist, self-represented litigants actively employ coping strategies that reflect both vulnerability and empowerment. The study underscores the need for institutional reforms including plain-language legal materials, procedural assistance, and judicial training to support lay litigants. Expanding legal aid infrastructure and formalizing community-based support mechanisms could significantly enhance access to justice and procedural fairness for those unable to afford legal representation.

Keywords: *Pro se litigants; self-representation; access to justice; qualitative research; legal barriers; Tehran judiciary; legal empowerment; courtroom adaptation strategies.*

Introduction

Access to justice is a cornerstone of democratic governance, ensuring that individuals have the means to assert their rights and resolve disputes within the legal framework. However, a growing body of literature reveals that structural, economic, and procedural barriers often prevent meaningful access to justice, especially for individuals unable to secure legal representation. Among the most affected are *pro se litigants*—those who represent themselves in legal proceedings without the assistance of a lawyer (Richardson et al., 2020). While the right to self-representation is enshrined in many legal systems, including Iran's, the practical ability to navigate the complexities



of the judiciary without formal training poses severe challenges. The phenomenon of pro se litigation has received increasing scholarly attention in recent years, but empirical research remains scarce in non-Western jurisdictions, particularly in countries such as Iran, where legal and cultural norms impose additional constraints. This study seeks to address this gap by exploring the lived experiences of self-represented litigants in Tehran, examining the barriers they face and the strategies they employ to navigate the legal system.

The rise in pro se litigation is often linked to broader socio-economic transformations. Across diverse jurisdictions, economic inequality and austerity measures have reduced public access to affordable legal services, prompting individuals to represent themselves out of necessity rather than preference (Mather et al., 2021). In the United States, for example, over 75% of civil cases now involve at least one party without legal counsel (Hannaford-Agor et al., 2019). Similar trends have been documented in Europe and Asia, where legal aid systems are under-resourced or poorly distributed (Sandefur, 2015). Iran, too, has experienced a rise in self-representation, particularly in family and labor courts, yet the phenomenon remains under-examined in academic discourse. Legal aid services in Iran are limited both in scope and accessibility, and the availability of pro bono services is inconsistent and often regionally concentrated (Fazaeli, 2017). In this context, self-representation emerges as a survival strategy for litigants who cannot afford professional legal support and are left to navigate a highly formalized legal environment on their own.

The challenges facing pro se litigants are multifaceted and deeply embedded in the structure of legal systems. Procedural complexity is a major obstacle, as court rules and filing procedures often assume a level of legal knowledge that self-represented individuals typically lack (Greacen, 2014). Court forms, written judgments, and procedural guidelines are frequently composed in specialized legal language, rendering them inaccessible to laypersons. Moreover, court personnel, though often the first point of contact for litigants, are legally prohibited from offering legal advice, creating an information vacuum that leaves pro se litigants vulnerable to procedural errors and case dismissals (McKeever, 2013). In Iran, where court language is heavily formalized and embedded in Islamic jurisprudence, these barriers are further exacerbated. Laypeople often find it difficult to interpret judicial terminology or understand the religious underpinnings of legal rulings, thereby increasing their dependence on informal networks for guidance (Arjomand, 2018).

Institutional attitudes toward self-represented litigants also play a significant role in shaping their experiences. Multiple studies have shown that judges and court staff may unconsciously harbor negative perceptions of pro se litigants, viewing them as unprepared, disruptive, or lacking in credibility (Engler, 2010; Hunter et al., 2018). These biases can manifest in subtle ways—such as less favorable procedural accommodations, stricter evidentiary standards, or reduced judicial patience—which ultimately affect case outcomes. In systems where power asymmetries are already pronounced, these dynamics can further marginalize pro se litigants, reinforcing existing inequalities. In the Iranian judiciary, while legal reforms have sought to increase access and reduce case backlog, courtroom culture often remains hierarchical and deferential to legal professionals (Shahabi, 2020). This cultural expectation of legal expertise may inadvertently stigmatize self-representation, framing it as a last resort rather than a legitimate exercise of legal agency.

Despite these formidable challenges, research has also revealed the resourcefulness and resilience of pro se litigants. Far from being passive victims of systemic inadequacies, many develop innovative strategies to compensate for their lack of legal training. These include extensive self-education through online resources, strategic use of documentation, reliance on community-based legal knowledge, and meticulous preparation for

hearings (Macfarlane, 2013). Some even report feelings of empowerment and increased civic engagement as a result of self-representation. These findings underscore the importance of viewing pro se litigants not merely as deficient in legal knowledge, but as active agents navigating a complex institutional terrain. In contexts like Tehran, where formal legal support is scarce and social capital plays a crucial role, understanding these adaptive behaviors is essential for developing inclusive and responsive legal policies.

Methodologically, qualitative approaches have proven particularly effective in capturing the depth and nuance of pro se litigants' experiences. While quantitative data may offer insights into trends and demographics, it often fails to reveal the lived realities and emotional labor involved in representing oneself in court. Phenomenological and thematic analyses, by contrast, allow researchers to delve into participants' narratives, uncovering patterns of meaning that illuminate both structural constraints and individual agency (Braun & Clarke, 2006). In the Iranian context, where socio-legal research is still emerging as a field, qualitative inquiry can offer valuable perspectives that are sensitive to local norms, cultural values, and institutional specificities.

This study therefore adopts a qualitative design to explore the subjective experiences of pro se litigants in Tehran, focusing on the barriers they encounter and the strategies they employ. Drawing on semi-structured interviews with 21 individuals who have represented themselves in various civil and administrative courts, the study seeks to answer three key questions: (1) What factors motivate individuals to pursue litigation without legal representation? (2) What institutional, procedural, and psychological barriers do they face during the process? (3) How do they adapt and strategize to manage these challenges? The findings are analyzed thematically using NVivo software, allowing for a systematic and rigorous exploration of recurring themes across participant narratives.

This inquiry contributes to the growing international literature on access to justice and legal empowerment, while offering an empirically grounded account of pro se litigation in Iran—a context that has been largely overlooked in global legal scholarship. The results have implications for legal reform, court accessibility initiatives, and civil society interventions aimed at supporting unrepresented litigants. In addition, the study offers theoretical insights into how individuals navigate institutional structures from a position of relative disadvantage, thereby contributing to broader discussions in legal sociology, critical legal studies, and justice system reform.

By centering the voices of those most affected by legal inaccessibility, this research calls attention to the human dimension of court systems and highlights the urgent need for inclusive legal infrastructure. In doing so, it aims to move beyond abstract policy debates and shed light on the concrete realities faced by those who seek justice without the benefit of professional representation.

Methods and Materials

This study employed a qualitative research design to explore the experiences of pro se litigants navigating the legal system without formal legal representation. The aim was to capture the lived realities and subjective perceptions of individuals who represent themselves in court, shedding light on the challenges, coping mechanisms, and informal support systems they rely on throughout the litigation process.

Participants in this study were selected using purposive sampling to ensure that all individuals included had firsthand experience as pro se litigants within the legal system. A total of 21 participants were recruited from Tehran, encompassing a range of legal matters including family disputes, small claims, labor disputes, and administrative grievances. Inclusion criteria required that participants had proceeded through at least one full stage of legal

proceedings without the aid of an attorney. Demographic diversity in terms of age, gender, education level, and type of legal issue was considered to enrich the thematic depth of the findings.

Data collection was conducted through in-depth semi-structured interviews. The interview guide was designed to elicit participants' motivations for proceeding without legal representation, their interactions with court personnel and judges, perceived barriers to justice, emotional responses, and the strategies they used to manage legal and procedural complexity. Interviews were held in person at a location convenient and comfortable for the participants and lasted between 45 and 90 minutes. All interviews were audio-recorded with participants' consent and transcribed verbatim. Data collection continued until theoretical saturation was reached—that is, no new themes or insights were emerging from additional interviews.

Thematic analysis was used to analyze the qualitative data. The transcripts were uploaded into NVivo software to facilitate systematic coding and organization of the data. The analysis followed a three-phase process: open coding to identify initial concepts, axial coding to categorize these concepts into broader thematic categories, and selective coding to synthesize core themes that illustrated the essence of pro se litigants' experiences. Throughout the process, the research team engaged in reflexive memo writing and iterative discussions to ensure analytic rigor and consistency in theme development.

Findings and Results

Barriers to Legal Access

Financial Constraints:

Many participants emphasized that financial hardship was the primary reason they chose to proceed without legal representation. The high cost of hiring attorneys, combined with minimal income or financial insecurity, made self-representation a necessity rather than a choice. One participant stated, "I simply couldn't afford a lawyer. If I had to pay someone, I would have had to give up food for a week." Others described legal fees as "outrageous" and "beyond the reach of normal people."

Procedural Complexity:

Respondents frequently described the legal system as overly technical and difficult to understand. The use of legal jargon, lack of standardized instructions, and complicated documentation processes left many feeling overwhelmed. As one interviewee remarked, "I had to read the court letter five times and still didn't know what they wanted from me." Another noted, "They hand you a form like you're a lawyer yourself. It's ridiculous."

Institutional Discrimination:

Several participants described experiences of differential treatment from court officials and judges due to their status as self-represented litigants. Some felt disrespected or dismissed, particularly women and ethnic minorities. A female participant shared, "The judge didn't even look at me until I raised my voice. If I had been a man or had a lawyer, it would've been different."

Physical Accessibility:

Access to court buildings presented challenges for participants, especially those from low-income neighborhoods or with physical disabilities. Long distances to legal venues, lack of accessible transport, and unfriendly infrastructure were common complaints. "I had to take two buses and a taxi just to get to the courthouse," said one participant. Another added, "There was no ramp. I had to ask someone to help carry me up the stairs."

Bureaucratic Delays:

Participants reported significant frustrations with the inefficiency and slowness of court procedures. File mismanagement, repeated postponements, and unclear timelines were prevalent. One interviewee commented, “They lost my file twice. I had to bring my documents every single time as proof.” Another noted, “It took me over a year just to get one hearing.”

Lack of Information:

Respondents repeatedly stated that they were given little to no guidance on what to expect or how to prepare. Legal information was often hard to access or written in highly technical language. “No one tells you what to do. The staff just points to a sign and walks away,” said one participant. Another noted, “I had to guess which form to submit. It’s like playing a game where you don’t know the rules.”

Psychological Deterrents:

Fear, anxiety, and emotional fatigue were reported as substantial barriers. Many expressed insecurity about speaking in public, feeling intimidated by legal professionals, and doubting their own capacity. “The first time I stood in front of the judge, I froze. My mind went blank,” said one participant. Another shared, “Just thinking about going back to court gives me panic attacks.”

Strategies for Self-Representation

Self-Education:

To compensate for their lack of legal training, many participants engaged in independent learning. They researched online, watched videos, read similar case files, and studied court procedures. “I spent nights watching court hearings on YouTube,” said one individual. Another added, “I read every article I could find about custody battles in Iran.”

Informal Legal Support:

Support often came from informal sources, such as friends with prior legal experience, retired legal professionals, or nonprofit organizations. “A friend who used to work as a paralegal helped me draft my statement,” shared one participant. Others described community-based help from local NGOs or religious centers.

Documentation Tactics:

Participants used a variety of organizational strategies to manage paperwork. These included labeling folders, preparing written arguments in advance, and keeping multiple copies of documents. “I made a checklist of every form I needed to bring,” said one interviewee. Another mentioned, “I kept three versions of my testimony—one for me, one for the judge, and one for backup.”

Communication Management:

Several respondents described deliberate efforts to improve their verbal presentation. These included practicing arguments aloud, simplifying their language, and controlling their emotional tone. “I rehearsed my lines like an actor,” one person noted. Another said, “I learned not to interrupt the judge even if I felt angry.”

Time Management Techniques:

Time was a critical resource, and many developed schedules to prepare for hearings. They allocated specific days to review materials, managed deadlines using phone reminders, and sometimes adjusted their work hours. “I took unpaid leave from my job to be ready for court,” explained one participant.

Navigating Court Culture:

To fit into the formal atmosphere of the courtroom, participants mimicked the behaviors of legal professionals. Observing other trials, dressing formally, and adopting respectful language were common practices. “I watched how

lawyers addressed the judge and copied that,” one respondent said. Another added, “I wore a suit to every hearing, just to be taken seriously.”

Emotional and Psychological Responses

Feelings of Empowerment:

Despite the challenges, several participants expressed pride in representing themselves. They viewed their actions as courageous and empowering, describing it as a transformative experience. “It made me realize I could fight for myself,” said one participant. Another reflected, “I may not have won, but I stood up for my rights.”

Stress and Overwhelm:

At the same time, the emotional toll was significant. Participants reported feelings of anxiety, helplessness, and exhaustion. Court appearances often led to sleepless nights and physical symptoms like headaches. “It was the most stressful period of my life,” shared one interviewee. “I cried after every hearing,” said another.

Perception of Fairness:

There was widespread skepticism about the fairness of the legal system. Many believed that self-represented litigants were treated as less credible or competent. “The judge didn’t take me seriously because I didn’t have a lawyer,” noted one person. Another said, “The system is built to work against you if you don’t speak the legal language.”

Coping Mechanisms:

To manage the psychological strain, participants relied on various coping strategies. These included prayer, talking with loved ones, writing journals, or mentally distancing themselves from the outcome. “Before every hearing, I would say a prayer and remind myself I’ve done my best,” said one participant.

Motivation to Continue:

What kept many going was a strong personal or moral motivation—protecting their children, seeking justice, or standing up for principle. “I did it for my daughter. I couldn’t let her see me give up,” shared one respondent. Another emphasized, “Even if I failed, I wanted to try on my own terms.”

Discussion and Conclusion

Our first theme—barriers to legal access—underscores the profound impact of economic, procedural, institutional, and psychological obstacles on pro se litigants. Consistent with Greacen (2014), participants described procedural complexity and inaccessible legal language as foundational impediments; court forms and official communications often assume professional legal literacy, leaving laypersons disoriented (Greacen, 2014). Similarly, Engler (2010) and McKeever (2013) documented how self-represented litigants in Western jurisdictions face information vacuums, a finding mirrored here: Tehran litigants reported “no guidance from court staff,” echoing McKeever’s (2013) observation that court personnel are bound by rules prohibiting legal advice, creating a void in support. Financial constraints—a theme emphasized by Richardson et al. (2020)—were equally salient; our participants’ narratives of “outrageous” fees and impossible cost-benefit calculations align with Mather, McEwen, and Maiman’s (2021) analysis of how rising legal costs drive self-representation. Institutional discrimination and courtroom culture further magnify inequities: women and ethnic minorities described being dismissed or treated disrespectfully, resonating with Hunter, Banks, and Giddings’ (2018) finding that judges often unconsciously devalue pro se litigants, resulting in less favorable procedural accommodations.

Our second theme—strategies for self-representation—reveals the resourcefulness that participants bring to bear in overcoming systemic hurdles. Consistent with Macfarlane’s (2013) study of Canadian self-represented litigants, Tehran participants engaged in extensive self-education, using online materials and peer advice to build functional legal knowledge. The prevalence of informal legal support from friends, NGO volunteers, or retired professionals parallels Sandefur’s (2015) assertion that lay networks often substitute for formal legal aid in resource-scarce environments. Documentation tactics and communication management—organizing evidentiary packets, rehearsing oral statements, mimicking lawyerly courtroom demeanor—extend existing literature by illustrating the granular, often performative, practices through which litigants navigate court norms. These practices corroborate Engler’s (2010) observation that self-represented individuals develop ad hoc procedural literacy, yet they also highlight the emotional labor involved in “performing” competence before judges.

The third theme—emotional and psychological responses—foregrounds the affective dimension of self-representation. While Richardson et al. (2020) noted the stress and anxiety accompanying pro se litigation, our study underscores a dual trajectory: participants reported both disempowerment and empowerment. Feelings of overwhelm, panic, and perceived unfairness—“the judge didn’t take me seriously,” one participant lamented—mirror findings from U.S. and Australian contexts, where court anxiety contributes to self-doubt (Hunter et al., 2018). Yet many also described a sense of agency and pride in self-advocacy—“I realized I could fight for myself”—echoing Macfarlane’s (2013) and Sandefur’s (2015) accounts of empowerment through instrumental engagement with the law. This ambivalence suggests that self-representation is not solely a marker of exclusion but can also catalyze civic self-efficacy, a dynamic deserving further theoretical exploration.

Our findings contribute to several strands of scholarship. First, by situating pro se litigation within Tehran’s distinctive legal culture—where Islamic jurisprudence shapes procedural language and courtroom hierarchies—this study extends predominantly Western frameworks (Braun & Clarke, 2006; Engler, 2010) into a Middle Eastern context. The interplay of religious-legal terminology and lay interpretation, as noted by Arjomand (2018), emerges as a critical lens for understanding procedural complexity in Iran. Second, our emphasis on informal support networks and self-education strategies enriches Sandefur’s (2015) conceptualization of “relational expertise,” whereby individuals leverage social capital to navigate legal institutions. Third, the affective ambivalence we document invites integration with legal mobilization theory, suggesting that empowerment through self-representation may foster broader patterns of legal engagement and demands for institutional reform (Richardson et al., 2020).

Practically, our study highlights the need for low-cost, accessible legal information tailored to lay audiences. Fazaeli’s (2017) call for expanded legal aid services in Iran is echoed here: participants’ accounts of “no help desks” and “unreadable legal texts” point to an urgent demand for plain-language guides, courtroom navigators, and volunteer-led workshops. Judges and court staff might be trained to recognize the procedural vulnerabilities of pro se litigants and offer limited guidance—such as procedural checklists—without crossing ethical boundaries. Moreover, formal recognition of community paralegals or trained NGO volunteers could institutionalize the informal support systems that currently operate on goodwill alone.

In sum, while pro se litigants in Tehran confront significant structural and emotional hurdles, they also display remarkable adaptive capacities. Recognizing both the limitations of self-representation and its potential as a site of empowerment can inform more inclusive justice policies, aligning with global movements toward legal empowerment and rights-based approaches to access to justice (Hannaford-Agor et al., 2019; Shahabi, 2020).

Acknowledgments

We would like to express our appreciation and gratitude to all those who helped us carrying out this study.

Authors' Contributions

All authors equally contributed to this study.

Declaration of Interest

The authors of this article declared no conflict of interest.

Ethical Considerations

All ethical principles were adhered in conducting and writing this article.

Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

Funding

This research was carried out independently with personal funding and without the financial support of any governmental or private institution or organization.

References

- Arjomand, S. A. (2018). *Law, society, and government in Iran*. Brill.
- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77–101. <https://doi.org/10.1191/1478088706qp063oa>
- Engler, R. (2010). Connecting self-representation to civil Gideon: What existing data reveal about when counsel is most needed. *Fordham Urban Law Journal*, 37(1), 37–92.
- Fazaeli, M. (2017). Legal aid and access to justice in Iran. *Journal of Middle Eastern Law*, 12(3), 45–67.
- Greacen, J. M. (2014). Self-represented litigants and court and legal services responses to their needs: What we know. In R. L. Sandefur (Ed.), *Access to justice* (pp. 17–43). Emerald Group Publishing.
- Hannaford-Agor, P., Graves, S., & Miller, K. (2019). The landscape of civil litigation in state courts. National Center for State Courts. <https://www.ncsc.org/>
- Hunter, R., Banks, C., & Giddings, J. (2018). Australian judges and self-represented litigants: Managing equality, appearance and reality. *Monash University Law Review*, 44(1), 37–66.
- Macfarlane, J. (2013). The national self-represented litigants project: Identifying and meeting the needs of self-represented litigants. University of Windsor.
- Mather, L., McEwen, C. A., & Maiman, R. J. (2021). *Divorce lawyers at work: Varieties of professionalism in practice*. Oxford University Press.
- McKeever, G. (2013). Balancing rights and responsibilities: The role of court staff in supporting access to justice for litigants in person. *Journal of Social Welfare and Family Law*, 35(1), 1–16. <https://doi.org/10.1080/09649069.2013.764944>
- Richardson, J. G., Boulware, D., & Green, T. (2020). Self-represented litigants and the challenges of court navigation. *Journal of Legal Studies in Practice*, 9(2), 77–93.

- Sandefur, R. L. (2015). Elements of professional expertise: Understanding relational and substantive expertise through lawyers' impact. *American Sociological Review*, 80(5), 909–933. <https://doi.org/10.1177/0003122415601263>
- Shahabi, A. (2020). Judicial modernization and legal reform in Iran: An empirical overview. *Iranian Journal of Law and Society*, 16(2), 33–58.