

# UNEQUAL ACCESS TO JUSTICE

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## Many Legal Needs, Too Little Legal Assistance



## THE CONTINUING CIVIL JUSTICE GAP FOR LOWER-INCOME NEW JERSEYANS

Published by Legal Services of New Jersey

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## THE CONTINUING CIVIL JUSTICE GAP FOR LOWER-INCOME NEW JERSEYANS

A Report from the  
Legal Services of New Jersey  
Poverty Research Institute

September 2009

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## LEGAL SERVICES OF NEW JERSEY AND ITS POVERTY RESEARCH INSTITUTE

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Legal Services of New Jersey (LSNJ) heads New Jersey's statewide system of seven non-profit corporations which provide free legal assistance in civil matters to low-income residents in all twenty-one New Jersey counties. The statewide Legal Services system represented 67,300 new clients in 2008, and is the backbone of the state's efforts to secure equal justice for all in civil legal matters. LSNJ, which coordinates the system, operates a statewide legal hotline (1-888-LSNJLAW; 1-888-576-5529), and maintains a public self-help legal Web site, [www.LSNJLAW.org](http://www.LSNJLAW.org), which provides extensive information to help people understand and deal with their legal problems.

LSNJ's Poverty Research Institute (NJPRI) was established in 1997 in order to help alleviate some of the legal problems of those living in poverty, by conducting research on poverty's scope, causes, consequences and remedies. It is the first and only entity exclusively focused on developing and updating information on poverty in the state. The NJPRI makes its systemic research on poverty available to the public.

Information on NJPRI can be found at [www.lsnj.org/PRI](http://www.lsnj.org/PRI). For responses to further questions, please email [pri@lsnj.org](mailto:pri@lsnj.org) or call 732-572-9100.

## **ACKNOWLEDGEMENTS**

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This 2009 New Jersey Legal Needs Study (NJLNS) updates and considerably expands a foundational 2002 report on the same subject. As with the 2002 study, we modeled the survey design on research originally conducted by Temple University's Institute for Survey Research (ISR) for a 1994 report by the American Bar Association. Dr. Heather Hammer and Lorraine Porcellini from Temple University's ISR provided consultation throughout all stages of the research process. Schulman, Ronca and Bucuvalas, Inc., conducted data collection for the study and Market Systems Group's Genesys Sampling Systems provided the sample of telephone numbers for the study.

The NJLNS would not have been possible without the hard and skilled work of LSNJ staff. The core research team was again led by NJPRI Research Director Anjali Srivastava, who also directed the 2002 study, and consisted of NJPRI principal researchers Zane Kratzer, Allan Lichtenstein and Shivi Prasad. Managing Director Serena Rice and researcher Melissa Quaal conducted literature reviews and assisted in reviewing survey questions. Attorneys Leighton Holness, Dawn Miller, and Connie Pascale served as the panel of legal coders. Al Moreno, LSNJ Director of Language Services, updated the Spanish translation of the survey. Alyce Garver designed the cover and formatted the report. Tom Makin, Director of Development and Communications, edited text and Sue Perger, Publications Director, oversaw the final production for print and Web publication.

Melville D. Miller, Jr., President  
Legal Services of New Jersey

Edison, New Jersey  
September 2009

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## INTRODUCTION

Legal Services is New Jersey’s – and the nation’s – system and method for providing legal assistance in civil matters for those residents who cannot afford lawyers. LSNJ, which coordinates the statewide Legal Services system, has a responsibility to assess and communicate the extent of the need for such legal assistance, in order to marshal and direct resources to better meet it. This study and report address that responsibility.

The study builds on LSNJ’s earlier (1985 and 2002) social science research on legal needs. The 2002 report confirmed a huge civil legal assistance and justice gap in the state – each year one of every three low-income New Jerseyans had at least one civil legal problem requiring the help of a lawyer; only one in six of such people actually received the necessary legal assistance. These previous findings paralleled national information on the civil justice gap, as detailed in a 2005 report from the national Legal Services Corporation.<sup>1</sup>

**Equal justice is an illusory goal if effective legal assistance is unavailable because of poverty – the inability to afford a lawyer.**

This unaddressed need for civil legal assistance for the economically disadvantaged is a major challenge for the state. All New Jerseyans are expected to use the civil justice system to resolve their disputes and grievances, and many are compelled to by legal process. Most legal problems are complex, requiring at least some legal assistance, and few fare well in court without legal representation. Equal justice is an illusory goal if effective legal assistance is unavailable because of poverty – the inability to afford a lawyer.

This study examines the legal problems of New Jersey residents with lower incomes – those with incomes below 200 percent of the federal poverty level (FPL). People below the FPL realistically have no chance to afford standard legal fees, except for the contingency arrangements common in certain personal injury cases.

Several factors necessitate periodic updating of our legal needs assessment:

- Funding and resource changes can affect the amount of legal assistance available. Since 2002, there has been some increase in state and IOLTA funding, Legal Services’ two biggest funding sources, followed by an almost complete collapse of the IOLTA source (from \$40 million down to a low of \$3 million, which began in late 2007 as the survey data was being collected).

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<sup>1</sup> “Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans,” Legal Services Corporation, September 2005.



- The rate, incidence and concentration of poverty can change, which in turn can affect demand.
- Laws can change, creating more types of problems and greater complexity, which almost always increases need and demand.

This 2009 NJLNS is by a wide margin the most extensive (in terms of number of people interviewed) and expansive (in terms of types of problems examined and depth of questions asked) of any state study. It adds a dimension present in only one other legal needs study – the seminal American Bar Association (ABA) national 1994 report which provided the template for nearly all subsequent state studies – because it also includes a companion study group consisting of the legal needs of New Jerseyans with higher incomes, those making

more than 200 percent of the FPL.

**This study measures the extent to which adults experience civil legal problems (no criminal problems were studied) and provides detailed information about access to legal assistance, awareness of legal services, and whether assistance was sought or received.**

This study measures the extent to which adults experience civil legal problems (no criminal problems were studied) and provides detailed information about access to legal assistance, awareness of legal services, and whether assistance was sought or received. “Legal problems” were deemed to be those situations that, in the professional judgment of lawyers, would require the advice or more extended assistance of a lawyer to achieve the most favorable outcome, regardless of whether the individual judged the situation to be one requiring an attorney’s assistance. The study sought to examine a full range of individual legal problems. It did not examine the problems of groups with low incomes, organizations, or households as a whole.

All legal problems give rise to “legal needs,” which may or may not be recognized by the individuals experiencing them. This study also examines individuals’ relative satisfaction with outcomes, as well as individuals’ principal methods of responding to a legal need (seeking help from a lawyer, seeking help from others, self-help, or doing nothing).

After the Executive Summary, which highlights the most critical report findings, and a chapter on Methodology, the report is organized into chapters tracking the eight major areas of study findings, and then presents recommendations for future research. Finally, the conclusion details the implications of the study for closing the civil legal assistance and justice gap, and moving closer to the societal ideal of equal justice for all.

As with most research, this study necessarily had resource and design constraints which leave additional important areas for inquiry. LSNJ plans to pursue some of these areas in coming years, chief among them an analysis of legal outcomes for unrepresented litigants. An update concerning New Jersey's numbers of unrepresented litigants will be issued later in the fall. LSNJ will also update this study at an appropriate time, in light of future changes in funding, poverty and law.

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## EXECUTIVE SUMMARY

The NJLNS findings result from a survey of 2,846 adults randomly selected from all households in New Jersey. The majority of the analysis in this report focuses on respondents with “lower incomes,” at or below 200 percent of the federal poverty level (FPL), which was \$33,200 for a household of three in 2006.<sup>2</sup> For comparison purposes, the report also includes analysis specific to a subset of respondents with “very low incomes,” at or below 100 percent of the FPL, and a group of respondents with “higher incomes,” above 200 percent of the FPL.

All of the study’s findings are presented, with supporting data, in the chapters corresponding to the principal research themes. Six of the most significant findings are set forth below.

### **1. Continuing One-Third Incidence of Individuals’ Civil Legal Problems**

This 2009 study, like the 2002 study, found that approximately one-third (32.5 percent in 2009) of the respondents with lower incomes experienced a legal problem during the course of a year.<sup>3</sup>

### **2. Continuing Absence of Legal Assistance for the Vast Majority of Lower-Income People Experiencing Legal Problems**

Only one in five — 21.7 percent — of lower-income people with legal problems secured the assistance of a lawyer.

From a different perspective, less than 31 percent of legal problems experienced by people with lower incomes received some form of legal representation.

### **3. Increase In Number of Legal Problems Experienced By People Who Have At Least One**

A comparison of the 2009 and 2002 studies shows that, while the relative share of people with lower incomes who experienced at least one legal problem has remained stable over time, those people who experienced legal problems were experiencing more legal

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<sup>2</sup> Appendix I contains a table with Federal Poverty Levels by household size.

<sup>3</sup> The data supporting these findings are generalizable to the larger statewide population at a 95 percent confidence level. Data tables throughout the later chapters of this report indicate the confidence interval associated with individual findings, as described in the following Methodology section .

problems (an average of 2.3 among those with legal problems in 2009 compared to 1.8 in 2002).<sup>4</sup>

#### **4. Disproportionately High Incidence of Legal Problems Among Certain Groups**

The 2009 study shows that the average number of legal problems per person among respondents with lower incomes was greater for younger people than for older people, for African American respondents than for White respondents, for people living in households with a child than for those with no children, for people living in a single-adult household with at least one child than for other household types, for people living in rental rather than owned housing, and for people who are employed rather than unemployed.

#### **5. Consumer, Housing, and Health Legal Problems Had Highest Incidence Rates**

Respondents with lower incomes experienced the greatest numbers of legal problems in the consumer, housing and health care legal problem areas. For those respondents with lower incomes who experienced at least one legal problem, more than one-third of the respondents experienced a consumer (36.7 percent) or housing (34.3 percent) legal problem, while about one-fifth of the respondents faced a health care (20.3 percent) legal problem.

#### **6. Lower-Income People Rated Nearly Two-Thirds of the Their Legal Problems As “Most Serious”**

Respondents with lower incomes rated the majority of their legal problems (58.2 percent) as “most serious.” Respondents with very low incomes ranked 64.3 percent of their legal problems as “most serious.”

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<sup>4</sup> The comparison of the number of legal problems among lower income people between 2009 and 2002 is generalizable at a 90 percent confidence level.

## **ADDITIONAL SIGNIFICANT INDICATIONS**

The comparison group of people with higher incomes (above 200 percent of FPL) surveyed was modest, just over 400, and thus does not permit comparative findings and conclusions at a confidence level equivalent to those for the target population with lower income.

Nonetheless, the survey data does reveal several suggestive, and sometimes disturbing, patterns which need to be examined in further research. The more significant are noted below, and the data appear in the chapters and tables that follow.

### **1. Lower-Income People had Lower Levels of Legal Assistance, Despite Perception of Seriousness of Legal Problems**

Respondents with lower incomes sought legal assistance for a lower percentage of their problems and were less likely than were those with higher incomes to obtain help from lawyers. At the same time, respondents with lower incomes believed that they needed assistance for a higher percentage of their legal problems for which they did not obtain assistance, and ranked a much higher proportion of their legal problems as “most serious” (58.2 percent versus 37.2 percent).

### **2. Lower-Income People Believed They Needed Lawyers in Twice as Many Problems Where They Not Did Seek Them**

While respondents with lower incomes tried to get the help of a lawyer for a smaller proportion of their legal problems than did respondents with higher incomes, for those legal problems where they did not seek legal assistance they believed they needed the advice or help of a lawyer for more than twice the share of legal problems than did respondents with higher incomes (33.9 percent to 15.5 percent).

### **3. Lower-Income People Were Less Likely To Obtain a Lawyer**

Respondents with higher incomes obtained the help of a lawyer for a higher percentage of their legal problems (56.6 percent of legal problems where legal assistance was believed to be necessary) than did respondents with lower or very low incomes (30.6 percent and 30.4 percent of legal problems with respondent identified needs).

For legal problems where it was necessary for the respondent to go to court or a hearing, respondents with higher incomes obtained the help of a lawyer for a larger proportion of

these legal problems than did respondents with lower or very low incomes (41.9 percent compared to 35.0 percent and 38.3 percent of legal problems).

For legal problems where the other party had a lawyer, respondents with higher incomes obtained the assistance of a lawyer for a higher proportion of legal problems than did respondents with lower or very low incomes (58.5 percent, 37.8 percent, and 37.2 percent, respectively).

#### **4. Lower-Income People Had To Go To Court More Often**

Respondents with lower incomes had to go to court or a hearing for a considerably higher share of their legal problems than did respondents with higher incomes.

#### **5. Lower-Income People Were Less Likely To Act on Their Own When They Did Not Have a Lawyer**

For legal problems where the help of a lawyer was not obtained, respondents with higher incomes were more likely to act alone than respondents with lower incomes. For legal problems where the help of a lawyer was not obtained, all respondents with lower and very low incomes were less likely to have resolved their legal problems at the time of the survey than were respondents with higher incomes.

#### **6. Lower-Income People Were Less Satisfied With Outcomes, Especially When They Did Not Have a Lawyer**

Respondents with higher incomes were “highly satisfied” with the resolution of a larger proportion of their legal problems than were respondents with either lower or very low incomes. For all legal problems that were resolved, 55.1 percent of the responses for respondents with high incomes were rated with “high satisfaction,” compared to 46.7 percent and 44.3 percent of the responses for respondents with lower and very low incomes, respectively.

Respondents with lower incomes rated a higher percentage of their resolved legal problems “highly satisfied” when they obtained the help of a lawyer (61.4 percent) than when they did not have legal representation (31.7 percent).

## METHODOLOGY

The 2009 NJLNS study measures the extent of legal problems that are civil, rather than criminal matters, and inquires into individuals' subsequent experiences. Study methodology encompasses randomized telephone sampling, a survey questionnaire, and quantitative data analysis. This methodology is modeled after a 1994 American Bar Association (ABA) sponsored national study and has been used with modifications in at least 17 previous state-level studies, including LSNJ PRI's 2002 NJLNS study.<sup>5</sup> All legal problems measured in this study meet two criteria. First, a survey respondent described an incidence in response to a detailed question asking about a specific experience with the added criteria of being a "serious problem, meaning major dispute or difficulty." Second, a panel of Legal Services attorneys coded the incidence description as a dispute or difficulty where legal assistance potentially could aid in a resolution.

Both the 2002 and 2009 New Jersey studies differ from the majority of legal needs studies in other states in that questions inquire into incidence rather than prevalence of legal problems (that is, they assess the number of *new* problems that occur during a given period), and data are collected at individual rather than household levels. Additionally, the NJLNS studies build upon ABA questions about assessments of severity of problems, access to assistance, and outcomes for resolution of problems. The 2009 NJLNS study also expands upon the 2002 study by surveying higher as well as lower-income residents. This comparative method was previously utilized by the ABA in distinguishing lower- from moderate-income survey respondents.

Several research questions are the same as those examined in the 2002 study:

1. How many new legal problems do individual adult lower-income New Jersey residents experience each year?
2. How many of these legal problems are recognized as such by those who experience them?
3. What factors influence whether and how such residents seek legal assistance for legal problems and whether they get legal help?
4. What are such residents' perspectives on the seriousness of their legal problems?
5. What are the outcomes such residents experience to their legal problems, and what factors influence such outcomes?

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<sup>5</sup> Robert Echols, state support consultant of the ABA Resource Center for Access to Justice Initiatives.



6. What are such residents' perspectives on the legal system?

One new broad question is also addressed in this study:

Are there variations between the legal problems incidence rates and experiences of lower- and higher-income New Jersey residents?

The following methodology description is divided into three sections: 1) study population and sampling; 2) survey instrument construction and legal problem coding; and 3) statistical generalizability. Additional details about survey design, sampling, data collection and survey response rate are provided in Appendices I and II of this report.

## **STUDY POPULATION AND SAMPLING**

The 2009 NJLNS study population is limited to those individuals who, at the time of the survey, between June and November 2007, were at least 18 years of age, had lived in New Jersey continuously for the past 12 months, and were able to complete a survey in either the English or Spanish language. Additional research would be needed to survey individuals who do not speak either of these two languages, as well as individuals with disabilities or health impairments that prevent them from responding to questions asked by telephone.

The study was designed to include a minimum number of 400 survey respondents with household incomes above 200 percent of federal poverty guideline levels statewide and 400 with incomes below 200 percent of poverty guidelines within each of six regions.

Throughout this report, respondents with incomes below 200 percent of poverty (for example, \$33,200 for a family of three, according to the 2006 federal poverty guidelines), are described as respondents with “lower incomes” and distinguished from those with “higher incomes.”<sup>6</sup> Among those with lower incomes, a subset of respondents with incomes below 100 percent of the federal poverty level are referred to as those with “very low incomes.” Regional boundaries used for sampling correspond to the six regional legal service areas that cover the state. These regions correspond to specific county areas and are identified as Northwest New Jersey (Hunterdon, Morris, Somerset, Sussex and Warren Counties), Northeast New Jersey (Bergen, Hudson and Passaic Counties), Essex County, Central New Jersey (Mercer, Middlesex and Union Counties), Ocean and Monmouth Counties, and Southern New Jersey (Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem Counties).<sup>7</sup>

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<sup>6</sup> Year 2006 Federal Poverty Guidelines for additional household sizes are provided in Appendix I of this report.

<sup>7</sup> See Appendix III for a summary of the sample demographics and how they relate to overall population estimates.

## **SURVEY INSTRUMENT AND LEGAL PROBLEM CODING**

Survey writers designed questions so that respondents themselves were not asked to determine whether problems were legal. For each specific question, respondents could describe up to ten separate incidences that corresponded to the kinds of disputes and difficulties described. Follow-up questions about whether assistance was sought and received, and about outcomes and related experiences, were asked for up to two of the first incidences described per question.<sup>8</sup>

After being asked about whether they had experienced a particular type of dispute or difficulty, respondents were asked to elaborate on the problem in their own words. Three experienced Legal Services attorneys later reviewed each verbatim recorded description independently from each other, to determine whether the information provided in fact referred to a civil legal problem, and ensured that the individual was describing a direct experience, which could include some specific experiences in their roles as parents, rather than something facing someone else such as a family member or friend, and that each separate incidence was captured only once in the survey for each person surveyed. In cases where the three attorneys were not unanimous as to whether a description should be counted as a legal problem, a fourth attorney provided a final determination.

## **STATISTICAL GENERALIZABILITY**

Many of the NJLNS findings may be generalized to the corresponding entire statewide population with demographic characteristics matching the population of the study. Statistics that are generalizable to the entire statewide population are marked by asterisks. Statistics that have a confidence interval equal to or less than +/- 3.0 are marked with a double asterisk (\*\*). Statistics that have a confidence interval equal to or less than +/- 4.9 are marked with a single asterisk (\*).

Symbols are used to note statistical generalizability for entire tables, table columns, and individual findings. When an asterisk applies to an entire table, the table name includes the symbol. Column headings contain an asterisk when the symbol is designating only a specific column. In all other cases, only the statistic that is generalizable is marked by an asterisk. Statistics not marked with an asterisk contribute descriptive information about the individuals surveyed. Results from statistical significance tests presented in the report utilize the criteria of a 95 percent confidence level.

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<sup>8</sup> Appendix I details changes made to the 2002 NJLNS survey instrument for the 2009 study.

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## PART ONE: PRESENTATION OF REPORT FINDINGS

### 1. INCIDENCES OF LEGAL PROBLEMS

A significant portion of New Jersey’s population experiences problems and issues which experts identify as legal problems, although they might not necessarily be recognized as such by the individuals experiencing them. This chapter examines incidences of legal problems among residents with low incomes. The chapter presents findings on the number and percentage of survey respondents who experienced legal problems during a year’s time and findings on the average number of legal problems experienced by each respondent who had at least one legal problem. In addition, it examines the likelihood of a legal problem occurring in relation to age, race/ethnicity, presence of a child in the household, household composition, housing tenure, employment status, and education.

**About one-third of respondents with lower incomes experienced a legal problem during the course of a year.**

The focus of this chapter is on those respondents with incomes lower than 200 percent of the federal poverty level (lower income). Statistics, for comparative purposes, are also presented for a subset of respondents with incomes lower than the federal poverty level (very low income) and for respondents with incomes greater than 200 percent of the poverty level (higher income). In addition, where applicable, results from this 2009 study are compared with the results of the 2002 study.

#### KEY FINDINGS

- This 2009 study finds, as the 2002 study did, that about one-third (32.5 percent in 2009) of respondents with lower incomes experienced a legal problem during the course of a year (see table 1).
- A comparison of the 2002 and 2009 studies shows that, while the relative share of people with lower incomes who experienced at least one legal problem has remained stable over time, those people who



experienced legal problems were experiencing more legal problems (see tables 1 and 2).

- The 2009 study shows that the average number of legal problems per person, for respondents with lower incomes, was greater for younger people than for older people, for African American and Hispanic or Latino respondents than for White and Asian respondents, for people living in households with a child than for those with no children, for people living in a single-adult household with at least one child than for other household types, for people living in rental rather than owned housing, for people who are employed rather than unemployed, and for people with at least some college education than for those with no high school diploma or a high school diploma (see tables 4 through 10).

**A comparison of the 2002 and 2009 studies shows that, while the relative share of people with lower incomes who experienced at least one legal problem has remained stable over time, those people who experienced legal problems were experiencing more legal problems.**

- Although respondents with higher incomes were somewhat more likely to experience a legal problem, the average number

of legal problems per person was almost always higher for respondents with lower and very low incomes than for respondents with higher incomes for a number of demographic and socio-economic characteristics (see tables 4 through 10).

**A. INCIDENCE OF RESPONDENTS EXPERIENCING LEGAL PROBLEMS**

The 2009 survey, like the 2002 survey, found that about one-third of respondents with lower incomes experienced a legal problem during the course of the year—32.5 percent in 2009, compared to 32.7 percent in 2002. In 2009, of the 2,412 respondents with lower incomes,

**Table 1: Respondents with Lower Incomes Who Experienced A Legal Problem\*\***

	2002		2009	
	Number	Percent	Number	Percent
At Least One Legal Problem	331	32.7	784	32.5
More Than One Legal Problem	145	43.8	404	51.5
Only One Legal Problem	186	56.2	380	48.5
No Legal Problem	682	67.3	1,628	67.5
Total	1,013	100.0	2,412	100.0

784 had at least one legal problem during the year (see table 1). For the respondents who faced at least one legal problem, a little over one-half (51.5 percent) experienced more than one legal problem during the year, compared to 43.8 percent in 2002 (see table 1).

Overall, 32.5 percent of respondents with lower incomes experienced at least one legal problem during the preceding year (see table 2). Respondents with very low incomes, a subset of the lower-income group, were the most likely to experience a legal problem (38.4 percent)—more than were all respondents with lower incomes (32.5 percent) and respondents with higher incomes (37.6 percent).

**Table 2: Respondents Who Experienced At Least One Legal Problem (Percentages)**

Income Group	Percent
Lower Income	32.5**
Very Low Income	38.4*
Higher Income	37.6*

**B. AVERAGE NUMBER OF LEGAL PROBLEMS BY SELECTED DEMOGRAPHIC AND SOCIO-ECONOMIC CHARACTERISTICS**

While nearly the same percentage of respondents with lower incomes experienced at least one legal problem in 2009 as in 2002, the average number of legal problems per person was greater in 2009 (see table 3). In 2009, for the sample population of respondents with lower incomes, a total of 1,834 legal problems were identified during the survey year. Because 784 respondents experienced at least one legal problem, each respondent experienced 2.3 legal problems on average. In contrast, in 2002, each person who had at least one legal problem had an average of only 1.8 legal problems. These results suggest that, while the relative share of people who experienced at least one legal problem is consistent, those people who experienced legal problems were experiencing more legal problems.

**Table 3: Average Number of Legal Problems for Respondents with Lower Incomes Who Experienced At Least One Legal Problem**

Legal Needs Study	Respondents with Legal Problems	Number of Legal Problems	Number of Legal Problems per Respondent
2009 Study	784	1,834	2.3*
2002 Study	331	597	1.8

Note: Only for respondents with lower incomes.

The average number of legal problems a person experienced varied by age, race and ethnicity, the presence of children in the household, household composition, housing tenure, employment status, and education (see tables 4 through 10). Appendix IV provides statistics for legal problems when a range of demographic characteristics is taken into account as they relate to each other. By contrast, the information below refers to findings by individual demographic characteristics without holding other variables constant. Findings below are similar to those in Appendix IV.

The average number of legal problems per person, when all respondents of lower income are included, was greater for younger people than older people, for African Americans and Hispanics or Latinos than for Whites or Asians, for people living in households with a child than for those with no children, for people living in a single-adult household with at least one child than for other household types, for people living in rental rather than owned housing, for people who were employed rather than unemployed, and for people with at least some

**As the 2002 study did, this study found that the likelihood of experiencing a legal problem decreased with age.**

college education than for those with no high school diploma or a high school diploma.<sup>9</sup> Moreover, within most demographic characteristics, respondents with very low incomes experienced more legal problems per person than respondents with lower incomes as a whole; the latter, in turn, experienced more legal problems per person than respondents with higher incomes.

*Younger people experienced more legal problems than older people did* (see table 4). As the 2002 study did, this study found that the likelihood of experiencing a legal problem decreased with age. Younger respondents with lower incomes between the ages of 18 and 34 experienced one legal problem during the year, considerably more than the 0.26 problems for respondents 65 year of age and older. Respondents in the same age grouping with very low incomes faced even more legal problems.

**Table 4: Average Number of Legal Problems for All Respondents with Lower Incomes, by Age**

	Very Low Income	Lower Income	Higher Income
18–34	1.26	1.00*	0.71
35–64	1.15*	0.86**	0.76
65 and over	0.25	0.26*	0.28
Total	1.03*	0.76**	0.65*

*African American and Hispanic or Latino respondents experienced more legal problems than did White and Asian respondents* (see table 5). African American and Hispanic or Latino respondents with lower incomes experienced 1.11 and 0.90 legal problems, whereas White and Asian respondents only had 0.66 and 0.36 legal problems, respectively. African American and Hispanic or Latino respondents with very low incomes experienced even more legal problems per person.

<sup>9</sup> See Appendix IV for details on the statistical significance of these relationships.

**Table 5: Average Number of Legal Problems for All Respondents with Lower Incomes, by Race and Ethnicity**

	Very Low Income	Lower Income	Higher Income
White	0.93*	0.66**	0.63
African American	1.50	1.11*	0.94
Native American	0.41	0.92	N/A
Asian	0.78	0.36	0.31
Other	0.50	0.49	1.20
Hispanic or Latino	0.96	0.90	0.47
Total	1.07*	0.78**	0.66*

As was found in the 2002 study, this study showed that the presence of a child in the household increased the number of legal problems faced (see table 6). Respondents with lower incomes and living in households with at least one child experienced 0.97 legal problems, while respondents living in households with no children experienced only 0.57 legal problems. The presence of a child raised the number of legal problems faced even more for people living in households with very low incomes.

**Table 6: Average Number of Legal Problems for All Respondents with Lower Incomes, by Presence of a Child**

	Very Low Income	Lower Income	Higher Income
No Children	0.77*	0.57**	0.55
At Least 1 Child	1.22*	0.97**	0.87
Total	1.01*	0.76**	0.65*

People living in single-adult households with at least one child faced more legal problems per person than any other household type did (see table 7). Respondents with lower incomes living in single-adult households with at least one child experienced 1.52 legal problems per person, while respondents living in other household types faced only 0.72 legal problems. A similar differential in the number of legal problems experienced was found for respondents living in single-adult households with very low incomes.

**Table 7: Average Number of Legal Problems for All Respondents with Lower Incomes, by Household Composition**

	Very Low Income	Lower Income	Higher Income
1 Adult w/ at Least 1 Child	1.70	1.52*	0.67
Other HH Types	0.96*	0.72**	0.65
Total	1.02*	0.76**	0.65

People living in rental housing experienced substantially more legal problems than those who own a home (see table 8). As the 2002 study did, this study found that respondents living



in rented housing were more likely than those who own a home to experience at least one new legal problem during the year. In this study, the magnitude of the difference in the number of legal problems experienced between renting and owning a home was more than double for renter respondents with lower and very low incomes than owner respondents in these income groups. Renter respondents with lower incomes experienced 1.18 legal problems per person, while renters with very low incomes experienced an even greater number of legal problems per person—1.45 legal problems. On the other hand, owner respondents experienced 0.51 and 0.62 legal problems per person for the two income groups, respectively.<sup>10</sup>

**Table 8: Average Number of Legal Problems for All Respondents with Lower Incomes, by Housing Tenure**

	Very Low Income	Lower Income	Higher Income
Rent	1.45*	1.18*	0.66
Own	0.62*	0.51**	0.65
Total	1.02*	0.75**	0.65*

*As the 2002 study did, this study found that being employed is associated with a higher number of legal problems than not being employed (see table 9). While employed respondents with lower incomes experienced 0.92 legal problems, unemployed lower-income respondents experienced only 0.66 legal problems. A similar differential in the number of legal problems experienced was found for employed and unemployed respondents with very low incomes.*

**Table 9: Average Number of Legal Problems for All Respondents with Lower Incomes, by Employment Status**

	Very Low Income	Lower Income	Higher Income
Employed	1.17	0.92*	0.78
Not Employed	0.95*	0.66**	0.48
Total	1.02*	0.76**	0.65*

*Respondents with lower and very low incomes had more legal problems at some college and Associate's degree education levels than those with either lower educational attainment or those with Bachelor's degrees (see table 10). Respondents with lower incomes and some college education experienced more than double the number of legal problems per person than those respondents who had either no high school diploma or did graduate from high school or obtained their GED but did not pursue any further education—1.22 legal problems*

<sup>10</sup> The median household income for renters in New Jersey is less than half that of owners. The three-year average in 2007 adjusted dollars was \$38,457 for renters and \$84,936 for owners for all households living in occupied housing units. The overall median household income was \$66,509.

compared to 0.63 and 0.69 legal problems per person, respectively. Respondents with very low incomes and some college education experienced more legal problems per person than in any of the other analyzed categories—1.90 legal problems per person.

**Table 10: Average Number of Legal Problems for All Respondents with Lower Incomes, by Education**

	Very Low Income	Lower Income	Higher Income
No High School Diploma	0.82	0.63*	0.50
High School Diploma/GED	0.92	0.69*	0.62
Some College	1.90	1.22	0.89
Associate's Degree	1.33	0.74	0.47
Bachelor's Degree	0.88	0.73	0.59
Post-graduate Degree	1.19	0.67	0.77
Total	1.04*	0.76**	0.65*

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## 2. TYPES OF LEGAL PROBLEMS EXPERIENCED

While the first chapter examined the incidence of legal problems, this chapter provides a more in-depth analysis of the incidence of the different types of legal problems experienced. Legal problems are broken down into ten substantive areas: civil rights, consumer, education, employment, family, health care, housing, personal injury and property damage, public benefits, and miscellaneous legal issues. Since some respondents experienced more than one legal problem, the analysis distinguishes between the numbers of respondents who experienced at least one legal problem in the various legal problem areas and the total numbers of legal problems among all respondents within income groups in each legal problem area.

### KEY FINDINGS

- Respondents with lower incomes experienced the largest number of legal problems in the consumer, housing and health care legal problem areas. For those respondents who experienced at least one legal problem, more than one-third of the respondents experienced a consumer (36.7 percent) or housing (34.3 percent) legal problem, while about one-fifth of the respondents faced a health care (20.3 percent) legal problem (see table 11).
- Consumer and housing were the predominant legal problem areas for all respondents with lower income, with almost one-quarter of the legal problems being defined as housing problems (23.3 percent) and a little more than one-fifth as consumer (20.9 percent) (see table 12).

#### A. INCIDENCE OF RESPONDENTS IN EACH LEGAL PROBLEM AREA

Table 11 below shows the breakdown of respondents who had at least one legal problem in each of the defined legal problem areas for those respondents who experienced at least one legal problem during the year. *Respondents experienced the largest number of legal problems in the consumer, housing and health care legal problem areas.* More than one-third of respondents with lower incomes experienced a consumer (36.7 percent) or housing (34.3



percent) legal problem, while about one-fifth of the respondents faced a health care (20.3 percent) legal problem. Among respondents with higher incomes who experienced at least one legal problem, 30.7 percent had a consumer problem, 22.1 percent a housing problem and 23.9 percent a health care problem.

**Table 11: Percentage of Respondents Who Experienced a Legal Problem in Each Problem Area**

Legal Problem Area	Very Low Income		Lower Income		Higher Income	
	Percent of Respondents with at least 1 Legal Problem	Percent of all Very Low-Income Respondents	Percent of Respondents with at least 1 Legal Problem	Percent of all Lower-Income Respondents	Percent of Respondents with at least 1 Legal Problem	Percent of all Higher-Income Respondents
	(N = 359)	(N = 936)*	(N = 784)*	(N = 2,412)**	(N = 163)	(N = 434)*
Consumer	34.0	13.0	36.7	20.9	30.7	20.9
Housing	42.2	16.2	34.3	23.3	22.1	15.2
Health Care	20.6	7.9	20.3	11.5	23.9	19.1
Family	17.8	6.8	17.7	10.2	16	10.6
Employment	16.7	6.4	15.2	9.1	13.5	8.8
Miscellaneous	9.1	3.5	12.9	6.9	15.3	9.2
Public Benefits	12.2	4.7	10.6	5.2	2.5	1.8
Personal Injury & Property Damage	11.0	4.2	10.5	5.3	11	8.1
Education	10.0	3.8	9.1	4.7	6.8	4.6
Civil Rights	8.2	3.1	5.6	2.9	2.5	1.8

## B. INCIDENCE OF LEGAL PROBLEMS IN EACH PROBLEM AREA

**Respondents with lower incomes experienced the greatest number of legal problems in the consumer, housing, and health care legal problem areas.**

Table 12 below shows the percentage of legal problems in each of the defined legal problem areas for respondents with lower and higher incomes. Respondents with lower and higher incomes had legal problems in all substantive law areas. Consumer and housing are the predominant legal problem areas for respondents with lower incomes, with almost one-quarter of the legal problems defined as housing problems (23.3 percent) and a little more than one-fifth as consumer (20.9 percent). These areas also contained the greatest percentages of legal problems

in the 2002 study. The share of health care, family and employment legal problems was considerably lower for respondents with lower incomes—11.5 percent, 10.2 percent and 9.1 percent, respectively. The remaining categories—personal injury and property damage,

public benefits, education, civil rights, and miscellaneous—were each less than seven percent of the total legal problems. Respondents with higher incomes had a relatively similar percentage of their problems in the area of consumer issues, a smaller share in housing, and a greater percentage in the health care area—20.8 percent, 15.2 percent and 19.1 percent, respectively.

**Table 12: Percentage of Legal Problems in Each Problem Area**

	Very Low Income	Lower Income	Higher Income
	Percent of Total Legal Problems	Percent of Total Legal Problems	Percent of Total Legal Problems
	(N = 957)*	(N = 1,834)*	(N = 283)
Housing	27.5	23.3	15.2
Consumer	18.8	20.9	20.8
Health Care	12.3	11.5	19.1
Family	9.3	10.2	10.6
Employment	9.6	9.1	8.8
Miscellaneous	3.9	6.9	9.2
Personal Injury & Property Damage	5.0	5.3	8.1
Public Benefits	5.5	5.2	1.8
Education	4.5	4.7	4.6
Civil Rights	3.7	2.9	1.8
Total	100.0	100.0	100.0

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### 3. SERIOUSNESS OF LEGAL PROBLEMS

In this chapter, the degree of seriousness a respondent attributed to a legal problem is examined. Seriousness was ranked along a four-point scale, ranging from “least serious” to “most serious.” While the focus of this analysis is on respondents with lower incomes (below 200 percent of the poverty level), comparisons are made with respondents with very low incomes (below the federal poverty level) and with respondents with higher incomes (above 200 percent of the federal poverty level). Second, the seriousness of legal problems is broken down by the ten substantive legal problem areas.

#### KEY FINDINGS

- Respondents with lower incomes considered the majority of their legal problems to be “most serious”—58.2 percent. An even larger percentage of legal problems were ranked as “most serious” by respondents with very low incomes—64.3 percent (see table 13).<sup>11</sup> By contrast, respondents with higher incomes ranked only 37.2 percent of their legal problems as “most serious” (see table 13).
- Across all income groups, legal problems were more likely to be ranked “most serious” than “least serious” (see table 13).
- Respondents with lower incomes ranked at least 50 percent of their legal problems in nine of the ten legal problem areas as “most serious” (see table 15). Unlike respondents with lower incomes, respondents with higher incomes ranked more than 50 percent of the legal problems as “most serious” in only the housing and employment problem areas (see table 16).

#### A. COMPARISON OF SERIOUSNESS ACROSS INCOME GROUPS

Table 13 shows the seriousness attributed to a legal problem by income group.

*Respondents with lower incomes considered the majority of their legal problems to be “most serious”—58.2 percent. An even larger percentage of legal problems were ranked as “most*



<sup>11</sup> Statistics from this section through the end of the report include data collected for up to two legal problems per each individual respondent.



serious” by respondents with very low incomes—64.3 percent. *Legal problems faced by respondents with lower incomes were more likely to be ranked as “most serious” than were*

**Legal problems faced by respondents with lower incomes were more likely to be ranked as “most serious” than were legal problems faced by respondents with higher incomes.**

*legal problems faced by respondents with higher incomes.* Respondents with higher incomes rated only 37.2 percent of the legal problems that they faced as “most serious.” In 2002, lower income respondents ranked 65 percent of their problems as most serious.

*Across all incomes groups, legal problems were more likely to be ranked as “most serious” than “least serious.”* Examining the four-point scale from “least serious” to “most serious” in table 13 shows that, with each increase in the ranking of seriousness, from “least serious” to “most serious,” an increasing

proportion of legal problems were considered more serious. For respondents with lower incomes, while 10.4 percent of the legal problems were ranked as “least serious,” 14.9 percent were ranked “somewhat serious,” 16.5 percent “moderately serious,” and 58.2 percent “most serious.”

**Table 13: Seriousness of Legal Problem by Income Group**

	Very Low Income		Lower Income*		Higher Income	
	Number	Percent	Number	Percent	Number	Percent
4 –Most Serious	552	64.3	983	58.2	102	37.2
3	136	15.8	278	16.5	58	21.2
2	93	10.8	252	14.9	56	20.4
1 –Least Serious	78	9.1	176	10.4	58	21.2
Total	859	100.0	1,689	100.0	274	100.0

## B. COMPARISON OF SERIOUSNESS BY LEGAL PROBLEM AREA

*Table 14 below shows that respondents with very low incomes ranked over 70 percent of their legal problems as most serious in the personal injury and property damage, public benefits, civil rights, and education areas.*

**Table 14: Seriousness of Legal Problem by Legal Problem Area for Respondents with Very Low Incomes**

Legal Problem Area	Number	4 = Most Serious (%)	3 on Scale (%)	2 on Scale (%)	1 = Least Serious (%)
Personal Injury & Property Damage	46	72.9	8.6	9.4	9.1
Public Benefits	49	76.9	17.8	0.0	5.4
Family	84	66.3	17.7	11.6	4.4
Civil Rights	30	74.0	7.9	8.7	9.4
Employment	74	67.4	9.9	16.6	6.1
Education	40	70.4	15.3	9.0	5.2
Housing	242	62.4	18.4	9.3	9.9
Miscellaneous	34	73.4	5.2	8.5	12.9
Consumer	167	54.7	15.1	17.1	13.1
Health Care	93	61.7	22.3	7.7	8.3
Total	859	64.2	15.8	10.9	9.1

Table 15 below shows that respondents with lower incomes ranked at least 50 percent of their legal problems in nine of the ten legal problem areas as “most serious.”

Respondents were more likely to rank personal injury and property damage legal problems (69.4 percent) as “most serious” than any other legal problem area. Following closely thereafter were the legal problem areas of public benefits (67.9 percent), family (65.8 percent), civil rights (65.6 percent), and employment (64.7 percent). At the same time, with the exception of consumer and health care legal problems, less than twelve percent of the legal problems in each legal area were considered to be “least serious.”

**Table 15: Seriousness of Legal Problem by Legal Problem Area for Respondents with Lower Incomes**

Legal Problem Area	Number	4 = Most Serious (%)	3 on Scale (%)	2 on Scale (%)	1 = Least Serious (%)
Personal Injury & Property Damage	93	69.4	15.4	8.3	6.9
Public Benefits	92	67.9	15.7	7.0	9.3
Family	177	65.8	17.9	9.7	6.5
Civil Rights	49	65.6	14.9	10.2	9.4
Employment	147	64.7	10.5	14.4	10.4
Education	82	58.4	20.0	14.3	7.3
Housing	396	57.7	19.5	13.9	9.0
Miscellaneous	113	57.5	11.4	19.6	11.5
Consumer	357	50.6	14.9	20.3	14.2
Health Care	183	49.3	19.3	18.3	13.1
Total	1,689	58.2	16.5	14.9	10.4

Table 16 below shows how respondents with higher incomes ranked the “seriousness” of their legal problems for the different legal problem areas. *Unlike respondents with lower incomes, respondents with higher incomes ranked more than 50 percent of the legal problems as “most serious” in only the housing and employment problem areas.*

**Table 16: Seriousness of Legal Problem by Legal Problem Area for Respondents with Higher Incomes**

Legal Problem Area	Number	1=Most Serious (%)	2 on Scale (%)	3 on Scale (%)	4 = Least Serious (%)
Housing	43	53.5	11.6	18.6	16.3
Employment	25	52.0	24.0	4.0	20.0
Family	28	46.4	17.9	17.9	17.9
Education	12	41.7	16.7	16.7	25.0
Miscellaneous	26	34.6	7.7	15.4	42.3
Civil Rights	6	33.3	33.3	33.3	0.0
Consumer	55	32.7	20.0	23.6	23.6
Personal Injury & Property Damage	23	26.1	26.1	26.1	21.7
Health Care	51	23.5	33.3	25.5	17.6
Public Benefits	5	20.0	40.0	40.0	0.0
Total	274	37.2	21.2	20.4	21.2

Note: The small sample sizes in the above tables should be considered when comparing percentages.

## 4. RECOGNITION OF NEED FOR LEGAL ASSISTANCE AND SEEKING LEGAL ASSISTANCE

People experiencing legal problems do not necessarily recognize them. As a result, they may not seek legal assistance. Furthermore, there may be cases where individuals do not seek out legal assistance but believe that they could utilize that assistance. This chapter looks at the issues of recognition of the need for legal assistance and seeking legal assistance. The focus of the analysis is on those respondents with incomes lower than 200 percent of the poverty level (lower income). Statistics, for comparative purposes, are also presented for only those respondents with incomes lower than the federal poverty level (very low income) and for respondents with incomes greater than 200 percent of the poverty level (higher income). In addition, where significant relationships exist, the demographic and socio-economic characteristics for respondents with lower incomes are presented. The incidence of legal problems by legal problem area is presented for respondents with lower incomes. Incidences of seeking legal assistance are analyzed. Additionally, the number of people who believed they needed the advice or help of a lawyer but did not try to get help is examined across all income groups and, for those respondents with lower incomes, by the type of legal problem and the seriousness of the problem. Reasons for not seeking legal assistance are considered for all income groups.

### KEY FINDINGS

- Respondents with higher incomes were more likely to seek the help of a lawyer to handle their legal problems than were respondents with lower or very low incomes (see table 17).
- While respondents with lower incomes sought the help of a lawyer for a smaller proportion of their legal problems than did respondents with higher incomes, for those legal problems where they did not seek assistance from a lawyer, respondents with lower incomes believed they needed the advice or help of a lawyer for more than twice the share of legal problems than did respondents with higher incomes—33.9 percent to 15.5 percent (see table 18).



- Respondents with lower incomes who sought the help or advice of a lawyer for a legal problem considered a much larger share of these problems to be “most serious” than did respondents with higher incomes (see table 19).
- For respondents with lower incomes, older respondents rather than younger respondents, more educated respondents rather than less educated respondents, and owners rather than renters were more likely to seek the help of a lawyer (see table 21).
- For respondents with lower incomes, respondents from households with at least one child rather than households with no children and renters rather than owners were more likely to believe they needed the advice or help of a lawyer, although they had not tried to get the help of a lawyer (see table 22).

**Respondents with lower incomes believed they needed the advice or help of a lawyer for more than twice the share of legal problems than did respondents with higher incomes—33.9 percent to 15.5 percent.**

- Respondents with lower incomes sought the help of a lawyer for a relatively larger proportion of civil rights legal problems than any other problem type (see figure 1).
- Respondents with lower incomes believed they needed the advice or help of a lawyer, but did not seek that assistance, for at least one-quarter of the legal problems in seven problem areas—family (30.7 percent), education (27.2 percent), public benefits (27.2 percent), employment (27.1 percent), personal injury (25.8 percent), consumer (25.7 percent), and miscellaneous (31.5 percent) (see figure 2).
- Respondents with lower incomes sought the help or advice of a lawyer for a smaller share of their legal problems where the other party had a lawyer, compared to respondents with higher incomes (see table 23).
- Respondents with lower incomes sought legal representation from a free Legal Services or legal aid organization for 24.1 percent of their legal problems (see table 24).
- Among respondents with lower incomes, African American and Hispanic or Latino respondents were more likely than either White or Asian respondents, and those who were unemployed were more likely than respondents who were employed, to seek the help of a free Legal Services or legal aid organization (see table 25).
- For legal problems where the respondent did not seek legal representation, the main reasons given for not seeking legal representation, across all income categories, were:

*I didn't think or feel I needed a lawyer; I could not afford a lawyer; I tried to resolve the problem on my own; I didn't think it was necessary; the problem was not important enough; and I did not think anything could be done about it.*

**A. SEEKING LEGAL ASSISTANCE**

**1. Incidences of Seeking Help from Lawyers**

Table 17 displays the proportions of respondents who sought the help of a lawyer at least once among all those who had at least one legal problem. The table also contains the proportions of legal problems for which respondents tried to get the help of lawyers across the three income groups. *Respondents with higher incomes were more likely to try to get the help of a lawyer to handle their legal problems than were respondents with either lower or very low incomes.* Approximately one-quarter of all respondents with lower or very low incomes tried to get the help of a lawyer for handling at least one legal problem—27.2 percent and 25.5 percent, respectively—compared to 30.7 percent of higher income respondents. Moreover, respondents with higher incomes tried to get help from a lawyer for a larger proportion of their legal problems than did respondents with very low or lower incomes. Respondents with lower and very low incomes tried to get the help of a lawyer for 19.4 percent and 19.1 percent of their legal problems, respectively, while respondents with higher incomes tried to get the help of a lawyer for 23.6 percent of their legal problems.

**Table 17: Incidences of Seeking Legal Assistance**

	Very Low Income		Lower Income*		Higher Income	
	Number	Percent	Number	Percent	Number	Percent
Tried To Get Help from a Lawyer (Respondents)	91	25.5	213	27.2	50	30.7
Total Respondents	359		784		163	
Tried to Get help from a Lawyer (Legal Problems)	168	19.1	331	19.4	65	23.6
Total Legal Problems	878		1,708		276	

**2. Legal Problems for Respondents with at Least One Legal Problem Who Recognized a Need for Legal Assistance But Did Not Seek Help from Lawyers**

*While respondents with lower incomes tried to get the help of a lawyer for a smaller proportion of their legal problems than did respondents with higher incomes, for those legal problems where they did not seek help from a lawyer, respondents with lower incomes believed they needed the advice or help of a lawyer for more than twice the share of legal problems than did respondents with higher incomes.* Table 17 above shows that respondents with lower incomes tried to get the help of a lawyer for 19.4 percent of their legal problems, compared to 23.6 percent for respondents with higher incomes. On the other hand, in table 18 below, respondents with lower incomes believed they needed the advice or help of a lawyer

for 33.9 percent of their legal problems, compared to 15.5 percent for respondents with higher incomes.

**Table 18: Legal Problems for Respondents with at Least One Legal Problem Who Recognized a Need for Legal Assistance**

	Very Low Income		Lower Income*		Higher Income	
	Number	Percent	Number	Percent	Number	Percent
Believed they needed advice or help of a lawyer <sup>1</sup>	252	36.7	449	33.9	32	15.5

Note: <sup>1</sup>For those legal problems where respondents had not tried to get the help of lawyer.

### 3. Seeking Assistance From Lawyers and Respondent Rankings of Problem Seriousness

Table 19 below shows that respondents with lower incomes who tried to get the help or advice of a lawyer for a legal problem considered a much larger share of these problems to be “most serious” than did respondents with higher incomes—77.7 percent compared to 54.7 percent. An even larger share of respondents with very low incomes, 82.9 percent, considered the legal problems for which they tried to get help from a lawyer to be “most serious.”

**Table 19: Legal Problems for Respondents with at Least One Legal Problem Who Tried to Get the Help of a Lawyer by Self-Reported Seriousness of Problems**

	Very Low Income		Lower Income		Higher Income	
	Number	Percent	Number	Percent	Number	Percent
4 –Most Serious	136	82.9	255	77.7	35	54.7
3	16	9.8	38	11.6	11	17.2
2	4	2.4	20	6.1	10	15.6
1 –Least Serious	8	4.9	15	4.6	8	12.5
Total	164	100.0	328	100.0	64	100.0

In table 20 below, respondents with lower incomes who believed they needed help but did not seek it ranked their problems as “most serious” at a higher rate (66.7 percent) than all respondents with lower incomes (58.2 percent). This suggests that there is something unique about respondents who believe they need help but do not seek it, that even when faced with a higher level of seriousness they are still less willing to seek legal representation. There are no significant relationships by key demographics for this subgroup.

**Table 20: Legal Problems Where Respondent Believed They Needed the Help of a Lawyer but Did Not Try to Get Help by Seriousness for Respondents with Lower Incomes**

	Respondents with Lower Incomes Who Believed They Needed Help from a Lawyer But Did Not Try to Get Help		All Respondents with Lower Incomes**	
	Number	Percent	Number	Percent
4 –Most Serious	292	66.7	983	58.2
3	55	12.6	278	16.5
2	63	14.4	252	14.9
1 –Least Serious	28	6.4	176	10.4
Total	438	100	1,689	100

**4. Demographic and Socio-Economic Characteristics of Respondents with Lower Incomes Who Recognized a Need for Legal Assistance**

The next two tables show the demographic and socio-economic variables that were found to be significant for respondents with lower incomes who tried to get the help or advice of a lawyer and who believed they needed the advice or help of a lawyer but did not seek it. Age, education, and housing tenure were related to whether a respondent tried to get the help of a lawyer (see table 21). The presence of a child in the household and housing tenure was related to whether a respondent believed that the advice or help of a lawyer was needed (see table 22).

*Older respondents more than younger respondents with lower incomes, more educated respondents than less educated respondents, and owners rather than renters were more likely to seek the help of a lawyer* (see table 21). About 37 percent of respondents 65 years and over tried to get the help of a lawyer, compared to 22.1 percent of respondents between the ages of 18 and 34. These results contrast with the findings that showed that younger respondents experience more legal problems per person than older respondents did (see table 4 above).

*Among lower-income respondents, those with a Bachelor’s degree or post-graduate education were more than twice as likely as respondents with no high school diploma to try to get help from a lawyer—35.1 percent and 38.9 percent compared to 16.9 percent, respectively* (see table 21). In contrast, respondents with some college education, who experienced more than twice as many legal problems per person than either respondents with no high school diploma or with a high school diploma, were less likely than respondents with a high school diploma to try to get help from a lawyer—26.5 percent compared to 27.5 percent, respectively (see table 21 below and table 10 above).



**Table 21: Demographic and Socio-Economic Characteristics of Respondents with Lower Incomes Who Tried to Get the Help of a Lawyer**

	Tried to Get Help		Did Not Try to Get Help*	
	Number	Percent	Number	Percent
<b>Age (Total)</b>	<b>213</b>	<b>27.2</b>	<b>571</b>	<b>72.8</b>
18–34	66	22.1	233	77.9
35–64	116	29.0	284	71.0
65 and over	31	36.5	54	63.5
<b>Education (Total)</b>	<b>212</b>	<b>27.1</b>	<b>570</b>	<b>72.9</b>
No High School Diploma	24	16.9	118	83.1
High School Diploma/GED	83	27.5	219	72.5
Some College	44	26.5	122	73.5
Associate's Degree	20	34.5	38	65.5
Bachelor's Degree	27	35.1	50	64.9
Post-graduate	14	38.9	22	61.1
<b>Housing Tenure (Total)</b>	<b>213</b>	<b>27.2</b>	<b>569</b>	<b>72.8</b>
Rent	86	23.4	281	76.6
Own	127	30.6	288	69.4

Note: All variables are statistically significant at the .05 level.

*A larger percentage of homeowners than renters with lower incomes tried to get the help of a lawyer—30.6 percent of owner respondents, compared to 23.4 percent of renter respondents tried to get the help of a lawyer (see table 21). This too contrasts with the finding that showed that renters were much more likely than owners were to experience a legal problem and to report more than double the number of legal problems per person (see table 21 below and table 8 above).*

*The presence of a child in a household was associated with an increase in the percentage of respondents with lower incomes who believed they needed the advice or help of a lawyer, although they had not tried to get the help of a lawyer (see table 22). Almost 36 percent of respondents living in households with at least one child reported that they needed the advice or help of a lawyer, compared to 28.4 percent of respondents with no children in the household. This finding is consistent with both the number of legal problems reported and the average number of legal problems per person (see table 6 above).*

**Table 22: Demographic and Socio-Economic Characteristics of Respondents with Lower Incomes Who Believed They Needed the Advice of a Lawyer But Did Not Try to Get the Help of a Lawyer**

	Believed Needed Advice or Help or A Lawyer		Did Not Believe Needed Advice or Help or A Lawyer*	
	Number	Percent	Number	Percent
<b>Presence of a Child (Total)</b>	<b>256</b>	<b>32.7</b>	<b>527</b>	<b>67.3</b>
No Children	93	28.4	234	71.6
At Least 1 Child	163	35.8	293	64.3
<b>Housing Tenure (Total)</b>	<b>254</b>	<b>32.5</b>	<b>528</b>	<b>67.5</b>
Rent	148	40.3	219	59.7
Own	106	25.5	309	74.5

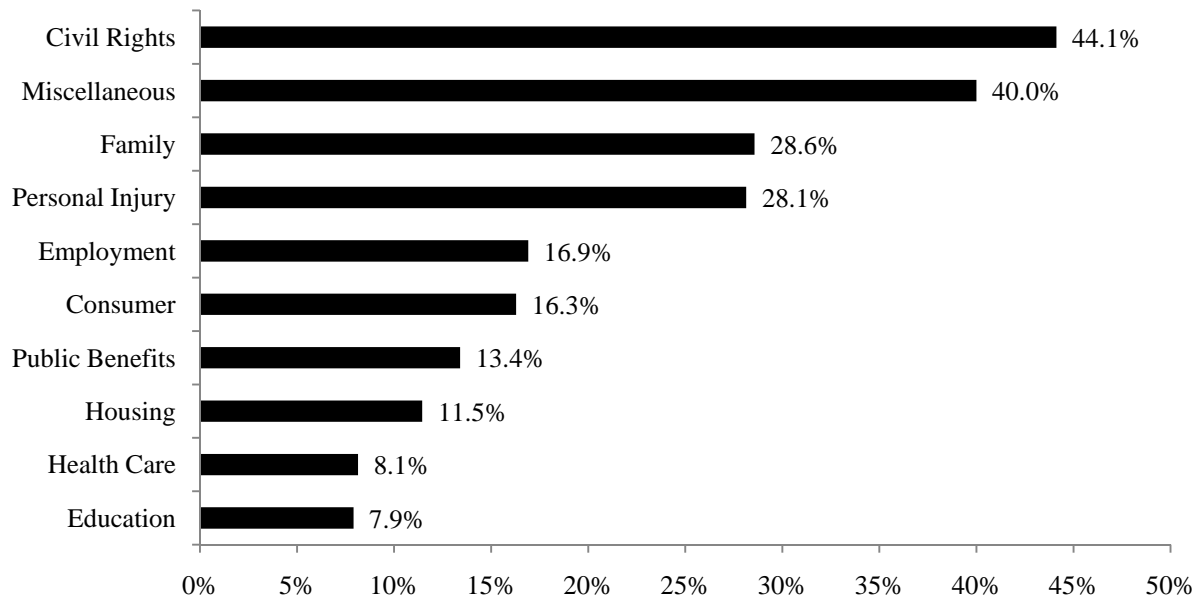
Note: All variables are statistically significant at the .05 level.

Those renters with lower incomes who did not try to get the help of a lawyer were much more likely than owners were to believe that they needed the advice or help of lawyer—40.3 percent, compared to 25.5 percent (see table 22 above). This result contrasts with the finding in table 21 that showed that homeowners were more likely than renters were to get the advice of a lawyer.

**5. Recognition of Need for Legal Assistance by Legal Problem Area**

The two figures below (figures 1 and 2) depict the percentage of legal problems within each

**Figure 1: Legal Problems by Legal Problem Area Where Respondents with Lower Incomes Tried to Get the Help of a Lawyer (Percentages, n = 331)**

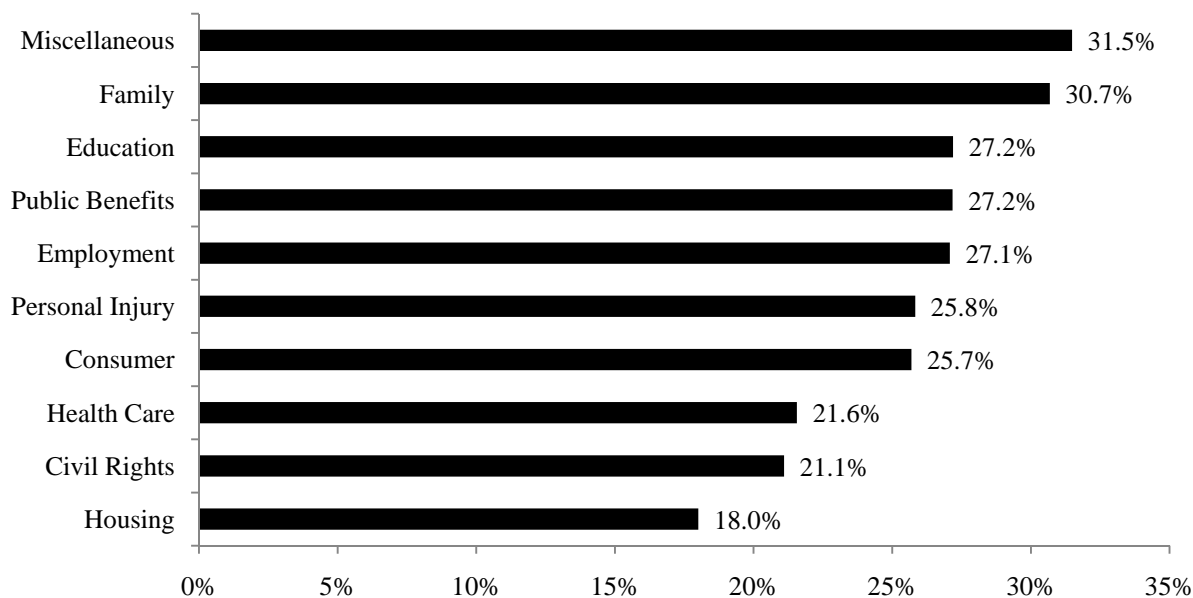


of the ten substantive legal problem areas for which respondents with lower incomes tried to get the help of a lawyer and believed they needed advice or help from a lawyer.

Figure 1 shows that respondents with lower incomes tried to get the help of a lawyer for a relatively larger proportion of civil rights legal problems than any other problem type—44.1 percent. Among the other legal problem areas where respondents tried to get the help of a lawyer, miscellaneous, family, and personal injury were all more than 25 percent—40.0 percent, 28.6 percent and 28.1 percent, respectively.

Within seven of the problems areas—family, education, public benefits, employment, personal injury, consumer, and miscellaneous—respondents with lower incomes believed they needed the advice or help of a lawyer, but did not try to get the help of a lawyer, for at least one-quarter of the legal problems in that problem area (see figure 2).

**Figure 2: Legal Problems Where Respondents Believed They Needed Advice or Help of a Lawyer But Did Not Try to Get the Help of a Lawyer, by Problem Type (Percentages, n = 449)**



**6. Recognition of Need for Legal Assistance by Whether Other Party Had a Lawyer**

Table 23 below shows that respondents with lower incomes tried to get the help or advice of a lawyer for a smaller share of their legal problems where the other party had a lawyer, compared to respondents with higher incomes who tried to get the help of a lawyer for a larger share of their legal problems in similar circumstances. While respondents with lower incomes tried to get the help of a lawyer for 46.0 percent of their legal problems where the

**Table 23: Legal Problems for Respondents with At Least One Legal Problem by Whether the Respondent Tried to Get the Help of a Lawyer When the Other Party Was Represented by a Lawyer**

	Lower Income				Higher Income			
	The Other Party Had a Lawyer		The Other Party Did Not Have a Lawyer**		The Other Party Had a Lawyer		The Other Party Did Not Have a Lawyer	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Tried to Get the Help of a Lawyer	125	46.0	155	13.5	26	63.4	30	15.2
Did Not Try to Get the Help of a Lawyer	147	54.0	995	86.5	15	36.6	167	84.8
Total	272	100.0	1,150	100.0	41	100.0	197	100.0

other party was represented by a lawyer, respondents with higher incomes tried to get the help of a lawyer for 63.4 percent of their legal problems in such cases.

**B. SEEKING LEGAL ASSISTANCE FROM FREE LEGAL SERVICES OR LEGAL AID**

**1. Legal Problems for Respondents with at Least One Legal Problem Who Sought Legal Assistance**

Table 24 below shows that *respondents with lower incomes sought legal representation from a free Legal Services or legal aid organization for 24.1 percent of their legal problems*, that for 19.2 percent of the legal problems faced by respondents with lower incomes the other party had a lawyer, and that respondents with lower incomes had to go to court or a hearing for 20.3 percent of their legal problems. While it is to be expected that respondents with higher incomes sought legal assistance from a free Legal Services or legal aid organization for a smaller percentage of their legal problems, *it is noteworthy that they had to go to a court or a hearing for a considerably smaller share of their legal problems than did respondents with lower incomes—13.1 percent compared to 20.3 percent.*

**Table 24: Legal Problems for Respondents with at Least One Legal Problem Who Sought Legal Assistance**

	Very Low Income		Lower Income*		Higher Income	
	Number	Percent	Number	Percent	Number	Percent
Sought legal representation from a free Legal Services or legal aid organization <sup>1</sup>	117	26.5	201	24.1	11	10.8
Other party had a lawyer	144	19.6	275	19.2	41	17.2
Had to go to court or a hearing	167	22.0	297	20.3	31	13.1

Note: <sup>1</sup>For those legal problems where respondents either tried to get the help of a lawyer or believed they needed the advice or help of a lawyer.

## 2. Demographic and Socio-Economic Characteristics of Respondents with Lower Incomes Who Sought Legal Representation from a Free Legal Services or Legal Aid Organization

Table 25 below shows demographic and socio-economic variables that were found to be significant for respondents with lower incomes who sought legal representation from a free Legal Services or legal aid organization. Race/ethnicity and employment were related to whether a respondent sought legal representation from a free Legal Services or legal aid organization.

*African American, Native American and Hispanic or Latino respondents were more likely than both White and Asian respondents and respondents who were unemployed were more likely than those who were employed to seek the help of a free Legal Services or legal aid organization (see table 25). At least one-fifth of African American, Native American and Hispanic or Latino respondents sought the help of a free Legal Services or legal aid organization, compared to 12.4 percent of Whites and 14.3 percent of Asian respondents. This finding is consistent with the number of legal problems experienced where African American and Hispanic or Latino respondents reported more legal problems per person (see table 5 above).*

**Table 25: Demographic and Socio-Economic Characteristics of Respondents with Lower Incomes Who Sought Legal Representation from a Free Legal Services or Legal Aid Organization**

	Sought Representation From a Free Legal Services or Legal Aid Organization		Did Not Seek Representation*	
	Number	Percent	Number	Percent
<b>Race/Ethnicity (Total)</b>	<b>121</b>	<b>16.0</b>	<b>637</b>	<b>84.0</b>
White	50	12.4	355	87.7
African American	49	21.4	180	78.6
Native American	3	23.1	10	76.9
Asian	2	14.3	12	85.7
Hispanic	17	20.7	65	79.3
Other	0	00.0	15	100.0
<b>Employment Status (Total)</b>	<b>122</b>	<b>15.6</b>	<b>661</b>	<b>84.4</b>
Employed	38	10.6	319	89.4
Not Employed	84	19.7	342	80.3

Note: All variables are statistically significant at the .05 level.

*Respondents who were unemployed were more likely than respondents who were employed to use either a free Legal Services or legal aid organization—19.7 percent compared to 10.6 percent, respectively (see table 25). This finding contrasts with the finding that showed that*

the employed were more likely to report at least one legal problem and to experience more legal problems per person than were the unemployed (see table 9 above).

### **C. REASONS FOR NOT SEEKING LEGAL ASSISTANCE**

Respondents were asked to give reasons as to why they did not seek legal representation. The majority of the responses for the main reason for not seeking legal representation fall into one of six categories: *I didn't think or feel I needed a lawyer; I could not afford a lawyer; I tried to resolve the problem on my own; I didn't think it was necessary; the problem was not important enough; and I did not think anything could be done about it.* All respondents who chose one of these answer choices were most likely to rank their problem as most serious. Due to methodological issues, and limited sample size, the reasons for not seeking legal assistance cannot be further analyzed by other variables.

The data in this section is meant to provide descriptive information as to the various reasons why people do not seek legal representation, although it does not lead to conclusive results as to why this phenomenon is occurring. Future research will attempt to address the reason why those who believe they need help do not seek legal representation, because it is central to determining how to provide better legal services, in particular to people with lower incomes.

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## 5. OBTAINING LEGAL ASSISTANCE

This chapter examines whether the percentages of people obtaining legal assistance vary by income group. First, respondents with very low incomes (below the federal poverty level), lower incomes (below 200 percent of the poverty level), and higher incomes (above 200 percent of the poverty level) are compared. Second, respondents in the three income groups are compared to assess whether the percentages of respondents obtaining the help of a lawyer vary by type of legal problem. Third, differences in legal representation across income groups are examined for those instances where a respondent needed to go to court or a hearing. Fourth, differences in legal representation across income groups are examined for those instances where the other party was represented by a lawyer. Finally, the type and form of legal representation are examined both across income groups and for the lower-income group.

### KEY FINDINGS

- Respondents with higher incomes obtained the help of a lawyer for a higher percentage of their legal problems (56.6 percent) than respondents with lower or very low incomes (30.6 percent and 30.4 percent of legal problems) (see table 26).
- For legal problems where it was necessary for the respondent to go to court or a hearing, respondents with higher incomes obtained the help of a lawyer for a larger proportion of these legal problems than did respondents with lower or very low incomes (41.9 percent, 35.0 percent and 38.3 percent of legal problems, respectively) (see table 28).
- For legal problems where the other party had a lawyer, respondents with higher incomes obtained the assistance of a lawyer for a higher proportion of legal problems than did respondents with lower or very low incomes (58.5 percent, 37.8 percent and 37.2 percent of legal problems, respectively) (see table 29).
- Respondents with very low incomes used a Legal Services program or other free legal assistance organization to deal with their legal problems for a larger percentage of their legal problems (59.7 percent) than they used a private law office (38.8 percent) (see table 30).





- Respondents with higher incomes had legal representation throughout their case for a larger proportion of their legal problems than did respondents with lower or very low incomes (60.0 percent compared to 50.8 percent and 54.1 percent) (see table 31).

**Respondents with higher incomes obtained the help of a lawyer for a higher percentage of their legal problems than did respondents with lower or very low incomes.**

- Respondents with lower incomes were represented throughout their case and received advice from a private law office for a larger share of their legal problems than they did from a Legal Services program or other free legal assistance organization (see table 32).

- Respondents with lower incomes who did not have on-going legal representation and either did not have any representation or had only brief

service thought they would have benefitted from on-going legal representation for 50.3 percent of their legal problems, compared to 27.5 percent for those with higher incomes (see table 33).

- Respondents with lower incomes thought they would have benefitted from on-going legal representation for at least 30 percent of their legal problems within each of the ten legal problem area types (see figure 3).

**A. COMPARISON OF RESPONDENTS WHO OBTAINED LEGAL ASSISTANCE WITH INCIDENCE OF LEGAL PROBLEMS WHERE RESPONDENTS OBTAINED THE HELP OF A LAWYER**

Table 26 below displays both the proportion of respondents who were able to get the help of a lawyer for at least one legal problem during the course of a year and the proportion of legal

**Table 26: Comparison of Respondents Who Were Able to Get Help from a Lawyer and Incidence of Legal Problems Where Respondents Obtained the Help of a Lawyer for At Least One Legal Problem**

	Very Low Income		Lower Income*		Higher Income	
	Number	Percent	Number	Percent	Number	Percent
Able to Get Help From a Lawyer (Respondents)	78	21.6	170	21.7	42	25.8
Total Respondents	359		784		163	
Able to Get Help From a Lawyer (Legal Problems)	132	30.4	249	30.6	56	56.6
Total Legal Problems	435		814		99	

Note: All legal problems except for those where respondents didn't believe they needed advice from a lawyer.

problems for which respondents were able to get the help of a lawyer across the three income groups. *Respondents with higher incomes were more likely to obtain the help of a lawyer to handle their legal problems than were respondents with either lower or very low incomes.*

About one-fifth of respondents with lower and very low incomes obtained the help of a lawyer for handling at least one legal problem—21.7 percent and 21.6 percent, respectively. Moreover, respondents with higher incomes received help from a lawyer for a substantially larger proportion of their legal problems than did either respondents of very low or lower incomes. Respondents with lower and very low incomes got the help of a lawyer for 30.6 percent and 30.4 percent of their legal problems, respectively, while respondents with higher incomes obtained the help of a lawyer for more than one-half of their legal problems—56.6 percent.

Taking into account respondents' gender, age, race and ethnicity, education, employment status, family and household composition, and housing tenure all at the same time, it is possible to see the odds ratios for different demographic characteristics. Holding all factors listed constant, the odds of being able to get help from a lawyer for at least one legal problem for respondents with lower incomes are 1.84 times higher for those with some college education, compared to those with the highest education of a high school degree. There were no significant determinants of trying to get the help of a lawyer for higher income respondents.<sup>12</sup>

**B. LEGAL PROBLEMS WHERE RESPONDENT WAS ABLE TO OBTAIN THE HELP OF A LAWYER**

As discussed in the previous section, not all respondents sought legal assistance and, among those who did, not all necessarily obtained the help of a lawyer to deal with their legal problems. Table 27 shows that the proportion of legal problems for which respondents with higher incomes both tried to get the help of a lawyer and got the help of a lawyer was higher than the proportion for respondents of lower and very low incomes—78.5 percent, compared to 63.1 percent and 64.7 percent, respectively.

**Table 27: Legal Problems Where Respondent Tried to Get the Help of a Lawyer and Was Able to Get the Help of a Lawyer**

	Very Low Income		Lower Income		Higher Income	
	Number	Percent	Number	Percent	Number	Percent
Able to Get Help From a Lawyer	108	64.7	209	63.1	51	78.5
Total Legal Problems Where Respondents Tried to Get Help from a Lawyer	167		331		65	

<sup>12</sup> These statistics are generated using a logistic regression model. The Cox and Snell R Square for the lower income model is .021 and the Nagelkerke R Square is .053.

The likelihood of a legal problem being handled by a lawyer varied by the type of legal problem the respondent faced. Descriptive analysis suggests that respondents with lower and very low incomes received the help of a lawyer for a larger proportion of civil rights problems than they did for any other type of legal problem. Legal problems related to personal injury and property damage and family were the next two largest groups for respondents with lower and very low incomes, respectively.

### C. LEGAL PROBLEMS WHERE RESPONDENT HAD TO GO TO COURT OR A HEARING AND OBTAINED THE HELP OF A LAWYER

*For legal problems where it was necessary for a respondent to go to court or a hearing, respondents with higher incomes obtained the help of a lawyer for a larger proportion of these legal problems than did respondents with lower or very low incomes. While respondents with higher incomes obtained the help of a lawyer for 41.9 percent of such legal problems, respondents with lower and very low incomes were able to get the help of a lawyer for only 35.0 percent and 38.3 percent of such legal problems (see table 28).*

**Table 28: Legal Problems Where Respondent Had to Go to Court or a Hearing and Obtained the Help of a Lawyer**

	Very Low Income		Lower Income		Higher Income	
	Number	Percent	Number	Percent	Number	Percent
Able to Get Help From a Lawyer	64	38.3	104	35.0	13	41.9
Total Legal Problems Where Respondents Had to Go to Court or a Hearing	167		297		31	

### D. LEGAL PROBLEMS WHERE OTHER PARTY HAD A LAWYER AND RESPONDENT OBTAINED THE HELP OF A LAWYER

*For legal problems where the other party had a lawyer, respondents with higher incomes obtained the assistance of a lawyer for a higher proportion of legal problems than did respondents with lower and very low incomes. Respondents with higher incomes obtained the*

**Table 29: Legal Problems Where Other Party Had a Lawyer and Respondent Obtained the Help of a Lawyer**

	Very Low Income		Lower Income		Higher Income	
	Number	Percent	Number	Percent	Number	Percent
Able to Get Help From a Lawyer	54	37.2	104	37.8	24	58.5
Total Legal Problems Where Other Party Had a Lawyer	145		275		41	

help of a lawyer for 58.5 percent of the legal problems where the other party had a lawyer, compared to 37.8 percent and 37.2 percent for respondents with lower and very low incomes, respectively (see table 29).

**E. TYPE AND FORM OF LEGAL REPRESENTATION**

Respondents with lower incomes used the services of a private law office to deal with their legal problems for a larger percentage of these problems than they used a Legal Services program or other free legal assistance organization. Table 30 shows that 53.6 percent of the legal problems experienced by respondents with lower incomes were handled by a private law office, compared to 43.9 percent that were handled by a Legal Services program or other free legal assistance organization. *Respondents with very low incomes, however, used a Legal Services program or other free legal assistance organization for a larger share of their legal problems than they used a private law office—59.7 percent and 38.8 percent of their legal problems, respectively.*

**Table 30: Type of Legal Representation**

	Very Low Income		Lower Income		Higher Income	
	Number	Percent	Number	Percent	Number	Percent
Private Law Office	50	38.8	128	53.6	47	88.7
Legal Services Program or Other Free Legal Assistance Organization	77	59.7	105	43.9	3	5.7
Somewhere Else	2	1.6	6	2.5	3	5.7
Total Legal Problems	129	100.0	239	100.0	53	100.0

Note: Includes only the first response from each respondent.

*Respondents with higher incomes had legal representation throughout their cases for a larger proportion of their legal problems than did respondents with lower or very low incomes.* Respondents with higher incomes were represented throughout their cases for 60 percent of their legal problems, while the corresponding percentages for respondents with lower and very low incomes were 50.8 percent and 54.1 percent, respectively (see table 31).

**Table 31: Form of Legal Representation**

	Very Low Income		Lower Income		Higher Income	
	Number	Percent	Number	Percent	Number	Percent
Represented Throughout the Case	72	54.1	125	50.8	33	60.0
Just Gave Advice Once or Twice	55	41.4	107	43.5	19	34.5
Other	6	4.5	14	5.7	3	5.5
Total Legal Problems	133	100.0	246	100.0	55	100.0

*Respondents with lower incomes were represented throughout their cases and received advice from private law offices for a larger proportion of their legal problems than they did from a Legal Services program or other free legal assistance organization. Table 32 below shows that, for 54.5 percent of their legal problems, respondents with lower incomes were represented by private law offices, compared to representation by a Legal Services program for 43 percent of their legal problems. Similarly, where they received only advice, the proportions were 50.5 percent and 46.6 percent, respectively.*

**Table 32: Type and Form of Representation For Respondents with Lower Incomes**

	Represented Throughout the Case		Gave Advice Once or Twice	
	Number	Percent	Number	Percent
Private Law Office	66	54.5	52	50.5
Legal Services Program or Other Free Legal Assistance Organization	52	43.0	48	46.6
Somewhere Else	3	2.5	3	2.9
Total	121	100.0	103	100.0

The likelihood of a legal problem being handled by a private law office or Legal Services program varied by the type of legal problem the respondent faced. Although sample sizes are too small for detailed analysis, descriptive analysis suggests that respondents with lower incomes used a Legal Services program to deal with a larger percentage of their housing legal problems than they did for any other type of legal problem. Consumer, family, and civil rights legal problems followed in order, thereafter. On the other hand, consumer, family, and personal injury and property damage-related legal problems made up the largest share of legal problems handled by private law offices.

Descriptive analysis also suggests that respondents with lower incomes were represented throughout the case for a larger percentage of consumer legal problems than they were for any other legal problem type, while they sought advice for a higher share of family legal problems than they did for any other type of legal problem.

## **F. ON-GOING LEGAL REPRESENTATION**

*Table 33 shows respondents with lower incomes who did not have on-going legal representation and, on looking back, thought that they would have benefitted from on-going legal representation for 50.3 percent of their legal problems. This is a considerably larger share than the corresponding group of respondents with higher incomes—27.5 percent.*

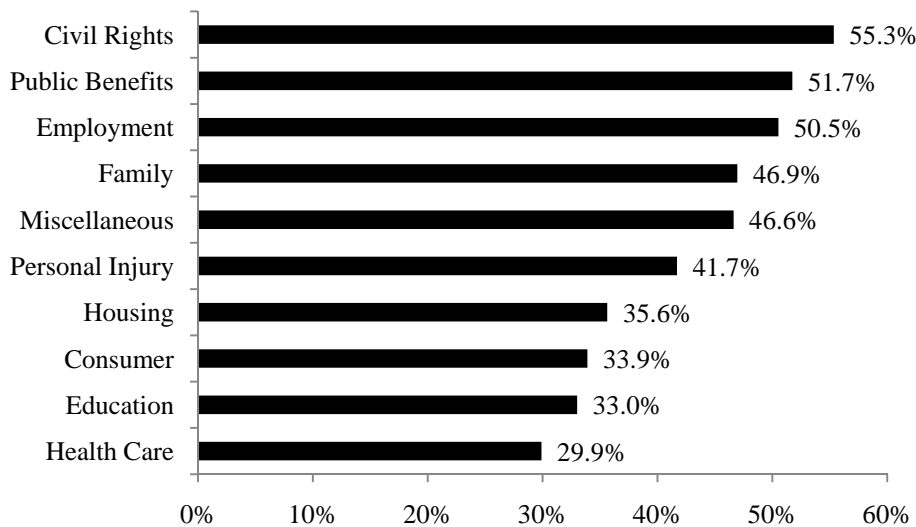
**Table 33: Legal Problems for Respondents with at Least One Legal Problem Who Thought They Would Have Benefitted from On-going Legal Representation**

	Very Low Income		Lower Income*		Higher Income	
	Number	Percent	Number	Percent	Number	Percent
Thought they would have benefitted from on-going legal representation <sup>1</sup>	391	53.0	724	50.3	63	27.5

Note: <sup>1</sup>For those legal problems where respondents did not have on-going legal representation including both those who did not have any legal assistance and those who obtained advice or brief service.

Figure 3 below depicts the percentages of legal problems within each of the ten substantive legal problem areas for respondents with lower incomes who thought they would have benefitted from on-going legal representation. *Respondents with lower incomes thought they would have benefitted from on-going legal representation for at least 30 percent of their legal problems within each of the ten legal problem areas.*

**Figure 3: Legal Problems by Legal Problem Area for Respondents with Lower Incomes Who Thought They Would Have Benefitted from On-Going Legal Representation (Percentages, n = 724)**



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## 6. FACING DISPUTES WITHOUT LAWYERS

Not all people who experience a legal problem necessarily turn to a lawyer for assistance in resolving the problem. This study gathered some information concerning the different avenues people pursued when they did not use a lawyer. The various types of legal problems people of lower incomes are more likely to handle on their own are described. The degree of seriousness attached to a legal problem by those respondents of lower income who acted alone is compared with the overall sample of respondents with lower incomes.

### KEY FINDINGS

- For legal problems where the help of a lawyer was not obtained, respondents with higher incomes were more likely to act alone than respondents with lower incomes (see table 34).
- For legal problems where the help of a lawyer was not obtained, all respondents with lower and those with very low incomes were less likely to resolve their legal problems than were respondents with higher incomes (see table 34).
- Respondents with lower incomes did without legal assistance and acted alone for a higher proportion of education and health care-related legal problems than they did for any other type of legal problem (see figure 4).
- Respondents with lower incomes who acted alone to resolve their disputes rated a smaller percentage of their legal problems as “most serious” than all lower-income respondents as a whole (see table 35).

#### A. ACTIONS TAKEN AND OUTCOMES ACHIEVED BY RESPONDENTS WHO DID NOT OBTAIN THE HELP OF A LAWYER

*For legal problems where the help of a lawyer was not obtained, respondents with higher incomes were more likely to act alone than respondents with lower incomes. On the other hand, all respondents with lower and those with very low incomes were less likely to resolve their legal problems than were respondents with higher incomes where the help of a lawyer was not obtained. Table 34 shows that 64.7*





percent of respondents with higher incomes acted alone when experiencing a legal problem, compared to only 54.1 percent and 54.2 percent of respondents with lower incomes and very low incomes, respectively. In contrast, 19.2 percent and 20.1 percent of respondents with lower and very low incomes were not able to resolve their legal problem, compared to 11.2 percent of respondents with higher incomes.

**Table 34: Actions and Outcomes for Respondents Who Did Not Obtain the Help of a Lawyer**

	Very Low Income		Lower Income*		Higher Income	
	Number	Percent	Number	Percent	Number	Percent
Yes, Acted Alone	396	54.2	776	54.1	139	64.7
Yes, Help of a Family Member or Friend who Acted on Behalf of Respondent	33	4.5	73	5.1	8	3.7
Yes, Help from Elsewhere, or Other Efforts	64	8.8	158	11.0	31	14.4
No, Problem Not Resolved	147	20.1	276	19.2	24	11.2
No, Problem Pending	91	12.4	151	10.5	13	6.0
Total Number of Responses	731	100.0	1,434	100.0	215	100.0

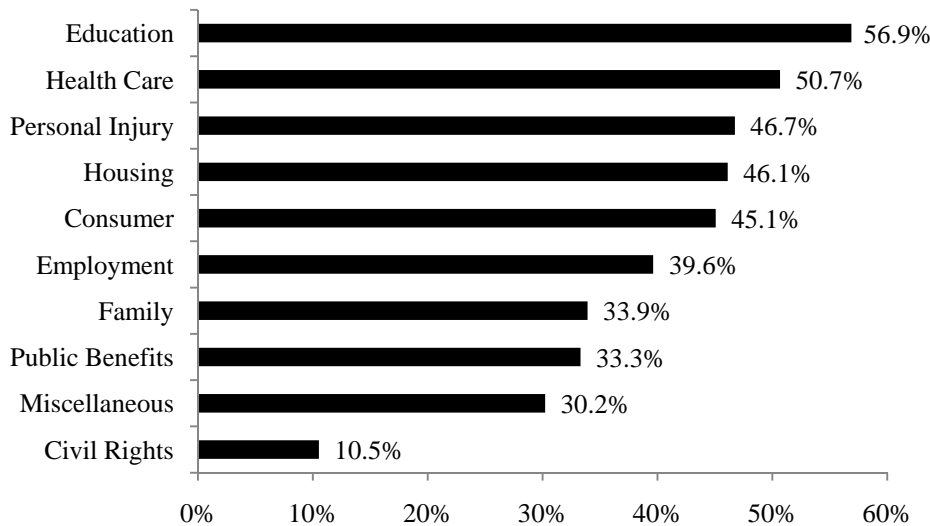
Note: For all the legal problems where respondent did not obtain help from a lawyer. This table includes only the first response from each respondent. The exact question is: “Did you try to resolve the problem in some way other than with the help of a lawyer?”

## B. TYPES OF LEGAL PROBLEMS FACED BY RESPONDENTS WHO ACTED ALONE

**All respondents with lower and those with very low incomes were less likely to resolve their legal problems than were respondents with higher incomes where the help of a lawyer was not obtained.**

*Respondents with lower incomes did without legal assistance and acted alone for a higher proportion of education and health care-related legal problems than they did for any other type of legal problem. Figure 4 below shows that respondents with lower incomes acted alone and did not get the help of a lawyer for 56.9 percent of their education-related legal problems and 50.7 percent of their health care-related problems. In contrast, they were least likely to act alone on civil rights-related problems—10.5 percent.*

**Figure 4: Legal Problems by Legal Problem Area for Respondents with Lower Incomes Who Acted Alone (Percentages, n = 776)**



**C. COMPARISON OF THE DEGREE OF SERIOUSNESS OF A LEGAL PROBLEM**

*Respondents with lower incomes who acted alone to resolve their disputes rated a smaller percentage of their legal problems as “most serious” than all respondents with lower incomes as a whole. Table 35 shows that respondents who acted alone to resolve their disputes rated 53.4 percent of their legal problems as “most serious,” compared to 58.2 percent for all respondents with lower incomes.*

**Table 35: Comparison of Seriousness of a Legal Problem for Respondents with Lower Incomes**

	Acted Alone*		Total**	
	Number	Percent	Number	Percent
4 –Most Serious	411	53.4	983	58.2
3	139	18.1	278	16.5
2	128	16.6	252	14.9
1 –Least Serious	91	11.8	176	10.4
Total	769	100.0	1,689	100.0

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## 7. OUTCOME SATISFACTION

For legal problems that were resolved, respondents were asked to rank their overall outcome satisfaction. It should be noted that outcome satisfaction is a limited measure. The measure used in this study is entirely subjective, resting solely on the perspective of the individuals experiencing the problem, and there may be other factors, not dealt with in this study, that influence overall outcome satisfaction. Regardless of the limitations of this measure, this chapter focuses on the self-reported rankings of outcome satisfaction for all legal problems that were resolved. First, outcome satisfaction rankings are reported by income levels for all legal problems that were resolved. Second, the relationship between outcome satisfaction and type of legal problem is examined. Finally, whether or not a respondent had the help of a lawyer is compared to their ranking of outcome satisfaction.

### KEY FINDINGS

- Respondents with higher incomes were “highly satisfied” with the resolution of a larger proportion of their legal problems than were either those respondents with lower or very low incomes (see table 36).
- Education, family and consumer-related resolved legal problems were most likely to get a “highly satisfied” rating by respondents with lower incomes, while civil rights and employment-related resolved legal problems were most likely to get a “least satisfied” rating (see figures 5 and 6).
- Respondents with lower incomes rated a higher percentage of their resolved legal problems “highly satisfied” when they obtained the help of a lawyer than when they did not have legal representation (see table 37).

#### A. SATISFACTION WITH RESOLUTION OF LEGAL PROBLEM

*Respondents with higher incomes were “highly satisfied” with the resolution of a larger proportion of their legal problems than were respondents with either lower or very low incomes (see table 36).*

Furthermore, respondents with higher incomes rated a smaller proportion of the outcomes of their resolved legal problems



with a “low satisfaction” than did respondents with either lower or very low incomes. For all legal problems that were resolved, 55.1 percent of the responses for respondents with high incomes were rated with “high satisfaction,” compared to 46.7 percent and 44.3 percent of the responses for respondents with lower and very low incomes, respectively. In contrast, 20.3 percent and 19.7 percent of the responses for respondents with lower and very low incomes, respectively, rated the outcome of their legal problems with a “low satisfaction,” compared to only 10.2 percent for respondents with high incomes. In the 2002 study, respondents rated their outcome satisfaction as the highest for 20 percent of problems, mid to high for 14 percent, low to mid for 14 percent and lowest for 31 percent of problems.

**Table 36: Comparison of Satisfaction with Resolution of Legal Problem**

	Very Low Income		Lower Income		Higher Income	
	Number	Percent	Number	Percent	Number	Percent
4 –High Satisfaction	117	44.3	248	46.7	70	55.1
3	66	25.0	109	20.5	25	19.7
2	29	11.0	66	12.4	19	15.0
1	52	19.7	108	20.3	13	10.2
Total Number of Responses	264	100.0	531	100.0	127	100.0

Note: Only for those legal problems that were resolved.

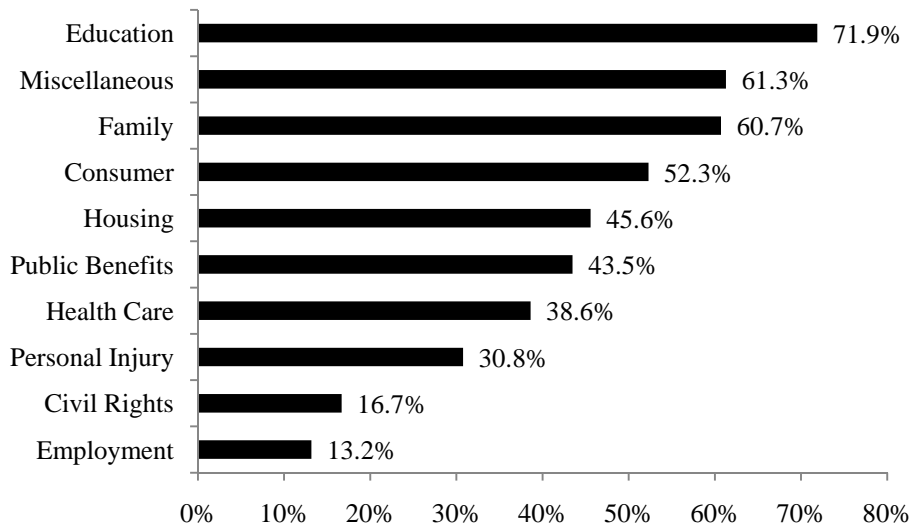
## B. SATISFACTION WITH RESOLUTION OF LEGAL PROBLEM BY TYPE OF LEGAL PROBLEM

**Civil rights and employment-related legal problems were most likely to get a “least satisfied” rating.**

*Education, family and consumer-related resolved legal problems were most likely to get a “highly satisfied” rating by respondents with lower incomes, while civil rights and employment-related legal problems were most likely to get a “least satisfied” rating. Figure 5 below shows that respondents with lower incomes were highly satisfied with the resolution of 71.9 percent of their education-related legal problems, 60.7 percent of*

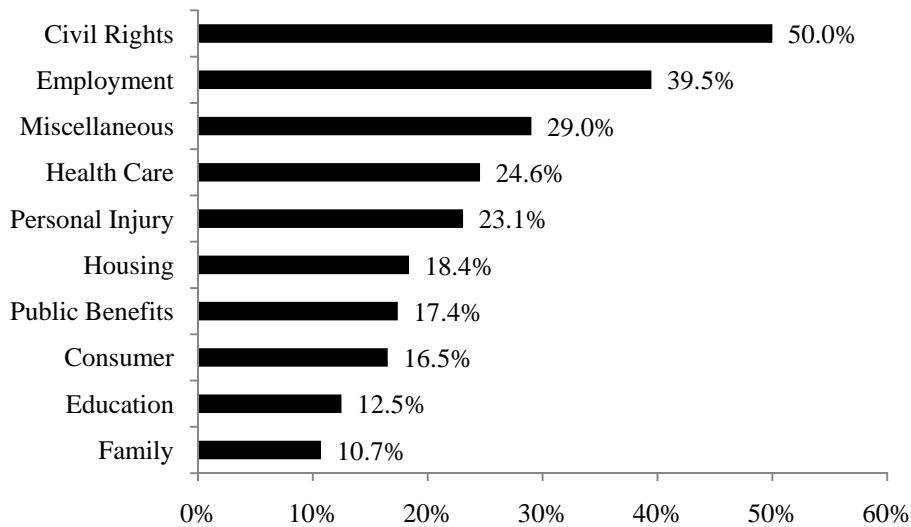
their family-related legal problems, and 52.3 percent of their consumer-related legal problems.

**Figure 5: Resolved Legal Problems Ranked with High Satisfaction by Problem Type for Respondents with Lower Incomes (Percentages, n = 248)**



In contrast, Figure 6 below shows that respondents with lower incomes rated the resolution of 50.0 percent and 39.5 percent of their civil rights and employment-related legal problems with a “low satisfaction” rating, respectively.

**Figure 6: Resolved Legal Problems Ranked with Low Satisfaction by Problem Type for Respondents with Lower Incomes (Percentages, n = 108)**



### C. SATISFACTION WITH RESOLUTION OF LEGAL PROBLEM BY HELP FROM A LAWYER

**Respondents with lower incomes rated a higher percentage of their resolved legal problems “highly satisfied” when they obtained the help of a lawyer than when they did not have legal representation.**

*Respondents with lower incomes rated a higher percentage of their resolved legal problems “highly satisfied” when they obtained the help of a lawyer than when they did not have legal representation.* Table 37 shows that, for those legal problems that were resolved and the respondent obtained the help of a lawyer, the respondent was “highly satisfied” in 61.4 percent and “least satisfied” in 12.5 percent of the cases. In contrast, where the respondent did not get the help of lawyer, the reverse was true—the respondent was “highly satisfied” with the resolution for 31.7 percent and “least satisfied” for 37.6 percent of the legal problems.

**Table 37: Satisfaction with Resolution of Legal Problem by Help from a Lawyer for Respondents with Lower Incomes**

	Help of a Lawyer		No Help of a Lawyer		Total	
	Number	Percent	Number	Percent	Number	Percent
4 –High Satisfaction	54	61.4	32	31.7	86	45.5
3	14	15.9	18	17.8	32	16.9
2	9	10.2	13	12.9	22	11.6
1 –Low Satisfaction	11	12.5	38	37.6	49	25.9
Total	88	100.0	101	100.0	189	100.0

Notes:

1. Only for those legal problems that were resolved.
2. Only for those respondents who were asked whether or not they were able to get help from a lawyer.

## 8. OPINIONS OF NEW JERSEY COURT SYSTEM

This chapter assesses the extent to which the survey respondents agreed, disagreed, or had no opinion with regard to three statements pertaining to the New Jersey court system: that the court system is a fair place to resolve disputes; that people of color are treated the same as everyone else; and that the courts are easy to use for people who do not speak English well.

### KEY FINDINGS

- Among respondents with lower incomes, 73.7 percent either agreed or strongly agreed that the New Jersey court system is a fair place to resolve disputes (see table 38).
- Among respondents with lower incomes, 62.6 percent either agreed or strongly agreed that the people of color get treated the same as everyone else (see table 38).
- Among respondents with lower incomes, 59.6 percent either agreed or strongly agreed that the courts are easy to use for people who do not speak English well (see table 38).

Table 38 below shows the degree to which respondents either agreed or disagreed with the three statements pertaining to the functioning of the New Jersey court system. *Among respondents with lower incomes, 73.7 percent either agreed or strongly agreed that the New Jersey court system is a fair place to resolve disputes.* A similar proportion (71 percent) of respondents with lower incomes expressed these positions in the 2002 study. Respondents with higher incomes were more likely to hold this opinion, with 79.7 percent either agreeing or strongly agreeing.\*\*

*In answering the question whether people of color get treated the same as everyone else, a smaller percentage of respondents with lower incomes (62.6 percent) either agreed or strongly agree with this statement than with the statement whether the court system is a fair place to resolve disputes.* This figure is similar to the one found in the 2002 study, when 59 percent either agreed or strongly agreed. A larger percentage of respondents with higher incomes (68.8 percent) than with lower incomes agreed or strongly agreed with the statement.

Respondents of lower and higher incomes were as likely to agree or strongly agree that the courts are easy to use for people who do not speak English well. *For respondents with lower incomes, 59.6*





percent expressed either agreement or strong agreement with this statement, while 59.5 percent of respondents with higher incomes did the same. In the 2002 study, 50 percent of respondents with lower incomes agreed or strongly agreed with the statement, a lower proportion than in 2009.

**Table 38: Opinions of the New Jersey Court System by Income (Percentages)\*\***

	Court System is a Fair Place to Resolve Disputes			People of Color Treated Same as Everyone Else			Courts are Easy to Use for People Who Do Not Speak English Well		
	Very Low Income	Lower Income	Higher Income	Very Low Income	Lower Income	Higher Income	Very Low Income	Lower Income	Higher Income
Strongly Agree	8.8	9.8	10.4	9.9	10.0	11.7	9.4	8.6	6.1
Agree	64.6	63.9	69.3	50.7	52.6	57.1	52.0	51.0	53.4
Disagree	14.2	15.4	13.1	22.4	22.6	21.3	0.3	25.0	27.8
Strongly Disagree	8.2	5.5	5.0	11.8	8.6	5.3	7.8	6.3	7.8
No Opinion	4.2	5.4	2.2	5.3	6.2	4.5	5.9	9.1	4.9
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Percentages of those with lower incomes agreeing with opinion statements about the New Jersey court system were similar for respondents who experienced a legal problem and for all respondents together. Among respondents with lower incomes who experienced at least one legal problem during a year, 10.0 percent strongly agreed and 65.6 percent agreed, while 13.6 percent disagreed and 3.7 percent strongly disagreed that the New Jersey court system is a fair place to resolve disputes. Just less than one tenth of respondents with lower incomes who had experienced at least one legal problem over a year (9 percent) strongly agreed, while 50.6 percent agreed, 22.8 percent disagreed, and 7 percent strongly disagreed that the courts in New Jersey are easy to use for people who do not speak English well. Among respondents with lower incomes who experienced at least one legal problem, 9.5 percent strongly agreed, 56 percent agreed, 19.3 percent disagreed, and 7 percent strongly disagreed that the courts treat people of color the same as everyone else.

## **PART TWO: NECESSARY FUTURE RESEARCH**

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LSNJ will continue to conduct a comprehensive legal needs study periodically, to examine whether funding, poverty and legal changes have significantly altered the underlying civil justice gap. LSNJ will also provide regular updates on court statistics about unrepresented litigants.

Beyond this information, the findings in the study raise several additional areas for further inquiry, to understand more fully how lack of legal assistance impacts whether people receive equal justice.

### **1. Effects of being unrepresented in court**

Given the enormous numbers of unrepresented litigants in New Jersey courts (*e.g.*, 99 percent of tenants facing eviction are unrepresented, including those who default), it is important to learn more about what happens to those who are compelled to appear in court without a lawyer.

### **2. Usefulness of receiving limited legal assistance: advice, counsel, and other help short of full representation**

Nationally and in New Jersey various sorts of limited legal assistance (sometimes termed “unbundled” legal services) grew in use during the 1990’s. Partial help to pro se litigants from courts, Legal Services programs and others also expanded during this period. Very little national research considers the effectiveness of such measures in securing greater justice, and such information is very important to Legal Services, other legal assistance providers and courts for making decisions about the level of resources to commit to such efforts.

### **3. Impediments to seeking and securing counsel**

Further qualitative research is indicated to gain better understanding of the factors that hinder or dissuade people with lower incomes from either seeking or actually securing lawyers.

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## PART THREE: CONCLUSION – TAKING STRONG STEPS TOWARDS EQUAL JUSTICE

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The study findings are quite disturbing. The basic incidence of legal problems among people with lower incomes remains essentially constant since 2002 – one in three individuals with lower incomes will experience at least one legal problem each year, and the average *number* of problems that person is likely to experience increased by almost 30 percent. Compared with the 2002 study, approximately one in five (21.7 percent) people with lower incomes with at least one legal problem were able to get a lawyer, a slight improvement from just one in six in 2002. Unfortunately, data for this report was collected *prior to* Legal Services’ most recent severe funding reduction, so the picture is almost certainly now worse.

**The vast majority of New Jersey residents with lower incomes do not get the legal assistance they need for their legal problems.**

There is some evidence, to be confirmed in further research, that higher income correlates with (1) greater likelihood of having a lawyer both in general and in court, (2) greater level of satisfaction with the outcome of a legal matter, and (3) lower incidence of “most serious” legal problems. This raises the disturbing possibility that New Jerseyans with lower incomes do not have the same access to justice as residents with higher incomes. Regardless of whether this distinction is fully borne out by future research, the fact remains that the vast majority – nearly 80 percent – of New Jersey residents with lower incomes do not get the legal assistance they need for their legal problems, and that they rate nearly 60 percent of those problems “most serious” in nature.

How should New Jersey respond to this continuing justice gap, and the barriers to equal justice for all? First, some data on the broad scope of the challenge. The latest Census figures indicate 2.036 million New Jersey residents have incomes below 200 percent of the FPL.<sup>13</sup> Of these, 1.42 million are individuals 18 or older, the survey group for this study. Based upon the incidence rate revealed by this study, 461,500 of these individuals will have a legal problem each year, and only 100,146 will have some form of legal assistance (though for many even this assistance will not be the traditional model of full legal representation). The shortfall – the civil legal assistance and justice gap – is staggering, at least some 361,000 unassisted individuals. The total number of legal problems where there is no legal representation is over 736,000.

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<sup>13</sup> Census CPS figures, based upon a two-year average for 2007-2008. The Legal Services eligibility ceiling is 200 percent of FPL.

Necessary steps to close the civil justice gap include:

## **1. Garnering more resources**

At bottom, many more New Jerseyans with lower incomes need lawyers for their legal problems. Unquestionably, significantly greater resources are required, principally financial, but augmented by the *pro bono* efforts of private lawyers. History teaches that most of this funding will have to come from public sources. Resources must be targeted first at the most critical legal problems.

- A. The greatest share of additional funding will need to come from the State, because the great majority of legal problems arise under state laws and regulations, and most adversary proceedings occur within state courts and agencies.

That said, the federal government began the national Legal Services program in 1965, and continues to spearhead the effort now through the federally funded grants and leadership of the Legal Services Corporation. Congress and the President must increase this federal share; in equivalent dollars it constitutes presently only half of what the total federal contribution was in the last year of the Carter administration.

- B. The great majority of new funds should be used to strengthen and expand the core statewide staff delivery system.

As indicated earlier in the report, Legal Services constitutes the backbone of New Jersey's – and the nation's – civil legal assistance delivery system. Key features of New Jersey's Legal Services system, which maximizes efficient and effective service delivery, are:

- Regional offices in all 21 counties
- Statewide experts in all relevant areas of poverty law
- Statewide training, planning, research support and coordination
- Statewide legal material banks
- Statewide Web sites, as well as community legal education and *pro se* materials, in written and video formats
- Statewide technology system
- Statewide legal hotline, serving as both a statewide intake portal and a last-resort source for securing at least advice in any civil legal matter
- Many high volume, highly efficient regional and statewide representation projects

- Extensive leveraging of other private and public funding sources.

To achieve maximum effect from scarce dollars, the vast majority of resources must go into this statewide Legal Services system, which is the analog to the Public Defender system on the criminal side.

C. *Pro bono* efforts of the private bar must be expanded.

With fewer than 35,000 practicing lawyers in New Jersey, according to court figures, the majority of whom are in one or two person firms, it is clear that the private bar cannot be expected to absorb anything like the lion's share of the more than 736,000 unmet legal needs. On the other hand, available evidence suggests that at best ten percent of New Jersey's practicing private lawyers contribute time to the *pro bono* legal assistance programs. Some other states and localities within them have reported percentages five and six times greater. Without question, New Jersey's contribution can be expanded significantly.

## 2. Simplifying legal procedures

Wherever possible, court rules and processes must be made more accessible to unrepresented litigants. Almost always, these individuals are unrepresented by poverty and circumstance, not by choice. New Jersey courts have made significant efforts over the years to make judicial procedures more accommodating to the unrepresented, but this needs to be a renewed and major judicial emphasis.

## 3. Enhancing *pro se* assistance

In addition to the *pro se* help provided by Legal Services and some other legal assistance providers, the courts themselves must continue to expand such efforts, building upon the very well-received work of the ombuds offices in each New Jersey vicinage.

The road ahead toward equal justice is long and steep. Success – achieving effective access to equal justice for all with significant legal problems – is a cornerstone of an orderly and democratic society. We cannot fail in this quest.

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# APPENDICES

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## **APPENDIX I: ADDITIONAL METHODOLOGICAL DETAILS**

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The following appendix provides details about the 2009 NJLNS survey instrument, sampling design, data collection process, response rate, and data analysis weighting scheme, to supplement information in the main methodology section of this report.

### ***SURVEY INSTRUMENT***

The 2009 NJLNS used the same basic survey instrument as the 2002 study, with some modifications. The 2009 NJLNS questions capture information about potential legal problems through a total of 68 questions covering specific examples that correspond to concepts of legal disputes or difficulties. These questions are categorized into substantive areas of law that encompass housing and neighborhood, consumer, employment, personal injury and property damage, family, health care, public benefits, education and civil rights issues. All questions used to capture problem descriptions refer to a time period of the 12 months prior to the date of the survey completion.

The 2009 study included 18 additional questions about specific problems, changed the categorization of nine questions, and deleted two questions. Seven of the 2009 study additional questions were catch-all questions, where the interviewer asked whether the respondent had experienced any other disputes or difficulties related to an area, other than what had just been asked about. The 2002 survey instrument included catch-all questions at the end of the questionnaire. The questions added, including the catch-all questions, were in the areas of housing and neighborhood (2), education (4), family (1), employment (1), health care (2), personal injury and property damage (1), consumer (4), civil rights (2) and miscellaneous (1). Questions deleted were in the areas of employment (1) and civil rights (1). Questions moved included those from family to education (3), civil rights to public benefits (2) and consumer to personal injury and property damage (4). As in the 2002 study, the orders of substantive areas of questions and of individual questions within areas were randomized for each survey to prevent biases in the study data.

The majority of the follow-up questions used in the 2002 study, including those inquiring as to whether respondents believed they needed help from lawyers and whether respondents sought help from lawyers, were used in the 2009 study. Some changes were made to question order and additional questions were added.

### ***SAMPLING DESIGN***

The NJLNS sample was drawn according to standards employed for household land line based random digit dial survey data collection. The sample did not include telephone numbers for businesses or institutions, which might include military bases, prisons, state homes or hospitals. The study used a stratified sampling design so that, statewide, respondents with incomes above 200 percent of poverty would mirror Census data proportions along demographics of income and telephone exchange geographies. Households with incomes below 200 percent of poverty were selected using a stratified sampling design within each of six regions that cover the entire state. Stratifying the sample by three levels of income matched to exchange rates allowed samplers to maintain a random design while maximizing the number of potential lower-income respondents contacted. Study sampling was designed so that telephone numbers were drawn to reach a minimum number of 2,800 completed surveys with specifications according to numbers of respondents with lower incomes and geographic distributions. A minimum of 400 respondents with incomes above 200 percent of federal poverty guidelines and 400 respondents with lower incomes in each of six regions were required.

The federal poverty guidelines for 2006 provided below were used to categorize income levels.

#### **2006 HHS Poverty Guidelines**

<b>Persons in Family or Household</b>	<b>Income Maximum For 100% Poverty</b>	<b>Income Maximum For 200% Poverty</b>
1	\$ 9,800	\$ 19,600
2	\$13,200	\$26,400
3	\$16,600	\$33,200
4	\$20,000	\$40,000
5	\$23,400	\$46,800
6	\$26,800	\$53,600
7	\$30,200	\$60,400
8	\$33,600	\$67,200
For each additional person, add	\$3,400	\$6,800

Source: *Federal Register*, Vol. 71, No. 15, January 24, 2006, pp. 3848-3849, provided through the Internet at <http://aspe.hhs.gov/POVERTY/06poverty.shtml>

Interviews were conducted in both English and Spanish between June and November 2007. Within each household, the adult with the next birthday was selected to interview. Respondents were then screened to meet the additional study criteria that they were age 18 or older and had lived in New Jersey continuously for the 12 months preceding the interview.

### ***DATA COLLECTION***

Trained interviewers collected data using Computer Assisted Telephone Interviewing technology. Interviewer trainings included study criteria, survey instrument and computer program components. In order to achieve a maximum response rate, interviewers placed up to 24 telephone calls, made at varying times of the day and days of the week, per working telephone number. Up to 12 attempts were made if necessary to reach a respondent randomly selected from individuals within each household. Interviewers called up to 12 additional times to complete a survey with each randomly selected respondent who had been determined to be income eligible to complete the survey. Interviewers also provided a toll-free number to potential respondents.

### ***DATA CODING***

Following data collection, attorneys used the survey instrument and reviewed a total of 2,794 legal problem descriptions collected, of which 2,079 were included in analysis, 131 were coded as the same problem repeated so were not counted twice, and 584 descriptions were discarded because they did not meet study criteria.

### ***RESPONSE RATE***

The NJLNS survey response rate of 34.1 percent is calculated according to a standardized American Association for Public Opinion Research formula. The equation used to calculate the response rate is:

$$RR3 = \frac{I}{(I + P) + (R + NC + O) + e(UH + UO)}$$

where I = completed contacts = 19,018; P = partial interviews = 123; R = mid-interview termination = 16,267; NC = non-contacts = 6,003; O= other = 3,522; UH = unknown if housing units = 18,350; UO = housing unit/unknown if eligible respondent = 5,925; and NE = not eligible = 55,094; and “e” =  $\frac{I + P + R + NC}{I + P + R + NC + NE}$ .

### ***DATA WEIGHTING***

Prior to data analysis, sample weights were applied to all data. Each sample weight consisted of a household weight, person weight and post-stratification weight. The household weight readjusted for over-sampling from areas with high concentrations of households with low incomes. Person weights consisted of the number of eligible individuals living in a household and the inverse of the number of residential telephone lines coming into a household. Post-stratification weights adjusted according to averaged proportions by sex and by age in the

U.S. Census Bureau's Public Use Microdata Sample Files (PUMS) for the 2005 and 2006 American Community Surveys. This weighting scheme is replicated from the 2002 NJLNS, with more recent data. The Demographics Appendix of this report provides statistics comparing data from the PUMS file with weighted survey data.

## **APPENDIX II: THE IMPACT OF A LAND LINE-ONLY SAMPLING DESIGN**

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One of the major limitations of the NJLNS is caused by a land line-only sampling design. Study methodology limits the ability to collect responses from individuals who do not have any landline telephones or who have inconsistent land line telephone coverage. The NJLNS asks survey respondents two specific questions about whether there were times when they lacked land line telephone access in their households: 1) *At any time during the past 12 months has this household been without a telephone, including a cell phone, because you couldn't afford one or because the telephone company turned off your services?* 2) *At any time during the past 12 months has this household had only a cell phone and not a land line telephone?* Since the NJLNS was implemented solely through land line telephones, those without access to a telephone or those with only cell phone access would have been missed by the survey. Therefore, these two questions require additional analysis which will be helpful for future research in this area.

### ***INCIDENCE OF LEGAL PROBLEMS BY TELEPHONE STATUS***

For the purpose of analysis, individuals who only had cell phones at any point during the survey year are referred to as *cell phone only*. Individuals who were without a telephone at any point during the survey year are designated as *no phone*.

Cell phone only respondents experienced a higher rate of legal problems than other survey respondents. 50.6 percent of respondents regarded as cell phone only experienced at least 1 legal problem, compared to only 30.1 percent for non-cell phone only respondents. The average number of legal problems for cell phone only respondents was 1.72, compared to only 0.64 to the non-cell phone only respondents.

No phone respondents were even more likely to experience a higher rate of legal problems than those who had a phone during the entire year. Over half (59.9 percent) of no phone respondents experienced at least 1 legal problem, compared to only 29.1 percent for all other survey respondents. The average number of legal problems for no phone respondents was 2.06, compared to only 0.60 for those who had a telephone during the whole year.

### ***TELEPHONE STATUS BY INCOME***

The analysis above suggests that individuals who either go without a telephone or only have a cell phone at any point are more likely to experience legal problems than individuals who have a land line telephone during the whole year. For further examination, these two incidences can be compared by income levels. A greater percentage of lower-income

respondents experience both cell phone only and no phone status than did higher income respondents. Seventeen percent of very low income respondents were designated as cell phone only, compared to only 6.3 percent for lower-income and 4.2 percent for higher-income respondents. Likewise, 17.4 percent of very low-income respondents were designated as no phone, compared to 11.0 percent for lower-income and only 1.6 percent for higher-income respondents. This suggests that our sampling design is likely to miss many of the legal problems experienced by subsets of very low-income and lower-income individuals.

### ***TELEPHONE STATUS BY VARIOUS DEMOGRAPHICS***

The table below shows demographic breakdowns by education, race and housing status for both cell phone only and no phone respondents. Both groups contain a higher percentage of respondents with lower education levels ranging from no high school diploma to some college/no degree. Both groups also contain a higher percentage of White and Black or African American respondents and a higher rate of renters than owners.

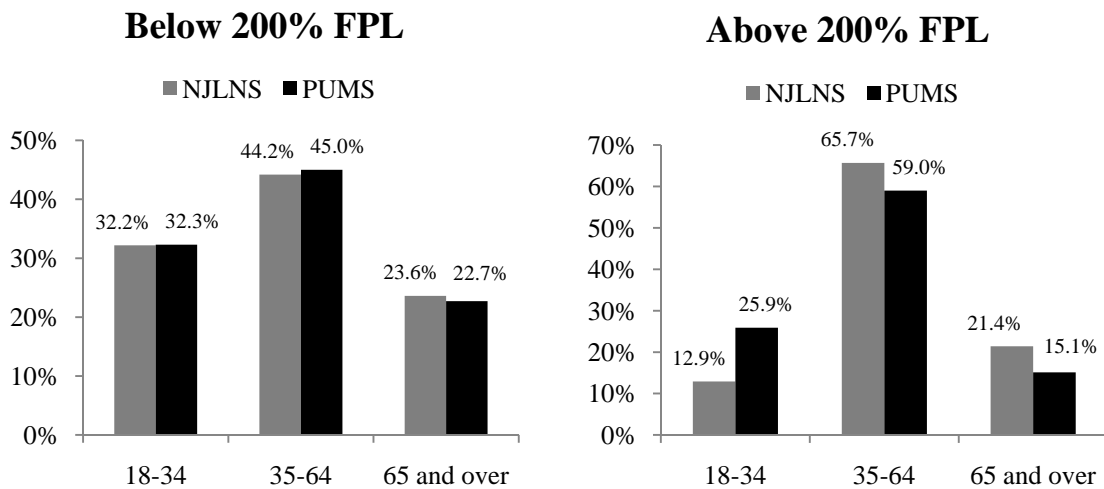
	Cell Phone Only	No Phone
<b>Education:</b>		
No H.S. Diploma	21.9%	27.3%
H.S. Diploma/or GED	45.3%	38.8%
Some college/no degree	22.7%	23.5%
Associate's degree	3.6%	3.5%
Bachelor's degree	5.3%	4.6%
Post-graduate	1.2%	2.3%
<b>Race:</b>		
White	47.4%	49.0%
Black, or African American	36.6%	34.0%
Native American	2.2%	1.7%
Asian, or Asian American	1.3%	0.4%
Other	1.7%	0.8%
Hispanic or Latino	10.8%	14.1%
<b>Housing Status:</b>		
Rental	54.9%	55.3%
Non-Rental, Own	45.1%	44.7%

These findings suggest that there should be additional research on the legal problems experienced by lower-income respondents that takes into account the use of cell phones and the lack of land line telephones, commonly experienced by individuals with lower incomes with the key demographics that have been widely discussed throughout the majority of this report.

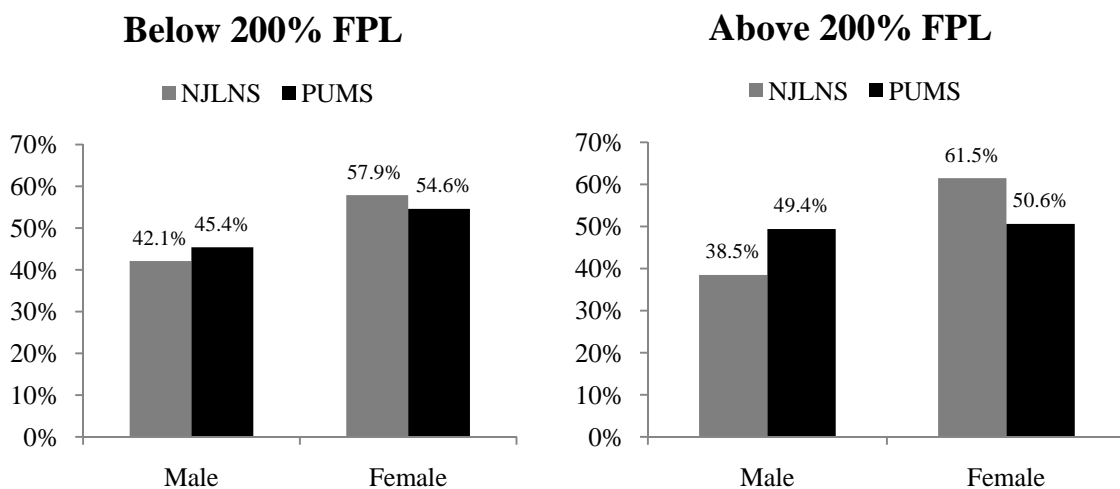
## APPENDIX III: DEMOGRAPHICS

This section compares the demographic distributions of the study population as weighted to Census Public Use Microdata Sample (PUMS) data that was collected to design the American Community Survey. (Data from PUMS 2006)

### AGE:



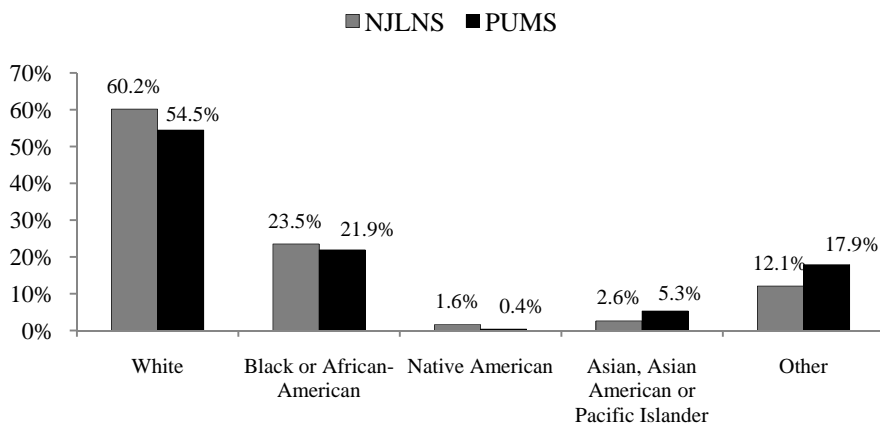
### GENDER:



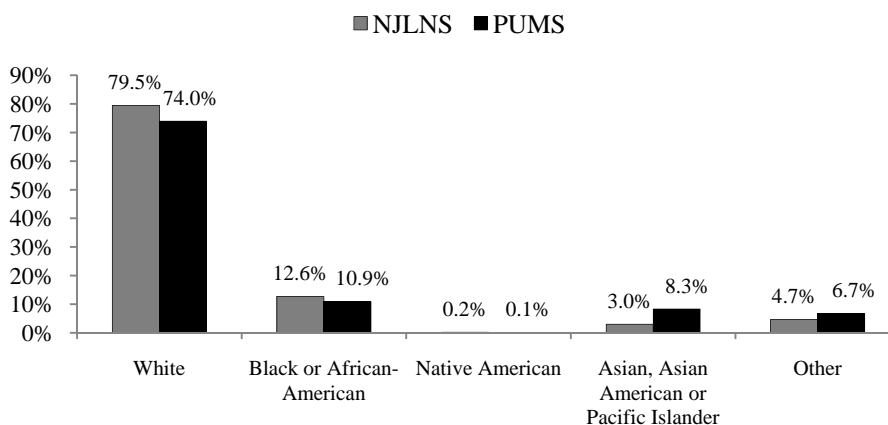


**RACE AND ETHNICITY:**

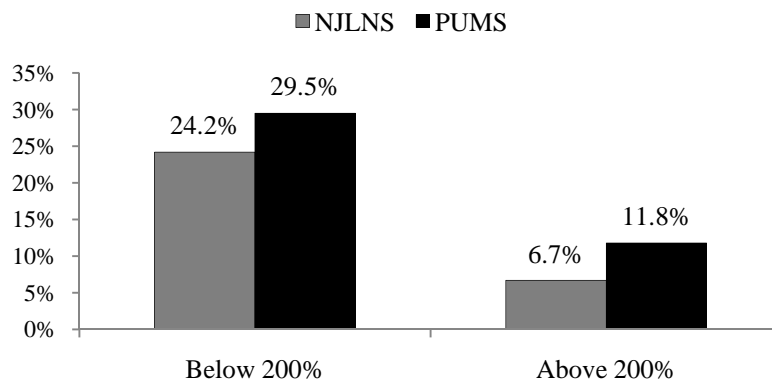
**Below 200%**



**Above 200%**

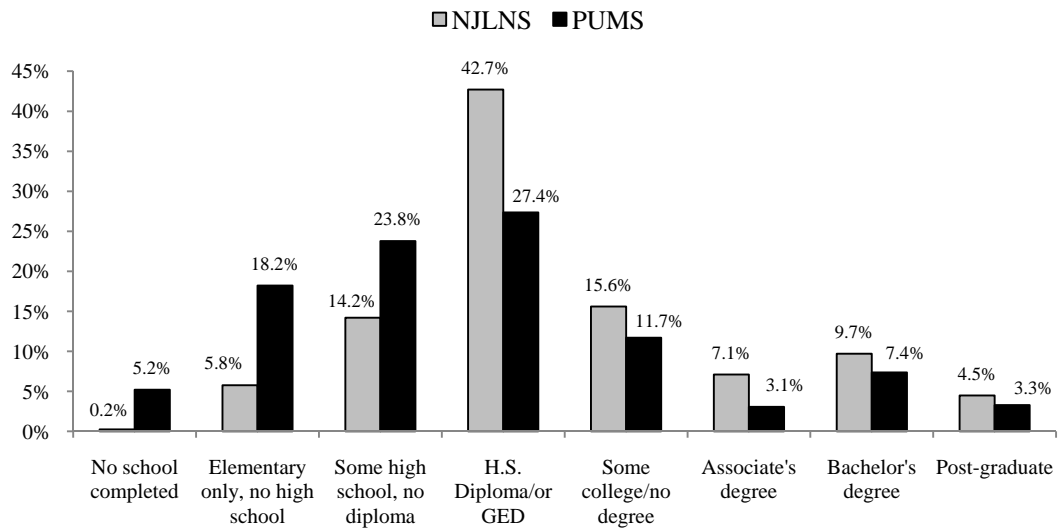


**Hispanic or Latino**

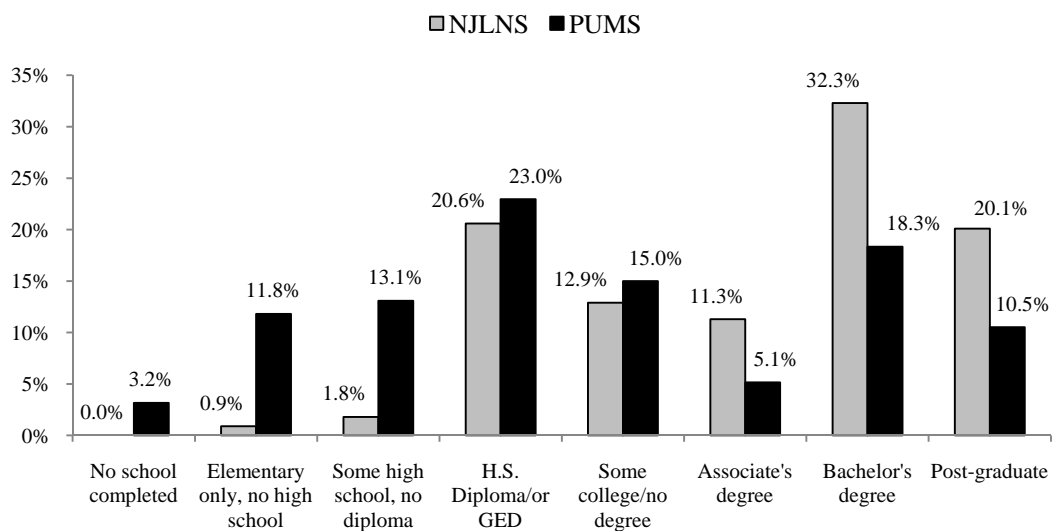


**EDUCATION:**

**Below 200% FPL**

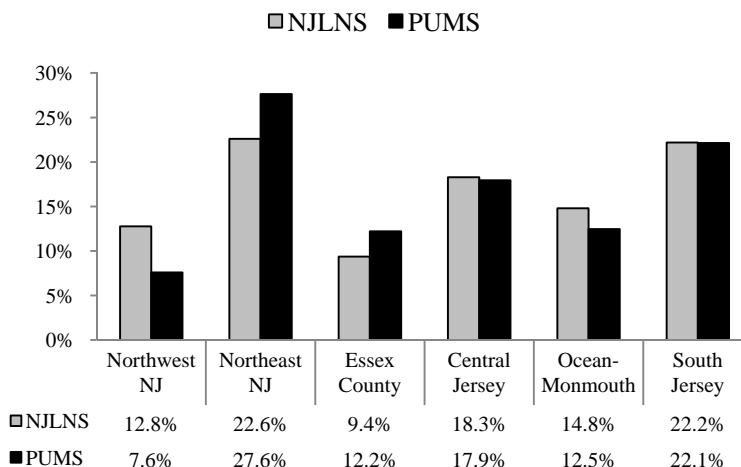


**Above 200% FPL**

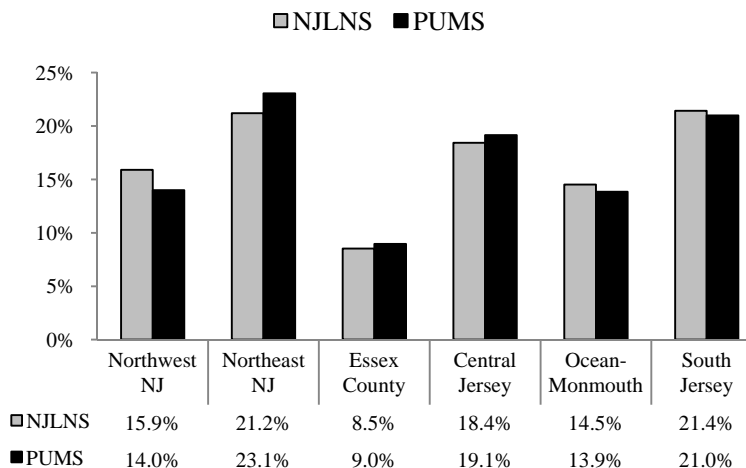


**REGION:**

**Below 200% FPL**



**Above 200% FPL**



**LANGUAGE:**

According to 2006 PUMS analysis, 13.0 percent of the total population of New Jersey speaks Spanish as their primary language (language spoken at home). In the NJLNS study, 12.1 percent of all interviews were conducted in Spanish. These figures are not directly comparable but they do suggest some level of representativeness between the sample and overall census demographics.

When broken down by income, the sample is not as representative of the overall population. According to the 2006 PUMS, 24.7 percent of those below 200 percent of the federal poverty level speak Spanish as their primary language compared to 9.9 percent for those above 200 percent of the poverty level. In the NJLNS study, 14.2 percent of interviews for those below 200 percent were conducted in Spanish compared to 0.2 percent of interviews for those above 200 percent.

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## **APPENDIX IV: STATISTICAL RESULTS HOLDING SEVERAL DEMOGRAPHIC VARIABLES CONSTANT**

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### ***ODDS OF EXPERIENCING A LEGAL PROBLEM***

Taking into account respondents' gender, age, race and ethnicity, education, employment status, family and household composition, and housing tenure all at the same time, it is possible to see the odds ratios for different demographic characteristics. Holding all factors constant, the odds of having at least one legal problem for respondents with lower income are 2.28 times higher for those 18 to 34 years of age and 2.52 times higher for those 35 to 64 years of age, compared to those age 65 and over; 1.45 times higher for Black or African American respondents compared to White respondents; 1.25 times higher for those with children compared to those without children; 1.52 times higher for those who live in single-adult households with at least one child compared to other household types; 1.65 times higher for those who rent compared to those who own homes; 1.29 times higher for those who are employed compared to those who are unemployed; 1.87 times higher for those with some college education compared to those with the highest education of a high school degree. The odds of having at least one legal problem for respondents with higher incomes, when holding all factors constant, are 2.11 times higher for those 35 to 64 years of age compared to those age 65 and over and 1.86 times higher for those who are employed compared to those who are unemployed.<sup>14</sup>

### ***NUMBERS OF LEGAL PROBLEMS***

When looking at the total number of legal problems for respondents with lower incomes, race and ethnicity, education, single adult households, housing tenure, and age are all significant indicators of the number of legal problems an individual will experience. On average, there is an associated increase of 0.23 legal problems for each additional person who is Black or African American, an increase of 0.48 legal problems for each additional person who has some college education, an increase of 0.35 legal problems for each additional person who lives in a single adult household with at least one child, an increase of 0.55 legal problems for each additional person who lives in rental housing, an increase of 0.42 legal problems for each additional person who is 18 to 34 years of age, and an increase of 0.40 legal problems

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<sup>14</sup>These statistics are generated using a logistic regression model. All regression models are stepwise models with independent variables of b1gender + b2race and ethnicity + b3age + b4educational attainment + b5whether or not worked during the past year + b6whether or not responsible for children in the household + b7whether or not living in a single adult household with at least one child + b8whether or not lived in rental housing. Models reported have overall chi-square values below the .05 level. The Cox and Snell R Square statistic for the lower income model is .086 and the Nagelkerke R Square statistic is .121. The Cox and Snell R Square statistic for the higher income model is .090 and the Nagelkerke R Square statistic is .123.

for each additional person who is 35 to 64 years of age, holding constant for other variables. When looking at the total number of legal problems for respondents with higher incomes, only age shows a significant relationship to the number of legal problems an individual will experience. On average, for each additional person who is 35 to 64 years of age, there is an associated increase of 0.37 legal problems, holding constant for other variables.<sup>15</sup>

Taking into account respondents' gender, age, race and ethnicity, education, employment status, family and household composition, and housing tenure all at the same time, it is possible to see the odds ratios for different demographic characteristics. Holding all factors listed constant, the odds of trying to get the help of a lawyer for at least one legal problem for lower income residents are 1.69 times higher for those 35 to 64 years of age compared to those age 65 and over; 1.44 times higher for Black or African American respondents compared to White respondents; 2.32 times higher for those who are in single-adult households with at least one child compared to other household types; 1.96 times higher for those with a post-graduate degree and 0.60 times higher for those with less than a high school degree compared to those with the highest education of a high school degree. There were no significant determinants of trying to get the help of a lawyer for higher income respondents.<sup>16</sup>

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<sup>15</sup> These statistics are generated using a linear regression model. The R Square for the lower income model is .082 and the R Square for the higher income model is .070.

<sup>16</sup> These statistics are generated using a logistic regression model. The Cox and Snell R Square for the lower income model is .023 and the Nagelkerke R Square is .051.

## **APPENDIX V: STATISTICAL RELATIONSHIPS BETWEEN KEY DEMOGRAPHICS AND THE INCIDENCE OF LEGAL PROBLEMS**

The tables below show which relationships are statistically significant at each poverty level when looking at key demographics by the experience of at least 1 legal problem and by the total number of problems experienced.

<b>Statistical Relationship of Key Demographics by the Experience of At Least 1 Legal Problem</b>			
	<b>Below 100%</b>	<b>Below 200%</b>	<b>Above 200%</b>
Age	.000***	.000***	.001***
Race	.003***	.000***	.170
Presence of Children	.000***	.000***	.006***
Number of Adults in HH	.191	.072*	.059*
2 Adults w/ at least 1 child	.003***	.000***	.006***
1 Adult w/ at least 1 child	.000***	.000***	.842
Housing Status	.000***	.000***	.442
Employment Status	.042**	.000***	.000***
Education	.001***	.000***	.295

<b>Statistical Relationship of Key Demographics by the Number of Problems Experienced</b>			
	<b>Below 100%</b>	<b>Below 200%</b>	<b>Above 200%</b>
Age	.000***	.000***	.058*
Race	.185	.000***	.167
Presence of Children	.000***	.000***	.019**
Number of Adults in HH	.120	.775	.044**
2 Adults w/ at least 1 child	.004***	.000***	.017**
1 Adult w/ at least 1 child	.000***	.000***	.763
Housing Status	.000***	.000***	.735
Employment Status	.989	.390	.001***
Education	.002***	.075*	.392

\* Significant at the .10 level  
 \*\* Significant at the .05 level  
 \*\*\* Significant at the .01 level



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## APPENDIX VI: COMPARISON OF 2002 AND 2009 NEW JERSEY LEGAL NEEDS STUDIES (NUMBERS IN PARENTHESES REPRESENT PERCENTAGES)

	2002			2009		
<b>Respondents</b>						
Total	1,013			2,846		
Lower Income	1,013			2,412 (84.7)		
Low Income		686 (67.8)			1,476 (61.2)	
Very Low Income		327 (32.3)			936 (38.8)	
Higher Income	0			434 (15.3)		
<b>All Respondents</b>						
Total Respondents	1,013			2,846		
With Legal Problems		331 (32.7)			947 (33.3)	
1 Legal Problem			186 (56.2)			479 (50.6)
>More than 1 Legal Problem			145 (43.8)			468 (49.4)
No Legal Problems		682 (67.3)			1,899 (66.7)	
<b>Lower Income Respondents</b>						
Total Respondents	1,013			2,412		
With Legal Problems		331 (32.7)			784 (32.5)	
1 Legal Problem			186 (56.2)			380 (48.5)
>More than 1 Legal Problem			145 (43.8)			404 (51.5)
No Legal Problems		682 (67.3)			1,628 (67.5)	
<b>Low Income Respondents</b>						
Total Respondents	686			1,476		
With Legal Problems		237 (34.5)			425 (28.8)	
1 Legal Problem			135 (57.0)			219 (51.5)
>More than 1 Legal Problem			102 (43.0)			206 (48.5)
No Legal Problems		449 (65.5)			1,051 (71.2)	
<b>Very Low Income Respondents</b>						
Total Respondents	327			936		
With Legal Problems		94 (28.7)			359 (38.4)	
1 Legal Problem			51 (54.3)			161 (44.8)
>More than 1 Legal Problem			43 (45.7)			198 (55.2)
No Legal Problems		233 (71.3)			577 (61.6)	
<b>Higher Income Respondents</b>						
Total Respondents		0		434		
With Legal Problems		N/A			163 (37.6)	
1 Legal Problem			N/A			99 (60.7)
>More than 1 Legal Problem			N/A			64 (39.3)
No Legal Problems		N/A			271 (62.4)	

2002				2009		
<b>Legal Problems</b>						
Total Legal Problems	597			2,117		
Lower Income	597			1,834 (86.6)		
Low Income		179 (30.0)			877 (47.8)	
Very Low Income		418 (70.0)			957 (52.2)	
Higher Income	0			283 (13.4)		
<b>Total Legal Problems</b>	597			1,834		
<b>Number of Legal Problems Per Person For Those Who Experienced At Least 1 Legal Problem</b>	1.8			2.3		

Note: Percentages of the total for each group within parentheses