The Washington State
Civil Legal Needs Study

Task Force on
Civil Equal Justice Funding

Washington State
Supreme Court

September 2003

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Foreword

In November 2001 the Washington State Supreme Court took an historic step, establishing a Task Force on Civil Equal Justice Funding. As part of its charge, the Task Force was directed to conduct a study of the civil legal needs of Washington's low-income and vulnerable populations. Through this study the Task Force sought answers to the following questions:

- What types of civil legal needs do the state's low-income and vulnerable populations experience and how often?
- Do low-income minorities, the elderly, the disabled and other demographic cluster groups have greater or different legal needs than the general low-income population?
- How do the legal needs of low-income and moderate-income people compare?
- How often do low-income people get legal assistance to address their needs?
- How successful are they in getting necessary legal assistance using the telephone and computer technologies?
- For those who manage to get legal assistance, does it lead to better outcomes?
- How does getting legal assistance affect attitudes toward the justice system?
- What do those who work in the justice system and social services communities believe the needs of low-income and vulnerable people to be, and to what degree do their perceptions correspond to the actual needs?

To answer these questions, the Task Force adopted a three-part approach, drawing on the best practices of two previous major legal needs studies—a national study conducted by the American Bar Association in 1994, and a study conducted in the state of Oregon in 2000. We commissioned a field survey of in-depth interviews, similar to that of Oregon, and simultaneously commissioned a telephone survey of randomly chosen households, similar to that used by the American Bar Association. To these were added a new survey, one seeking anecdotal input from a broad array of legal and social services professionals.

The findings are very troubling and have significant implications for our state's justice system. Many thousands of our state's most vulnerable residents have serious legal problems and cannot get any help in resolving them. Many don't even realize their situations have a legal dimension. Others don't know where to seek help or are too overwhelmed to try. Meanwhile they are systematically denied the ability to assert and enforce fundamental legal rights, and forced to live with the consequences.

The following study documents these findings. The resulting story presents tremendous challenges for those of us who serve as stewards of our state's justice system and to all who believe in our democracy's promise of "liberty and justice for all." We commend the study and look forward to working to develop the necessary strategic responses.

Justice Charles W. Johnson, Chair
Task Force on Civil Equal Justice Funding

Judge Mary Kay Becker, Chair
Civil Legal Needs Study Work Group
Task Force Co-Chair

Introduction

Shortly after Margaret moved into her fourth-floor apartment, the building's elevator broke down. Stairs were impossible for the 90-year-old woman, who suffered numerous ailments and relied on a walker to get around. As time went on and the elevator remained broken, Margaret sent her niece to complain to city hall, but a city ordinance only required the landlord to report the problem, not remedy it. It was a matter for an attorney, someone who could help Margaret get the service to which she was entitled as a paying tenant. But she was reluctant. She was old, she was sick, and she couldn't even exit the building to meet with someone, even if she'd known where to go for help. She was also afraid of the cost, having once lost thousands of dollars on a property dispute. So she simply stayed in her apartment. In two and a half months she left only once, for an eye appointment. Her son and a friend came and carried her down the stairs.

Linda was physically abused by her partner. The 42-year-old African American woman either showed up at work looking beaten up, or called in sick to avoid the public shame. She was eventually told to quit or be fired. She consulted a private attorney about fighting the dismissal, and was told the process would be very lengthy. She didn't know legal assistance could help her secure unemployment benefits recently made available to persons forced to quit their jobs due to domestic abuse. She decided to let the matter drop altogether. Having no income, she left her apartment for a cheaper one. Her former landlord kept all but $50 of a $950 deposit. She didn't have the energy to fight that along with everything else. She applied for food stamps and medical assistance, never got any response, and gave up.

Every year Washington's low-income people encounter more than a million urgent civil legal problems. Landlords do nothing about roach-infested apartments. Collection agencies call at all hours about bills that should never have been sent in the first place. Women flee a violent spouse and find themselves immersed in divorce and other proceedings. City officials ignore repeated complaints about burned-out streetlights or illegally dumped garbage.

Although an attorney often can help improve the situation dramatically, the overwhelming majority of low-income people with legal problems face them without any such help. Indeed many don't realize that there are laws to protect them and that they could or should seek such assistance. Others don't know where to begin, or feel too overwhelmed to try. Most simply throw up their hands and endure miseries few higher-income people would tolerate. They despair of their plight and grow cynical about the justice system.

These are the findings of the Washington State Supreme Court's groundbreaking study on the civil legal needs of low-income and vulnerable people in Washington, the first such study in the history of the state. The study was conducted by the Task Force on Civil Equal Justice Funding, established by the Supreme Court in November 2001 to assess the legal needs of low-income residents of the state, determine the degree to which

these needs were being addressed, and develop proposals for long-term sustainable funding to ensure that basic legal assistance is available for those with important legal problems.

The study is the most comprehensive effort to date to determine the nature and scope of the civil legal problems of low-income people in Washington state, the extent to which these are addressed with legal assistance, and the consequences for low-income people and the justice system. It includes the results of nearly 2,100 face-to-face and telephone interviews, as well as observations from attorneys, judges and others within the justice system. The study did not address criminal legal matters or cases typically handled for contingency fees (e.g., personal injury).

The study's key findings were the following:

- More than three-quarters of all low-income households in Washington state experience at least one civil (not criminal) legal problem each year. In the aggregate, low-income people experience more than one million important civil legal problems annually.
- Low-income people face more than 85 percent of their legal problems without help from an attorney. Attorney assistance is most successfully secured in family-related matters, but even here only 30 percent of legal problems reported are addressed with the assistance of an attorney. Removing family-related problems, low-income people receive help from an attorney with respect to less than 10 percent of all civil legal problems.
- Women and children have more legal problems than the general population, especially on matters relating to family law and domestic violence. Specific types of legal problems are experienced by certain minorities, the disabled and members of other demographic cluster groups at a significantly higher than average rate.
- Legal problems experienced by low-income people are more likely to relate to family safety (including domestic violence), economic security, housing and other basic needs than those experienced by people with higher incomes.
- A significant percentage of legal problems experienced by low-income people are perceived to include a wrongful discrimination component.
- Legal problems do not differ significantly regionally or between those who live in close proximity to urban centers and those who do not.
- While the legal problems of urban and rural low-income residents are similar, residents of rural areas have less knowledge of available legal resources, and have less access to and success in using technology-based legal services.

- Nearly half of all low-income people with a legal problem did not seek legal assistance because they did not know that there were laws to protect them or that relief could be obtained from the justice system. Others did not know where to turn, were fearful, believed they could not afford legal help, or had language barriers.
- Nine out of 10 low-income people who do not get legal assistance receive no help at all and end up living with the consequences of the problem. Of the 10 percent who try to get help elsewhere, most turn to organizations that cannot provide legal advice or assistance.
- Though widely divergent by region and demographic cluster group, nearly half of low-income households have access to and the capacity to use the Internet. However, those with access to technology often do not know how it can help them address their legal needs.
- Low-income people who get legal assistance experience better outcomes and have greater respect for the justice system than those who do not.

These findings are based on the results of three separate surveys, designed to complement one another in providing the most comprehensive picture of the civil legal needs of low-income people and allow for comparisons with the needs experienced by moderate-income people.

The **field survey** was designed to elicit in-depth information of the number and the types of legal problems experienced by the low-income population as a whole, as well as those experienced by identifiable demographic sub-populations (demographic cluster groups) who might be expected to experience unique legal access obstacles or legal problems based on their status or identity. The field survey measured differences in the nature, frequency, and intensity of legal problems; obstacles to the justice system and perceptions of the justice system in general; and effectiveness of outcomes realized in response to actions that they may have taken to address their legal problems. The field survey was also designed to provide insight into regional differentials in each of the areas of inquiry and to make sure that the needs of certain hard-to-survey demographic cluster groups that would not likely be reached through a telephone or mail survey, such as the homeless, were effectively explored. The field survey included more than 1,300 individual in-depth surveys with low-income people throughout the state of Washington.

The second approach to data-gathering involved a **telephone survey** of more than 800 randomly selected low- and moderate-income people in geographic locations throughout the state. Conducted by the Social and Economic Sciences Research Center at Washington State University (SESRC), the telephone survey (known as a Random Digit Dialing, or RDD, survey) was designed both to verify and statistically confirm the field data generated for the low-income population, as well as inquire into differences in the type and frequency of legal problems experienced by low-income and moderate-income residents of Washington state.

Together the field and telephone surveys drew upon a statistically significant sample of the low- and moderate-income populations in Washington state. This sample forms the basis for drawing statistically reliable conclusions about the legal needs of these populations.

The third component was an anecdotal stakeholder survey, or a statewide survey of representatives of "stakeholder groups and organizations" (bench, bar, court personnel, social and human services providers, legal services providers) regarding their perceptions of the civil legal needs of low- and moderate-income people in Washington state and the civil justice system's capacity to address these needs. It also was designed to provide context for further discussions relating to the implications of the data generated from the field and telephone surveys.

This multi-survey approach is unique to the Washington study, and draws on the best practices of two previous major civil legal needs studies: the 1994 nationwide study by the American Bar Association (ABA), which relied on a random telephone survey; and a 2000 study by the state of Oregon, which drew on results of face-to-face, in-depth interviews. A more detailed description of each of the survey components and their respective methodologies is set forth in a later section of this study.

The study's findings cannot help but prompt questions about the capacity of Washington state's legal services delivery system to address existing need. Civil legal services programs and programs that engage the services of thousands of volunteer attorneys across the state, provide free legal assistance to low-income people. However, these programs are unable to address more than a very small portion of existing demand, never mind expanded demand. These issues require further examination by the Task Force on Civil Equal Justice Funding, the Washington State Supreme Court and many others. This study is meant to provide the necessary foundation for informed discussion of policy, service delivery and funding implications.

This study is a detailed discussion of the survey results, broken down into 12 key findings. Each finding is followed by a discussion of supporting data, along with graphs and tables. The discussions cover only highlights. Further survey results may be found in the appendices.

Included in this study are illustrative stories from low-income people interviewed during the field survey. Their names have been changed.

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Washington State Supreme Court
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Who are Washington's Low-Income People?

Washington state has approximately 1,039,000 low-income residents.[1] This figure reflects the 815,000 people identified in the 2000 Census "poverty statistics," as well as certain populations excluded from the Census, including 148,000 low-income undocumented farmworkers and related family members, and about 75,000 individuals who reside in juvenile, corrections, health care and other institutionalized living arrangements. Excluding those institutionalized, there are about 350,000 low-income households in Washington state.[2]

Washington state ranks 22nd nationally in poverty.[3] It ranked third in poverty growth rate over the past decade, with a 46 percent increase in the number of people living in poverty since 1990.

On a statewide basis about 13.2 percent of Washington state's Census-based population is low-income. Poverty disproportionately affects residents in the state's predominantly rural areas. In King County, which includes the Seattle metropolitan area and is the state's most developed region, the poverty rate is 10.7 percent. Poverty rates were much higher in the South Central (25%), Northeast (16.8%), Southeast (18.9%) and North Central (22.2%) regions, which are mostly rural with some smaller cities.[4]

Women and Children are disproportionately represented among the poor

Women and children are disproportionately represented in the ranks of the poor. Women and girls comprise 55 percent of those in poverty. Women are single heads of 47 percent of low-income households, compared with 14 percent of all households in the general population. Statewide, 33 percent of female-headed households with children under 18 live in poverty. In the North and South Central regions, the rate exceeds 50 percent. Statewide, 45 percent of female-headed households with children under 5 live in poverty. The rate rises to 60 percent for families in the central regions.

Minorities

Minorities are also over-represented in the poverty population. Although they comprise the majority of low-income people in Washington, Caucasians are underrepresented in the poverty population (68%) relative to their presence in the general population (82%). On the other hand, while minorities make up just 18 percent of the state's general population, they comprise 32 percent of the poverty population.[5] For example, according to the Census, people who identify themselves as of Hispanic or Latino origin comprise 7.5 percent of the general population but 17.5 percent of the poverty population.

[1] *Those living at or below 125 percent of the federal poverty level (FPL).*

[2] *This figure is calculated using the Census average household size for households at or below 100 percent of FPL—2.74.*

[3] *Poverty means at or below 100 percent of the FPL (versus 125% of FPL, which is "low-income").*

[4] *A map of the geographic regions used in this study is found following "Categories of Legal Need."*

[5] *These numbers are for 100 of FPL.*

Regional demographic distinctions are significant. While persons of Hispanic or Latino origin represent 24 percent of the total population in the North Central region, they comprise 45 percent of that region's poverty population. In the South Central region, Hispanics and Latinos constitute 30 percent of the total population but make up more than half (53%) of the poverty population.

Seniors

Seniors comprise 11.2 percent of the overall population in Washington. They represent 9.3 percent of the poverty population.

Immigrants and Farmworkers

Nationally, Washington state ranks 10th in states with recent immigrants (foreign-born individuals who have immigrated in the past 10 years) and fourth in states with migrant farmworkers.

Key Terms

Demographic cluster group. Socio-, cultural or economic groups identified by the Civil Legal Needs Study Work Group for group-specific analysis, to determine the degree to which members experience differences from the general low-income population in their need for legal assistance, the types of problems they may experience and their ability to secure access to the civil justice system.

Household. All persons who reside together and are economically reliant on one another from day to day. This may include family, extended family and non-family members, to the extent they act as a single economic unit. Special cases included migrant workers, who included in their households any people they were then supporting; juveniles, who included in their households immediate family members; and the homeless, who included in their households any members of their immediate families with whom they were in regular contact.

Households by income and family size. The study distinguishes among low-income, low-moderate-income and high-moderate-income households, using multiples of the federal poverty line (FPL). The FPL varies according to family size.

> A **low-income household** has income at 125 percent of the FPL or below. In 2002 a family of four making $22,625 or below would have fallen into this category.
>
> A **low-moderate-income household** has income above 125 percent but not more than 200 percent of the FPL. In 2002 a family of four making more than $22,625 but not more than $36,200 would have fallen into this category.
>
> A **high-moderate-income household** has income above 200 percent but not more than 400 percent of the FPL. In 2002 a family of four making more than $36,300 but not more than $72,400 would have fallen into this category.

Legal assistance. Unless specifically limited to assistance provided by an attorney, the term means advice or representation by an attorney; advice from a legal hotline; or help from a paralegal, domestic violence advocate, courthouse facilitator, court clerk, law librarian or other non-attorney in obtaining legal information, completing legal forms or providing legal advice and representation.

Legal need. Any set of circumstances involving rights or responsibilities recognized by law or regulation, or something for which the household might have appropriately consulted a lawyer or otherwise sought relief from the civil justice system. The study does not address criminal legal matters, or cases typically handled for a contingency fee (e.g., personal injury).

Legal needs include both **legal problems and legal issues**. A legal problem is the overall set of circumstances experienced by a household. Potential claims arising from that set of circumstances are legal issues. For example, the failure of a landlord to make necessary repairs to a minority tenant's unit would be a legal housing problem. That legal problem might give rise to a number of legal issues, such as "bad conditions" or "discrimination."

Legal services. Any of a number of programs providing free legal services to low-income people.

Relevant population. Persons and households likely to experience a particular type of legal problem. For example, the relevant population for evaluating education-related legal problems was all households with school-aged children. Similarly, the relevant population for employment-related problems was households where a member was employed or had applied for employment within the previous 12-month period.

Unmet legal need. A legal need for which legal assistance was not secured by the individual or household experiencing the need.

Weighting. Responses from the total 1,333 field-survey interviews were weighted, so that each demographic cluster group's sample mirrored its representation in the general low-income population, according to 2000 Census data. The results weren't weighted for region, since weighting made for negligible differences. All general field survey results in the report are thus weighted. Results within each demographic cluster group reflect the unweighted total responses for that group.

Key Findings

I. How great is the need in Washington state?

More than three-quarters of all low-income households in Washington state experience at least one civil (not criminal) legal problem each year. In the aggregate, low-income people experience more than one million important civil legal problems annually.

Approximately 87 percent of low-income households[6] experienced at least one situation giving rise to a civil legal need during the previous year, according to the field survey. Low-income households that have legal problems average 3.3 problems per year, with some reporting as many as 20. That means Washington's low-income people experience nearly 1.1 million legal problems annually[7]—a significant number involving matters of safety or subsistence and nearly all of them considered important by the people experiencing them.[8]

The telephone survey found that roughly the same percentages of low- and moderate-income households experience at least one legal problem, but it also found that low-income households are more likely to experience several situations giving rise to a need for legal assistance than moderate-income households (Fig. 1). In some cases, households experience several unrelated problems. For others, a single situation results in a number of legal problems, each of which has the potential for generating several legal issues. For many women, leaving a husband involves not only divorce and child residential placement proceedings, but housing and creditor issues brought on by the sudden move and loss of income. People with debilitating illnesses struggle to claim government help to which they are legally entitled, and try to keep creditors at bay for medical bills that accrue in the meantime.

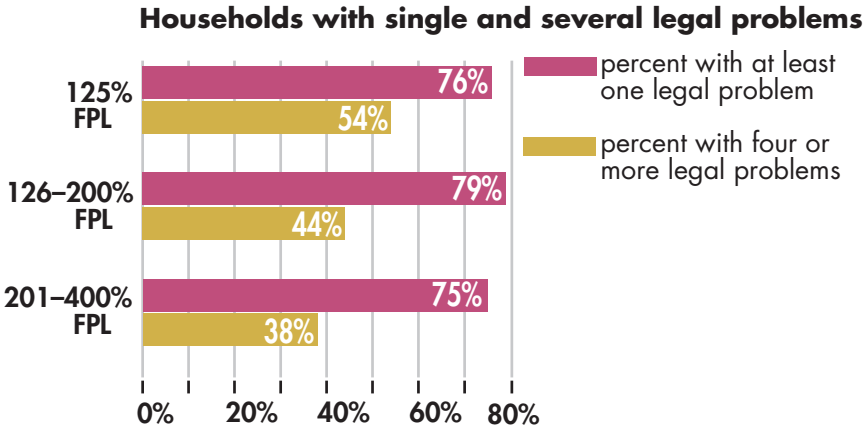
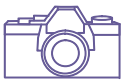


Fig. 1 Percentage of households experiencing a single legal problem and percentage experiencing four or more problems, by income group

Low-income households are more likely than moderate-income households to have many legal needs.



Michele, a 25-year-old Caucasian living in Western Washington, watched one situation set off a legal needs chain reaction. It began when she and her children were denied government medical coverage. They eventually qualified after six months of persistence, but in the meantime her daughter was hospitalized with pneumonia. Michele received a huge medical bill for the girl's treatment. Creditors called Michele two or three times a day at work and at home, and threatened her with jail time if she did not pay off the bill. Her wages were eventually garnished to pay the debt. Legal assistance could have helped her avoid garnishment, fend off illegal collection practices and get reimbursement for medical expenses she'd incurred while seeking government coverage. It also might have helped head off all these issues, by helping her family qualify earlier for the government medical coverage to which they were entitled.

[6] A household includes all people who reside together and are economically reliant on one another day to day. Households were divided into low-income, low-moderate-income and high-moderate-income groups. Further information is available in the "Key Terms" section. A chart showing income levels for various-sized households is located in the appendix.

[7] The figure assumes 1,039,000 low-income people, with an average household size of 2.74 people. The population figure includes 815,000 persons at or below 125 percent of the FPL reported to the 2000 Census, 148,000 low-income undocumented farmworkers and their families, and about 75,000 residents of juvenile, mental health, correctional and group living facilities who are not included in the 2000 Census numbers.

[8] Households characterized 93 percent of their legal problems as "important" to the household—56 percent as "extremely important."

II. Who gets assistance? Who doesn't?

Low-income people face more than 85 percent of their legal problems without help from an attorney. Attorney assistance is most successfully secured in family-related issues, but even here only 30 percent of legal issues reported are addressed with the assistance of an attorney. Removing family-related issues, low-income people receive help from an attorney in connection with less than 10 percent of all civil legal issues.

The field survey evaluated the degree to which low-income people secured legal assistance[9] from an attorney for the problems that they reported. The results are striking. Low-income people face 88 percent of their legal problems without advice or representation from an attorney (*Fig. 2*). Few seek or receive any other form of legal assistance.[10]

General Rate of Legal Assistance, All Problems

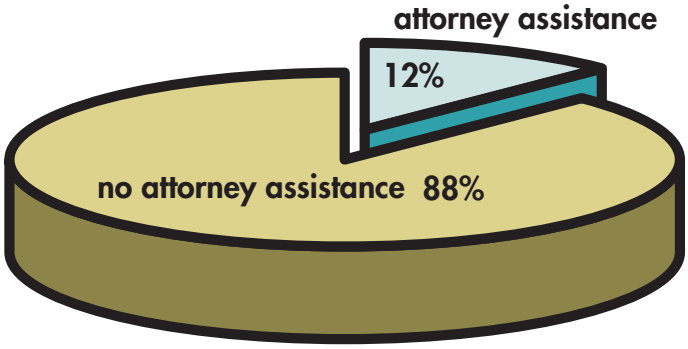


Fig. 2 Percentage of all legal problems addressed with and without attorney assistance

Low-income households face the vast majority of their legal needs without attorney assistance.

This is true even though legal problems often involve housing conditions, access to or conditions of employment or other basic human needs, and are almost always characterized as "important" by the households themselves. Even "extremely important" legal problems receive no attention from an attorney 85 percent of the time.

Access to assistance of an attorney differs significantly by type of legal issue experienced. For example, low-income people are more likely to get an attorney's help for family issues than for any other issue, but even in this area they only receive help from an attorney 30 percent of the time. For non-family issues, low-income people get an attorney's help for less than 10 percent of all issues they experience (*Fig. 3*).[11]

Ruth, a 37-year-old Caucasian living in Western Washington, was unable to get attorney assistance for an urgent family issue. Like many women, she found herself struggling with finances after she divorced. She was unable to keep up mortgage payments on the family home and eventually was told the bank would foreclose. When that happened, her ex-husband sued to have the son live with him, alleging she couldn't provide for the boy. The ex-husband could afford to hire a private attorney. She could not, instead relying on legal information and representing herself. Under pressure from the court, she rented an apartment to prove she could maintain a residence for her son. She greatly feared losing her role as the son's primary caregiver and suffered extreme stress throughout the process. Although she eventually prevailed, an attorney would have put her on equal footing in court and reassured her of her legal rights as a parent.

[9] *Unless specifically limited to assistance provided by an attorney, "legal assistance" means advice or representation by an attorney; advice from a legal telephone hotline; or help from a paralegal, domestic violence advocate, courthouse facilitator, court clerk, law librarian or other non-attorney in obtaining legal information, completing legal forms or providing legal advice and representation.*

[10] *Other attempts to secure legal assistance are discussed in further detail under Finding X, " What happens to those who don't get legal help?"*

[11] *Note the distinction here between legal problems and legal issues. A legal problem is the overall set of circumstances experienced by a household. Potential causes of action arising from those circumstances are legal issues. As noted in "Key Terms," the failure of a landlord to make necessary repairs to a minority tenant's unit would be a housing legal problem. That problem might give rise to a number of legal issues, such as bad conditions or discrimination.*

“Moderate-income folks in divorce cases often opt for do-it-yourself, but just as often [as] not one or the other hires a lawyer. Depending on the lawyer, this can ‘grease the skids’ for both sides or can operate as a travesty of justice.”

a superior court judge in rural eastern Washington responding to the stakeholder survey

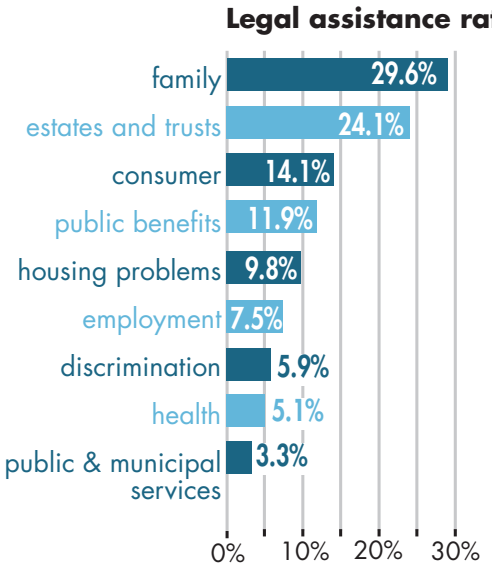


Fig. 3 Percentage of all issues addressed with attorney assistance, by category of problem area

Family issues are the low-income legal need most likely to be addressed with attorney assistance, although households still face more than two thirds of such issues without help.

Other patterns relating to the ability of low-income people to secure legal assistance include the following.

- Besides family matters, issues most likely to receive an attorney’s attention are estates and trusts (24%), consumer (14%) and public benefits (12%). Issues relating to estates and trusts and public benefits account for a relatively small percentage of the total issues experienced by low-income households, however. Thus, even with lower rates of legal assistance (9.8% and 5.9% respectively), housing issues and issues relating to discrimination still account for a larger percentage of issues for which assistance is obtained (*Fig. 4*).

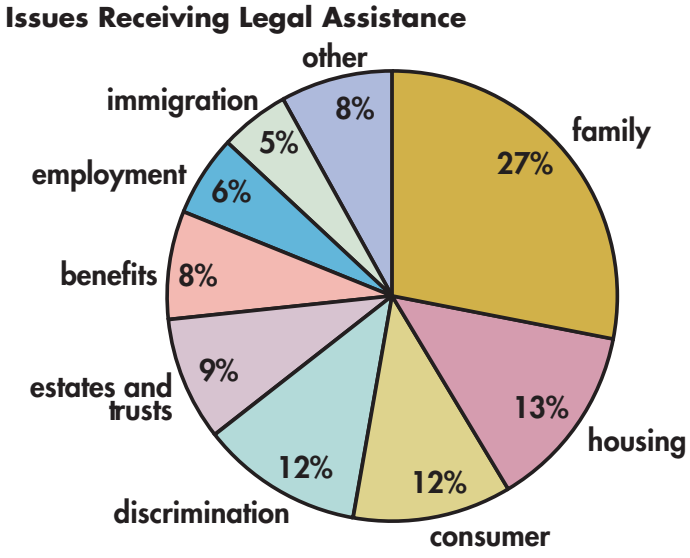


Fig. 4 Breakdown of all issues addressed with legal assistance

Family issues account for the largest percentage of all cases for which low-income households get attorney assistance.

- Farmworkers, the disabled and Native Americans—groups with significant cultural, geographic, linguistic and other barriers—are the least likely to secure legal help from an attorney. Vulnerable seniors are the most likely among the demographic cluster groups[12] surveyed to get help from an attorney, but even members of this group got an attorney's help for fewer than a quarter of the legal problems that they experienced (*Fig. 5*).[13]

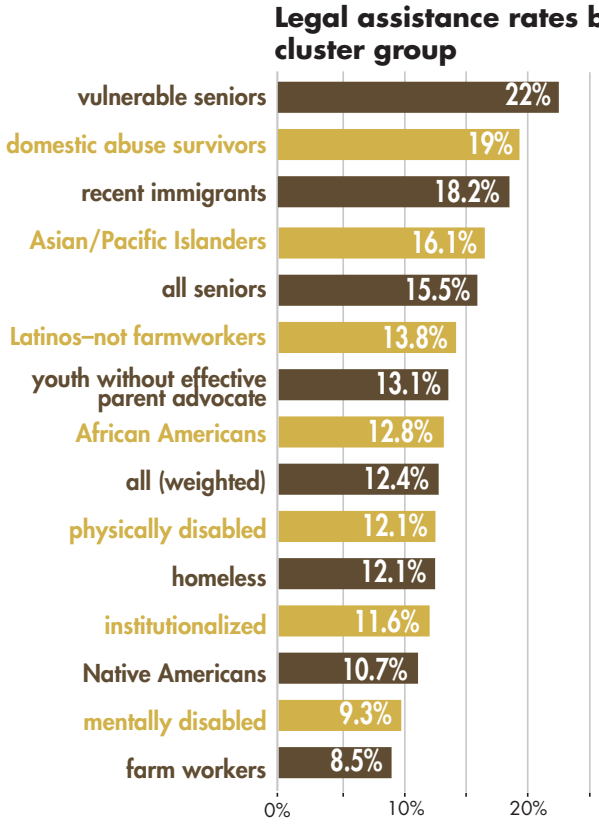


Fig. 5 Percentage of all legal problems addressed with attorney assistance, by demographic cluster group

Low-income vulnerable seniors and domestic abuse survivors get attorney assistance for legal problems most often, but still face more than three quarters of legal problems on their own.

- There are regional differences in the ability of low-income people to secure help from an attorney. Households in the King, Capitol and Southeast regions are most likely to get an attorney's help for their problems, with King County residents nearly twice as successful (15% of problems addressed with attorney's help) as households in North Central Washington (about 8%) (*Fig. 6*).

[12] *A demographic cluster group is a socio-, cultural or economic group selected for group-specific analysis, to determine the degree to which members experience differences from the general low-income population in the type of legal needs experienced and ability to get help from the justice system.*

[13] *Attorney assistance rates for vulnerable seniors may also appear artificially high, since this group has historically underreported legal problems. This is due in part to the fact that many seniors are reluctant to discuss problems; others may not be in control of important personal and financial affairs and thus are unaware of certain problems.*

Debra, a 47-year-old Caucasian domestic abuse survivor living in Clark County, experienced several legal needs in short order. She had owned a trucking business but became unable to work due to health problems. She then needlessly lost her house to foreclosure. Now she is facing surgery to remove cancerous tumors from her face, and worries what might happen to her teenage daughter if the operation is unsuccessful. She even fears the surgery will be cancelled altogether if government medical plans won't cover it. Legal assistance could help ensure coverage from appropriate government programs, and plan for her daughter's care in the event of her death. It also might have helped her avoid foreclosure on her home.

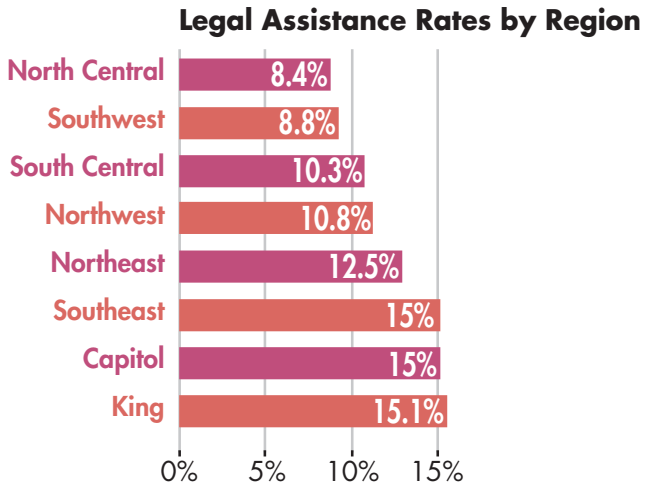


Fig. 6 Percentage of all legal problems addressed with attorney assistance, by region

Low-income households in the King, Capitol and Southeast regions are most likely to get attorney assistance for legal problems, but still face 85 percent of legal problems on their own.

III. Do legal needs differ for women, minorities and other groups?

Women and children have more legal problems than the general population, especially on matters relating to family law and domestic violence. Specific types of legal problems are experienced by certain minorities, the disabled and members of other demographic cluster groups at a significantly higher than average rate.

Women are disproportionately represented in the state's low-income population. They constitute 55 percent of the state's low-income population and are single heads of nearly half its low-income households. As such, it is perhaps unsurprising that women individually, and households with children headed by women, experience the majority of civil legal needs.

The surveys provide statistically reliable evidence that women and children experience a disproportionate percentage of legal problems. While women represent 60 percent of those surveyed by the field survey, they experience higher percentages of legal problems in the areas of family (74%), education (68%) estates and trusts (68%), health (65%), housing (64%), and problems relating to a physical or mental disability (70%) (*Fig. 7*). In the area of family law, women experience twice as many legal problems as men (*Fig. 8*), and report more than 80 percent of all problems relating to domestic violence.

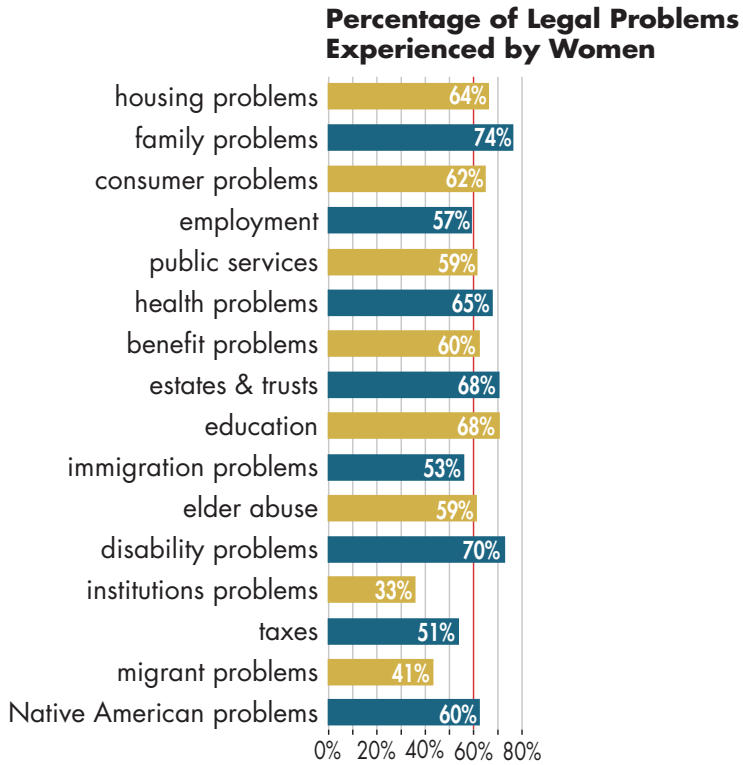


Fig. 7 Percent of legal problems within each category experienced by women

Women experience disproportionately high levels of need in many areas relative to their representation in the field survey pool of respondents (60%).

Teresa, an 18-year-old Latina living in Western Washington, believes the police have been unresponsive on numerous occasions when she called about an abusive relative. The police arrived late, refused to file a report or—when she was pregnant—suggested she was being overly emotional. Legal assistance could have helped her family get a protective order against the abusive member, and explore whether policing was discriminatory or inadequate.

"A [legal services] delivery system needs to keep in mind that some groups access services in different ways: the [delivery system] must provide for unique needs arising from language, culture, disability, age and substantive issue."

a statewide youth advocacy lawyer, responding to the stakeholder survey

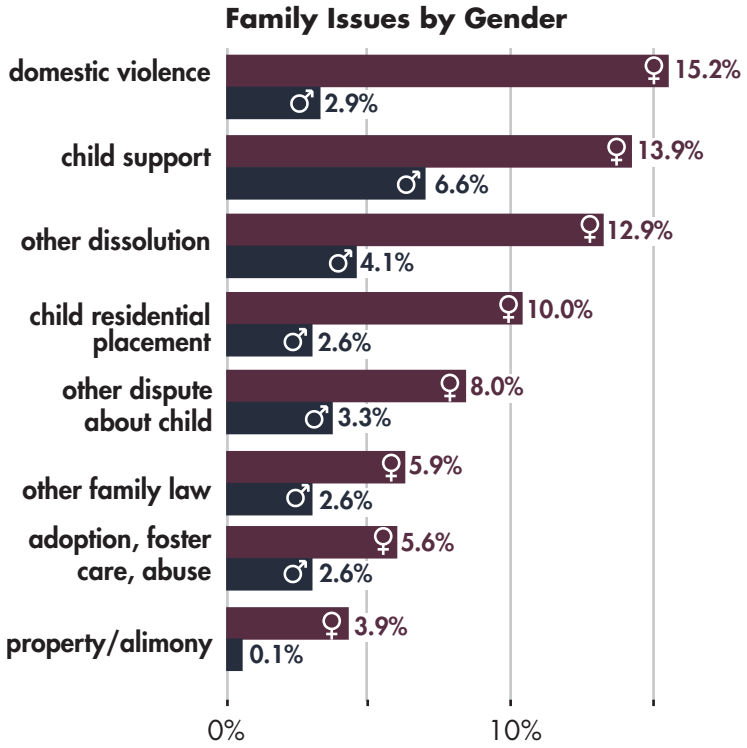


Fig. 8 Family issues affecting each gender, shown in order of magnitude as a percentage of all family issues

Low-income women experience twice as many family-related legal issues as low-income men and more than five times as many issues related to domestic violence.

Domestic abuse survivors, the vast majority of whom are women, experience double the average rate of family-related legal problems and have the highest per capita rate of legal problems among all demographic cluster groups (5.6 vs. 3.3 for all households with a legal problem) (*Fig. 9*).

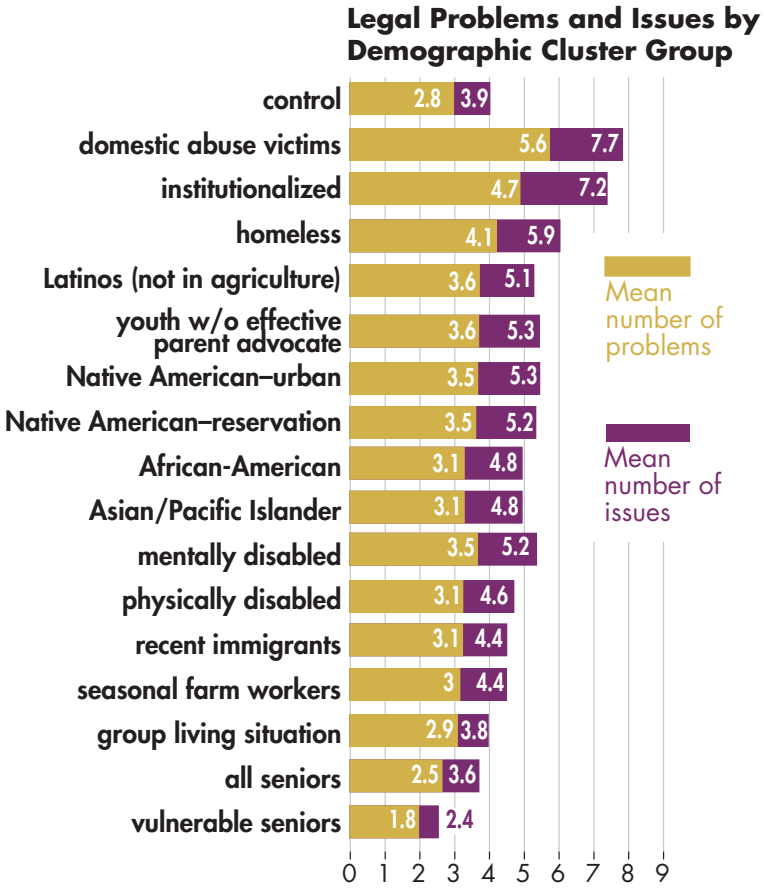


Fig. 9 Per capita rates of legal problems and issues, by demographic cluster group

Among low-income demographic cluster groups, domestic abuse survivors have the highest per capita rate of legal problems and issues.

Other groups experiencing higher-than-average rates of legal needs include the following. (A master table of specific findings for each demographic cluster group is in the appendices):

- The homeless experience a third more legal issues than the general population.
- Many demographic cluster groups experience a disproportionately high number of issues relating to municipal and public services, a category that includes discriminatory law enforcement practices. Youth without effective parent advocates are most dramatically affected, reporting more than twice the average rate of such issues (19% of all issues vs. the average 9% for the general low-income population). Other groups with higher-than-average rates of issues in this area include the institutionalized, African Americans, urban Native Americans, the homeless and the mentally disabled.
- Youth without an effective parent advocate have nearly five times the average rate of education-related issues. They also report two and a half times the average rate of institution-related issues.

- People with physical disabilities have higher-than-average rates of consumer-, health- and estates-and-trusts-related legal issues, while the mentally disabled report housing and municipal and public services issues at higher-than-average rates.
- Vulnerable seniors report elder-abuse-related issues at three and a half times the average rate. Vulnerable seniors also have more than three times the average rate of estate-and-trust-related issues.
- Households with members making a transition from welfare to work have nearly a 40 percent higher rate of family-related issues.
- Recent immigrants report civil rights issues[14] at more than four times the average rate, and migrant and seasonal farmworkers at nearly three times the average rate.[15]

[14] *That is, civil rights issues that did not fall into another category of legal need such as housing, employment, etc.*

[15] *Other disparities may have eluded the field survey due to language, cultural or other barriers. Despite the use of native interpreters, for example, the survey had particular difficulty penetrating the Asian/Pacific Islander community and failed to reach its target sample of 100 households. The survey also conducted many of its interviews in the late autumn/early winter months, when many migrant workers were not available. During the field information gathering, it became clear that some migrant and seasonal workers did not understand the full import of some of the questions, and that this difficulty translated into underreporting of employment-related issues. Also, seniors and domestic abuse survivors appear to have significantly underreported legal problems.*

IV. What kinds of legal needs do low-income people have?

Most legal problems experienced by low-income people affect basic human needs, such as housing, family safety and security, and public safety.

The greatest number of legal issues experienced by low-income people involve matters related to shelter or security, including personal or economic security (*Fig. 10*). According to the field survey, housing, family, employment and consumer matters account for more than half the legal issues experienced by low-income people.

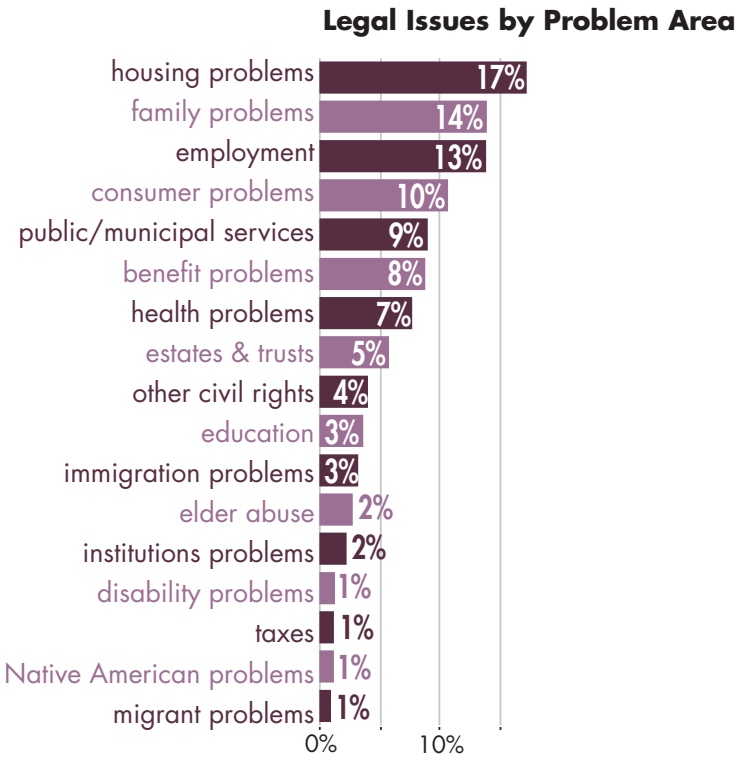


Fig. 10 Legal issues by problem area, shown in order of magnitude as a percentage of all legal issues

Housing, family, employment and consumer matters account for more than half of all legal issues affecting low-income households.

Legal issues experienced by field survey households are listed below in descending order of magnitude. Also noted is the percentage of households with at least one legal problem that experienced a problem in the specific category (*Fig. 11*):[16]

Diane, a 26-year-old Caucasian living in Western Washington, had a housing issue typical for many low-income families. Her landlord repeatedly entered her home without the 24-hour notice required under state law. She felt harassed and discriminated against because she was a young single mother of several children. She repeatedly complained to both her landlord and her housing authority, to no avail. Legal assistance could have helped her enforce her rights as a tenant.

[16] *Charts showing the detailed breakdown of the issues within each area of legal need are included in the appendices.*

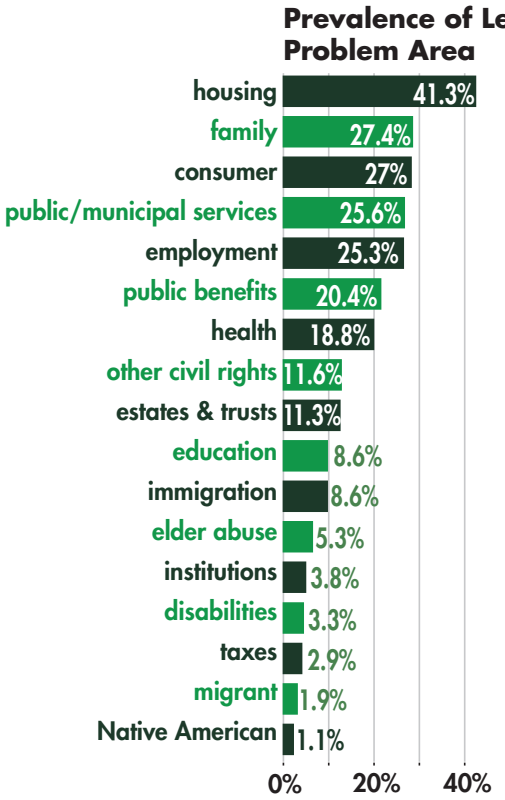


Fig. 11 Prevalence of legal problems experienced by households with at least one problem, by problem area

If a low-income household has a legal problem, it most likely involves housing, family or consumer matters.

- Housing (17% of all issues): Bad housing conditions account for more than a quarter of housing issues, followed by issues relating to the provision of utilities and conflicts with a landlord or housing authority. Housing is the most reported issue for every demographic cluster group, with the exception of youth without an effective parent advocate. Migrants, the mentally disabled and families moving from welfare to work reported slightly higher-than-average rates of housing issues. Of households experiencing at least one legal problem, more than 41 percent (approx. 136,000) experience a problem related to housing.
- Family (14%): Child support accounts for the biggest percentage of these issues, followed by domestic violence, divorce and child residential placement. Family issues, and in particular issues relating to domestic violence, are disproportionately experienced by women. Of households experiencing at least one legal problem, 27 percent (approx. 90,000) experience a legal problem related to the family.
- Employment (13%): Hiring and on-the-job discrimination accounts for half the issues, followed by wage claims. Of households experiencing at least one legal problem, 25 percent (approx. 83,000) experience a problem related to employment.

- Consumer (10%): Abusive collection practices account for a third of consumer-related issues, and issues relating to insurance account for nearly a quarter. Of households experiencing at least one legal problem, 27 percent (approx. 89,000) experience a problem in the consumer area.
- Municipal and other public services (9%): Issues relating to the availability and administration of law enforcement services account for a third of issues reported in this category, followed by issues relating to schools and the availability and adequacy of other municipal services. Members of a number of the demographic cluster groups—particularly ethnic or racial minorities, immigrants and migrant workers—experience substantially higher percentages of issues in this area than the overall weighted average.[17] Issues relating to municipal and public services are the most prevalent for youth without an effective parent advocate. Of households experiencing at least one legal problem, 26 percent (approx. 84,000) have one related to this area.

As previously noted, the field survey also examined the experiences of eight "relevant populations," or households likely to experience a particular type of legal problem. Among all households with legal problems, for example, just 9 percent experience an education-related problem. Among such households with school-aged children, however, 24 percent experience education-related problems, making it the sixth most prevalent problem for that population (compared with 10th most prevalent generally). Other notable findings were the following:

- Among those who work or are seeking work, employment-related legal problems affect 40 percent of households, making it the second most common legal problem for that population (compared with fifth most prevalent among all households).
- Among immigrants, immigration-related legal problems affect 28 percent of households, making it the third most prevalent legal problem for that population (compared with 11th most prevalent generally).
- Among the institutionalized, institutionalization-related legal problems affect 34 percent of households, making it the fifth most prevalent legal problem for that population (compared with 13th most prevalent generally).

While there was general consistency between the field and telephone surveys with respect to the areas with the greatest percentage of legal issues (housing, family, consumer, employment, etc.), there is some difference in the rank order within the most prevalent four areas. The field survey found that housing was the area with the greatest percentage of legal issues. In contrast, the telephone survey found consumer issues the most prevalent (*Fig. 12*).

[17] *Disproportionate experiences of demographic cluster groups are discussed in further detail under Finding III, "Do legal needs differ for women, minorities and other groups?"*

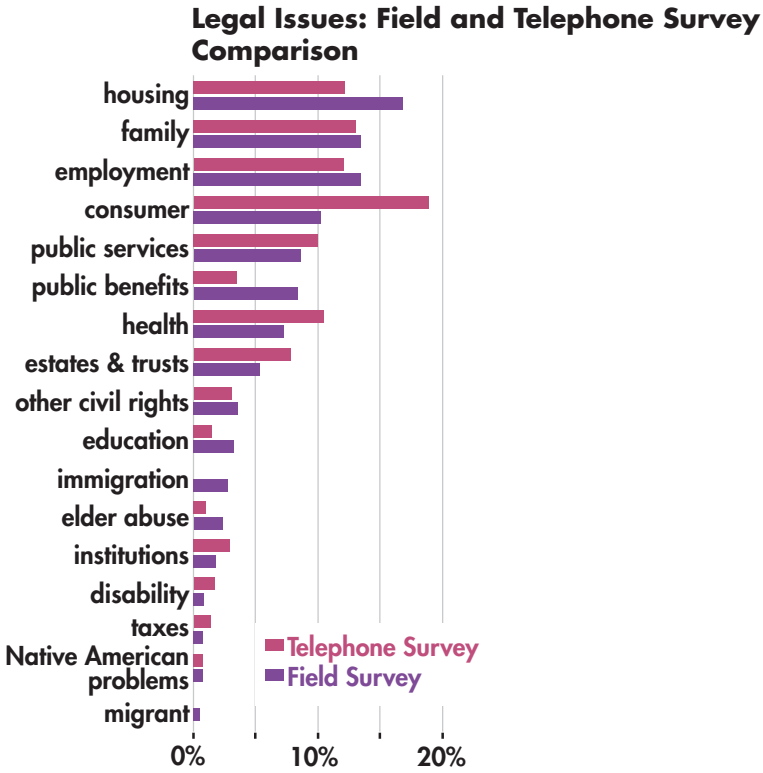


Fig. 12 Comparison of legal issue rates in field and telephone survey results

The field and telephone surveys had mostly similar results, with some differences in the areas of consumer, housing and public benefits.

The two surveys also diverged on the relative percentage of housing issues experienced by low-income people: the telephone survey found housing accounted for 12 percent of all issues affecting low-income people, compared to nearly 17 percent for the field survey. [18] Beyond this, the two surveys returned a remarkably consistent picture of the relative percentage of legal issues experienced by low-income people by subject area.[19]

In contrast, the overriding perception among the stakeholders surveyed was that family law was far and away the most prevalent of the legal problems experienced by low-income people. While the field and telephone surveys confirm that family law is one of the areas of significant legal need, it was not the area of greatest need in either survey, and accounts for only 13 percent (telephone survey) to 14 percent (field survey) of legal issues experienced by low-income people.

[18] *This difference appears to stem from the fact that the two studies sampled somewhat different segments of the low-income community. Whereas slightly more than half the low-income households surveyed by telephone were renters, nearly three-quarters of the field survey households were renters. Given the breakdown of housing issues—with the vast majority falling in areas likely to be experienced by rental households—it is not surprising that the field survey reported a higher level of housing issues. Homeowners are also likely to be slightly more affluent than renters.*

[19] *The only other notable disparity was in the area of public benefits, which the telephone survey found accounted for just 3.5 percent of all issues, compared to the field survey's finding of 8.3 percent. This too may reflect slight variation in the affluence of the sample survey.*

V. How do the legal needs of different income groups compare?

Legal problems experienced by low-income people are substantially more likely to relate to family safety (including domestic violence), economic security, housing and other basic needs.

The telephone survey provided a vehicle to compare the type and frequency of legal issues experienced by three categories of households: low-income, low-moderate-income and high-moderate-income.[20]

Viewed broadly by category, the legal issues affecting low-income and the higher-income households are fairly similar in their relative breakdown. Housing, family, employment and consumer issues are fairly prevalent for all income groups, though low-income households report a higher percentage of housing issues, and moderate-income households have more employment or estate-and-trust-related issues (*Fig. 13*).

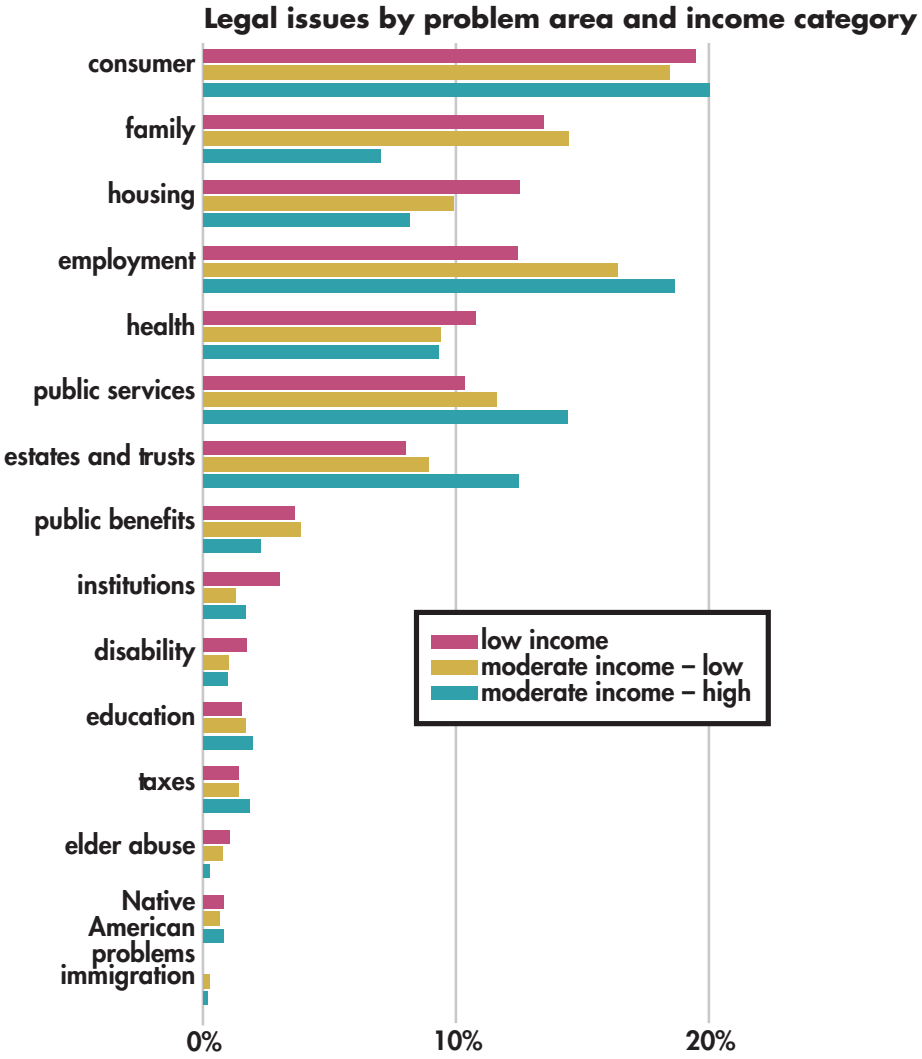


Fig. 13 Prevalence of issues experience by low-, low-moderate and high-moderate income households by problem area

Low-income households are more likely to experience family and housing related problems, while moderate-income households are more likely to experience problems related to employment and estates and trusts.

Charles, a 38-year-old Caucasian living in Western Washington, has a young stepson who suffers the effects of fetal alcohol syndrome and attention deficit hyperactivity disorder (ADHD). The stepson is covered by the state for medical treatment, but the treatment has so far consisted of medications without follow-up. Meanwhile the boy has terrible rages and has frequent problems at school. His family has repeatedly tried to secure a more holistic medical/therapy approach that would help the child in school. These efforts have been thwarted, with state-funded mental health professionals advising them that the current treatment protocol is "adequate." Legal assistance could have helped the family assert its rights under the federal Individuals with Disabilities Education Act.

[20] *Low-income households were those with incomes at or below 125 percent of the federal poverty line (FPL). Low-moderate-income households had incomes exceeding 125 percent but not 200 percent of the FPL. High-moderate-income households had incomes exceeding 200 percent but not 400 percent of the FPL.*

Christine, a 53-year-old Caucasian living in Vancouver, suffered from severe diabetes complications. She couldn't afford insurance, and her application for medical assistance from the government was denied. She was unable to get state-funded medical treatment until her condition became "life-threatening." She had to be hospitalized, and then convalesce in a nursing home and an assisted living facility. To pay bills, she was forced to sell her home. Since she obviously couldn't handle the sale herself, she engaged a real estate agent, who did not follow through. The home—her last asset—ended up being auctioned off. She was unable to secure timely housing assistance and, upon discharge, had to relocate to Longview in order to secure government-subsidized housing. Legal assistance might have helped her get medical coverage earlier, and intervened to prevent the house from going to auction.

Significant distinctions begin to appear upon closer examination of the issues affecting each income group within a particular area. The housing, family or employment issues experienced by low-income households are more likely to involve urgent matters of family safety, economic security, shelter and other basic needs than those experienced by higher-income households:

- Housing: Low-income households experience nearly three times as many issues relating to substandard housing conditions as high-moderate-income households, at least twice as many issues relating to the ability to secure and maintain essential utilities, and four times as many discrimination-related issues.
- Family: Low-income households are more than four times as likely as high-moderate-income households to experience issues relating to child support, and more than twice as likely to report domestic violence. Low-income households are also four times as likely to have issues relating to foster care, guardians, or child welfare authorities than their higher-income counterparts.
- Consumer: Although the income groups report similar rates of consumer-related issues, low-income households are between 50 and 73 percent more likely than moderate-income households to experience issues relating to creditors (28.6% of low-income households vs. 19% low-moderate vs. 16.5% high-moderate) and are twice as likely to have filed for bankruptcy.
- Municipal and other public services: Low-income households are nearly 50 percent more likely than high-moderate-income households to have issues involving law enforcement protection and differential treatment.
- Employment: Low-income households are twice as likely as high-moderate-income households to have employment discrimination issues, and twice as likely to have issues with a pay or withholding component than high-moderate-income households.
- Public benefits: Low-income households are twice as likely as high-moderate-income households to experience difficulties with the administration of a government benefits program.
- Health: Low-income households are twice as likely as high-moderate-income households to have health-related legal issues. They are also twice as likely to have a member involuntarily institutionalized. Of those households, two-thirds report difficulties associated with accessing proper health care for the institutionalized household member.

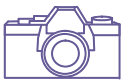
VI. How often is discrimination part of the problem?

A significant percentage of legal problems experienced by low-income people are perceived to include a wrongful discrimination component.

Both the field and telephone surveys found that low-income people routinely face legal problems which they perceive as including a discrimination component. Field survey respondents identified discrimination as a component of one in four legal problems, with discrimination appearing as a significant percentage of problems reported in the housing, employment, public services, health and consumer areas. The effect of discrimination, as reported by those surveyed, disproportionately falls upon certain minorities, the institutionalized, the disabled and other definable groups.

Only those claims that appeared to the reviewing attorney to meet applicable legal standards for one or more types of actionable discrimination (e.g., race, gender, age, disability, familial status, national origin, etc.) were entered into the database. Some complaints of discrimination were not included because they did not give rise to a legal claim of wrongful discrimination, such as when the person claimed to have been unfairly treated for "lack of relevant work experience," because of appearance (poor dress) or "because I am poor."[21]

Employment discrimination accounts for a quarter of all reported discrimination issues, followed by discrimination in law enforcement and health care (*Fig. 14*). Discrimination appears in nearly every category of legal problem, but accounts for half of employment and health issues, and nearly 15 percent of housing-related issues (*Fig. 15*).



Anna, a 28-year-old Caucasian living in the Seattle area, faced employment discrimination as a woman and as an immigrant. She was forced to quit one job after repeated sexual advances by her employer. A prospective new employer immediately ended an interview after she informed him of her immigrant status, even though she has a valid work authorization. She believes she was sexually harassed in the first case and discriminated against in the second. Legal assistance could have steered her toward the appropriate government authorities to file complaints or to a private attorney to take her case.

[21] *Attorneys who practice civil rights, employment, and disability law are often presented with stories that, while compelling, do not meet the legal definition of unlawful discrimination. Similarly, local, state and federal civil rights enforcement agencies dismiss a large number of complaints filed on the grounds that the facts, as presented and as found during an investigation, do not give rise to an actionable claim. Others who do have an actionable claim may also decide not to pursue it due to the unlikelihood of securing meaningful relief.*

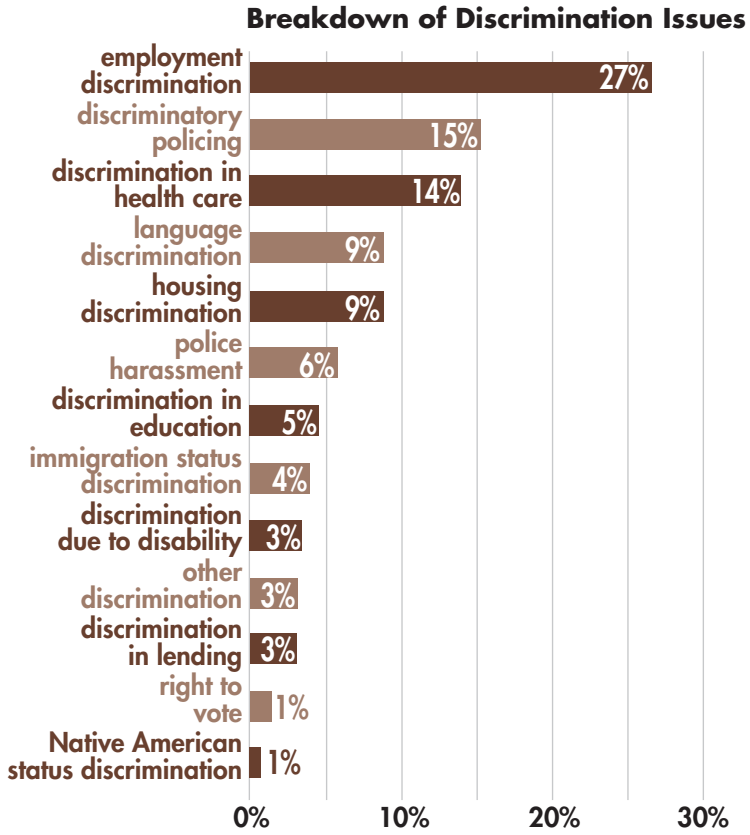


Fig. 14 Breakdown of discrimination issues, by category

One in four legal problems is perceived to have a discrimination component.

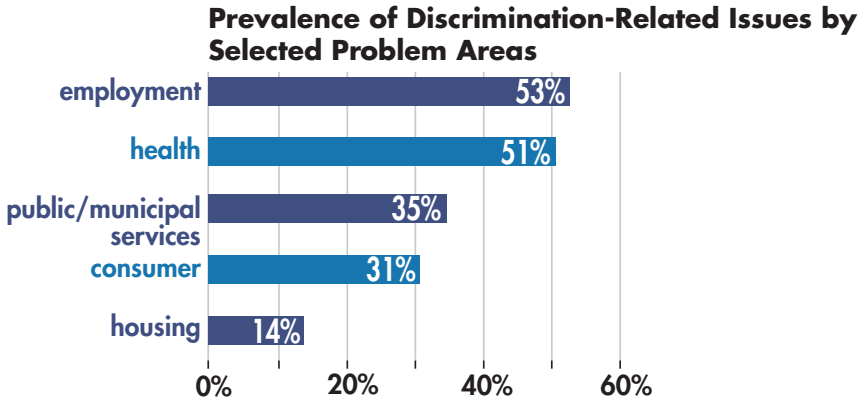


Fig.15 Percentage of total issues within certain problem areas that involve discrimination, by problem area

Discrimination accounts for half of reported employment- and health-related issues, and nearly fifteen percent of housing related issues.

Nearly all demographic cluster groups experience problems with a discrimination component at a higher rate than the weighted average for all households (*Fig. 16*). Rates are highest for the institutionalized (40%), youth without an effective parent advocate (39%), African Americans (38%) and the mentally disabled (35%).

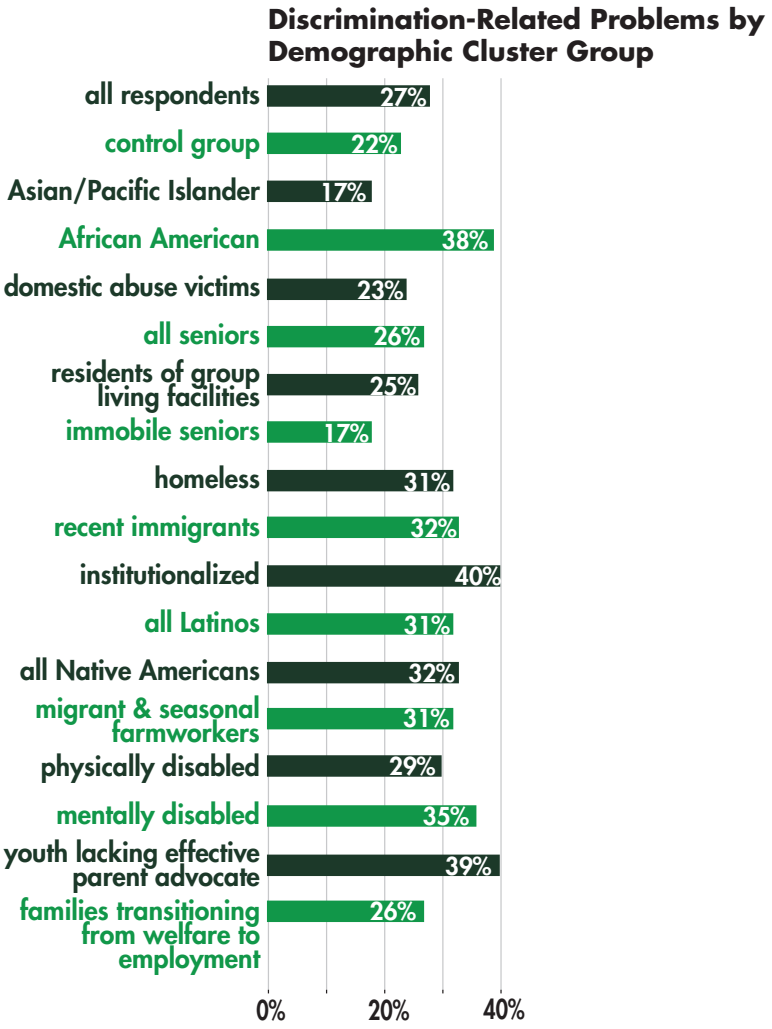


Fig. 16 Percentage of legal problems with a discrimination component, by demographic cluster group

Most low-income demographic cluster groups experienced higher-than-average rates of legal problems with a discrimination component.

Households reported that they were able to resolve about 5% of discrimination complaints with the assistance of an attorney.

VII. Do legal needs differ based on where people live?

Legal problems do not differ significantly regionally or between those who live in close proximity to urban centers and those who do not.

The field survey allowed for comparative analyses of responses by region, and by urban and rural residency. Seventy-one percent of households surveyed were from urban areas (defined as having more than 25,000 inhabitants), while 29 percent were from rural areas (defined as having fewer than 25,000 inhabitants). Problems reported by households in urban versus rural locations were strikingly similar.

While the survey found general consistency across the regions regarding legal need by problem types, there are some notable interregional distinctions. These include the following:

- Housing: Households in the Southeast region report a nearly 50 percent greater percentage of housing-related legal problems than households in the Capitol region (which includes Olympia and Tacoma).
- Family: Households in the Capitol region report nearly twice the percentage of family-related legal problems as households in the Southeast region.
- Immigration: Households in the North Central region report nearly twice the percentage of immigration-related problems as households in other regions.[22]
- Health: Households in the Capitol region report health-related legal problems at almost twice the rate of households in the North Central region.
- Education: Problems relating to education are nearly five times higher in King County than they are in the Northwest region.

[22] *The high rate of immigration-related problems in the North Central region reflects changing demographics of this area, particularly the continued in-migration of new Latino residents (both permanent and migrant).*

VIII. Does knowledge of and access to legal resources differ by where people live?

While the legal problems of urban and rural low-income residents are similar, residents of rural areas have less knowledge of available legal resources, and have less access to and success in using technology-based legal services.

The field survey was designed to provide insight into regional differences relating to the ability of low-income people to access necessary legal assistance. The survey results are quite significant. Even though legal problems do not vary significantly between urban and rural low-income households, urban residents are nearly 30 percent more likely than rural residents to know of free legal services in their areas (*Fig. 17*). They are also 20 percent more likely to know about various toll-free telephone "hotlines" for legal assistance.

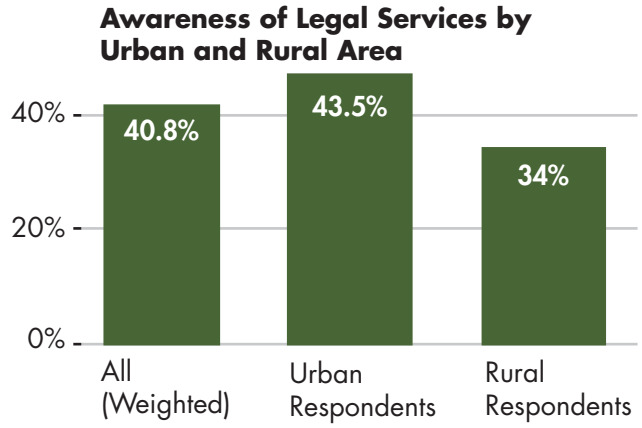


Fig. 17 Percentage of households aware of free legal services, by urban and rural area

Although their legal needs don't differ much, low-income urban dwellers are more likely than their rural counterparts to know about free legal services.

Households in the North Central and South Central regions tend to be less aware of legal resources (e.g., free legal services, a toll-free telephone "hotline" for free legal assistance, Web-based self-help legal resources) (*Fig. 18*). It appears that there is a high correlation between lack of awareness of legal resources and the percentage of the population that does not speak English as a primary language in the home. According to the 2000 Census, the North Central and South Central regions have the highest percentages of households where English is not the primary language.

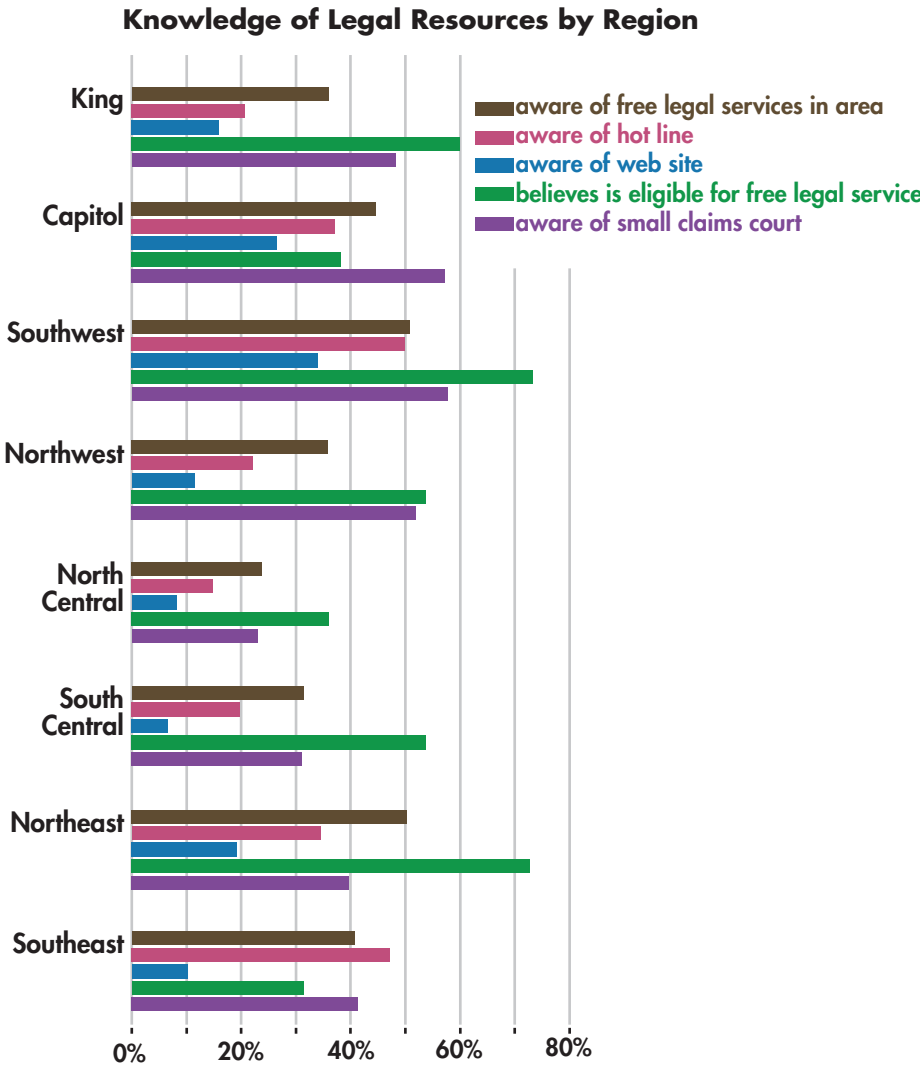


Fig. 18 Percentage of households aware of various legal resources, by region

Low-income households in the North Central and South Central regions tend to be less aware of available legal resources.

IX. Why don't people get help?

Nearly half of all low-income people with a legal problem did not seek legal assistance because they did not know that there were laws to protect them or that relief could be obtained from the justice system.

Approximately 75 percent of low-income households surveyed by telephone experienced legal problems in the prior year, based on their responses. But only 44 percent of those households understood that there were legal remedies for the problems that they had experienced. The field survey confirmed that 40 percent of households did not seek legal assistance because they did not understand that relief was available through the justice system.

The field survey probed deeper into the question of why people did not seek legal assistance and found that many do not seek legal assistance because they think nothing can be done (*Fig. 19*). Others worry about the cost of getting legal assistance—even though all low-income households qualify for free legal assistance.

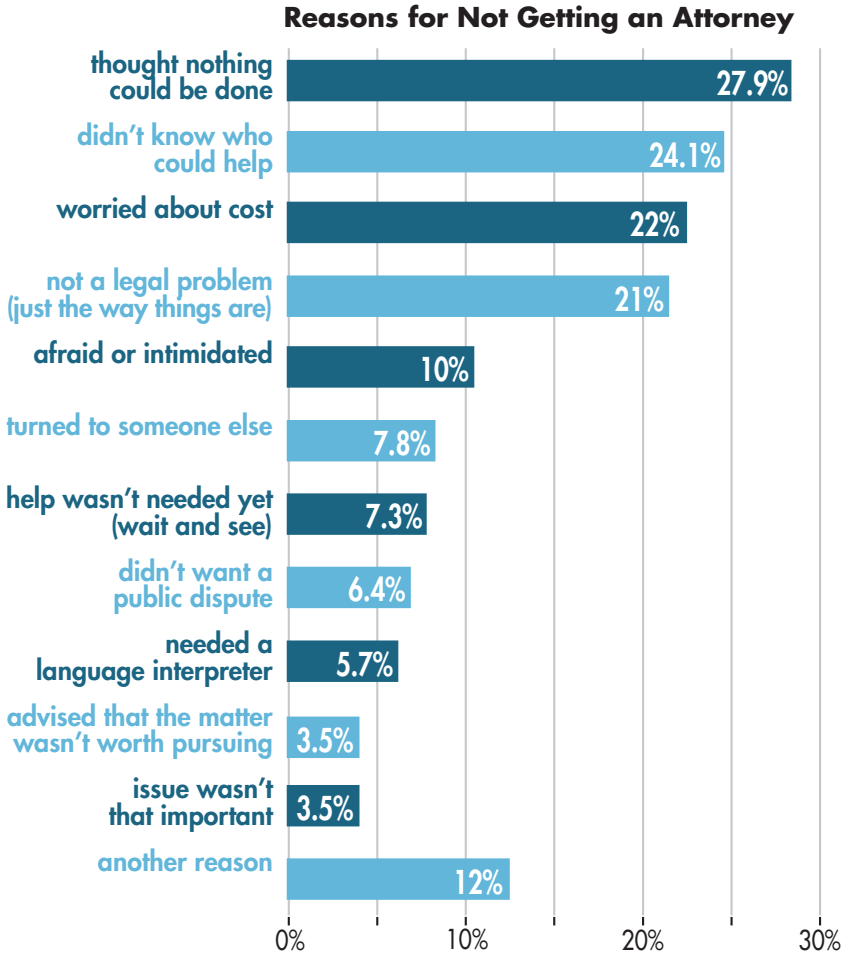


Fig. 19 Reasons cited for not getting an attorney, in order of prevalence as a percentage of households citing the reason (Households could cite more than one reason.)

Low-income households with legal needs often don't get an attorney's help because they think nothing can be done or don't know where to go.

Francis, an 83-year-old Caucasian living in Eastern Washington, wasn't aware of free legal assistance that could have helped him with reimbursement on medical bills. He was owed $1,000 in bills that should have been covered through a government medical assistance program. He was elderly and in deteriorating health, and his shaking voice made communication very difficult. He called on a friend who is an attorney. As a favor, the friend helped him successfully obtain the reimbursement. Francis benefited from legal assistance, but shouldn't have had to rely on chance friendship with an attorney.

Heng, a 68-year-old Chinese man living in the Seattle area, doesn't recognize he has legal recourse for his housing situation. He and his wife live in an apartment so infested with cockroaches that they can't leave food out. After two months of daily complaints, the landlord finally had the building sprayed. The spraying did not work, and the fumes were so bad they decided to purchase traps on their own. He is fearful of pressing the matter further. He does not want to risk bad relations with the landlord or the potential of being evicted. He and his wife are also hindered because English is their second language and they have a difficult time communicating with the landlord. With the benefit of legal assistance at an early stage, their rights as tenants could have been enforced, the problem fixed, and the family could have been protected against retaliation.

Ten percent of those who do not seek legal assistance are afraid or intimidated—either by the system itself or by fears relating to the consequences of asserting their legal rights within the system, including fears relating to retaliation. Farmworkers are twice as likely to be intimidated or fearful of seeking legal assistance than the overall population.

Thirty-two percent of immigrants and refugees, 36 percent of African Americans and 40 percent of Asian-Pacific Islanders report not knowing where to go for help.

Among the general low-income population, language barriers are a deterrent to getting legal assistance about 6 percent of the time. Recent immigrants, aliens and Asian-Pacific Islanders experience significantly greater language barriers.

X. What happens to those who don't get legal help?

Nine out of 10 low-income people who do not get attorney assistance receive no help at all. The vast majority end up living with the consequences of the problem. Of the 10 percent who try to get help elsewhere, most turn to organizations that cannot provide legal advice or assistance.

The field survey looked into the question of what people do if they are unable to secure legal assistance. Of those with legal problems who do not get help from an attorney, the vast majority take no other action to resolve their situations. In nine out of ten cases, these households got no help at all and ended up living with the consequences of the problem.

Among the handful of those who try something other than getting help from an attorney, more than half seek help from community-based social services organizations. Fewer than 3 percent seek help from a law library, and even fewer seek help from local court staff (*Fig. 20*).

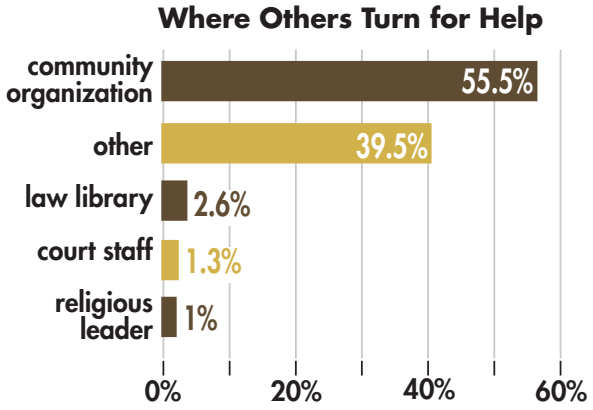


Fig. 20 Non-attorney resources tapped by some low-income households with legal problems, in order of popularity. The graph shows how often the resource was tapped by households with legal problems who took some action other than getting attorney assistance. (This comprises only 10 percent of those with legal problems who do not get an attorney's help.)

Of the ten percent who are not successful in getting legal assistance and try to get help elsewhere, most turn to community based social services organizations.

About 5 percent of low-income households with legal problems called one of the available legal hotlines, the Northwest Justice Project's statewide CLEAR (Coordinated Legal Education, Advice and Referral) system. CLEAR attorneys and paralegals screen calls to identify the existence, nature, scope and services needed to respond to the caller's legal problem, handling more than 20,000 individual calls from nearly every corner of the state each year.[23] While nearly a quarter were unable to access CLEAR because of repeated busy signals, more than two-thirds of those who successfully accessed the hotline were able to receive advice and/or a referral for legal assistance from a local provider (*Fig. 21*).

Ester, a 50-year-old African American living in the Seattle area, has given up seeking legal assistance for needs stemming from her declining health. Ester suffers from kidney failure, heart problems and ulcers and must undergo dialysis for hours each week. She worries about care of her daughter in the event of her death. She can't work due to illness and has many harassing phone calls from creditors. Her car was also impounded. She once sought legal help from a community-based legal services provider to no avail, filed an unsuccessful claim with the city about the car, and finally gave up. She's attempted many times to get advice through the CLEAR hotline, but met repeated busy signals. She doesn't try anymore, saying, "Once you try something and don't get a response, you sort of give up." Ester's frustration might have been reduced if the CLEAR system was more effectively available to residents of King County or if she had been aware of other ways to access King-County-based legal services resources. Had she been able to speak to an attorney, she might have been able to obtain the legal assistance necessary protect her from the abusive collection practices, and explore whether her car might be recovered. It could also help her plan for her daughter's care.

[23] *Resource limitations have made it impossible to extend CLEAR into the King County region, which is home to 25 percent of Washington's low-income population.*

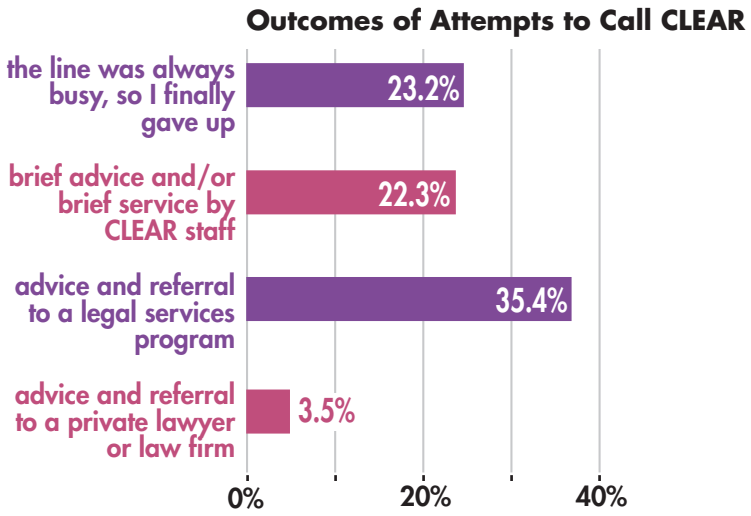


Fig. 21 How often an attempt to call CLEAR resulted in a particular outcome, as percentage of all attempts

Calls to the CLEAR legal assistance hotline often result in legal advice or referral, although busy signals deter a quarter of callers.

XI. Can technology make a difference?

Though widely divergent by region and demographic cluster group, nearly half of low-income households have access to and the capacity to use computers and the Internet. However, those with access to technology often do not know how it can help them address their legal needs.

Technology is often described as the next frontier for the delivery of civil legal assistance. In anticipation of increasingly high levels of computer literacy, substantial resources have been invested by legal services providers and the broader justice system in a wide array of technology-based services over the past decade. The field survey served as a vehicle to assess the degree to which low-income households have access to and are capable of using computer and Internet technologies, and the extent to which they are aware of technology-based legal resources. The survey found that nearly half have access to computer technology and that fully 40 percent have the ability to use the Internet. Nearly half of these connect someplace other than at home (e.g., the library, work, or school) (*Fig. 22*).

Jackie, a 35-year-old Native American living in Western Washington, prevailed in a dispute with a former landlord, thanks to online legal assistance. She had complained repeatedly about backed-up sewage that led to mold in the drywall of her apartment. The unit ultimately failed the inspection required for government-subsidized housing and she had to move. When she did, the landlord tried to blame her for the mold problem and sued for damages. After getting information from an online Web site on the rights of tenants, she was able to negotiate an $800 settlement in her favor.

Where Households Access Computer Technology

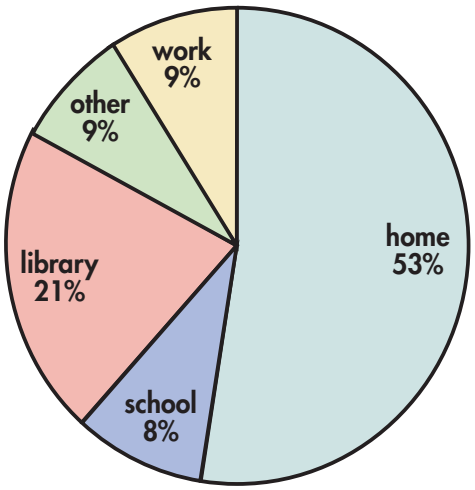


Fig. 22 Where people access computer technology as a percentage of all low-income households with access to computer technology (approximately half of all-low-income households surveyed)

Half the low-income houesholds with computer access must get online somewhere other than home.

> **"Many more of the present unmet needs could be addressed by thoughtful use of technology, including Web-based intelligent fill-in forms, online advice, electronic filing, more access to online resources in courthouses and law libraries, etc."**
>
> *a volunteer legal services advocate, responding to the stakeholder survey*

Lack of access to computer technology is pronounced for certain groups. Access to computer technology also differs by region, with low-income households in the North Central region having an access rate less than half of that for low-income people in the rest of the state (*Fig. 23*).

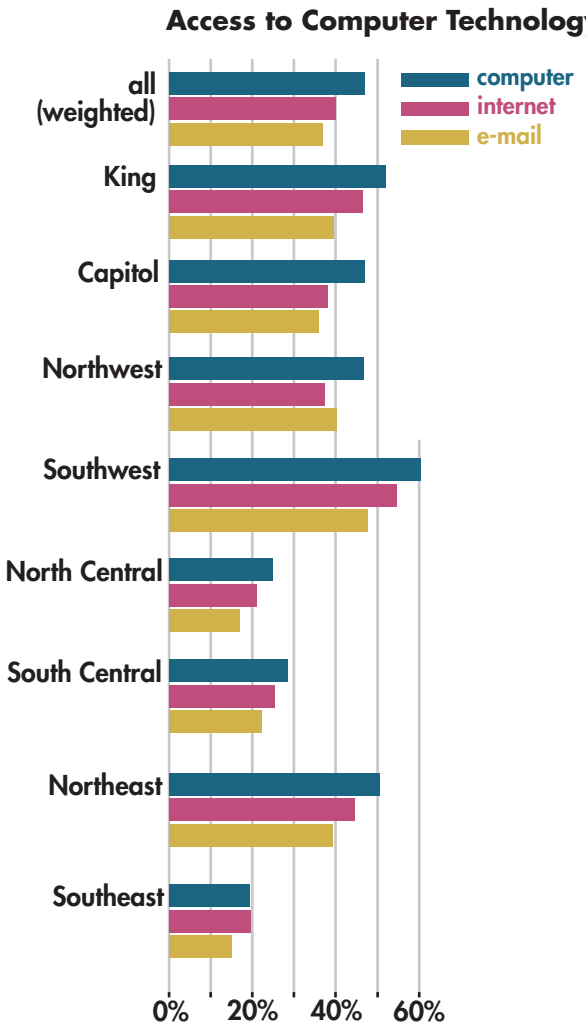


Fig. 23 Percentage of low-income households able to access computer technology, by region

Low-income households in the North Central, South Central and Southeast regions have the lowest rates of access to computer technology.

But access to computer technology does not translate into the knowledge of or the ability to access technology-based legal assistance. For example, even though more than 40 percent of low-income households have access to and the capability to use computers and the Internet, only 19 percent of households know of a Web site where they can get information or help with civil legal problems.

Legal and social services professionals surveyed by the study are generally pessimistic about technology's ability to improve access to the justice system. "Low-income people in our area don't have telephones, let alone Internet accounts or faxes," a judge from northeastern Washington wrote. "They are busy trying to figure out how to get gas money to make it the 20 or 60 miles to the courthouse."

Technology may make access more efficient, but the system and the people who need it still often speak different languages. "The biggest challenges for these people in utilizing technology are the same challenges they face

every time they attempt to navigate the system — and that is the complexity of the system and a basic lack of understanding of the way it works," a Seattle attorney wrote. "They are frequently unable to formulate the proper questions, and they may lack the stamina it takes to pursue and process information successfully. When they reach a roadblock, many of them simply have no idea what to do next and give up."

XII. What are the consequences for low-income people and the justice system?

Low-income people who get legal assistance experience better outcomes and have greater respect for the justice system than those who do not.

The field survey inquired into the degree to which households were satisfied with the outcomes they experience and how they feel about the justice system. The data demonstrates that getting help from an attorney dramatically improves satisfaction with the outcome of a legal problem, as well as feelings about the justice system.

Among those with legal problems who seek but do not get an attorney's help, only 19 percent are satisfied with the way their legal problems work out. When households receive an attorney's help, however, the satisfaction rate more than triples, to 61 percent (*Fig. 24*).

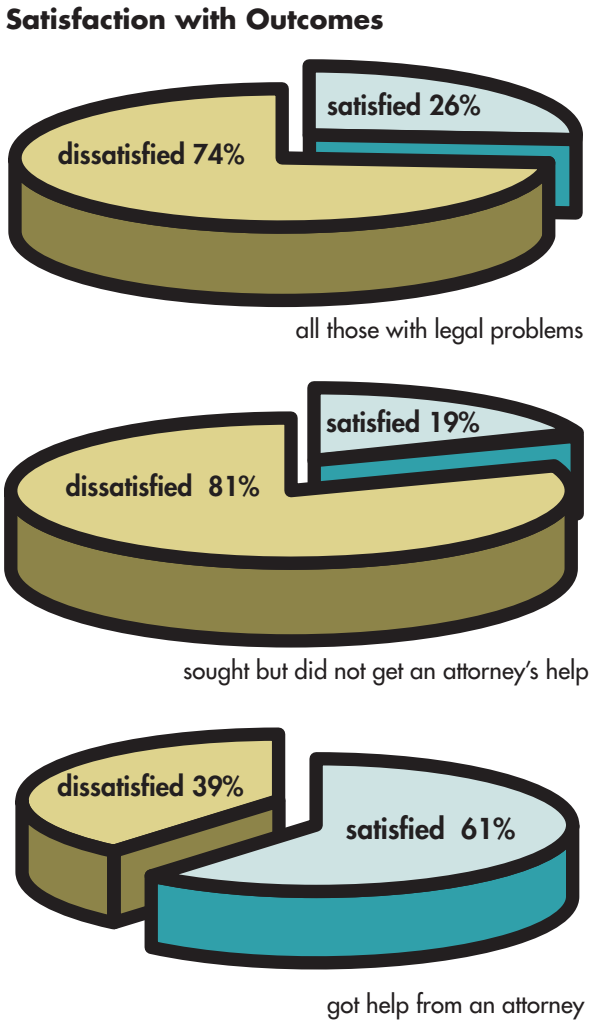
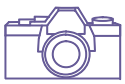


Fig. 24 Satisfaction with outcomes of a legal problem, as percentages of all those with problems, those with problems who seek but do not get an attorney's help, and those with problems who get an attorney's help

Satisfaction with outcomes rises dramatically among low-income households that get attorney assistance for legal problems.

Regina, a 50-year-old Caucasian living in Western Washington, was able to begin taking control of her creditor issues with help from legal services. Creditors called several times daily and threatened jail. She called CLEAR and was referred to a local volunteer attorney services program. It took several months of persistence, but she finally met a paralegal with expertise in bankruptcy and was able to file for bankruptcy online.



Laura, a 36-year-old Caucasian living in Olympia, benefited dramatically from timely legal advice, information and access to self-help resources. When she left her abusive spouse, she was referred to a women's shelter by the CLEAR hotline. The shelter provided enormous support as she tried to navigate the legal process on her own. A tenants organization also helped with a landlord who kept her security deposit and threatened to seek damages. "Learning what the law was gave me power I never thought I had, and the ability to negotiate," said Laura, who is off government assistance, employed and living with her children in an apartment. "The effects have been invaluable."

Among those who seek but do not get an attorney's help, only 21 percent feel positively toward the justice system. By contrast, more than half of those who are able to get an attorney's help — whether from legal services or a private attorney—have positive attitudes toward the justice system (*Fig. 25*).[24]

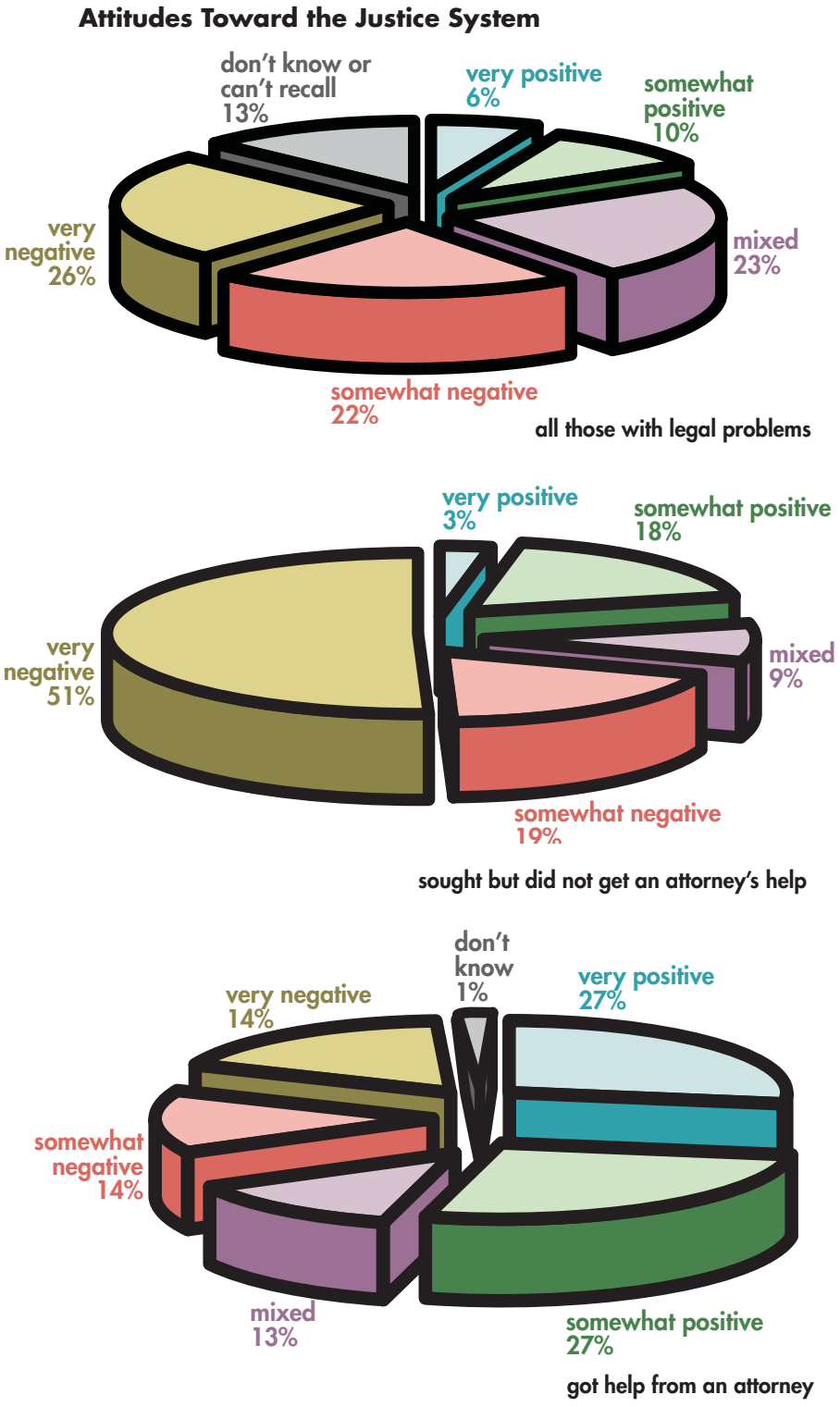


Fig. 25 Attitudes toward the justice system, as percentages of all people with legal problems, those who seek but do not get an attorney's help for a legal problem, and those who get an attorney's help for a legal problem

Low-income households that get attorney assistance for legal problems are much more likely to feel positive about the justice system.

[24] *Satisfaction rates and attitudes toward the justice system for each demographic cluster group generally reflect the positive relationship between satisfaction with outcomes and positive attitudes toward the justice system. A few groups with relatively higher satisfaction rates, however, also had elevated levels of negative feelings about the justice system. These included Latinos (26 and 64 percent respectively), reservation-based Native Americans (25 and 63 percent respectively) and the physically disabled (28 and 63 percent respectively).*

Demographic Cluster Groups and Relevant Populations

Following are the demographic cluster groups and relevant populations designated for special study by the field survey:

Demographic Cluster Groups

African Americans. Persons identifying themselves as black or African American.

Asian/Pacific Islanders. Persons identifying themselves as being of Asian/Pacific Island origin.

Domestic abuse survivors. Persons subjected to unlawful physical or emotional abuse by a current or former intimate partner.

Homeless persons. Persons who do not have a permanent place to live, except in a shelter, campground, other non-permanent facility or on a temporary basis with friends or relatives. (Definition from the federal McKinney Homeless Act.)

Individuals moving from welfare to self-sufficiency. Persons who received federal, state or tribally funded needs-based cash assistance through the Temporary Assistance for Needy Families (TANF)/Work First Assistance program during the past 12 months. Includes people fitting this description who are newly separated or divorced, who have no economic or social support system and who find themselves in a state of economic and emotional dependency.

Latinos. Persons identifying themselves as being of Latino, Hispanic, Mexican or Chicano origin, and who did not work in agricultural employment.

Mentally disabled persons. Persons who have developmental and/or chronic mental disabilities.

Migrant and seasonal agricultural workers. Persons seasonally employed in agriculture, including but not limited to field work, nurseries, food processing, dairy and forestry work.

Persons in institutions. Residents of state and local correctional facilities.

Physically disabled persons. Persons who are seriously hindered by physical condition(s) from engaging in necessary life activities.

Recent immigrants. Persons who immigrated to the United States within the past five years and intend to make the United States their permanent residence.

Reservation Native Americans. Native American individuals who reside on or near (within 25 miles of) one of the state's Indian reservations.

Statewide Control Group. Low-income residents who are not represented in another cluster (that is, Caucasian males and females).

Urban Native Americans. Persons of Native American origin, regardless of whether they are formally a member of a recognized tribe, and who live within 25 miles of Everett, Tacoma, Seattle or Spokane.

Vulnerable senior citizens. Includes homebound seniors, the extremely frail (defined as seniors 85 or older) and seniors living in nursing homes, assisted-living facilities, adult family homes and boarding homes.

Youth without an effective parent advocate. Emancipated youth (those under 18 who are not within custody or control of a parent or guardian), homeless youth and youth involved in the juvenile justice system or placed in foster care, including incarcerated youth.

Relevant Populations

Disability. Households with an individual that has a physical or mental disability.

Education. Households with school-aged children.

Elder abuse. Households with one or more seniors.

Employment. Those who had worked or applied for work.

Immigration. Recent immigrants.

Institutions. Households with an individual who is a resident of a long-term care or correctional institution.

Migrant problems. Migrant and seasonal farm workers.

Public benefits. Those who had received or applied for public benefits.

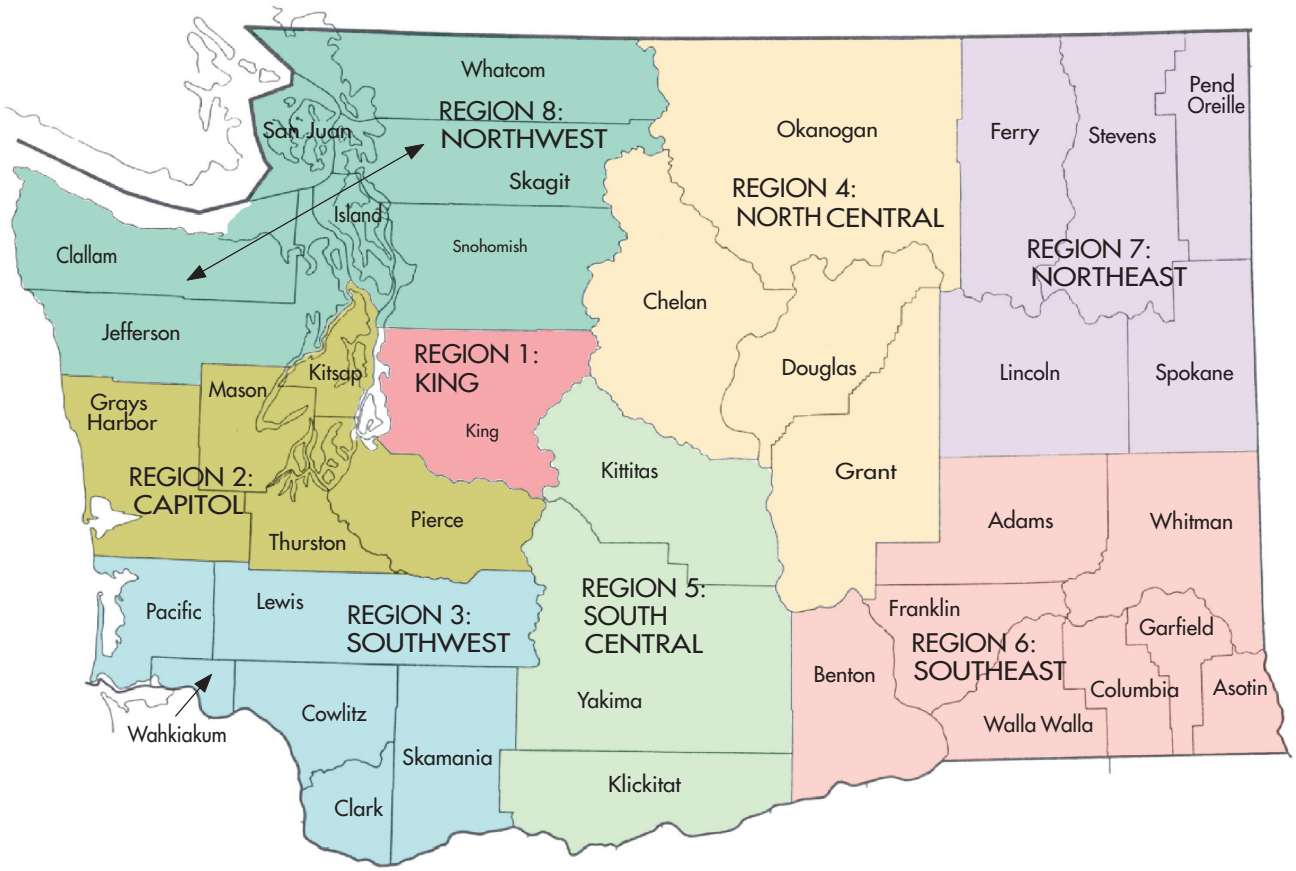
Categories of Legal Problem

Following are categories of legal problem recognized by the field and telephone surveys, with descriptions of problems falling into each category. The study did not address criminal legal matters, or legal problems typically handled for contingency fee (e.g., personal injury).

- **Consumer**. Abusive collection practices, insurance issues, bankruptcy, contracts, warranties, discriminatory lending.
- **Disability**. Problems with reasonable accommodation and access, discrimination.
- **Education**. Truancy and discipline; problems with access to school services; inadequate, unsafe or discriminatory schools.
- **Elder abuse**. Abusive treatment; various problems in a group living facility, including lost or stolen property, improper medication, infringement on free association, unfair discipline.
- **Employment**. Hiring or on-the-job discrimination, wage claims, workers compensation, migrant issues.
- **Estates and trusts**. Problems involving wills, estate planning and guardianship.
- **Family**. Domestic violence, child support, issues relating to child residential placement, adoption and foster care, divorce and other dissolution-related matters.
- **Health**. Discrimination by providers, disputes over charges, Medicaid/Medicare and other insurance issues, exposure to hazards.
- **Housing**. Poor conditions, utilities problems, purchase and sale issues, problems with a landlord or housing authority, discrimination.
- **Immigration**. Claims for asylum, deportation, naturalization, work adjustment, right to petition for resident immigrant status under the Violence Against Women Act (VAWA), and other issues arising from a person's immigration status.
- **Institutional**. Problems in a prison, jail or juvenile detention facility, including access to medical treatment, arbitrary discipline, problems with access to legal material, interference with religion and threats to personal safety.
- **Migrant**. Employment, health, housing, immigration and other issues relating to a person's status as a migrant worker.
- **Municipal and public services**. Problems with schools and other government services, such as law enforcement responsiveness, planning and zoning.

- **Native American**. Issues relating to or arising from an individual's Native American status, including disputes with government agencies involved in Native American issues, problems with living off reservation, problems with tribal affiliation or enrollment, problems with tribal recognition or sovereignty, problems with fishing or hunting on tribal land.
- **Other civil rights**. Voting rights and other civil rights violations that did not fall within another category. Discrimination issues are addressed under the substantive problem area in which they occur. (e.g., housing discrimination is addressed under housing legal problems.)
- **Public benefits**. Problems related to any needs-based public benefit, such as Temporary Assistance for Needy Families (TANF)/Work First/state general assistance, food stamps, social security or unemployment benefits.
- **Taxes**. Problems related to taxation, including the ability to claim the federal Earned Income Tax Credit.

Map of Regions



Study Objectives and Methodology

The study findings are based on the results of three separate surveys. Together, the three components provide substantial insight into the substance, frequency and prevailing perspectives about the legal needs of low- and moderate-income people in Washington state. The findings of the study's two objective components (the field and telephone surveys) resonate well, and tell a common story.

The Field Survey

The field survey's primary source of data consisted of detailed questionnaires completed for 1,333 low-income households.[25] The exclusive focus of the field survey was on low-income households.

Field surveys were administered throughout Washington state from July 2002 through early February 2003. The instrument employed for the field survey (from which the telephone survey was derived) was developed under the oversight of study contractors, Grant Farr, Ph.D., chair of the department of sociology at Portland State University, and attorney D. Michael Dale.

The Survey Instrument

The survey instrument consisted of two parts. The first, used in every survey, included 56 questions about common circumstances that might have been experienced during the previous 12 months and that might have given rise to a need for civil legal assistance.[26] The second part was a 24-question supplement. A supplement was completed for each instance in which a survey respondent answered affirmatively to a question that implicated the existence of a potential legal need within the previous 12 months.[27] The 24 questions in the supplement were designed to elicit in-depth information about the nature of the circumstances experienced; assess whether the respondent sought or obtained legal assistance; explore any reasons why legal assistance was not sought; determine the respondent's attitudes about the justice system as a result of the experience; and explore the degree to which the respondent was satisfied with the resolution of the problem.

The words and phrases used in the questionnaire and the 24-question supplement were carefully chosen to help respondents identify an experience that may have given rise to a legal problem without requiring the respondent to self-diagnose the issue as one representing a civil legal problem.[28] The questions did not ask the respondent to determine whether there was legal content in the situation reported or if the household had a "legal need."

The survey designers recognized that not every problem identified by a survey respondent actually presented a cognizable legal issue or implicated a need for civil legal assistance. To ensure that the study focused only on

[25] The 125 percent FPL benchmark is the standard most commonly employed for determining the income eligibility of individuals for free legal services in Washington state.

[26] The survey included many of the questions asked by the American Bar Association's 1994 national study on civil legal needs and the similar "State of Access to Justice in Oregon (M. Dale, March 2000)."

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

[28] For example, rather than asking whether the respondent had "experienced a legal problem arising from your landlord's failure to maintain the habitability of your apartment," the survey asked: "Did you experience unsafe or unhealthful conditions in a place you were renting, like the landlord frequently failing to provide heat, hot water, electricity, or working plumbing; a serious problem with cockroaches, mice, or rats; or unsafe conditions, like electrical problems, that the landlord didn't correct?"

those problems that implicated a potential legal need, each completed survey was reviewed by an attorney with substantial experience in diagnosing and providing legal assistance to low-income people. Thus, for every 'yes' response to a substantive question, the accompanying 24-question supplement was reviewed to determine whether the problem cited did in fact raise a legal need. If the review showed otherwise, the positive response was rejected and the issue was not recorded into the database as a legal need.[29]

Conducting the Field Survey

The Work Group engaged a field coordinator to orchestrate and oversee field data-gathering. The Work Group also identified 15 demographic cluster groups that would be the subject of focused inquiry.

The state was divided into eight specific regions identified as having common geographic, socioeconomic, transportation and other characteristics. For each demographic cluster group and geographic region, the methodology called for at least 100 completed surveys.[30]

Hundreds of volunteer interviewers and contractors were involved in conducting the field interviews. Each volunteer and contractor received extensive training based on Portland State University's survey protocol.

Survey administration and the bulk of training were performed by the field coordinator, Nicolaas Groeneveld-Meijer. Recruitment of volunteer and contract surveyors was done with assistance from senior legal services program staff in each of the eight regions. Where possible, interviewers of like language and cultural background were recruited and employed to conduct surveys. The complete field survey was translated into Spanish, as were survey-training materials, so that monolingual Spanish-speaking volunteers could participate in survey administration. This was determined to be critical to the effort to effectively penetrate the areas of the state where the 2000 Census reveals high percentages of Spanish-speaking low-income residents. Potential low-income respondents within each of the specific demographic cluster groups and designated regions were identified with the assistance of social and human services and legal services providers.

To protect against any appearance of excessive involvement or control by those who might be perceived as having a stake in the outcome of the survey results, staffed legal services program involvement was limited to recruitment of volunteer and contract interviewers, identification of potential sources of survey respondents and contracting with paid surveyors. Legal services program staff were excluded from selecting respondents and conducting interviews.

Data Entry and Weighting

Through the coordinated efforts of all involved, 1,333 valid surveys were received (92 percent of the 1,450 total surveys sought) and entered into the database maintained at Portland State University. Approximately another 100 surveys were discarded as either too incomplete to be useful or as having been inadvertently taken of households with inappropriately high incomes (i.e., exceeding 125 percent of FPL). To normalize for over- and

[29] *For example, a respondent responds "yes" to a discrimination question. But the supporting supplement indicated the individual felt she was discriminated against at work because of a lack of work experience. This is not a cognizable claim and the supplement was excluded by the reviewing attorney. In this instance, the "yes" response was changed to "no."*

[30] *For some demographic cluster groups, this was proportionate to the low-income population of the state, but for others, such as Native Americans, where the population is not evenly distributed, surveys were taken in approximate proportion to the actual population distribution of the members of the demographic cluster group.*

under-sampling within regions and among certain demographic cluster groups, data was adjusted (weighted) to provide the proportionality for meaningful analysis and comparison.

Since the field survey was developed to deliberately survey at least 100 respondents in each of the demographic cluster groups, this caused a greater number of surveys of certain demographic cluster groups to be taken than the proportion of that demographic cluster group in the general low-income population in Washington. Conversely, other demographic cluster groups were underrepresented as a percentage of the total number of surveys taken. To prevent this from skewing the survey results, the survey responses of those groups were weighted to reflect the general low-income population, where reliable data was available to do so. All survey results reported represent these weighted results, except that the information given about relative need within a demographic cluster group is not weighted.[31]

To make analysis of the survey responses more comprehensible, the 56 questions in the survey that each described a potential legal problem were grouped into 17 substantive legal areas for purposes of reporting data. Thus, for example, questions related to divorce, custody, alimony, child support, visitation and adoption were all categorized as "family" problems. An affirmative response to any of these questions would be counted as a family legal problem.

The Telephone Survey

Complementing the field survey was the statewide telephone survey of low- and moderate-income households conducted by Washington State University's Social and Economic Sciences Research Center (SESRC). The objectives of this component of the study were to obtain a statistically significant assessment of the areas of legal need experienced by the general low-income population, and to assess whether there were statistically significant differences between the incidences of legal needs of low- and moderate-income residents.

Survey Methodology

The telephone questionnaire was extracted from the field survey questionnaire. It asked many of the same questions included in the questionnaire used for in-person field survey interviews. While both questionnaires asked substantially identical questions,[32] those conducting the telephone interviews did not use the 24-question supplement used to inquire into the specifics of legal problems reported during the interviews. As a consequence, surveys took less time (19 minutes on average, compared with 1.5 to two hours for the field survey) and did not go into as much depth as the field survey in assessing either the nature of the legal problems reported or the manner in which respondents dealt with the problems. Further, in contrast with the approach used in the field survey, there was no attorney review of legal issues reported by telephone survey respondents.

[31] *Survey consultants also looked at a similar weighting of results to adjust for disparities in percentage of surveys taken in different regions of the state as compared to poverty population in the regions. This weighting produced negligible differences from the raw survey data, and so was not used to generate the charts contained in this study.*

[32] *While there were some differences in the actual wording of questions, the root source of all questions used in the telephone survey were those asked in the field survey questionnaire.*

Telephone interviews were conducted of 810 Washington state households. The sample consisted of a general-population, random-digit-dialing (RDD) telephone sample. The RDD methodology was designed to include fully 97 percent of the population of Washington state.[33] This type of sample includes unlisted households. The sample did not include cellphone-only households, or households that do not have a telephone.[34]

Households with income above 400 percent of the FPL were screened out of the survey. Households below that level were included. The SESRC conducted an RDD telephone survey of Washington state from August 22, 2002 to October 20, 2002.

A total of 810 households completed the entire survey. The relative breakdown among low-income respondents and respondents categorized as low-moderate-income and high-moderate-income is shown below:

Income Level	Number of Respondents
125% FPL or below	191
Above 125% but not above 200% FPL	215
Above 200% but not above 400% FPL	383

All interviewers selected to work on this project received a minimum of eight hours of basic interview training and an additional two hours of project specific training. A total of 53 interviewers were trained on this project. All interviews were conducted using a computer-assisted-telephone-interview (CATI) system. The average interview length for the survey was 19 minutes.

To ensure that males and females, and adults of different ages were represented in the survey, respondents were selected randomly from within the household. Within each household, interviewers talked with the person who was age 18 or older and had the most recent birthday.[35]

Margin of Error

The margin of error for the entire sample of 810 low- and moderate-income respondents is plus or minus 4.5 percent. The margin of error for low-income people (191 responding) is 7.2 percent; for low-moderate (215 responding) it is 6.8 percent; and for high-moderate (383 responding) it is 5.1 percent. The survey's cooperation rate was 44 percent.[36]

As noted earlier, with certain exceptions data generated from the field survey corresponds well with that generated from the telephone survey. To enable meaningful comparison of the date between the two components of the overall survey, responses to the telephone survey questions were grouped against the same 17 legal problem areas as were used for the field survey.

[33] *In contrast to the presumed penetration rate of 97 percent for the general population, only 87 percent of the 1,333 field survey respondents had regular access to a telephone. The difference between the expected penetration rate upon which the telephone survey methodology is based and that reported for field survey households can be explained by the disproportionate representation in the field survey of members of demographic cluster groups that experience greater obstacles to securing and maintaining access to even basic telephone technology than the general public.*

[34] *As a place of residence is required for telephone service, it was understood that the telephone survey would not be effective in surveying homeless individuals and families. It was also understood that the survey would be less effective in contacting other sub-populations that have difficulty in either accessing or communicating effectively through telephones (e.g., residents of adult living facilities, institutions, and mentally disabled individuals).*

[35] *This approach necessarily understated the participation of heads of households and those who may have personally experienced a civil legal problem.*

[36] *The cooperation rate is the rate of people who, upon successful contact and screening for income eligibility, agree to proceed with the full interview.*

The Stakeholder Survey

The scope of the study, included a stakeholder survey. As defined by the Civil Legal Needs Work Group, this was a "survey of representatives of stakeholder groups and organizations (bench, bar, courthouse facilitators, social and human services providers, legal aid organizations, etc.) regarding their perceptions of the unmet legal needs of low-income people in Washington state, populations perceived to have special legal needs, consequences perceived to result when legal assistance is not available, and other observations relevant to obtaining an understanding of the breadth, scope and depth of the problem."

This survey was modeled on Oregon's stakeholder survey with three key distinctions: (1) Washington state used direct mail to administer the surveys, whereas Oregon obtained the data through a series of focus groups; (2) Washington state added technology questions to its survey, consistent with the information requested in both the telephone and field survey components, and to permit the incorporation of relevant information currently being collected from technology focus groups being administered by the Access to Justice Technology Bill of Rights Committee; and (3) Washington state broadened the number of stakeholder groups polled.

The survey targeted 125 stakeholders, including 25 from each of the following groups, to ensure diversity of perspective: (1) providers of civil legal services to low-income people, including staffed legal services and pro bono legal services programs; (2) attorneys, including those in private practice and government practice; (3) judges, including a selection of federal court, state court, tribal court and administrative law judges; (4) court personnel, including a selection of courthouse facilitators, clerks and court administrators; and (5) social service providers.

Forty-two "stakeholders" returned completed surveys, including judges (9), court personnel (6), lawyers (7), legal services providers (15) and social and human services providers (5). Respondents were nearly evenly from rural (19) and urban (21) regions, although judges (7 of 9) were primarily from urban regions. Some of the identified responses were from more than one individual at a responding institution.

Appendices

The following figures detail further results from the field and telephone surveys. The section following the figures summarizes findings from the stakeholder survey.

The first figure is a master table, displaying rates of legal issues for all households in the field survey, as well as for individual demographic cluster groups. The rates reflect the extent to which that particular set of legal issues accounted for all legal issues affecting that group. A municipal and public services rate of 14 percent for African Americans, for example, means that 14 percent of all legal issues affecting that group were related to municipal and public services.

Fig. A
Master Table: Legal issues by category of legal need and demographic cluster group

	All Respondents (weighted)	Control	Asian/ Pacific Islanders	African-Americans	Domestic Abuse Survivors	Vulnerable Seniors	Homeless	Recent Immigrants	Institutionalized	Migrant and Seasonal Farm Workers	Latinos Not Working in Agriculture	Native Americans on or near a Reservation	Urban Native Americans	Physically Disabled	Mentally Disabled	Youth Lacking Effective Parent Advocate	Welfare to Work
housing problems	17%	21%	17%	15%	16%	13%	17%	17%	13%	19%	15%	15%	12%	13%	18%	10%	19%
family problems	13%	12%	17%	11%	28%	4%	13%	11%	11%	8%	15%	11%	12%	10%	11%	10%	18%
consumer problems	10%	15%	11%	10%	8%	12%	9%	8%	7%	8%	9%	8%	7%	13%	7%	5%	10%
employment	13%	15%	9%	11%	9%	5%	11%	11%	9%	13%	14%	11%	11%	10%	7%	7%	9%
public/ municipal services	9%	7%	5%	13%	8%	10%	11%	6%	13%	8%	11%	11%	14%	9%	11%	19%	8%
health problems	7%	7%	6%	13%	5%	7%	6%	7%	6%	6%	5%	6%	5%	10%	8%	3%	6%
benefit problems	8%	7%	16%	7%	5%	8%	5%	6%	4%	5%	5%	4%	5%	9%	7%	2%	6%
other civil rights	4%	6%	6%	6%	7%	7%	11%	11%	17%	11%	10%	11%	11%	8%	12%	20%	9%
estates and trusts	5%	3%	3%	5%	3%	17%	4%	1%	3%	1%	2%	6%	5%	8%	5%	1%	3%
education	3%	5%	1%	3%	3%	3%	4%	3%	5%	3%	4%	5%	4%	2%	4%	13%	4%
immigration problems	3%	0%	7%	1%	1%	3%	2%	12%	1%	8%	5%	1%	1%	0%	0%	1%	2%
elder abuse	2%	2%	1%	1%	2%	7%	2%	1%	2%	1%	1%	2%	3%	2%	2%	4%	1%
institutions problems	2%	0%	2%	3%	2%	0%	3%	1%	6%	2%	1%	2%	2%	1%	3%	5%	2%
disability problems	1%	1%	0%	1%	1%	1%	1%	1%	1%	1%	0%	1%	2%	3%	2%	0%	1%
taxes	1%	1%	0%	1%	1%	0%	1%	1%	1%	2%	1%	1%	2%	1%	1%	0%	1%
migrant problems	1%	0%	0%	0%	0%	0%	0%	2%	0%	4%	0%	0%	0%	0%	0%	0%	0%
Native American Problems	1%	0%	0%	0%	1%	3%	1%	1%	1%	1%	0%	5%	5%	1%	1%	1%	1%

The next 13 figures display breakdowns of legal issues for each category of legal need, for example, housing, employment or estates and trusts. Each figure displays each issue as a percentage of total issues within that area of legal need—for example, that bad conditions accounted for 29 percent of all housing issues, problems with utilities 25 percent of all housing issues, and so on. Breakdowns were not available for immigration, disability, tax or migrant problems.

Fig. B
Relative Percentage of Legal Issues: Housing

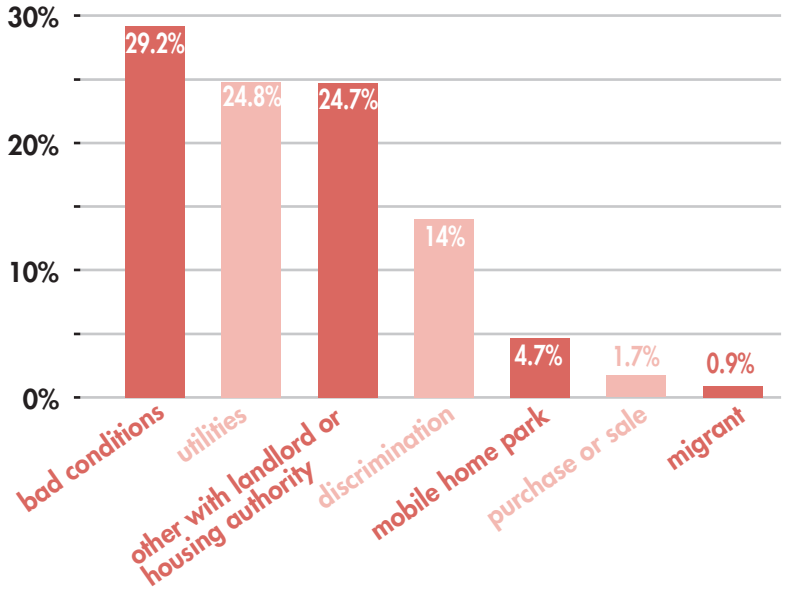


Fig. C
Relative Percentage of Legal Issues: Family Law

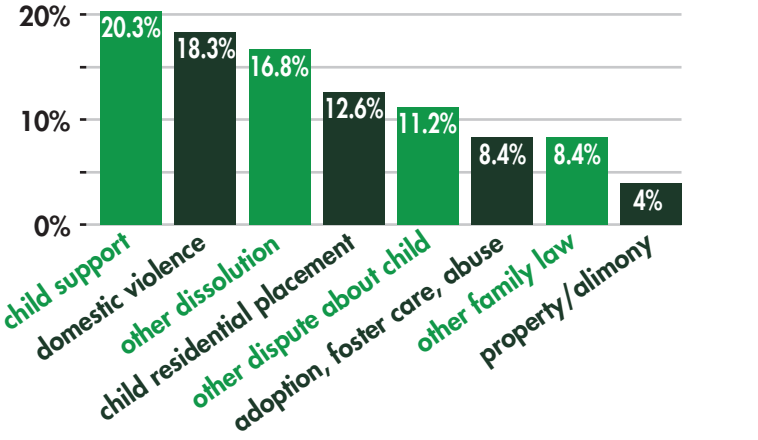


Fig. D
Relative Percentage of Legal Issues: Employment

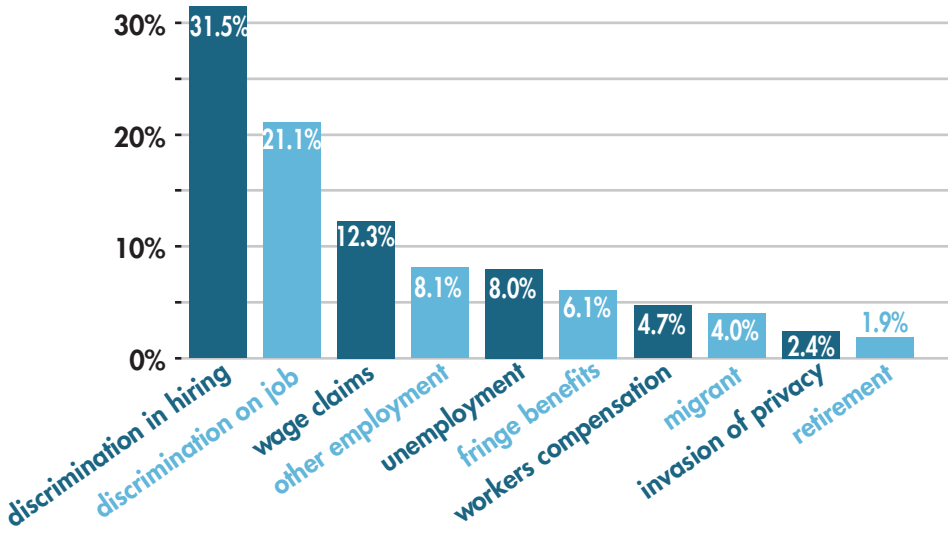


Fig. E
Relative Percentage of Legal Issues: Consumer

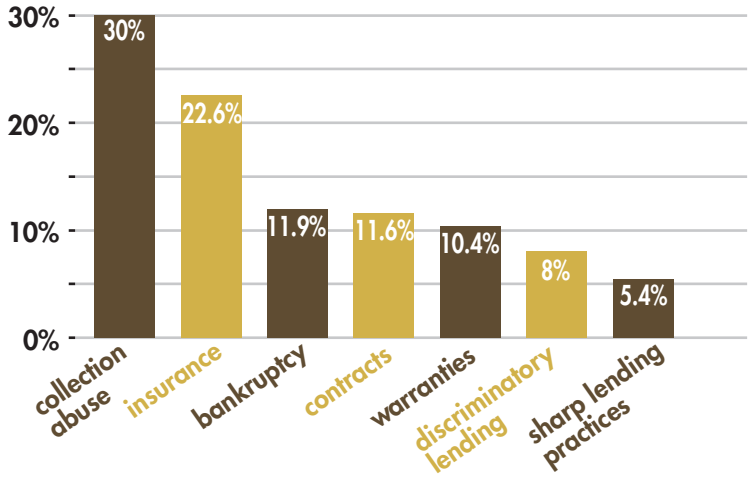


Fig. F
Relative Percentage of Legal Issues: Public & Municipal Services

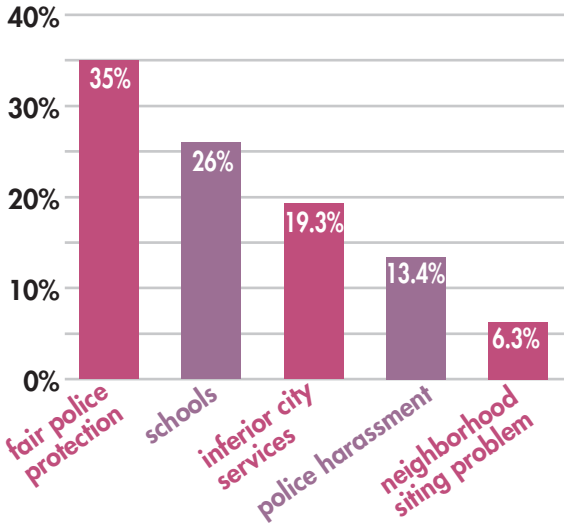


Fig. G
Relative Percentage of Legal Issues: Public Benefits

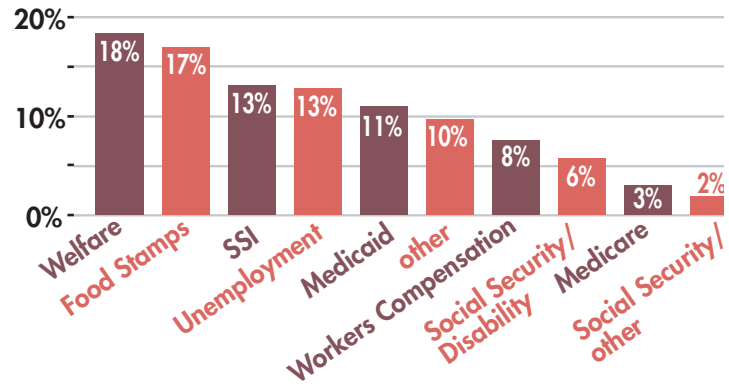


Fig. H
Relative Percentage of Legal Issues: Health

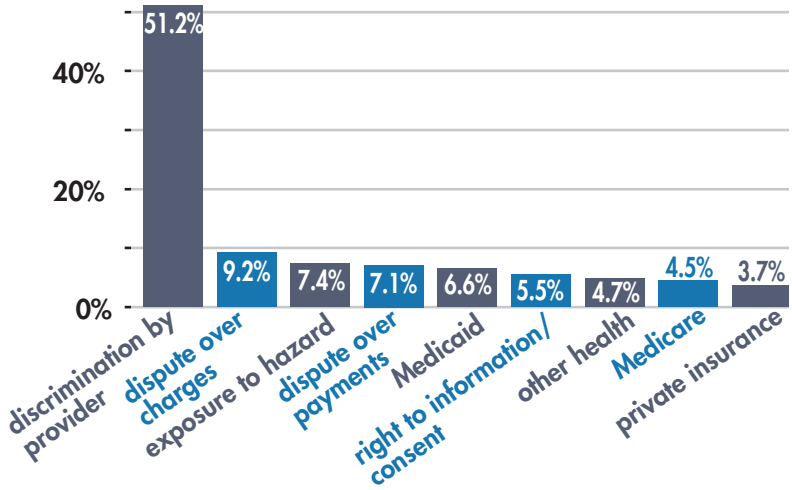


Fig. I
Relative Percentage of Legal Issues: Estates and Trusts

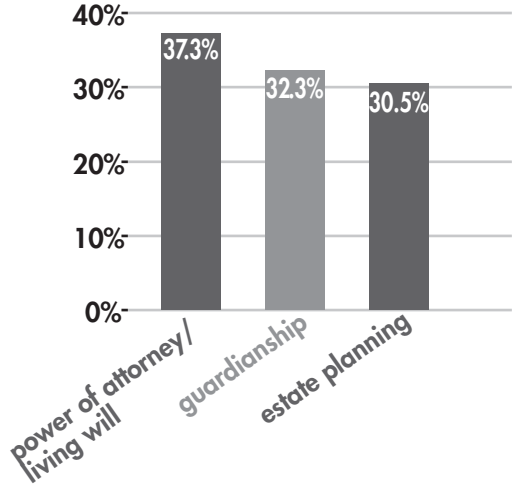


Fig. J
Relative Percentage of Legal Issues: Other Civil Rights

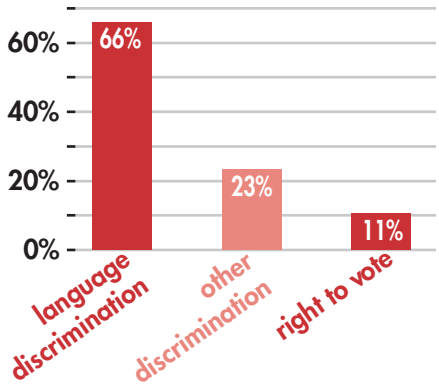


Fig. K
Relative Percentage of Legal Issues: Education

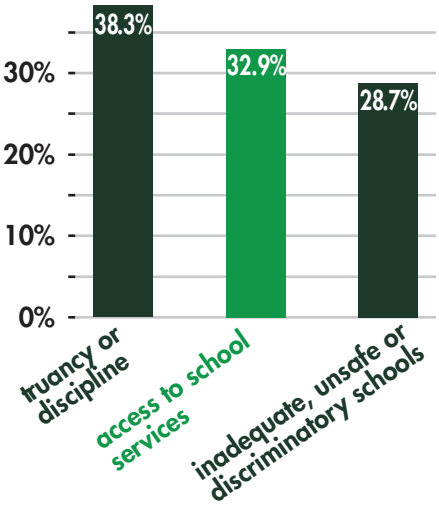


Fig. L
Relative Percentage of Legal Issues: Elder Abuse

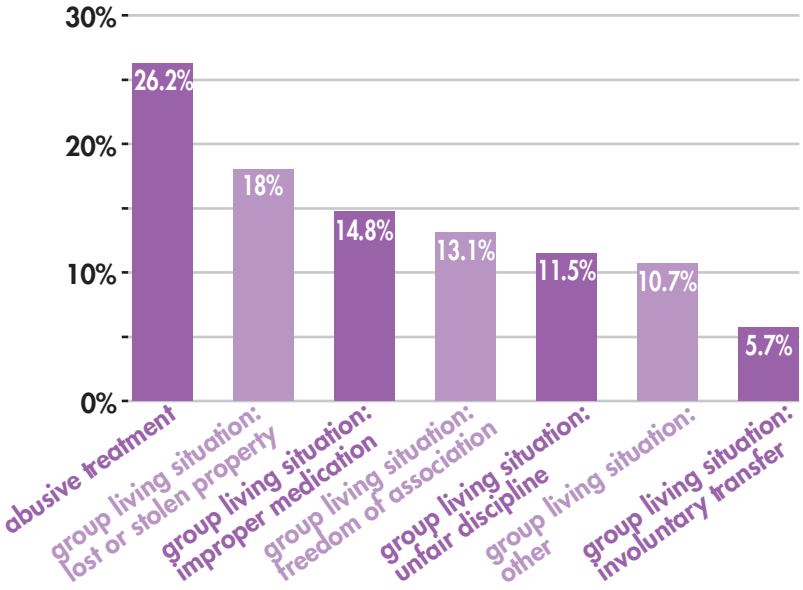


Fig. M
Relative Percentage of Legal Issues: Problems Relating to Institutionalization

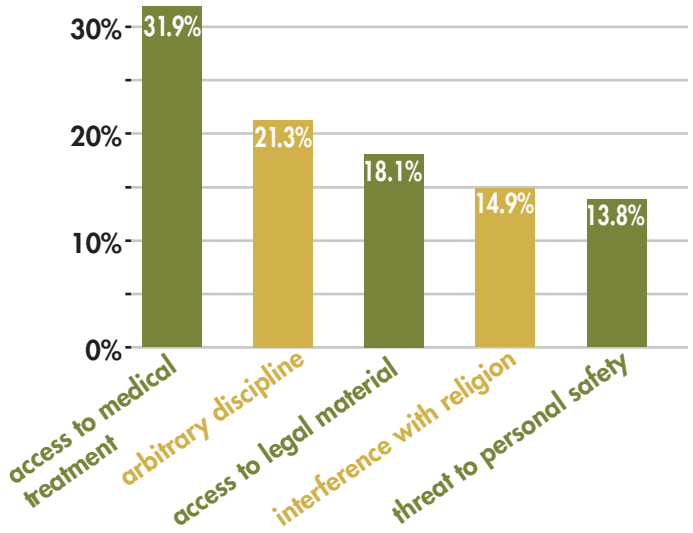
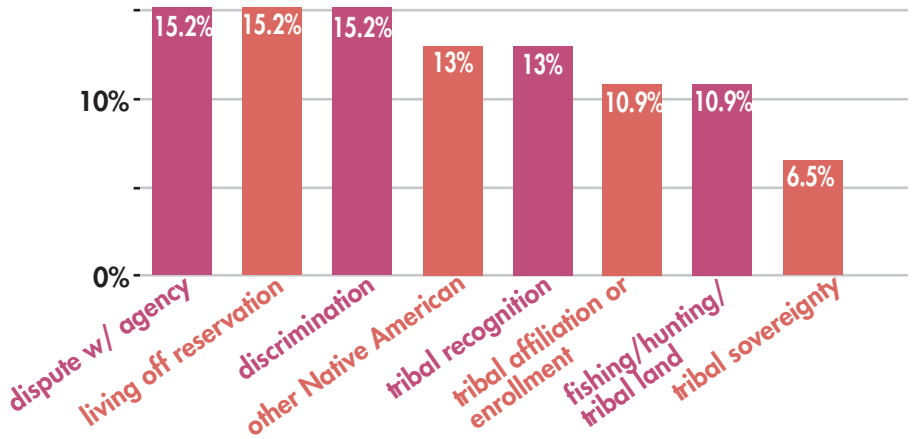


Fig. N
Relative Percentage of Legal Issues: Problems Related to Native American Status



The following figure shows income levels for various sizes of low-income, low-moderate-income and high-moderate-income households. Households qualify for certain income groups based on multiples of the federal poverty line (FPL) measure of income. Further explanation of the income groups is available in the "Key Terms" section.

Fig. O
Income Level by Family Size

Annual Income Amount & Federal Poverty Level (FPL)

	Low Income		Low-Moderate Income	High-Moderate Income	
Size of Household	**100% FPL**	**125% FPL**	**200% FPL**	**300% FPL**	**400% FPL**
1	$8,860	$11,075	$17,720	$26,500	$35,440
2	$11,940	$14,925	$23,800	$35,820	$47,760
3	$15,020	$18,775	$30,040	$45,060	$60,080
4	$18,100	$22,625	$36,200	$54,300	$72,400
5	$21,180	$26,475	$42,360	$63,540	$84,720
6	$24,260	$30,325	$48,520	$72,780	$97,040
7	$27,340	$43,175	$54,680	$82,020	$109,360
8	$30,420	$38,025	$60,840	$91,260	$121,680
each additional person	$3,080	$3,850	$6,160	$9,240	$12,320

Findings of the Stakeholder Survey

The third component of the study was the stakeholder survey, or a statewide survey of bench, bar, court personnel, social and human services providers and legal services providers regarding their perceptions of the civil legal needs of low- and moderate-income people[37] in Washington state, as well as the civil justice system's capacity to address these needs.

In general, the 42 stakeholders who responded said there was little or no distinction between the needs of low- and moderate-income people, as defined. When asked to make a distinction, most responded "same as above," referencing responses for low-income people. Typical was the response of one senior civil legal services provider who noted "125–200 percent of [the FPL] does not provide discretionary income necessary for fee-based legal assistance."

Said a Spokane judge, "In my opinion, the legal world is not available to either low- or moderate-income people without pro bono volunteers, legal services, volunteers or lawyers willing to accept cases on a contingent fee basis."

Like sentiments resonated across the stakeholder groups when asked to distinguish between people on the basis of income below 200 percent of the FPL. Accordingly, specific survey responses are addressed to both groups unless otherwise noted.

Perceptions Regarding Primary Areas of Legal Need

Overwhelmingly, stakeholders identified family law as the major unmet civil legal need of low-income individuals, citing it 28 times in responses. Housing, including landlord-tenant issues, received nine mentions; government benefits including appeals-eight; consumer-debt six; immigration-three; bankruptcy and guardianships-two each. Other mentions included education and general advice, vehicle impoundment, Americans with Disabilities Act claims, and small claims.

One child welfare advocate said the list of need is too long to identify specific unmet needs: "It is difficult to prioritize which needs are most important to address by legal services providers because any crisis in one area often creates a crisis in other areas. For example if a family loses their home, it often leads to the children needing help to enroll in school or to access public benefits. Even with the justice system and support that exists (CLS, NJP, TeamChild, volunteer Lawyer Project and small specialty shops) there is unmet need for direct, individual representation and/or advice in all areas of traditional legal services practice. There also is unmet need for 'non-traditional' areas of practice, such as private landlord-tenant, education law and low-income worker issues."

[37] *In the stakeholder survey, "moderate-income" referred to those families making more than 125 percent but not more than 200 percent of the Federal Poverty Line (FPL). This corresponds to the "low-moderate-income" group surveyed by telephone.*

Barriers to Access

A majority of stakeholders cited lack of direct representation as the most significant barrier to obtaining meaningful access to the justice system. A significant number noted the need for continued representation, including the practice of "unbundling," or defined task representation. Others noted the general lack of attorneys willing to do pro bono work and the shortage of civil legal services attorneys. Said one social and human services responder from Skagit County, "There are resources that describe one's rights but not a lot of information regarding how to take action where access to representation is unlikely. This lack of access to general services reinforces the crisis-driven quest for services."

Stakeholders also pointed to a general shortage of attorneys, especially in rural regions, a situation exacerbated by the reality that many private attorneys are ill-equipped to make appropriate referrals and work effectively with social services agencies.

Noted a legal services provider at Gonzaga University, Spokane, "I think the only way a delivery system can begin to meet the needs is with adequate funding so everyone who needs an attorney has one. We've expanded unbundled services, but sometimes people need full representation."

A Clark County Bar Association Volunteer Lawyer Program advocate noted, "After all is said and done, people rarely have adequate understanding of the process and it creates a sense of helplessness when in the justice system."

Access and Capacity to Use Technology to Access Civil Equal Justice Resources

Stakeholders generally expressed passionate concern that low- and moderate-income individuals have been left behind as technology advances. Many noted that even moderate-income people struggle to maintain basic telephone service and often lack funds even for transportation to places such as libraries where computers can be accessed free of charge.

While some said moderate-income individuals might be somewhat better positioned to take advantage of computer technology, their access was only marginally better. Cognitive limitations, lack of education and sophistication, and language barriers were cited as roadblocks for those attempting to comprehend an inherently complex justice system; and stakeholders were generally pessimistic about technology's ability to simplify and improve access.

A judge from rural Northeastern Washington noted, "Low-income people in our area don't have telephones, let alone Internet accounts or faxes. They are busy trying to figure out how to get gas money to make it the 20-60 miles to the courthouse." A judge from Spokane County agreed: "Major challenges are having the funds to have a telephone installed, funds to access the Internet and the tie between Internet and e-mail. I even know middle-income people who have problems with the phone company deposit and its effect on technology access."

A private attorney from a large Seattle law firm summed up the sentiment expressed by many stakeholders. "The biggest challenges for these people in utilizing technology are the same challenges they face every time they attempt to navigate 'the system,'" the attorney wrote, "and that is the complexity of the system and a basic lack of understanding of the way it works. They are frequently unable to formulate the proper questions, and they may lack the stamina it takes to pursue and process information successfully. When they reach a roadblock, many of them simply have no idea what to do next and give up."

Some stakeholders called for the provision of basic technologies, such as free voicemail for those without telephones. Some suggested computer "kiosks" in high-visibility locations with staff to assist in computer use, and more money to purchase hardware.

A volunteer legal services advocate characterized the frustration of many, noting problems associated with technology are intertwined with complexities and lack of legal representation and/or advice. "Until a respondent/defendant in a civil proceeding has a right to an attorney by law (not by money) we will never solve the problem unless we make certain proceedings less adversarial and see divorce-custody cases as something other than property settlement(s)." However, the same individual was hopeful some technological changes could help. "Many more of the present unmet needs could be addressed by thoughtful use of technology, including Web-based intelligent fill-in forms, online advice, electronic filing, more access to online resources in courthouses and law libraries, etc. More way(s) to obtain waiver of filling fees, charges for documents, etc. would also help."

And there may well be geographical areas more amenable to making use of technology. An advocate with the Clark County Bar Association in Vancouver noted, "We have found that in our area, the majority of our clients have access and are familiar with the Internet as a tool." Yet she cautioned that not all are ready. "The homeless are often forgotten in this mix. The homeless need more support to utilize this technology in our area."

The CLEAR Legal Hotline

Two stakeholders commented specifically on the long wait time experienced by low-income people in attempting to access the Northwest Justice Project's CLEAR telephone and referral system. A Clark County Court Clerk noted, "The CLEAR project doesn't help as much as it could. Most people need help now and can't stay off from work to wait for a return call. Some don't have phone service." A family law court facilitator from Klickitat echoed this concern. "Several clients on the facilitator program have complained in general about trying to use [CLEAR]; they state they don't have time [required] to wait on the phone, and they can't keep trying back day after day."

Additional Observations

The stakeholder survey asked for additional comments about the legal needs of low- and moderate-income people. The following are representative of the remarks:

A superior court judge in rural Eastern Washington noted having just one lawyer involved in a case can be either good or bad. "Moderate-income folks in divorce cases often opt for do-it-yourself, but just as often one and not the other hires a lawyer. Depending on the lawyer, this can 'grease the skids' for both sides or can operate as a travesty of justice."

From Snohomish County, a superior court judge cautioned about the limits of self-help assistance for vulnerable populations. "When designing a delivery system, we need to continue to remind ourselves, and the low- and moderate-income litigants, that they cannot represent themselves effectively. What with all the mandatory and other forms, facilitators and the like, the implicit message to folks is not only can they represent themselves but they can do it effectively. Allowing that implicit message to continue misrepresents how the system works to low- and moderate-income people. Self-representation may be the only option for low-/moderate-income people, but we still owe them a duty to be honest about the process."

A statewide youth advocacy lawyer suggested greater cooperation among organizations that come into contact with low-income people. "A delivery system needs to keep in mind that some groups access services (legal and social) in different ways: the design must provide for unique needs arising from language, culture, disability, age and substantive issue. For example, youth do not self-refer themselves for civil legal representation and/or advice but often have very significant legal issues that require a lawyer to resolve. A delivery system needs to be flexible and rich enough to respond. Another way to enrich legal services delivery is to create better connections with public defenders and the criminal justice system, to collaborate on the common problems of our mutual clients. An effective delivery system will need to fit within the broader context of services, legal and otherwise, for people who have low incomes. The system also needs to have a good balance between direct representation and systems change."