

LEGAL NEEDS AND CIVIL JUSTICE
A Survey of Americans

Major Findings
from the
Comprehensive Legal Needs Study

Consortium on Legal Services and the Public

American Bar Association
321 N. Clark Street
Chicago, Illinois 60610

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Foreword

In 1989 the ABA's Consortium on Legal Services and the Public and the Law School of Tulane University cosponsored a "National Conference on Access to Justice in the 1990s." Among the more important recommendations of the conferees was that "a sophisticated national survey--one that accurately reflects the complexity of legal needs and the levels of intervention necessary--is essential to developing sound policies and resource allocation principles, as well as to planning and reevaluating the current delivery systems for low- and moderate-income clients."

Planning for such a study was underway within a few months of the Conference. A distinguished Advisory Committee was constituted to guide the enterprise. A competitive procurement followed to identify a survey research organization to conduct the study. Statements of capability were solicited from the research community and a Request for Proposals was sent to firms deemed most competitive. After careful consideration of proposals received, a contract was awarded to the Institute for Survey Research (ISR) at Temple University.

This Comprehensive Legal Needs Study is significant for many reasons. It is the first large-scale national survey of the legal needs of Americans in two decades. In scope it is ambitious by providing more detail than before regarding the kinds of legal needs Americans have and the steps they take (and do not take) to deal with those needs. The sample was large enough to support separate analyses of the legal needs of low- and moderate-income households.

We believe this study will elevate empirical consideration of legal needs of the American people to a standing equal to that already achieved in studies regarding other domains of public policy.

ISR has prepared three descriptive reports. The first profiles the legal needs of households eligible for subsidized legal services. A parallel report focuses on moderate-income households. A third report draws on both the low- and moderate-income reports.

The purpose of this document is to cull from the vast amount of information available in the study those findings of greatest significance.

With release of this document and the ISR reports, the Consortium now turns its attention to the implications of our study. A two-year policy development phase is underway delving further into the rich data from the survey and considering recommendations to improve the access to justice for all Americans.

An undertaking of this magnitude is the product of many hands. We are immensely indebted to our colleagues who gave countless hours to attend meetings regarding virtually every phase of the study. This has truly been a collaboration.

I am also personally grateful to my law firm and my family for their encouragement and support of my participation in this important enterprise.

Llewelyn G. Pritchard, Chair
Comprehensive Legal Needs
Study Advisory Group

Seattle, Washington
March, 1994

Acknowledgments

This monumental study was conceived, designed and produced through the combined efforts of numerous ABA members and staff, legal services experts, funders and others committed to understanding and improving the delivery of legal services to low- and moderate-income persons. Their efforts on behalf of this cause have produced the first comprehensive study of legal needs in nearly 20 years.

The Consortium on Legal Services and the Public, which I now chair, has long labored in the vineyard, serving as the Association's source of information and initiative toward improving the availability of legal assistance for all residents of this nation. This study was first proposed under the leadership of Brooksley Born, Chair of the Consortium in 1989. After a period of fundraising and design, research began and continued under the able leadership of Bill McCalpin. I am proud to serve as the chairperson as the study is completed, but must recognize the great leadership and vision that preceded my tenure and guided this project nearly to its conclusion.

The Consortium has had, among its membership and serving on its Subcommittee on the Comprehensive Legal Needs Study, many who contributed countless hours of effort and invaluable advice toward the design and conduct of this project. All of them deserve high praise for their work. Also, the study could not have been undertaken without the thoughtful guidance of the Advisory Group, which met on a number of occasions to weigh the many design, questionnaire and editorial decisions that underlie a work of this nature. Drawn from all segments of the bar and legal services communities, the members of this body gave unstintingly of their time and expertise. Deserving of particular mention are the members of the Advisory Group's Questionnaire Development Subcommittee--which under the leadership of Lonnie Powers did the lion's share of the work in developing the inventory of legal problems that formed the basis of the survey instrument.

The Association is very grateful for the fine research skills brought to this study by those at the Institute for Survey Research, particularly the principal researchers Carolyn A. Eldred and Roy W. Reese. The Institute and the study principal investigators perfected a truly novel approach to this subject, yielding a dataset of information unsurpassed in flexibility and depth by any previous research effort.

We believe that this study is unique, as it explores both quantitatively and qualitatively situations with a legal dimension encountered by those in America, rather than taking the more simple route of subtracting the number of lawyers used from the number of times a "legal need" was reported. With us from the beginning, as we sailed these uncharted waters, has been our independent consultant/expert in survey research, Albert "Tad" Cantril. Tad has guided us out of more virtual thickets than anyone would care to count, and has done it with aplomb and diplomacy on every occasion. We are indebted to him for his fine service to this project.

A similar debt of gratitude is owed to the staff of the Consortium on Legal Services and the Public. Jane Nosbisch, Assistant Staff Counsel to the Consortium, provided steady and thoughtful support in the conception, funding and development of this effort. She carefully coordinated the efforts of Consortium leadership and research teams on both coasts, while simultaneously keeping a watchful eye on funding needs, concurrent state-specific surveys design and oversampling in four states, and the myriad of details that are critical to the success of any complex project. She was ably assisted by Janice Jones, the Consortium's staff assistant, who provided meetings and budget monitoring support. And she worked in close concert with Consortium Counsel and ABA Division for Legal Services Director Terry Brooks, who was instrumental in obtaining a high priority for funding for this project, and who provided liaison to Association management and marshalled staff resources to keep this project on track.

My special thanks go to my partner in crime, Llew Pritchard, whose lifelong dedication to ensuring equal justice has culminated in this extraordinary effort. Llew's commitment, perseverance and contributions of time, imagination and energy were the keys to the success of this effort. His good fellowship and wonderful sense of humor made him a joy to work with.

Special mention must go to the Ford Foundation, which generously provided funding for administrative aspects of this study. The Litigation Section of the American Bar Association provided extremely generous support to this project. The Business Law Section, Tort and Insurance Practice Section, and the General Practice Section also earned our gratitude with support from their resources. We are grateful for these contributions, and the enduring interest of all our funders.

Esther F. Lardent, Chair
Consortium on Legal Services and the Public

Washington, D.C.
March, 1994

Introduction

The Comprehensive Legal Needs Study (hereafter CLNS) is a project of the Consortium on Legal Services and the Public of the American Bar Association. It is based on more than 3,000 interviews conducted with low- and moderate-income Americans during the spring and summer of 1993.

Five objectives have guided the study: to learn about the nature and number of situations households face that raise legal issues, to see what steps people take in dealing with those situations, to ascertain what kinds of legal services are provided regarding needs brought to the legal system, to assess the public's awareness of the legal services available, and to gauge the reactions of those who have had contact with the civil justice system.

Study Design in Brief

Past research on the legal needs of Americans has focused primarily on society's least advantaged. While the CLNS addresses this population, it also includes moderate-income households.

"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.

"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.

The CLNS is based on three samples: a sample of all households with telephones in the 48 contiguous states of the United States; an oversample of households with telephones with numbers drawn from exchanges known to contain households with low-incomes; and a sample of nonphone households in urban areas. The last component of the sample plan, which relied on in-person interviews, was to provide some insurance against the possibility that the legal needs of households without telephones differed in important ways from those with phones.

Collectively, the three sample elements yielded 1,782 interviews among low-income households (1,525 by phone and 257 in-person) and 1,305 among moderate-income households (1,259 by phone and 46 in-person). See Appendix A for more detail on the sample design.

The same questionnaire was used for both the low- and moderate-income samples to ensure comparability. The strategy was to ask respondents about each of 67 specific sets of circumstances anyone in their household may have experienced during 1992. When respondents reported such circumstances, follow-up questions probed in greater detail to ensure that the situation described constituted a legal need and that it had been recorded correctly by the interviewer.

After asking about all 67 situations, the interviewer returned to those the respondent reported someone in the household had experienced. Questions then asked what the household did (or did not do) about the situation and about the nature of contacts, if any, with the civil justice system.

Situations and "Legal Needs"

It should be noted at the outset that respondents were asked about situations, events, or difficulties any member of the household faced during 1992. A panel of attorneys knowledgeable in diverse areas of civil law ensured that these situations raised legal issues and covered a broad range of matters for which legal representation might be appropriate. The panel's starting point was a list of situations compiled after consulting virtually all legal needs surveys (primarily at the state level) conducted over the last two decades.

The words and phrases used in the questionnaire to describe situations were carefully chosen both to help prompt the respondent's recall of circumstances and to identify potential legal issues at stake.¹ The important point is that the questions did not ask the respondent to determine whether there was legal content in the situation reported or if the household had a "legal need."

The term "legal need" is used advisedly for two reasons. First, people sometimes find ways of dealing with circumstances they face without turning to a lawyer, a mediator, or the courts. These circumstances are still considered "legal needs" although there is no implication they must of necessity be brought to the justice system. Secondly, some "legal needs" arise from changes in society and from the effects of the civil justice system itself on society. Striking examples are fights that have become "legal" as the nation has tried to deal with discrimination on the basis of national origin, race, sex, disability, marital status, or sexual orientation.

"Legal need" as used here refers to specific situations members of households were dealing with that raised legal issues--whether or not they were recognized as "legal" or taken to some part of the civil justice system.

¹The flavor of these descriptions is conveyed by a question asked of those who were renting during 1992: "Did you experience unsafe or unhealthful conditions in a place you were renting, like the landlord frequently failing to provide heat, hot water, electricity, or working plumbing; a serious problem with cockroaches, mice, or rats; or unsafe conditions, like electrical problems, that the landlord didn't correct?"

Legal Needs of Americans

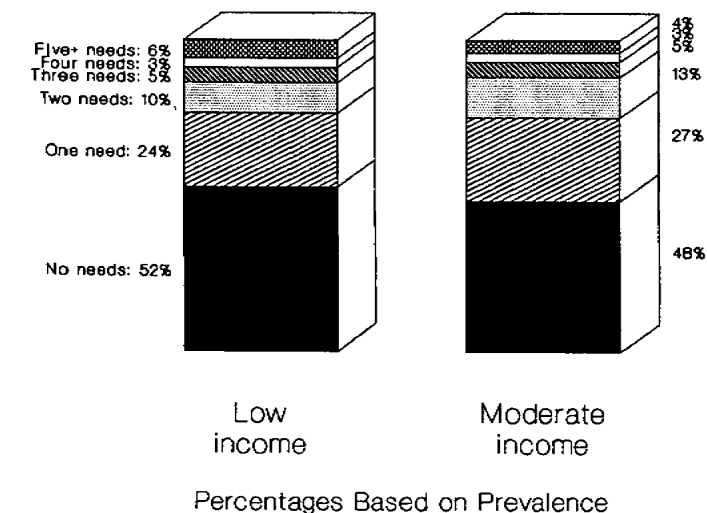
We turn first to a description of the number and kinds of legal needs low- and moderate-income Americans had in 1992. Subsequent sections of this report deal with the steps people take when confronted with a legal need, assessments of the civil justice system by those who come in contact with it, and how aware the public is of the kinds of legal help that are available.

Number of Legal Needs Reported

Approximately half of all households surveyed faced some situation that raised a legal issue during the twelve months of 1992.² Forty-seven percent of low-income households reported at least one legal need; among moderate-income households the figure was 52 percent. These percentages are "prevalence" rates: they include both needs that were new in 1992 and needs that existed earlier and were carried over into 1992.³

In the mix of new and continuing legal needs, most needs were new in 1992. The "incidence" rates (which count only needs *arising* during 1992) were 40 percent among low-income households and 46 among moderate-income. Although these incidence figures can serve as the basis for projecting the number of new legal needs likely to be reported by Americans each year, they do not reflect the total number of both new and continuing needs at any point in time. It is to the prevalence statistics one turns for that information.

1: NUMBER OF LEGAL NEEDS PER HOUSEHOLD



ABA Comprehensive Legal Needs Study

When a household has a legal need there is about an even chance that it is wrestling with more than that one need. In the low-income sample, the 47 percent of low-income households facing a situation are split about evenly between those who have only one need (24 percent) and those who confront more than one need (23 percent). At the moderate-income level, the 52 percent prevalence rate is made up of 27 percent of households dealing with one need and 25 percent having several needs. A more detailed display of these results appears in Chart 1.

²One year was deemed the appropriate "reference period" for the CLNS. A longer period of time would have yielded a greater number of reported problems, but at the cost of some loss in a respondent's ability to recall important particulars. A shorter reference period would have eased the recall task for respondents but would have opened up the possibility of missing problems that may be seasonal or otherwise occur at only certain times during the year.

³These prevalence rates are comparable to other studies. For example, even though it inquired about 34 kinds of legal problems (rather than 67 as in the CLNS), the 1989 ABA pilot study by the Spangenberg Group found the overall prevalence of legal problems was 43 percent among a comparably defined low-income sample.

The proportions of households reporting more than one legal need do not vary significantly by region of the country or by whether households are located in urban or rural areas. Additionally, there is no appreciable difference between the rate at which legal needs are reported by whites and African Americans. Among low-income households, Latinos reported fewer legal needs than non-Latinos. There were too few Latinos in the moderate income sample for reliable percentages. (There were an insufficient number of interviews with other racial minorities to permit analysis.)

Substantially fewer needs are reported in households headed by someone 65 years of age or older. In the case of income, it is the profoundly poor who stand apart from other income groups: households with annual incomes of less than \$10,000 report many fewer legal needs than other income groups which tend to report needs at close to the same rate.⁴

Kinds of Needs Reported

The 67 specific situations about which respondents were asked are grouped into 17 general categories for purposes of a general summary of the kinds of needs reported. Appendix B displays the percentages for specific legal needs as reported and grouped by ISR in these categories.

Chart 2 displays the proportions of low- and moderate-income households reporting new or continuing needs during 1992 (prevalence) in each of the 17 general categories.⁵ What is most striking is the similarity in the profiles of the legal needs of the two income groups.⁶ For respondents in both low- and moderate-income households, two general categories are mentioned most often: (1) personal finances and consumer issues and (2) matters pertaining to housing and real property. The largest differences between the two groups are seen regarding housing and property matters and estate-related issues. But for the most part the pattern is congruent for the two groups.

A second tier of concerns among moderate-income households (mentioned by at least 10 percent) refers to community and regional matters, issues related to employment, personal or economic injury, estate planning or settlement, and family and domestic difficulties. A similarly defined second tier for low-income households includes two items: community and regional matters and family/domestic problems.

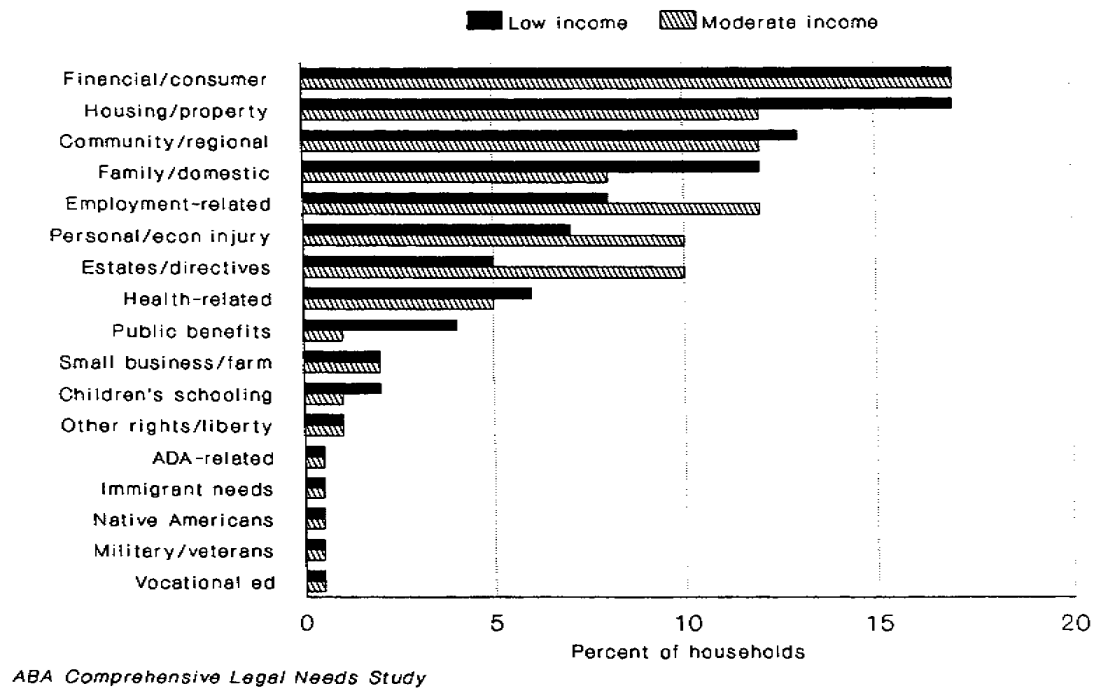
⁴A caveat is required here. The dividing line between "low" and "moderate" income is at the point of eligibility for publicly financed legal services. We know that larger households tend to have more legal problems. But, since the criterion of eligibility takes into account both household income and household size, it is difficult to know at this point whether the less frequent reporting of legal problems among the lowest income group is a function of income level, the number of persons in the household, or other factors.

⁵If two or more specific situations within a general category were reported (such as problems with compensation and working conditions), they are counted only once in the percentage for that general category (in this example, "employment-related"). When a situation reported has implications for two general categories (such as difficulty paying medical bills because of problems with an insurance company), it is counted in each of the two categories (in this example, "health-related" and "personal financial/consumer"), but it is counted only once when tallying overall incidence and prevalence rates. The only exception are situations involving discrimination. As tabulated by ISR, "other civil fights/ liberties" does not include specific problems of discrimination that are counted under other categories.

⁶A difference of at least three percentage points must obtain between the two income groups to be statistically significant at the 95 percent level of confidence.

2: TYPES OF LEGAL NEEDS

Prevalence: Low & Moderate Income



A look at the specific needs falling under the general categories will help make clear the kinds of difficulties people face. For the general categories of needs reported by more than four percent of the low- or moderate-income samples, the most frequently reported specific issues are the following:

- Personal finances and consumer: problems with creditors, insurance companies, inability to obtain credit, and tax difficulties for both income groups.
- Housing and property: unsafe conditions, disputes about utilities, and disagreements with a landlord as problems facing low-income households; real estate transactions as the major problem facing moderate-income households.
- Community and regional: inadequate police and other municipal services in the low-income sample; environmental hazards and opposition to the location of facilities in the moderate-income sample.
- Family and domestic: household or marital dissolution and problems with child support for both income groups.
- Employment-related: discrimination in hiring or on the job and problems with compensation or working conditions for low-income respondents; working conditions and problems with compensation or benefits among moderate-income respondents.
- Personal and economic injury: being the injured party (both the low- and moderate-income

samples).

- Wills, estates, and advance directives: estate planning and will preparation for both low- and moderate-income households; in addition, estate administration and drafting of advance directives (powers of attorney, etc.) for moderate-income households.
- Health-related matters: problems with payments and barriers to care as issues for both income groups.

These results should be read in light of the following considerations. First, the CLNS is a survey of households. Consequently it does not reflect civil legal issues that may be affecting the 2.5 percent of the national population who are living in prisons, hospitals, other institutions (such as nursing homes), military barracks, or are homeless. Reaching *representative* samples of these population groups would have been prohibitively expensive. Other sources of information should be consulted regarding these important populations. Additionally, since the survey was limited to the 48 contiguous states of the U.S., it does not reflect legal needs of households in Alaska, Hawaii, or the American territories.

Second, issues of discrimination cut across many general categories of legal need. Reports of discrimination in specific areas are included in the general category totals in Chart 2 relating to housing/property, employment, health care, and disability. The general category "other civil rights/liberties" includes responses to questions that asked explicitly about violations of voting rights or threats to the exercise of one's rights. Reports of discrimination in other general categories (such as denial of credit in the "personal finances/consumer" category) have not been tabulated separately, but are included in the overall totals for those categories. The listing of legal needs as reported by ISR is included in Appendix B.

Third, interviewing was conducted in English and Spanish. While this covers the overwhelming proportion of the households in the U.S., the study did not reach those households where neither English nor Spanish were spoken. Accordingly, their experience is not reflected in the findings reported here.

Fourth, since only one individual in a household was interviewed, respondents were sometimes describing situations in which they were not personally involved. Such proxy reporting has its inherent limitations. But short of interviewing everyone in the households (which would have been enormously expensive), it is the only practical way to include the experience of all members of the household. It accounted for about a tenth of situations reported in low-income households and a fifth in moderate-income households.

Finally, the legal needs of subgroups that constitute a small proportion of the overall population (e.g., Native Americans or migrant farm workers) show up as small percentages when based on the entire population. This is not to minimize the significance of the problems these groups may face. If, for example, legal needs specific to Native Americans were tabulated on the base of the Native American population, the incidence and prevalence of these needs would be quite different from calculations based on the entire population.

Subgroups Most Affected by Types of Needs

There are more similarities than differences among groups *within the* low- and moderate-income samples when it comes to reporting varying kinds of legal needs. Table 1 presents results for important subgroups in both samples. Notable in this table are the following:

Low-income households. With respect to the low-income sample, there were few disparities between groups. The poorest households report fewer personal financial and consumer needs than others. Those least disadvantaged in this sample (just below the poverty line) are more likely than others to face personal financial or consumer issues, as well as matters dealing with housing and real property, and employment-related concerns.

Age groups within the low-income sample are more alike than different in the kinds of legal needs they have, with two exceptions. Older households generally report fewer needs and younger households appear more concerned about community/local matters (primarily inadequate policing).

The overall pattern is that fewer legal needs are reported by households headed by those with less than a high school education. This is true for the eight most commonly reported categories of need, although the relationship of education to kind of need is not strong. Few differences appear among regions of the country, the exceptions being that community and regional problems are mentioned more frequently in the northeast while family and domestic matters are referred to more frequently by those in the west. Urban and rural residents tend to face the same kinds of needs.

African Americans report more community and regional problems than whites and fewer needs relating to personal finances and consumer issues. Latinos report fewer legal needs than non-Latinos, especially regarding finances and housing and property, although they express slightly more difficulties of a community or regional nature.

Moderate income households. Percentages for the moderate-income sample again reveal more similarities than differences among subgroups. Household income has little effect on the pattern of legal needs. As with the low-income sample, households headed by older persons tend to report fewer needs across the board. There are no important differences among the other age groups.

Education has a less dramatic impact on the number of legal needs reported by moderate-income households than it does among low-income households. Regional differences are minimal as are disparities between urban and rural households. A slight departure from this conclusion is that fewer households in the south report personal/economic injury or estate issues, and wills and estate matters are noted less frequently in rural areas. African American households report more housing/property legal needs than whites and fewer needs relating to wills and estates. Otherwise, the profiles of legal needs are quite similar.

Table 1
Percent of Households with Legal Needs (incidence) by Demographic Groups

	<i>Any New Problem in 1992</i>	<i>Personal finance/ consumer</i>	<i>Housing/ property</i>	<i>Local/ regional</i>	<i>Family/ domestic</i>	<i>Work- related</i>	<i>Personal/ economic injury</i>	<i>Wills, estates, directives</i>	<i>Health- related</i>
All households									
<i>Low-income</i>	40	13	13	7	8	7	6	4	5
<i>Moderate-income</i>	46	13	10	8	6	10	9	10	4
By household income									
<i>Low-income</i>									
Less than \$5,000	38	10	13	8	3	5	5	4	5
\$5,000-\$9,999	35	11	11	7	9	6	6	4	6
\$10,000-\$14,999	43	15	11	7	10	7	5	3	2
\$15,000 & over	52	20	19	8	10	16	8	7	10
<i>Moderate-income</i>									
Less than \$25,000	44	12	11	8	6	8	8	11	5
\$25,000-\$34,000	45	14	11	7	5	10	9	10	5
\$35,000-\$44,999	49	16	9	10	7	11	11	9	3
\$45,000-\$59,999	45	12	11	9	5	11	10	10	2
By householder age									
<i>Low-income</i>									
18-34 years	44	15	18	11	11	8	3	*	2
25-34 years	52	18	19	12	10	12	9	3	8
35-49 years	47	17	14	5	10	9	8	5	8
50-64 years	36	10	11	5	7	7	2	5	6
65 years & over	18	3	4	2	2	*	3	6	*

	<i>Any New Problem in 1992</i>	<i>Personal finance/ consumer</i>	<i>Housing/ property</i>	<i>Local/ regional</i>	<i>Family/ domestic</i>	<i>Work- related</i>	<i>Personal/ economic injury</i>	<i>Wills, estates, directives</i>	<i>Health- related</i>
<i>Moderate- income</i>									
18-34 years	52	15	13	8	10	13	13	5	4
35-49 years	49	14	12	10	6	11	8	11	3
50-64 years	41	14	8	8	4	6	8	13	6
65 years & over	27	6	4	2	*	2	6	13	*
By householder education									
<i>Low- income</i>									
Less than HS	29	8	8	4	6	4	4	2	3
High school/ GED	44	15	16	10	8	8	7	3	5
More than HS	48	15	16	7	11	12	8	8	9
<i>Moderate- income</i>									
Less than HS	44	13	11	4	11	8	7	8	4
High school/ GED	40	11	9	9	6	8	7	7	3
Some college	52	17	13	8	6	14	13	11	4
College & beyond	47	13	10	9	5	9	10	12	5
By region of country									
<i>Low- income</i>									
Northeast	40	14	16	10	4	7	4	1	4
South	38	13	14	7	8	8	7	6	5
Midwest	38	10	8	6	7	6	5	3	6
West	46	15	16	5	13	8	7	5	6
<i>Moderate- income</i>									
Northeast	47	16	9	8	5	9	10	11	3

	<i>Any New Problem in 1992</i>	<i>Personal finance/ consumer</i>	<i>Housing/ property</i>	<i>Local/ regional</i>	<i>Family/ domestic</i>	<i>Work- related</i>	<i>Personal/ economic injury</i>	<i>Wills, estates, directives</i>	<i>Health- related</i>
South	43	14	11	8	5	9	6	7	3
Midwest	48	11	10	8	8	9	11	12	4
West	47	12	12	8	6	13	12	10	5
By locality size									
<i>Low- income</i>									
Urban	41	12	14	8	7	8	5	4	5
Rural	36	13	10	6	10	6	7	4	5
<i>Moderate- income</i>									
Urban	46	14	10	9	6	10	10	8	4
Rural	44	12	11	6	6	8	6	14	4
By race									
<i>Low- income</i>									
White	41	14	13	6	9	7	5	4	5
African- american	37	10	15	11	7	9	8	4	4
<i>Moderate- income</i>									
White	46	13	10	8	6	9	9	10	4
African- american	45	14	14	10	6	8	10	2	3
By ethnicity									
<i>Low- income</i>									
Non- Latino	41	13	14	7	8	8	6	5	6
Latino	32	8	8	11	6	6	8	1	2

Notes to table:

- As a general rule, given the sizes of the subgroups, differences between subgroups in the reported incidence of types of problems need to be in excess of six to eight percentage points to be sure they did not occur by chance in the sampling process.
- Asterick designates less than one percent.

Where differences of considerable import do emerge are with respect to steps households take-and do not take--when they contend with a legal need. It is to these findings we turn.

III. Steps People Take to Deal with Legal Needs

The potential for learning what actions households take when they have legal needs is one of the most important features of the CLNS. More than three dozen questions explored in much detail the public's transactions with various components of the civil justice system.

The base upon which percentages are computed shifts in this section. The percentages thus far have been based on the *number of households* surveyed. But, since households often have more than one legal need and actions taken may vary depending on the kind of need, the percentages in this section are based on the *number of legal needs reported*.

Overview of Actions Taken

For both low- and moderate-income households, the most frequent response when facing a situation having legal implications was to attempt to deal with the matter on their own (four out of ten situations being handled in this way). Among low-income households, taking no action at all was the next most frequent approach. By contrast, moderate-income households turned to the civil justice system as their second most frequent response. This includes contacts with lawyers, mediators, arbitrators, or an official hearing body such as a court.

For both income groups, the least likely course of action was turning to a non-legal third party. Third parties most likely to be consulted were a service-providing agency (public or private), professionals (such as accountants, realtors, or insurance agents), community organizations (such as a neighborhood association), or a regulatory agency (such as a utility rate commission).

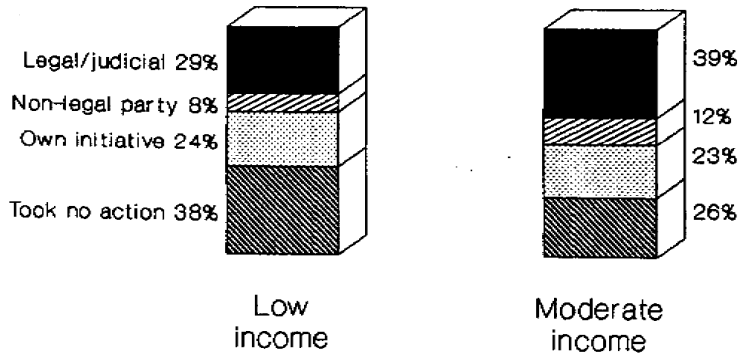
The specific percentages for these ways of dealing with legal needs are as follows. Note the columns add to more than 100 percent since more than one action was sometimes taken.

<i>Way of dealing with situation</i>	<i>Low income</i>	<i>Moderate income</i>
Handled by own initiative	41%	42%
Took no action at all	38	26
Turned to civil justice system	29	39
Consulted non-legal third party	<u>13</u>	<u>22</u>
	121%	129%

Chart 3 displays these same findings but in terms of the most "formal" action households with legal needs took. That is, when a household takes more than one course of action, only the action that comes closest to involvement of the civil justice system is counted. The hierarchy from most to least formal is: involving some part of the civil justice system, turning to a third party (not part of the justice system), attempting to handle the situation on one's own, and taking no action at all.

One of the study's major findings jumps out of Chart 3. Nearly three fourths of the legal needs of low -income households and nearly two thirds of legal needs of moderate-income households were *not* taken to the civil justice system in 1992. There are two considerations in interpreting these results. On the one hand, there are clearly times when Americans work out problems on their own

3: MOST "FORMAL" ACTION TAKEN Based on All Legal Needs



without legal help. On the other hand, contact with the civil justice system is not always voluntary. (Some situations involve household members as defendants.)

A collateral finding appearing in Chart 3 is that *no action at all* is taken regarding more than one third of the legal needs of low-income households and about one quarter of needs of moderate-income households.

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These findings raise two important questions:

- Why are people not receiving legal help when they may benefit from it? (Is it because they are unaware of their legal rights or worry about the cost of representation? Are they resigned to some adversity? Do they face administrative obstacles or some kind of barrier? Do they want to avoid strife? Or, are they unaware of the legal help that may be available?)
- Are there certain kinds of problems that can be resolved adequately without the help of a lawyer or other part of the system of justice?

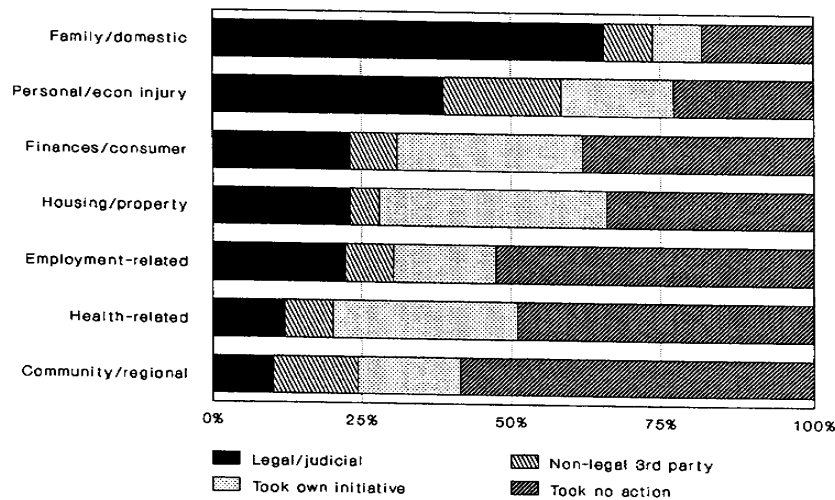
Answers to both questions will have immense implications for the functioning and responsiveness of the civil justice system.

How Actions Taken Vary by Type of Situation

In many respects, Charts 4 and 5 go to the heart of the study. Using the hierarchy of the most "formal" action taken, the charts display how low- and moderate-income households respond to differing kinds of legal needs.

Chart 4 shows that family and domestic issues are brought to the system of justice more often than not by low-income households. Chart 5 indicates a similar pattern for moderate-income households.

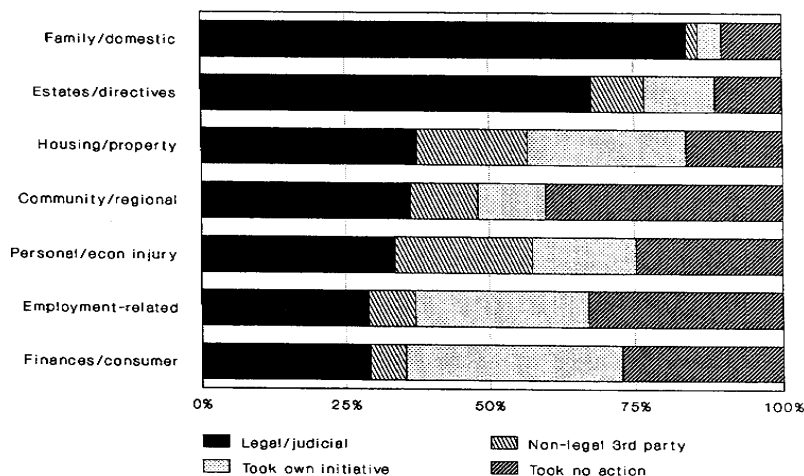
4: MOST "FORMAL" ACTION BY TYPE OF NEED Based on Low-Income Legal Needs



When Chart 4 is read from right to left, the profile of needs for which *no* actions are taken is seen: 58 percent of issues relating to the community, 52 percent of employment-related matters, and 49 percent of difficulties with health care. Chart 5 shows that moderate-income households report taking no action at all most often on community and regional matters and about issues related to employment. Issues

handled most frequently on one's own initiative by moderate-income households pertain to personal finances and consumer matters, followed closely by employment-related problems.

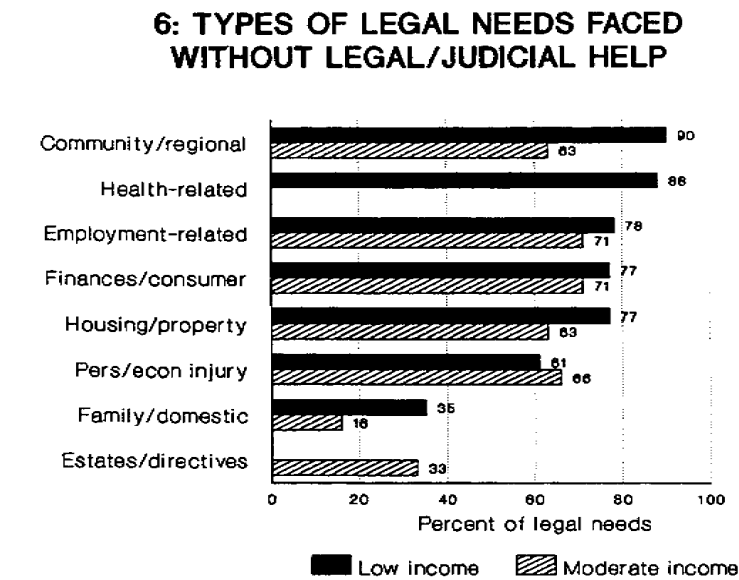
5: MOST "FORMAL" ACTION BY TYPE OF NEED Based on Moderate-Income Legal Needs



Needs Not Being Addressed by Civil Justice System

The profiles of situations low- and moderate-income households face without any help from the system of justice appear in Chart 6. The percentages are those households that took no action at all, attempted to handle the matter on their own, or consulted a third party. What they did not do was turn to a lawyer, mediator, court, or other kind of hearing body.

More than sixty percent of the legal needs of low-income households in six of the categories displayed do not find their way to the civil justice system.⁷ Community and regional matters top the list, followed by a second tier that includes health-related needs, housing and property, personal finances and consumer issues, job-related complaints, and personal/economic injury.



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The story is much the same with moderate-income households. Sixty percent or more of the needs in five of the categories are not taken to the civil justice system: personal finances and consumer, employment-related, personal/economic injury, community and regional issues, and housing and property.

Reasons People Give for Not Turning to the Civil Justice System

Respondents for households that had not sought legal help when they had a legal need were asked what the main reason was for not doing so. Chart 7 summarizes the reasons volunteered for not seeking out the advice or help of "a lawyer, legal advocate such as a paralegal or mediator, or the courts" (quoting from the question asked).

It is of particular interest to note that:

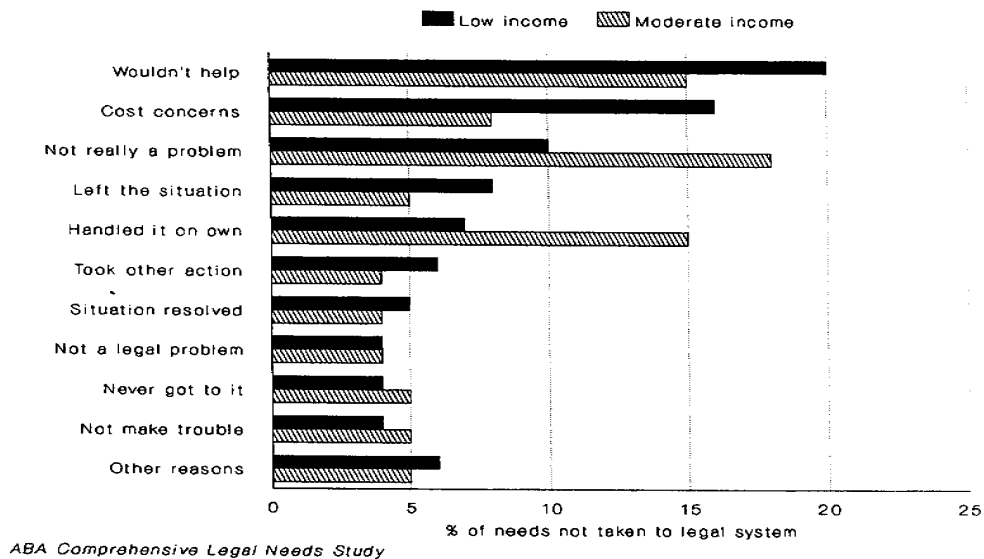
- The predominant reasons for low-income households not seeking legal assistance were a sense that it would not help and that it would cost too much.
- The three dominant reasons for moderate-income households not seeking assistance were

⁷There were not enough cases of health-related legal needs to report percentages with statistical reliability in the moderate-income sample. Nor were there enough cases of estate-related problems among low-income households for inclusion in the chart.

that the situation was not really a problem, that they could handle it on their own, and that a lawyer's involvement would not help.

- Buried in "other reasons" volunteered by both low- and moderate-income households is the comment that they did not know how to find a lawyer. This is one of a half dozen reasons included in the total of "other" that comes to six percent of low-income households and five percent of moderate-income households.

7: MAIN REASON FOR NOT TURNING TO CIVIL JUSTICE SYSTEM WHEN HAVING A LEGAL NEED



percent of moderate-income households.

When reasons given for not seeking legal help are looked at in terms of kinds of legal needs, the number of cases upon which to base percentages in many instances is quite small. But some findings can be reported with statistical reliability.

Respondents for low-income households with legal needs express futility most often regarding community and regional issues. This has two components: 26 percent facing such problems volunteer that it would not help to bring the matter to the civil justice system and another 19 percent leave the situation (such as by moving out of the neighborhood) rather than confront it. Also, among low-income households, cost concerns are highly associated with personal finances and consumer problems that are not taken to the civil justice system.

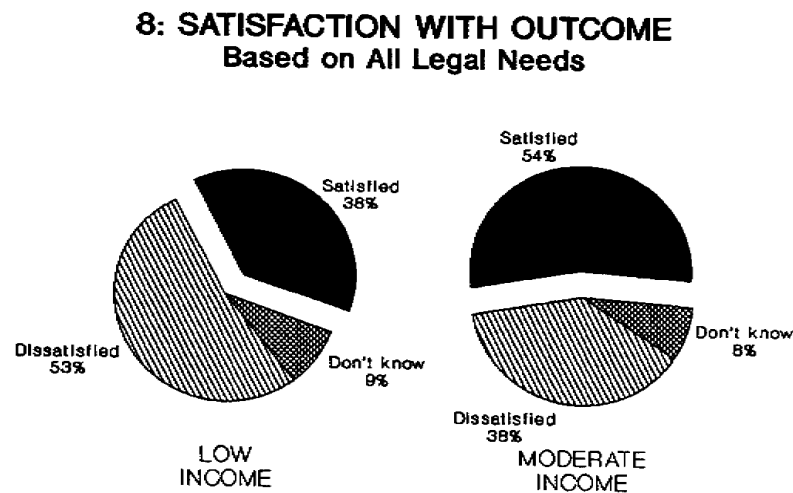
The perspective of respondents reporting for moderate-income households is quite similar. Community and regional matters are seen as problems for which legal assistance would not be of much help. These are also the kinds of situations people avoid more often than confront.

The legal system is not consulted regarding housing and property issues primarily because moderate-income households think they can handle them on their own. Cost concerns show up as the reason for not seeking legal help regarding personal finances and consumer issues, but not by

the proportion seen among low-income households. Other reasons given regarding financial and consumer items are a desire to handle the matter on one's own, a sense that legal assistance would not help, and seeing the problems as not all that serious.

Views of the Civil Justice System Among Those Having Experience with It

Chart 8 shows that more than half of moderate-income Americans having some kind of legal need in 1992 are satisfied with the outcome of the situation they faced. But for low-income households, almost the same proportion are dissatisfied.



Two questions are raised: What explains the difference between the two income groups? And, what contributes to varying levels of satisfaction with the outcome: the steps people took (or did not take) to deal with a problem or the kind of situations they may have faced or both?

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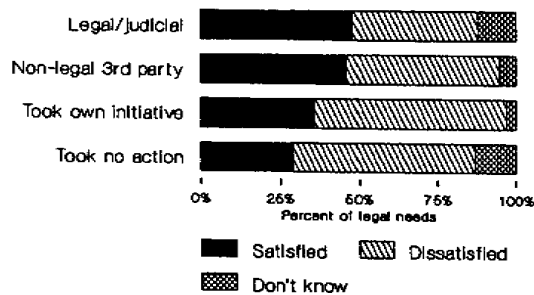
How Satisfaction with the Outcome Varies by the Actions Taken and by the Kind of Legal Need

Legal needs that found their way to the civil justice system were seen as having been resolved more satisfactorily than those that did not. Charts 9 and 10 show that, when households turned to a lawyer or some other part of the justice system, 48 percent of low-income households and 64 percent of moderate-income households were satisfied. At the other end of the continuum, when people took no action at all about a problem, only 29 percent of low-income and 39 percent of moderate-income households were satisfied.

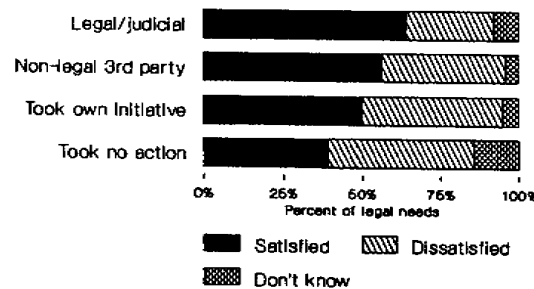
What gives these findings their impact on the overall levels of satisfaction (Chart 8) is that moderate-income households with legal needs were much more likely to seek legal help than were low-income households with needs. It will be recalled that Chart 3 showed that 29 percent of low-income households with legal needs, and 39 percent of moderate households, got in touch with some part of the legal system. Conversely, Chart 3 also showed that 38 percent of households in the low-income sample took no action at all when having a legal need compared to 26 percent in the moderate-income sample.

In addition to the kinds of action households may take, their view of the outcome is also a function

**9: SATISFACTION BY MOST "FORMAL" ACTION
LOW-INCOME HOUSEHOLDS WITH NEEDS**



**10: SATISFACTION BY MOST "FORMAL" ACTION
MODERATE-INCOME HOUSEHOLDS WITH NEEDS**



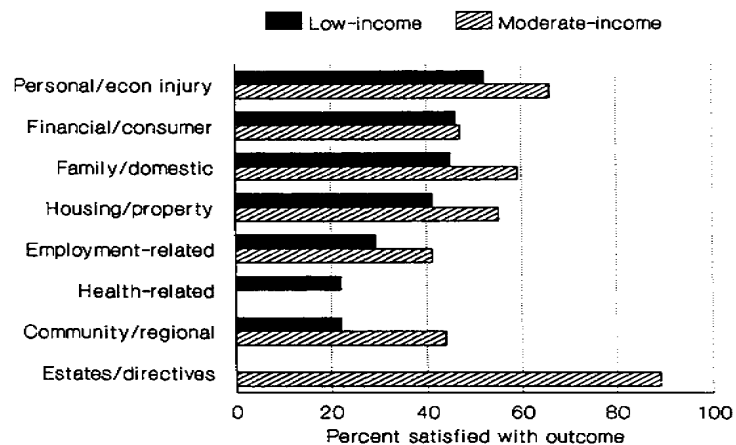
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of the nature of the situation with which they are dealing. Chart 11 displays these interrelationships.⁸ It shows that:

- Among all legal needs, satisfaction with the resolution or outcome is highest for low-income households in cases of personal or economic harm and for moderate-income households dealing with wills and estates.
- Personal finances and consumer matters were also not among legal needs households at both levels took often to the judicial system (Chart 6), yet they rank second in terms of overall satisfaction with the outcome among low-income households.
- Satisfaction is low among low-income households when it comes to the outcome of community/regional, health-related, and employment-related issues. Legal help usually was not sought regarding these matters and in most instances nothing at all was done about them.

- High levels of satisfaction are reported by moderate-income households regarding estate-related issues, an area of the law to which this income level turned frequently for legal help. Majorities of moderate-income households facing family and domestic problems and housing and property matters are also satisfied.

**11: SATISFACTION WITH OUTCOME
BY TYPE OF LEGAL NEED**



These findings underscore the complexity of the interrelationships

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⁸There were an insufficient number of cases of estate-related legal needs in the low-income sample and health-related needs in the moderate-income sample to include reliable percentages in this chart.

when three factors are taken into account: the nature of the legal need, the kind of action taken, and the level of satisfaction. Some kinds of needs were taken frequently to the justice system and reportedly turned out well (family/domestic, and estate issues). Other needs found their way to the justice system less frequently, yet were resolved in what was seen as a satisfactory fashion (personal or economic injury, financial and consumer matters, and housing and property issues). Still other needs were not brought to the attention of the justice system and persist as a source of dissatisfaction (community and regional matters, especially among low-income households).

Services Lawyers Provide

About three quarters of the legal needs brought to the system of justice involved a lawyer in one way or another (73 percent among low-income households with a need and 72 percent among moderate-income households with a need). Of the needs receiving the attention of a lawyer, about one quarter were handled by more than one lawyer (26 percent of needs of low-income households and 27 percent of moderate-income).

Evaluations of the Performance of Lawyers and Hearing Bodies

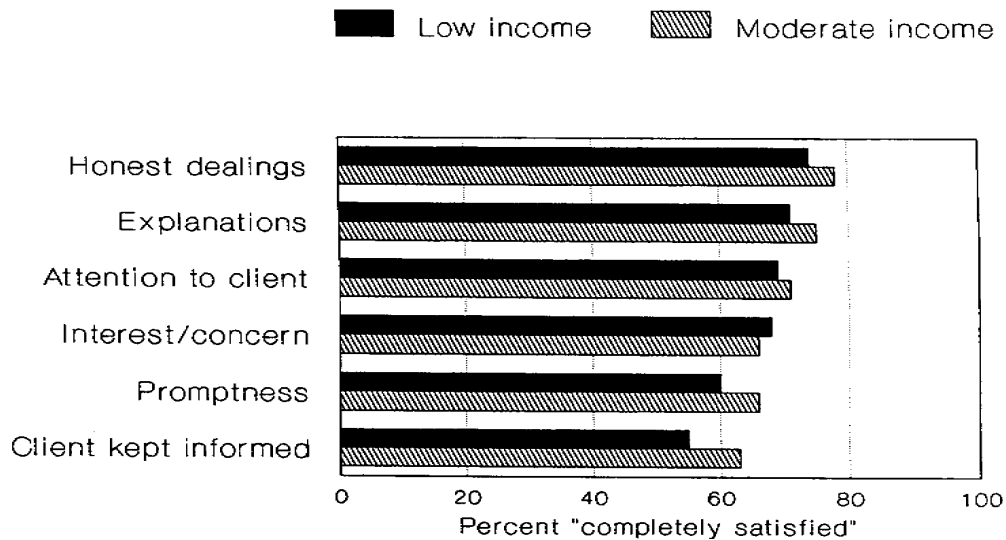
Respondents reporting for households having a legal need that was dealt with by the civil justice system were asked to rate that part of the system with which they had contact. Charts 12 and 13 display these ratings.

Six aspects of lawyers' performance were assessed. "Completely satisfied" was the verdict of more than half of low- and moderate-income households contacting a lawyer on all six dimensions. Chart 12 shows especially high ratings when it comes to "the lawyer's honesty in dealing with you," "the way [the lawyer] explained things to you," and "the attention the lawyer paid to what you said."

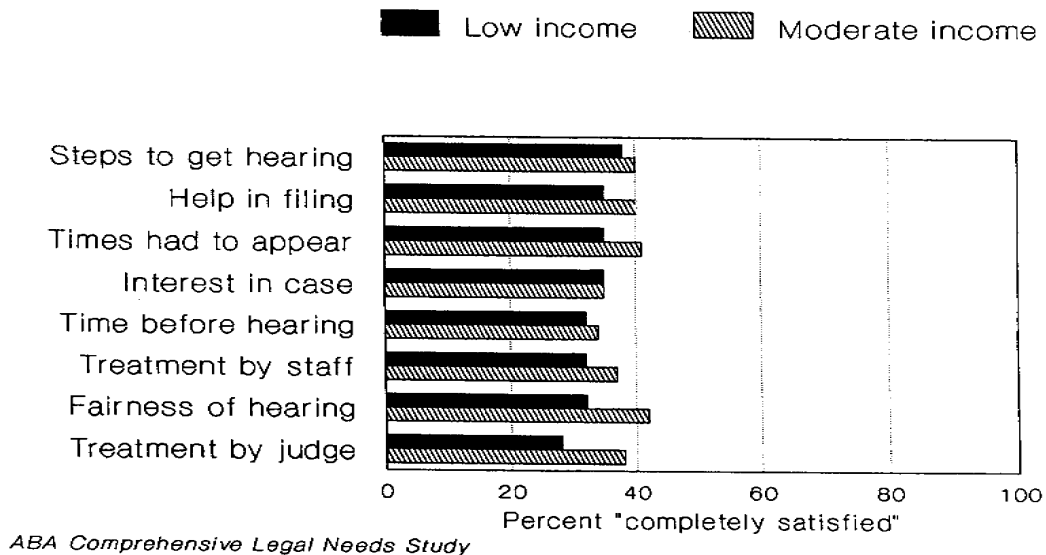
Even though low- and moderate-income households have differing assessments of the outcomes regarding the legal needs they had, they do not appear to diverge significantly in their generally affirmative view of the performance of the lawyers with whom they dealt. If there is any area in which satisfaction falls off somewhat it is "how well [the lawyer] kept you informed of the progress of the situation."

Quite a different picture emerges regarding the views of those having had dealings with a court or other hearing body during 1992. The "completely satisfied" ratings on the eight dimensions are in the 30-40 percent range, not as high as for lawyers. Different aspects of the hearing process do not seem to evoke different assessments. Nor do assessments differ much between the two income groups. There were not enough situations reported involving hearing bodies to differentiate between ratings of courts and other types of hearings.

12: RATING OF LAWYER PERFORMANCE Based on Needs Involving a Lawyer



13: RATING OF HEARING BODY PERFORMANCE Based on Needs Involving a Court/Hearing

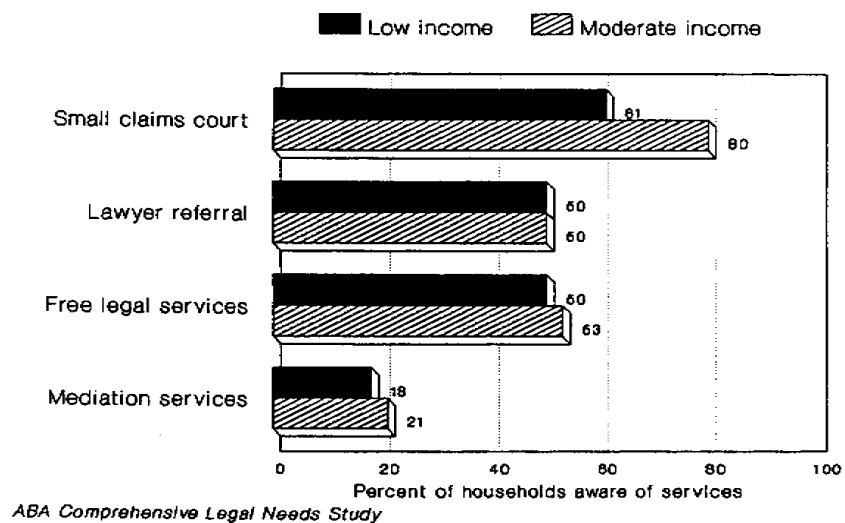


Public Knowledge About the Kinds of Legal Help Available

One facet of the CLNS that may prove immensely valuable in the policy development phase to follow is the information it generated regarding how much the American people know about the system of civil justice.

Public awareness about four aspects of the justice system is displayed in Chart 14. The picture is mixed. There is a high level of awareness about small claims courts, especially among moderate-income respondents. By contrast, the availability of mediation services is not known to the overwhelming proportion of both low- and moderate-income households.

14: AWARENESS OF KINDS OF LEGAL HELP AVAILABLE

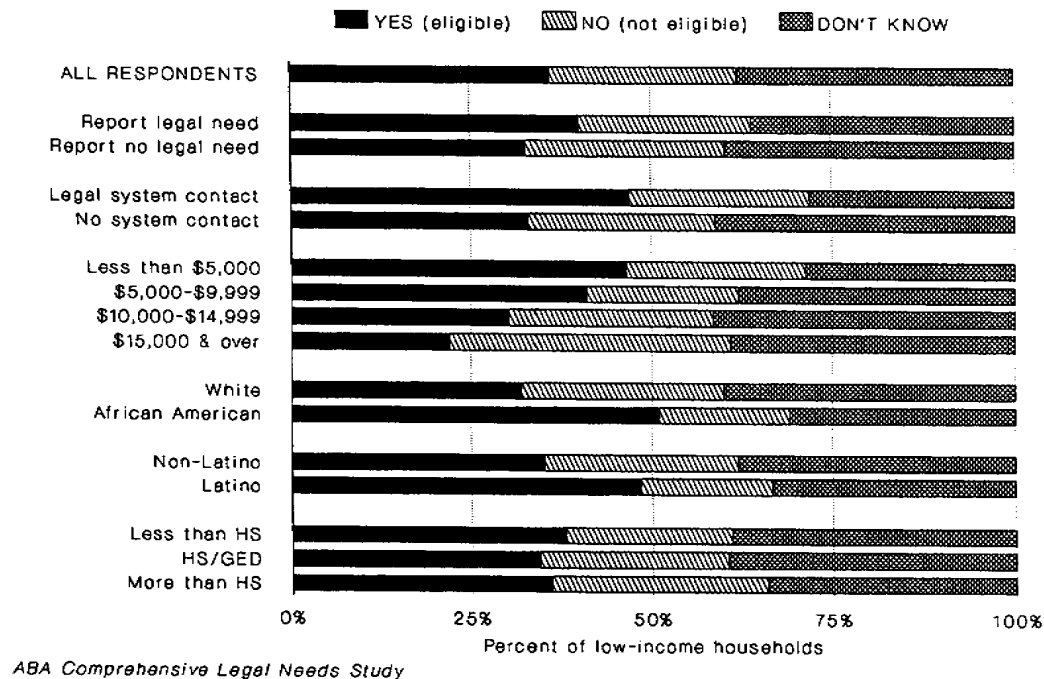


Most often people seeking a lawyer did so either on the recommendation of a friend (32 percent among low-income households contacting a lawyer and 38 percent among moderate-income) or already knew a lawyer (32 percent and 34 percent among low- and moderate-income households contacting a lawyer, respectively). While considerable awareness is reported in both low- and moderate-income households about lawyer referral services, only six percent of cases taken to a lawyer by low-income households, and four percent of moderate-income cases, went through a referral service.

While exactly half of low-income households indicate that they know about free legal services, considerable confusion exists about eligibility. Chart 15 shows that only 36 percent of low-income respondents believe their household is eligible for subsidized legal help (when in fact *all* are by virtue of the way the "low-income" sample was defined). Twenty-six percent of these respondents think they are *not* eligible; 38 percent are not sure.

It is significant that a household's belief about its own eligibility for publicly-supported legal services decreases as income increases. That is, the perceived eligibility is decidedly greater among households that are profoundly poor than among those just below the poverty line. As might be expected, low-income households that have had contact with some part of the civil justice system are more aware of their eligibility for legal services programs. With respect to race and ethnicity, African Americans and Latinos are more likely than others to think they are eligible.

15. BELIEVE ELIGIBLE FOR LEGAL SERVICES Based on Low-Income Households



Principal Conclusions

The Comprehensive Legal Needs Study has provided an immense amount of information about the complexity of the transactions Americans have with the civil justice system. We now know that:

- Approximately half of low- and moderate-income American households are facing one or more situations that could be addressed by the system of civil justice.
- Nearly three quarters (71 percent) of these situations faced by low-income households are not finding their way to the justice system. For moderate-income households, the proportion is nearly two thirds (61 percent).
- The most common legal needs of low- and moderate-income American households pertain to personal finances, consumer issues, housing (both owned and rental), and other real property.
- Few differences among subgroups are statistically significant when it comes to the kinds of legal needs of low- and moderate-income American households--other than in the situations of older persons and the profoundly poor.
- The most common course of action in dealing with a legal need for both low- and moderate-income households is to try to handle the situation on their own. Turning to the justice system is the second most frequent action for moderate-income households. But for low-

income households the second most common approach is to take no action at all.

- Legal needs most likely to be taken to the civil justice system by *both* low- and moderate-income households deal with family and domestic issues. Categories of needs ranked next in terms of legal system involvement relate to personal or economic injury (for low-income households) and estate-related matters (for moderate-income households).
- Legal needs *least* likely to be brought into the civil justice system by *low-income* households relate to issues regarding community and region, health, employment, housing and property, and personal finances and consumer matters.
- Legal needs *least* likely to be brought into the civil justice system by *moderate-income* households relate to personal finances and consumer issues, employment-associated matters, personal/economic injury, community/regional issues, and housing and property.
- Reasons for not turning to the justice system when faced with a legal need differ between low- and moderate-income households. A sense that legal assistance will not help and fear of the cost are the principal reasons given by low-income respondents. Moderate-income respondents are more likely to dismiss the matter as not all that serious a problem and think they can deal with it on their own. They are less likely to cite cost considerations than low-income respondents but share the view that the justice system would not help.
- Both low- and moderate-income households are more likely to be satisfied with the ultimate resolution of a matter if it is brought to the civil justice system than if it is not.
- The overwhelming majority of those having turned to a lawyer rate that advocate highly on such attributes as honesty and attentiveness to the client.

As noted at the outset, the Comprehensive Legal Needs Study is part of a multi-year initiative by the American Bar Association to assess how well the legal system is ensuring equal access to justice. The surveys purpose was to provide an empirical foundation for deliberations to follow regarding ways of improving the efficiency and equity with which legal needs are met.

As with any substantial research inquiry, new issues are raised as the findings are assimilated. There is a clearer sense of what the problem "*really*" is and where productive avenues of further inquiry may lie. Accordingly, an agenda of analytic issues is already taking shape for which subsequent work on the CLNS holds great promise. The CLNS provides a rich empirical base upon which to develop recommendations of how to improve the access to justice for all Americans.

Albert H. Cantril
Washington, D. C.

APPENDIX A

A Word about the Sample Design

Any social survey is an effort to estimate. It presents two challenges: obtaining a representative cross-section of the population and framing and asking questions that measure reliably the nature of the situations people face. The CLNS represents a concerted effort on both fronts.

In weighing many trade-offs, the Consortium decided to rely primarily on telephone interviewing. This decision was driven by the study's principal objectives of achieving estimates of the incidence and prevalence of legal needs and tracking actions taken to address those needs. Given the lower cost per interview of fieldwork by telephone, a larger sample was possible (yielding more precise estimates) than would have been the case with a comparable expenditure on interviewing in-person.

At the same time, the Consortium was mindful that about seven percent of all households in the United States do not have a telephone and as many as 30 percent of those living in poverty in some areas are without phones. The concern was that the profile of legal needs of households without phones might differ in important ways from the profile of needs found in households with phones (all other things being equal such as region of the country and income level).

As a hedge against possible bias if nonphone households were excluded, the CLNS incorporated into the sample plan in-person interviews in households that did not have a telephone. Given the high cost of logistics to reach such households in rural areas, these in-person interviews were limited to urban areas. There were thus three components of the sample design: a sample of all working residential telephones in the 48 contiguous states of the country; an oversample of telephones in exchanges known to contain households with low incomes; and a sample of nonphone households in metropolitan areas.

At the household level, adult respondents were selected randomly. They were asked to speak on behalf of all members of the household. In more than eight out of ten households (87 percent for low-income and 81 percent for moderate-income), the respondent was among those involved in the situation described. Extensive callbacks were made to complete interviews in as many eligible households as possible. These efforts resulted in completed interviews in 74 percent of eligible phone households and 85 percent of eligible nonphone households.

The resulting sample sizes were 1,782 interviews among low-income households (1,525 by phone and 257 in-person) and 1,305 among moderate-income households (1,259 by phone and 46 in-person). Sample tolerances are a function of both the size of specific percentages reported and the size of the sample. A conservative estimate of sampling error for both of these samples is three percentage points (plus or minus the reported result). Margins of error for subgroups will be larger because smaller numbers of cases are involved.

Similarly the significance of differences between subgroups must be assessed relative to the size of the subgroups involved. These considerations have been taken into account in findings reported here. Sample tolerances are computed at the 95 percent level of confidence which means that one can be 95 percent sure that the result or difference reported did not occur by chance in the sampling process.

Finally, it should be remembered that there are sources of possible error in surveys other than the sampling process that may result from the way questions are worded or that may arise in the course of conducting an interview.

APPENDIX B

Incidence and Prevalence of General Categories and Specific Legal Needs

	Low Income		Moderate Income	
	<i>Incidence</i>	<i>Prevalence</i>	<i>Incidence</i>	<i>Prevalence</i>
Personal Finances/Consumer	13	17	13	17
Problems with creditors	6	8	4	5
Problems related to insurance	3	3	3	5
Problems obtaining credit	2	3	1	2
Tax problems	1	3	2	2
Bankruptcy-related problems	2	2	*	1
Problems related to contracts	2	2	1	2
Consumer fraud/defective products	* ¹	1	2	2
Problems collecting on a debt	*	*	1	2
Housing/Real Property	13	17	10	12
Unsafe rental housing	5	7	2	2
Problems with landlord	3	4	*	*
Problems with utilities	3	4	2	2
Housing discrimination	2	3	*	1
Real estate ownership problems	1	1	2	2
Problems with tenants	*	1	1	1
Property rights issues	*	1	*	*
Real estate transaction	*	*	4	4
Mobile home/park problems	*	*	*	*
Problems with condo/coop boards	-	-	*	*
Community and Regional	7	13	8	12
Inadequate policing	4	6	2	3
Inadequate municipal services	2	5	2	3
Environmental health hazards	1	2	2	4
Opposition to proposed facility	1	2	3	4
Family/Domestic	8	12	6	8
Household/marital dissolution	5	6	4	6
Problems with child support ²	2	4	2	3
Domestic violence	1	2	*	*
Prenuptial agreements	*	*	*	*
Elder exploitation/abuse	*	*	*	*
State intervention in family ²	*	*	*	*
Employment-related	7	8	10	12
Discrimination in hiring	2	2	1	1
Problems with compensation	2	2	1	2
Discrimination on the job	2	2	2	2
Problems with working conditions	2	2	3	4
Workers' comp & unemployment	1	1	2	2

¹Asterisk designates less than one percent.

²These percentages may underreport the number of legal needs slightly because about a third of low-income households with children were inadvertently not asked questions about these needs.

Job-related threats to privacy	1	1	*	1
Problems with pension plans	*	*	*	*
Problems with fringe benefits	*	*	2	2
Problems of self-employed	*	*	*	*
Farm worker problems	*	*	-	-
Personal/Economic Injury	6	7	9	10
Suffered injury	5	5	7	8
Victim of slander or libel	*	1	*	*
Charged with causing injury	*	*	2	2
Health/Health Care-related	5	6	4	5
Problems with charges/payments	3	3	2	3
Barriers to health care	2	3	2	2
Violations of patient rights	*	*	*	*
Environmental health problems	*	*	-	-
Wills/Estates/Advance Directives	4	5	10	10
Wills/estate planning	2	2	6	6
Advance directives	1	1	3	3
Estate administration/inheritance	*	1	2	2
Vulnerable adult	*	*	*	*
Public Benefits Problems	3	4	*	1
Small Businesses/Farms	2	2	2	2
Need for advice	1	1	2	2
Other problems	*	*	*	*
Children's Schooling	2	2	*	1
Inappropriate discipline ²	1	1	*	*
Problems with enrollment ²	*	1	*	*
Poor quality education ²	*	1	*	*
Other Civil Rights/Liberties³	*	1	*	1
Improper search or seizure	*	*	*	*
Free speech/religion violation	*	*	*	*
Voting rights violations	*	*	*	*
Interference with other rights	-	-	*	*
Discrimination related to the Americans with Disabilities Act	*	*	*	*

³As noted on page 7, specific legal needs relating to discrimination in housing, in hiring, on the job, and with respect to patients rights or a disability were counted in the general categories of housing/property, employment-related, health care, and ADA-related needs. The “civil rights” components of this entry include responses to questions that asked explicitly about violations of voting rights or threats against the exercise of one's rights. While reports of discrimination in other general categories (such as denial of credit in the “finances/consumer” category) have not been separately tabulated, they are subsumed in the overall totals for those general categories.

Legal Needs of Immigrants and Speakers of Other Languages	*	*	*	*
Language-related problems	*	*	*	*
Immigration-related problems	*	*	*	*
Exploitation and other problems	*	*	-	-
Legal Needs of Native Americans	*	*	*	*
Military Personnel/Veterans Needs	*	*	*	*
Military service-related problems	*	*	*	*
Needs of Veterans	*	*	*	*
Vocational Training-related Needs	*	*	*	*