

State of the Art in Civil Legal Needs Surveys: A Comparative Perspective

AMERICAN BAR FOUNDATION ACCESS TO JUSTICE RESEARCH INITIATIVE¹

Contents

Executive Summary 1

Recommendations 2

Introduction 4

Review of Legal Needs Surveys in the US, Internationally, and Global Frameworks 6

Legal Needs Surveys in the United States (1994–2022) 6

American Bar Association Survey (1994) 6

Legal Services Corporation Justice Gap Reports (2005–2009) 7

Community Needs and Services Study (2014) 8

Legal Services Corporation Justice Gap Survey (2017) 9

World Justice Project’s Global Insights on Access to Justice – United States (2019) 10

HiiL and IAALS Justice Needs and Satisfaction Survey (2020) 11

Intersectional Examination of U.S. Civil Justice Problems Survey (2021) 12

Legal Services Corporation Justice Gap Survey (2022) 13

International Legal Needs Surveys (England and Wales, Australia, Canada, and South Africa) 14

English and Welsh Civil and Social Justice Panel (2010–2012) 14

England and Wales YouGov Legal Needs Survey (2019–2020) 15

South Africa Governance, Public Safety, and Justice Survey (2019, 2022) 17

Australia’s Public Understanding of Law Survey (2023–24) 18

Canadian Legal Problems Survey 2021 21

British Columbia Everyday Legal Problems Survey (2018/2020) 22

Everyday Legal Problems and the Cost of Justice in Canada (2014) 23

Global Frameworks for Legal Needs Measurement 25

OECD and Open Society Foundations Legal Needs Survey Report 25

UN Statistical Commission’s Handbook of Governance Statistics (2020) 26

Distilling the State of the Art and Identifying Known Issues 28

Distilling the State of the Art 28

Identifying Known Issues 28

Resources and Scholarship on Legal Needs Measurement 30

Endnotes 31

Executive Summary

Civil justice experiences are common in the lives of everyday people and affect all groups in the population, particularly low and moderate-income people. The types of justiciable events experienced are commonly related to health, consumer activity and finance, income, housing, employment, and family – areas that are foundational to people’s well-being and ability to function in their communities. Despite experiencing life events regulated by and including solutions within the civil justice system, most people do not perceive these events to be legal in nature nor do they engage lawyers or courts to resolve them.

Civil legal needs surveys are a critical element of the evidence base necessary to inform the design of effective policies, regulations, and service models. Other fields, such as health and medicine, have seen since the 1980s the proliferation of evidence-based practices, while law and legal services have lagged in their development. Extensive research in the areas of health and medicine over four decades demonstrates that evidence-informed policies and practices are more effective, efficient, equitable, transparent, and accountable than those formulated without attention to rigorous empirical evidence. Shared national civil legal needs survey data contribute to three types of critical research: primary research, producing new foundational discoveries; secondary research, synthesizing existing findings and data; and tertiary research, applied to inform policy and practice.²

In national civil legal needs surveys assessing people’s civil justice experiences over a period of 12 to 36 months, most people (typically between 50% to 75%) experienced at least one civil justice event. Certain personal characteristics, such as age, having children in the home, mental health status, and sexual orientation, influence the likelihood of experiencing civil justice events. Younger people, people with children, those reporting serious mental health issues, and LGBTQ+ people are more likely to report civil justice experiences. Justiciable events are also observed to cluster and do so among specific groups. For example, housing, employment, and income-related problems are disproportionately prevalent among non-Hispanic Black people in the United States. More serious justiciable events are also more often reported by people from socioeconomically disadvantaged groups. Experience of serious civil justice events has been linked to consistent harms of poor health (especially emotional well-being and mental health), financial problems (money and debt), and loss of time.

How people understand their justice problems is related to how they respond to them. People with more serious justiciable events were more likely to seek help and to seek help from legal professionals than those with less serious problems. Beyond seriousness, people who perceived their issues to be legal in nature were more likely to get help from a lawyer than those who understood their issues in other ways. People’s legal capability also shapes their actions in response to experiencing justice problems: lower confidence and perceived inaccessibility of justice reduce the odds of receiving professional help.

Empirical findings from extant surveys offer key insights for survey design. Most civil justiciable events resolve within the first 12 or 24 months; however, critical kinds of events, such as those involving government benefits, can take longer to resolve. Variations in the duration of different kinds of justice problems and in people’s capability for responding to them are better captured in a reference period of 36 months. Surveying individual people, rather than households, as the unit of analysis led to more accurate reporting of civil justice experience.

Traditionally, civil legal needs surveys focused on lawyers or courts and framed questions about people’s experiences in institutional and professional terms. By contrast, contemporary civil legal needs surveys center ordinary people’s perspectives and experiences. This shift in focus reveals significant discoveries. People facing justice issues often seek help from no one (e.g., do nothing about an issue or attempt to resolve it on their own) or from friends or family. Lawyers and courts turn out to be less common sources of assistance and resolution with legal issues. People often turn to professional and community actors who are not legal professionals for assistance with their justice issues. Existing surveys illustrate that in order to understand how issues are resolved and with what results, civil legal needs surveys should assess both people’s own capability (confidence and skills) and their help-seeking across a wide range of sources (legal and nonlegal, as well as family and community sources of support).

Surveys also reveal intersections between civil and criminal justice events. For example, recent Legal Services Corporation (LSC) surveys find that the vast majority of people reporting experiences with domestic violence also report at least one other civil justice event. To take another example, Young's Intersectional Examination of U.S. Civil Justice Problems Survey (2021) found that being arrested or experiencing domestic violence were the best predictors of experiencing civil justice events in the areas of employment, family, and debt. Other surveys (Sandefur's 2021 YouGov and the 2018/2019 United States World Justice Project General Population Poll) find associations between both criminal court experiences and civil justice events as well as community experience of both civil and criminal events. Almost all people reporting a recent criminal justice event also reported at least one civil justice event.

Recommendations

Units of Analysis: People and Justiciable Events

Recommendation 1: Focus on personal rather than household experiences. People have more access to personal experiences than experiences of other members of their household.

Recommendation 2: Query respondents about justiciable events, rather than cases (i.e., legal matters taken on by formal justice, like courts and lawyers).

Sources of Help: Lawyer and Nonlawyer, Legal and Nonlegal

Recommendation 3: Gather information about a wide range of sources of help, including sources that are not legal. Nonlegal assistance is as common, if not more common, than the use of lawyers or the formal justice system (e.g., courts or police) as sources of help.

Recommendation 4: Measure perceived barriers in accessing help for justiciable events.

Duration of Survey Frame: 36 Months

Recommendation 5: Ask people about their justice experiences over a three-year period (36 months) in order to better understand the experiences with critical events that tend have longer durations, such as those involving government agencies, and to capture the experiences of people with varying levels of legal capability and those who give up on trying to resolve the justiciable event.

Measure Legal Capability

Recommendation 6: Measure legal capability using validated scales, such as General Legal Confidence, Narratives of Law, and Inaccessibility of Lawyers.

Sociodemographics

Recommendation 7: Include an estimate of mental health, as this has been found to be an important predictor and impact of justice experiences. Common disability screeners, such as the American Communities Survey 6, typically underestimate the impact of chronic conditions and mental health on disability.

Recommendation 8: Among the battery of sociodemographic questions, surveys should include age, race, LGBTQ+ status, and having children under the age of 18, as these factors are all strongly correlated with justiciable event experience.

Perceptions of and Responses to Events

Recommendation 9: Measure the seriousness, severity, and/or contentiousness of personal experiences of justiciable events. Some legal areas are perceived as more serious or contentious than others (e.g., immigration is more serious than a traffic violation). People from traditionally disadvantaged, vulnerable, or marginalized groups report experiencing more serious events. Seriousness and contentiousness have also been linked to help-seeking behavior.

Recommendation 10: Assess people's perception of the nature of the justiciable experience (e.g., events perceived as legal are dealt with differently than events not perceived as legal). The perceived nature of a justiciable event influences help-seeking behavior, and most people do not perceive their justiciable events as legal in nature.

Recommendation 11: Measure the resolution of justiciable events along with the perceived quality of the process and outcome.

Types of Justiciable Events

Recommendation 12: Include justiciable events in relatively common legal areas (e.g., health/medical, financial/consumer, income, housing (rental and/or ownership), employment, and family/custody).

Recommendation 13: Collect information on both criminal and civil justiciable events experienced in the community setting, regardless of whether these experiences ever reach a court or lawyer.

Recommendation 14: Use a people-centered approach to survey design and development rather than a lawyer or institution/court-focus.

Avoiding Low Frequency Events

Recommendation 15: Avoid conditional statements or assumptions that reduce the prevalence of or utility of responses.

Recommendation 16: If the survey is a general population survey, avoid asking about rare criminal or civil justiciable events.

Introduction

This report reviews key insights and knowledge generated from the last 30 years of legal needs surveys in the United States and other countries. During this time, there have been more than 250 legal needs studies conducted in 110 countries and jurisdictions.³ These surveys have been funded by a variety of sources, including governments, private philanthropy, and international development agencies.

A comparative view of these surveys shows increasing substantive and technical sophistication regarding the structure and type of questions asked, the length of surveys, sample sizes, and data collection methods, among other key aspects of survey design, implementation, and analysis. For example, surveys have moved away from a lawyer and court-centered justice perspective and toward a people-centered perspective. This shift highlights the importance of identifying both formal and informal sources of help due to the now well-founded understanding that people often do not perceive justiciable events as legal needs. They therefore do not often seek help from lawyers or courts to resolve their justice problems. Research also supports a significant shift in our understanding of justiciable events and legal needs over the past decade. The field is moving away from a narrow approach of justice focused primarily on formal legal systems and institutions. A people-centered approach reflects the diversity of people's justice experiences, legal needs, and legal capabilities.⁴

Some justiciable events are legal needs, and some legal needs and justiciable events may become cases. A justiciable event is an experience in a person's life that is regulated by or possibly resolved through the justice system, whether or not the person experiencing the event recognizes its legal aspects. A legal need is a justice event requiring legal expertise to resolve. That legal expertise could come from oneself, informal helpers (e.g., friends or family), from a formal third party who is not a legal professional, and/or from a formal third party who is a legal professional. Cases are the subset of justiciable events that are taken on by a part of the formal legal system, such as a lawyer or a court.

Historically, most civil justice research has focused on cases. However, as 30 years of research has shown, cases comprise a small proportion of justiciable events. In addition, some justiciable events are not legal needs; and, even when people treat a justiciable event as a legal need, lawyers are typically neither the primary nor sole source of help. This critical shift in research focus away from the small share of activity that touches the formal legal system to the larger share that does not has profound justice policy implications at sub-national, national, and global levels.

Developing a broader people-centered approach to justice requires improved understanding of people's capabilities for handling justice issues and their use of informal and nonlegal sources of help in the community. Aspects of justiciable events such as their type and quantity affect experience, and so do aspects such as seriousness or contentiousness. These aspects are not distributed evenly. For example, in the United States lower income and African American people tend to experience more serious events, and seriousness influences help-seeking behavior (e.g., less serious issues result in less help-seeking behavior).

Key findings that emerge across legal needs surveys include:

1. Justice problems are ubiquitous and frequently occur in people's lives;
2. few people understand the justiciable problems identified in legal needs surveys to be legal problems;
3. most people do not turn to formal help or justice systems (lawyers and courts) to resolve their justice problems;
4. justiciable problems often have significant negative impacts on people's lives; and
5. justice problems disproportionately affect vulnerable and excluded populations.

Additionally, justice problems often cluster, as we see in the positive correlation between criminal and civil justice problems. They can also cascade, where one justice problem leads to one or more additional justice problem(s).⁵

Reviewing recent surveys conducted in the United States and assessing personal experiences with justiciable events is necessary to determine legal areas and topics for inclusion in a national survey. Table 1 summarizes the rank of the most prevalent legal areas reported by respondents across four United States surveys: Legal Services Corporation 2017 and 2021, Community Needs and Services Study (2014), and Sandefur's US YouGov survey (2021). Legal issues involving health, financial and consumer concerns, housing, income, employment, family, and neighborhood have commonly been measured.

TABLE 1. RANK OF LEGAL AREA PREVALENCE BY SURVEY.				
	LSC 2017	LSC 2021	CNSS 2014	YOUGOV 2021
Health	1	1	NA	NA
Financial/Consumer	2	2	1	1
Income	3	4	5	NA
Housing Rental or Ownership	4	3	4	3
Employment	5	5	2	5
Family or Custody	6	6	7	4
Education	7	7	9	NA
Disability	8	8	NA	NA
Veterans	9	9	NA	NA
Insurance	NA	NA	3	NA
Public Benefits	NA	NA	6	6
Injuries	NA	NA	8	7
Medical Negligence	NA	NA	10	NA
Neighbors	NA	NA	NA	2

Family. Family typically includes issues relating to marriage, divorce, custody, child support, paternity, adoption, and domestic violence. Across these surveys and legal needs family issues were neither among the most nor the least common.

Housing. Based on LSC (2017) and CNSS (2014), issues with renting housing are three to four times as common as with owning housing. Nonetheless, limiting questions to issues around renting would exclude many homeownership issues.

Neighbors. Based on Sandefur’s YouGov 2021 survey, disputes with neighbors were the second most common legal dispute area.⁶ This area was not assessed in the other three surveys.

Education. These problems were less common, with estimated 12-month prevalences of 5%-11%. In some surveys, the prevalence of education-related disputes was likely increased by the pandemic and the rapid changes in how education was delivered. The more likely usual prevalence of education issues may be closer to 5%-7%. Student loan disputes should be captured under consumer/financial as opposed to education. In non-pandemic periods, issues of adequate protection from bullying and protection from discrimination from teachers and staff might be considered.

Disability. These issues were also of relatively low prevalence, with an estimated 12-month prevalence of 4%-7%. Problems of not being able to access government programs or stores in the community due to inadequate accommodations drove the disability legal dispute area. Note that inadequate accommodations to enter stores may have been inflated during the pandemic period, comparing LSC 2017 and LSC 2021.

Veterans. These issues may be better understood as issues impacting a population rather than a specific legal area. Based on these surveys, the 12-month prevalence of veteran justiciable events was ~1%.

Injury. Similar to veterans’ legal issues, the legal area of injuries and the legal issue of medical negligence have relatively low estimated 12-month prevalences of ~1%-2%. Legal issues related to the legal areas of public benefits and insurance could be subsumed under the legal areas of health and income as well as disability, if retained.

Review of Legal Needs Surveys in the US, Internationally, and Global Frameworks

We reviewed three categories of research: legal needs surveys in the United States over the last 30 years, legal needs surveys from several common law jurisdictions outside of the United States (England and Wales, Australia, and South Africa) over the last 15 years, and emerging global frameworks for the design, implementation, and analysis of legal needs surveys over the last five years (OECD/OSF and Praia City Group). The review of English language civil legal needs surveys described emerging learnings and the framing of legal needs surveys across time. The OECD/OSF and Praia City Group reports were products of convened experts and document reviews to establish standards and recommendations for contemporary civil legal needs studies.

Legal Needs Surveys in the United States (1994 - 2022)

American Bar Association Survey (1994)

In 1994, the American Bar Association released *Legal Needs and Civil Justice: A Survey of Americans*.⁷ The survey aimed to assess legal needs and engagement with legal interventions among low- and moderate-income households in the United States.⁸ The top one-fifth of high-income households were excluded from the survey, as were people in institutional settings. The survey was completed by telephone and oversampled low-income households. A subset of households without telephones participated via in-person interviews. A total of 3,087 participants completed the survey (1,782 low-income households and 1,305 moderate-income households) across the 48 contiguous states.

The survey asked about 67 household circumstances that anyone in the household experienced during 1992. For experienced circumstances, a respondent for the household was asked what was done (or not done) about the household circumstance within the civil justice system. To develop the survey, lawyers identified legal issues based on a review of state-level surveys from the 1970s through 1991. A “legal need” was defined from the perspective of lawyers who identified social experiences that “raised legal issues – whether or not they were recognized as ‘legal’ or taken to some part of the civil justice system.”⁹

The study found that about half of low- and moderate-income households had at least one legal need in 1992 and that most of those legal needs emerged during that year, with 85%-88% of legal needs emerging within the last 12 months. Further, approximately half of households reporting a legal need experienced more than one legal need. The report concluded that there are more similarities than differences regarding legal needs among low- and moderate-income households in the United States.

The study found that an overwhelming majority of low- and middle-income households either handled the issue on their own or did nothing at all to try to resolve it. Moderate-income households were more likely than low-income households to engage with the formal civil justice system (lawyers and courts) to resolve their legal needs, and many households sought help from third parties outside of the formal civil justice system.¹⁰ Most civil legal needs were handled outside of the formal civil justice system.

The study also found that the way in which households addressed their legal needs varied with the type of legal problem. Households were more likely to use the formal justice system for family matters, but often attempted to solve consumer financial matters and housing matters on their own and were most likely to engage third parties in economic or personal injury matters. In addition to cost, the primary reasons for not engaging the civil justice system were beliefs that: (1) the formal justice system would not help; (2) the issue was not really a problem; or (3) that the household was capable of handling the matter on its own. Satisfaction with problem resolution was highest among those who engaged the formal justice system or third-party helpers, and lowest among those who tried to solve the problem on their own or took no action.

Key Insights:

- Civil legal needs are common in low- and middle-income households across the United States, with more similarities than differences between household experiences of legal needs at these different income levels.
- Most civil legal needs reported emerged during the 12 months prior to survey contact.
- When experiencing a civil legal need, approximately half of respondents experienced more than one.
- It was uncommon for people to go to lawyers or courts to resolve their legal needs, but middle-income households were more likely to engage formal justice systems than low-income households.
- In study design, lawyers largely defined how legal needs were characterized.

Legal Services Corporation Justice Gap Reports (2005-2009)

The federal Legal Services Corporation (LSC) has supported a series of “Justice Gap” surveys, largely focused on the civil justice experiences of low-income people.¹¹ The first was published in 2005 (with a second edition during 2007).¹² Subsequent reports were published in 2009,¹³ 2017, and 2022.¹⁴ This section includes the reports produced between 2005 and 2009. LSC’s 2017 and 2022 surveys are considered later in the report.

The 2005/2007 LSC Justice Gap Report, which used multiple methodologies including data collection from legal aid providers and reviews of state surveys of low-income people, found that half of the people who sought help from LSC-funded legal aid programs were turned away.¹⁵ An average low-income household was expected to experience between two to three legal needs in the previous year, with approximately two of those needs being newly emergent.

A review of state-level studies from nine states conducted between 2000 and 2005, which surveyed low-income community members, found that typically 70%-90% of the legal needs of low-income people seeking legal aid did not receive help from a lawyer. These nine state civil legal needs surveys replicated and extended the 1994 ABA survey and found that legal needs were highly prevalent but possibly more common among low-income people than found in the 1994 ABA study. Based on this survey review, the report noted that most people do not seek help from legal aid programs due to a lack of awareness of legal aid, perceptions that contacting legal aid would not help, or other barriers such as language, disability, culture, geography, isolation, or fear of the justice system.

In reviewing nine state studies of legal needs among low-income households, the 2005/2007 LSC report suggested that the 1994 ABA study underestimated the amount of civil legal needs in the United States and overestimated how many of those legal needs were getting help from lawyers, at least among low-income households. The 2005/2007 study found that the most common reason that people did not seek help from lawyers was that they did not recognize the legal dimensions or legal solutions for their problem.¹⁶ The 2009 LSC Justice Gap report¹⁷ reinforced key findings from the 2005/2007 study and highlighted the increasing numbers of self-represented litigants appearing in courts.

Key Insights:

- When eligible low-income people seek help from legal aid organizations in the United States, at least half the time they are turned away without help, typically due to organizational resource constraints.
- Low-income households were estimated to experience two to three legal needs per year, though people often did not recognize the legal nature of their problems, and on average two of those three needs arose in the last 12 months.
- Among low-income households, the 1994 ABA survey underestimated the number of legal needs of low-income households and overestimated the proportion of legal needs met by lawyers.
- Most low-income survey respondents reported at least one civil legal need.

Community Needs and Services Study (2014)

In 2014, Dr. Rebecca Sandefur, with funding from the National Science Foundation and the American Bar Foundation, published *The Community Needs and Services Study* (CNSS), also known as the “Middle City Study.”¹⁸ A city was selected as representative of the typical experience in the United States (“Middle City”). Residential addresses were selected via a stratified random sample, and surveys were conducted in-person as 60-90-minute interviews with adults in English. Unlike the 1994 ABA survey, sampling was not delimited based on income so participation in the CNSS was not constrained to low and middle-income participants. The survey also focused on the experiences of individuals as opposed to households.

Households were sampled to represent the population of “Middle City.” Six hundred and sixty-eight participants were asked about civil justice experiences over the last 18 months. The 2014 CNSS study examined 98 justiciable problems, in contrast with the 1994 ABA study that focused on 67 justiciable problems. The sampling strategies also differed, with home interviews being the norm in the 2014 CNSS, and telephone interviews being most typical in the ABA study.

The 2014 CNSS found that civil justice experiences were common, with two-thirds of persons having experienced at least one civil justice event in the last 18 months. The 2014 CNSS also found that low-income people reported more civil justice problems than middle- or high-income people, and Black and Hispanic people reported more civil legal problems than did White people. Overall, debt, housing, money, employment, and insurance were the most common justice issues, and half of people experiencing a justice issue reported a resulting harm, typically to health, income, or related to fear or a loss of confidence.

People most often handled justice problems on their own, got help from within informal social networks (friends and family), or did nothing. It was atypical for people to seek help from formal third parties, and especially uncommon in housing and debt matters. However, although still atypical, people were more likely to seek help from third parties for family or relationship issues.

Only 2% to 3% of people experienced a court appearance with a lawyer in the last 18 months of the surveyed period, and the same percentage of people experienced being in court without a lawyer in the last 18 months. Another 5% of people engaged a lawyer outside of court in the last 18 months. People did not seek help outside of their social networks primarily because they thought that there was no need for advice or that outside help would not make a difference. Only 9% of justiciable problems were perceived to be legal in nature, and even fewer as criminal (4%). People who perceived their problems to be legal in nature were more likely (39%) to consider using a lawyer than those who did not perceive their problem as legal (14%). More than half of people perceived the nature of their justice problem to be bad luck, part of life, or part of God’s plan for them. Respondents more often attributed their justice problems to inevitability, fate, and chance than to legal or criminal concepts.

Key Insights:

- Similar to the 2005/2007 LSC report, the CNSS identified more legal problems among individuals than the ABA study and found that lower income people more frequently reported legal problems than middle- or high-income people.
- Similar to previous surveys, money and employment problems were most common, and harms to health, income, and confidence were the most likely consequences of legal problems.
- It was uncommon for people to report court/lawyer experiences or to recognize their issue as legal in nature, and people primarily handled problems on their own or within their social network.
- People were more likely to consider using a lawyer, if the problem was perceived to be legal.

Legal Services Corporation Justice Gap Survey (2017)

During 2017, LSC released an updated national Justice Gap report based on an original survey. The survey targeted low-income households¹⁹ to collect primary data from a representative sample of approximately 2,000 adults, and found that 71% of low-income households experienced at least one civil legal need in the last year, a higher prevalence than the 1994 ABA study. Respondents received some form of help (in-person, online, lawyer, or non-lawyer) for 6 out of 10 of those problems. Nine out of 10 problems reported were personally experienced, whereas only 1 in 10 reported problems were experienced by both the respondent and someone else in the household.

Regarding severity, 70% of legal problems were rated to have a moderate to severe impact on the respondent and/or their children, while only 10% of problems were perceived to have no effect. A minority (40%) of the problems reported to have occurred in the past 12 months were resolved, while the majority were ongoing. Most legal problems (86%) received either no help or inadequate help from a lawyer, with most of those respondents not receiving any help from a lawyer.

The national survey also found that people typically did not seek help for their legal problems from a lawyer. When people sought help, they more frequently talked to friends or family, or sought help from people in other non-legal professional roles, like doctors, religious leaders, case workers, social workers, coworkers, employers, or government agencies. The sum of help received for legal problems from non-legal professionals outweighed that from lawyers alone.²⁰ Barriers to adequate help included cost, lawyer incompetence, and being turned away by the provider.

The survey also found that it was more common for people to not seek help from a lawyer (i.e. not recognize a lawyer as a potential source of help) than to receive inadequate legal help for a problem if help from a lawyer was sought. Help-seekers were most likely to talk to friends or family about a legal problem. Overall, it was common for people to talk to someone in their social network or to get no help at all, but when people did seek help from someone in a professional role, legal professional help (i.e., lawyer) was the most common category of help by professional role. However, people also sought help with justice issues from nonlegal professionals.

The top reasons that people gave for not seeking help from anyone, not just from a lawyer, were not being sure that the problem was a legal issue and dealing with the problem on their own (see Table 2). Cost was a more common barrier for seeking help from a lawyer, whereas not knowing what type of help was needed was more of a barrier for seeking help from anyone else.

	LEGAL PROFESSIONAL	ANYONE ELSE OR ONLINE
Not sure if it was a legal issue	1	2
Dealt with problem on own	2	1
Perceived cost	3	6
Afraid to pursue legal action	4	5
Did not know where or types of help to look for help	5	3
Did not have time	6	4

Additionally, for every two to three people who did receive help from a lawyer, one person seeking help from a lawyer did not receive any help from that lawyer. Those who sought but did not receive help from a lawyer reported that it was most typically due to cost, lawyer incompetence, and/or being turned away by the provider. It was, however, more common for people to not seek help from a lawyer than to receive inadequate legal help.

From the perspective of legal aid providers, the primary reasons for turning away eligible people were perceived scarcity of legal services (lack of resources) and the selective prioritization of legal needs by legal aid providers (e.g., legal aid providers serving only housing and domestic violence issues, or only debt issues). Providers estimated that these resource constraints and activity prioritization led to 62% to 72% of eligible legal needs presented to legal aid being unserved or underserved.

Key Insights:

- Legal needs among low-income households were higher than shown in the ABA (1994) study.
- Approximately 1 in 5 low-income households sought lawyer help for legal needs, but more people sought help from a non-lawyer professional (approaching 3 in 10).
- The vast majority of justiciable events reported for households were only those personally experienced by the respondent.
- Six in 10 legal problems reported were ongoing, with only 4 in 10 problems resolving within 12 months.
- Most legal problems were perceived to have a moderate to severe impact on the respondent's life.
- 86% of legal problems received inadequate or no professional legal help. The vast majority of this gap is based on receiving no legal help from a lawyer. It was estimated that for every one problem receiving inadequate help from a legal professional, there were ten problems receiving no help at all from a legal professional.
- Unlike previous studies, perceptions of the fairness and effectiveness of the justice system and perceived legal capability were not correlated with professional legal help seeking behavior.

World Justice Project's Global Insights on Access to Justice – United States (2019)

In 2019, the World Justice Project ("WJP") published *Global Insights on Access to Justice*,²¹ a report based on the access to justice module from the 2017/2018 World Justice Project General Population Poll data collected from 101 countries,²² including the United States.²³ Unlike the 2017 LSC survey, participation in the World Justice Project survey was not limited by household income.²⁴ The justice module aimed to better understand people's justice experiences by collecting 11 categories of information: (1) legal problems experienced in the last two years, (2) seriousness of those problems, (3) sources of formal and informal help, (4) problem solving behaviors, (5) reasons for not getting help, (6) resolution process, (7) objective conclusion, (8) perception of processes and outcomes, (9) cost of resolving problems, (10) legal capability and confidence, and (11) impact of experiencing legal problems.²⁵

The United States' poll found that 66% of Americans had experienced a legal problem in the last two years. Problems with money/debt, housing, and consumer experiences were most commonly reported. One in 3 (32%) people reported accessing at least one source of help for their legal problem.²⁶ Thirteen percent of participants with at least one legal problem sought help from either a legal aid office or a lawyer, professional advisor, or an advice service.

Participants reporting household incomes of more than \$80,000 were more likely to use a lawyer, professional advisor, or an advice service as a source of help than participants reporting household incomes of less than \$80,000. Of participants who reported using a lawyer, professional advisor, or an advice service, only 6% also reported engaging a legal aid office for help. The majority of respondents seeking both forms of legal help were likely ineligible for legal aid services (household incomes of >\$120,000). Two-thirds of those reporting engaging legal aid as a source or help were households with incomes of less than \$80,000.

Similar to the LSC 2017 survey, using legal providers as a source of help was uncommon. In the WJP GPP, combining legal aid²⁷ with "lawyers, professional advisors, or advice services"²⁸ into one source of help evened the distribution of legal help accessed across income levels. Additionally, the extended duration from 12 months to 24 months in the WJP GPP could have also increased the percentage of legal help relative to the 2017 LSC survey.

Like the 2014 CNSS and the 2017 LSC surveys, the WJP survey found that not getting any help or receiving help from friends/family was more common than seeking help from lawyers or other professional advice services. Sixty-five percent of participants who reported at least one legal problem sought help from only one source. The most typical source of help was friends and family, utilized by almost half (49%) of people reporting at least

one civil legal problem. Receiving help from a lawyer, professional advisor, or an advice service was the second most common, at 12%. It was also more typical to engage lawyers or professional advice services as a source of help than a court, government body (e.g., administrative agency), or police.

Help from non-lawyer professionals was used by 16% of those with at least one legal problem. After removing courts, police, and government agencies as well as lawyers, 11% of participants with at least one legal problem received help from nonlegal sources such as a health/welfare worker, trade union or employer, religious or community leader, civil society, charity organization, or other non-legal organization. The prevalence of using non-lawyer professionals as sources of help and legal professionals as sources of help were similar.

In the WJP survey, United States respondents typically perceived themselves as having “legal capability.”²⁹ Most respondents believed that they knew their legal rights (86%), knew where to get advice or information (76%), could get all the legal help they needed (63%), and were confident of achieving a fair outcome (71%).³⁰ However, only about half of the civil problems reported in the last two years were considered fully resolved. This was, however, higher than the 12-month resolution rates found by the 2017 LSC survey.

Key Insights:

- The findings of the WJP General Population Poll were similar to those of the 2014 CNSS and LSC surveys, despite using different methods.
- Half of the problems reported in the last two years were considered resolved.
- When seeking an advisor, people sought advice from friends or family more often than lawyers or courts.
- The frequency of utilizing non-lawyer professionals as sources of help for legal problems was similar to the frequency of utilizing lawyers as a source of help.
- Most people perceived themselves to have the legal capability to resolve parts of their legal problems.

HiiL and IAALS Justice Needs and Satisfaction Survey (2020)

In 2020, The Hague Institute for Innovation of Law (HiiL) and The Institute for the Advancement of the American Legal System (IAALS) partnered to implement a representative internet panel-based survey (HiiL’s Justice Needs and Satisfaction Survey)³¹ among 10,058 participants in the United States to learn about legal problems and the resolution of those problems over the last four years.³² A “legal problem” was defined as a problem that could have been resolved by legal means.

Over 6,500 serious legal problems were reported. Sixty-six percent of the sample reported experiencing a legal problem over the last four years, with half of those problems considered completely resolved. The survey identified that the average resolution time varied by type of legal problem, with a low of 29 days for traffic needs, and 183 days for domestic violence legal needs. Additionally, the percentage of complete problem resolution also varied by type of legal problem, with 80% of traffic issues completely resolved but only 30% of immigration issues and 33% of problems with police being completely resolved. Higher income respondents³³ were more likely to resolve their legal problems than lower income respondents.

The plurality of respondents to the IAALS/HiiL survey had household incomes of >\$100,000 (41%) and were suburban (47%). The number of legal problems was consistent across income levels, but the type and quality, including seriousness, of legal problems differed across income levels. People at lower income levels reported experiencing more serious legal problems. Despite men reporting slightly more legal problems, women reported more serious legal problems. Black Americans reported more legal problems than other racial/ethnic groups and had a unique triad of serious problems (housing, work/employment, and money). Urban and younger people experienced more legal problems than rural/suburban and older people. Seriousness did not vary across geography, and middle-aged people experienced more serious legal problems than younger and older people.

The survey also explored the quality of processes, outcomes, and costs of people’s “justice journeys.” A justice journey was described as “the steps people take to resolve their legal problems.”³⁴ Costs and impacts included money, time, health, relationships, work, and stress. Processes and procedures included voice (being heard), respect, and clarity. Outcomes included fairness, restoration, resolution, and understanding of consequences.

The most commonly reported harms caused by serious legal problems were poor health (especially emotional well-being and mental health), financial problems (money and debt), and loss of time. Serious criminal legal problems were more likely to produce negative consequences than civil legal problems (50% and 43%, respectively). Serious problems with domestic violence or the police were least likely to be expected to be resolved in the future.

When engaging sources of help, people typically engaged two sources: 23% of people used lawyers, and 14% used courts as a source of help to resolve their legal problems. The top three reasons for not engaging a lawyer were: (1) it was not perceived to be necessary; (2) the justiciable issue was not perceived to be a legal issue; and (3) the issue was not perceived as appropriate for a lawyer. The top three most valuable elements of legal advice and information were trustworthiness, understandability, and targeted to situation. Analysis of this survey is limited because the survey questions and data have not been made public.

Key Insights:

- As in the 2019 World Justice Project survey, only half of the problems reported in the last two years were considered resolved.
- The quantity of legal problems was similar across income levels, but the type and seriousness of legal problems differed by income level, with serious problems being more common among people with lower incomes.
- Higher income people were more likely to resolve their legal problems.
- The survey found that mental and emotional health harms were more common than physical health impacts.
- Serious criminal problems produced more harm than serious civil problems.

Intersectional Examination of U.S. Civil Justice Problems Survey (2021)³⁵

The Intersectional Examination of U.S. Civil Justice Problems Survey was administered during 2021. The sample included 3,635 respondents in the United States.³⁶ The sampling plan included quotas to ensure diversity relative to participant composition factors of interest, such as oversampling non-white racial groups. The survey also included collection of the following sociodemographic data: race, gender, age, income, education, LGBTQ+ identity, physical disability status, rurality, and parent of a child under 18 years old. The legal areas measured included employment, family, and debt, and the criminal legal areas of arrest and domestic violence.

Civil and criminal legal events were measured differently. Civil legal events were measured if they occurred *within the last year*. Criminal legal events were measured if a person reported to have *ever* experienced an issue within the legal area. For civil issues, 30% of respondents reported a debt problem, 28% reported an employment problem, and 10% reported a family problem within the last year. Regarding criminal legal issues, approximately 24% of respondents reported having ever being arrested by police, and approximately 22% reported experiencing domestic violence or sexual assault.³⁷

Compared to White respondents, Black respondents had higher odds of employment and family problems; Latino respondents had higher odds of employment problems; and Asian respondents had lower odds of family problems. Younger participants had higher odds of employment, family, and debt problems than did older participants. Lower-income participants³⁸ had higher odds of employment and debt problems than did higher-income participants. College educational attainment increased the odds of employment problems. People who identified as LGBTQ+ had higher odds of family and debt problems. People residing in rural areas had higher odds of family problems, and parents with young children had higher odds of employment, family, and debt problems. Reporting a physical disability decreased the odds of employment problems but increased the odds of a debt problem. Men were less likely to report debt problems than women.

Ever being arrested and/or ever experiencing domestic violence or sexual assault increased the odds of debt, family, and employment problems. In comparing people without and with statuses of disadvantage/marginalization³⁹ and trauma (criminal) experiences,⁴⁰ the probability of employment, family, and debt problems was higher for those with statuses of disadvantage/marginalization and/or trauma experiences compared to those without (approximately 41% v. 23%; 49% v. 3%; 66% v. 21%, respectively).⁴¹ Additionally, being Black and low-income further increased the odds of employment, family, and debt problems compared

to being White among those people with other disadvantage/marginalization statuses (e.g., identifying as LGBTQ+, having a physical disability, living in a rural location, and being the parent of a child under age 18) and trauma (i.e., been arrested or survived domestic violence and/or sexual assault) experience.⁴²

For the purposes of this project, we conducted a replication and extension study of the Intersectional Study using data from the 2021 Canadian Legal Problems Survey (CLPS). This analysis found that younger people, parents of children, people identifying as LGBTQ+, those having been arrested, and those having experienced crime or violence within the last three years were more likely to experience employment, debt, and family problems. Importantly, the CLPS replication/extension demonstrated similar civil and criminal problem patterns over a three-year period compared to the Intersectional Study, which used a 12-month reference period for civil problems and a lifetime reference period for criminal problems.

Key insights:

- Experiencing domestic violence or arrest were the strongest predictors of family, employment, and debt civil justice events.
- Age, having children in the home, and LGBTQ+ status influenced the odds of reporting a civil justice event. Younger people, having children in the home, and identifying as LGBTQ+ increased the odds of experiencing any and all three of the civil legal areas.
- Findings of the Intersectional Study were replicated and extended by using the Canadian Legal Problems Survey. Criminal events remained significant when shifting the survey frame from ever (Intersectional Study) to three years (CLPS).

Legal Services Corporation Justice Gap Survey (2022)

In 2022, a new LSC *Justice Gap Report* was published that included a larger representative national survey of 5,308 participants.⁴³ The sample included 2,003 participants that had incomes of less than 125% of the federal poverty level (FPL), and 3,305 participants that had incomes at or above 125% of the federal poverty level. The subsample of <125% FPL in the 2022 report was similar to the sample in the 2017 report. The sample of >125% FPL was new for LSC.⁴⁴ Seventy-four percent of low-income households reported at least one civil legal problem in 2022 compared to 71% in 2017. In comparing LSC (2017) and LSC (2021), there was a similar distribution of severity of the overall impact of the legal problem on the respondent or their household, with approximately 6 in 10 reporting a moderate to severe impact. However, similar to the IAALS/HiiL survey and the extension of the 2017 LSC survey beyond 125% FPL, low-income people reported more serious impacts of their legal problems.

Even for severe problems, people only sought lawyer help for one-quarter of their legal problems. For problems considered to be less than serious, middle-income and low-income households experienced most of these problems as unserved or underserved by professional legal providers in the last 12 months (93% and 94% respectively). Middle-income households had fewer “substantial” problems unserved or underserved (78%) compared to low-income households (92%). The household survey also found that low-income respondents who personally experienced a harm were more likely to report harms compared to someone else in the household experiencing a problem. People’s positive perceptions of the justice system or utility of lawyers improved as household income increased.⁴⁵

Key Insights:

- The LSC survey included both low- and middle-income households. Respondents identified 38% of legal problems as substantial.
- People were less likely to receive professional legal help for non-substantial problems than substantial problems.
- Middle-income households were more likely to receive professional legal help for substantial problems than low-income households.
- Personal experience of a legal problem was more likely to result in reporting harm than someone else in the household experiencing a legal problem.

International Legal Needs Surveys (England and Wales, Australia, Canada, and South Africa)

This section explores two legal needs surveys from England and Wales (a distinct jurisdiction from Northern Ireland and Scotland under UK law), as well as recent surveys from South Africa, Australia, and Canada. Like the US, the England and Wales, Australia, and Canada represent high-income countries (as defined by the World Bank), whereas South Africa is classified as an upper middle-income country. Also like the US, all four countries (except for Quebec in Canada) are common law jurisdictions.

English and Welsh Civil and Social Justice Panel (2010-2012)

The English and Welsh *Civil and Social Justice Survey* (CSJS), developed by the Legal Services Research Centre, an independent research division of the Legal Services Commission (2000-2013), was conducted in 2001, 2004, and 2006-2009. The *English and Welsh Civil and Social Justice Panel Survey* (CSJPS) built upon the CSJS and was designed as a panel survey with two waves. The first wave was conducted during June and October 2010,⁴⁶ and the second wave took place 18 months later.⁴⁷ The survey was administered as in-person interviews in the respondent's residence; people in the household age 16 years and older were interviewed without limits on income.⁴⁸

Assuming a civil justice problem was reported, 6 in 10 reported one civil justice problem, and the remainder reported more than one. During Wave 1, civil justice experiences across 15 categories were assessed,⁴⁹ and Wave 2 monitored the processes and experiences with resolution for 1 to 3 reported civil justice problems. Almost 2,500 participants completed both Waves 1 and 2 (94%). Most attrition between waves was due to new residents in the original Wave 1 households.

In both Waves 1 and 2 approximately 6 in 10 respondents reported experiencing at least one civil legal problem. The survey found that socially excluded people (e.g., single parents, public benefit recipients, victims of crime, and people with disabilities) were more likely to report civil justice problems. Common perceived causes of justice problems included income/debt and health issues. Health, loss of confidence, and loss of income were the most common perceived consequences of justice problems. Income and health were both causes and consequences of justice problems, though health problems were more common as consequences than causes.⁵⁰ Additionally, family and economic consequences tended to cluster together.

In Wave 2, 45% of justice problems were believed to be bad luck or part of life, and only 10% of civil justice problems were perceived to be legal in nature. In exploring the civil justice problems that carried over from Wave 1 to Wave 2, 14% were considered legal at Wave 1 but only 25% of those problems identified as legal in Wave 1 were still considered legal in Wave 2 (52 to 13 respectively), and 32 justice events not classified as legal in Wave 1 were perceived to be legal in Wave 2 (legal experiences in the Wave 1 panel was 52 and 45 in Wave 2). It was uncommon for justiciable events to be considered legal in nature, and over a period of 18 months the perception of legality dropped off further.

Less than 4 in 10 of participants in Wave 1 with a civil justice problem perceived that their understanding of their rights increased by Wave 2. Most understanding of rights gains were attributed to communicating with a formal advisor (e.g., lawyer) or an informal advisor (e.g., friends, families, or colleagues). Three in 10 people sought a formal helper for advice on their justice problems, and 4 in 10 handled the justice problem on their own. Further inquiry with respondents revealed that those who reported knowing their legal rights often actually did not know their rights, and rather, their beliefs about those rights defaulted to social norms or fairness. In the CSJS, discrimination was included as its own justice problem, whereas the CSJPS included discrimination as a cause of other justice problems.

Key Insights:

- Like the ABA (1994) survey, when reporting a legal need, approximately half of respondents reported more than one legal need and typically did not receive help from a formal legal provider.
- The survey found that socially excluded/marginalized people (including victims of crime) were likely to report civil justice problems.
- Health and money issues were both causes and consequences of civil justice problems. Health was more commonly a consequence than a cause.
- Only 1 in 10 respondents recognized their justice event to be legal in nature, and it was more common for people to reclassify issues as non-legal across the duration of the justice event.
- People's perceived knowledge of their legal rights was more likely to be based on social norms or conceptions of fairness than an understanding of the content of the law.

England and Wales YouGov Legal Needs Survey (2019-2020)

The 2019/2020 England and Wales YouGov Legal Needs survey collected data from 28,663 individuals online during February and March of 2022 without a limitation of household income for participation.⁵¹ The survey screened for 34 legal issues in the last four years. Sixty-four percent of people experienced at least one legal issue in this period. People with higher education or income were more likely to describe their justice events as legal.⁵²

The Survey found that people with higher education and higher income were more likely to report more justice events (63%) compared to medium and low education (58%). This difference was driven by higher reporting of consumer problems (32%), property, construction and planning (32%), and conveyancing/residential (21%). Similar to findings in the 2021 IAALS and HiiL survey in the United States, the quantity of issues reported can be similar across income levels if surveyed justice events are relevant across income levels. However, problems tend to be more severe among lower income people.

Contentious legal issues were more common (53%) than non-contentious legal issues (27%). A contentious legal issue included a dispute among two or more parties' interests (e.g., court hearing). A non-contentious legal issue is a transactional issue implicating one party's interest (e.g., closing on a house). Only 16% of respondents described their contentious legal issue as legal. It was more common for people to describe their contentious legal issue as an economic/financial issue (28%) or a family/private matter (18%).

The survey also reported on the severity of contentious legal issues. Similar to the United States IAALS/HiiL survey, this survey found that more severe or serious events are more likely to impact people with lower incomes;⁵³ the England and Wales survey found that low-income people rated their legal issues as more severe than middle- or high-income people. Most severity scores fell toward a rating in the center, and the type of issue reported influenced severity scores (ratings ranged from 1 to 10, with consumer issues rated the lowest at 4.22 and family as the highest at 5.78).

The primary harms attributed to contentious legal issues included stress (53%), financial loss (33%), ill health or injury (18%), damage to family relationships (12%), and being harassed, assaulted, or threatened (11%).⁵⁴ People reporting stress or health as a harm typically visited a healthcare provider as a result of their stress. Family issues were associated with the highest financial loss. Low-income people reported stress or illness/health as a harm more than middle or high-income people.⁵⁵

The England and Wales YouGov survey also evaluated legal self-efficacy,⁵⁶ general legal confidence,⁵⁷ and perceived accessibility of justice.⁵⁸ The proportions with low, medium, and high efficacy, confidence, and accessibility were similar across income levels.

TABLE 3. PROPORTIONS OF LOW, MEDIUM, AND HIGH EFFICACY, CONFIDENCE, AND ACCESSIBILITY.

	LOW	MEDIUM	HIGH
Legal Self-Efficacy	37%	46%	17%
General Legal Confidence	32%	53%	11%
Perceived Accessibility of Justice	18%	59%	23%

Unlike other surveys, in the YouGov Survey of England and Wales a minority (11%) received help for their legal issue from only friends and family and another 55% received at least some help from a professional. The reason for not going to family first or as a sole source of help was that they were not professionals with knowledge of the law. In exploring sources of help further, like other surveys, friends and family were the most common source of help (36%), though they were often supplemented by professional help. Solicitors were second most common (22%), and doctors were third (14%). However, solicitors and doctors were considered main advisors more often than family/friends.

People with lower confidence and higher perceptions of justice inaccessibility were more likely to try to get help but not receive it. Respondents were more likely to receive help for noncontentious than contentious issues. The relative proportion of people receiving professional help compared to family/friend help was higher for noncontentious legal issues than contentious legal issues. One in 5 people did not try to get any help for both contentious and noncontentious issues. People were more likely to try but fail to get help for a contentious issue than a noncontentious issue.

Further, people were much more likely to get help for an injury issue (78%) than a consumer issue (36%). As the seriousness of the legal issue increased, the proportion of people receiving no help decreased (42% least serious to 29% most serious). There was a wider gap between receiving any help at all versus professional help specifically among justiciable events rated as least serious (55% and 45%) compared to those rated as most serious (71% and 65%).⁵⁹ People who described their legal issue as legal were most likely to get help (74%) and were particularly more likely to get help from a solicitor (i.e., lawyer). Lower confidence and perceived inaccessibility of justice decreased the odds of receiving professional help.⁶⁰

Receiving help or not receiving help impacted the perceptions of fairness, with those receiving help perceiving the resolution to be fairer. People were less satisfied with the help they received when they perceived the process or outcome as unfair. People who perceived justice as accessible were more likely to do something in response to being dissatisfied with the help for their legal issue (46%) compared to people who believed justice was inaccessible (8%). Help was commonly delivered face-to-face (4 in 10), followed by phone (2 in 10) and email (2 in 10).

People were typically satisfied by all types of helpers and methods of payment for services, though unregulated providers resulted in more dissatisfaction than regulated professionals or friends/family, and paying via loaned money resulted in less satisfaction.⁶¹ People were less satisfied with the help from the main advisor when they believed that the advisor was not doing enough (32%), taking too long (31%), making mistakes (24%), failing to keep them informed (22%), or subjecting them to poor treatment (15%). When dissatisfied with legal help, people typically either did nothing (37%) or informed/complained to the advisor (35%).

Eleven percent of people did nothing about their legal issues. People were particularly likely to be inactive regarding consumer legal issues (29%). More common reasons for not taking action for contentious legal issues were believing that it would not make a difference, was not important enough, not knowing what to do, or because they resolved the issue without any need to act.

Fifty-three percent of people with a contentious legal issue believed those issues to be legal needs, meaning that they thought they needed legal expertise to resolve the issue. Thirty-one percent of people with a “legal need” did not receive professional help, which results in an unmet legal need. In general, this survey defined a legal need as a justiciable event that required legal capability in order to achieve resolution. A met legal need is one that was resolved, and an unmet legal need was not resolved or was inadequately resolved. Of contentious legal needs (53% of all legal needs), 22% were met and 31% were unmet. Of the 31% of unmet legal needs, 21% did not receive professional help, 8% took too long, and for 3%, help was inadequate.

Most family issues were considered legal needs (63%) compared to consumer problems, which were infrequently classified as legal needs (28%). People with low legal confidence, low self-efficacy, and low perceived accessibility of justice experienced higher proportions of unmet contentious legal needs. Of the 28% of noncontentious legal needs, 21% were met and 7% were unmet. Of the 7% of unmet noncontentious legal needs, 5% did not get professional help and 2% did not receive adequate help. People with low confidence were less likely to have an unmet noncontentious legal need in part because they were less likely to have legal needs overall.

Key Insights:

- Contentious legal needs were more common than non-contentious legal needs.
- Low-income people were more likely to report stress or health harms from legal needs than middle- or high-income people.
- Legal confidence, legal self-efficacy, and perception of accessibility of the justice system were measured and were linked to different justice experiences.
- In contrast with the findings of other surveys, friends and family were uncommon as main advisors, though they were a common co-advisor. Solicitors (lawyers) and doctors (physicians) were the most common sources of professional help.
- Lower confidence was linked to seeking but not receiving help.
- People were more likely to receive help for noncontentious than contentious issues. However, as the seriousness of issues increased, people were more likely to receive help.
- People typically received help face-to-face.
- Contentious legal needs were more likely to be unmet than met, and noncontentious legal needs were more likely to be met than unmet.

South Africa Governance, Public Safety, and Justice Survey (2019, 2022)

South Africa's statistical agency (Stats SA) completed a *Governance, Public Safety, and Justice Survey (GPSJS)* in 2019.⁶² Participation was not limited based on household income, nor was household income assessed or included in sample weighting.⁶³ South Africa found the second lowest prevalence of civil justice events globally in the last two years (12%, above Colombia at 10%). Justiciable events were defined as "problems that raise legal issues, whether this is recognized by those facing them and whether lawyers or legal processes are invoked in any action taken to deal with them."⁶⁴

Typically, the prevalence of civil justice events within countries falls between 30% to 60%. Some have speculated that the low reported prevalence of civil justice events in South Africa was in part linked to a methods issue. In South Africa, respondents first had to select a legal area, and if a legal area was selected then specific legal issues could be selected. By contrast, most surveys ask about justiciable issues and link them to formal legal categories in the survey structure or in analysis after survey completion. It is also not recommended to include an "other" legal category, as was included in the South African survey. All specific legal issues in the 2019 GPSJS had a prevalence of <1%. The South African survey added a "coefficient of variation" to classify the qualification of estimates (including reliable, use with caution, and poor).⁶⁵ Given lower response rates, only 9 of the 49 civil legal issue items were considered "reliable," the remainder were qualified as "use with caution."

The 2022 *Governance, Public Safety, and Justice Survey* found that 21% of the population 16 and older had experienced a justiciable event.⁶⁶ In the past two years, the most common justiciable event in GPSJS 2022 was poor service by the government or business (10%), followed by neighbor disputes (4%), difficulty accessing services (3%), corruptions/bribes (3%), and debt (3%). The 2019 and 2022 *Governance, Public Safety, and Justice Survey* and the Victims of Crime Survey were not integrated.

Among uses of media for information about a civil dispute, using a website was most common (13%). However, 3 in 4 people used no form of media (i.e., website, television/radio, self-help guide/book, or newspaper/magazine) for information related to civil disputes. Similar to the CNSS, people most commonly sought information and help from family or friends (31% and 29% respectively) in the 2019 GPSJS. The percentage seeking help from

friends or family in the 2022 GPSJS was similar to GPSJS 2019 (29%). People sought information from lawyers and television/radio at similar levels (11%). People sought information and help from police and courts, 9% and 8% of the time in the 2019 and 2002 GPSJS. The percentage of people seeking help from community organizations increased from 2019 (5%) to 2022 (13%). The South African 2019 GPSJS found a clear correlation between sources of information and sources of help; therefore, by asking about one the other was largely known.

Typical reasons that people gave for not seeking information or help regarding their civil dispute were: (1) beliefs that advice was not needed; (2) the problem was being solved without advice; (3) the problem was resolved peacefully between the two parties; (4) getting advice would not make a difference; (5) the problem was not serious enough; and (6) not knowing how or where to get advice. Based on the 2019 GPSJS, 1 in 5 civil disputes in the last two years were resolved, and 1 in 2 were ongoing. One of 5 respondents gave up on resolving their disputes.⁶⁷ In describing resolved disputes in the 2019 GPSJS, it was most common for people to report that the issue resolved itself. Similar proportions of people reported resolution through a decision by a formal authority and through moving away from the problem. Most (3 in 4) reported that the dispute process (means) or outcomes (ends) were fair.⁶⁸ When a problem was resolved, it took approximately 300 days, but when people gave up it took about 900 days.⁶⁹

The most common harm attributed to a civil dispute was stress/health/injury (59% and 54%), followed by financial distress (23% and 23%) in both the 2019 and 2022 GPSJS. During the 2019 and 2022 GPSJS, the third and fourth most common civil justice harms switched places: family damage (17% and 13%) and loss of confidence or fear (14% and 19%).⁷⁰ Based on the 2019 GPSJS, only 5% of people aged 16 and older went to court in the last 12 months. Three in 10 people usually went to court to support a friend or family member, whereas 1 in 7 went to court as an accused person. Significantly more males (22%) were the accused person in court compared to females (6%). Most people described the court proceeding as meaningful and in a language that they understood (both >90%). It was uncommon for people to use a legal professional in court, with 7 in 10 representing themselves.⁷¹

Key insights:

- The survey's findings support the insight that asking people about specific issues increased the prevalence of justiciable events compared to screening for activity in legal areas before sequentially asking about specific events or issues. Sequentially, starting with a broader legal area and then asking about specific legal issues drastically reduced prevalence of justiciable events.
- The survey found that the average problem resolved within 12 months, but the average person gave up on resolving a problem at approximately 30 months.
- Harms attributed to justiciable events were similar in kind and rank across the United States, England and Wales, and Australia.

Australia's Public Understanding of Law Survey (2023-24)

Australia's 2023-24 Public Understanding of Law Survey (PULS) was "the first major legal needs survey in Australia since the Legal Australia-Wide Survey," which was completed during 2023. Over 6,000 adult Australians in Victoria (southeastern Australia), without income limitations for participation,⁷² were surveyed to evaluate justiciable events and respondents' capacity to address those events. The PULS survey uniquely assessed legal needs and legal capabilities. Most surveys were completed by in-person interviews (5,271) and the remainder (737) were completed by telephone. The survey was administered between February 2022 and March 2023, and interviews took approximately 45 minutes to complete per respondent.⁷³

The survey found that people's perceived law-related skills, confidence, and attitudes influenced legal problem solving and resolutions. People with more disadvantages had more legal problems and lower capabilities to handle those problems (i.e. more problems, less capacity).⁷⁴ One in 5 respondents had inadequate practical legal literacy, and 1 in 5 lacked basic legal literacy if navigating resources online without support. In addition to legal problems and sources of help, the PULS assessed various aspects of legal capability, including: (1) general legal knowledge,⁷⁵ (2) general legal confidence,⁷⁶ (3) practical legal literacy,⁷⁷ (4) perceived relevance of law,⁷⁸ (5) narratives of law, (6) perceived inaccessibility of lawyers, (7) trust in lawyers, and (8) sociodemographics, digital capability, and mental health (as modifiers).⁷⁹ The PULS was the first large-scale survey to include a battery of legal capability scales and to statistically test those various measures simultaneously to understand their associations with each other and key outcomes.

Subjective legal empowerment and general legal confidence decreased if people had more unresolved justice problems or justice problems with negative outcomes. Similarly, reporting more justice problems was associated with lower confidence or empowerment. If people perceived that they were handling their justice problems well, their confidence or empowerment was higher. Vicarious experiences or social learning (word-of-mouth experiences of friends, family, or colleagues) also influenced confidence. Positive experiences of others in one's social network improved confidence, and negative experiences decreased confidence.⁸⁰

Regarding practical legal literacy, people seemed to have challenges with navigation more than comprehension. People – at least sometimes – reported difficulties with connecting with the correct organizational representative or had difficulty raising problems with representatives of organizations more frequently than they had difficulty comprehending written or verbal communications or filling out forms. In general, functioning was limited more by navigation than comprehension experiences. People with more mental distress or a long-term illness or disability reported more legal literacy issues as well, but people who were carers for older adults or adults with disabilities had fewer legal literacy problems.

People's overall perceived relevance of law varied depending on the kind of justice event. For example, people were less likely to see unpaid credit cards and perceived errant repayment of public benefits as legal, and more likely to see a dispute with an employer for underpayment (i.e., "wage theft") and a landlord refusing to fix an issue of habitability as legal. Approximately 1 in 4 respondents, on average, perceived low relevance of law across all eight justiciable event scenarios presented.

Analysis of people's narratives of law identified four themes: (1) remote, (2) resist, (3) practical, and (4) game. Those endorsing the remote theme considered law out of reach or not part of everyday life. Fighting against or refusing the law for help was resisting. Perceiving law as a process or method for problem solving or as a way to get to an outcome was conceptualized as a practical narrative. A game narrative characterized law as a competition or an exercise of manipulation within rules. The view of law as practical was most frequent, followed by viewing law as a game. Respondents whose responses reflected a practical view were less likely to agree that law was remote and more likely to agree that law is a game.

Those participants agreeing to law as a game were more likely to also agree that law was remote and was something to resist. The largest gap in narratives was among younger and older adults, with older adults perceiving law as more remote. Respondents reporting illness, disability, or mental health issues or financial distress were more likely to agree that the law was remote or something to resist. People with more income were less likely to perceive law as something to resist.

Negative experiences with courts or lawyers increased perceptions of lawyers as inaccessible. People with mental distress and non-English speakers were more likely to perceive lawyers as inaccessible. Regarding lawyer inaccessibility, PULS respondents perceived lawyers as too slow and taking too long to deal with issues. More mental and financial distress and lower educational attainment were associated with greater lawyer inaccessibility. Carers of older adults and adults with disabilities perceived lawyers as more accessible.

Related to trust, PULS respondents trusted lawyers to act in clients' interest and to be knowledgeable/skilled in legal work. However, 4 in 10 disagreed that lawyers would not overcharge them. Most respondents expected lawyers to act ethically and not break rules. More than half of respondents believed that lawyers would exploit loopholes in the law. People with illness, disability, mental distress, and financial distress trusted lawyers less.

People with higher educational attainment and carers of older adults or adults with disabilities had higher "legal capability" overall. People with severe mental health distress or financial distress had lower legal capability. Researchers constructed composite measures of legal confidence/skill⁸¹ and legal attitudes.⁸² Severe mental health distress, financial distress, being an adult age 65+ (especially with lower skills), and less than 12 years of education (especially with lower skills) were linked to lower legal confidence/skills and worse legal attitudes. In contrast, people with college degrees or higher and carers of older adults or adults with disabilities had higher legal confidence/skills and better legal attitudes.

Beyond demographics and type of legal problem, legal capability added to the prediction of problem-solving actions, the adequacy of expert help, meeting legal needs, and being happy with resolution progress and outcomes. Problem-solving actions included doing nothing, handling alone or through informal help, receiving independent help from a non-lawyer, and receiving independent help from legal service. Adequacy of expert help was based on perceived ability to get all the expert help needed. Justiciable events were classified as unmet, met, or not a legal need. Happiness for justice outcomes or progress of justiciable event resolution were also assessed.

Using a battery of eight legal capability measures and after controlling for demographics, type of legal problem, and the remaining legal capability measures, perceived inaccessibility of lawyers and narratives of law (particularly the remote and resist subscales) were the attitudes most predictive of behavior and experience. Narratives of law were predictive of problem-solving strategies and meeting legal needs, and perceived inaccessibility of lawyers contributed to the prediction of adequacy of legal help, meeting legal needs, and the happiness with resolution progress or outcomes.

Attitudes also better discriminated the duration of legal problems at 36 months than confidence/skills. The majority of legal problems were resolved (not ongoing) by month 36. Most legal problems that will resolve do resolve by month 24, but extending through 36 months captures additional resolution of legal problems, especially for government benefits/programs and for people with divergent skills and attitudes (i.e., low skills and positive attitudes and high skills and negative attitudes).

Regarding skills and confidence variables, general legal confidence was the best unique contributor. General legal confidence contributed to the adequacy of legal help and, marginally, to meeting legal needs and happiness with progress or outcomes. Practical legal literacy's effects were strong for predicting adequacy of legal help and happiness with resolution when controlling for demographics and type of legal problem, but when also controlling for other legal capability measures, the effects of practical legal literacy became non-significant.

Further, digital legal capability was not significant when predicting adequacy of legal help and when controlling for demographics and type of legal problem but became statistically significant in an opposite trend when adding all of other legal capability variables, which indicated a suppressor effect. It is possible that there was a suppressor or negative confound relationship between practical legal literacy (PLL) and digital capability for law (DCL) where PLL becomes non-significant and DCL emerges as significant but in the opposite direction compared to controlling for demographics and type of problem alone.

In trivariate relationships (e.g., moderators), PULS also supported considering the perceived legal nature of problems, receiving help from legal services, initiator of the legal problem (respondent or claimant), and engagement with the formal legal system in problem resolution (court, agency, or mediation) as moderators or stratifying variables of legal capability.

Based on this analysis, the legal capability measures of narrative of law, inaccessibility of lawyers, and general legal confidence were recommended. All of these scales have been previously validated. Additionally, a content analysis was conducted on the Inaccessibility of Justice measure that was used in the England and Wales survey. The content was found to be similar to the practical subscale of the Narratives of Law measure. The practical subscale of Narratives of Law was the least predictive in PULS, and therefore the Inaccessibility of Justice as used in England and Wales was not recommended. However, further support of the value of General Legal Confidence was found in the England and Wales survey. Ultimately, General Legal Confidence was supported in both PULS and the England and Wales surveys.

Key Insights:

- Lower income people had more legal problems but less legal capability to address those problems.
- Unresolved justice problems decreased legal confidence, but positive experience with problem resolution increased confidence.
- Perceiving legal issues as legal in nature varied by the type of legal issue.
- People with more financial and mental health distress were more likely to perceive law as something to resist and as remote.
- Negative experiences with lawyers/courts or mental health distress increased perceptions of justice as inaccessible.
- In testing a battery of eight legal capability measures, the legal capability measures of Inaccessibility of Lawyers, Narratives of Law, and General Legal Confidence were recommended for inclusion in future surveys.
- Legal capability predicted problem-solving actions, the adequacy of expert help, meeting legal needs, being happy with resolution progress and outcomes, and the duration of legal problem resolution.

Canadian Legal Problems Survey 2021

The survey was completed by Statistics Canada in 2021 on behalf of the Department of Justice Canada to explore experiences with serious justice events in Canada.⁸³ The target population was “individuals 18 years of age or older living in one of Canada’s 10 provinces, with the exception of individuals living in an institution, in a collective dwelling, or on an Indian reserve.” Between February 1, 2021, and August 20, 2021, the survey was administered online with telephone follow-up for nonrespondents. Participants were asked about personal justice experiences between 2018 and 2021 (36 months).

There was a sampling frame allocation of 29,972 for the main sample along with a sample of 12,428 for an Indigenous oversample. A survey was completed by 21,107 adults (21,170 respondents and 20,913 non-respondents) regarding their personal justice experiences. The 2021 Canadian Legal Problem Survey (CLPS) was the first national survey of legal problems and did not include limitations on household income for participation.⁸⁴ A legal problem could have legal implications or solutions regardless of presenting in the formal justice system or being recognized as legal by the person experiencing the problem. The 2022 report based on the 2021 CLPS focused on serious legal problems, actions taken to resolve those problems, and impacts of the problems.⁸⁵ Survey respondents were 18 years of age or older and resided in the ten provinces. Data was collected on 16 legal problem areas.⁸⁶

Respondents who reported an experience in one these legal areas were asked if the problem was serious and not easy to resolve. One in 3 (34%) Canadian respondents reported experiencing at least one of the legal problems or disputes in the last three years. One in 5 respondents (18%) reported at least one problem/dispute that was serious and not easy to fix. For every two people reporting at least one problem overall, one person reported at least one serious issue (1.88:1).

The top five most frequent serious harms were: (1) vandalism or property damage, (2) harassment, (3) poor/incorrect medical treatment, (4) discrimination, and (5) problem with a large purchase. Assuming at least one serious problem, it was common for people to report two or more problems (45%).⁸⁷ Unlike the IAALS/HiiL survey, males and females in the CLPS reported serious problems at the same frequency. Visible minority groups were slightly more likely to report a serious legal problem (20%) than people in non-visible minority groups (18%);⁸⁸ this difference was driven by more serious legal problems experienced by Black Canadians (28%). First Nations people also experienced serious problems (28%) at a frequency similar to Black Canadians. Similar to the IAALS/HiiL survey, low-income households were also more likely to experience serious legal problems more than high income households. People with disabilities more frequently reported serious legal problems than people without disability, which was primarily driven by differences in poor/incorrect medical treatment, receiving disability benefits, government assistance payments, harassment, and discrimination.⁸⁹

Nine in 10 people with serious legal problems wanted to resolve those problems, and most people took action to attempt to resolve their serious legal problem. One in 3 people with a serious legal problem used a legal professional as a source of help, but only 8% utilized courts.⁹⁰ A minority of people with serious legal problems surfaced in the formal justice system. People more commonly use friends/family, the internet, and the opposing party as sources of assistance in solving serious legal problems.

Most sources of help were perceived to be more frequently helpful than not helpful, except for communicating with the opposing party. Government agencies and courts were disproportionately perceived as not helpful. When people did nothing to resolve their serious legal needs, the top reasons for inaction were beliefs that nothing could be done or that acting could make the problem worse, not knowing how or where to seek to help, or believing that action would increase stress. People did not contact lawyers due to lack of perceived usefulness, high cost, and because they wanted to resolve problems on their own.

Most people who reported a serious legal problem in the last three years reported negative impacts on health (79%), especially stress and mental health issues, and finances (75%). Financial harms included spending savings, credit card debt, and borrowing money from family. The frequency of harmful consequences increased along a gradient, with three or more serious legal problems higher than two problems and two higher than one. Physical and mental health consequences were twice as frequent for three or more serious legal problems compared to one serious legal problem. Additionally, the vast majority of people with three or more serious legal problems experienced a financial impact.

Similar to the England and Wales YouGov survey that found that 22% of contentious legal needs were met, the Canadian Legal Problems Survey found that 21% of serious legal problems had been resolved.⁹¹

Key Insights:

- For approximately every two legal problems reported, one was considered serious.
- In general, people wanted to resolve their most serious legal problems and took some action to resolve those problems.
- Health and financial harms were typical for those experiencing serious legal problems.
- People were more likely to use lawyers than courts to resolve their serious legal problems.
- Serious and contentious legal problems often go unresolved.

British Columbia Everyday Legal Needs Survey (2018/2020)

The Everyday Legal Needs Survey of British Columbia was administered online during 2018 and 2020.⁹² The survey took approximately 10-15 minutes to complete. Participants had to meet low-income criteria and be 18 years of age or older.⁹³ Additionally, respondents could not be related to or live with a lawyer or employee of legal aid. A total of 1,204 surveys were completed during 2018,⁹⁴ and 1,207 surveys were completed during 2020.⁹⁵ The survey collected information related to serious or difficult to resolve justiciable events.

The three-year prevalence of personal serious civil justice problems among low-income people was 76%-83%. The top four problems in both years were consumer, employment, money/debt, and housing/land.⁹⁶ Police incidents (questioned, charged with an offense, or arrested) and legal actions (being sued or a notice for being sued) were in the lower three of prevalence of justice events. Similar to the IAALS/HiiL 2020 survey, the most common harms of justice events in the 2018/2020 British Columbia surveys were emotional health harms followed by financial and physical health harms. Half of lower-income respondents reported four or more types of justiciable events over the last three years.

In responding to legal problems, 13% of people sought legal assistance, and 13% sought non-legal assistance. More commonly, people handled issues on their own or did nothing. When doing nothing about a serious problem, the top reasons for not acting were: (1) not knowing what to do, (2) thinking acting would be too stressful, and (3) thinking nothing could be done.⁹⁷ When seeking non-legal assistance, friends/family were most common followed by the internet, counselors, doctors, and government. Lawyers were perceived to be most effective followed by friends/family, doctors, government services, and support groups.⁹⁸

During 2020, 57% of people reported being satisfied with non-legal assistance, whereas 62% of people reported being satisfied with legal assistance. Additionally, 3% of people reported being very dissatisfied with non-legal assistance, whereas 5% of people reported being very dissatisfied with legal assistance. Six in 10 legal problems were resolved. People believed that more/better information, someone to deal with the opposing party, or someone to explain the legal issue (or to help with forms or documents) would help achieve a better outcome than a lawyer.⁹⁹ More than half of legal problems were perceived to disrupt life, and 3 in 4 people believed that addressing legal problems was important.¹⁰⁰

Key Insights:

- Reporting experiences with relevant legal areas (debt, money, housing, and employment) was common among lower-income respondents.
- Similar to other surveys, not knowing what to do or believing that action would not have an impact were common reasons for not taking action.
- Satisfaction with legal and non-legal professional assistance was similar.
- People believed that addressing their legal problems was important.
- Most reported that legal problems impacted their lives, beyond the legal problem itself.

Everyday Legal Problems and the Cost of Justice in Canada (2014)

The 2018/2020 British Columbia surveys were preceded by a national survey of everyday legal problems conducted in 2014.¹⁰¹ Justiciable events or everyday legal problems were defined as “problem[s] arising out of the normal activities of people’s daily lives that ha[ve] a legal aspect and ha[ve] a potential legal solution.”¹⁰² Prior to the popularization of the term of people-centered justice, the Canadian survey promoted a “public first” perspective. A sample of 3,263 people were surveyed via telephone September 2013 and May 2014. One in 2 adult Canadians reported experiencing a civil legal problem of everyday life in the last three years.¹⁰³ Most people (~60%) who experienced a legal problem experienced two or more legal problems.

The most common justice events reported were in the areas of consumer, debt, employment, neighbors, discrimination, and family. It was uncommon for people with legal problems to use courts (7%) or lawyers (19%) to resolve their legal problems. It was most common for people to contact the opposing party (75%), or to turn to friends/family (61%), the internet (33%), or non-legal assistance (28%) to resolve legal problems.¹⁰⁴ The study found that only 5% of people took no action to resolve their serious legal problems. Most people (62%) with legal problems took 1-3 legal actions to resolve their legal problems.

Regarding the helpfulness of advice, lawyers were most helpful (81%), non-legal assistance and internet next (68% each), friends family (58%), and reaching out to the opposing party (49%).¹⁰⁵ If the proportion seeking help from a source and the satisfaction of help were combined to estimate population helpfulness, given help sought, lawyers were least helpful and friends/family were most helpful, with reaching out to the opposing party, non-legal assistance and the internet in the middle between lawyers and friends/family.

TABLE 4. PROPORTION SEEKING HELP FROM A SOURCE, HELPFULNESS OF SOURCE, AND COMBINED.

	PROPORTION HELP FROM A SOURCE	HELPFULNESS OF SOURCE	POPULATION HELPFUL, GIVEN SOURCE SOUGHT
Lawyer	0.19	0.81	0.1539
Non-legal	0.28	0.68	0.1904
Internet	0.33	0.58	0.1914
Friends/Family	0.61	0.68	0.4148
Other Party	0.75	0.49	0.3675

Over half of respondents (55%) reported that all of their legal problems that emerged in the last three years were resolved. Fifteen percent had at least one problem resolved and at least one problem ongoing. Thirty percent reported that all of their problems were ongoing. Seven in 10 people who achieved outcomes perceived that the outcomes did not meet their expectations. People, on average, spent \$6,100 CAD to resolve their legal problems across three years (approximately 10% of average household income).¹⁰⁶ These costs were driven by lawyer fees, travel costs, and materials costs followed by court fees and other advisors. Interestingly, those who spent money to resolve their legal problems believed the outcomes were less fair than those who did not spend money to resolve their problems. One in 2 Canadians experiencing a legal problem reported emotional difficulty and stress as consequences.¹⁰⁷

Key Insights:

- Similar to other surveys, of the people who reported a legal problem, approximately half reported two or more problems.
- Friends/family were more typical sources of help than professionals, and non-legal professionals as sources of help were more common than lawyers as sources of help.
- The most common person that people communicated with to resolve their legal problems was the opposing party. This finding highlights that people often attempt to negotiate and settle with opposing parties in informal community settings.
- Reaching out to the opposing party, though common, was perceived to be the least useful source of help.
- It was typical that legal problem outcomes often did not meet people's expectations.

Global Frameworks for Legal Needs Measurement

OECD and Open Society Foundations Legal Needs Survey Report¹⁰⁸

In the second decade of the 21st century, the Open Society Foundations Justice Initiative (OSJI) and the Organization for Economic Cooperation and Development (OECD) collaborated to support development of the 2019 Guide on Legal Needs Surveys and Access to Justice. Their interest in doing so was three-fold. OECD and OSJI sought to demonstrate to governments and funders that legal needs are linked to societal and community development, so that understanding and responding to these needs is critical to effective social policy and service delivery. The report was also designed as a tool to raise the profile of United Nations 2030 Sustainable Development Goal 16, “promot[ing] the rule of law at the national and international levels, and ensur[ing] equal access to justice for all.” Finally, while governments routinely collect data about other key aspects of contemporary life, such as health, employment, and education, as well as other aspects of justice, such as violent crime, they have been unlikely to collect data on civil legal needs. The report sought to demonstrate that the design and implementation of effective social policy requires governments to systematically collect reliable, valid data about people’s civil justice experiences.

Led by Pascoe Pleasence, experts from Argentina, Australia, Brazil, Cabo Verde, Canada, Colombia, England, Japan, Mexico, the Netherlands, Poland, Scotland, South Africa, and the United States synthesized learnings from more than 50 national legal needs surveys conducted by governments or nonprofits over three decades. The guide explains empirical discoveries through a framework of people-centered justice, which explores justice from the perspective of people experiencing justice problems rather than that of professional service providers, courts, or other institutional actors. The guide describes the nature, extent, and impact on people and communities of unmet legal needs as well as how legal needs are met and resolved. It also offers an operational definition of legal needs: these exist when a person has a justiciable problem but does not have the capability or support necessary to handle it effectively.

Synthesizing research from around the world, the guide produces new discoveries. It demonstrates that some kinds of legal needs are prevalent across diverse national contexts, including “consumer issues, money, neighbors, family matters, housing and land, employment, social safety net assistance, and access to public services.” It reveals linkages between justiciable problems and other social and economic problems (e.g., poverty, health, employment, financial and housing). It shows that, globally, many justiciable problems go unresolved, and the vast majority of people do not receive help from traditional institutional actors, like lawyers or courts, to resolve justiciable problems.

As well as producing new empirical discoveries, the guide offers recommendations for the design and implementation of future legal needs surveys. It offers models for asking about key problem areas and sources of help, provides guidance on reference periods for querying about justice activity, and advice about appropriate levels of analysis for asking about justice experiences. It also suggests ways to incorporate into surveys the intersection of criminal and civil justiciable events. The guide advises that surveys should be sure to ask about eight proposed justiciable problem areas: employment, family, accidental injury/illness, public services and administration, money and debt, consumer, community and natural resources, and land and housing. Recognizing that most assistance for justice issues comes from people who are *not* part of the formal justice system, the guide recommends asking about help received from: a) family, friends or acquaintances; b) lawyers, professional advisors, advice services or advice helplines c) courts or other dispute resolution organizations; d) national, regional or municipal government departments, agencies, councils or politicians; e) employers, trade unions, professional or trade associations, f) health, welfare, financial services or professionals; and g) community or religious leaders or organizations, non-profit or charity organizations, or trusted persons or organizations.

Other advice on survey design includes insights about the reference period for asking about justice experiences and recommended levels of analysis. Across surveys, the most common reference period is three years. Most civil legal needs surveys query individual experiences, rather than household experiences, and the guide recommends following that standard. Civil legal need surveys should enable analyses at the individual, problem, and help/resolution levels. The experts highlight the intersection of criminal justiciable events (particularly, victimization and arrest) and civil justiciable events, observing that experiencing criminal justiciable events increases the likelihood of experiencing civil justiciable events.

In sum, the guide suggests that a well-designed civil legal needs survey should: 1) identify justiciable problems, 2) assess problem seriousness, 3) measure the impact of the problem, 4) identify sources of utilized, 5) evaluate the nature of process for problem resolution, 6) identify problem progression (e.g., ongoing, too early to say, done with but problem persists, and done with and resolved), 7) assess reasons for not seeking help, and 8) measure legal capability.

The guide makes several additional recommendations for civil legal needs surveys:¹⁰⁹

- Include diverse stakeholders and sectors in survey development, incorporating a people-centered justice perspective.
- In defining access to justice, attend to seven key elements:
 - The substance of law;
 - The availability of formal or informal institutions to secure justice;
 - The quality of formal or informal institutions of justice;
 - The availability of legal assistance;
 - The quality of legal assistance;
 - The quality of outcomes; and
 - Legal capability.
- Ask about life situations, not legal issues, using words people use in everyday life.
- Ask about justice issues within an 18-month to 36-month period.
- Ask about justiciable events that are believed to occur in the sample and have impact on people's lives.
- Include criminal issues if these are of interest to the developers or sponsor.
- Evaluate the seriousness of reported justice issues.
- Utilize a representative sample (household or, preferably, person).
- Use a people-centered approach to survey development.
- Ask about how issues are handled (process) and resolved, including sources of help and type of resolution.
- Collect information on the impacts of justice issues.
- Assess legal capability as a means of distinguishing justice events and legal needs as well as met and unmet legal needs.
- Consider evaluating contentiousness, trust in institutions, and perceived ease of resolution.
- Collect information on perceptions of process and outcomes, including fairness.
- Potentially assess costs to problem participants or duration of the issue or time to resolution.

UN Statistical Commission's Handbook of Governance Statistics (2020)

The United Nations Statistical Commission published the *Handbook of Governance Statistics* (Third Edition), authored by the Praia City Group, in 2020.¹¹⁰ The *Handbook* defines access to justice as "broadly concerned with the ability of people to defend and enforce their rights and obtain just resolution of legal problems in compliance with human rights standards, if necessary, through impartial formal or informal institutions of justice and with appropriate legal support."¹¹¹ The definition recognizes the role of both formal and informal institutions in accessing justice. The report noted that criminal and civil justice are typically distinguished within countries, but both apply to accessing justice.

Civil justice involves navigating government agencies, experiencing fair resolutions of administrative problems, improving people's ability to understand, use, and shape the law, creating enabling rights, promoting well-being, ensuring government accountability, and including people as stakeholders.¹¹² Civil law impacts most experiences of people's everyday life and impacts health, income, employment, housing, relationships, and confidence. It is common for people to not perceive justice events as legal events and not take action on their justice events. People and just solutions are at the center of access to justice, not lawyers, courts, or legal services. A minority of civil justice issues are resolved by formal justice mechanisms (e.g., lawyers and courts), and justice events are typically either informally resolved or remain unresolved. Therefore, to understand access to civil justice, one must go beyond formal institutions.

The 2020 *Handbook*¹¹³ proposes that common constructs or frameworks fit both criminal and civil justice events. Access to justice is informed by better understanding the needs and capabilities of people and the capacity and performance of informal and formal justice institutions.¹¹⁴ Multiple subcomponents of access to justice should be measured, and those measurements should be grounded in people and communities. Access to justice requires a multi-dimensional approach that empowers people to achieve meaningful capabilities/outcomes and enable institutional accountability to remove obstacles and provide actual opportunities for justice.

To improve understanding of civil and criminal justice, the *Handbook* recommends using large-scale population surveys to monitor typical and atypical (with large samples) processes and outcomes in justice. Administrative data can also inform formal institutional processes, but these data capture a minority of people's justice experiences. Beyond surveys and administrative data, quality assessments and user reviews of the informal and formal services experienced by people should also be assessed. People's justice experience touches and is touched by various disciplines/areas, institutions, and sectors (i.e., public, nonprofit, public, and volunteer/community) and requires connection of formal and informal data to inform justice processes and outcomes. There are opportunities for improving existing and new administrative, survey, and expert quality assessment data and making connections across data.¹¹⁵

Population surveys were noted as an important tool for monitoring both civil and criminal justice because formal administrative data misses most civil and criminal justice experiences, since most justice events are not reported to police, lawyers, or courts. Whereas administrative data is often top-down (reflecting the interests of formal institutions), legal needs surveys have emerged to become a more bottom-up approach (revealing the experiences and interests of people) to understanding justice needs and designing justice policies. Civil legal needs surveys and crime victimization surveys are often conducted in isolation despite the likely linkages of causes and consequences of criminal and civil justice experiences. Civil legal needs surveys do not need to be completed annually and can be connected to other surveys as modules.

In surveying people regarding criminal or civil justice, people should be asked about their experiences in everyday life as opposed to experiencing concepts of formal institutions and terminology. The frequency, value, and impact of civil legal issues should be considered in prioritizing survey items. Civil legal needs surveys should include help seeking sources, dispute resolution processes, and activities that support problem-solving. It is also important for civil legal needs surveys to distinguish met and unmet legal needs. Legal needs that require legal expertise to solve and lack access to that expertise result in partially or completely unresolved legal needs. To distinguish between met and unmet legal needs, legal capability and the appropriateness of legal help should be measured.¹¹⁶

The Handbook recommends the following indicators for inclusion in civil legal needs surveys: (1) legal capability (e.g., awareness of laws/rights and legal confidence or self-efficacy), (2) legal needs relative to justice events., (3) experience with justice events or disputes, (4) dispute resolution from formal and informal mechanisms, (5) ability and access to resolve legal problems, (6) satisfaction with resolution, and (7) perceptions of fairness of processes and outcomes. People-centered surveys collect data to better understand experiences from the perspective of the people who experience the justice issues.

Distilling the State of the Art and Identifying Known Issues

Distilling the State of the Art

The last 30 years of research have revealed critical insights about the design elements required for legal needs surveys to be effective at revealing public experiences with justice issues. The main insights for survey design include:

- Asking respondents about life situations, not “legal issues,” using words that people use in everyday life.
- In order to receive reasonable respondent recall and a reasonable number of events to report, a reference period should be specified of no less than 24 months and no more than 36 months. As surveys were conducted with an interest in resolution of matters and included inferential elements as opposed to descriptive elements of a period, it became clear that the frame of issues should increase to 24 to 36 months as opposed to 12 to 18 months. After 36 months, there are diminishing returns regarding resolution, with increases in resolution being linked to giving up or stepping away from the legal problem. Therefore, the reference period should be no more than 36 months.
- Asking about how specific issues were handled, including where help was sought (if anywhere) and what help was received. People reach widely when seeking help, so the response options should reflect the range of sources of help sought by respondents. People also commonly do not take action to resolve justiciable issues or give up on trying to resolve such issues. Therefore, these responses should also be reflected in response options.
- Asking if and how problems are resolved.
- Asking about the impact of problems.
- Asking about legal capability and/or perceptions of law.¹¹⁷

Identifying Known Issues

The research literature has identified a number of issues that should inform legal needs survey design, including:

Duration of the survey contact. A basic survey that also collects demographics will only be able to ask about a small set of broad issues and of responses and impacts if the time allotted is only 20-30 minutes (for example, surveys modeled on the World Justice Project country-level modules). Some people (on average around one-third of American adults) will report no justice issues occurring in the reference period. Rather than concluding the survey contact at that point, there is an opportunity to collect other kinds of data (e.g., views about or predicted responses to hypothetical justice situations).

If respondents are asked questions about problem response and experience, this follow-up is usually not possible for all reported issues due to time constraints. Therefore, surveys typically query about responses and impacts for one or more selected problems. How problems are selected (e.g., recency, substance) should be carefully considered and reflect the aims of the research. In surveys of the general population, if the aim is to capture information about as many different kinds problems as possible, selecting reported problems for follow-up using some sort of weighted randomization (such as the method used in the U.S. Community Needs and Services Study, where less common problems had a higher probability of selection for follow up)¹¹⁸ will produce follow-up information for a wider spread of problems than pure random selection or the choice of a problem by occurrence (as in the England and Wales Civil and Social Justice Surveys, where some administrations asked about the second-most recent problem reported if respondents reported more than one).¹¹⁹ Ultimately, response strategies differ depending not only on the type of problem,¹²⁰ but also on the severity of the problem and how the problem is characterized by the respondent (i.e., as a legal problem versus a different type of problem, such as moral or bureaucratic, or as bad luck).¹²¹

Accuracy of recall and reporting. A range of choices will affect the accuracy of respondents' reports on their civil justice problem experiences, and one of the most basic choices is that of the unit of analysis. Household surveys with one informant reporting for the whole household or all adult members will produce more events (as more people are exposed to the risk of events) but less precise recall. In contrast, surveys of individuals (e.g., a randomly selected adult reporting on themselves) will produce fewer events but more precise recall. Individual-level studies are most representative of people's experiences when an initial contact enumerates the eligible respondents in the household (e.g., household members 18 or older) and then the survey randomly selects one to report on their own experiences. This was the model used by the U.S. Community Needs and Services Study described above.¹²² However, while this model produces a more representative sample than other options, it is also resource-intensive, often requiring multiple contacts with selected households in order to be able to interview the selected respondent. Studies that take the initial contact as the survey respondent will overrepresent the experiences of people likely to be available at the time of contact (e.g., students, stay-at-home parents, retired people), however, studies that ask one respondent to report on the experiences of all adult members of a household will under-report events, as they will usually not know about all of the justiciable events experienced by each household member.

Further, reports of problem experience reflect people's tendency to better remember some kinds of events than others. Studies of memory decay for recall of different types of civil justice issues find that people remember problems for longer: (a) that they regard as more important to resolve; (b) that involve more adverse consequences; (c) that involve higher money value; and (d) for which they sought advice in handling. While these factors affect people's likelihood of remembering problems of different types, specific types of problems seem to be per se more memorable. People are, for example, likely to remember divorce for longer than consumer problems, as the former involves the dissolution and subsequent reorganization of at least one, and usually more, of people's central life relationships. In addition, divorce also necessarily engages formal legal processes, is often regarded as important to resolve, and can have a range of adverse consequences (health, income, housing, etc.). By contrast, consumer matters typically do not include all of these aspects of experience.¹²³ Therefore, the type of reporting (i.e., a household representative versus individual) and the type of problem experience should be considered in the design of future Civil Legal Needs Surveys.

Frequency and distribution. As described above, different kinds of justiciable problems vary in their frequency and in their distribution across different populations. Some types of problems are common (e.g., housing, money), while others are relatively rare (e.g., medical negligence). Some problems are concentrated in particular populations, whether defined by demographics (domestic violence among women) or experience (expungement among criminal justice system-involved people). The uneven distribution and occurrence of different types of justiciable problems have significant implications not only for the design of problem inventories, but also for selecting problems for follow up with more detailed questions.

Causality. It is sometimes difficult to unravel the relationships between multiple justice problems, or between justice problems and their impacts on other life areas, such as health, finances, or relationships. It is well-known that justiciable problems cluster in patterned ways.¹²⁴ For example, several studies identify a cluster of family issues, including around divorce, custody, etc., while others identify clusters around vulnerability or social exclusion (e.g., problems that precede homelessness) and around money (debt, employment, etc.). Causality between problems, and between problems and their impacts, can be difficult to determine, as cross-sectional surveys will typically rely on respondent memory and perception of timing, order, and impact. For example, justiciable problems are linked to negative health impacts,¹²⁵ while owned housing and family problems often precede debt problems.¹²⁶ The complex relationships between problems themselves and problems and their impacts should be considered in the design of the future Civil Legal Needs Surveys.

Resources and Scholarship on Legal Needs Measurement

Ab Currie, *The Legal Problems of Everyday Life*, 12 Socio. of Crime, L. & Deviance 1 (Apr. 18, 2009) [https://doi.org/10.1108/S1521-6136\(2009\)0000012005](https://doi.org/10.1108/S1521-6136(2009)0000012005).

Hazel Genn & Sarah Beinart, *Paths to Justice: What People Do and Think about Going to Law*, Hart Publ'g (1999).

Justice Needs and Satisfaction in the United States of America 2021, Hiil & IAALS (2021), <https://iaals.du.edu/sites/default/files/documents/publications/justice-needs-and-satisfaction-us.pdf>.

The Justice Gap: The Unmet Civil Legal Needs of Low-income Americans, Legal Servs. Corp. (Apr. 2022), <https://lsc-live.app.box.com/s/xl2v2uraitobbzrhwtjlgioemp3myz1>.

OECD Framework and Good Practice Principles for People-Centred Justice, OECD (2021), <https://doi.org/10.1787/cdc3bde7-en>.

Legal Needs Surveys and Access to Justice, OECD & Open Soc'y Found. (2019), <https://www.oecd-ilibrary.org/deliver/g2g9a36c-en.pdf?itemId=/content/publication/g2g9a36c-en&mimeType=pdf>.

P. Pleasence, N. J. Balmer, & R. L. Sandefur, *Apples and Oranges: An International Comparison of the Public's Experience of Justiciable Problems and the Methodological Issues Affecting Comparative Study*, 13 J. of Empirical Legal Stud. 50, 50-93 (Feb. 18, 2016), <https://doi.org/10.1111/jels.12097>.

Pascoe Pleasence & Nigel J. Balmer, *Justice & the Capability to Function in Society*, 148 Daedalus 140,140-49 (Jan. 1, 2019), https://doi.org/10.1162/daed_a_00547.

Pascoe Pleasence, Nigel J. Balmer, Alexy Buck & Aoife O'Grady, *Multiple Justiciable Problems: Common Clusters and Their Social and Demographic Indicators*, 1 J. Empirical Legal Stud. 301, 301-29 (2004), <https://doi.org/10.1111/j.1740-1461.2004.00009.x>.

Pascoe Pleasence, Nigel J. Balmer, & Stian Reimers, *What Really Drives Advice Seeking Behavior? Looking Beyond the Subject of Legal Disputes*, 1 Oñati Socio-Legal Series 1 (2011), <https://opo.iisj.net/index.php/osls/article/view/56>.

Handbook on Governance Statistics, Praia City Grp. 99-123 (2019), https://www.ohchr.org/sites/default/files/Documents/Issues/HRIndicators/handbook_governance_statistics.pdf.

Rebecca L. Sandefur, *Accessing Justice in the Contemporary USA: Findings from the Community Needs and Services Study*, A.B.A. (Aug. 8, 2014) <https://www.ssrn.com/abstract=2478040>.

Rebecca L. Sandefur, *What We Know and Need to Know about the Legal Needs of the Public*, 67 S.C. L. Rev. 443 (2016).

Rebecca L. Sandefur & James Teufel, *Assessing America's Access to Civil Justice Crisis*, 11 UC Irvine L. Rev 753 (Feb. 1, 2021).

Rebecca L. Sandefur & Matthew Burnett, *All together now: Building a shared access to justice research framework for theoretical insight and actionable intelligence*, 13 Oñati Socio-legal Series 1 (2023).

Rebecca L. Sandefur, Matthew Burnett, & Julia Dos Santos Drummond, *People-Centered Access to Justice Research: A Global Perspective*, A.B.A. (2023), <https://www.americanbarfoundation.org/wp-content/uploads/2023/11/People-Centered-Access-to-Justice-Research-A-Global-Perspective.pdf>.

Global Insights on Access to Justice, World Just. Project (2019), <https://worldjusticeproject.org/sites/default/files/documents/WJP-A2J-2019.pdf>.

Measuring the Justice Gap, World Just. Project (2019), <https://worldjusticeproject.org/our-work/research-and-data/access-justice/measuring-justice-gap>.

Kathryne M. Young & Katie R. Billings, *An Intersectional Examination of U.S. Civil Justice Problems*, 3 Utah L. Rev. 487 (2023), <https://doi.org/10.26054/0d-zv1c-rh2z>.

Endnotes

1. The authors of this report are Rebecca L. Sandefur, PhD, Director and Professor, Sanford School of Social and Family Dynamics at Arizona State University and Faculty Fellow at the American Bar Foundation; James Teufel, PhD, Senior Researcher for the Access to Justice Research Initiative at the American Bar Foundation; and Matthew Burnett, JD, Director of Research and Programs for the Access to Justice Research Initiative at the American Bar Foundation and Adjunct Professor of Law at Georgetown University Law Center. This report was funded in part by the U.S. Department of Justice Bureau of Justice Statistics Access to Justice Design and Testing Program (Award # 15PBJS-23-GK-05687-MUMU). We would like to thank the law firm DLA Piper for their pro bono assistance in helping to edit and design the report, and in particular Emily Jones for her exceptional editorial insights, citation checking, and ensuring source accuracy. Any errors remain the responsibility of the authors.
2. *Evidence, Policy, Impact: WHO guide for evidence-informed decision-making*, WHO 6-7, 44-45 (2021), <https://www.who.int/publications/i/item/9789240039872>.
3. *Atlas of Legal Needs Surveys*, World Justice Project <https://worldjusticeproject.org/our-work/research-and-data/atlas-legal-needs-surveys> (last visited February 5, 2025).
4. See Rebecca L. Sandefur, Matthew Burnett, & Julia Dos Santos Drummond, *People-Centered Access to Justice Research: A Global Perspective*, American Bar Foundation (2023), <https://www.americanbarfoundation.org/wp-content/uploads/2023/11/People-Centered-Access-to-Justice-Research-A-Global-Perspective.pdf>.
5. Pascoe Pleasence, Nigel J. Balmer, Alexy Buck, Aoife O'Grady, & Hazel Genn, *Multiple Justiciable Problems: Common Clusters and Their Social and Demographic Indicators*, 1 J. Empirical Legal Stud. 301, 301-29 (2004).
6. In addition to Sandefur's US YouGov 2021, the Everyday Legal Problems and the Cost of Justice in Canada (2014) and the South Africa Governance, Public Safety, and Justice Survey (2022) supported the relatively high prevalence of disputed with neighbors.
7. *Legal Needs and Civil Justice A Survey of Americans*, A.B.A. (Mar. 1994), https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/downloads/legalneedstudy.pdf.
8. *Id.* In this study, "low-income households" are those that have a combined annual income of not more than 125 percent of the poverty level as designated by the federal government. They are considered eligible for publicly supported legal services. When household incomes in the United States are arrayed from the lowest to the highest, this group constitutes approximately the bottom fifth." *Id.* at 7. "Moderate" income households comprise the middle three fifths of the income distribution. Based on 1988 data from the U.S. Census Bureau, the moderate-income sample included households with a combined annual income above 125 percent of the poverty threshold but below \$60,000. Households with incomes of \$60,000 or more—the top one fifth of the population—were excluded from the study." *Id.*
9. *Id.* at 8.
10. *Id.* at 18.
11. *Justice Gap Research*, Legal Servs. Corp., <https://www.lsc.gov/initiatives/justice-gap-research> (last visited February 5, 2025) [hereinafter *Justice Gap Research*].
12. *Documenting the Justice Gap in America*, Legal Servs. Corp. (Sept. 2005, June 2007), <https://lsc-live.app.box.com/s/zb2hn2xm0ewmsubckbtpo9jiegxrufp>.
13. *Documenting the Justice Gap in America The Current Unmet Civil Legal Needs of Low-Income Americans*, Legal Servs. Corp. (Sept. 2009), <https://lsc-live.app.box.com/s/5d2ivjp22w29p9pco5rz9fz6nkj0co0p>.
14. See *Justice Gap Research*, *supra* note 11.
15. *Documenting the Justice Gap in America*, Legal Servs. Corp. at 8, 18 (June 2007), <https://lsc-live.app.box.com/s/zb2hn2xm0ewmsubckbtpo9jiegxrufp>.
16. *Id.*
17. *Documenting the Justice Gap in America The Current Unmet Civil Legal Needs of Low-Income Americans*, Legal Servs. Corp. (Sept. 2009), <https://lsc-live.app.box.com/s/5d2ivjp22w29p9pco5rz9fz6nkj0co0p>.
18. Rebecca L. Sandefur, *Accessing Justice in the Contemporary USA: Findings From the Community Needs and Services Study*, A.B.A. (Aug. 8, 2024), https://www.americanbarfoundation.org/wp-content/uploads/2023/04/sandefur_accessing_justice_in_the_contemporary_usa_aug_2014.pdf
19. "For the purposes of the survey, 'low-income households' are households at or below 125% of the Federal Poverty Level (FPL), the income eligibility standard for people seeking assistance from an LSC-funded legal aid program." *Id.* at 11.
20. *Public Use File Codebook 2017 Justice Gap Measurement Survey*, Legal Servs. Corp. (Feb. 28, 2017), <https://justicegap.lsc.gov/resource/the-2017-codebook-and-data-files/>.
21. *Global Insights on Access to Justice*, World Justice Project (2019), <https://worldjusticeproject.org/sites/default/files/documents/WJP-A2-2019.pdf>
22. *Id.*
23. *United States*, World Justice Project (2019), <https://worldjusticeproject.org/sites/default/files/documents/Access-to-Justice-2019-UnitedStates.pdf>.
24. *2019 Rule of Law Index Questionnaires*, World Justice Project, <https://worldjusticeproject.org/our-work/research-and-data/wjp-rule-law-index-2019/2019-rule-law-index-questionnaires> (last visited February 10, 2025); *HINC-05. Percent Distribution of Households, by Selected Characteristics Within Income Quintile and Top 5 Percent*, U.S. Census Bureau (Aug. 16, 2024), <https://www.census.gov/data/tables/time-series/demo/income-poverty/cps-hinc/hinc-05.2018.html#list-tab-1611581443>.
25. *Global Insights on Access to Justice*, World Just. Project (2019), <https://worldjusticeproject.org/sites/default/files/documents/WJP-A2-2019.pdf>.
26. *Id.*
27. The response option wording for "legal aid" in the WJP 2018 General Population Poll was "Government Legal Aid Office." *Id.*
28. The response option wording for "lawyer" in the WJP 2018 General Population Poll was "Lawyer or Professional/Advice Service." *Id.*
29. World Justice Project, *Global Insights on Access to Justice*, <https://worldjusticeproject.org/access-to-justice-data/#/country/USA> (last visited February 10, 2025).
30. *Id.*
31. *Justice Needs and Satisfaction in the United States of America 2021*, Hiil & IAALS (2021), <https://iaals.du.edu/sites/default/files/documents/publications/justice-needs-and-satisfaction-us.pdf>.
32. Brittany Kauffman, Logan Cornett, et al., *Justice Needs and Satisfaction in the United States of America*, IAALS (Sept. 1, 2021), <https://iaals.du.edu/publications/justice-needs-and-satisfaction-united-states-america>; Hiil & IAALS, *supra* note 33.
33. The Hiil & IAALS Justice Needs and Satisfaction Survey income categories are as follows: \$25K-\$49,999; \$50K-\$74,999; \$75K-\$99,999; and \$100k or more. Hiil & IAALS, *supra* note 31 at 25; see also *US Justice Needs*, IAALS (2021), <https://iaals.du.edu/projects/us-justice-needs>.
34. Brittany Kauffman, et al., *supra* note 32; Hiil & IAALS, *supra* note 31.

35. Kathryn M. Young & Katie R. Billings, *An Intersectional Examination of U.S. Civil Justice Problems*, 3 Utah L. Rev. 487 (2023), <https://doi.org/10.26054/0d-zv1c-rh2z>.
36. *Id.* at 499.
37. *Id.* at 507.
38. *Id.* As a panel, InnovateMR added respondents' income data to the survey's sample. *Id.* at 504 ("Their panelists' incomes are updated every six months. Respondents are asked: 'What is your current annual household income before taxes?' We recoded income into an ordinal variable with the following groupings: \$0 to \$19,999; \$20,000 to \$39,999; \$40,000 to \$59,999; \$60,000 to \$79,999; \$80,000 to \$99,999; \$100,000 to \$124,999; \$125,000 to \$149,999; \$150,000 and above. We were missing income information for 83 respondents (2.3% of the entire sample)").
39. Respondents who answered "yes" to identifying as LGBTQ+, having a physical disability, living in a rural area, and/or parent of child under 18 were considered to have statuses of "disadvantage/marginalization" as compared to a respondent who answered "no" to all four. *Id.* at 526-32.
40. Respondents who answered "yes" to ever being previously arrested or ever experiencing domestic violence and/or sexual assault were considered to have "trauma" experiences. *Id.* at 532-38.
41. *Id.* at 513-14.
42. *Id.* at 514-15
43. *The Justice Gap: The Unmet Civil Legal Needs of Low-income Americans*, Legal Servs. Corp. (Apr. 2022), <https://lsc-live.app.box.com/s/xl2v2uraiotbbzrhwtjlgioemp3myz1>.
44. *Id.* at 15. Federal poverty levels were categorized as: (1) Less than 125% FPL; (2) Between 125% FPL and 200% FPL; (3) Between 200% FPL and 300% FPL; (4) Between 300% FPL and 400% FPL; (5) Between 400% FPL and 500% FPL; (6) Between 500% FPL and 600% FPL; (7) Between 600% FPL and 800% FPL; and (8) More than 800% FPL.
45. *Id.* at 19.
46. Pascoe Pleasence et al., *English and Welsh Civil and Social Justice Panel Survey: Wave 1*, Legal Servs. Comm'n (2011), https://doc.ukdataservice.ac.uk/doc/7643/mrdoc/pdf/7643_csjps_wave_one_report.pdf.
47. Nigel Balmer, *English and Welsh Civil and Social Justice Panel Survey: Wave 2* (2012), https://doc.ukdataservice.ac.uk/doc/7643/mrdoc/pdf/7643_csjps_wave_two_summary_findings.pdf.
48. Income was categorized as Less than £10k; All others; £50k or more. *Id.*
49. *Id.* at i. The 15 categories included: consumer; employment; neighbors; owned housing; rented housing; money; debt; welfare benefits; divorce; problems ancillary to relationship breakdown; domestic violence; education; care proceedings; personal injury, and clinical negligence.
50. *Id.* at 34.
51. Income was categorized as: £32,000 or less (low), £33,000 to £59,999 (middle), or £60,000 or more (high). *Legal needs of Individuals in England and Wales Technical Report 2019/2020*, The L. Soc'y (2020); *Legal needs of individuals in England and Wales report*, The L. Soc'y (Jan 27, 2020), <https://www.lawsociety.org.uk/topics/research/legal-needs-of-individuals-in-england-and-wales-report>.
52. *Id.* The England and Wales study found that people with more education and income were more likely to classify their justice events as legal, with low (15%), medium (18%), and high (23%) income and low (14%), medium (15%), and high education (19%).
53. *Id.*
54. *Id.*
55. *Id.*
56. Legal self-efficacy was defined as "Believing they can generally handle difficult situations in a legal context." *Id.* at 23.
57. Legal confidence was defined as "Confidence they could personally achieve a fair and positive outcome in legal scenarios." *Id.*
58. Accessibility of Justice was defined as "The degree to which someone thinks the justice system, excluding criminal justice, is accessible." *Id.*
59. *Id.* at 38.
60. *Id.* at 38-9.
61. *Id.* at 73.
62. *GOVERNANCE, PUBLIC SAFETY AND JUSTICE SURVEY GPSJS 2018/19*, Stats SA (2019), <https://www.statssa.gov.za/publications/P0340/P03402019.pdf> [hereinafter *Stats SA 2018/19*].
63. *Id.*
64. *Id.* at 31.
65. *Id.* at 5.
66. *GOVERNANCE, PUBLIC SAFETY AND JUSTICE SURVEY GPSJS 2021/22*, Stats SA, at v (2022), <https://www.statssa.gov.za/publications/P0340/P03402022.pdf> [hereinafter *Stats SA 2021/22*].
67. *Stats SA 2018/19*, *supra* note 62.
68. *Id.*
69. *Id.*
70. *Id.* at 43; *Stats SA 2021/22*, *supra* note 66 at 26.
71. *Stats SA 2018/19*, *supra* note 62 at 46.
72. Income was evaluated as: "Including your own income, what is your gross HOUSEHOLD income BEFORE tax from all sources? Please just say the number. 1. \$0 to \$769 per week / \$0 to \$39,988 per year; 2. \$770 to \$1,357 per week / \$39,989 to \$70,564 per year; 3. \$1,358 to \$2,121 per week / \$70,565 to \$110,292 per year; 4. \$2,122 to \$3,178 per week / \$110,293 to \$165,256 per year; 5. \$3,179 or more per week / \$165,256 or more per year; 6. Prefer not to say." Roy Morgan, *Public Understanding of Law Survey Technical Report July 2023* at 80 (Jul. 2023), <https://puls.victorialawfoundation.org.au/publications/public-understanding-of-law-survey-technical-report>.
73. Nigel J. Balmer, Pascoe Pleasence, Hugh M. McDonald & Rebecca L. Sandefur, *The Public Understanding of Law Survey (PULS) Volume 2: Understanding and Capability*, Vict. L. Found. 30 (2024), [https://assets-global.website-files.com/64e6d2582dd4319151be6a26/65cd8d737b906ccb3c162716_Public-Understanding-of-Law-Survey-\(PULS\)-Volume-2.pdf](https://assets-global.website-files.com/64e6d2582dd4319151be6a26/65cd8d737b906ccb3c162716_Public-Understanding-of-Law-Survey-(PULS)-Volume-2.pdf).
74. *Id.* at 7.
75. "General legal knowledge" consisted of knowledge of legal rights across five legal areas: housing rental, neighbor disputes, consumer, employment,

- and family. *Id.* at 39.
76. "Legal confidence" was defined as confidence to "bring about a fair outcome" for a justiciable event. *Id.* at 34.
77. This scale was based on functional literacy in navigating basic health, human, social, and public sector experiences, and was not focused on justice problems specifically but focused on contexts where legal issues may emerge. *Id.* at 203-09.
78. Prior research has supported that attributing a problem of everyday as legal in nature increases the likelihood of using a lawyer or perceiving the relevance of law in problem solving. The perceived relevance of law scale requests people to place the issue legal relevance on a 4-point scale from very relevant to not at all relevant. *Id.* at 87-88.
79. The Kessler (K-6 inventory) brief screening for psychological distress was used to measure mental health. *Id.* at 27, 35.
80. *Id.* at 51-67.
81. These measures of legal confidence/skill include legal knowledge, general legal confidence, practical legal literacy, relevance of law, and digital capability for law. *Id.* at 14-19.
82. These legal attitudes include narratives of law, perceived inaccessibility of lawyers, and trust in lawyers. *Id.*
83. Laura Savage & Susan McDonald, *Experiences of serious problems or disputes in the Canadian provinces, 2021*, Stats. Can. (Jan. 18, 2021), <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2022001/article/00001-eng.pdf>.
84. Household incomes were categorized as: \$20,000 or less; \$20,001 to \$35,000; \$35,001 to \$50,000; \$50,001 to \$65,000; \$65,001 to \$80,000; \$80,001 to \$95,000; \$95,001 to \$120,000; \$120,001 or more. *Id.* at 19-20.
85. *Id.* at 14.
86. The legal problem areas included: (1) A problem with a large purchase or service; (2) A problem with an employer or a job; (3) A personal injury or serious health issue; (4) Vandalism, property damage or threats; (5) A problem with a house, rent, mortgage or rent owed; (6) Debt or money owed to the respondent; (7) A problem with government assistance programs or amount received; (8) A problem with immigration; (9) Contact with the police; (10) Breakdown of family; (11) A problem related to child custody; (12) A will, or taking care of financial or health issues for a person who was unable to look after themselves; (13) Poor or incorrect medical treatment; (14) Court or a letter threatening legal action; (15) Being harassed; and (16) Being discriminated against. *Id.* at 5.
87. *Id.* at 8.
88. *Id.* at 6.
89. *Id.* at 7.
90. *Id.* at 9.
91. *Id.* at 3.
92. *Everyday Legal Needs 2020 Survey*, Legal Aid BC (Aug. 24, 2020), https://legalaid.bc.ca/sites/default/files/2020-09/Everyday%20Legal%20Needs%20Survey_1.pdf.
93. *Id.*, "[l]ow income eligibility cut-offs were sourced from the BC government's Low Income Climate Action Tax Credit table," and "[t]he following criteria was used to determine individuals who qualified as low income for this survey: Single person households with total annual household incomes before taxes of below \$42,000; Two person households with total annual household incomes before taxes of below \$51,000; Three person households with total annual household incomes before taxes of below \$60,000; Four or more person households with total annual household incomes before taxes of below \$68,000." *Everyday Legal Problems* Legal Servs. Soc'y 5 (July 19, 2018), https://legalaid.bc.ca/sites/default/files/2019-03/lssEverydayLegalProblems07_2018.pdf. During the 2019/2020 survey, low income was defined similarly: Single person households with total annual household incomes before taxes of below \$44,000; Two person households with total annual household incomes before taxes of below \$53,000; Three person households with total annual household incomes before taxes of below \$63,000; and Four or more person households with total annual household incomes before taxes of below \$71,000. Legal Aid BC, *supra* note 92, at 5.
94. *Everyday Legal Problems* Legal Servs. Soc'y 5 (July 19, 2018), https://legalaid.bc.ca/sites/default/files/2019-03/lssEverydayLegalProblems07_2018.pdf.
95. Legal Aid BC, *supra* note 92, at 5.
96. *Id.* at 7.
97. *Id.* at 23-24.
98. *Id.* at 30.
99. *Id.* at 41.
100. *Id.* at 43-44.
101. Trevor C.W. Farrow, Ab Currie, Nicole Aylwin, et al., *Everyday Legal Problems and the Cost of Justice in Canada: Overview Report*, The Can. F. on Civ. Just. (2016), <https://www.cfcj-fcjc.org/sites/default/files/Everyday%20Legal%20Problems%20and%20the%20Cost%20of%20Justice%20in%20Canada%20-%20Overview%20Report.pdf>.
102. *Id.* at 5.
103. *Id.* at 4.
104. *Id.* at 9.
105. *Id.* at 10.
106. *Id.* at 13.
107. *Id.* at 16.
108. *Legal Needs Surveys and Access to Justice*, OECD & Open Soc'y Funds. (2019), <https://www.oecd-ilibrary.org/deliver/g2g9a36c-en.pdf?itemId=/content/publication/g2g9a36c-en&mimeType=pdf>.
109. *Id.*
110. *United Nations Statistical Commission, Handbook of Governance Statistics*, Praia City Grp. (2020), <https://www.ohchr.org/en/documents/tools-and-resources/praha-handbook-governance-statistics>
111. *Id.* at 100.
112. *Id.*
113. *Id.*
114. *Id.*
115. *Id.*

116. *Id.*
117. For recommendations on implementing these insights, see discussion *supra* Recommendations.
118. See discussion *supra* Section II.i.c.
119. See discussion *supra* Section II.ii.a, II.ii.b.
120. Pascoe Pleasence, Nigel J. Balmer, Alexy Buck & Aoife O'Grady, *Multiple Justiciable Problems: Common Clusters and Their Social and Demographic Indicators*, 1 J. Empirical Legal Stud. 301, 301-29 (2004).
121. Pascoe Pleasence, Nigel J. Balmer, & Stian Reimers, *What Really Drives Advice Seeking Behavior? Looking Beyond the Subject of Legal Disputes*, 1 Oñati Socio-Legal Series 1, 8 (2011).
122. See discussion *supra* Section II.i.c.
123. Pascoe Pleasence, Nigel J. Balmer, & Tiana Tam, *Failure to recall: Indications from the English and Welsh civil and social justice survey of the relative severity and incidence of civil justice problems*, 12 Socio. of Crime, L., & Deviance 43, 43-65 (2009).
124. *Id.* at 49-60; see also discussions *supra* Sections I, II.
125. Pascoe Pleasence & Nigel J. Balmer, *Mental Health and the Experience of Social Problems Involving Rights: Findings from the United Kingdom and New Zealand*, 16 Psychiatry, Psych. and L., 123, 123-40 (2009); Nigel Balmer, Pascoe Pleasence, Alexy Buck & Heather C. Walker, *Worried sick: the experience of debt problems and their relationship with health, illness and disability*, 5 Soc. Pol'y & Soc'y 39, 39-41 (Jan. 2006).
126. Pleasence et al., *Worried sick: the experience of debt problems and their relationship with health, illness and disability*, *supra* note 125.

