

# Annotated Bibliography of Post-1990 Legal Need Survey Research Papers

## Australia

Coumeralos, C. et al (2012) *Legal Australia-Wide Survey: Legal Need in Australia*. Sydney: Law and Justice Foundation of New South Wales.

Full report of the 2008 Australian survey, including a review of broad methods and findings of previous surveys, including regional Australian surveys. Also contains a review of the concept and meaning of 'legal need'. Chapters included on the prevalence of legal problems, the nature of problems (including a distinction between 'substantial' and other problems), responses to problems, advice for legal problems, outcomes, and implications. The technical report and questionnaire are included in appendixes.

Coumarelos, C., Pleasence, P. and Wei, Z. (2013) *Law and Disorders: Illness/Disability and the Experience of Everyday Problems Involving Law*. Sydney: Law and Justice Foundation of New South Wales.

Paper exploring the relationship between the experience of justiciable problems and morbidity/disability, with a particular focus on morbidity/disability type and severity. Problem prevalence and incidence were both found to increase with severity of morbidity/disability, particularly psychiatric morbidity/disability (or, even more, the combination of psychiatric and physical morbidity/disability), though differences were also seen between types of physical morbidity/disability. The paper concluded that associations are context specific, and urged continued development and evaluation of integrated legal and health services.

Iriana, R., Pleasence, P. and Coumarelos, C. (2013) *Awareness of legal services and responses to legal problems in remote Australia: A working paper*. Sydney: Law and Justice Foundation of New South Wales.

Paper setting out new findings from the Legal Australia-Wide (LAW) Survey that suggest that, overall, the use of legal advisers decreases with remoteness. In very remote areas, respondents who were not aware of various free legal services were less likely to use legal advisers. These findings raise questions about the coverage of legal services in very remote areas, particularly in the context of public understanding of legal resources.

Coumarelos, C. and People, J. (2013) *Home is where the heart of legal need is: A working paper on homelessness, disadvantaged housing and the experience of legal problems*. Sydney: Law and Justice Foundation of New South Wales.

Paper setting out preliminary findings from the Legal Australia-Wide (LAW) Survey indicate that homeless people are an especially disadvantaged group who have increased vulnerability to a wide range of legal problems. The findings suggest that addressing the legal and non-legal needs of homeless people should be a priority and may require a holistic or client-focused approach, involving an integrated response from legal and broader human services.

McDonald, H.M. and Wei, Z. (2013) *Concentrating disadvantage: a working paper on heightened vulnerability to multiple legal problems*. Sydney: Law and Justice Foundation of New South Wales.

Findings showing how the Legal Australia-Wide (LAW) Survey found that some demographic groups, including many disadvantaged groups, had heightened vulnerability to multiple legal problems. New analyses of the LAW Survey national data set using new measures of multiple disadvantage show that as disadvantage becomes increasingly 'concentrated', vulnerability to multiple legal problems 'compounds'. Respondents with multiple disadvantage reported a greater number of legal problems and substantial legal problems. Importantly, each additional indicator of disadvantage was found to have an 'additive effect' that increased the average number of legal problems and substantial legal problems reported. The findings further underscore the importance of more intensive and integrated legal service provision for people with heightened vulnerability to multiple legal problems, and particularly for people with multiple disadvantage. They also indicate that the use of diagnostic instruments, such as a 'legal health check', is likely to enhance the systematic diagnosis, triage and referral of client legal problems in a range of service settings.

#### Bulgaria

Gramatikov, M. (2008) *Multiple Justiciable Problems in Bulgaria*. TISCO Working Papers Series on Civil Law and Conflict Resolution Systems 08/2008. Tilburg: Tilberg University.

The paper reports results from the 2007 Bulgarian national survey. 45% of the respondents in the sample experienced one or more serious and difficult to resolve problems with potential legal solutions. Consumer related issues are the most frequently occurring problem category, followed by problems with the neighbors. 18.5% of the respondents who had one problem reported experience with two or more problems. Problem experience was found to have an additive effect. Occurrence of multiple legal problems is strongly correlated with criminal victimization rate and the level of distrust in the justice system. Problems were frequently reported to be handed over to a public authority to resolve (particularly in relation to, e.g., welfare benefits)

## Canada

Currie, A. (2005) *A National Survey of the Civil Justice Problems of Low and Moderate Income Canadians: Incidence and Patterns*. Ottawa: Department of Justice.

Main report of the 2004 Canadian survey, looking at problem incidence (including multiple problem experience and associated demographics (younger, single parents, visible minorities, on welfare benefits), problem clusters and outcomes. Family problems looked at in isolation. Analysis included around problem persistence and worsening over time. Family and discrimination problems were found to be more likely to occur early in problem sequences. Money and debt problems were more likely to occur later on in problem sequences.

Currie, A. (2007) "Civil Justice Problems and the Disability and Health Status of Canadians," in Pleasence, P., Buck, A. and Balmer, N.J. (eds.) *Transforming Lives: Law and Social process*. Norwich: TSO.

Analysis, based on the 2004 National Survey of Civil Justice Problem in Canada, demonstrating that ill-health and disability are related to a higher incidence of thirteen out of fifteen types of civil justice problems. People with health and disability problems are more likely to perceive the resolutions to problems as being unfair than rest of the population, to indicate that the situation has become worse where problems are unresolved and to experience persistent problems defined as problems that have remained unresolved for at least three years. The research suggests that people suffering health and disability problems experience a relatively high degree of social exclusion.

Currie, A. (2007) *The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians*. Ottawa: Department of Justice.

Main report of the 2006 Canadian survey. Includes an overview of the theory and method of the survey, including the definition of unmet need. Chapters are included on incidence, problem seriousness, multiple problems, and problem resolution strategies, outcomes, the health consequences of justiciable problems, and perceptions of the fairness of the justice system.

Currie, A. (2009) "The Legal Problems of Everyday Life," in Sandefur, R.L. (ed.) *Access to Justice*, Bingley: Emerald.

This paper examines the prevalence of justiciable problems experienced by Canadians, the ways in which people respond to them and the consequences of experiencing these kinds of problems. The results show that experiencing justiciable problems is a nearly normal feature of the everyday lives of a large proportion of the population in a modern society. Particularly, important features of justiciable problems are the prevalence of multiple problems, the clustering of justiciable problems and the linkages between justiciable, health and social problems. The results suggest that justiciable problems may be a part of broader patterns of social exclusion. One implication of this research is that access to justice services may not only address legal problems but, by doing so, may have the effect of forestalling processes of social exclusion of which civil law problems are a part.

Currie, A. (2009) "A Lightning Rod for Discontent': Experiencing Justiciable Problems and Attitudes Toward the Laws and the Justice System," in Buck, A., Pleasence, P. and Balmer, N.J. (2009) (eds.) *Reaching Further: Innovation, Access and Quality in Legal Services*, Norwich: TSO.

This paper shows that respondents who experience justiciable problems, who experience unfavourable outcomes to those problems and who have difficulty obtaining assistance they consider satisfactory have a greater tendency than others to feel that the laws and the justice system are essentially unfair. This is true even though the vast majority of these individuals do not have any contact with the formal justice system in their attempts to resolve their problems. The conclusion drawn from this finding is that the political-legal culture of Canadians places a high value on justice. In the commonsense justice of everyday life, justice is fairness. A sense of unfairness felt toward the legal problems of everyday life is transferred to the formal justice system, which is the symbolic repository of those important cultural values. The formal justice system becomes the lightning rod for discontent arising from people's experiences with the legal problems of everyday life

Currie, A. (2009) *The Incidence of Problems in Civil Matters in Canada: Three National Surveys in 2004, 2006 and 2008*. Ottawa: Department of Justice.  
Report setting out incidence related findings from the 2004, 2006 and 2008 Canadian surveys, with an introduction exploring the theory and method of research on justiciable problems (especially around the use of threshold language and the importance of problems).

## England and Wales

### Hong Kong

Asia Consulting Group and Policy 21 (2008) *Consultancy Study on the Demand for and Supply of Legal and Related Services*, Hong Kong: Department of Justice.

Report including basic findings from the 2006 Hong Kong household survey. Details provided on the survey methodology, profile of respondents, the nature of problems faced, problem resolutions strategies and views on access to justice. Distinction between unimportant problems, important problems with action taken and important problems with no action taken.

### Japan

Murayama, M. (2007) "Experiences of Problems and Disputing Behaviour in Japan," in 14 Meiji Law Journal, pp.1-59.

Paper setting out an overview of the results of the 2005 Japanese survey, including rates of problem experience, contact between parties, use and helpfulness of lawyers and costs. Grounded in the concept of the dispute pyramid.

Murayama, M. (2008) "Japanese Disputing Behavior Reconsidered," in Huang, K.C. (ed.) *Empirical Studies in Judicial Systems*. Taipei: Academia Sinica.

Drawing on the 2005 Japanese survey, this paper presents a basic structure of the Japanese disputing process. Problem types are a decisive

factor in shaping the structure of the disputing process. Grounded in the concept of the dispute pyramid. The limited number of lawyers in Japan does not give a wide range of opportunities for getting advice, and the limited contact with lawyers restricts the use of court procedures.

Murayama, M. (2009) "Expanding Access to Lawyers: The Role of Legal Advice Centres," in Sandefur, R.L. (ed.) *Access to Justice*, Bingley: Emerald.

Paper setting out findings from the 2005 Japanese survey, centred on use of lawyers. The Use of a lawyer for legal services is not affected by income or a general knowledge of the law, but by the past experience of using a lawyer and personal connections with a legal professional. Both lawyers and people have anxieties about each other. Thus, a lawyer wants to accept a client who is introduced by someone that the lawyer knows personally. People who seek legal advice also worry about the cost and unapproachability of lawyers. Direct or indirect personal connections help to reduce such anxieties. This traditional pattern of legal access is found among visitors at law offices. However, visitors at legal advice centres do not have such experience or connections. Legal advice centres, rather than law offices, could expand access to lawyers more effectively.

Sato, I., Takahashi, H., Kanomata, N. and Kashimura, S. (2007) Citizens' Access to Legal Advice in Contemporary Japan: Lumpers, Self-Helpers, and Third-Party Advice Seekers. Paper presented at the Joint Annual Meeting of the Law and Society Association and the Research Committee on the Sociology of Law, Humboldt University, Berlin, 26 July 2007.

Overview of findings from the 2006 Japanese survey, setting out the design, rates of problem experience and strategies in a 'naming, blaming, claiming' framework. Detailed univariate analysis of association between strategy (lumping, handling alone, advice seeking) by problem and respondent characteristics, along with examination of type of adviser by problem type and barriers to advice.

### The Netherlands

Velthoven, B.C.J. & Voert, M.J. ter. (2004). *Geschilbeslechtingsdelta 2003*. Den Haag: WODC, O&B 219.

Velthoven, B.C.J., Voert, M. ter. (2004). "Rechters in de delta: over de rol van de rechtspraak in de beslechting van geschillen van Nederlandse burgers," *Rechtstreeks*, 2004, nr. 4, pp. 7-47.

Velthoven, B.C.J., Voert, M. ter. (2004) *Paths to Justice in the Netherlands. Looking for signs of social exclusion*. Leiden University, Department of Economics Research Memorandum 2004.04

Main report of the Dutch 2004 *Paths to Justice in the Netherlands* survey. Findings are presented on the incidence of problems, problem resolution strategies, problem outcomes and the public's perceptions of the legal system. Incidence findings placed in context of rational choice theory.

Velthoven, B.C.J. en Voert, M. ter. (2008) *Paths to Justice in the Netherlands*. In: *Legal Aid in the Global Era*. International Legal Aid Group 2005. Glasgow, University of Strathclyde, pp. 231-254.

As Leiden University Research Memorandum.

Krop, B, Velthoven, B. van, & ter Voert, M. ter. (2006). Over meten en samenloop

van juridische problemen in de delta. *Recht der Werkelijkheid*, nr. 1, p. 19-46.

Velthoven, B.C.J. & Klein Haarhuis, C. M. (2010). *Geschilbeslechtingdelta 2009*. Den Haag: WODC, O&B 283.

Velthoven, B.C.J. & Klein Haarhuis, C. M. (2011) "Legal Aid and Legal Expenses Insurance, Complements or Substitutes? The Case of the Netherlands," 8(3) *Journal of Empirical Legal Studies*, pp.587–612.

Based on data from the second wave of the Dutch Paths to Justice Survey held in 2009, an empirical study of the interrelationship between legal aid and legal expenses insurance (LEI) in the Netherlands, with a focus on whether LEI can be a substitute for legal aid. The distribution of LEI policies is investigated, along with how the incidence of justiciable problems interrelates with the possession of LEI, and how LEI affects problem resolution strategies. People holding an LEI policy have on average 11 percent more justiciable problems than the noninsured. For high-income citizens, but not for low-income citizens, LEI lowers the threshold for obtaining legal assistance. For low income citizens LEI reduces the use of lawyer contacts outside of LEI staff. LEI lowers the threshold for starting court process. LEI outcomes better than legal aid outcomes for low income citizens. It is concluded that a shift from legal aid to LEI would increase problem incidence (moral hazard), shift advice from lawyers to LEI staff, increase court proceedings, and improve settlement rates.

#### New Zealand

Maxwell, G.M., Smith, C., Shepherd, P.J. and Morris, A. (1999) *Meeting Legal Service Needs*. Wellington: Victoria University of Wellington.

Report of the 1997 New Zealand survey. Comprised of two sections. The first part sets out a framework for the research, both in terms of purpose and key concepts. The first section has sections on defining legal services and legal services needs, barriers to services, the needs of vulnerable groups, the rationale for the scope of the survey (in terms of problem types), and legal service innovations. The second part sets out the full range of survey findings, along with a comprehensive account of the methods used and the survey questionnaire.

Ignite Research (2006) *Report on the 2006 National Survey of Unmet Legal Needs and Access to Services*.

Basic overview report of the findings from the 2006 National Survey of Unmet Legal Needs and Access to Services, including technical details.

Pleasence, P. and Balmer, N.J. (2008) "Understanding Advice Seeking Behaviour: Findings from New Zealand and England and Wales," in Huang, K.C. (ed.) *Empirical Studies in Judicial Systems*. Taipei: Academia Sinica.

Details above in England and Wales section.

Pleasence, P. and Balmer, N.J. (2009) "Mental Health and the Experience of Social Problems Involving Rights: Findings from the United Kingdom and New Zealand," in 16(1) *Psychiatry, Psychology and Law*, pp.123-140.

Details above in England and Wales section.

### Northern Ireland

Dignan, T. (2006) *Northern Ireland Legal Needs Survey*. Belfast: Northern Ireland Legal Services Commission.

Full report of the 2005 Northern Ireland survey. The report has sections on the incidence, number and type of problems faced by respondents, the socio-economic profile of those respondents who had faced problems, responses to problems, and problem resolutions and outcomes. Report includes a separate statistical annex, setting out details of the statistical analyses undertaken.

### Scotland

Genn, H. and Paterson, P. (2001) *Paths to Justice Scotland: What People in Scotland Do and Think About Going to Law*. Oxford: Hart.

Full report of the Scottish *Paths to Justice* study, with text mirroring that of the English study report (see above). Also contains the survey technical report and questionnaire, along with the outputs of multivariate analyses.

### Slovakia

GfK Slovakia (2004) *Legal Needs in Slovakia II*. Bratislava: GfK Slovakia.

Final report of the 2004 Slovakian survey, presented by problem type. The report details incidence and response to problems. The problems included are: employment, property purchase, renting out property or land, renting an accommodation for living, purchase of goods and services, money, making business, family relations/inheritance, government and social services, health and injury, and others.

### Taiwan

Chen, K.P., Huang, K.C. and Lin, C.C. (2012) *The Research Design and Methodology of the 2011 Civil Justice Survey in Taiwan*. Paper presented at the 2012 Law and Society Annual Conference, 8<sup>th</sup> July 2012.

Paper introducing the research design and methodology of the 2012 Taiwanese survey. The basic approach, following Genn's *Paths to Justice*, the English and Welsh Civil and Social Justice Survey and the 2005 Japanese survey, is set out, along with sampling design and methods. Details are provided of novel aspects of the survey, including further development of questions around legal consciousness (attitudes towards the legal system/judicial system, law abiding propensity, experience of litigation and experience of lawyers). Results of analysis around importance of problem resolution, amount at stake and seriousness index variables.

Chen, K.P., Huang, K.C., Huang, Y.L., Lai, H.P and Lin, C.C. (2012) *The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Taiwanese*. Paper presented at the 2012 Law and Society Annual Conference, 8<sup>th</sup> July 2012.

Details of incidence and associations with respondent characteristics. The most common problem types were neighbour, consumer and employment. Overall, the most likely respondents to report problems were well-educated younger males with an aggressive personality type living downtown. Findings on problem seriousness also presented.

Consumer problems found to be least serious/important to resolve. Family and employment problems were among the most serious/important to resolve.

Chen, K.P., Huang, K.C., Huang, Y.L., Lai, H.P and Lin, C.C. (2012) *Exploring Advice Seeking Behaviour: Findings from the 2011 Taiwan Survey of Justiciable Problems*. Paper presented at the 2012 Law and Society Annual Conference, 8<sup>th</sup> July 2012.

This paper discusses the general patterns of advice-seeking behaviour of Taiwanese citizens confronted with justiciable problems. The types of advice providers used for different categories of problems are investigated, and typical paths of advice seeking for specific problem categories are identified. The determinants of advice-seeking behaviour are then explored. The findings indicate that dispute resolution behaviour depends on demographic characteristics, problem type, and the gravity of problems. More specifically, there is a higher likelihood to seek advice from an expert person/organization when the monetary amount of damage is larger or the seriousness score is higher. Finally, the paper investigates how outcomes change with resolution strategies, demographic, socio-economic background of respondents, and problem types. Regression results show that (1) advice-seekers are more likely to reach agreement or to resolve problems through litigation and (2) outcomes are significantly related to the problem types. However, 35.19% of “the latest problems” are not settled yet. “Long-run” problems, such as family, neighbour, and loan/credit, are less likely to be settled.

Chen, K.P., Huang, K.C., Huang, Y.L., Lai, H.P and Lin, C.C. (2012) *Legal Consciousness and Public Attitudes Towards Judicial System: Case of Taiwan*. Paper presented at the 2012 Law and Society Annual Conference, 8<sup>th</sup> July 2012.

This paper explores aspects of legal consciousness within the 2011 Taiwan survey. These include: perceptions of the purpose of laws; attitudes and responses to legal scenarios; attitudes to the legal system; legal knowledge.

### United States

American Bar Association (1994) *Legal Needs and Civil Justice: A Survey of Americans. Major Findings from the Comprehensive Legal Needs Study*. Chicago: ABA.

Summary of main findings of the Comprehensive Legal Needs Study.

Cantril, A.H. (1996) *Agenda for Access: The American People and Civil Justice. Final Report on the Implications of the Comprehensive Legal Needs Study*. Chicago: ABA.

Sets out major findings: most people faced with situations with a legal dimension do not turn to the civil justice system for help; substantial proportions of low- and moderate-income people may need additional help to resolve problems; the problems of low- and moderate-income households are more alike than different; especially disadvantaged are those with incomes just above or below the eligibility threshold for public legal services; the bar only serve a small proportion of legal needs. Then sets out eleven steps that would make the civil justice system more



responsive: increase flexibility of the civil justice system; better information on options when facing legal situations; increase attraction of personal services law within profession; increase pro bono services; increase availability of affordable legal services for less affluent moderate-income people; affirm crucial role of legal aid; encourage flexibility among legal aid services in selecting cases; expand the tracking and dissemination of information about innovations in service delivery; evaluate programmes that may be strong candidates for adoption by others; draw on the experience with the Comprehensive Legal Needs Study to improve the methodology of legal needs surveys and identify important topics for further study; take concrete steps to implement this agenda.

Eldred, C.A. and Reese, R.W. (1994) *Legal Needs Among Low-Income Households: Findings from the Comprehensive Legal Needs Study*, Chicago: ABA.

Full report of the low-income respondent findings of the Comprehensive Legal Needs Study. Patterns of problem incidence/prevalence are set out (including associations with household characteristics. Responses to problems are primarily concerned with use of the legal/judicial system, with the categorisation of responses making comparison with later survey findings difficult. Included in full study report.

Eldred, C.A. and Reese, R.W. (1994) *Legal Needs Among Moderate-Income Households: Findings from the Comprehensive Legal Needs Study*, Chicago: ABA

Full report of the moderate-income respondent findings of the Comprehensive Legal Needs Study. The report structure as for low-income respondents. Included in full study report.