Over the past decade, the number of uncounseled claimants has risen sharply. For many Americans, a supply-side problem prevents access to counsel—in practice, many attorneys are financially unable to represent claimants with small, but meritorious claims. Troublingly, when claimants press their claims pro se, they fail at virtually every stage of litigation. Uncounseled claimants are less likely to receive early settlement offers and much more likely to have their case dismissed. In short, pro se claimants often fail to receive meaningful access to justice.

Civil justice researchers have posited why pro se claimants so poorly fare, including, that lawyers are more familiar with procedures; that counseled and uncounseled claimants differ demographically; and that attorneys select strong cases.

This research line harnesses social-psychological theory and methods to experimentally test an alternate hypothesis: mainly, that a claimant’s pro se status itself sends a powerful, biasing signal. In the context of a claim of gender discrimination, we examine: first, the degree to which judges, jurors, and opposing counsel discount the claims of uncounseled parties; second, the extent to which this signaling effect occurs at different stages, including pre-trial negotiation, summary judgment, and trial; and third, the psychological mechanisms of this effect. Moreover, we examine the extent of this biasing effect across multiple populations: the public, law students, and lawyers.