

An Historic Effort

The study was conducted by the Task Force on Civil Equal Justice Funding, established by the Supreme Court in November 2001 and chaired by State Supreme Court Justice Charles W. Johnson and Judge Mary Kay Becker, Chief Judge of Division I of the Washington State Court of Appeals.

The Task Force sought to determine the type and frequency of legal problems among the state's low-income and vulnerable populations (as well as comparative information for moderate-income households), the extent to which such low-income households received legal assistance for those problems and reasons why those who did not seek such assistance failed to do so. It wanted to learn about regional differences and whether low-income minorities, the disabled and members of other demographic groups experienced legal problems differently than the low-income population as a whole. The Task Force also wanted to assess the role of technology in delivering legal assistance, and whether those who got legal assistance had better outcomes, or felt more positive toward the justice system.

The resulting study provides a comprehensive picture of the civil legal problems of low-income people statewide, 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 more than 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).



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*

A Unique Approach

To arrive at these findings, the Task Force adopted a unique multi-survey approach:

A **field survey** gathered in-depth information on the nature and frequency of legal problems; legal assistance, barriers to such assistance and other actions taken in response to legal problems; access to assistance by telephone and computer; and satisfaction with outcomes and feelings about the justice system. The field survey reached low-income people who either didn't have telephones or didn't live in households (for example, the homeless). The survey also searched for distinctions among various demographic groups and regions within the state. Its results are based on 1,333 in-person interviews.

A **telephone survey** of randomly chosen low- and moderate-income households covered most of the same material as the field survey, but in abbreviated form. This survey, conducted by the Social and Economic Sciences Research Center at Washington State University (SESRC), gave statistical legitimacy to information from the field. It also provided comparative information on the experiences of different income groups. Its results are based on 810 interviews.

The Task Force also commissioned an anecdotal **stakeholder survey** to determine perceptions about low-income legal problems within the legal and social services communities. Forty-two attorneys, judges, court personnel and social service professionals responded to the direct-mail survey.

This approach drew on the best practices of two previous major civil legal needs studies: the 1994 nationwide study by the American Bar Association (ABA), which used a telephone survey; and a 2000 study by the state of Oregon, which used a field survey. The survey results work together to form a picture of the civil legal needs of low-income people that is both detailed and statistically sound.

Next Steps

These findings have significant public policy implications and will be the focus of further examination in the coming months. The study is meant to provide the necessary foundation for informed discussion of policy, service delivery and logical funding implications.



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."

The Washington State Civil Legal Needs Study

Executive Summary

Task Force on
Civil Equal Justice Funding

Washington State
Supreme Court

September 2003

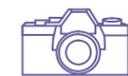


The Washington State Civil Legal Needs Study: Executive Summary

An elderly woman is confined to her fourth-floor apartment for two months because her landlord won't fix the elevator. A single mother is improperly denied government medical coverage, then harassed by creditors to pay for her sick daughter's care. A woman who comes to work bruised by an abusive partner must quit or be fired, and finds herself without income, shelter or benefits.

Every year Washington state's low-income people experience more than a million urgent civil legal problems like these. Most of them face their problems alone, even though an attorney could often dramatically improve their circumstances. Indeed many don't realize 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.

Many simply throw up their hands and endure miseries that few higher-income people would tolerate. They despair of their plight and grow cynical about the justice system.



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.

The Findings

▶ **Approximately 87 percent** of low-income households in Washington state experience a civil legal problem each year. Most experience several problems, often involving safety or subsistence. Altogether low-income people have 1.1 million important legal problems a year.¹

▶ **Low-income people** face 88 percent of their legal problems without help from an attorney. Family-related problems such as divorce or child support have the highest rate of attorney assistance, but even here only 30 percent of problems are addressed with attorney assistance. Removing family-related problems, low-income people receive help from an attorney for fewer than 10 percent of their civil legal problems.

▶ **Housing, family and employment matters** account for nearly half of all issues affecting low-income people, followed by consumer and municipal and public services.

▶ **Women and children** have more legal problems than the general low-income population, especially on matters relating to family law and domestic violence. Minorities, the disabled and members of other demographic groups also experience certain legal issues at significantly higher-than-average rates.

▶ **Legal problems** of 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. For example, though the income groups have similar rates of consumer legal issues, low-income households are more likely to have difficulty with creditors and twice as likely to have filed for bankruptcy.

▶ **Issues relating to wrongful discrimination** appear in more than a quarter of all legal problems experienced by low-income people. These issues appear in virtually every major legal problem area (housing, etc.), and account for half of all employment and health issues. They also disproportionately affect most minorities, the institutionalized, the disabled, immigrants and migrant workers.

▶ **Low-income legal problems** do not differ significantly regionally, or between urban and rural dwellers.

▶ **Low-income residents** of rural areas know less about available legal resources, and have less access to and success in using technology-based legal services.

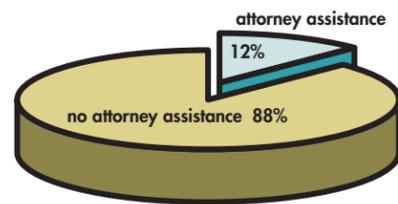
▶ **Nearly half** of all low-income people with a legal problem do not seek legal assistance because they do not know there are laws to protect them or that the justice system could provide relief. Others do not know where to turn, are fearful, believe they can't afford legal help or have language barriers.

▶ **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 their legal problem. Of the 10 percent who try to get help elsewhere, most turn to organizations that cannot provide legal advice or assistance.

▶ **Nearly half** of low-income households have access to and the capacity to use the Internet, although this varies widely by region and demographic group. However, those with access to technology often do not know how it can help them address their legal needs.

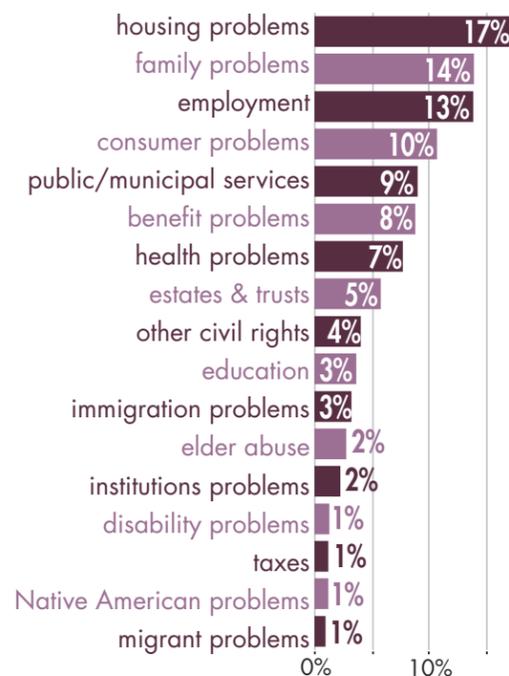
▶ **Low-income people** who get legal assistance experience better outcomes and have greater respect for the justice system than those who do not.

General Rate of Legal Assistance

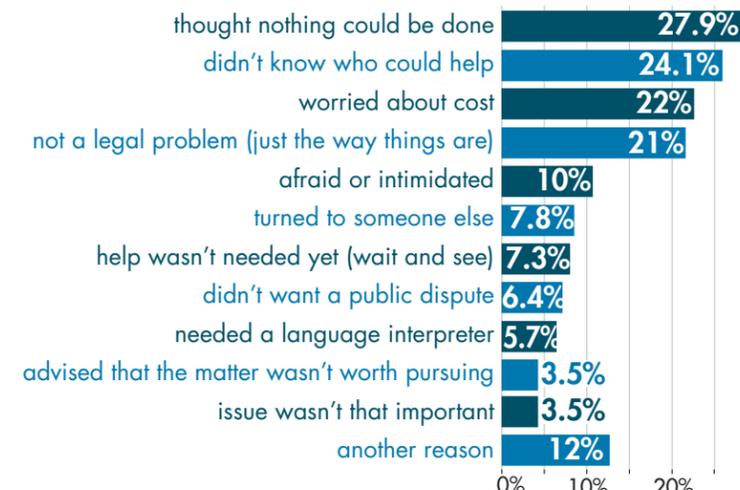


Low-income households face the vast majority of their legal needs without attorney assistance.

Legal Issues by Problem Area



Reasons for Not Getting an Attorney



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.



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.



¹This number assumes 1,039,000 low-income people statewide, with an average household size of 2.74 people, and an average rate of 3.3 legal problems among households with any legal problems.