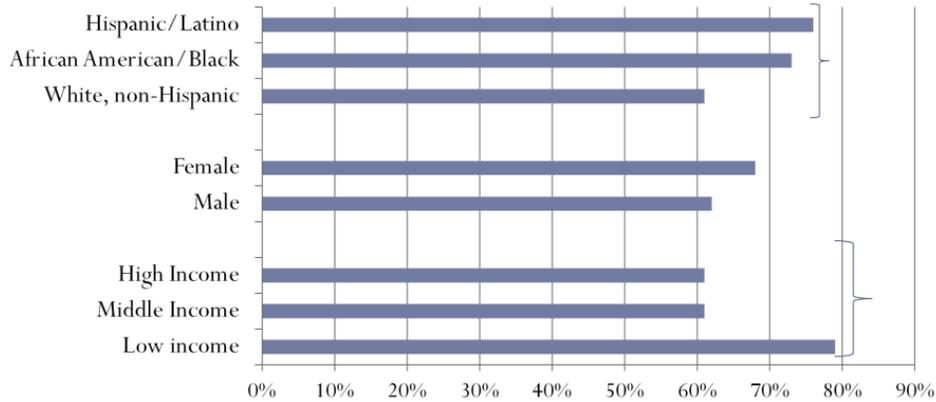


Americans' Experience with Civil Justice Problems and the Role of Civil Legal Assistance

Talking points from a research presentation to the
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Civil justice problems are common and widespread.



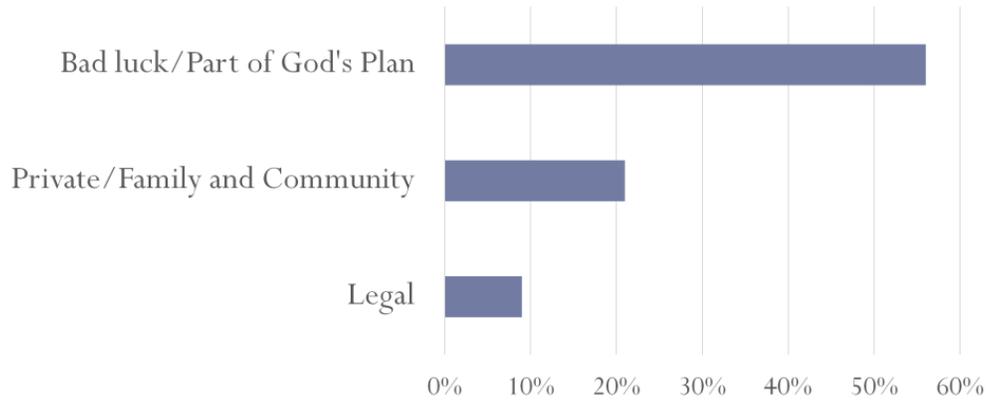
Source: Community Needs and Services Study

Scientific population surveys suggest that somewhere between half and two-thirds of Americans are experiencing at least one civil justice problem every year to 18 months. These are events that have civil legal aspects, raise civil legal issues, and have consequence shaped by the civil law.¹

These problems emerge in people's lives at the "intersection of civil law and everyday adversity" – they involve shelter, livelihood, debt, and the care and custody of dependent children and adults.²

Though all groups are at risk of experiencing civil justice problems, evidence suggests some groups are more vulnerable than others. For example, poor people and racial and ethnic minorities more commonly report justice problems than do whites and nonpoor people.³

Most justice problems are not understood as legal, so people seldom seek legal help.



Source: Community Needs and Services Study

Less than a quarter of Americans' civil justice problems ever involve lawyers or courts⁴, typically because people do not understand their justice problems to be legal problems and so do not consider lawyers, legal aid or courts as a source of assistance. Rather, people understand their justice problems as "bad luck" or "part of God's plan" for them. People describe a notable proportion of justice problems in ways that suggest that they may not believe third-party interventions are appropriate, -- that is, as problems that perhaps their group or they themselves should handle -- problems that are "private" or "family and community" problems⁵

Justice problems can cascade in costly ways.

- Research from the UK finds that justice problems can trigger one another, and can precipitate
 - Homelessness, and consequent recourse to shelters.
 - Ill health, and consequent use of medical services.
 - Lost employment, and consequent use of public benefits.
- Disability and other indicators of vulnerability appear to accelerate cascades of problems.

Civil justice problems often lead to more problems, which can be costly both for the people who experience them and society at large. Research in the US and the UK finds that people report losing money, jobs and housing, as well as health problems as a result of justice problems.⁶

Legal help helps.

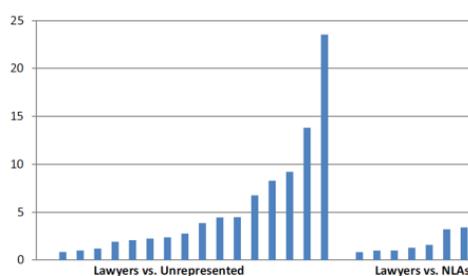


Figure 1. Observed Differences in Win Rates across Studies, Comparing Lawyer-Represented Litigants with Unrepresented Litigants and Litigants Represented by Nonlawyer Advocates (NLAs): Odds Ratios

- Key points for early intervention appear to be:
 - Employment and benefits problems
 - Relationship breakdown
 - Injury

A range of types of evidence suggests that legal assistance can have impact. One way to see this is to examine the outcomes of justice problems that become cases. A meta-analysis (study of studies) looking outcomes in over 18,000 cases in areas such as eviction, welfare and social security benefits, and unemployment, among others, documented enormous potential impacts of legal assistance, even after accounting for selection into representation.⁷

Studies of public experience with justice problems find that when people get legal assistance, it increases people's chances of resolving their problems to their satisfaction, and it also reduces the impact of not knowing one's rights on justice problems' outcomes.⁸

Particularly for disadvantaged groups, interventions can be most helpful when they combine legal with nonlegal assistance, and when they are come early in the development of problems. Research from the UK and Australia suggests that key points for intervention include when people have problems with employment, when they experience the breakdown of important relationships, and when they are injured, whether at work or because of accidents or crime.⁹

Legal assistance appears to help prevent or stop costly cascades.

Notes

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2. Sandefur, Rebecca L. 2007. "The Importance of Doing Nothing: Everyday Problems and Responses of Inaction." Pp. 112-132 in *Transforming Lives: Law and Social Process*, edited by Pascoe Pleasence, Alexy Buck and Nigel Balmer. London:TSO. Rebecca L. Sandefur 2010. "The Impact of Counsel: An Analysis of Empirical Evidence." *Seattle Journal of Social Justice* 9(1):51-95.
3. Sandefur 2014, *Accessing Justice*; Pleasence, Pascoe, Christine Coumarelos, Suzie Forell, & Hugh McIntosh McDonald 2014. *Reshaping Legal Assistance Services: Building on the Evidence Base. A Discussion Paper*. Sydney, Australia: Law and Justice Foundation of New South Wales.
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5. Sandefur 2014, *Accessing Justice*; Rebecca L. Sandefur 2012, "Money Isn't Everything: Understanding Moderate Income Households' Use of Lawyers' Services." In *Middle Income Access to Justice*, edited by Anthony Duggan, Lorne Sossin and Michael Trebilcock. Toronto, ON: University of Toronto Press.
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7. Rebecca L. Sandefur 2015, "Elements of Professional Expertise: Understanding Relational and Substantive Expertise through Lawyers' Impact." *American Sociological Review* 80(5):909-933.
8. Pleasence et al. 2014, *Reshaping Legal Assistance Services*.
9. *Id.*

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