

Justice Needs and Satisfaction in the **United States of America** 2021

Legal problems in daily life



Hiil is passionate about social impact. We aim to empower 150 million people to prevent or resolve their most pressing justice problems by 2030. Why?

Each year, 1 billion people have a new justice problem. Shockingly, over 70% of those people do not find a satisfactory resolution. 30% don't even feel sufficiently empowered to take action. This has a significant impact on their lives and on society: From violence to seriously damaged relationships and business conflicts.

To make a long story short, justice systems, as they are currently organized, do not deliver what people need in their most difficult moments.

The problem is that the same models to deliver justice in past centuries are still used nowadays. This makes the process of getting justice today often slow, difficult and costly.

We truly believe, basic justice care for everyone is possible. With data and technology, we can co-create high-quality justice based on what we need now.

At Hiil we call it user-friendly justice. Justice that is affordable, accessible and easy to understand. It is justice that works.

© Hiil, The Hague Institute for Innovation of Law

The American civil justice system is in crisis. People look to our justice system for relief in matters that affect their rights, their businesses, and the most intimate aspects of their lives, but barriers and inefficiencies are effectively denying them real access. IAALS is changing that.

IAALS, the Institute for the Advancement of the American Legal System, is dedicated to forging innovative and practical solutions to problems within the American legal system. We are grounded in key principles: non-partisan and independent; input from all sides and stakeholders; empirical research and evidence-based reforms; measurable results and continuous improvement.

Our work has created a seismic shift across our civil justice system.

IAALS is increasing access to justice and helping ensure fair, equitable, reliable, and efficient outcomes for all. IAALS strengthens judicial independence and champions civic engagement. IAALS helps the legal profession train, hire, and retain better lawyers. IAALS has built a national movement to re-regulate and expand legal services. And IAALS is helping to rebuild the family court experience around the needs of families and individuals.

We listen and put people at the center. We cut through complexity. We empower judges, lawyers, businesspeople, and everyday people to put the best ideas into practice.

IAALS is changing how our system serves people today, while anticipating and preparing for future needs—delivering justice all of us can believe in.

We believe basic justice care for everyone is possible. With data, entrepreneurship, and justice transformation, we can co-create high-quality justice based on what people need now.



Hiil and IAALS partnered to understand fairness, function, and the American public's experience in the US justice system.



Together, we believe that user-friendly justice—justice that is affordable, accessible and easy to understand—is essential to democracy, economic empowerment and self-determination.



Thank you to Bohemian Foundation for its generous support of this research and report.

Thank you to the US Justice Needs Advisory Committee members for their feedback and expert insights throughout this project.

Table of contents

Executive summary	4
1. Landscape of legal problems and the US justice crisis	26
2. Impact of legal problems	66
3. Justice journeys	88
4. Effective interventions and treatments	136
5. Legal information and advice	154
Focus chapter 1: Employment problems	178
Focus chapter 2: Debt and money-related problems	198
Overall conclusions	214

Executive summary

In the fall of 2019, HiIL and IAALS joined forces and launched a nationwide study on access to justice in the United States, just prior to the COVID-19 pandemic. While it is widely understood that there is an access to justice problem in the United States, the full extent of the justice crisis has been less clear. The focus in the access to justice community historically has been on meeting the legal needs of those with low income, who have trouble accessing an expensive, complicated, and outdated legal system. While these individuals are a key vulnerable population, the access to justice problem in the United States extends far beyond those of low income. Believing that a full picture of the access to justice problem in the United States would help to bring a greater understanding of the challenges and effective solutions to ensure justice for all, HiIL and IAALS launched this nationwide effort to assess legal needs in the United States across all income levels. This is the first nationwide survey of its size to measure how Americans across a broad range of socio-demographic groups experience and resolve their legal problems.

This study has three key goals:

- To provide nationwide representative data on access to justice and the justice needs that people in the United States face every day.
- To develop a greater understanding of how people in the United States resolve those justice needs, as well as what is working and what is not, to inform and help reform efforts.
- To urge an evidence-based strategy for justice system improvement, always revolving around the needs of people.

The US Justice Needs Survey

Through an online Justice Needs and Satisfaction survey in 2020, we gathered information from 10,058 people in the United States. This largely representative (internet panel-based) sample of the population of the United States told us about the legal problems they experienced in the last 4 years, what they did to solve those problems, and ultimately whether they felt they managed to reach a fair resolution. In tailoring this survey to the United

States, we looked to past justice needs surveys in the United States and other comprehensive studies of justice needs. Throughout the project we partnered with an advisory committee of experts from across key justice institutions and perspectives in the United States, including hosting a virtual justice data lab to gather their input on the data and collectively workshop crucial takeaways. This report contains the analysis of the survey, providing nationwide data on access to justice and a call to courts, traditional and new legal services providers, and the broader legal community to pick up this knowledge and use it to inform more targeted strategies for meeting these needs.

The data tells us what kinds of legal problems people face in the United States and how—and to what extent—those problems vary across socio-demographic groups. It provides insights into the most serious problems, as well as the extent to which those problems are resolved. We asked Americans about the impact of their most serious problems, the many different steps that people take to resolve their legal problems, and the perceived quality of those justice



journeys along three dimensions, including process, outcomes, and costs. The study highlights how people rate the justice and fairness of the resolution outcomes after having engaged sources of help, what interventions were used by those sources of help to resolve different types of legal problems, and where people go for legal information and advice.

By its nature, this study takes a bottom-up approach to understanding the justice gap by asking people about their justice needs and experiences. The landscape of legal problems, the extent to which problems are resolved fairly, and the quality of the justice journeys reported here are based on the perceptions of the people in the broad US justice system. By providing this evidence of the justice resolution gap in the United States through the perspective of those who experience it, we hope to provide justice providers and innovators with the information they need to better meet these needs and close this gap.

Clear evidence of an access to justice crisis in the United States

The results of the survey provide a clear picture regarding the landscape of legal problems in the United States. Access to justice is a broad societal problem – 66%

of the population experienced at least one legal issue in the past four years, with just 49% of those problems having been completely resolved.

- On an annual basis, 55 million Americans experience 260 million legal problems. Of those legal problems, according to the people 120 million legal problems are not resolved fairly every year.
- While low-income Americans are a particularly vulnerable population, this study shows that the need for fair resolution of legal problems is experienced universally across different groups of the population.
- Access to justice is a problem that is impacting people from all walks of life, with serious social, legal, economic, and political consequences.
- This is a crisis that demands increased advocacy and funding for policies and services that increase access to justice across broad segments of society.

The justice crisis requires a profound change in the access to justice paradigm – from how the United States thinks about the scope of the crisis to how it is addressed.

In their daily lives, people in the United States most often experience problems pertaining to consumer disputes, personal injury and personal property damage, neighbor disputes, work and employment, and crime. Some types of legal problems are more serious and have a more dramatic impact on Americans' lives than others and identifying these most burdensome legal problems gives us a more nuanced picture of the US justice crisis, as well as a series of problems for targeted solutions and reform.

Our data demonstrates that the most serious and burdensome types of problems include domestic violence and abuse, family problems, land problems, work and employment, and problems with the police.

The justice crisis is not equally distributed

While access to justice is a broad societal problem, the effects of the justice crisis are not equally distributed.



Looking at the justice crisis through the lens of socio-demographic and racial/ethnic groups reflects different constellations of problems, different experiences, and different outcomes. The result is that certain socio-demographic and racial/ethnic groups are particularly disadvantaged in terms of access to justice.

- The nature, seriousness, and resolution rates of the problems Americans experience are shaped in meaningful ways by their income, gender, race and ethnicity, age, and living environment.
- When we look at the rates at which people encounter legal problems, the relative seriousness of those problems, and the rates at which they were able to completely resolve their legal problems, the following groups stand out as most vulnerable: lower income, women, multiracial and Black Americans, younger and middle-aged, and those living in urban and rural environments.
- This data highlights the critical issues of inequity in the United States justice system. We hope the data also provides a greater understanding of this inequity to inform reform efforts so as to ensure that the needs of all are met in an equal, equitable, and fair way.

The justice crisis negatively impacts lives

We need to understand the impact on people's lives beyond traditional measures of winning or losing a legal action, or its duration. This study highlights the wide range of negative consequences that result from these legal problems and the justice journeys that people experience.

- The most common negative consequences endured by Americans were negative emotions, negative impact on mental health, loss of money, loss of time, and negative impact on financial well-being.

Those negative consequences correlate with problem seriousness, which means that the most serious problems identified are also associated with more negative consequences in people's lives.

There are many different paths to justice

People in the United States pursue many informal and formal strategies for resolving their legal problems. In this report we look at what the data tells us about justice journeys in the United States, the length of those journeys, and the sources of help along the way. We find that there are many unique ways of accessing justice, with no dominant

path to justice in the US. The length of time to resolution and sources of help vary depending on problem type, seriousness, and socio-demographic group.

- This proves a critical reminder that efforts to improve the justice system should not assume, nor focus on, a single path to justice—such as the traditional view that a justice journey moves from attorney to court to resolution.
- People in the United States are already pursuing different and innovative models to resolve their justice needs, suggesting that there is a clear need—and market—for new, innovative, and forward-looking models for delivery justice at scale.

Lawyers (23%) and family members (21%) were the most popular sources of help. The next most popular sources of help in the US included police officers, insurance companies, friends, and the courts. About 15% of Americans who involved at least one source of help used one or more in this group. Mental health and medical professionals were relied upon relatively frequently (between 7 and 8% of those who used at least one source of help), considering their roles outside what is traditionally understood as the justice sector. With regard to the sources of help

that receive the highest scores across dimensions of quality, mental health and medical professionals stand out, suggesting further exploration into the reasons for the differences in perceived quality.

Traditional justice providers, including courts, remain meaningful actors in the system, particularly for certain types of legal problems. People most commonly engage with the courts because their issue can only be resolved by a court or because they desire an enforceable resolution.

- Court systems are among those sources of help that improve the chances of resolution, including mediators, insurance companies, lawyers, and financial institutions.
- At the same time, when local and federal agencies or courts are used as the main source of help in resolving the legal problem, the results for procedural justice and outcome justice are often lower compared to other sources of help. While these findings may be due to the nature of disputes resolved by formal justice providers, as well as the type of forum, this study provides important insights into the public's needs and opportunities for innovation and modernization.



Americans need a broader range of interventions

Sources of help apply diverse strategies to resolving people's legal problems—we call these discrete actions “interventions.” In terms of what is working to ensure fair resolution from the view of those with justice needs, there is no single intervention by these sources of help that increased the likelihood of a problem being completely resolved. However, applying a greater number of interventions does significantly increase the likelihood that the problem was completely resolved.

- While one single intervention is not key, the quantity of interventions matters. On average, 3.2 interventions were used per legal problem, and 2.5 interventions were applied per source of help.
- While effective combinations of interventions exist for some problem types, the individuals who are able to resolve their legal problems effectively tend to be those with lower impact problems. This shows there is much work to be done to ensure just resolution for those with high-impact problems.

Americans go online to seek solutions to legal problems

Most Americans sought legal information or advice to address their most serious legal problem.

- The internet stands out as the most commonly reported resource (31%), with lawyers coming in second (29%) followed by family and friends. This list of most popular sources of information and advice provides clear insight into the extent to which people in the United States commonly seek assistance for their legal problems outside the traditional legal system.
- In addition, nearly two-thirds (63%) said that the information they found on the internet affected how they decided to resolve the problem.

Employment and debt and money-related problems warrant immediate focus

In addition to this broad picture of the landscape of legal problems in the United States, we focus in on two problem types in particular: 1) employment and 2) debt and money-related problems. These are two problem types that are most often assessed as the most serious problems Americans have faced as a result of

the COVID-19 pandemic. Given this assessment, we anticipate that these will be serious and ongoing problems in the US for many years to come, and they are worthy of particular focus.

- The chance of facing one or more employment problems is not equally distributed throughout the population. Poorer Americans, women, Black, Hispanic Americans, and young people were more likely to identify an employment problem as their most serious legal problem.
- Employment problems were the most frequently problem identified as a consequence of the pandemic, driving home the disparate impact of the pandemic on these groups.
- Debt and money-related problems affected a sixth of Americans over the past four years, and the percentage of money-related problems increased during the onset of the pandemic.
- The impact of debt and money-related problems is broad, but varies by income group. The impact of these problems is highest among American households making \$50K-\$75K a year.

The time is now to address this crisis in an evidence-based, people-centered way

This study reflects that the processes for resolving legal problems can be improved considerably. While Americans have a strong tradition of conventional models for resolving legal problems that envision lawyers and courts, the justice journeys of people in the US reflect that people use many other types of help and interventions to resolve their problems. We see a growing field of “non-traditional” justice providers, and an important need—and opportunity—for innovation across both traditional and non-traditional justice providers. This data provides important insights into the problems that people experience and their perceptions of their justice journey outcomes—both should inform evidence-based reforms to achieve improved outcomes and close the access to justice gap.

This data is not intended to undermine public trust and confidence or undermine current efforts to improve the justice system in the US. In fact, innovation abounds, as we see from some evidence in the study of use of online dispute resolution and other innovations

from both formal and informal justice providers. Experimentation with alternative ways to regulate the provision of legal services has great momentum, as do triage mechanisms—both formal and informal—in our courts. In fact, the past year in the pandemic has highlighted that formal and informal systems of justice can innovate, at a pace and scale we haven’t seen before. With these challenges comes great opportunity. We hope this research serves as critical market research: fuel for these efforts from the perspective of users in the form of data, so as to support the development of standardized, scalable justice services to alleviate this justice crisis.

The pandemic has deepened the justice crisis globally and in the United States, and the goals of this study are more important than ever. This nationwide data can lead to a greater understanding of the justice needs that exist, and help inform and better target reform efforts. With 120 million legal problems not reaching a fair resolution every year, it is clear that there is a broad societal need for reform. Equally important, this data reflects that there is much work to be done to ensure the justice system fulfills its promise of equal justice for all. Courts, lawyers, and even non-

The data suggests that the following features are important for developing standardized, scalable, and economically viable justice services to meet this important need:

- A firm basis in user-centered design;
- Integration with existing social, economic, healthcare, mental health care, and educational interventions and policies;
- A focus on preserving or improving key relationships between people;
- A commitment to empowerment, agency, and autonomy for those experiencing justice problems;
- A clear value proposition for services delivered;
- Careful consideration of the reasons people do not use justice services. Price is not the driving factor that many consider it to be;
- Specialization for the most pressing justice problems, which occur millions of times a year in the U.S.; and
- Seamless integration of justice services online and in person.

traditional providers have not been able to deliver effective solutions at scale. In addition to thinking broadly about scalable solutions, it is important to broaden the conversation to include policymakers and those outside the justice sector to identify new and innovative ways of

meeting the legal needs identified in this report.

We invite you to read the whole report but also interact directly with the survey data in the Justice Dashboard at dashboard.hiil.org/US

Methodology



Why bottom-up justice matters

To outline and understand the access to justice gap, we surveyed 10,058 adults in the United States about their justice needs. Many people experience multiple legal problems in their daily lives. Some of these people bring their problems to the formal justice system, predominantly understood as courts and lawyers. Our study mapped out the problems Americans experienced and the justice journeys they undertook to resolve them. It also showed the extent to which people in the US managed to resolve their legal problems.

Understanding people's demand for justice services from the bottom-up is key for a justice sector that wants to effectively resolve legal problems. Effective resolutions put people's needs and their experiences at the center of justice services. They also prioritize the interventions that Americans most need and that have proven to work best in their daily lives.

Justice innovation is also about the re-design and improvement of people's justice journeys. If we know what journeys people take in their attempts to resolve a legal problem, we will know how to design better and more responsive justice services. This is an iterative process which has the potential to deliver more justice

to the people of the United States, and elsewhere. There are no small justice problems: every injustice that is prevented or resolved in a fair way contributes to the legal empowerment of individuals as well as the country's development. It is about respect, accountability, and about nurturing a prosperous and inclusive society.



Outlining a bottom-up approach to justice

At HiIL and IAALS, we refer to the difference between the justice solutions people need and the solutions that people receive as the justice resolution gap. To help bridge this gap around the world, HiIL collects data that shows what exactly people's legal problems are, and how they have experienced them. IAALS brings an evidence-based approach to its work to improve the civil justice system in the US. With this evidence of the justice resolution gap in the US, we hope to give justice providers and innovators the information they need to design and deliver user-friendly justice services. To achieve that, we:

- Focus on justice as people experience it in their day-to-day lives to understand patterns and barriers in seeking access to justice. We map out formal and informal justice journeys, rather than following what is in the laws or in the books.
- Assess the fairness of justice outcomes and processes in detail, in order to make visible the extent to which people feel respected and heard in the course of their justice journeys.

- Enable decision-makers to focus on justice when and where people need it the most. Individuals highlight the problem areas that are the most pressing for them. This is a true bottom-up approach.
- Provide robust evidence to support programming and policy-making in the areas of justice and the rule of law.
- Build on contextual knowledge about what works best in resolving legal problems, while identifying the bright spots and the obstacles for user-friendly justice delivery.
- Inform users and providers of justice about the perceived quality of existing services. This enables users to be informed about where to go and which services to use. It also helps providers improve their services according to people's needs, and offers a cost-effective way of monitoring progress in the justice sector. A standardized and replicable approach leads to economies of scale, reduced operational costs, increased efficiency, and cross-country benchmarking.

What we did: Survey methodology

In 2019, Hiil and IAALS joined forces to conduct a Justice Needs and Satisfaction (JNS) survey in the US, supported by Bohemian Foundation. The JNS survey identifies people's legal problems and their experiences in attempting to resolve them. As such, it offers a people-centered assessment of justice needs and experiences in the US.

The study coincided with the outbreak of the COVID-19 pandemic and major movements for racial justice in the US. These phenomena raised additional questions. Namely, the question "how are the movements for racial justice and the COVID-19 pandemic affecting the demand and supply of justice in the US?" became central to our research.

A standard questionnaire used by Hiil to study the justice needs of people around the world was adapted to the American context. Throughout this project Hiil and IAALS gathered feedback and expert insights from its project Advisory Committee, which is made up of 16¹ distinguished socio-legal researchers, judges, lawyers, and access to justice advocates. During this meeting and follow-up conversations with the Advisory Committee, the

questionnaire and the list of legal problems was discussed extensively and adapted to the American legal, social, economic and cultural context. The anticipated impact of COVID-19 and the crucial role of race and ethnicity in justice in the United States were integrated into the research design.

The questionnaire was reviewed and approved by the Institutional Review Board at the University of Denver.

In July and August 2020, we conducted 7 cognitive interviews with members of the public to ensure the survey items were presented in a comprehensible way. We made a number of revisions to the survey instrument based on feedback from the cognitive interviews. The questionnaire was translated from English into Spanish and programmed into the Qualtrics data collection tool. All responses were completed electronically.

Hiil and IAALS designed, programmed, and implemented the survey with the Knowledge Panel sample provided by IPSOS Public Affairs, LLC. IPSOS' Knowledge Panel members are US residents recruited using a probability sampling approach, which optimizes the generalizability of our results—and

¹ See the full list at <https://iaals.du.edu/projects/us-justice-needs>

our survey respondents were randomly selected from the Knowledge Panel. In addition, IPSOS provides tablets and hotspots to panel members who do not otherwise have computer or internet access, thus assuring that our survey does not exclude that important contingent of the population.

Our sample is largely consistent with 2020 US Census data in terms of demographic makeup. The one possible exception is household income data. The US Census tracks median family income; however, because of the nature of the data available to us, we were unable to conduct a comparable calculation to determine representativeness on this variable.

A self-administered online questionnaire was delivered to approximately 10,000 randomly selected adult (18+) members of the Knowledge Panel. Participation was voluntary and the respondents were able to withdraw and discontinue participation at any time. All questions were optional and the respondents had the choice to skip them. Members of the Knowledge Panel participating in the JNS survey received a small incentive for their time and efforts.

Population weights are applied to balance the sample by age, gender,

and race/ethnicity. Weights are applied in the descriptive analysis where the unit of analysis is a person. Weights are not applied later in the report where the unit of analysis shifts to the most serious problems.

Data was collected in August and September 2020. During the fieldwork, Hiil and IAALS monitored the data collection process and checked partial and final datasets for quality control. In total, 10,058 observations were gathered and included in the dataset.

As part of the dataset, IPSOS provided population weights to correct against sample biases. These population weights were used in the analysis of the prevalence and distribution of legal problems. The following chapters—on impact, dispute resolution, access to legal information and advice, and the focus chapters on money-related and employment problems—are based on non-weighted data.

The results of inferential statistical tests are displayed when the probability value of the test statistic used does not exceed .05 (i.e., we consider a result statistically significant when the p-value is lower than .05). This means that the difference will appear in at least 19 out of every 20 samples drawn from the same population. Some cross-tabulations are not displayed because

the differences are substantively unimportant despite being statistically significant.

The preliminary results of the survey were discussed during a three-day virtual workshop with members of the Advisory Committee and additional experts, which took place in December 2020.

The JNS tool: Measuring access to justice

The line of research in this report follows the methodology of justiciable events studies² and corresponds to the legal needs survey guidelines defined by the OECD.³ HiIL's Justice Needs and Satisfaction survey is specifically designed to measure legal needs as people experience and perceive them. The tool consists of a questionnaire with over 100 questions about problems, consequences, justice journeys, and outcomes of these journeys. The questionnaire is based on actual experiences with legal problems. It addresses the types of legal problems people encounter, the

resolutions they achieve through a wide variety of actions, how they seek legal advice and information, and how they experience the resolution process and outcomes. HiIL has applied the JNS methodology in 20 countries around the world so far.

The key unit of analysis in a JNS study is a justiciable problem (hereinafter: "legal problem"). A legal problem is an issue that the respondent personally experienced in the last 4 years and that theoretically could have been resolved with legal means. The respondents were presented only with issues for which the legal experts of HiIL, IAALS, and the Advisory Committee agreed that there was a legal resolution available (See Annex). Whether the problem was perceived by the respondent as legal, whether it was acted upon, or whether it was resolved were not part of the selection criteria—the participants were asked to report all their encounters with such problems. The following prompt was shown to the respondents:

"Review the lists of issues below and identify all that you have personally experienced within the past four years—think about issues you have experienced since 2016. We are interested in all issues you have experienced, no matter who was on the other side, the role you played, and whether or how the issue was resolved."

The survey instrument recorded all legal problems that the respondents reported. Each reported problem was followed with several basic questions about the problem. Next, the tool delved deeper into the particular problem that the respondent identified as the most serious (n= 6 511). The respondents were asked to assess seriousness based on the problem's impact on life.

For part of the analysis we classified the legal problems into criminal and civil. Besides the text of the problem, the respondents had not seen any labeling of the problem as civil or criminal.

Below, we provide some examples of the questions we asked respondents about their most serious problem and their experience working to resolve it:

To what extent:

- ...were you able to express your views and feelings?
- ...your views and feelings influenced the final outcome?
- ...the source of help treated you with respect.
- ...the same rules were equally applied to you and to the other party/parties?

We also asked, for example:

- How was your issue resolved?
- Which of the following best describes the reason your issue is not yet resolved?
- How many days did you spend resolving the problem?
- How much money did you spend resolving the problem?

Justice journeys

One of the distinctive features of the JNS tool is that it measures the costs and perceived quality of the journeys people traveled to resolve their legal problems. As part of this journey, people involve formal and informal sources of help and participate in formal and informal processes to reach resolution. We call the steps people take to resolve their legal problems "justice journeys." We mapped these justice journeys by asking people about their perceptions of three dimensions: the process, the outcomes, and the costs the journeys incurred. The questions are categorized and displayed in ten easy-to-understand indicators of the costs and quality of justice, as set out in the following table:

²Genn, D. H. (1999). *Paths to Justice. What people do and think about going to law?* Oxford: Hart Publishing.

³OECD/Open Society Foundations (2019), *Legal Needs Surveys and Access to Justice*, OECD Publishing, Paris, <https://doi.org/10.1787/g2g9a36c-en>.

Costs of justice

Money spent on the process	Monetary costs for legal fees, travel, advisors
Time spent on the process	Time spent searching for information, evidence, attending hearings, travel, other logistical expenses
Stress and negative emotions	Stress and negative emotions attributed to the process

Quality of procedure

Voice and neutrality	Process control, decision control, neutrality, consistent application of rules
Respect	Respect, politeness, proper communication
Procedural clarity	Timely and accurate explanation of procedures and rights

Quality of outcome

Fair distribution	Distribution is fair according to needs, equity and equality criteria
Damage restoration	Fair compensation for monetary loss, emotional harm and damage to relationships.
Problem resolution	Extent to which the problem was resolved and the result was enforced
Outcome explanation	Extent to which the people received access to outcome information

Respondents are asked to rank their level of agreement with the ten indicators to the left on a scale of 1 to 5 (1 being not at all satisfied, 5 being very satisfied).

A word of caution about the data

Despite the efforts made to ensure a robust research design that included quantitative survey data and rounds of feedback with experts in the field, there are inevitable limitations to the data, just as in every study.

The data received included 5 categories for race and ethnicity: Black or African-American, Non-Hispanic; Hispanic; Multiple, Non-Hispanic; White, Non-Hispanic; Other, Non-Hispanic.

A small proportion of the findings are based on answers from a small sample. This occurred when, for example, the disaggregation in the sub-samples approached the end of people's justice journeys, or when a problem category with low prevalence was analyzed in depth. More detailed findings about people's experiences with specific justice journeys would require different and larger samples, for example as

part of a study that explores one particular problem type.

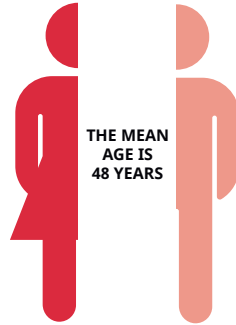
It is also important to note that people tend to underreport certain legal problems. Incidents of domestic violence and abuse, for example, are sensitive and widely unreported. Immigration problems might also be underreported due to fear of negative repercussions. We believe that online data collection mitigates these concerns somewhat, but not entirely. Other examples of factors that may lead people to underreport include:

- Shame and fear, for example, when people have spent time in prison or have had problems with figures of authority.
- Cultural norms, which may lead to underreporting or overreporting of legal problems.

We have identified a few specific areas where additional research is needed throughout the report.

Sample size:
10,058 respondents

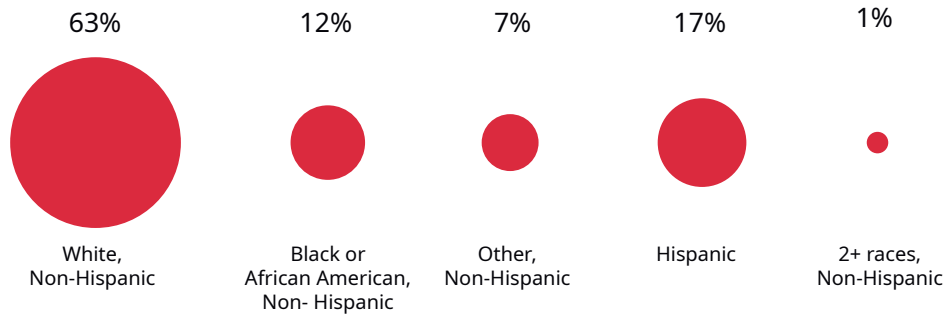
We surveyed 10,058 Americans. Below we present the weighted distribution of the sample according to key demographic variables.



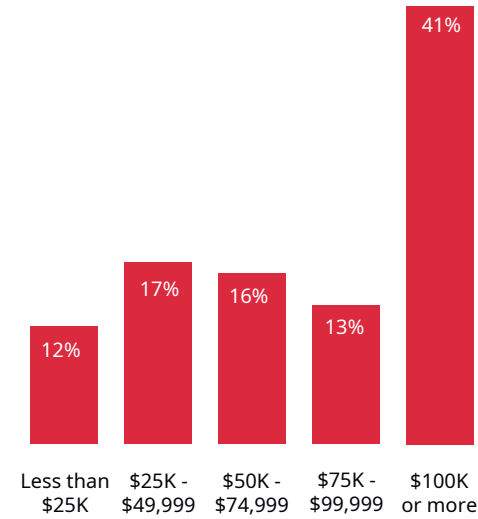
Gender



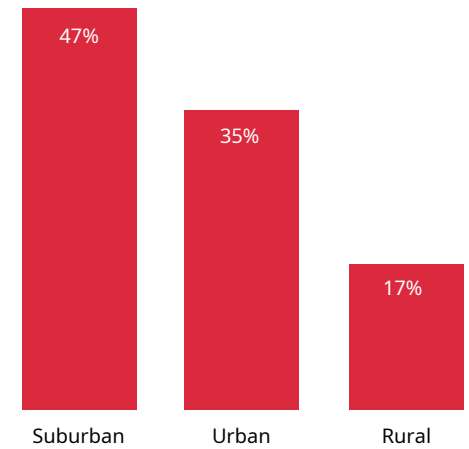
Race/ethnicity



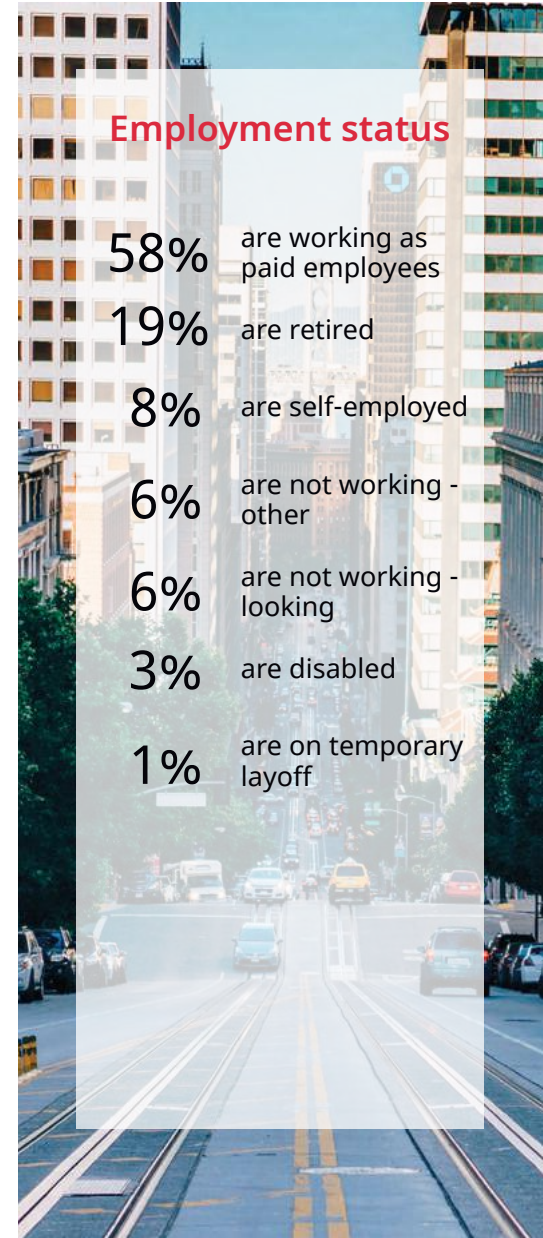
Household income



Living environment



Employment status



1

Landscape of legal problems and the US justice crisis





Overview

Key features of the landscape of legal problems in the US

What does our survey tell us about Americans' experience of legal problems over the past 4 years?

- **Problem prevalence** (or the percentage of the population that experienced one or more legal problems in the past 4 years): 66%
- **Most common problem types:** Consumer; personal injury and personal property damage; neighbor; work and employment; crime
- **Average problem seriousness:** 5.88 (scale of 1 to 10, with 10 being the most serious)
- **Problem resolution rate:** 49% completely resolved

How and to what extent did problem prevalence vary across socio-demographic characteristics?

- **Household income:** Americans experienced legal problems at approximately the same rates across income levels, but the types of problems most often experienced vary by income group.

- **Gender:** Men experienced legal problems at a slightly higher rate (+3%) than women. However, women experienced domestic violence and abuse at a substantially higher rate (+5%) than men.
- **Race/ethnicity:** Multiracial (non-Hispanic) and Black (non-Hispanic) Americans encountered legal problems at higher rates than other racial/ethnic groups. Black Americans also experienced the most distinctive set of problem types (housing, work and employment, and money-related problems).
- **Age:** Younger Americans encountered legal problems at a higher rate than older Americans, though the types of problems different age groups experienced the most are largely the same.
- **Living environment:** Americans living in urban environments experienced legal problems more frequently than those living in suburban or rural environments, though the types of problems experienced are largely the same across urban, suburban, and rural Americans.

How and to what extent did problem seriousness vary across problem type and socio-demographic characteristics?

- **Most serious problem types:** Domestic violence and abuse; family; work and employment; problems with the police; immigration.
- **Household income:** Lower income Americans experienced more serious legal problems on average than higher income Americans.
- **Gender:** Women experienced more serious legal problems on average than men.
- **Race/ethnicity:** Black (non-hispanic) Americans experienced more serious legal problems on average than any other racial/ethnic group.
- **Age:** Middle-aged Americans (between the ages of 45-59) experienced more serious legal problems on average than any other age group.
- **Living environment:** Problem seriousness did not vary meaningfully across living environments, but rural Americans reported the most serious legal problems on average.

How and to what extent did problem resolution vary across problem type and socio-demographic characteristics?

- **Most time-consuming problems to resolve:** Domestic violence and abuse; family; problems with the police; immigration.
- **Most expensive problems to resolve:** Land; family; problems with the police; immigration.
- **Problems that were completely resolved at the lowest rates:** Immigration; problems with the police.
- **Problems that were most often reported as ongoing, with no resolution expected in the future:** Problems with the police; work and employment; crime.
- **Household income:** Americans with higher incomes completely resolved their legal problems at higher rates than Americans with lower incomes.
- **Gender:** Men completely resolved their legal problems at a slightly higher rate than women.
- **Race/ethnicity:** Multiracial (non-Hispanic) Americans completely resolved their legal problems at the lowest rate and were least optimistic about their ability to resolve ongoing legal problems.

- **Age:** While differences were small, middle-aged Americans completely resolved their legal problems at the lowest rate.
- **Living environment:** Americans living in rural and urban environments completely resolved their legal problems at slightly lower rates than Americans living in suburban environments.

Key features of the US justice crisis

What were the most burdensome legal problems to resolve, in terms of seriousness, average time and money spent, and rate of resolution?

- **Domestic violence and abuse**
- **Family**
- **Land**
- **Work and employment**
- **Problems with the police**

What is the justice gap and who is disproportionately affected by it?

- **Demand for justice:** Two-thirds of Americans had to cope with one or more legal problems in the last 4 years.
- **Justice gap:** 120 million legal problems that do not reach a fair resolution every year.

- **Most vulnerable groups** (in terms of prevalence, seriousness, and rate of resolution of legal problems experienced): Lower-income Americans; women; multiracial (non-Hispanic) Americans; Black (non-Hispanic) Americans; younger Americans; middle-aged Americans; urban Americans; rural Americans.



Landscape of legal problems in the US

Sixty-six percent of Americans reported encountering one or more legal problems over the past four years. This high percentage—representing roughly two thirds of the American population—is roughly consistent with previous legal needs surveys conducted in the US. The high prevalence of legal needs in the US is made even more remarkable by the unique time periods of each survey and the fact that the present survey included Americans from all income groups, while previous surveys have tended to focus on low-income individuals.

So what kind of legal problems do Americans most often experience? Consumer problems, personal injury and personal property damage, neighbor problems, work and employment problems, and crime were the five most common problem types. On a scale of one to ten (one being the least serious and ten being the most serious), the seriousness of the average legal problem that people encountered was 5.88.

Just under half (49%) of reported problems are completely resolved. Of the 51% of problems that remained unresolved at the time of the survey,

over half (29% of the sample) were not expected to be resolved in the future. The rest (22%) were reported as unresolved but expected to be resolved in the future.

While it would be reasonable to suspect that the “age” of a legal problem (the number of days between when the legal problem initially occurred and the date of the survey) would influence whether or not it had been resolved, we find that its effect is not meaningful.

According to a bivariate analysis of the relationship between problem “age” and resolution status, the difference in the “age” of legal problems that are completely resolved (1,061 days old on average) and legal problems that remain ongoing (836 days old on average) is not statistically significant. This means that the difference in age is not large enough to conclude that it is not the result of sampling or measurement error.

A multinomial regression analysis of the impact of other variables on the relationship between problem “age” and resolution status leads to a similar finding: the “age” of a legal problem impacts its resolution, but only marginally. Other variables, such as problem type and problem seriousness, have a greater effect on

resolution status. This relationship will be explored in greater detail in the pages that follow.

What does this information say about the landscape of legal problems that people experience in the US? Access to justice is a broad societal problem that exists across the spectrum of American society. No one age, income, or racial/ethnic group is unaffected by it.

That said, the nature and seriousness of the problems Americans experienced—and whether or not they are ultimately resolved or expected to be resolved—were shaped in important ways by their income, gender, ethnicity, age, and living environment.

The sections that follow explore these socio-demographic differences and their relationship to problem prevalence and type, problem seriousness, and problem resolution.



Problem prevalence and type across socio-demographic groups

Household income: Americans experienced legal problems at approximately the same rates across income levels, but the types of problems different income groups most often experience vary. Below we refer to household income.

Americans in different income groups experienced legal problems at roughly the same rate. Individuals who earn under \$25K per year encountered legal problems the most (67%), and individuals who earned between \$50K-\$74,999 encountered them the least (64%). These differences are not statistically significant.⁴ However, the types of problems Americans most

Income	Problem prevalence (%)
Less than \$25K	67
\$25K-\$49,999	65
\$50K-\$74,999	64
\$75K-\$99,999	66
\$100K or more	65

often experienced varies considerably by income level.

Lower income is associated with higher rate of criminal legal problems.⁵ Americans with annual income under \$25K said that 23% of their problems are criminal. With the increase of income the proportion of criminal problems decreases.

- \$25K-\$49,999 - 21.11%
- \$50K-\$74,999 - 19.31%
- \$75K-\$99,999 - 18.79%
- More than 100K - 18.60%

The most frequently occurring legal problems for the people with an annual income above \$100K were:

- Consumer problems
- Personal injury and property damage
- Traffic and parking

⁴X²(N = 10058) = 5.34, p= .25

⁵X²(N = 30160) =49.71, p= p< .00

Among Americans with household incomes between \$50K-\$100K per year, the most common problem types were:

- Consumer problems
- Personal injury and property damage
- Problems with neighbors

As annual income drops to \$50K and less, the most common problems people experience begin to look different. The most common legal problems among the \$25-\$49,999K income group were:

- Work and employment
- Consumer
- Personal injury and property damage

Among Americans with household incomes of less than \$25K per year, the following problems were the most common:

- Housing
- Domestic violence and abuse
- Neighbor

Gender: Men experienced legal problems at a slightly higher rate (67%) than women (64%).⁶ The two most common problem types experienced by men and women are the same: consumer and personal injury and property damage.

However, men encountered traffic/parking/ordinance problems at a higher rate than women (9% compared to 7% among women), and women encountered domestic violence and abuse at a substantially higher rate than men (10% compared to 5% among men).

Given that the survey did not ask respondents exclusively about their victim experiences, this difference may reflect underreporting by men who perpetrated domestic violence and/or abuse. The stigma around domestic violence and abuse also means that it is routinely underreported by individuals who survive it, however. Therefore, the rates of domestic violence and abuse reported are likely to be lower than reality.

⁶X²(N = 10058) = 12.89, p< .00

Race/ethnicity: Multiracial (non-Hispanic) Americans and Black (non-Hispanic) Americans encountered legal problems at higher rates than other racial/ethnic groups. Black (non-Hispanic) Americans experienced the most distinctive set of problem types.

Relative to other racial/ethnic groups, white (non-Hispanic) Americans experienced legal problems at the lowest rate (64%) and multiracial (non-Hispanic) Americans experienced them at the highest rate (74%).⁷ Black (non-Hispanic) Americans also encountered legal problems at a very high rate (71%). Hispanic Americans also experience legal problems at a relatively high rate (68%).

A person’s race/ethnicity also influenced the types of legal problems they encountered the most. Black (non-Hispanic) Americans experienced the most distinctive set of problem types. They are the only racial/ethnic group for which consumer and/or personal injury and property damage problems were not among the top three problem types encountered.

Ethnicity	Problem prevalence (%)
Multiple, Non-Hispanic	74
Black or African American, Non-Hispanic	71
Hispanic	68
Other, Non-Hispanic	66
White, Non-Hispanic	64

The most common legal problems among white (non-Hispanic) Americans were:

- Consumer problems
- Personal injury and property damage
- Neighbor problems

The most common legal problems among multiracial (non-Hispanic) Americans were:

- Personal injury and property damage
- Consumer problems
- Crime

The most common legal problems among Black (non-Hispanic) Americans were:

- Housing problems
- Work and employment problems
- Money-related problems

The most common legal problems among Hispanic Americans were:

- Consumer problems
- Work and employment problems
- Neighbor problems

The most common legal problems among Americans who identify as other (non-hispanic) are:

- Consumer problems
- Personal injury and property damage
- Neighbor problems

⁷X²(N = 10058) = 45.64, p< .00

Age: Younger Americans encounter legal problems at a higher rate than older Americans, though the types of problems they experience the most are largely the same.

There is a linear relationship⁸ between age and prevalence of legal problems across all age groups, with 18-29 year-olds encountering problems at the highest rate (74%) and people age 60 and older encountering problems at the lowest rate (57%).

Younger Americans who encountered legal problems in the past four years had to deal with 4.4 legal problems on average. 30-44 year-olds dealt with 3.74 problems on average; 45-59 year-olds: 3.0; and Americans aged 60 and older: 2.10.⁹

Age	Problem prevalence (%)
18-29	74
30-44	71
45-59	64
60+	57

Despite these differences, the types of legal problems Americans most often encountered are largely the same across age groups. After consumer problems and personal injury and property damage—the two most common legal problems across all age groups—the following problem types are most prevalent:

- 18-29 year-olds: Domestic violence and abuse and work and employment problems (tied at 9.58%)
- 30-59 year-olds: Work and employment problems
- People aged 60 and older: Neighbor problems

⁸X²(N = 10058) = 190.98 p< .00

⁹F(N = 10058) =94.52, p< .00

This reveals that young people were uniquely affected by domestic violence and abuse, and that people aged 60 and older were uniquely affected by neighbor problems. With the exception of the 60+ age group, Americans of all ages experienced consumer problems, personal injury and property damage, and work and employment problems at high rates.

Younger Americans are more likely to report criminal legal problems.¹⁰ For instance, 23.38% of the legal problems of 18-29 year-olds are criminal. For the other categories the respective proportions are: 30-44 - 20.31%, 45-59 - 20.12%, and 60+ - 17.32%.

¹⁰X²(N = 30160) =75.54, p< .00



Living environment: Americans living in urban environments experience legal problems at the highest rate, though the types of problems urban, suburban, and rural Americans experience are largely the same.

Americans living in urban environments experienced legal problems at the highest rate (69%) and Americans living in rural environments experience them at the lowest rate (62%).¹¹ Americans living in suburban environments fall in between in terms of problem prevalence (64%).

Living environment	Problem prevalence (%)
Urban	69
Suburban	64
Rural	62

The types of legal problems that Americans experienced are largely the same across living environments. All three categories experience consumer problems and personal injury and property damage the most. The third most common problem type experienced by urban Americans is housing problems. Among suburban and rural Americans, the third most common problem type is neighbor problems.

Problem seriousness across problem types and socio-demographic groups

Problem type: Domestic violence and abuse, family, work and employment, police, and immigration were perceived as the most serious problem types.

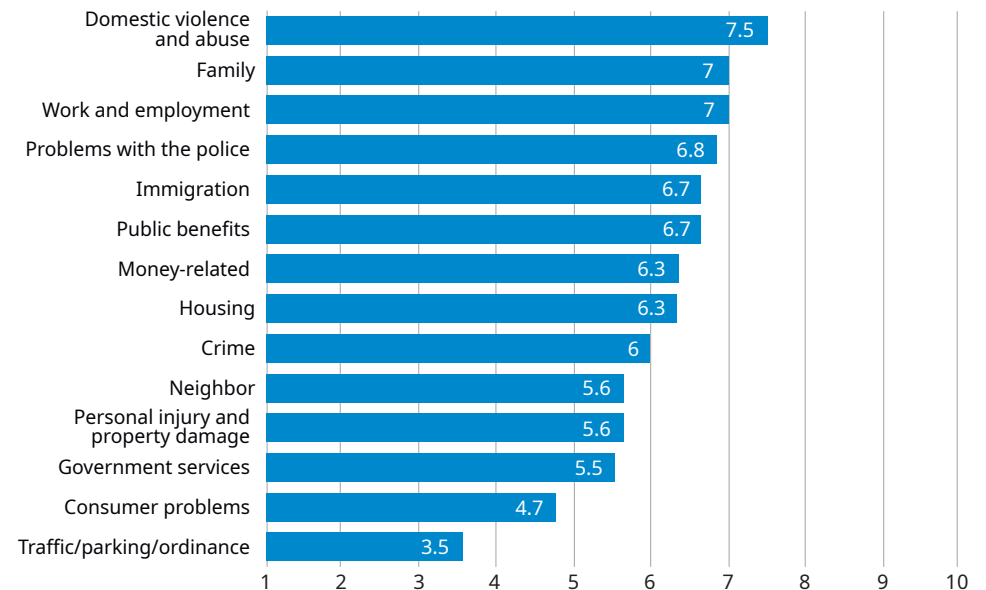
Domestic violence and abuse, family problems, work and employment problems, problems with the police, and immigration problems are all ranked as 6.67 or higher on average

(on a scale of 1 to 10) in terms of seriousness.

At 7.51, domestic violence and abuse is the most serious problem people experienced and the only problem type with a score higher than seven.¹²

Criminal legal problems are perceived as more serious (6.3) compared to civil matters (5.8).¹³

Problem type/problem seriousness



¹¹ X²(N = 10051) =40.95, p< .00

¹² X²(N 25518) =132.74, p< .00

¹³ F(N = 25517) =125.83, p< .00

Household income: Lower income Americans experienced more serious legal problems on average than higher income Americans.

Lower income Americans experienced more serious legal problems on average than higher income Americans. We found a linear relationship between income group and seriousness of legal problems across all income groups, with Americans with household income less than \$25K per year experiencing the most serious problems (6.56 on average) and those with household income of \$100K per year or more experiencing the least serious problems (5.47 on average). The difference between the income groups is statistically significant.¹⁴

Gender: Women experience more serious legal problems on average than men.

Women encounter more serious legal problems on average (6.17) than men (5.60). This difference may be explained in part by women’s disproportionate experience of domestic violence and abuse, which is ranked as the most serious of all fifteen problem types.¹⁵

¹⁴ F(N = 25518) =120.93, p< .00

¹⁵ F(N = 25518) =254.20, p< .00

Household income/problem seriousness



Race/ethnicity: Black (non-Hispanic) Americans experienced more serious legal problems on average than any other racial/ethnic group.

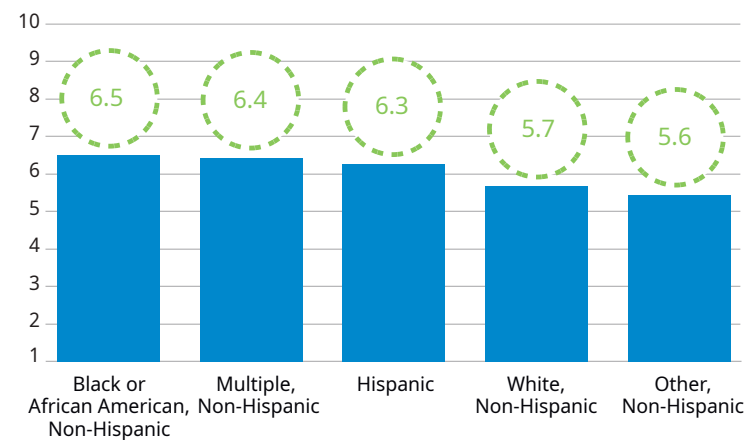
Compared to other racial/ethnic groups, Black (non-Hispanic) Americans experienced the most serious legal problems (6.51 on average).¹⁶ Multiracial (non-Hispanic) and Hispanic Americans also experienced relatively serious legal problems (rated as 6.25 on average and above). This may be explained in part by the fact that Black (non-Hispanic) and Hispanic Americans experienced work and employment problems, the third most serious

problem type, at uniquely high rates.

The problems experienced by other (non-Hispanic) Americans and white (non-Hispanic) Americans are the least serious on average (5.61 and 5.68, respectively).

¹⁶ F(N = 225518) =83.80, p< .00

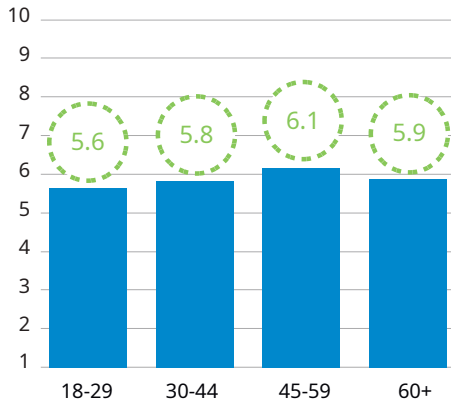
Ethnicity/problem seriousness



Age: Middle-aged Americans experienced more serious legal problems on average than other age groups.

Americans between the ages of 45-59 experience the most serious legal problems (6.14 on average), followed by Americans aged 60 and older (5.86 on average).¹⁷ Compared to other age groups, young Americans (between the ages of 18-29) experience the least serious problems (5.63 on average)

Age/problem seriousness

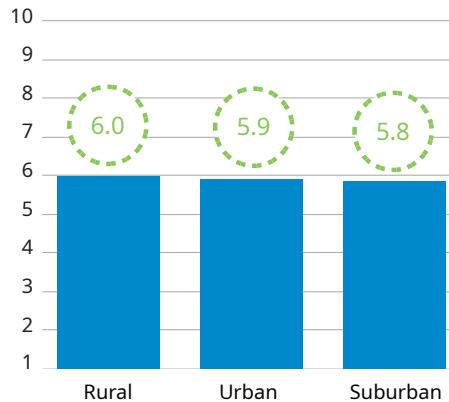


¹⁷F(N = 25518) = 30.88, p < .00

Living environment: While problem seriousness does not vary meaningfully across living environments, rural Americans reported the most serious legal problems on average.

The problems that Americans living in urban, suburban, and rural environments face were similar in terms of seriousness.¹⁸ Rural Americans considered their problems most serious on average at 5.96, and suburban Americans reported their problems as least serious on average at 5.84.

Living environment/ problem seriousness



¹⁸F(N = 25493) = 2.90, p = .055

Problem resolution across problem types and socio-demographic groups

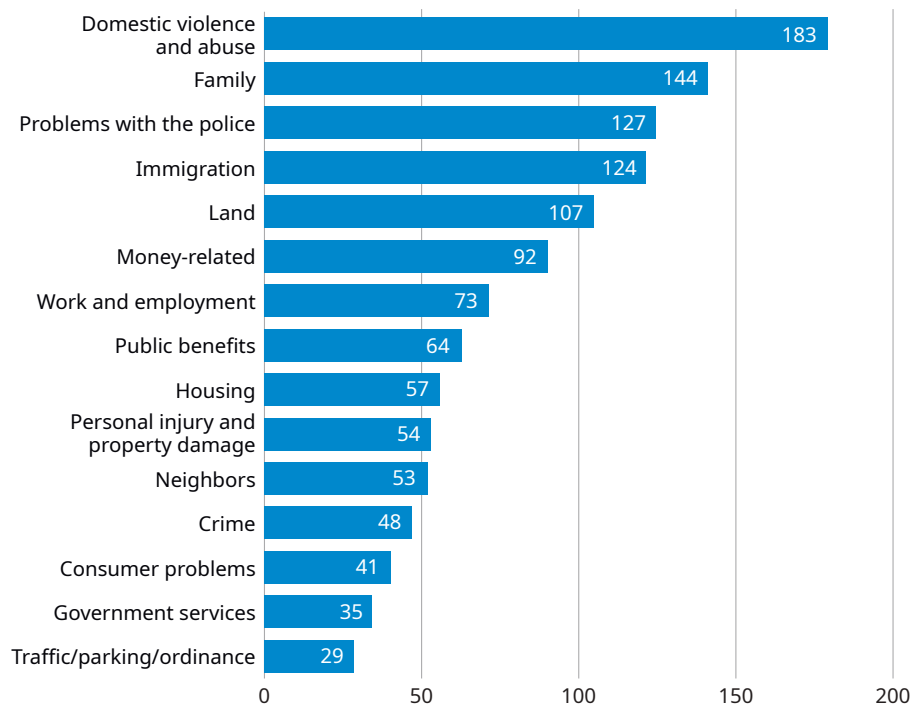
Problem type: Domestic violence and family problems were the most time-consuming legal problems to resolve.

Of the most serious legal problems people experience, domestic violence and abuse, family problems, and problems with the police were the most time-consuming to resolve. Americans estimated spending between 124-183 days (between 4-6 months) on average actively working to resolve these kinds of problems.

According to estimates, traffic/parking/ ordinance problems took the least amount of time to resolve: less than one month (29 days) on average.



Average time to resolve (days spent actively working towards a resolution)

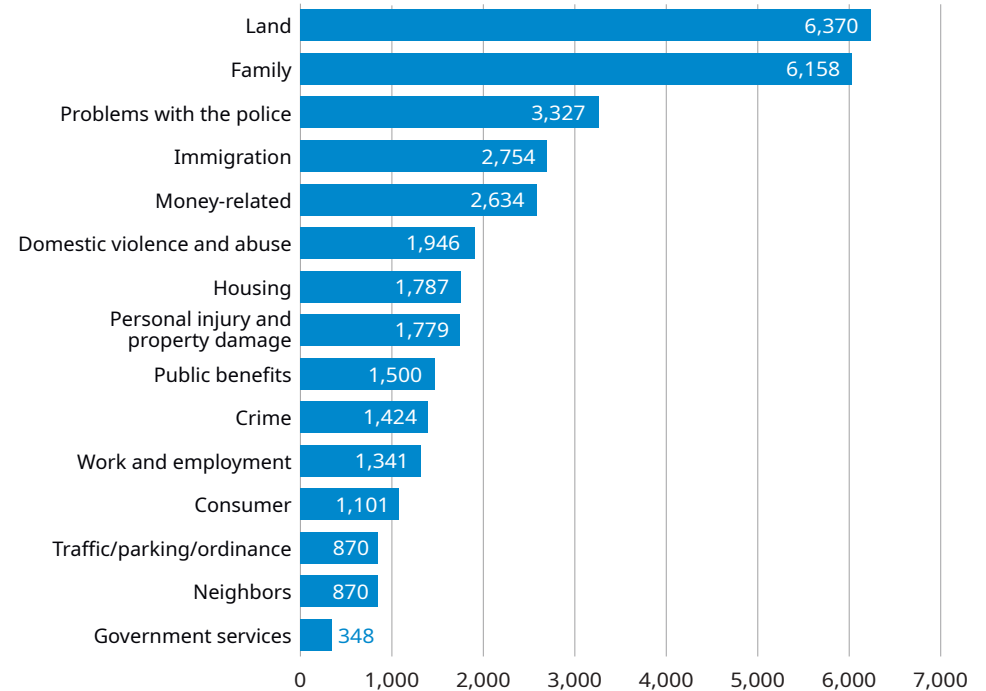


Problem type: Land and family problems were the most expensive legal problems to resolve.

Of the most serious legal problems people experienced, land problems, family problems, and problems with the police were the most expensive to resolve. Americans estimated spending between \$2,754-\$6,370 on average to resolve these kinds of problems.

At approximately \$348 on average, problems related to government services were the least expensive to resolve. Of the most serious problems people experience, they are the only problem type that takes less than \$500 on average to resolve.

Average resolution cost (\$)



Problem type: Immigration problems¹⁹ and problems with the police were reported as completely resolved at the lowest rates.

Immigration problems and problems with the police were completely resolved at the lowest rates. Only 30% and 33% of these problems were reported as completely resolved, respectively.

Traffic/parking/ordinance problems and personal injury and property damage were completely resolved at the highest rates. Sixty percent or more of these problems were reported as completely resolved (80% and 60%, respectively).

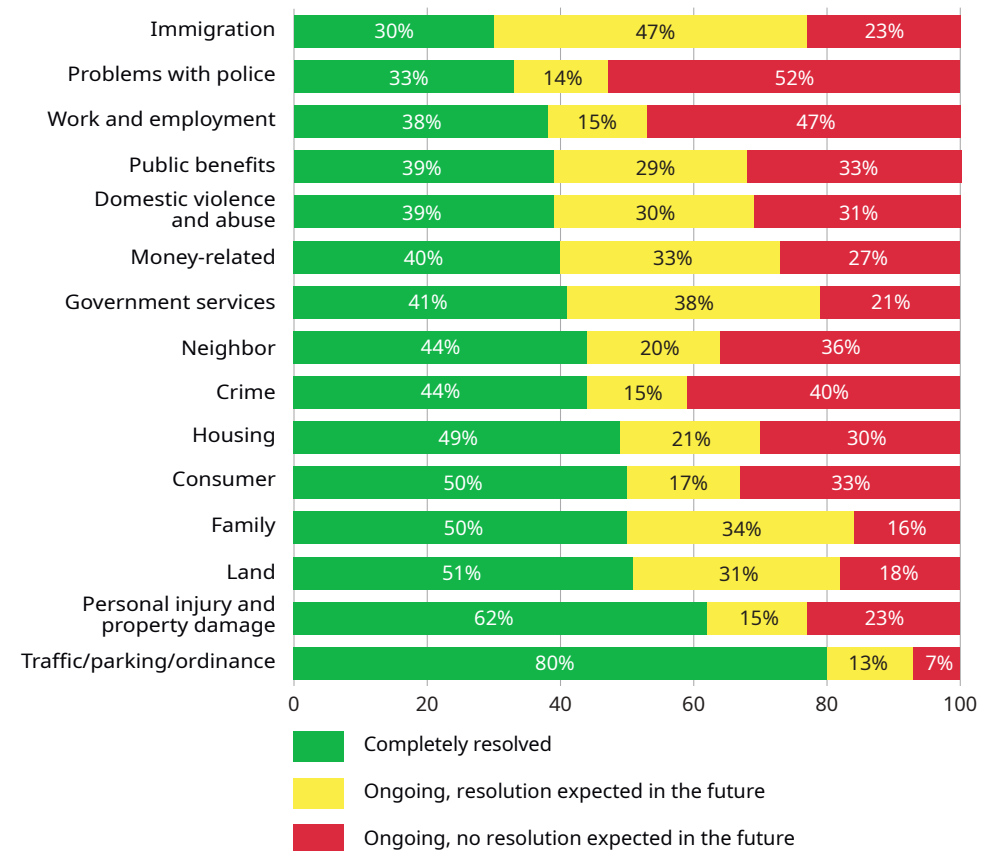
Criminal problems were more likely to remain unresolved than civil problems.²⁰ Thirty-seven percent of the criminal issuers were not resolved against 29% of the civil matters.

Problem type: Americans were least optimistic about their ability to resolve ongoing problems with the police, and most optimistic about their ability to resolve ongoing immigration problems.

Americans were least optimistic about their ability to resolve problems with the police, work and employment problems, and crime in the future. No resolution was expected for 52%, 47%, and 40% of these problems, respectively.

Americans were most optimistic about their ability to resolve immigration problems, problems related to government services, and family problems in the future. A resolution was expected for 47%, 38%, and 34% of these problems in the future, respectively.

Type of problem/resolution status



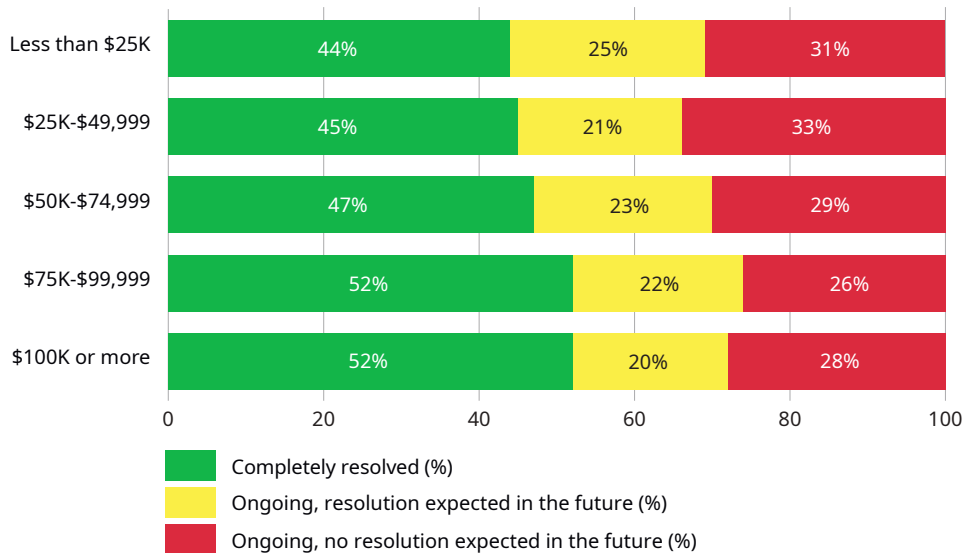
¹⁹The number of respondents who reported an immigration problem as their most serious legal problem is very low (N = 64) relative to the other problem categories and the relevant sample (N = 6,513). For this reason, we recommend that readers interpret this finding with caution.

²⁰X²(N = 25502) = 151.32, p < .00

Household income: Americans with higher incomes completely resolved their legal problems at higher rates than Americans with lower incomes.

There is an association—though not a completely linear one—between complete problem resolution and income across all income groups. Americans with household income of \$100K per year or more completely resolved their problems at the highest rate (52%) and Americans with household income less than \$25K per year completely resolved their problems at the lowest rate (44%).

Household income/resolution status

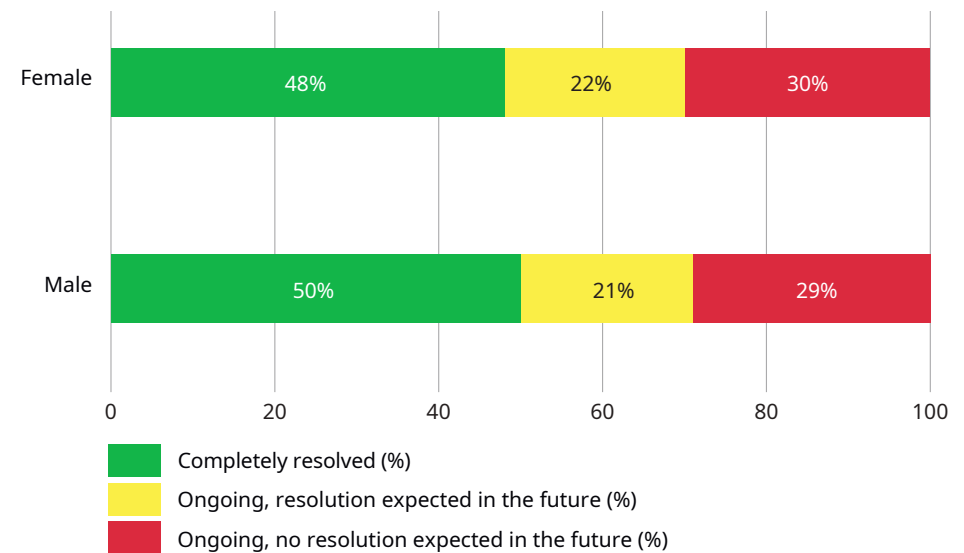


Gender: Men completely resolved their legal problems at a slightly higher rate than women, and had roughly the same expectations about their ability to resolve ongoing legal problems as women.

Men reported their most serious legal problems as completely resolved 50% of the time, whereas women reported them completely resolved 48% of the time.²¹ Men and women had roughly the same expectations about their ability to resolve ongoing legal problems.

²¹X²(N = 25502) = 10.58, p = .005

Gender/resolution status



Race/ethnicity: Multiracial (non-Hispanic) Americans completely resolved their legal problems at the lowest rate and were least optimistic about their ability to resolve ongoing legal problems.

Multiracial (non-Hispanic) and Hispanic Americans completely resolved their legal problems at the lowest rates (41% and 46%, respectively). Multiracial (non-Hispanic) Americans were also least optimistic about their ability to resolve legal problems that remain ongoing.

White (non-Hispanic) and other (non-Hispanic) Americans completely resolved their most serious legal problems at the highest rates (50% and 52%, respectively).

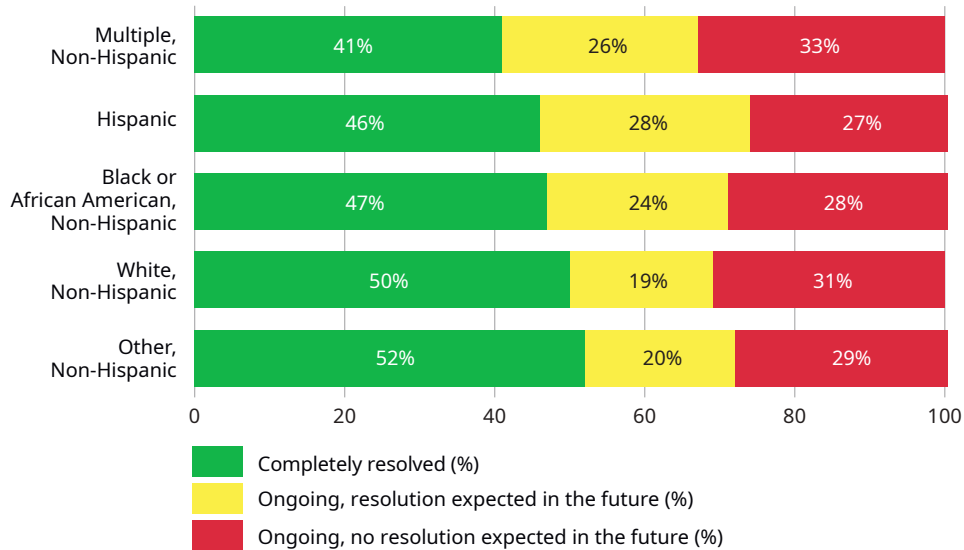
Age: Middle-aged Americans completely resolved their legal problems at the lowest rate, but differences in resolution status across age groups are small.

45-59 year-olds completely resolved their legal problems at a slightly lower rate (47%) than other age groups, whose resolution rates all hovered around 50%. The difference in the resolution rates between the

age groups is statistically significant but substantively quite small.²² Expectations around ability to resolve ongoing legal problems also did not vary dramatically across age groups.

²² $\chi^2(N = 25502) = 43.86, p < .00$

Race/ethnicity and resolution status



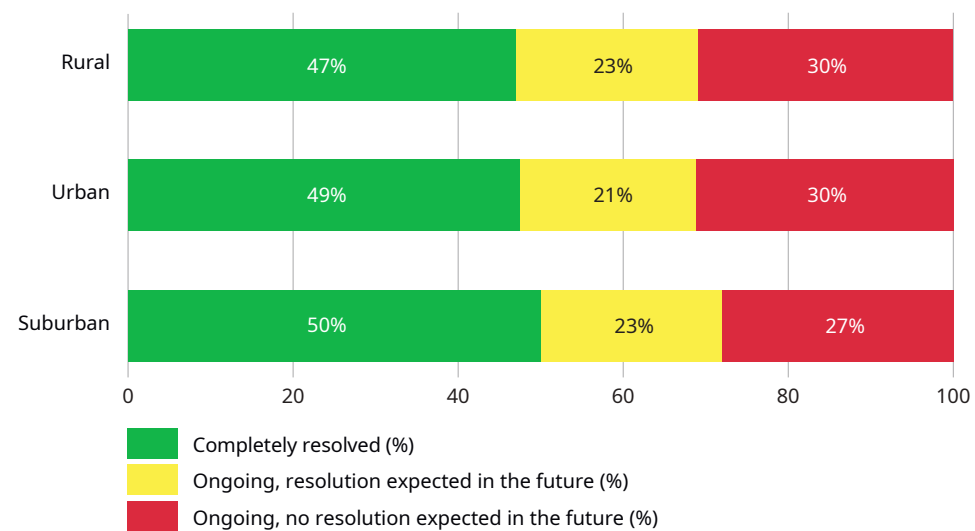
Age/resolution status





Living environment: Rural and urban Americans completely resolved their most serious legal problems at lower rates (47%) than their suburban counterparts (50%). Expectations around ability to resolve ongoing legal problems did not vary considerably by living environment.²³

Living environment/resolution status



²³ $\chi^2(N = 25477) = 37.52, p < .00$

The US justice crisis

Quantifying the justice resolution gap

At Hiil and IAALS, we see access to justice as access to fair resolution. This broad view goes beyond access to legal assistance alone and recognizes the ultimate goal of access to justice. It requires accounting for the experiences of all people, not only those who are low-income or have experienced a civil justice problem. Understanding and measuring access to justice in this way reflects the primary goal of this report: to provide a comprehensive view of the justice crisis in the US. By taking this comprehensive approach, we also gain insights into how to address this crisis in a comprehensive way.

We define the justice resolution gap as the difference between the resolutions people need and the resolutions they reach. We quantify this by comparing the number of legal problems (civil and criminal) that people experience

²⁴ This simple extrapolation is based on the assumptions that the sample is random and represents well the overall population, people tend to forget encounters with legal problems (to compensate to convert to annual basis we divide by 3 rather than 4) and that the average number of legal problems is 4.63 (for 4 year period). The results are rounded.

with the number of legal problems that people resolve. We also ask people about the extent to which they perceived the resolutions they reached to be fair.

The “justice resolution gap” is therefore calculated by adding the number of legal problems that were not resolved (and for which no resolution is expected in the future) with the number of legal problems which were resolved unfairly or very unfairly. This number is then compared with the total number of legal problems experienced and extrapolated to the entire population.

US justice resolution gap calculation:

- In the sample of 10,058 individuals we registered a total of 30,160 legal problems.
- Extrapolated to the population of Americans this means that every year 56 million Americans have to deal with 260 million legal problems.²⁴
- For 29% of those problems, no resolution is expected in the future.
- Of the 49% of problems that were completely resolved, 11% of the resolutions were reported as unfair and 6% as very unfair (for a total of 17%).

- Therefore, each year the justice resolution gap amounts to 120 million legal problems that do not reach a fair resolution.²⁵
- **This means that 120 million legal problems are not resolved fairly every year in the United States of America.**²⁶

Our conception of access to justice as access to fair resolution is one that is shared by the World Justice Project (WJP), the creator of the Rule of Law Index and a leading source for original, independent data on the rule of law. The UN Sustainable Development Goals take a similar approach to measuring equal access to justice for all.²⁷

²⁵ This of the legal problems are not resolved and 17% are resolved unfairly.

²⁶ The results are rounded.

²⁷ See the operationalization of access to justice in indicator 16.3.3 <https://unstats.un.org/sdgs/metadata/?Text=&Goal=16&Target=16.3>

We acknowledge that diverse ways of measuring access to justice exist. Two common approaches to quantifying what is commonly referred to as the “justice gap” in the US are:

1. The justice services gap:

This widely recognized approach focuses on access to legal assistance among low-income people. The Legal Services Corporation, for example, defines the justice gap as the difference between the civil legal needs of low-income Americans and the resources that are available to meet those needs. “Resources” in this case refers to legal assistance.

This approach does not account for the number of civil legal problems that are resolved each year, or whether they are resolved fairly.

2. The civil justice gap:

To monitor progress towards Sustainable Development Goal (SDG) 16.3 to promote the rule of law and access to justice for all, the United Nations Development Programme (UNDP) and the Organisation for Economic Cooperation and Development (OECD) developed a civil justice indicator that similarly focuses on access to legal assistance and information, but also accounts for resolution.

To measure the civil justice gap, the UNDP and OECD look at the proportion of people who experienced a civil justice problem in the last two years who were able to access appropriate information or expert help and were able to resolve their problem.

This approach focuses on civil justice problems to the exclusion of crime, and does not account for non-expert legal help.

These two approaches are not without their unique merits. However, we believe that an expansive view of access to justice is critical to fully understand the state of the justice crisis in the US and its effect on all Americans, as well as all possible solutions. With this goal in mind, we work from this understanding throughout this report.

Most burdensome legal problems to resolve

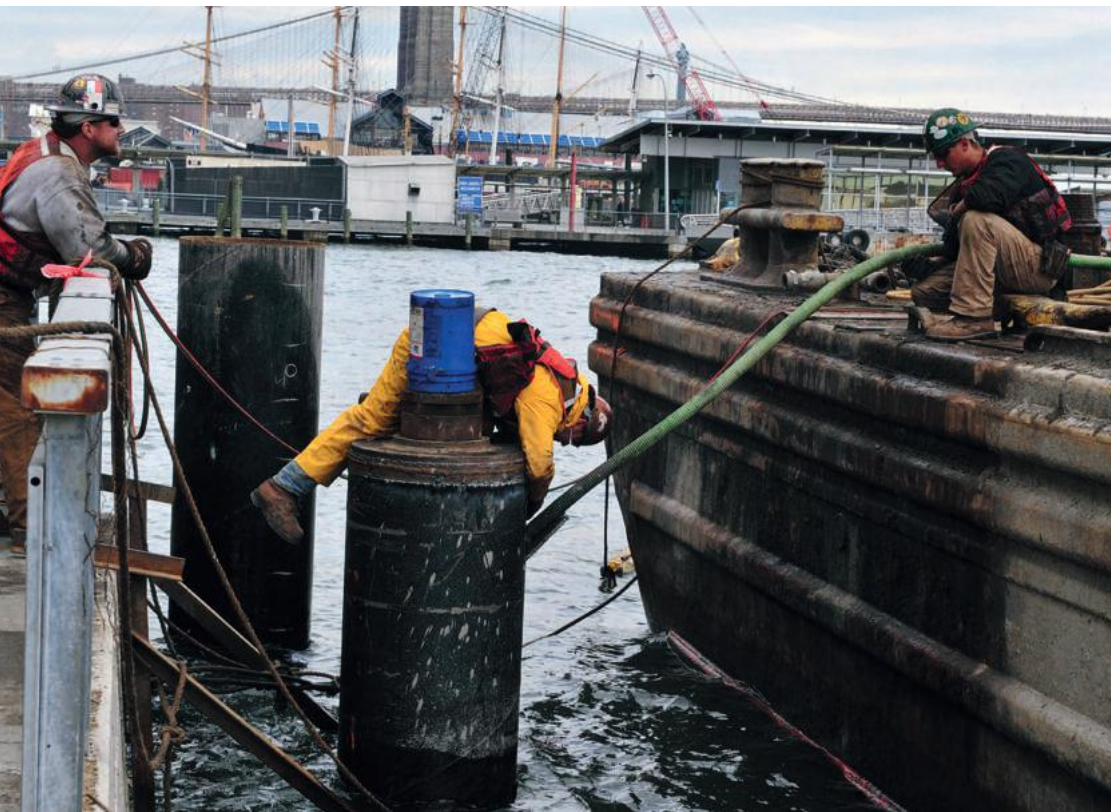
Our survey reveals that some types of legal problems are more serious and have a more dramatic impact on the lives of Americans than others. These problem types are typically also the most burdensome to resolve in terms of the average time (in days) and money spent on their resolution. These burdens are not borne equally across the socio-demographic spectrum of society.

Some of these problem types, such as problems with the police and immigration problems, are also completely resolved at particularly low rates.

Identifying the most burdensome legal problems to resolve gives us a more nuanced picture of the US' justice resolution gap and access to justice crisis.

- **Domestic violence and abuse** was the most serious (7.51) problem type as well as the most time-consuming (183 days needed on average) legal problem to resolve. Women, low-income Americans and young Americans were disproportionately affected by domestic violence and abuse.

- **Family problems** were the second most serious (6.98) problem type. Of the most serious problems people experienced, they were the second most time-consuming (144 days needed on average) and expensive (\$6,158 on average) type of problem to resolve.
- Of the most serious problems people experienced **land problems** were the most expensive (\$6,370 on average) types of problems to resolve.
- **Work and employment** was the third most serious (6.95) problem type. It was the fourth most common legal problem overall, and was experienced at disproportionately high rates by Americans who earned between \$25-\$50K per year, Black (non-Hispanic) Americans, Hispanic Americans, and Americans under the age of 59.
- **Problems with the police** were the fourth most serious (6.83) problem type and were completely resolved at the second lowest rate (33%). Americans were least optimistic about their ability to resolve problems with the police that remained ongoing.



Most vulnerable groups

As the previous section and this chapter as a whole make clear, some groups of Americans were more impacted by the US justice crisis than others. This can be seen in the rates at which they encountered legal problems, the relative seriousness of those problems, and the rates at which they were able to completely resolve their legal problems.

- **Lower income Americans** experienced more serious legal problems on average and resolved their legal problems at lower rates than higher income Americans. There is a linear relationship between income and seriousness of legal problems. There is also an association between household income and complete problem resolution across all income groups, although the relationship is not linear.
- Although men encountered legal problems at a slightly higher rate than **women**, women experienced more serious legal problems on average than men and completely resolved their problems at a slightly lower rate than their male counterparts.
- **Multiracial (non-Hispanic) Americans** and **Black (non-Hispanic) Americans** encountered legal problems at higher rates than other racial/ethnic groups. Black (non-hispanic) Americans experienced more serious legal problems on average than any other racial/ethnic group, and most often encountered different problem types than other ethnicities: housing; work and employment; and money-related problems. Multiracial (non-Hispanic) Americans completely resolve their legal problems at the lowest rate compared to other racial/ethnic groups, and are least optimistic about their ability to resolve ongoing legal problems.
- **Younger Americans** experienced legal problems at a higher rate than older Americans. There is a linear relationship between age and problem prevalence across all age groups. **Middle-aged Americans (between the ages of 45-59)** experienced more serious legal problems on average than any other age group, however, and completely resolved their legal problems at the lowest rate.
- **Americans living in urban environments** experienced legal problems at the highest rate. Problem seriousness and resolution

does not vary meaningfully across living environments, however, **rural Americans** experienced the most serious problems on average and—along with urban Americans—completely resolved their legal problems at slightly lower rates than Americans who live in the suburbs.



Key findings

The access to justice crisis cuts across the social spectrum, but its effects are not equally distributed

A substantial portion of the American population was faced with one or more legal problems over the past four years. Just under half of these problems are completely resolved. No one income group, gender, race/ethnic group, age group, or geographic group is unaffected by this reality.

While access to justice has historically been viewed as a problem of low-income Americans who cannot afford lawyers, our survey reveals that legal problems are experienced across the income spectrum. Although the type and seriousness of legal problems vary, Americans at different income levels experience legal problems at approximately the same rate.

This underscores the need for increased advocacy and funding for policies and services that increase access to justice across broad segments of society. A diverse range of groups has a stake in reducing the prevalence of legal problems in the US and increasing the availability of mechanisms that work to resolve them.

With that said, the nature, seriousness, and resolution rates of the problems Americans experience are shaped in meaningful ways by their income, gender, ethnicity, age, and living environment. Different socio-economic groups have different constellations of problems and experience these problems in different ways, with different outcomes.

Black (non-Hispanic) Americans, for example, experience legal problems at the second highest rate (71% after multiracial (non-Hispanic) Americans at 74%) and encounter problems that are more serious on average (6.51 on average) than any other racial/ethnic group. The types of problems they experience most are also unique: namely housing; work and employment; and money-related problems.

Women experience more serious problems on average than men and are uniquely affected by domestic violence and abuse (10% compared to 5% among men)—the most serious problem type (7.51) after family problems (6.91).

As the chapters that follow highlight, different groups also use the justice system in different ways.

These differences raise important questions of equality and equity. What is needed to close the justice resolution gaps that exist between socio-economic groups? Where are additional resources needed to reduce

disparities in the justice journeys and outcomes of different groups? How can justice service delivery be improved to ensure that the needs of all are met in an equal, equitable, and fair way?²⁸

²⁸ Questions around the intersection of race/ethnicity and access to justice in the US will be explored in greater detail in a shorter, forthcoming report.





We should look outside of legal solutions to close the justice resolution gap

Based on a broad understanding of access to justice as access to fair resolution for all, we calculate that every year in the US 120 million legal problems are unresolved or resolved unfairly according to the people involved. These include civil and criminal legal issues. This number is based on several wide assumptions and should be only taken as an indication. Nevertheless, the sheer number of unresolved legal problems is tremendous. Such a crisis requires not only corrective actions but a paradigmatic shift towards access to justice.

Conversations about the US justice gap in the past have almost always involved legal institutions and lawyers exclusively. These conversations tend to define access to justice as a legal problem, for which only legal solutions exist.

Our survey results demonstrate that access to justice must be understood more broadly than access to courts and lawyers. Thinking about the problem in purely legal terms and processes limits our ability to understand what people need to address their most pressing justice needs. A narrow legalistic approach to access to justice impedes

the design and delivery of effective solutions. Instead, we believe that the term “access to justice” applies to all people seeking help to resolve their legal problems.

In tackling the US justice crisis, it is important to note the problem types that pose unique burdens on people’s lives.

Domestic violence and abuse—the most serious problem type—is one example. These problems are the most time-consuming to resolve and disproportionately affect women, low-income Americans and young people. Family problems—the second most serious problem type—are also the second most costly problem to resolve in terms of time and money.²⁹

Achieving fair and just resolution to legal problems requires a nuanced understanding of these varied impacts. The next chapter explores the impact of legal problems—as measured by negative consequences as well as impact score—in greater detail.

²⁹The effects of family problems and the journeys that Americans take to resolve them will be explored in detail in a shorter, forthcoming report.

2

Impact of legal problems



Negative emotions, negative impacts on mental health, loss of money, and loss of time were common consequences

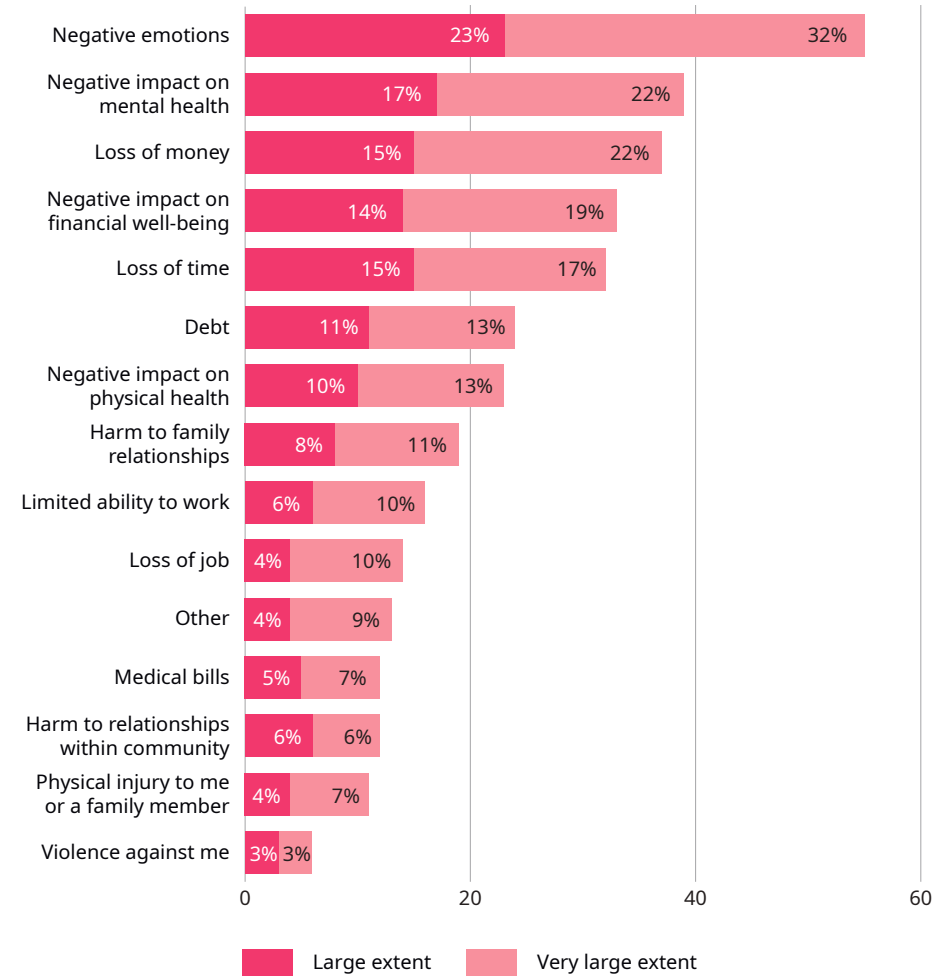
We asked Americans about the impact of their most serious legal problem. One way of assessing impact is to look at the negative consequences that people experience as a result of their legal problem.

Americans experienced a wide range of negative consequences as a result of their legal problems—from harm to relationships, to debt and job loss. The most common negative consequences endured by Americans were negative emotions, negative impact on mental health, loss of money, loss of time, and negative impact on financial well-being.

The count of the negative consequences is correlated with problem seriousness.³⁰ This means that more serious legal problems—such as domestic violence and abuse, family problems, work and employment problems, problems with the police, and immigration problems—were associated with more negative consequences in people’s lives than less serious problems.



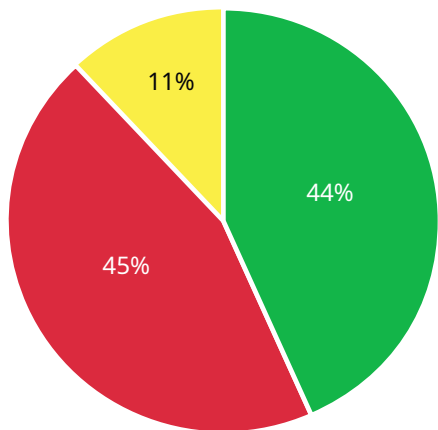
To what extent did you experience each of the following as a result of your issue?



³⁰ r(N = 6504) = .52, p < .00

These kinds of consequences were a common experience among Americans faced with a legal problem. The proportion of respondents who reported experiencing negative consequences as a result of their most serious legal problem (44%) was almost equal to the proportion of respondents who did not (45%).

Have you encountered negative consequences as result of the most serious problem?



Yes No Not sure

Negative consequences across problem types

Some legal problems had a more negative effect in terms of negative consequences than others. The proportion of respondents who experienced negative consequences as a result of their legal problem varies considerably across problem type.³¹

In terms of negative consequences, the most severe legal problem types were domestic violence and abuse, employment problems, problems with the police, family problems, and money-related problems. Forty-seven percent or more of Americans who encountered these problem types reported experiencing negative consequences as a result. Fifty percent of the criminal problems resulted in negative consequences compared to 43% of the civil legal problems.³²

The percentage of Americans who experienced negative effects as a result of each problem type (listed from most to least severe) can be found in the table below.

³¹ F(N = 6360) = 61.24, p < .00

³² X²(N = 6502) = 26.65, p < .00



Percentage of people with negative consequences per legal problem category

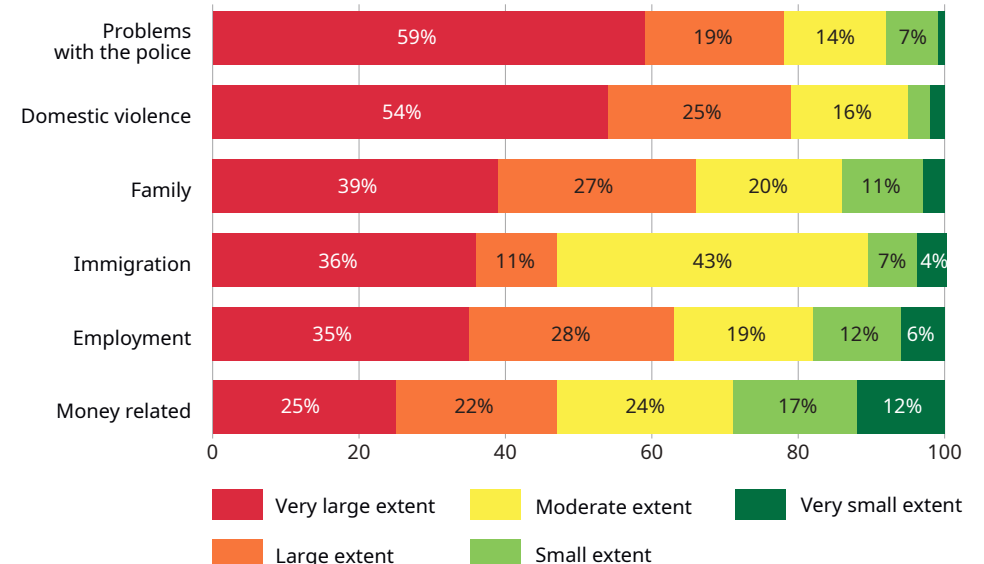
Legal problem type	% of respondents who experienced a problem and experienced negative consequences as a result
Domestic violence	69
Employment	63
Problems with the police	58
Family	58
Immigration ³³	52
Money related	48
Crime	45
Public benefits	45
Housing	42
Neighbors	40
Land	40
Personal injury	39
Consumer problems	31
Gov. services	27
Traffic parking	15

³³UN The number of respondents who reported an immigration problem as their most serious legal problem is very low (N = 64) relative to the other problem categories and the relevant sample (N = 6,513). The number of respondents who reported experiencing negative consequences as a result of that immigration problem is even lower (N = 32). For this reason, we recommend that readers interpret this finding with caution.

As stated at the start of this chapter, the three most common negative consequences that Americans experienced as a result of their most serious legal problems were negative emotions, negative impact on mental health, and loss of money. The extent

to which Americans who encountered one of the six most impactful problem types (in terms of impact score, which is explained later in this chapter, see table) experienced these negative consequences can be seen in the charts below.

Negative emotions

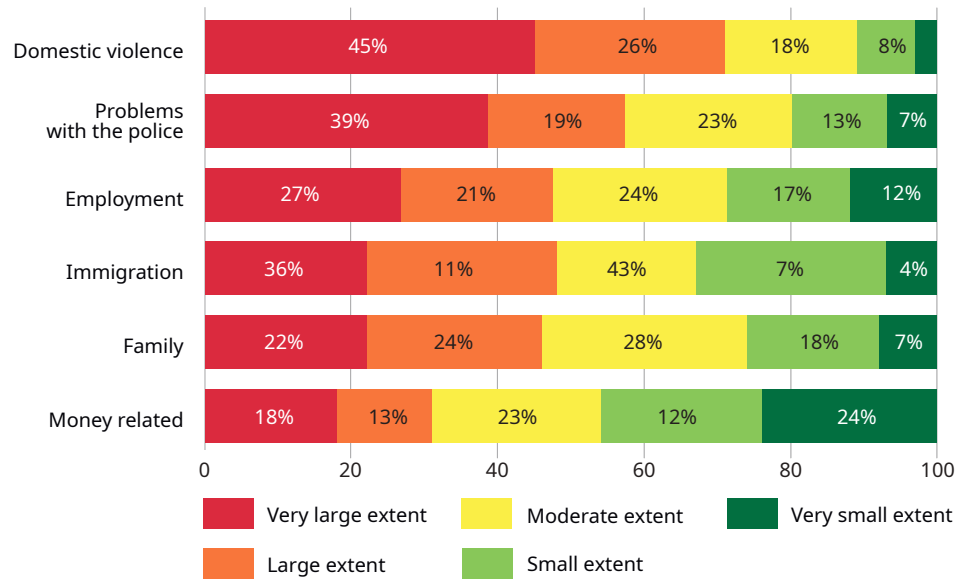


Some small percentages are not displayed in the chart.

More than half of Americans who encountered domestic violence, problems with the police, family

problems, or employment problems experienced negative emotions to a large or very large extent as a result.

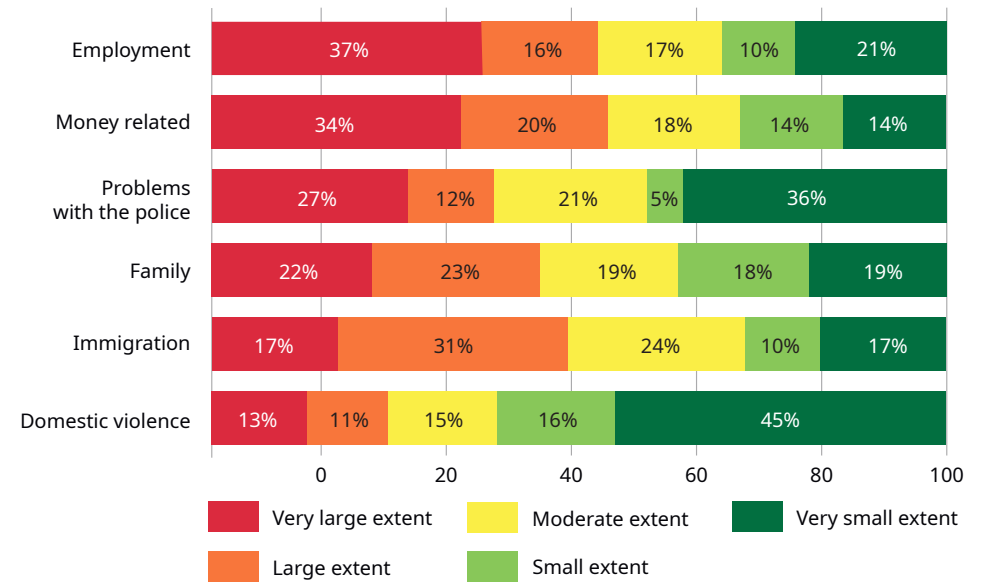
Negative impact on mental health



Some small percentages are not displayed in the chart.

Americans who experienced domestic violence and abuse, problems with the police, or problems related to employment, family, or immigration also reported considerable negative impacts on their mental health. Over 40% of Americans who encountered these problems experienced this consequence to a large or very large extent.

Loss of money



Loss of money was a common consequence of money-related and employment problems. Over 50% of Americans faced with these problems experienced loss of money to a large or very large extent. Many Americans lost money as a result of family or immigration problems as well.

Negative consequences across socio-demographic groups

The frequency with which Americans experienced negative consequences as a result of their most serious legal problem varied across socio-economic groups. The sections that follow describe these differences across income groups, genders, racial/ethnic groups, age groups, and living environments.

Household income: There is a strong, almost linear relationship between household income and negative consequences associated with legal problems.

Forty-eight percent of Americans from the lowest income group (household income less than \$25K per year) reported experiencing negative consequences as a result of their most serious legal problem. As income rises, this percentage decreases almost linearly, meaning that the upper income categories reported fewer negative consequences than the income group directly below them. Lower income Americans experienced the negative effects of the legal problems they faced (in terms of negative consequences) significantly more often than their wealthier counterparts.³⁴

Gender: In terms of negative consequences, legal problems have a greater impact on women than on men.

Forty-seven percent of women reported that they experienced negative consequences as a result of their most serious problem, compared with 41% of men.³⁵

Women experienced negative emotions as a result of their legal problems more often than men.³⁶ Nearly 75% of women who experienced domestic violence also reported that their mental health was impacted to a large or very large extent.

³⁴ $\chi^2(N = 6502) = 52.76, p < .00$

³⁵ $\chi^2(N = 6502) = 29.88, p < .00$

³⁶ $F(N = 3243) = 33.53, p < .00$

Race/ethnicity: In terms of negative consequences, multiracial (non-Hispanic) and white (non-Hispanic) Americans experience slightly more impactful legal problems than other racial/ethnic groups.

Forty-eight percent of multiracial (non-Hispanic) Americans and 45% of white (non-Hispanic) Americans reported experiencing negative consequences as a result of their most serious legal problem. These rates are slightly higher than those of Black (non-Hispanic) Americans (43%), Hispanic Americans (42%), and Americans who identify as other (non-Hispanic) (39%).³⁷

Black (non-Hispanic) and Hispanic Americans most often experienced negative emotions as a result of problems with police compared with other problems types.

Two-thirds of Hispanic Americans assessed the negative emotions they experienced as a result of domestic violence as extremely high (“to very large extent”).

Age: In terms of negative consequences, Americans in the youngest age group experience more impactful legal problems than other age groups.

Forty-nine percent of Americans between the ages of 18-29 reported experiencing negative consequences as a result of their most serious legal problem. Americans over the age of 60, by contrast, were the least likely to report experiencing negative consequences as a result of their most serious legal problem (38%).³⁸

Younger Americans experienced negative emotions and negative impacts on their mental health as a result of their legal problems at higher rates than Americans in older age groups. Seventy-one percent of Americans between the ages of 18-29 who encountered a family problem reported experiencing negative emotions to a very large extent as a result.

³⁷ $\chi^2(N = 6502) = 18.31, p = .019$

³⁸ $\chi^2(N = 6502) = 77.57, p < .00$

Living environment: In terms of negative consequences, urban and rural Americans experience more impactful legal problems than their suburban counterparts.

Forty-six percent of Americans living in urban environments reported experiencing negative consequences as a result of their most serious legal problem. At 45%, the proportion for rural Americans is very similar. By contrast, 42% of Americans living in suburban environments reported being negatively impacted by their legal problem. The difference is statistically significant and merits further research.³⁹



Impact as measured by impact score

In this section, we take one step forward in measuring the effect of legal problems on people's lives. Moving beyond the simple presence or absence of negative consequences, we calculate the impact based on the nature of the consequences experienced. The resulting impact score takes into account the type, number, and gravity of the negative consequences that Americans experienced as a result of a particular problem type.

In this calculation, each negative consequence⁴⁰ is assigned an equal weight. This means that when a respondent reports that they experienced multiple negative consequences, we refrain from assigning priority to any one over the other.

However, the respondent is given the chance to indicate the gravity of the negative consequence(s) they experienced on an ordinal scale (from 1 to 5). This means that if a respondent lost money and experienced negative emotions but ranked the negative emotions as more severe on the original scale, negative emotions will have a greater effect on the impact score.

The impact score that results from this calculation ranges from 0 to 1. An impact score of 0 means that the respondents who were faced with this problem type did not experience any negative consequences as a result. As described at the start of this chapter, 45% of Americans did not experience any negative impacts as a result of their most serious legal problem, and 12% reported that they were unsure about the impact of the problem.

An impact score greater than 0 means that the respondents who were faced with this problem type did experience negative consequences as a result. This accounts for the 44% of Americans who reported negative consequences associated with their most serious problem.

³⁹ $\chi^2(N = 6497) = 11.42, p = .022$

⁴⁰ See the beginning of this chapter for a complete list of consequences included.

Impact score across problem types

In terms of impact score, employment problems were the most impactful type

of legal problem, followed by problems related to family, domestic violence and abuse, and public benefits.

Problem type	Impact score (0-1)	n
Work and employment	0.69	476
Family	0.67	330
Domestic violence and abuse	0.67	374
Public benefits	0.67	173
Immigration	0.66	32
Problems with the police	0.62	91
Money-related	0.59	314
Personal injury and property damage	0.57	482
Crime	0.56	340
Housing	0.56	188
Land	0.54	60
Traffic/parking/ordinance	0.53	96
Consumer	0.49	265
Neighbor	0.49	321
Government services	0.46	73

Impact score across age groups

Impact as measured by average impact score varies across age groups. Americans between the ages of 18-29 and 45-59 experienced the most impactful problems on average (0.62), followed by Americans between the ages of 30-44 (0.61), and Americans over the age of 60 (0.55).

These differences are small and concentrate between senior Americans and younger Americans.

Differences in the impact score of problems experienced by different genders, income levels, racial/ethnic groups, and Americans in different living environments are very small.



Burden of the legal problems

Using the frequency and the impact score of the individual legal problems we calculated a simple measure of the burden of the problems. The problems

were ranked by frequency and by impact.⁴¹ Legal problems that are both frequent and impactful have high burden scores.

	Impact Rank	Frequency Rank	Burden Rank
Unfair termination of employment	9	8.5	1
Divorce, separation, or annulment	24	7	2
Emotional abuse	38	4	3
Dispute over disability benefits	14	29	4
Physical, sexual, or mental harassment at work	36	12	5
Medical malpractice	22	31	6
Dangerous working conditions, injury at work, or work accidents	30	23.5	7
Physical abuse	11	43	8
Employment discrimination	31	25.5	9
Dispute over access to health care or health coverage benefits	47	11	10

⁴¹In case of a tie the legal problem with higher frequency is ranked higher, meaning it receives a higher burden score.

The table below shows the first 10 most burdensome legal problems.

Using an identical approach we identified the burden of the categories of the legal problems.

	Impact Rank	Frequency Rank	Burden Rank
Employment	1	4	1
Personal injury	8	1	2
Family	2	7	3
Domestic violence	3	9	3
Money related	7	6	4
Crime	9	5	5
Public benefits	4	11	6
Consumer problems	13	2	7
Neighbors	14	3	8
Problems with the Police	6	13	9
Immigration	5	15	10
Housing	10	10	11
Traffic parking	12	8	12
Land	11	14	13
Government Services	15	12	14

Key findings

Nearly half of all Americans who experience a legal problem experience negative consequences as a result

Forty-four percent of all Americans who experienced one or more legal problems reported that their most serious problem negatively affected them in one way or another. Negative emotions, negative impact on mental health, loss of money, loss of time, and negative impact on financial well-being were the most frequently occurring consequences of legal problems in the US.

This highlights the importance of closing the US justice gap. High quality justice journeys should be made up of interventions that address the wide range of consequences that Americans experience as a result of their legal problems, which range from the practical and financial to the emotional and psychological.

Employment problems, domestic violence, family problems, and problems with the police are associated with more, or more severe negative consequences than others

More than half of Americans who reported facing domestic violence and abuse, an employment problem, a problem with the police, or a family problem as their most serious experienced one or more negative consequences as a result. Negative consequences are correlated with problem seriousness.

These four problem types were also among the most likely to result in negative emotions and negative impacts on mental health. Loss of money was a common consequence of money-related and employment problems—problem types which are explored more deeply in the focus chapters later in this report.

Given the number and severity of the negative consequences they impose on Americans' lives, employment problems, domestic violence, family problems, and problems with the police should be a focus of efforts to improve the accessibility and quality of justice services in the US.

Lower income Americans and women experience more negative consequences as a result of their legal problems than higher income Americans and men

Nearly half (48%) of Americans from the lowest income group (who make less than \$25K in household income per year) reported experiencing negative consequences as a result of their most serious legal problem. This percentage decreases almost linearly with income, suggesting that income plays a substantial role in insulating Americans from the negative effects of legal problems.

Negative consequences were also experienced more frequently by American women (47%) than men (41%). Women also experienced negative emotions as a result of their legal problems more often than men.

Taken together, these findings suggest that low-income women may be uniquely vulnerable to the negative consequences of legal problems; however, further research is needed to ascertain intersectional effects of this kind.

In terms of average impact score, Americans in the youngest and middle age groups experienced more impactful legal problems than other age groups

Americans in the 18-29 and 45-59 age groups experienced the most impactful problems in terms of average impact score (0.62).

Nearly half (49%) of Americans in the youngest age group also reported experiencing negative consequences as a result of their most serious legal problem. In order to meet the needs of this young population, justice services should be well-equipped to deal with the negative emotional and psychological impacts of legal problems.

Employment problems, family problems, domestic violence, and problems related to public benefits were the most impactful in terms of impact score

Taking the type, nature, and gravity of the negative consequences Americans experience as a result of their legal problems into account in the form of an average impact score, we see that these four problem types have the greatest negative impact on Americans.

Again, this suggests that these problem types –in addition to problems with the police, which have a slightly lower impact score but are nevertheless associated with significant negative consequences– should be the focus of legal reformers’ attention going forward.



3

Justice journeys



Many different steps are needed to resolve a legal problem

Well-functioning legal systems provide effective and accessible sources of help to people trying to resolve their problems. People normally engage these resources in different combinations: an individual might start with formal or informal sources of help and later seek out a decision-maker who will decide the issue. We call these series of sequences of actions taken by sources of help “justice journeys.”

The concept of a justice journey recognizes that there are many different steps needed to resolve a legal problem. Most of the time, these steps are not linear. All of the steps that an individual takes to resolve a legal problem are part of that individual’s justice journey.⁴²

In this chapter, we sketch out the most common justice journeys Americans take, and explore how the likelihood of complete resolution and the likelihood of taking action to resolve a legal problem in the first place varies across problems types and socio-demographic characteristics.

We then look at the length of justice journeys and the type of sources of help that Americans most often engage. These vary depending on problem type and seriousness and some socio-demographic characteristics.

We find that there are many unique ways of accessing justice, but that certain combinations (or “clusters”) of sources of help are more common than others.

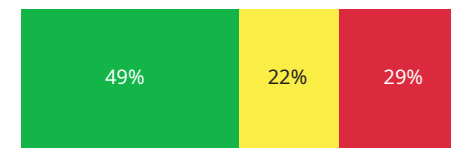
In the final two sections of this chapter, we look at the quality of justice journeys Americans experience and the costs they impose. We assess the quality of a justice journey based on 3 dimensions: the quality of the process, the quality of the justice outcomes delivered, and the costs it imposed.

Each dimension is broken down into a number of criteria and assessed based on the sources of help who intervened in the course of the justice journey.

One out of every two Americans resolved their most serious problem

Justice journeys are traveled in order to be completed. When a person is in need of a fair resolution to a serious issue, they have an end in mind. About half of the Americans we surveyed succeeded in completely resolving their most serious legal problem. That means that the other half was distributed among those who walked away without any expectation of a resolution expected in the future (28%) and those who fought hard to avoid throwing in the towel, and did expect a resolution in the future (23%). The graph below visualizes this breakdown.

Which of the following best describes the current status of your issue?



Completely resolved n=6501
Resolution expected in the future
No resolution expected in the future

Resolution varies across problems

There are clear differences between the resolution status based on problem categories. People tended to achieve complete resolution when facing traffic and parking related problems (84%), personal injuries (70%) or housing problems (52%).

Ongoing problems tended to be more common among Government services and debt and money (38% each category).

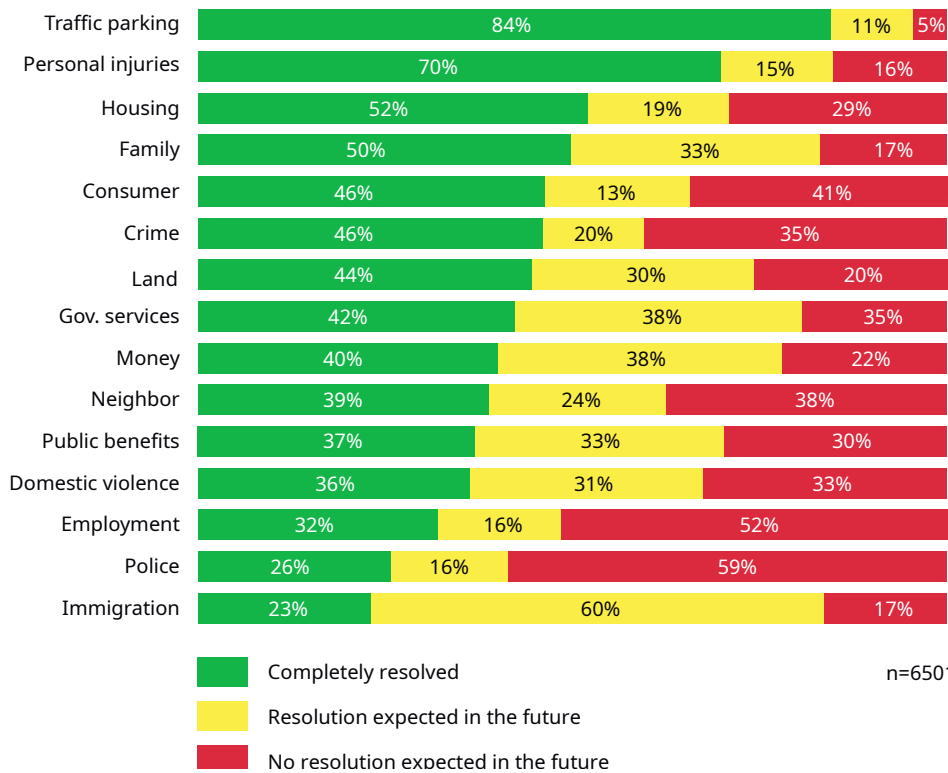
People often abandon problems related to the police (59%), employment (52%) or crime (40%).

Criminal legal problems are significantly more often abandoned without expected resolution (39%) compared with civil legal problems (26%).⁴³ Civil problems are more likely to be described as “Resolution is expected” - 24% v. 16% for criminal legal matters.

⁴² Gramatikov et al. 2010; Barendrecht et al. 2012.

⁴³ $\chi^2(N = 6501) = 85.02, p < .00$

Resolution status by most serious problem



Resolution status across socio-demographic characteristics

While the first graph in this chapter might suggest that Americans had an equal chance of completely resolving their most serious problem, a closer examination of the relationship between resolution status and socio-demographic characteristics paints a different picture.

Household income: The two lowest income groups (Americans with household income less than \$50K) were less likely (between 42-45%) than wealthier groups (Americans with household income of \$50K or more at 50%-52%) to completely resolve their most serious problem. Ongoing problems peaked (27%) in the lowest income group (Americans with less than \$25K in annual household income), while abandoned problems peaked (34%) in the \$25K-49,999K household income bracket. All in all, this means that poorer Americans were less likely to completely resolve their most serious legal problem than their wealthier counterparts.

Gender: Women (47%) were less likely than men (51%) to completely resolve their most serious legal problem.

Age: Small differences. Complete resolution rates declined slightly among older Americans (around 48%), while still being the most common resolution status across all age groups. Americans between the ages of 45-59 were more likely than any other age group to report that their problem remained ongoing (expecting resolution in the future at 24%). Americans aged 60 and over were more likely than other age groups to abandon their problem without expecting resolution (31% v. 28%).

Race/ethnicity: Black (non-Hispanic) and Hispanic Americans tended to report that their most serious legal problem remained ongoing more often (both 27%) than other racial/ethnic groups (ranging between 16%-21%).

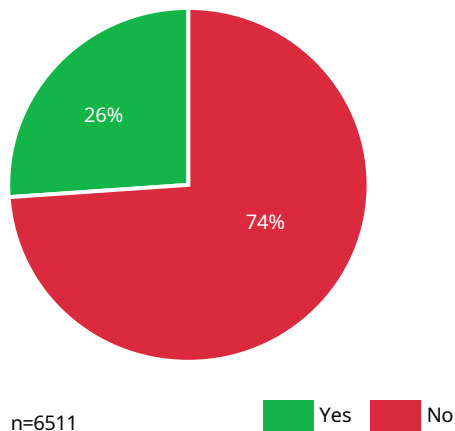
Living environment: Americans living in rural environments were slightly less likely than Americans living in urban or suburban settings to completely resolve (45%) their most serious problem, and more likely than the rest to report that their problem remained ongoing (24%) or had been abandoned (31%).

Some Americans were more likely to take action than others

About seven out of every 10 Americans with a legal problem in the past four years took some sort of action to resolve it. According to our methodology, "taking action" to resolve a problem means engaging at least one source of help, or negotiating directly with the other party.

While taking action is common among Americans, there are differences in the likelihood of taking action across problem types, income groups, and age groups.

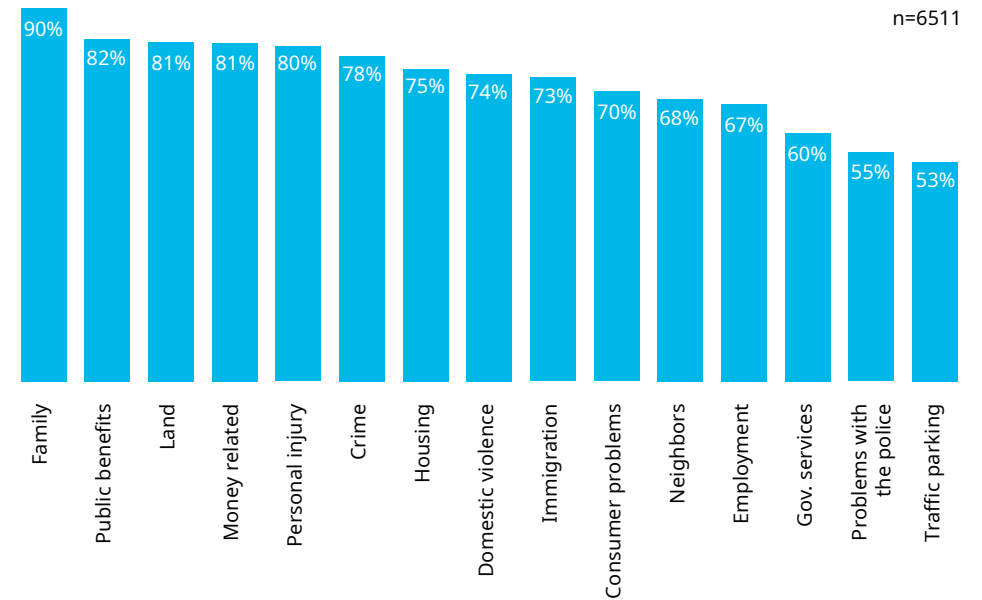
Did the respondent take any action to resolve the problem?



Likelihood of taking action across problem types

The graph below shows the rate at which Americans take action, on average, when confronted with a particular problem type. Americans with family-related problems take action more often (90%) than people with other problems. Americans facing traffic and parking-related problems (53%) or problems with the police (55%) are just as likely to take action as they are to not take action.

Took action by problem category

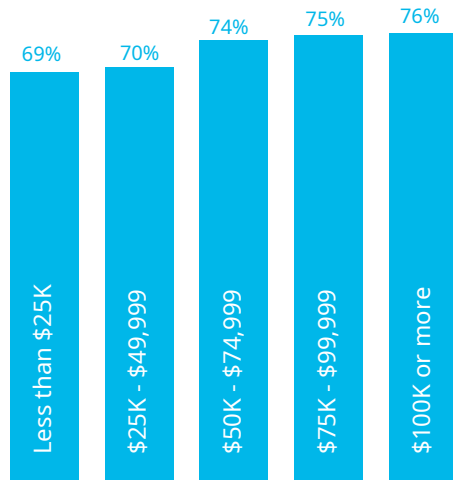


Likelihood of taking action across income and age

The probability of taking action also varied across income and age groups.

Household income: Americans with household income of less than \$25K per year took action less frequently than those in higher income groups. The likelihood of taking action increased in line with income, but the differences are small⁴⁴, and the main difference was between the two lowest income groups and the highest three.

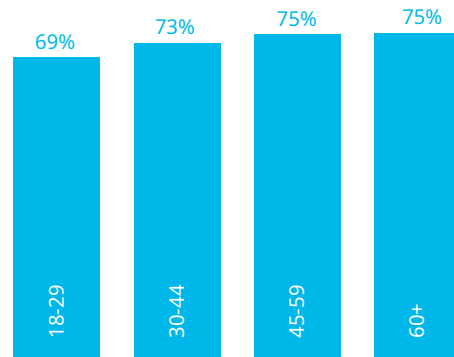
Taking action by household income group



⁴⁴ $\chi^2(N = 6513) = 22.93, p < 0.00$

Age: Young people (between the ages of 18-29) were less likely than other age groups to take action. Americans over the age of 30 took action at roughly the same rate⁴⁵.

Taking action by age category



The fact that poorer and younger Americans were less likely than wealthier Americans to take action to try to resolve their most serious legal problems suggests that for vulnerable people, the path to justice often ends before starting.

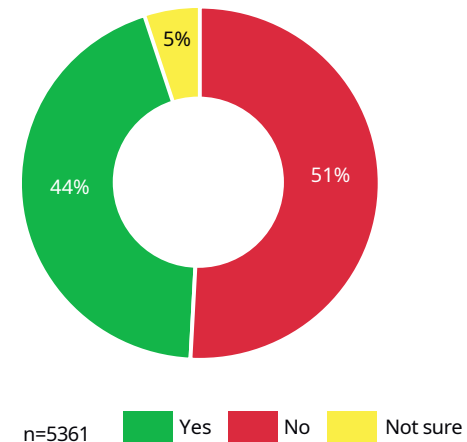
The differences in the likelihood of taking action across other socio-demographic characteristics (gender, race/ethnicity, living environment) were either negligible or not statistically significant.

⁴⁵ $\chi^2(N = 6513) = 11.92, p = 0.008$

Direct negotiation with the other party

We asked Americans who reported taking action to resolve their most serious problem whether they engaged in direct negotiation with the other party in the dispute.

Negotiating directly with the other party

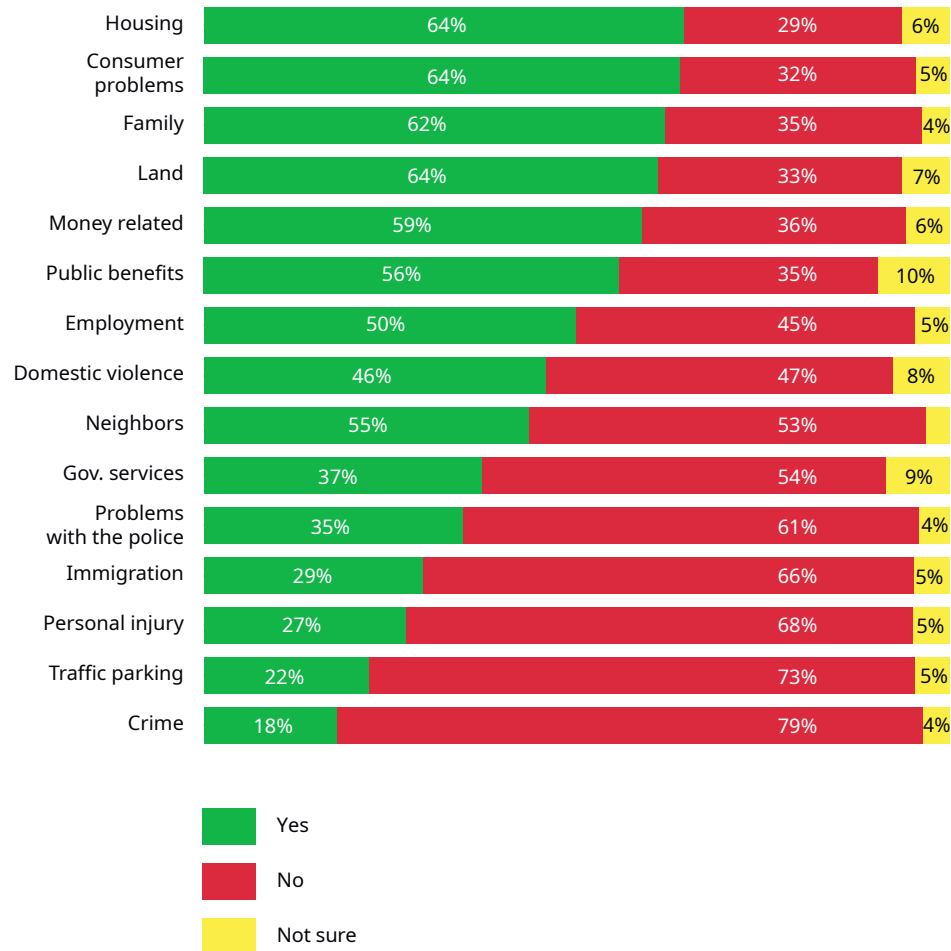


The majority of these respondents did not negotiate directly with the other party. There are no substantive differences in this behavior attributable to socio-demographic characteristics. The percentage of people who did negotiate with the other party ranged between 41%-44% in all disaggregations.

While there were virtually no socio-demographic differences in the proportion of Americans who negotiated directly with the other party, there were substantial differences across problem types⁴⁶. Problems related to crime, traffic/parking/ordinance, or personal injury and property damage were associated with very low rates of direct negotiation.

⁴⁶ $\chi^2(N = 5359) = 65.83, p < 0.00$

Direct negotiation with the other party by problem category



Some small percentages are not displayed in the chart.

This hints at issues such as not knowing the other party (in the case of crime), the preference to address the problem exclusively through third parties (in the case of personal injury and property damage), or just not taking action at all (traffic/parking/ordinance).

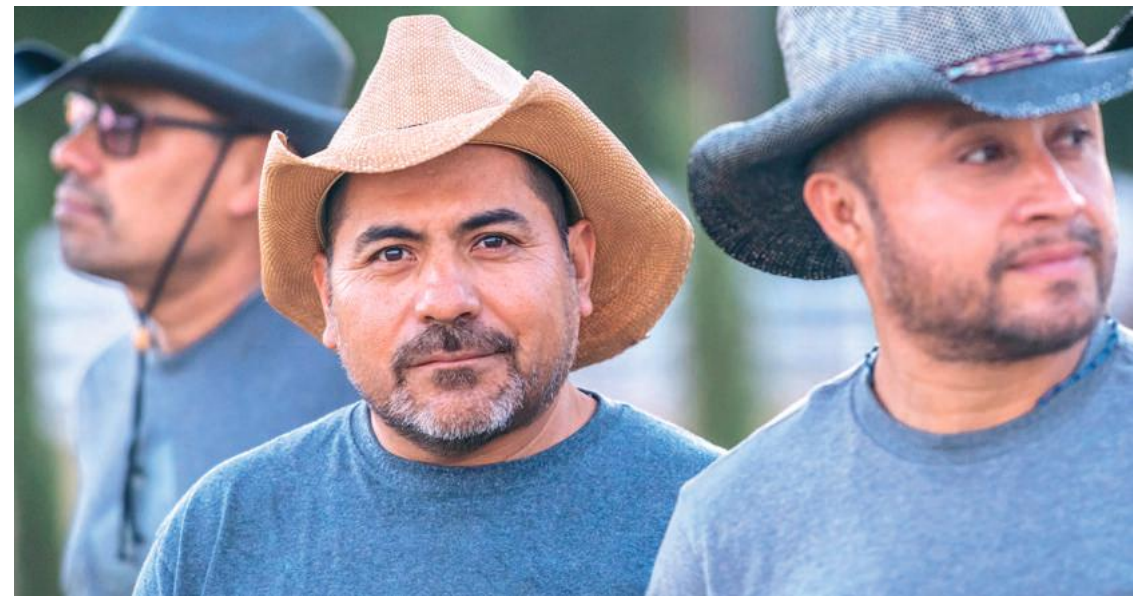
Justice takes place in many rooms—there is no dominant path to justice in the US

As with the likelihood of taking action, there were differences in the type of action that Americans took to resolve their most serious legal problem and the number of sources they involved to do so.

Americans relied on 2 sources of help on average

Of those who sought at least one source of help, Americans engaged 1.9 sources of help on average. The average number of sources of help rises to 2.2 when direct negotiation with the other party is included. This means that Americans engaged about two sources of help on average to resolve their most serious problems.

The number of sources of help an individual involved in the course of their justice journey varied depending on the type of problem they were facing, the impact of the problem, and their socio-demographic characteristics.

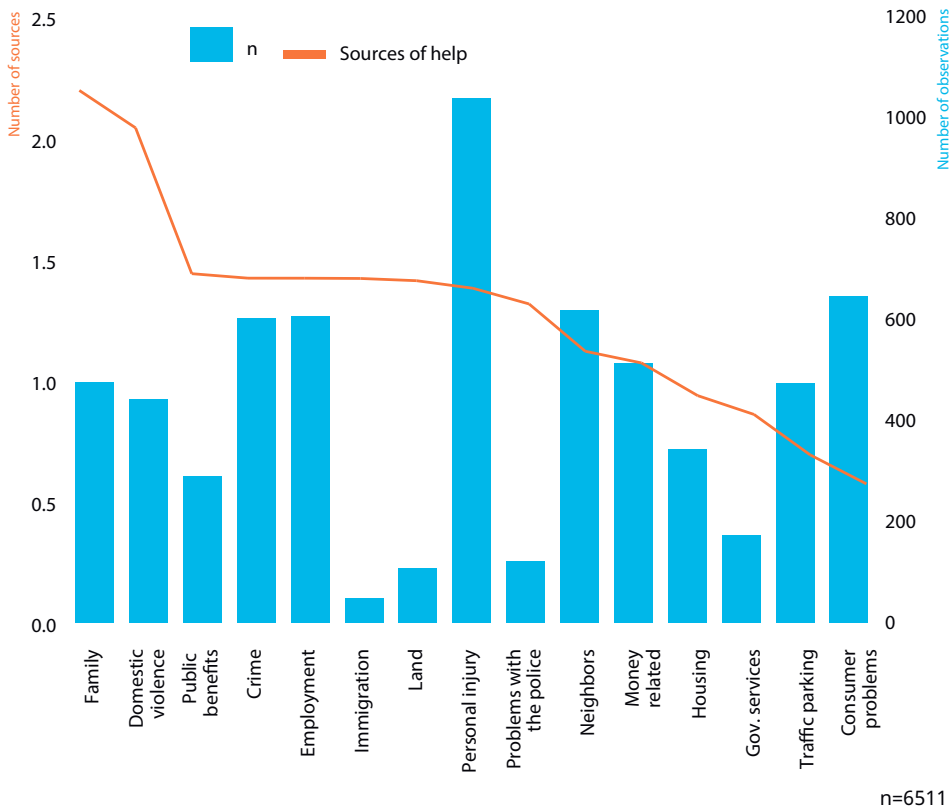


Sources of help by problem type, seriousness, and impact

There is no straightforward relationship between the frequency

with which a particular problem type was identified as the most serious and the average number of sources of help Americans relied on to resolve it.

Average number of SoH by problem category



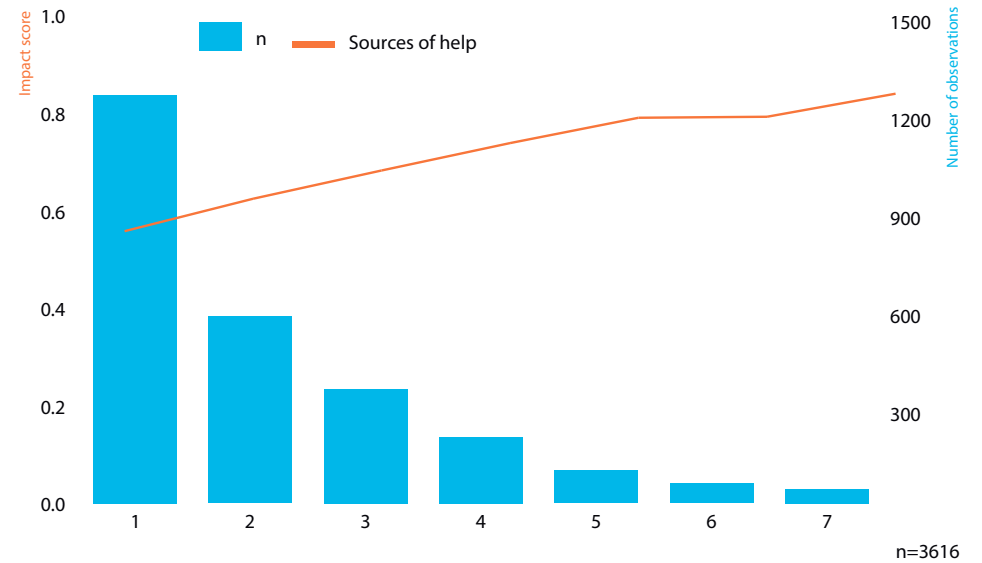
To resolve common issues such as consumer problems and traffic/parking/ordinance problems, people engaged less than one source of help on average. This indicates that a considerable number of Americans did not engage a single source of help to resolve these types of problems.

The problems that required the greatest number of sources of help on average included family problems and domestic violence. This suggests that the seriousness of the problem might be a better indicator of the number of sources an individual involves than problem type alone.

Personal injury problems—the problem type most often identified as the most serious Americans experienced — required 1.4 sources of help on average to resolve.

The graph below indicates that when more than one source of help was relied upon, the impact score of the problem increased with the number of sources of help involved. This means that the greater the impact of a problem, the more sources of help were relied on to resolve the problem.

Average impact score by number of SoH engaged



These findings help explain why family problems and domestic violence—two serious problem types with relatively high impact scores—were the two most time-consuming types of problem to resolve.

Lawyers and family members were the most popular sources of help

We asked the respondents to report all the sources of help they engaged on their path to resolution. For this reason, the percentages in the chart below add up to a number greater than 100.

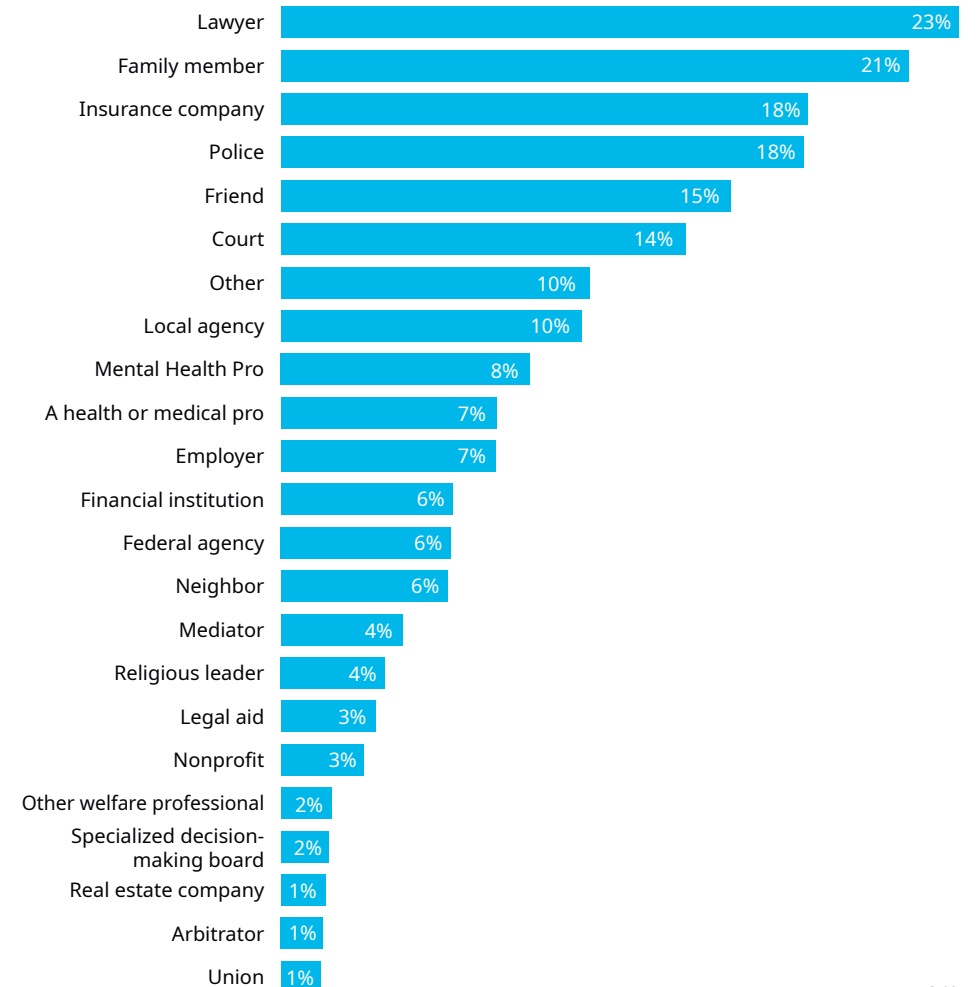
Only two of the 24 sources of help provided were used by more than 20% of Americans who involved at least one source of help to resolve their problem: lawyers (23%) and family members (21%). Across all problem categories, family members and lawyers are tied as the most popular source of help.

The next most popular sources of help in the US are police officers, insurance companies, friends, and courts. About 15% of Americans who involved at least one source of help used one or more of these.

Around 10% of Americans who involved at least one source of help used a source of help not listed in the survey (as indicated by “other”).

Mental health professionals, medical professionals, employers, and financial institutions were also relied upon by relatively high numbers of Americans (between 7-8% of those who used at least one source of help), considering their roles outside of what is traditionally understood as the justice sector. The relatively frequent involvement of mental health and medical professionals reflects the ways that legal and medical problems often intersect. Likewise, the involvement of employers and financial institutions may relate to employment and debt-related problems, which—as the focus chapters that appear later in this report show—have considerable consequences for many Americans.

Most commonly engaged source of help



It is worth noting that the sources of help Americans engaged varied considerably by problem type. For instance, for consumer issues—the most prevalent problem type—the most common source of help was financial institutions (18%). For the second most prevalent problem type, personal injury and personal property damage, nearly two-thirds (63%) engaged an insurance company. By further contrast, for the third most prevalent problem type—neighbor issues—police were the most frequently engaged source of help (39%).

Sources of help varied by income, gender, race/ethnicity, and age

Household income: Americans in the lowest household income group (with household incomes of less than \$25K per year) relied on “other” (not listed) sources of help, medical professionals, and mental health professionals at higher rates than wealthier Americans. Involvement of these sources of help decreases as income rises.⁴⁷ This suggests that in seeking justice, Americans in the lowest household income group needed to explore more varied alternatives to seek justice.

The opposite occurs with insurance companies. The higher the income group, the more likely an individual was to involve an insurance company in the course of their justice journey (with a small decrease for the highest income group). This may be because access to insurance increases with income.

Race/ethnicity: Americans who identify as “other” were the least likely of all racial/ethnic groups to engage lawyers (17%) or courts (9%). White (non-Hispanic) Americans used insurance companies (19%) more than any other racial/ethnic group. Hispanic Americans were the most likely to make use of legal aid (8%) compared to all other racial/ethnic groups.⁴⁸

Age: When it comes to age, younger Americans were generally more likely to rely on family members (38%) and friends than their older counterparts (24%). Involvement of family and friends decreases as age increases.

Use of lawyers rises with age until the 45-59 age group (28%), then decreases again among the oldest (60+) Americans (21%).⁴⁹

Use and nonuse of courts

Overall, only 14% of Americans reported that they sought help from the court system. When we asked those who did not engage the courts for help their reasons, the most common responses included the minor nature of the issue (19%), not believing the issue was a legal matter (17%), preferring a different path to resolution (14%), and believing that resolution was not worth the effort (9%).

We also asked those who did engage the courts their reasons for doing so. By a wide margin, the most common response was that the issue can only be resolved by a court (40%). Other frequent responses were a desire for an enforceable resolution (16%) and that the other party filed a court case (14%).

(Almost) one thousand ways of accessing justice

In total, we found that there are more than 820 unique justice journeys (combinations of sources of help) in the dataset. The most common combinations among Americans who engaged one, two, or three combinations of sources of help were:

- 1 source of help: Insurance company; lawyer; “other”;
- 2 sources of help: Police + insurance company; family member + friend; court + lawyer;
- 3 sources of help: Family member + friend + mental health professional; family member + friend + lawyer; family member + friend + police.

The tendency to involve insurance companies exclusively or in combination with the police may be explained by insurance companies’ specialization in certain categories of legal problems.

Institutional sources of help also tended to be used in clusters. Lawyers are often relied upon exclusively or in combination with the court system.

Among Americans who used three sources of help, we see a tendency to take a mixed path to resolution that included both formal (lawyers, courts, or mental health professionals) and informal (family or friends) sources of help.

⁴⁷ $UX^2(N = 4368) = 3.6e+03, p = 0.011$

⁴⁸ $X^2(N = 4368) = 3.7e+03, p < 0.00$

⁴⁹ $X^2(N = 4368) = 2.9e+03, p < 0.00$

Perceived quality of justice journeys

We asked respondents how they experienced 3 dimensions of their justice journey: the process, the outcomes, and the costs.

This subsection summarizes the perceived quality of justice delivered. It is organized around the sources of help who intervened in the justice journey.⁵⁰ We did not ask procedural justice questions when an informal source of help (i.e., family member, friend, neighbor, or religious or cultural leaders) was involved because their processes are highly unstructured and many of the items we analyze would not be valid.

Quality of the process

The quality of the process is measured with 7 items: voice, participation in decision-making, objectivity, correctability of the decision, respect, process clarity, and trustworthiness. All individual questions were measured with a 5-point likert scale on which 1 has negative connotation meaning low quality and 5 means high quality.

⁵⁰For the sake of brevity, data is shown for the 10 most frequently used sources of help. Information about the other sources of help and additional cross-tabulation are available at dashboard.hiil.org/US

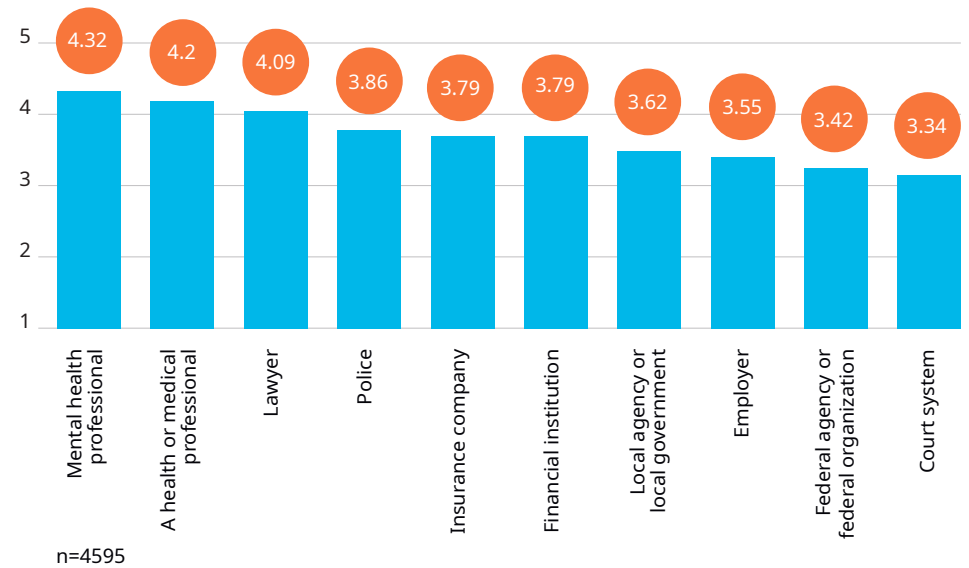


Voice: The ability to tell your story

In every resolution process, the individuals involved want to be able to tell their part of the story. We refer to the ability to make one’s voice heard as the “voice” dimension of the quality of

the process. Out of the 10 most used institutional sources of help, medical and mental health professionals, lawyers, and police officers received the highest scores for voice. The court system scored the lowest.

To what extent were you able to express your views and feelings with this resource (1=min, 5=max)?



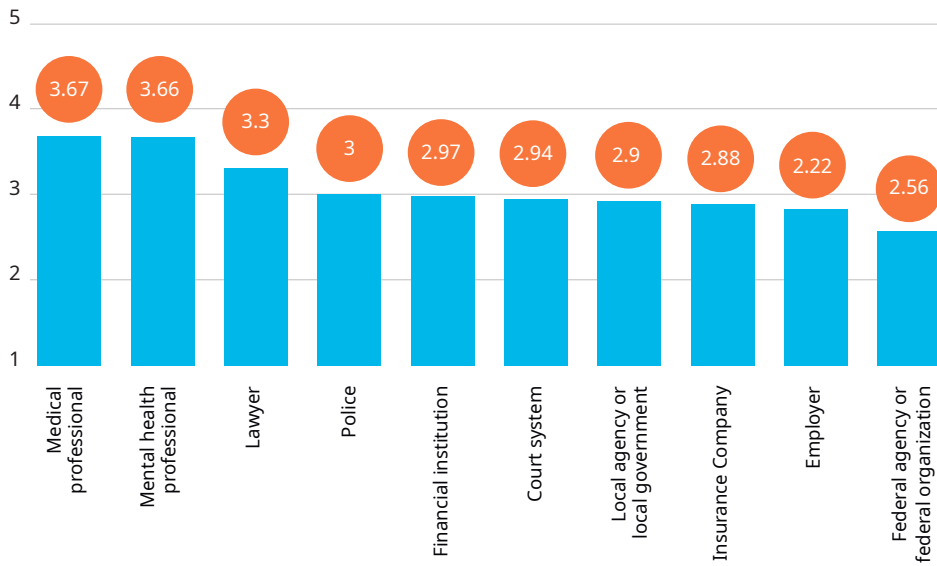
Participation in decision-making

An inclusive dispute resolution process gives the parties an opportunity to “tell their story” but also ensures that this story is heard. Participants must see that their voice counts and is considered in the decision-making process. The second dimension of the quality of the process—participation in decision-making—asks the

respondents whether their views and feelings influenced the final outcome.

The overall scores for participation in decision-making were substantially lower than those in the voice dimension. Again, medical and mental health professionals, lawyers, and police received the highest scores in this dimension.

To what extent your views and feelings influenced the final outcome?



n=4285

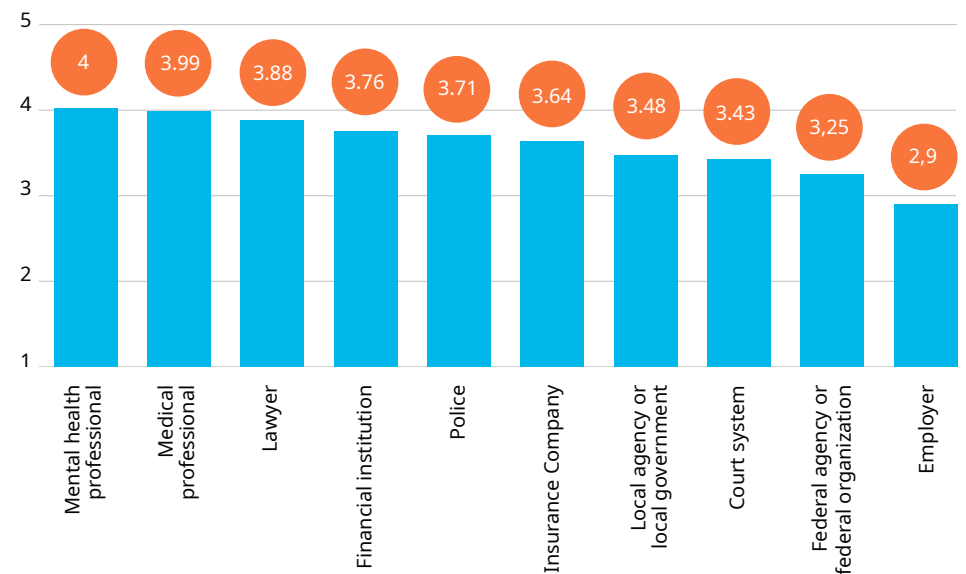
Objectivity

Objectivity measures whether the source of help was seen as objective and neutral. An objective source of help applies the substantive and procedural rules equally to all parties involved.

Employers received markedly low scores for objectivity. The court system is also in the lower range, together with insurance companies and local and federal agencies.

Medical and mental health professionals, lawyers, and police again scored the highest in this dimension.

To what extent was this resource objective?



n=4422

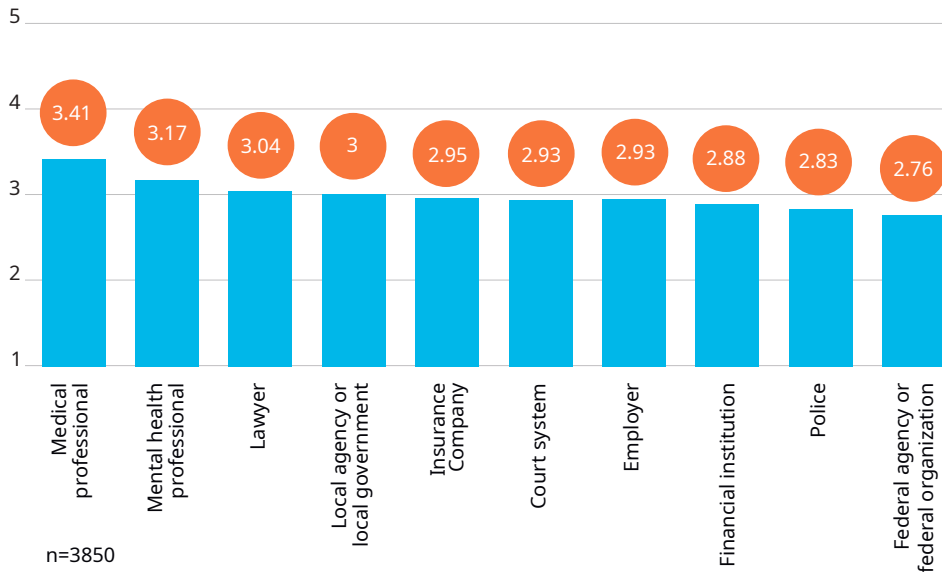
Correctability of the decision

A fair process guarantees a redress mechanism that allows factual or legal errors to be rectified. In adjudication, for example, the right to appeal ensures that the process can be reviewed and errors corrected. In less formal resolution processes, the parties should have options to correct or present new evidence and challenge the application of rules and procedures. In the survey, we asked respondents to indicate the degree to

which they agreed that they could have taken the decision of the source of help to a different or higher authority.

Americans were most satisfied with the options to remedy dispute resolution processes delivered by medical and mental health professionals, lawyers and local agencies. Decisions of financial institutions, police and federal agencies have the lowest scores for correctability. Notably, the court system has almost the same correctability score as insurance companies and employers.

To what extent you could have taken the decision this resource made to a different or higher authority?

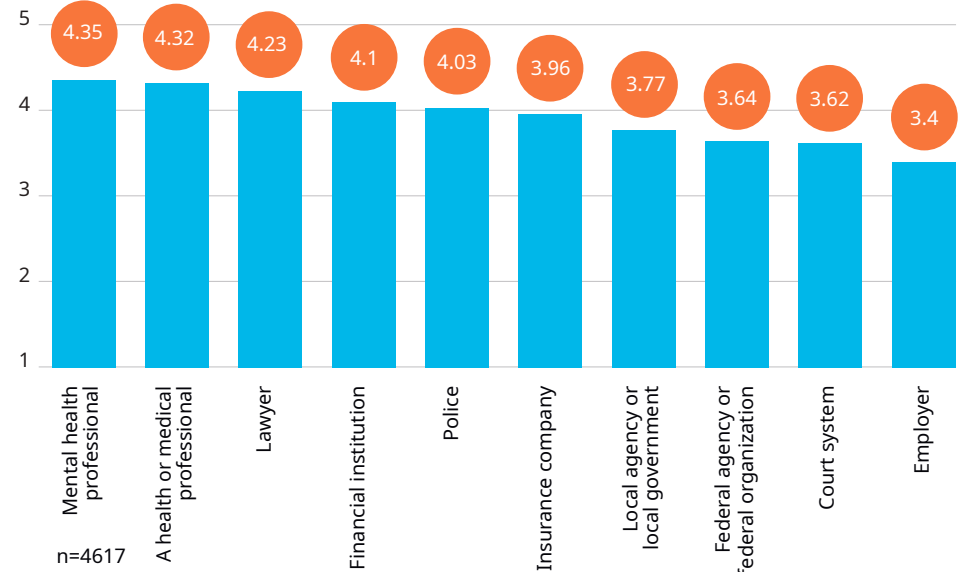


Respect

Respect is a measure of interpersonal justice as well as a dimension of the quality of the process. In any resolution process, people want to be treated with respect by the source(s) of help involved. In the survey, we asked respondents whether the source of help treated them respectfully.

The results are similar to the other quality of the process dimensions. The court system—as well as employers and local and federal agencies—receive markedly lower scores for respect than other formal sources of help.

To what extent this resource treated you with respect?

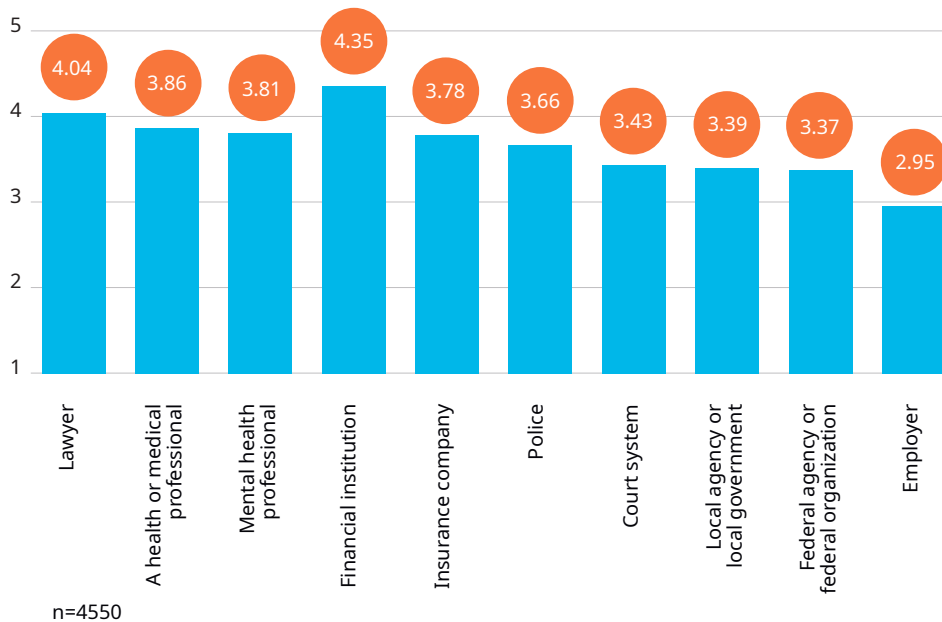


Process clarity

A fair process is clear and/or explained clearly to the parties involved. The source of help is responsible for ensuring that the parties know the basics—and if needed, the details—of the process. In the survey, we asked whether the source of help thoroughly explained the process.

Lawyers were perceived as explaining the resolution process most thoroughly compared to other institutional sources of help. The court system, local and federal agencies and employers in particular scored lower on procedural clarity.

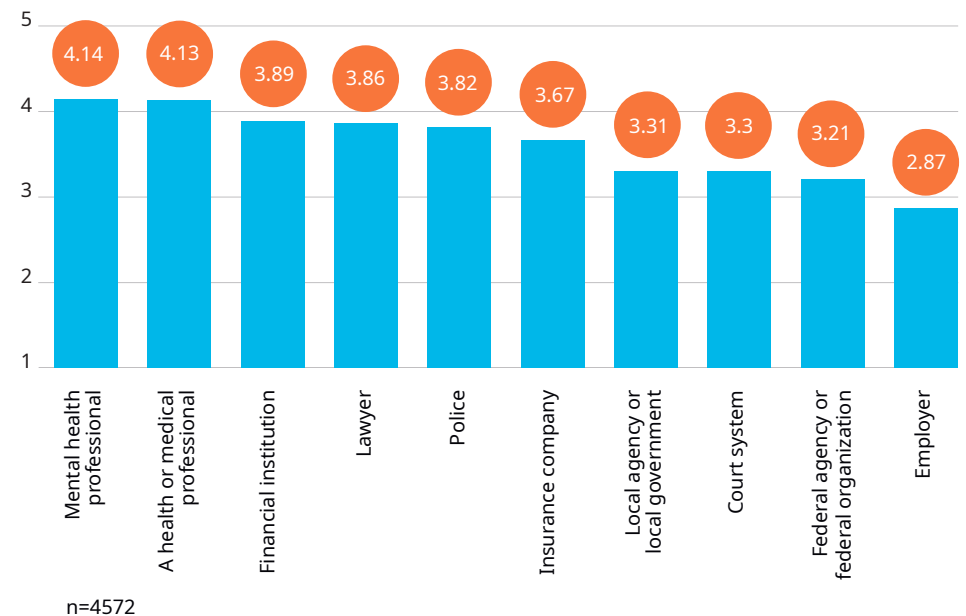
To what extent this resource thoroughly explained the procedure to you?



Trustworthiness

In a fair resolution process, the parties involved see the source of help as trustworthy. Trustworthiness is not identical to trust—but for the sake of clarity—we asked the respondents if they would trust the source of help they used in the future.

To what extent would you trust this resource in the future?



The
Painted Teacher
Boutique

Edward Jones | INVESTMENTS

203



THE NASHVILLE
GRAPHIC
203

FIELDS & CO
ATTORNEYS

Alena's

Quality of the outcomes

This section explores people’s perceptions about the outcomes of the justice journeys. We asked the respondents to evaluate two dimensions of these outcomes: distributive justice and restorative justice. We present the results of the most frequently used resources for resolution.

Note that there are two differences in this analysis of outcome quality and the preceding analysis of procedural quality. First, this analysis is done not individually by source of help but by the resource which is deemed to be most useful in resolving the problem. Second, at this level the other party is one of the categories. The other party in a problem is not a neutral

third party. Therefore the concept of source of help includes not only third parties to the problem but also in some instances, the other party.

Distributive justice

Distributive justice refers to the application of a fair rule which leads to the fair distribution of rights or resources between the parties. We asked the respondents to use two criteria for assessing the distributive justice of the outcomes of their justice journeys: fairness of the distribution and distribution according to the needs. Other criteria—such as equity—are also possible but due to practical limitations we asked only about fairness and needs.

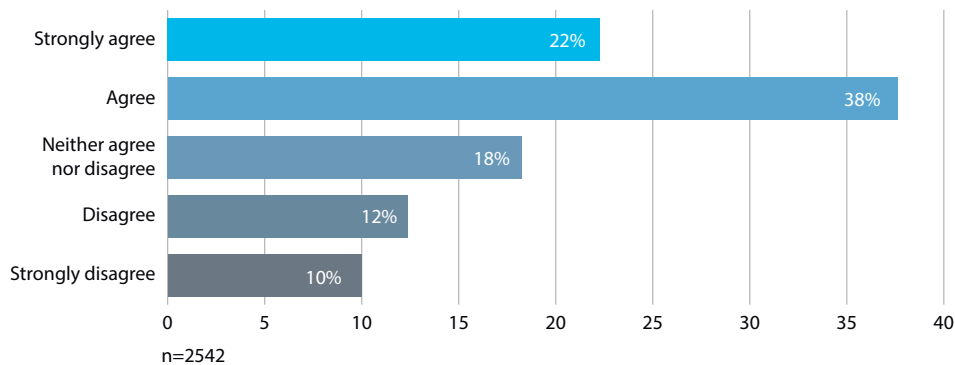
Insurance companies (m=3.85), local government agencies (3.69) and financial institutions (3.64) received the highest scores on fair distribution. Friends (3.13), lawyers (3.2), police (3.21) and family members (3.25) received the lowest scores for the same criterion.⁵¹

The next criterion of distributive justice is whether the distribution of the outcome corresponded to the needs of the respondent. Respondents’ justice journeys were perceived as more just on the needs criterion compared to the fairness criterion. Almost two-thirds

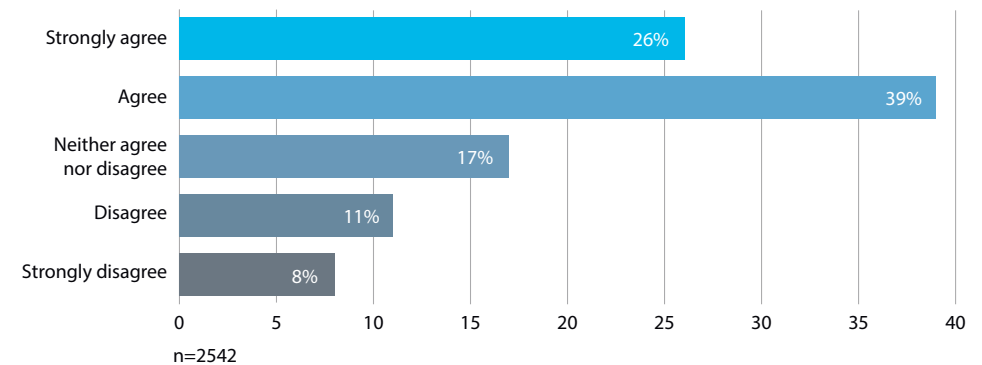
of the respondents agreed or strongly agreed that the outcome allocated the relevant rights or resources in line with their needs. Financial institutions (4.08), insurance companies (3.87) and local agencies have the highest rankings on this distributive justice criterion. Family (3.35), friends (3.39), and lawyers (3.39) have the lowest ranking.

⁵¹ The analysis is based on the 10 most frequent resources for dispute resolution. Additional cross-tabulations are available at dashboard.hiil.org/US

The outcome allocated things fairly between me and the other party



The outcome allocated things the way I needed



Restorative justice

Restorative justice refers to the extent to which the outcome of the justice journey remedies the harms caused by the problem. We asked the people who previously said that the legal problem caused them harm about the effect of the outcome on these harms. Three types of harms are reviewed here: damage to relationships; loss of money; and loss of time.⁵²

Restoration of damages

We first asked the people who reported at least one category of harm as a result of their most serious legal problem whether these damages were ultimately restored. The opinions were split with more people disagreeing that the damages were restored at the end of their justice journey.

Insurance companies (3.86) and financial institutions (3.31) have markedly higher results on restoring damages compared to the other most prevalent resources. Friends (2.4), lawyers (2.61), the court system (2.43), and police (2.67) have the lowest scores on damage restoration.

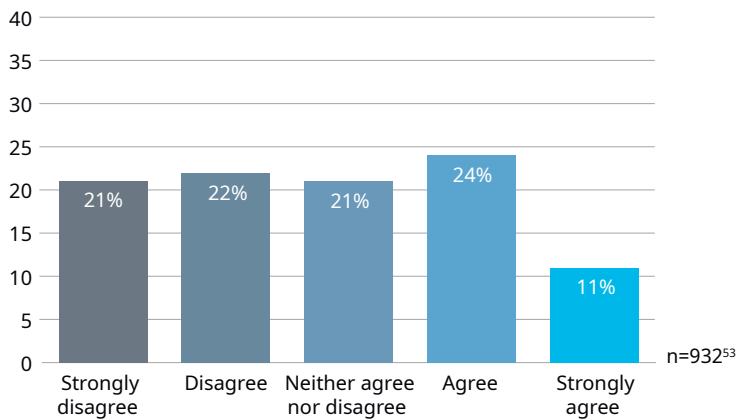
restored by the end of the justice journey. Few people agreed that the justice journey improved relational damage.

Financial institutions (3), family members (2.77), and friends (2.54) were perceived as most effective in restoring relationship damage. Institutional sources of help including lawyers (1.93), local agencies (1.92), the court system (2.18), and police (2.33) received low scores for restoring damage to relationships.

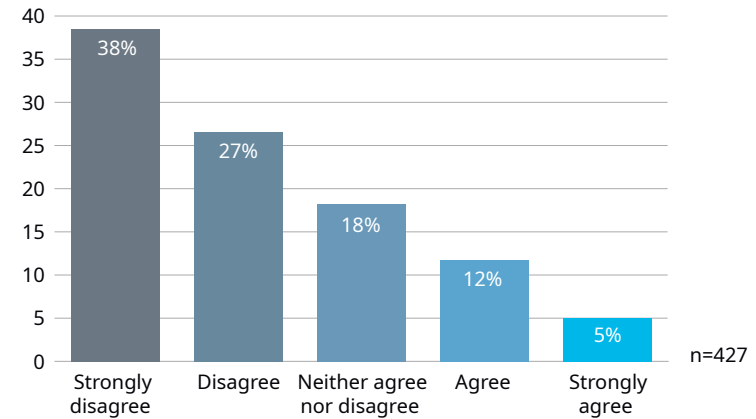
Restoration of damage to relationships

Americans reported that interpersonal relationships damaged by their most serious legal problem were rarely

The outcome restored the damages caused



The outcome restored the relationships harmed by the issue



⁵² Other categories of damages resulted in low cell counts and will be omitted in the report (loss of ability to work n=272, violence n=130, physical injuries n=196).

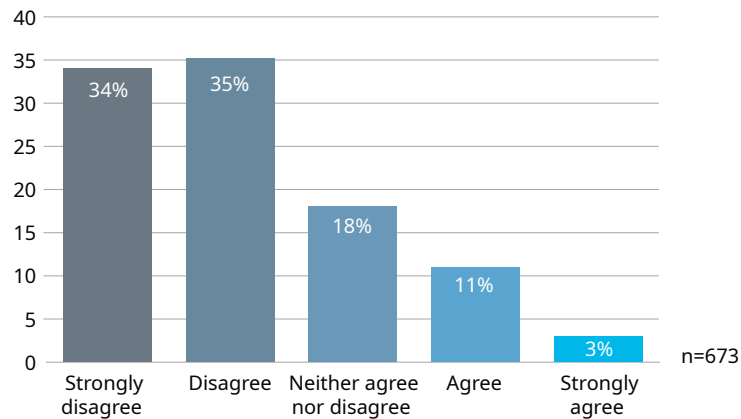
⁵³ The number of respondents is contingent on the number of people who said that the problem caused one or more types of damages.

Restoration of lost time

Time lost as a result of a legal problem was rarely restored by the end of the respondents' justice journeys. Less than 15% of Americans agreed or strongly agreed that the outcome restored the time they lost. For the overwhelming majority, this type of damage was never compensated.

There was no one source of help that restored lost time considerably better than others.

The outcome restored the loss of time caused by the issue

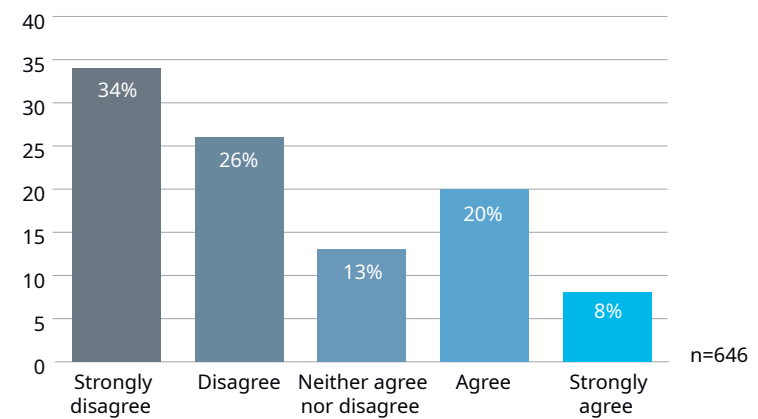


Restoration of lost money

Of the 646 respondents who experienced loss of money as a result of their most serious legal problem, less than 30% agreed that their justice journey restored that loss.

Justice journeys in which the source of help used for resolving the problem was a financial institution (3.05), an insurance company (2.95), or the other party (2.89) were perceived as more effective in terms of compensation of monetary harms.

The outcome restored the loss of money caused by the issue





Costs of justice journeys

We measured three dimensions of the costs that Americans incur on their paths to justice: stress and negative emotions; money; and time. The costs of the paths to justice have to be distinguished from the costs of the legal problem itself.

In the sections above, we discussed the various negative impacts of the legal problems. Loss of time and money are two of the most common types of losses caused by legal problems. In the sections that follow, we look at the costs that people incurred while trying to solve the problem. These include the stress and emotions that people experienced during the justice journey and the costs in money and time that the journey imposed.

Understandably, the two types of costs are related and it would be unrealistic to expect respondents to make complete and analytical distinctions between them. Time, memory loss and related limitations challenge the validity of the costs of justice that respondents estimate. The monetary and time costs described below were recorded as open-ended questions, which resulted in difficult-to-interpret answers in a number of cases. With those limitations in mind, we summarize below our findings

regarding the time and money that Americans spent on their justice journeys.

Stress and negative emotions

Stress and negative emotions are inevitable costs of pursuing justice in the form of resolution. We asked respondents about the extent to which they experienced stress and negative emotions during their justice journey.

The average amount of stress that Americans experienced in the course of their justice journey is 3.1 (1-5 likert scale, 1 = "extremely severe"; 5 = "extremely mild or none"). On the same scale, the average degree of negative emotions they experienced is 3.13.

Stress and negative emotions by problem type

Justice journeys aimed at resolving traffic/parking/ordinance problems, consumer problems, problems related to public services, and personal injuries were the least costly in terms of stress. The most stressful justice journeys were those aimed at resolving domestic violence (2.28), family problems (2.42), and problems with the police (2.45).

Similar to stress, the problem types associated with the highest degree of negative emotions were domestic violence, problems with police and family problems. The least emotionally burdensome problem types were traffic/parking/ordinance problems, personal injury and property damage, and consumer problems.

Stress and negative emotions by most useful source of help

Justice journeys in which an insurance company (4.02), financial institution (3.32), or local agency (3.19) was identified as the most helpful source of help imposed the least amount of stress. Justice journeys in which a mental health professional (2.00), family member (2.57), or friend (2.58) was selected as the most helpful source of help imposed the greatest amount of stress.

The sources of help associated with the least negative emotions were insurance companies (3.72), financial institutions (3.37) and local agencies. (3.28). Most emotionally burdensome were the justice journeys in which the most useful source of help was a mental health professional (1.99), a family member (2.63), or a friend (2.64).

⁵⁴The table includes the 10 most frequently used sources of help

Monetary costs

Monetary costs by problem type

Problems with police, family problems, land problems, housing problems, and money-related problems were the most expensive legal problems to resolve. Their distributions, however, are skewed towards large values. The median adjusts for this effect and is therefore presented first in the tables that follow. Even so, the absolute numbers provided should be understood as approximations, with more weight put on relative costs.

Taking the median monetary costs into account, we see that family problems, immigration problems, land problems, problems with police, and money-related problems require the most out-of-pocket expenses compared to other problem types.

Monetary costs by most useful source of help

We break down the monetary costs of the justice journeys by the most useful source of help in the particular justice journey.⁵⁴ The most expensive justice journeys were those in which a lawyer was identified as the most helpful. Justice journeys in which the court system or a family member were considered most helpful were the

second and third most expensive on average.

Outliers seem to drive these distributions upwards. Taking the median values into account, we see that the justice journeys in which a mental health professional was identified as the most helpful were more expensive than those that primarily involved a court system.

Time

Time costs were calculated based on the number of the days spent to resolve the legal problem. Similar to the monetary costs, there is great variation in the distribution of time spent. We therefore report both mean and median values per category of legal problem, as well as the source of help that was identified as most useful in resolving the legal problem.

Time costs by problem type

Across problem types, the mean time to resolve a legal issue was 94 days. The median value was 10 days. This again indicates a distribution that is skewed upwards by outliers with large values.

Domestic violence, immigration problems, family problems, and land

problems took the most time to resolve compared to other problem types. On the other side of the range are consumer problems, problems with government services, and traffic and parking problems.

Time costs by most useful source of help

Justice journeys in which a lawyer, mental health professional, or court system was identified as the most useful source of help took the most time to resolve on average.



Problem type	Stress (1-5 likert scale, 1="extremely severe"; 5="extremely mild or none")	Negative emotions (1-5 likert scale, 1="extremely severe"; 5="extremely mild or none")	Money (mean amount of \$ spent to resolve problem, median amount in brackets)	Time (mean number of days spent to resolve problem, median number of days in brackets)
Traffic/parking	4.02	4.07	969 (0)	38 (1)
Consumer problems	3.61	3.62	1480 (0)	45 (6)
Gov. services	3.47	3.38	328 (0)	43 (5)
Personal injury	3.31	3.5	3551 (100)	68 (10)
Neighbors	3.2	3.18	3497 (0)	86 (5)
Crime	3.14	3.2	2190 (0)	62 (5)
Land	2.9	2.93	8198 (700)	166 (30)
Money related	2.9	2.97	3768 (500)	115 (15)
Housing	2.77	2.83	3989 (200)	56 (15)
Public benefits	2.73	2.85	3121 (0)	110 (20)
Employment	2.64	2.65	1451 (0)	97 (15)
Immigration	2.6	2.64	2915 (775)	218 (33)
Problems with the police	2.45	2.24	17658 (500)	145 (20)
Family	2.42	2.59	9518 (1500)	195 (30)
Domestic violence	2.28	2.36	1976 (0)	228 (60)

Most helpful source of help, information, or advice	Stress (1-5 likert scale, 1="extremely severe"; 5="extremely mild or none")	Negative emotions (1-5 likert scale, 1="extremely severe"; 5="extremely mild or none")	Money (mean amount of \$ spent to resolve problem, median amount in brackets)	Time (mean number of days spent to resolve problem, median number of days in brackets)
Insurance company	3.55	3.72	32 (7)	2159 (100)
Financial institution	3.32	3.37	36 (6)	1050 (0)
Local agency or local government	3.19	3.28	69 (10)	1488 (0)
Police	3.12	3.21	58 (5)	1045 (0)
The other party	2.97	3.03	65 (15)	3286 (28)
Court system	2.93	2.98	146 (10)	5017 (275)
Lawyer	2.62	2.76	191 (30)	10726 (2000)
Friend	2.58	2.64	121 (20)	1316 (0)
Family member	2.57	2.63	90 (20)	3884 (100)
Mental health professional	2	1.99	166 (68)	2592 (500)
Domestic violence	2.28	2.36	1976 (0)	228 (60)

Key findings

One out of every two Americans completely resolved their legal problem, but their ability to do so depended on their gender, income, age, race/ethnicity, and living environment

Women, lower-income Americans, older Americans, Black (non-Hispanic) and Hispanic Americans, and Americans living in rural environments were less likely to completely resolve their most serious legal problem than other groups. These people were not only less successful in reaching resolution than their counterparts—they were also more likely to report that their problem remained ongoing or had been abandoned.

This makes clear that the ability to access justice and completely resolve one's most pressing legal problem is not equally distributed across American society. Some groups are more able and empowered to complete their justice journeys than others.

Most Americans took action to resolve their legal problem, but this tendency varied by problem type, income, and age

Roughly seven out of every 10 Americans with a legal problem in the past four years took some sort of action to resolve it. While taking action is common broadly speaking, there were differences in the likelihood of taking action across problem types, income groups, and age groups.

Americans with family problems, for example, took action at a significantly higher rate than those with other problem types. Younger and poorer Americans were less likely to take action than their older and wealthier counterparts.

This may indicate that people who lack life experience, experience navigating the legal system, or access to resources feel less empowered than the average American to resolve their legal problems. Further research exploring the reasons for this inaction is needed to identify strategies that might increase access to justice among these groups.



Among Americans who did take action, the likelihood of attempting to negotiate directly with the other party varied by problem type

In all disaggregations, the percentage of people who negotiated with the other party was between 41-44%, meaning the majority of Americans did not attempt to do so. While there were no socio-demographic differences in the proportion of Americans who negotiated directly with the other party, there were substantial differences by problem type. Americans faced with crime problems, traffic/parking/ordinance problems, or personal injury and property damage were much less likely to engage in negotiations than Americans confronted with other problem types.

Among those who sought at least one source of help to resolve their most serious legal problem, Americans involved 2 sources of help on average

Of those who sought at least one source of help, Americans engaged 1.9 sources of help on average. The average number of sources of help involved rises from 1.9 to 2.2 when direct negotiation with the other party is included.

The average number of sources of help Americans relied upon increased with the average impact score of the problem

The problem types that required the greatest number of sources of help on average included family problems and domestic violence. These rank highly in both seriousness and average impact score.

This suggests that a greater variety of helpers is needed to resolve more severe and complex justice problems. One-stop shop solutions—in which multiple sources of help are made available to Americans under one roof or on one centralized online platform—may help to improve the quality of justice journeys focused on resolving family problems and domestic violence.

Lawyers and family members were the most popular sources of help across problem types

Lawyers and family members were the only two out of 24 sources of help who were used by more than 20% of Americans to resolve their most serious legal problem. This makes clear that lawyers are widely associated with and relied upon for the resolution of legal problems in the US.

The fact that family members are the

second most relied upon may suggest that a large portion of the population prefers to resolve their problems informally when possible. It may also be a reflection of the reality that a large portion of the population cannot afford to hire a lawyer or access other formal sources of legal help.

Americans in the lowest income group and women sought justice from a greater variety of sources than their wealthier and/or male counterparts

Americans in the lowest household income group relied on “other” (not listed) sources of help, medical professionals, and mental health professionals at higher rates than wealthier Americans. Involvement of these sources of help decreases as income rises.

Similarly, women engaged family members, friends, mental health professionals, and medical professionals more often than men.

In seeking justice, these groups needed to explore more varied alternatives to seek justice. This indicates that the “one size fits all” path to justice offered by the formal legal system may be less well-suited for more vulnerable groups of society. People seek justice from a variety of sources, and a system that

accommodates and facilitates many different paths may serve low-income Americans and women in particular better.

The involvement of family and friends in legal problem resolution decreases as age rises, whereas the use of lawyers rises with age (up to the 45-59 age group)

Younger Americans were generally more likely to rely on family members and friends as sources of help than older Americans. Conversely, the use of lawyers rises with age until the 45-59 age group, after which it falls again among the oldest (60+) Americans. The relatively greater reliance on informal sources of help among young Americans may reflect a lower level of familiarity or comfort with traditional legal players.

Americans followed close to one thousand unique paths and made use of both formal and informal sources of help to resolve their justice problems

We identified more than 820 unique justice journeys (combinations of sources of help) in the dataset. Insurance companies and lawyers tended to be involved exclusively or in combination with the police and the court system, respectively.

Americans who used three sources of help tended to take a mixed path to resolution that included both formal (lawyers, courts, or mental health professionals) and informal (family or friends) sources of help.

Again, this finding makes clear the diversity of ways that Americans access justice—and the absence of any “one size fits all” approach to problem resolution. The tendency to rely on either a single or cluster of formal/institutional sources of help or to shop around among a variety of formal and informal sources may indicate that some problems are better suited for traditional legal resolution than others.

Among formal sources of help, medical and mental health professionals and lawyers consistently ranked highest for quality of the process

The seven dimensions of quality of the process included voice, participation in decision-making, objectivity, correctability of the decision, respect, process clarity, and trustworthiness.

Medical professionals, mental health professionals, and lawyers received the three highest scores across every dimension except trustworthiness, in which lawyers followed behind financial institutions in fourth place.

Across most dimensions, police and financial institutions alternated in fourth and fifth place.

This may indicate that formal sources of help in the justice sector can learn something from the way that medical providers deliver services.

Among formal sources of help, federal agencies, employers, and the court system typically ranked lowest for quality of the process

In all seven dimensions of quality of the process, federal agencies were among the three lowest-scoring formal sources of help. In participation and correctability, federal agencies received the lowest score.

In five out of seven dimensions of quality of the process, employers were among the three lowest-scoring formal sources of help. In objectivity, respect, procedural clarity, and trustworthiness, employers received the lowest score.

In four out of seven dimensions of quality of the process, the court system was among the three lowest-scoring formal sources of help. In voice, the court system received the lowest score.

These findings make clear that there is substantial room for improvement in the processes that these sources of

help provide for Americans to access justice. To improve procedural justice, courts should work to create more opportunities for litigants to make their voices heard.

The low quality of the process scores received by employers are particularly troubling given that the majority of justice journeys related to employment problems take place in the workplace. This finding is expanded on in Focus Chapter 1 of this report.

The justice outcomes delivered by insurance companies, financial institutions, and local agencies ranked highest for distributive justice

Insurance companies, local agencies, and financial institutions received the three highest scores across both dimensions of distributive justice: equality of the distribution and distribution according to needs. This makes sense given that such institutions are generally in the best position to compensate parties to a justice problem for their financial and/or material losses.

The justice outcomes delivered by family members, friends, lawyers, and police ranked lowest for distributive justice

Family members, friends, and lawyers received the four lowest scores across both dimensions of distributive justice.

While a slight majority of Americans did not feel that the damages caused by their legal problem were ultimately restored, the justice outcomes delivered by financial institutions and insurance companies ranked highest for restorative justice

Insurance companies and financial institutions received markedly higher scores on damage restoration compared to the other most prevalent sources of help. Financial institutions were also seen as the most effective source of help in restoring relational damage and lost money (followed by insurance companies, in the latter case). This may suggest that relational and financial harms caused by legal problems are often interconnected.

No source of help was seen as meaningfully more effective than any other at restoring loss of time.

Justice outcomes rarely succeeded in restoring the relational damage, loss of time, or loss of money caused by legal problems

Less than 17% of Americans agreed or strongly agreed that the justice outcome they received restored the relational damage caused by their legal problem. Less than 15% agreed or strongly agreed that it restored the time they lost. Likewise, less than 30% of the respondents who lost money as a result of their most serious legal problem agreed that their justice journey restored that loss.

Overall, it is clear that current paths to resolution do not meet Americans' needs for restorative justice: justice that repairs the range of harms and/or losses caused by legal problems. This is particularly true for interpersonal harm and lost time.

Lawyers and the court system were seen as two of the least effective sources of help for restoring damages overall and for restoring relational damage in particular

Lawyers and the court system received the second and third lowest scores for damage restoration and restoration of damaged interpersonal relationships. This indicates that among all sources of help that Americans rely on, lawyers

and court systems are uniquely ill-equipped to address the damages that legal problems cause in people's lives. This is particularly concerning given the substantial costs that legal problems impose, and given that lawyers are the most commonly used source of help in paths towards resolution.

The most stressful and emotionally burdensome justice journeys that Americans experienced were those aimed at resolving domestic violence, family problems, and problems with the police

These three problem types were associated with the greatest degree of stress and negative emotions. As described in Chapter 2, they are also among the most impactful problem types in terms of impact score.

Justice journeys that primarily involved an insurance company, financial institution, or local agency imposed the least amount of stress and negative emotions, whereas those primarily involving a mental health professional, family member, or friend imposed the most

This finding suggests that involving more neutral and/or institutional sources of help in the path to resolution comes with the benefit of

being less stressful and emotionally taxing. At the same time, it is possible that the sources of help associated with the greatest amount of stress and negative emotions are more often relied upon to resolve problems that are more stressful and emotionally taxing to begin with.

Family problems, immigration problems⁵⁵, and land problems were the most expensive problem types to resolve

Taking the median monetary costs into account, these problem types required the most out-of-pocket expenses to resolve. As described in Chapter 2, family and immigration problems were also among the most impactful problem types.

Justice journeys in which a lawyer, the court system, or a mental health professional was identified as the most useful source of help were the most expensive and time-consuming to resolve

Taking the median values into account (given that outliers tend to drive distributions upward), we see that justice journeys in which a mental health professional was considered the most helpful were more expensive than those that primarily involved a court.

This finding makes clear that formal sources of help are among the least accessible from a financial perspective. The fact that they are the most time-consuming to involve also limits their accessibility given that the average working American is unlikely to be able to spend days out of his or her life resolving a legal problem.

Domestic violence, immigration problems, and family problems were the most time-consuming types of legal problem to resolve

As described in Chapter 2, they are also among the most impactful problem types in terms of impact score.

⁵⁵ The number of respondents who reported an immigration problem as their most serious legal problem is very low (N = 64) relative to the other problem categories and the relevant sample (N = 6,513). For this reason, we recommend that readers interpret this finding with caution.

4

Effective interventions and treatments



What works in resolution

Sources of help apply diverse strategies in resolving people’s legal problems. Sometimes these strategies are simple and consist of a single action, such as providing advice, mediating, or making a decision. In other cases, these people or entities perform several actions in combination that work together to resolve the problem. We call the discrete actions “interventions.” As an analogy to the healthcare sector, we call several interventions combined together to resolve a particular legal problem a “treatment.”

In part one of this chapter, we look at how interventions are used by different sources of help to resolve different types of legal problems. We also explore how the interventions relate to the resolution of the problem in order to identify effective interventions. In part two of this chapter, we analyze the use of treatments across problems and sources of help.

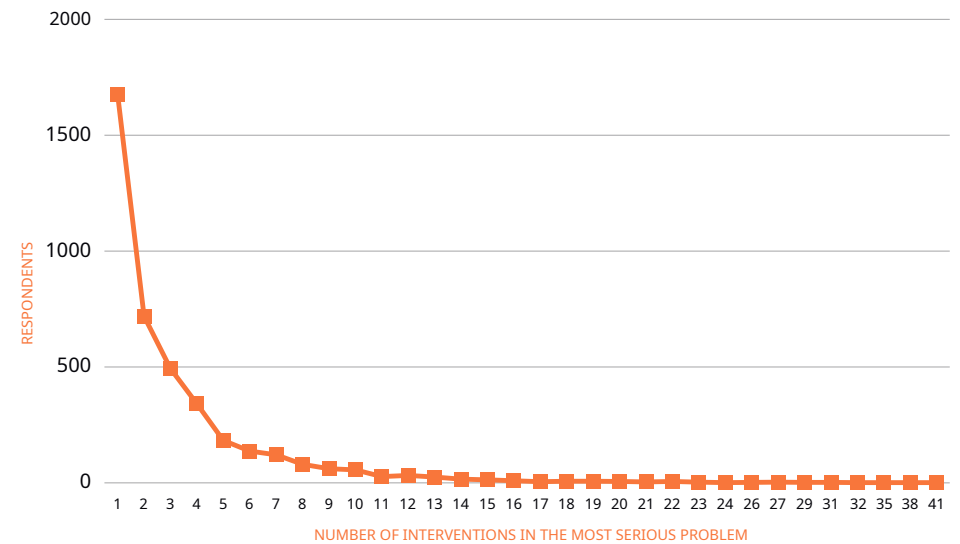
Interventions

Interventions by legal problem

Out of the 6,511 legal problems identified as most serious in this survey, one or more interventions were used to resolve 4,041 of them. The respondents interviewed reported a total of 13,031 interventions. On average, this comes to 3.2 interventions per legal problem (in which a source of help was involved) and 2.5 interventions per source of help.

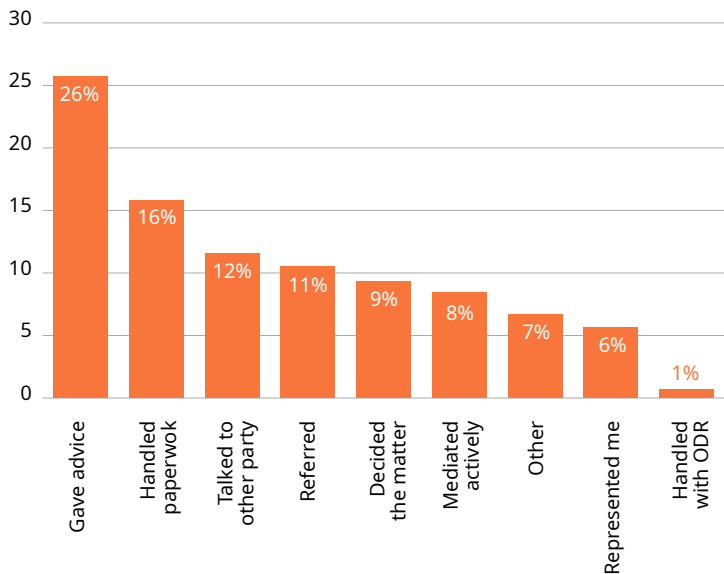
Forty-one percent of these 4,041 legal problems were resolved with one intervention, 18% with two, and 12% with three. The three discrete legal problems that took the greatest number of interventions to resolve involved 35, 38, and 41 interventions respectively. These interventions were made across multiple sources of help.

Number of interventions per legal problem



Giving advice, handling paperwork, and talking to the other party were the three most commonly used interventions across all problem types. Referring the matter to another source of help, deciding the matter or mediating were in the middle of the distribution.

What did the source of help do?

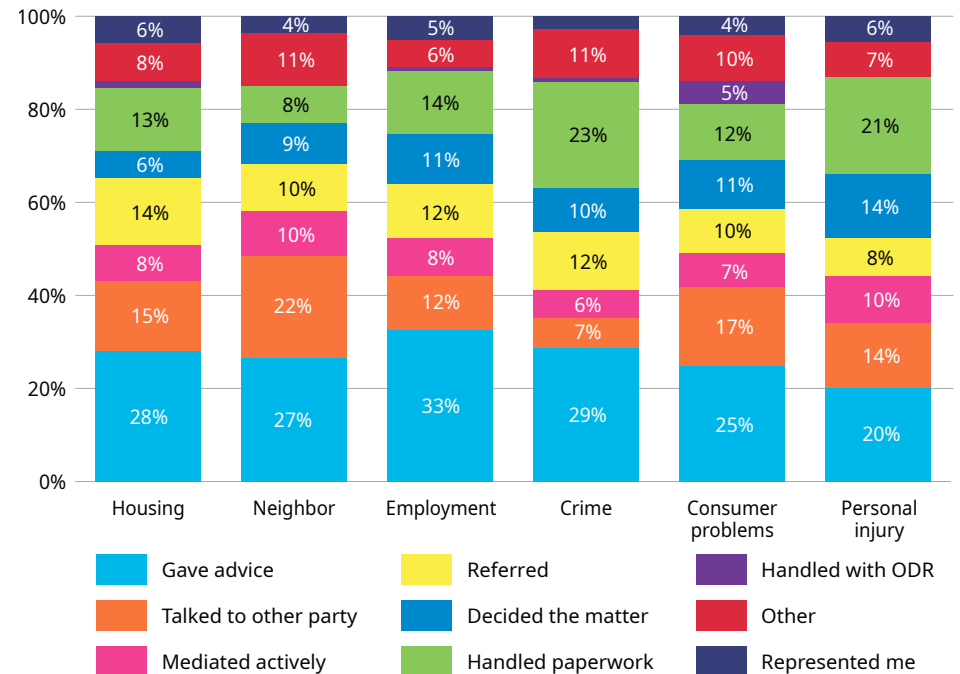


Interventions by problem type

Focusing on the six most frequently occurring legal problem types, we see considerable differences in the interventions used to achieve resolution.

In resolving crimes for example, a source of help was more likely to handle paperwork than they were for other problem types. In neighbor problems, a source of help was more likely to intervene by talking to the other party.

Interventions in the 6 most frequent categories of problems



Some small percentages are not displayed in the chart.

Interventions by source of help

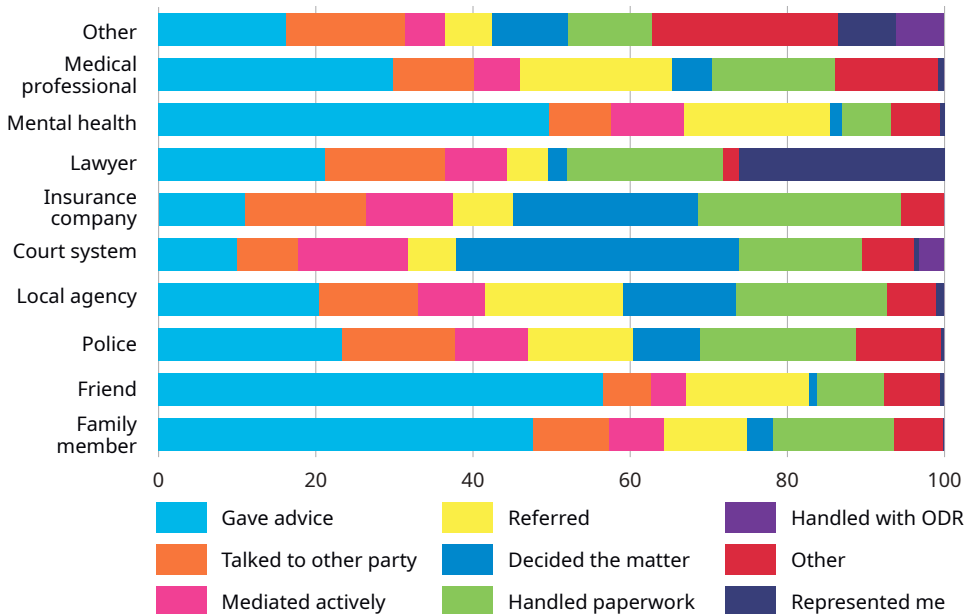
Certain sources of help were more likely than others to use particular interventions in the resolution process. Family members, friends, and mental health professionals, for example, intervened by providing advice in approximately half of all the problems they helped to resolve.

Police, local agencies, insurance companies, and lawyers, on the other hand, more often intervened

by handling paperwork. Lawyers are also distinct in that they provided legal representation in a quarter of all problems in which they are engaged—substantially more than any other source of help.

Courts intervened with a decision in 36% of the justice problems. Out of all sources of help, only insurance companies were comparable to courts in the proportion (24%) of justice problems that they decided.

Interventions of the 10 most frequent sources of help

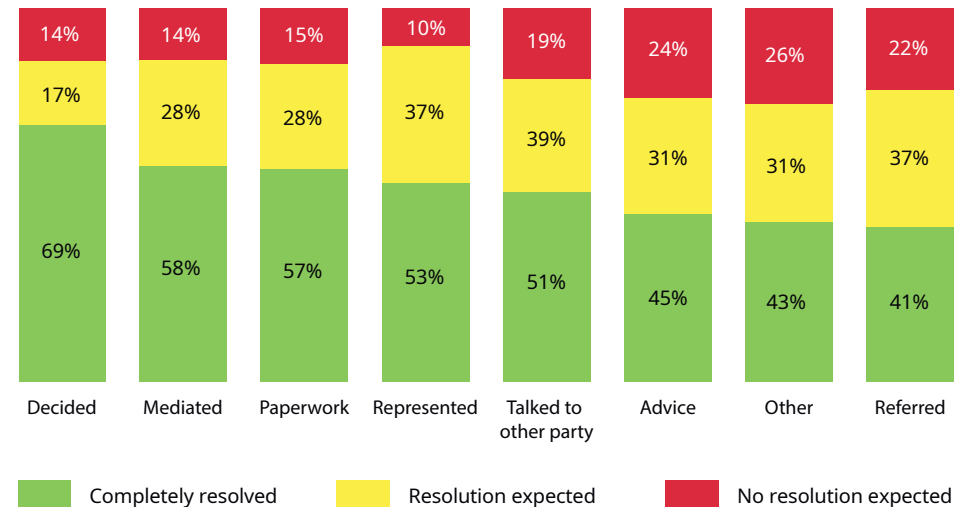


Most effective interventions for resolution

Interventions are applied as part of a broader resolution process. To understand the effectiveness of distinct interventions, we analyze how problem resolution status (the extent to which a problem has been resolved) varied across intervention types.⁵⁷The status of a legal problem was measured at three levels: completely resolved; resolution expected in the future; and no resolution expected in the future.

⁵⁶ Intervening in a problem with online dispute resolution (ODR) was excluded from the analysis due to low values. Only 94 such interventions were recorded in the dataset.

Interventions/resolution status



n=12,932

Deciding the matter was most often associated with complete resolution of the problem.⁵⁶ Mediating, handling paperwork, representing, and talking to the other party followed next with complete resolution rates of over 50%. Providing advice and referring were the interventions that completely resolved the smallest proportion of problems.

Complete resolution rates rise with the number of interventions

After controlling for other factors, we find that no single intervention increased the chance of a problem being completely resolved.⁵⁷ However, applying a greater number of interventions significantly increased the chance that the problem was completely resolved. This means the quantity of interventions matters.

When more interventions are made, people are more likely to reach resolution.⁵⁸

A multivariate statistical analysis provides evidence that compared with giving advice, mediating, deciding the issue, handling paperwork, and representation significantly increased the probability that a legal problem was resolved.⁵⁹

Several sources of help also improved the chances of resolution: mediators; court systems, insurance companies; lawyers; and financial institutions. As expected, the most impactful problems were less likely to be resolved and a greater number of interventions was related to better outcomes.

Treatments

We refer to combinations of interventions used to resolve a particular legal problem as “treatments.” In most cases, a single intervention comprises the entire treatment.

Below, we show the 10 treatments that sources of help most often use to resolve legal problems. Treatments comprising a single intervention such as providing advice, making a decision, or handling paperwork are among the most common. Only the seventh and ninth most common treatments consist of more than one intervention.⁶⁰

Ranking (from most to least frequent)	Treatment
1	Advised
2	Decided
3	Other
4	Handled paperwork
5	Talked to the other party
6	Represented
7	Advised & referred
8	Mediated
9	Advised & handled paperwork
10	Referred

⁵⁷ $\chi^2(N = 12932) = 442, p < .00$

⁵⁸ These are the results of a random effect logit model with problem outcome as a binary variable. In this model, problem outcome was re-coded as 0 if no resolution was expected and 1 if the problem was completely resolved or resolution was expected in the future.

⁵⁹ The results are a summary of a multilevel probit ordered regression with problem outcome as dependent variable.

⁶⁰ Multilevel probit ordered regression with problem outcome (completely resolved, resolution expected in the future and no resolution expected in the future) as dependent variable.

⁶¹ The questionnaire did not record the order of the interventions. This means for example that in treatment 7 in the above list, we do not know if advice was provided before or after the paperwork was handled.⁶⁰ The results are a summary of a multilevel probit ordered regression with problem outcome as dependent variable.

There are many examples of more complex treatments but they are not as frequent. Examples of such treatments include:

- Advised, handled paperwork, referred (63 observations)
- Advised, talked to the other party, handled paperwork, represented (43 observations)
- Advised, handled paperwork, decided the matter (36 observations)

Treatments by problem type

Treatments vary depending on the type of legal problem they are intended to address. The greatest number of unique treatments are used to resolve the following problem types: personal injury and property damage, family problems, domestic violence and abuse, and employment problems. Together, these four problem types account for 55% of all treatments.

The table below shows the types of treatments that are most often used to resolve each of these problem types.



Ranking (from most to least frequent)	Personal injury	Family	Domestic violence	Employment
1	Decided	Advised	Advised	Advised
2	Handled paperwork	Represented	Advised; Referred	Decided
3	Other	Handled paperwork	Advised; Other	Other
4	Advised	Decided	Advised; Talked to other party; Referred	Advised; Referred
5	Represented	Mediated	Advised; Mediated	Talked to other party
6	Handled paperwork; Decided	Advised; Talked to other party; Mediated; Referred; Decided; Handled paperwork; Represented	Other	Advised; Handled paperwork

Treatments by source of help

To understand better the kinds of treatments used by different sources of help, we compare the four sources of help that provide the greater number of treatments on average: lawyers, family members, insurance companies, and police. For brevity, we show only the six most commonly used treatments by each.



Ranking (from most to least frequent)	Lawyers	Family members	Insurance companies	Police
1	Represented	Advised	Decided	Other
2	Advised	Advised; Handled paperwork	Handled paperwork	Handled paperwork
3	Advised; Talked to other party; Handled paperwork; Represented	Advised; Referred	Other	Advised
4	Advised; Talked to other party; Mediate; Handled paperwork; Represented	Other	Talked to other party	Talked to other party
5	Handled paperwork	Handled paperwork	Advised	Decided
6	Advised; Handled paperwork; Represented	Advised; Referred; Handled paperwork	Handled paperwork; Decided	Advise; Handled paperwork

The treatments used by lawyers are the most complex. Lawyers apply multiple interventions to solve problems more often than other sources of help. The fact that the respondents report numerous interventions indicates that they are able to recognize the interventions as distinct activities.

Family members, by contrast, are not professional legal problem solvers. Their primary role is to support their loved ones. The treatments that family members provide often involve providing advice and are relatively simple compared to those provided by lawyers.

Police and insurance companies tend to intervene in legal problems in which a question of fault is central. Doing paperwork, talking to the other party, advising or deciding are the steps that police and insurance companies most often take in the resolution process. Almost all of their most frequent treatments are discrete interventions. The only instances of complex treatments—deciding for insurance companies and advising for police—are bundled with handling paperwork. This could be an indication of formal and rigid processes for dealing with cases.



Key findings

One average, 3.2 interventions were used per legal problem, and 2.5 interventions were applied per source of help

Of the legal problems identified as most serious and in which at least one source of help was involved, an average of 3.2 interventions were applied per legal problem. The average source of help applied 2.5 interventions.

Forty-one percent of legal problems in which at least one source of help was involved were resolved with one intervention, 18% were resolved with two, and 12% were resolved with three

This means that the majority of legal problems required a relatively simple treatment to be resolved. This finding makes a strong case for unbundling in the legal sector, which would allow people to pay for discrete interventions as needed rather than the costly “full service” (treatment) that lawyers and other sources of help typically provide.

For the 29% of problems that required 3 or more interventions to be resolved, more comprehensive packages of justice services may still be useful.

Giving advice, handling paperwork, and talking to the other party were the three most commonly used interventions across all problem types

These interventions are relatively simple and have potential to be delivered—depending on the type of advice provided—by non-lawyers such as paralegals and mediators as well as informal sources of help such as friends and family members.

Although these were the most common interventions across problem types, the types of interventions used did vary somewhat by problem type. Handling paperwork was more commonly used in criminal cases, for example, whereas talking to the other party was a more common intervention in neighbor problems.

Certain sources of help were more likely than others to use particular interventions in the resolution process

Family members, friends, and mental health professionals were more inclined to provide advice, whereas police, local agencies, insurance companies, and lawyers more often intervened by handling paperwork. In line with their traditional roles, lawyers provided legal representation

substantially more than any other source of help, and courts were the top provider of decisions.

Deciding the matter was the intervention most often associated with complete resolution

Mediating, handling paperwork, representing, and talking to the other party were also associated with complete problem resolution over 50% of the time.

It is not necessarily the case that these interventions resulted in more effective or satisfactory resolutions, however. It may be that interventions such as deciding and mediation are more associated with complete resolution because of their finality or binding authority, or because of the phase in the resolution that they typically take place.

Although no single intervention increased the chance of a legal problem being completely resolved, applying a greater number of interventions overall did

Applying a greater number of interventions significantly increased the chance that the problem was completely resolved. This means the quantity of interventions applied was an important element in successful resolution.

Although it was not possible to identify a single intervention that increased the chances of complete problem resolution, a multivariate statistical analysis did suggest that mediating, deciding, handling paperwork, and representing increased this probability significantly more than providing advice. Providing advice and referring were the interventions that completely resolved the smallest proportion of problems.

Taken together, these findings indicate that a greater number of interventions generally—and more tangible, hands-on interventions specifically—help increase Americans' chances of problem resolution.

Mediators, court systems, insurance companies, lawyers, and financial institutions all improved the chances of complete resolution through their interventions

These sources of help appeared to most effectively contribute to the complete resolution of a legal problem. This finding suggests that mediators and institutions from outside the justice sector have an equally important role to play in helping to resolve legal problems as traditional legal actors such as lawyers as courts. New justice pathways may need to be created to empower them to do so.

In most justice journeys, a single intervention comprised the entire treatment

Treatments comprising a single intervention such as providing advice, making a decision, or handling paperwork were among the most common. Only the seventh and ninth most common treatments consisted of more than one intervention.

Again, this suggests that unbundled legal services could potentially meet the needs of a large number of Americans while at the same time being more cost effective than traditional legal services. The relative simplicity of most justice treatments also represents an opportunity for a variety of different sources of help to facilitate resolution.

A greater number of unique treatments was applied to address personal injury and property damage, family problems, domestic violence, and employment problems than any other problem type

Together, these four problem types alone account for 55% of all treatments recorded in our dataset. This suggests that for these problem types in particular, there is no uniform approach to resolution. Sources of help working in these areas may benefit

from environments that enable them to deliver more creative and customized solutions, such as problem-solving courts focused on a particular problem type.

The treatments applied by lawyers are the most complex, whereas treatments provided by family members, police, and insurance companies are relatively simple

Lawyers apply multiple interventions to solve problems more often than other sources of help. Family members, by contrast, provide relatively simple treatments that primarily involve giving advice and handling paperwork. Police and insurance companies also typically provide treatments consisting of one intervention, such as deciding, advising, or handling paperwork.

This suggests that lawyers may be most helpful for resolving complex problems in which a variety of interventions are needed. In more simple cases, the intervention of a less traditional source of help could well be sufficient to solve the problem.

5

Legal information and advice



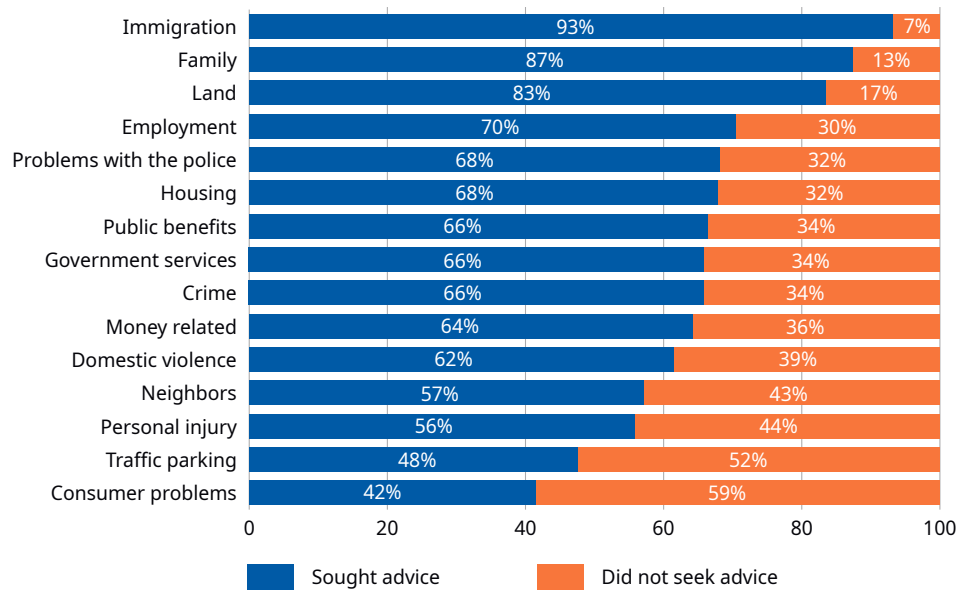
Seeking legal information and advice

We asked about legal information and advice in a broad sense. A source of legal information and advice is any place or person the respondent went to for information or advice about the available options or the legal process—this is distinct from sources of help described in the previous chapter. It is important to note that the questions refer to the specific legal problem selected as most serious.

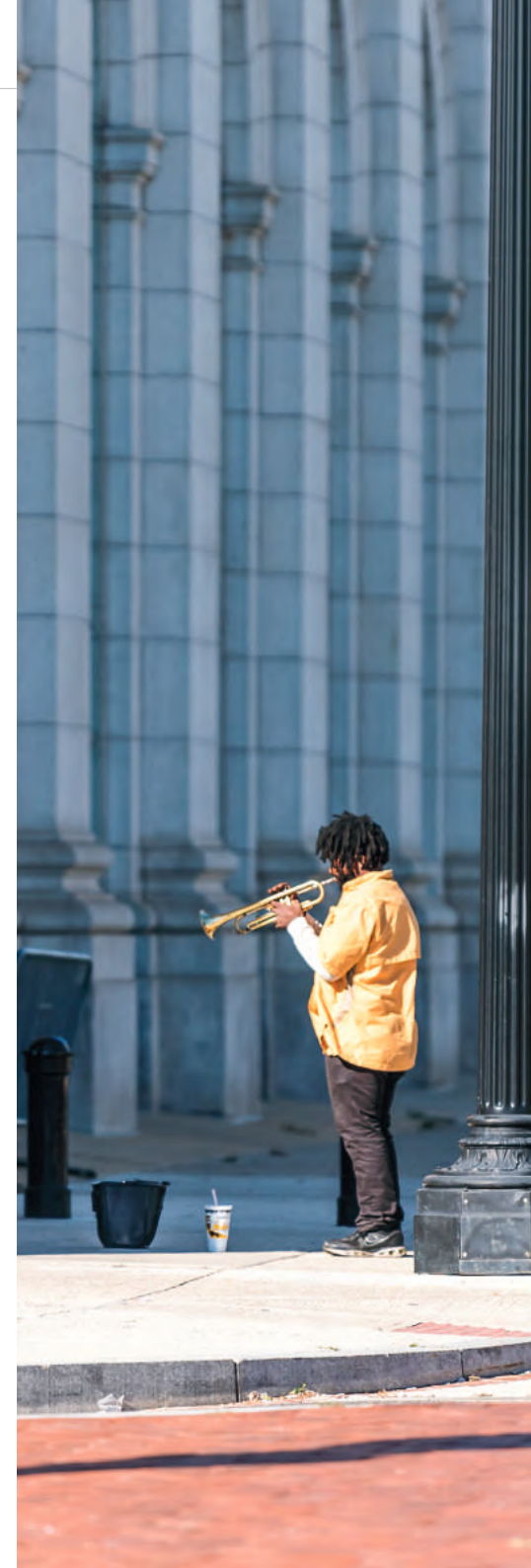
Overall, just under two-thirds (62%) of Americans reported that they sought legal information and advice. Looking at this data by problem type, respondents most often sought legal information or advice for immigration problems, family problems, and land problems. On the other end of the spectrum, Americans facing traffic/parking/ordinance issues and consumer problems were considerably less likely to seek legal information or advice.

Americans were more likely to seek legal information and advice for criminal problems.⁶¹ When the most serious legal problem was a criminal matter 67% said that they sought information or advice. In civil matters the percentage is 61.

Did you seek legal information and advice?



⁶² $\chi^2 (N = 6453) = 16.10, p < 0.00$



Demographic differences in advice seeking behavior

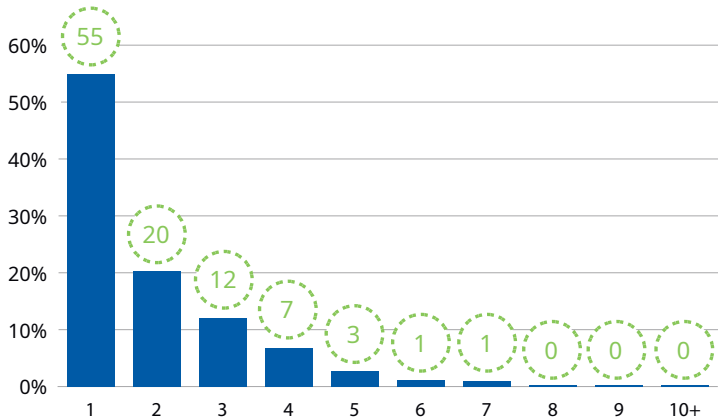
Race/ethnicity: Hispanics (at around 69%) sought legal advice more often than people from any other race/ethnicity background. Black Americans followed (64%). For the rest, the proportion ranged between 59%-62%.⁶²
 Age: the proportion of Americans that

sought legal advice increased linearly with increases in age, peaking at the 45-59 age bracket (around 65%). Both the youngest cohort (18-29) and the most senior one (more than 65) sought legal advice the least, at around 60%.⁶³

Of Americans who reported seeking legal information or advice, a majority (55%) looked to a single source. Only about one-fifth looked to two sources.

Americans who did not seek legal information and advice were more likely to report that their issue was completely resolved compared with those who did.⁶⁴ One possible explanation for this finding is that respondents who did not seek legal information or advice, on average, reported that their most serious issue was less serious than those who did (5.42 and 7.00, respectively). In other words, it is possible that less serious problems were more easily resolved without legal information or advice.

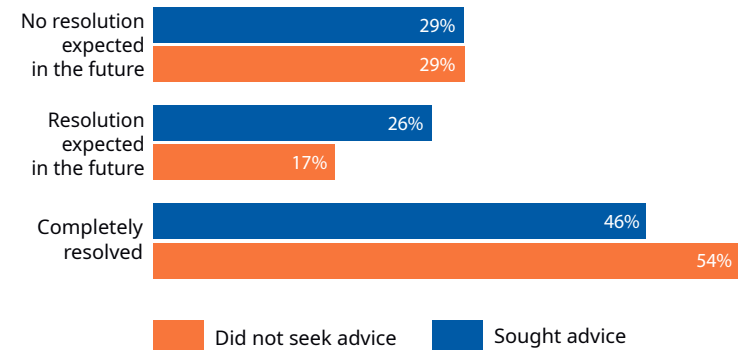
Number of sources of legal information and advice



⁶³ $\chi^2(N = 6,513) = 23.9440, p < 0.00$

⁶⁴ $\chi^2(N = 6,513) = 10.4649, p = 0.015$

Legal information and problem resolution



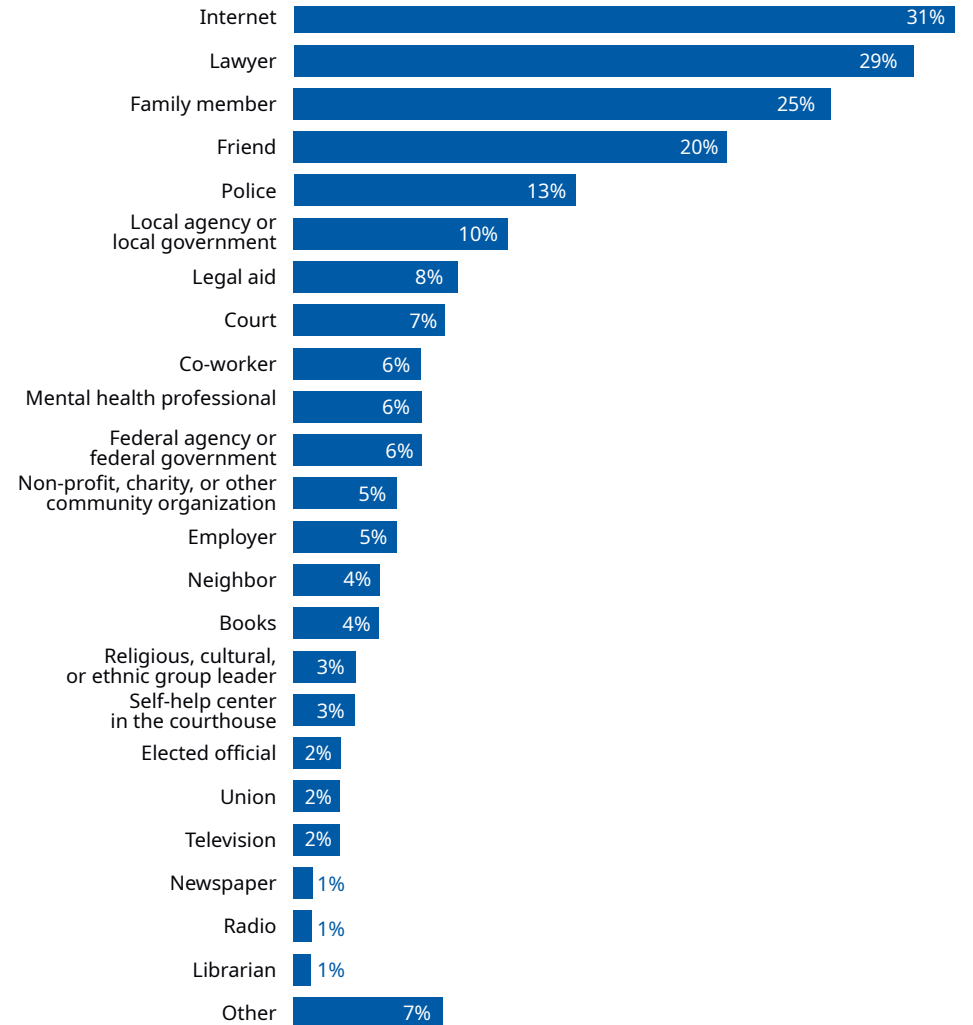
⁶⁵ $\chi^2(N = 6501) = 78.69, p = 0.001$

Sources of legal information and advice

Americans most frequently reported using the internet (31%), lawyers (29%), family members (25%), and friends (20%) for legal information and advice. Less than 10% of respondents reported going to most other sources. Among the least frequently used were newspapers, radio, and librarians.



Sources of legal information and advice



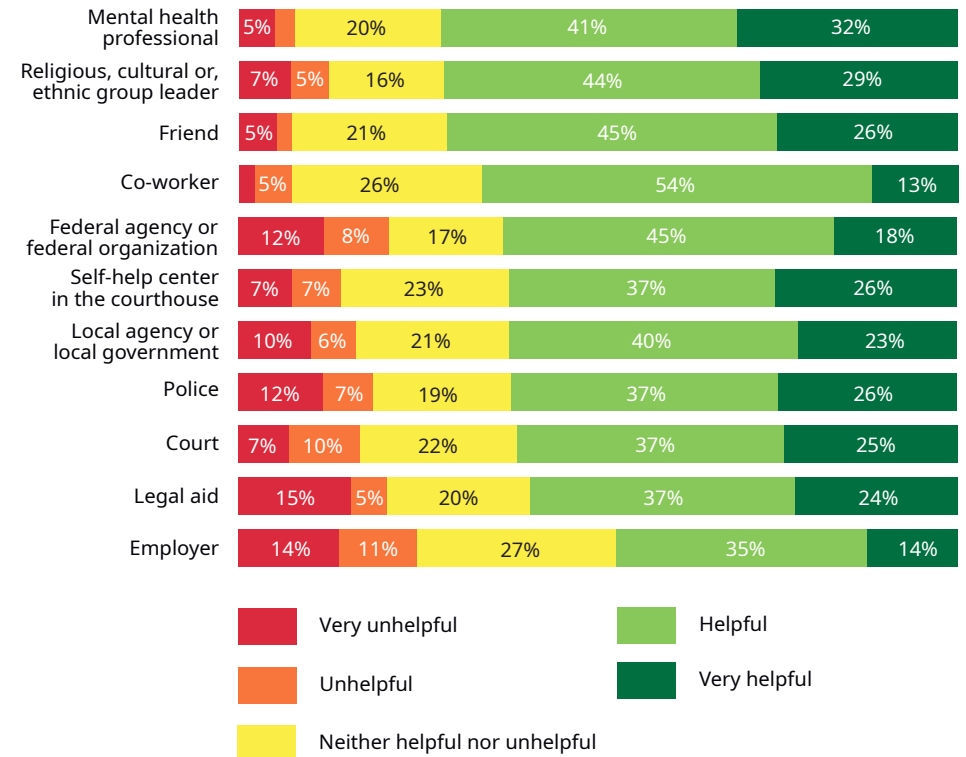
n=4029 respondents, 7901 sources of information or advice



Almost all sources of legal information or advice were considered helpful or very helpful by at least half of the respondents.⁶⁵ Among the most helpful were family members (78%); mental health professionals (72%); religious, cultural, or ethnic group leaders (72%); and friends (72%). While still considered helpful or very helpful by majorities of respondents, courts and legal aid were among the least helpful. Employers were least frequently considered helpful, with only 48.2% of respondents indicating this source of legal information or advice as helpful or very helpful.

⁶⁵We limited the number of sources for which we asked respondents to indicate helpfulness in order to reduce the total number of questions we asked respondents to answer. Specifically, we did not ask respondents to assess the helpfulness of unions, elected officials, librarians, newspapers, radio, television, or books, as we expected these would be infrequently used. We also omitted internet from the helpfulness question, as there are so many possible sources of help online and a broad helpfulness rating would be uninformative. Finally, we did not ask about the helpfulness of lawyers, which was an inadvertent omission.

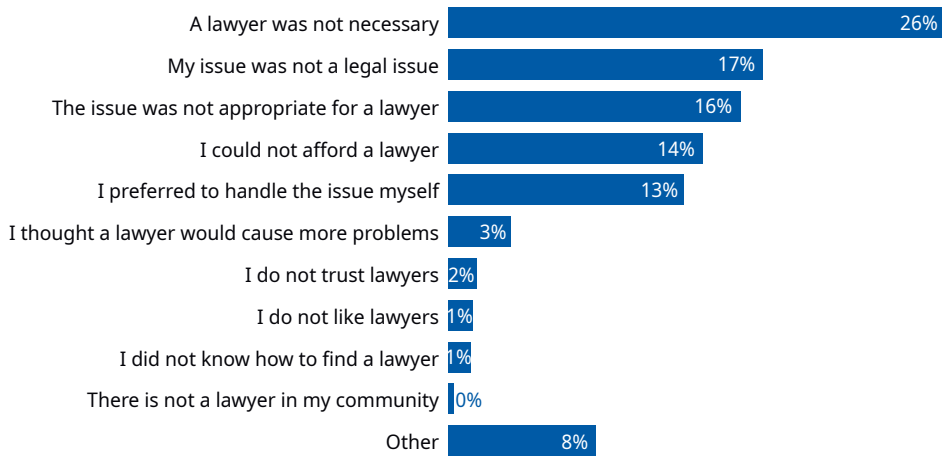
Helpfulness of the sources of legal information and advice



Some small percentages are not displayed in the chart.

We were particularly interested to understand why many Americans do not seek legal information and advice from a lawyer. Most commonly, respondents who did not do so reported that they did not consider a lawyer necessary (26%). Other common responses were that the issue was not a legal issue, the issue was not appropriate for a lawyer, the respondent could not afford a lawyer, or the respondent preferred to handle the issue themselves.

Reason for not using a lawyer



Types of help from sources of legal information and advice

Americans sought a variety of different types of help from sources of legal information and advice. The most frequently reported type of help that respondents sought from a source of legal information and advice was emotional support (52%). Other types of help that Americans commonly sought out included help understanding what to do to solve a legal problem (50%) and advice about rights and legal options (43%). Among the least frequently reported types of help were help reaching out to the other party, referral to another source for additional services, and financial support.

Types of help from sources of legal information and advice

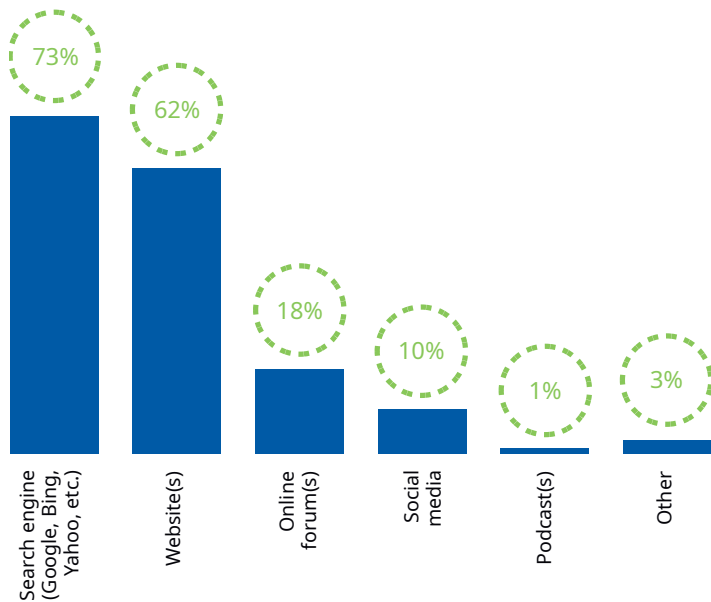


Legal information and advice on the internet

The internet was the most commonly reported resource for legal information and advice, with about 30% of respondents reporting accessing the internet to address their most serious legal problem. Notably, nearly two-thirds (63%) said that the information they found on the internet affected how they decided to resolve the problem.

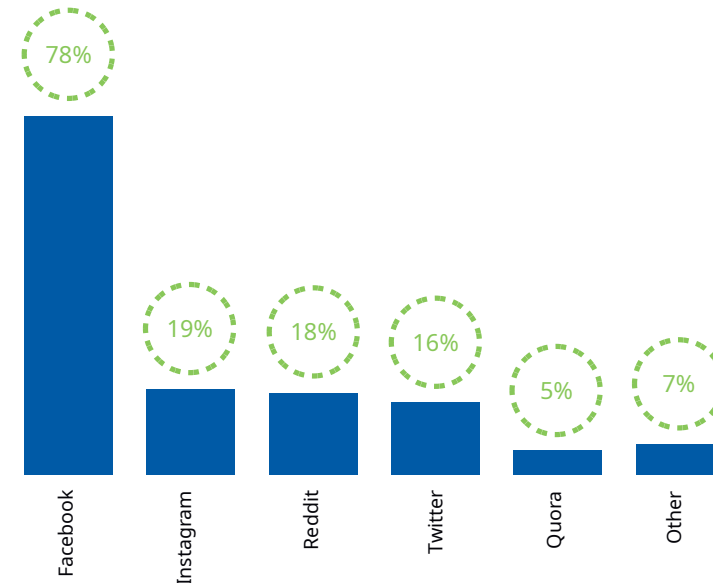
Of those who used the internet as a source of legal information and advice, nearly three-quarters (73%) used a search engine and almost two-thirds (62%) used specific websites. These two online resources were the most commonly used sources of legal information and advice across all problem types. Less frequently used were online forums, social media, podcasts, and other online resources.

Legal information on internet



Facebook was the most frequently used social media source of legal information and advice by a wide margin—and this was true across problem types. More than three-quarters (78%) of respondents who used social media indicated that they looked to Facebook for help resolving their most serious issue. Much smaller proportions of Americans reported using Instagram, Reddit, Quora, or other social media.

Legal information on social media

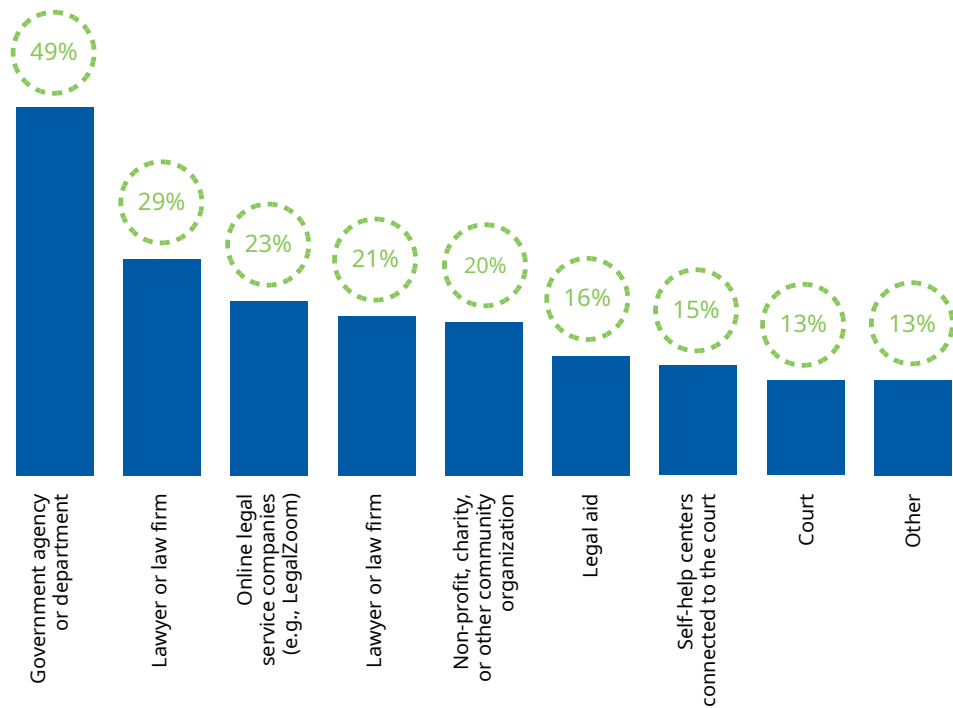


About half (49%) of respondents reported visiting government agency or department websites for legal information and advice, making this the most frequently used type of website. Much smaller, but still substantial, proportions of Americans went to the websites of lawyers or law firms, online legal service companies, online law libraries, and non-profit/charity/other community organization websites. Only 12.6% reported going to court websites for legal information and advice.

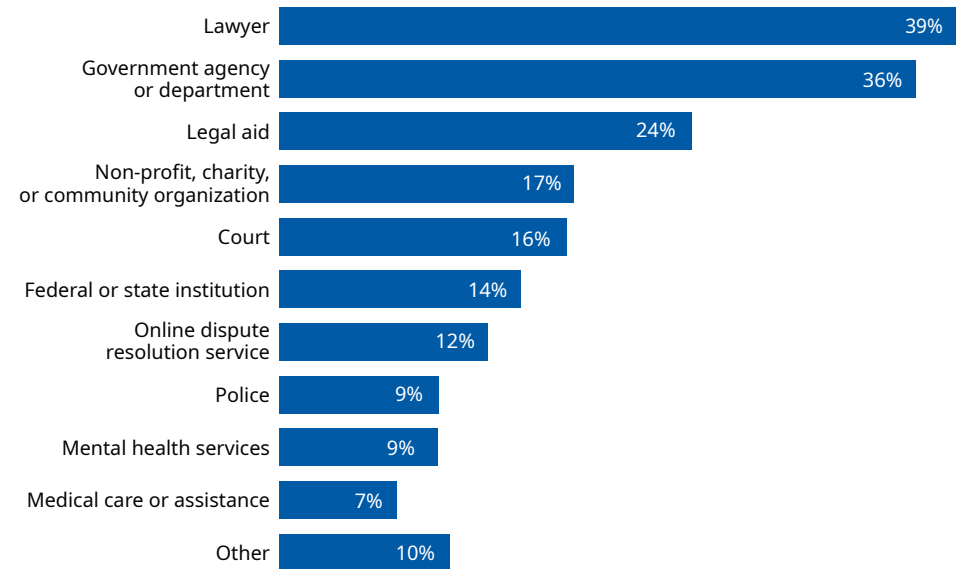
online law libraries, and non-profit/charity/other community organization websites. Only 12.6% reported going to court websites for legal information and advice.

More than one-third (38%) of respondents indicated that their internet sources referred them to another source. Of those who were referred, the largest proportions were referred to a lawyer (38%) or a government agency or department (36%).

Legal information on websites

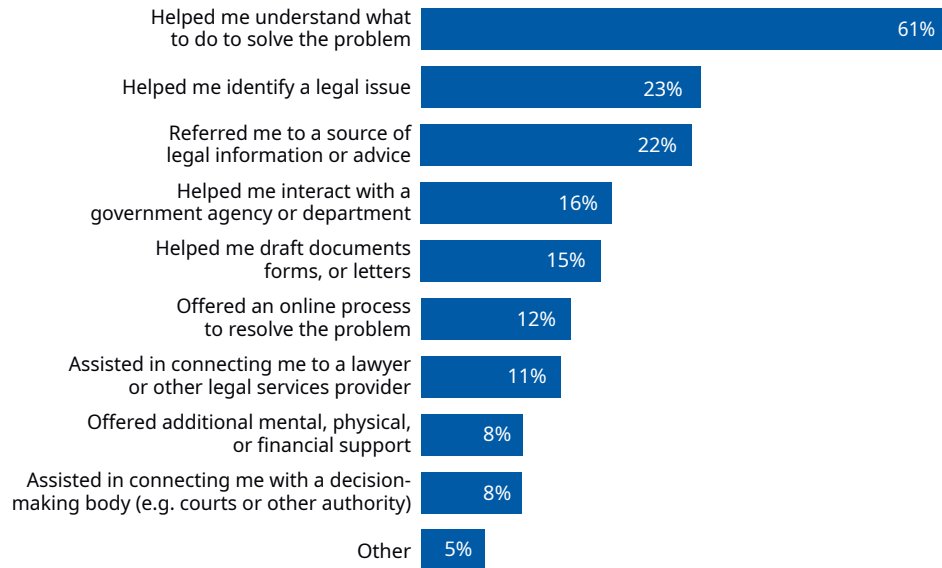


Referrals by internet sources



A considerable majority (60%) of Americans reported that the legal information and advice they found on the internet helped them understand what to do to solve their problem.

What legal information, advice, or services did your source for legal advice or information provide?



Reasons for not using the internet

We asked respondents who reported not seeking legal information or advice on the internet to explain why they chose not to. Most frequently, these respondents indicated that they felt they already knew enough (31%) or that they did not believe it would help them (30%). Very small proportions reported not using the internet for information and advice due to lack of access to the internet or lack of comfort using technology.

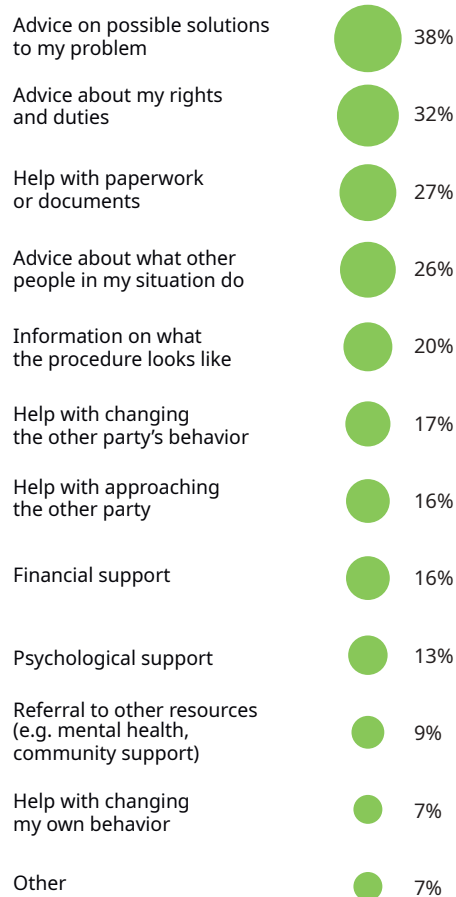
Reasons for not using the internet?



What makes legal information and advice valuable

Asked to reflect on the kinds of help they felt were most important for resolving a problem similar to their most serious legal problem, Americans most often said advice on possible solutions to the problem (38%), advice about rights and duties (32%), help with paperwork or documents (27%), and advice about what other people in that situation typically do (26%).

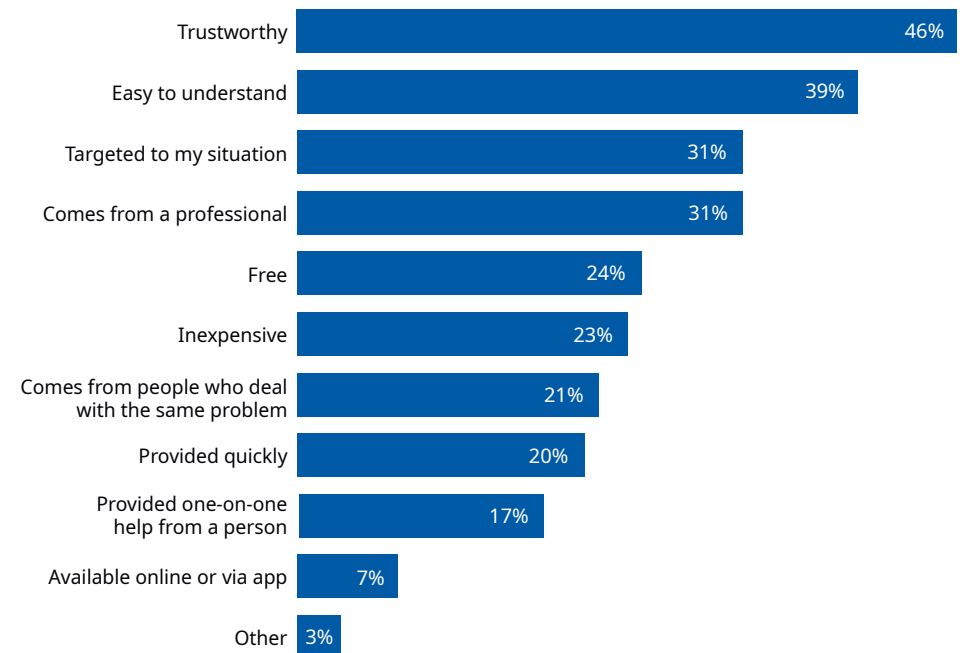
What makes legal information and advice valuable?



Finally, we asked respondents to indicate the three most valuable characteristics of legal information or advice for resolving a problem similar to their most serious legal problem. The characteristics that were most often considered valuable were: trustworthy (46%), easy to understand (39%), targeted to the situation (31%), and comes from a professional (31%).

Just under one quarter valued free or inexpensive resources. The least valued characteristics appear to be mode of service delivery: 17% reported in-person help was in their top three most valued characteristics of legal information and advice, while 6.7% reported that availability online or via app was in their top three.

What are the three most valuable characteristics of legal advice or information for resolving an issue similar to yours?



Key findings

Most Americans sought legal information or advice to address their most serious legal problem

Roughly two-thirds of respondents reported that they sought legal information or advice for their most serious legal problem. The majority of these individuals only looked to a single resource for help. The finding that most Americans did not “shop around” in the process of accessing justice suggests that the quality of the first source of information or advice individuals access is particularly important.

Americans were most likely to seek legal information and advice for immigration, land, and family problems. This may be related to the finding—elaborated in Chapter 1—that these problems are the most expensive problem types to resolve.

Counterintuitively, Americans who chose not to seek legal information or advice were more likely to completely resolve their legal problems than those who did. This is likely explained by the fact that respondents who did not seek legal information or advice, on average, reported that their most serious legal problem was less serious than those who did. This suggests that

Americans are more likely to seek legal information advice when they are faced with a serious problem that is difficult for them to resolve on their own.

The most popular sources of legal information and advice were the internet, lawyers, family members, and friends

Americans relied on a variety of sources of information and advice in the process of resolving their most serious legal problem. Although lawyers were a relatively widely accessed resource, a substantial portion of the respondents sought information and advice from non-lawyers. This demonstrates the extent to which Americans seek assistance for their legal problems outside of the traditional legal system.

Family members, mental health professionals, religious, cultural, or ethnic group leaders, and friends were seen as the most helpful sources of legal information and advice

That said, almost all sources of legal information or advice were considered helpful or very helpful by over half of the respondents. Courts and legal aid for example—which was regarded as

one of the least helpful resources, was still regarded as helpful or very helpful by the majority of respondents.

This means that Americans not only sought legal information and advice from a variety of informal and non-legal sources—they also found it more helpful than the information and advice provided by traditional sources such as lawyers, courts, and legal aid.

Americans who did not legal seek information and advice from a lawyer most often did not consider it necessary to solve their problem

When asked why they did not seek information or advice from a lawyer, respondents in this category most often reported that it was because they did not consider a lawyer necessary to solve their problem. Other common reasons given for not seeking information or advice from a lawyer were that:

- The problem was not legal in nature;
- The problem was not appropriate for a lawyer;
- The respondent could not afford a lawyer; and
- The respondent preferred to handle the issue themselves.

This further suggests that not all legal problems are perceived as legal problems or require legal solutions. The role of a lawyer in providing legal information and advice should vary by problem type. Reflecting on the value lawyers do provide and identifying where they can be most helpful is an important step in the process of developing more holistic justice solutions.

The type of help that Americans most often sought was emotional support

Just over half of all respondents who sought legal information and advice reported looking for emotional support. Other frequently reported types of help included help understanding what to do to solve a legal problem and advice about rights and legal options.

The importance of emotional support in the course of American justice journeys makes clear the psychological costs that come with ongoing or unresolved legal problems. It is also not a kind of help that lawyers and other traditional providers are typically well-positioned or equipped to provide. Again, our findings indicate the importance of developing more holistic justice solutions that meet

a wide range of needs for support, information, and advice.

Nearly two thirds of Americans reported that information they found on the internet affected how they decided—and often helped them to decide how to resolve their problem

The internet was the most commonly used resource for legal information and advice, with about 30% of respondents reporting going to the internet to address their most serious problem. Of those who used the internet as a source of legal information and advice, search engines and specific websites were the most commonly relied upon online resources across all problem types.

A considerable majority of respondents reported that the legal information and advice they found on the internet helped them understand what to do to solve their problem.

Only small proportions of Americans who reported not using the internet as a source of legal information or advice attributed this to lack of internet access or lack of comfort using technology. For the majority of respondents in this category, it was because they felt they already knew enough or they did not believe it would help them.

The popularity of the internet as a source of legal help make a strong case for greater investment in the quality of information and advice that is available online. They also make clear the value of meeting people facing justice problems where they are. Especially in the times of COVID-19, this is often at home in front of a computer or a phone screen.

Americans considered advice on possible solutions and advice about rights and duties the most important kinds of help for resolution

Over a quarter of respondents also found help with paperwork or documents and advice about what other people do in that situation important. The least frequently desired kinds of help were referrals to other resources and help with changing one's own behavior.

Sources of legal information and advice that were trustworthy, easy to understand, targeted to the situation, and professional were considered most valuable for resolution

Over 30% of respondents considered these the most valuable characteristics

of legal information or advice. Just under one quarter of the respondents valued free or inexpensive sources of legal information or advice. This suggests that Americans may be willing to pay for high quality help that is reliable, user-friendly, and responsive to their unique situation.

The least valued characteristics related to the mode of service delivery. For Americans looking to resolve a legal problem, the nature and quality of the legal information and advice they received was more important than whether it was delivered in-person, online or via an app.



Focus chapter 1: Employment problems



In this chapter and the one that follows, we take a closer look at two problem types in particular: employment and debt and money-related problems. These were selected because of their unique relevance in the US context, based on a number of criteria:

- Problem types that Americans often face;
- Problem types that are particularly serious and impactful for Americans in general, and which disproportionately impact vulnerable groups in society;
- Problem types that are most often assessed as the most serious problem Americans have faced as a result of the COVID-19 pandemic. Given this assessment, we anticipate these will be serious problems in the US in the coming years.

We recognize that readers might be interested in other problem types and the justice journeys Americans take to resolve them. The depth of the survey data collected allows for further exploration. Interested readers can navigate justice journeys on their own, using the project's online dashboard at <https://dashboard.hiil.org/US>

In this focus chapter, we discuss the nature and impact of the employment

problems Americans faced in the past four years. We provide an overview of their justice journeys, including their experience with resolution and the outcomes they achieved.



Americans suffer from a variety of employment problems

The graph to the right shows the distribution of specific work and employment-related legal problems in the population. Americans with employment problems do not experience a single type of employment problem noticeably more than others. There are, however, six types of problems that at least one in five Americans reporting employment problems experience.

The nature of these problems is varied, ranging from disputes over time off to dangerous working conditions, discrimination at work, unfair termination of employment, and different types of harassment at work, including sexual, physical or mental harassment.

Specific work and employment problems



n=1551

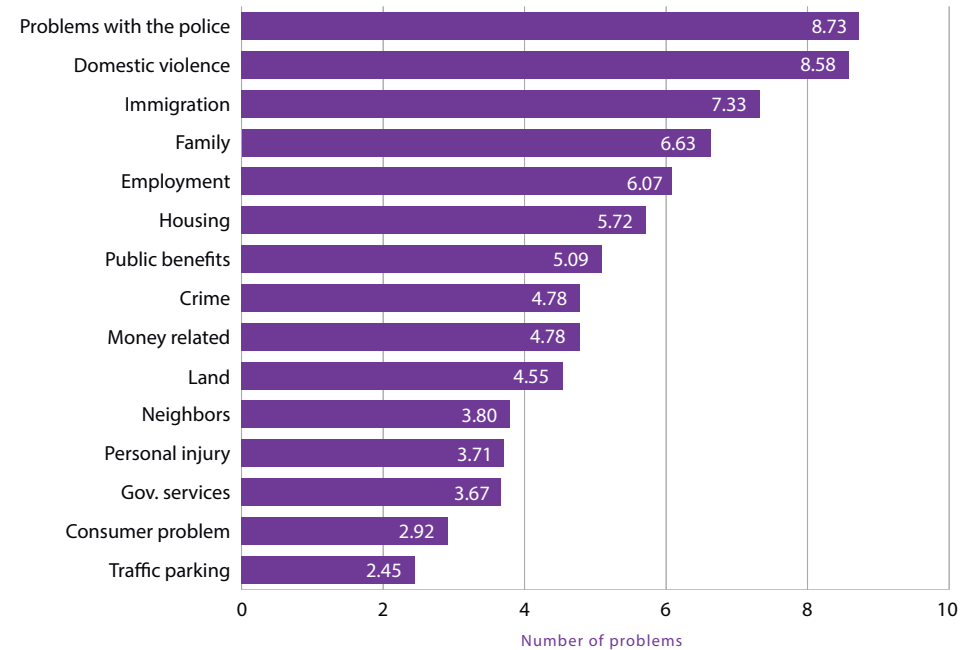
The unique impact of employment problems

Employment problems impact the lives of Americans—and vulnerable groups in particular—in ways that few other legal problem types do.

One-sixth of all Americans faced one or more employment problems in the past four years. Employment problems are common, but not among the most prevalent problem types in the US, which include: personal injury, consumer, and traffic and parking-related problems.

When an individual reported an employment problem as their most serious legal problem, they had on average five other legal problems to deal with. The chart to the right shows that the average number of co-occurring problems associated with employment problems is above average at 4.9.

Average number of problems by most serious category



Employment problem prevalence across income, gender, race/ethnicity, and age

The chance of facing one or more employment problems is not equally distributed throughout the population, however. Poorer Americans, women, Black (non-Hispanic) and Hispanic Americans, and young people were more likely to identify an employment problem as their most serious legal problem than other groups.

Household income: Poorer Americans encountered employment problems more often (around 30% for those reporting at least one problem with a household income of less than \$50K annually) than wealthier Americans (22-27%).⁶⁶

Gender: Among those who reported at least one problem, women (27%) were more likely than men (23%) to face employment problems.⁶⁷ Distinctive among women is the prevalence of different types of harassment at work (36%), which they experienced at a rate more than two times higher than men (16%).

⁶⁷ $\chi^2(N=6,513)=31.7274, p<.00$

⁶⁸ $\chi^2(N=6,513)=15.2781, p<.00$

Race/ethnicity: Employment problems were the second most common problem type among Black (non-Hispanic) and Hispanic Americans.

Age: Americans in the youngest age group (18-29) were the most likely to experience employment problems (32%).⁶⁸ The prevalence of employment problems decreases as age increases. This is likely the reason for the low prevalence of employment disputes related to pension and retirement.

Many employment problems were attributed to the COVID-19 pandemic

Out of all the legal problems considered most serious from the start of the COVID-19 pandemic to the time that the survey was administered, employment problems were identified as a consequence of the pandemic (54%) more often than any other problem types, with the exception of immigration.

⁶⁹ $\chi^2(N=6,513)=121.4816, p<.00$

Many Americans struggled to resolve their employment problems

Americans facing employment problems took action towards resolution at a below average rate (67%). This means that 33% of the people whose most serious problem was an employment problem effectively ended their justice journey before even starting it.

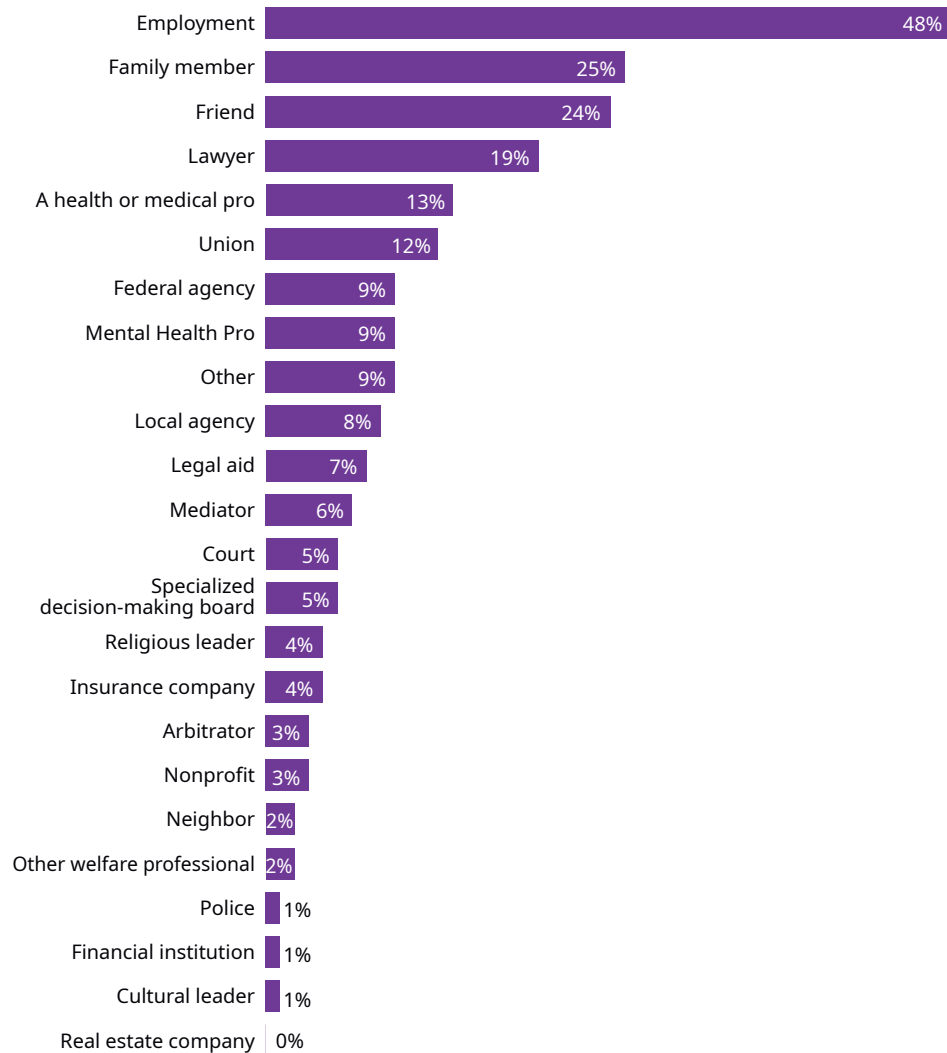
Socio-demographic factors did not play a role in Americans' propensity to take action to resolve their employment problem.

Justice journeys focused on resolving employment problems largely remained within the workplace

One out of every two Americans (48%) who identified an employment problem as their most serious engaged their employer directly. The next most popular sources of help for employment problems were informal—namely friends and family members—followed by lawyers.



Average number of problems by most serious category



Employment justice journeys across income, gender, and race/ethnicity

The paths that Americans who identified an employment problem as their most serious took towards resolution were influenced by their household income, their gender, and their race/ethnicity.

Household income: Americans in the lowest income group (those with household incomes of less than \$25K per year) were less likely than those in the other income groups to engage their employer (32%) in their paths to employment problem resolution, but more likely to engage “other” sources of help. This suggests the presence of uncovered mechanisms among them.

Gender: Women were more likely than men to engage friends (30% v. men 17%), family members (30% v. men 19%), and medical and mental health professionals (13% v. men 5%) for help resolving their employment problems.

Race/ethnicity: More than 60% of Black (non-Hispanic) Americans with employment problems engaged their employers directly. That is significantly more than Americans in other racial/ethnic groups, who engaged their employer at rates between 33% and 47%.⁶⁹ This occurred in spite of the fact that many Black Americans in the sample were in lower income groups.

⁷⁰ X²(N =394) =675.6053, p= 0.038



Employment problems were resolved at a below average rate

Employment problems were among the most impactful problem types in the US. Even so, when we look at the resolution status, we see that a disproportionate portion of employment problems were abandoned without any expectation of resolution. Conversely, only about a third of the Americans whose most serious problem was employment could get their problem resolved—a very small proportion compared to other problem types.

There is no statistically significant difference in the average impact of the employment problem across the three different resolution statuses.

Around 60% of the employment problems identified as most serious occurred between 2018 and 2020. Still, older problems were more likely to be abandoned, as is presented in the table to the right.

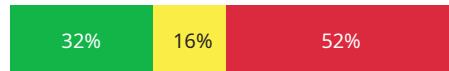
	When did your employment problem start (year)?						
Resolution status	Before 2015	2015	2016	2017	2018	2019	2020
Completely resolved	28%	32%	41%	33%	35%	37%	23%
Resolution expected	14%	2%	8%	9%	15%	18%	31%
No resolution expected	58%	66%	52%	59%	50%	46%	46%

Resolution status

Other problems



Employment problems



- Completely resolved
- Resolution expected in the future
- No resolution expected in the future





The outcomes of employment justice journeys are often unsatisfactory

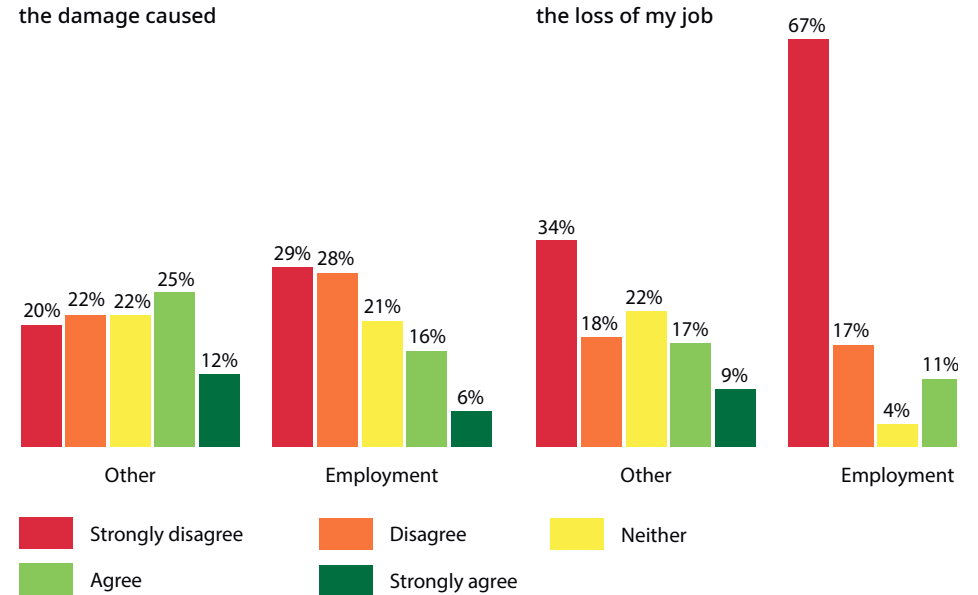
Employment problems are not only uniquely difficult to resolve—they also seem to deliver unsatisfactory outcomes. A detailed look to the outcomes achieved by those who completely resolved their employment problem shows that, out of the eight possible consequences that an outcome could potentially address, only two—“the outcome restored the damage caused” and “the outcome restored the loss of my job”—were significantly different between Americans with employment problems and people with other problems.⁷⁰

The graph to the right shows that those who completely resolved their employment problem were deeply dissatisfied with the quality of the outcome they received. This is particularly apparent when respondents were asked to evaluate if the outcome they received restored the loss of their job. A similar, but more nuanced picture emerges from respondents’ evaluation of whether the outcome restored the damages caused by the problem.

Outcomes

The outcome restored the damage caused

The outcome restored the loss of my job



⁷⁰Two of these consequences were discarded because of a low number of observations, and four did not show statistically significant differences between groups.

In general, when asked how the outcome helped to resolve a particular problem, we found no differences between people with employment problems and those with other problem types. The only exception was the finding that people with employment problems report that the outcome failed to resolve their problem at a higher rate (16% v. 9%).

Taken together, these findings reveal the following:

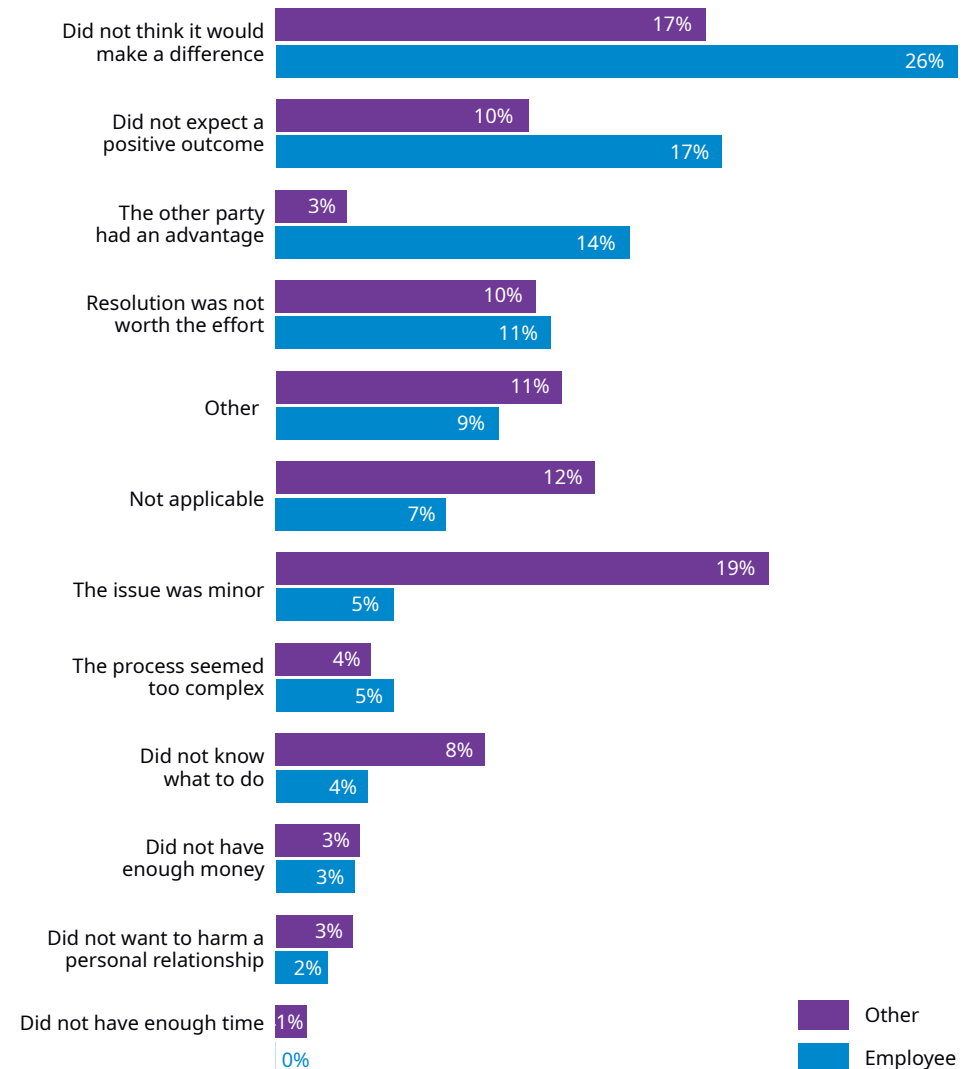
- People with employment problems took action to resolve their problem less often than people with other problems;
- Completely resolving an employment problem is difficult; and
- Even people who did achieve a particular outcome usually did not find that outcome satisfactory—either because it did not resolve the problem, did not address the most important consequences of the problem, or both.

Americans were less hopeful about their ability to resolve employment problems than other problem types

We asked Americans who did not take action to resolve their employment problem what kept them from doing so. The table below shows that, in contrast to other problem categories, the main reason was hopelessness. One in four people reported that they did not think taking action would make any difference. 17% said that they did not expect a positive outcome to result from doing so. People with employment problems were also almost five times more likely than people facing other types of problems to report that they thought the other party had the advantage.

For people with other problems, the most common reason for not taking action was that the issue was minor. This lends support to the hypothesis that people either abandon or do not take action towards resolving a legal problem when they feel they can go on with their lives in spite of it.

Main reason for not taking action





Key findings

Americans experienced a variety of employment problems, often alongside other legal problems

One sixth of all Americans faced one or more employment problems in the past four years. The nature of these problems varied, but most commonly included: disputes over working hours, leave, or vacation; physical, sexual, or mental harassment at work; dangerous working conditions, injury at work, or work accidents; unfair termination of employment, employment discrimination; and non-payment of wages, benefits, or overtime pay.

In addition to these problems, Americans with employment problems were dealing with 5 other problems on average—an above average number of co-occurring problems.

The burden of employment problems was not borne equally across society

Poorer Americans, women, Black (non-Hispanic) and Hispanic Americans, and young people were more likely to identify an employment problem as their most serious legal problem. Women also experienced harassment at work at a rate more than two times higher than men.

The higher prevalence of employment problems among these socio-demographic groups may be a manifestation of their historical marginalization and disempowerment in the workplace.

Employment problems were attributed to the COVID-19 pandemic more than any other problem type, except immigration

Fifty-four percent of Americans who identified an employment problem as their most serious legal problem attributed it to the COVID-19 pandemic. This is unsurprising given that US employment rates reached unprecedented levels after the onset of COVID-19. In light of the previous key finding, it is also worth noting that women, Black and Hispanic Americans, and young people experienced higher employment rates during the pandemic than other groups.

Many Americans chose not to take action to resolve their employment problems

Americans facing employment problems took action towards resolution at a below average rate, compared to other problem types. As a result, a third of those whose most serious problem was an employment problem effectively ended their justice journey before even starting it.

Employment problem resolution is often pursued within the workplace, though this varies by income, gender, and race/ethnicity

Employers were by far the most frequently engaged source of help in the path towards employment problem resolution, followed by family members, friends, and lawyers. Americans with household incomes of less than \$25K per year were less likely than other income groups to engage their employer, whereas Black (non-Hispanic) Americans were considerably more likely to do so than Americans of other races/ethnicities.

A disproportionate number of Americans who faced employment problems abandoned them before reaching resolution

Compared to other problem types, a disproportionate portion of employment problems were abandoned without any expectation of resolution. Only about a third of the Americans whose most serious problem was employment could get their problem resolved.

The outcomes that Americans with employment problems achieved were often unsatisfactory in that they did not resolve the problem or did not address its most important consequences

Even those who did completely resolve their employment problem were by and large deeply dissatisfied with the quality of the outcome they received.

Americans were uniquely pessimistic about the value of taking action to resolve their employment problems

Many Americans reported that they did not take action to resolve their employment problem because they did not think it would make any difference (26%) or because they did not expect a positive outcome to result from doing so (17%). Americans with employment problems were also considerably more likely to be discouraged from taking action by the perception that the other party had an advantage than were Americans with other types of problems.

These findings may be a result of the power imbalance that typically characterizes the hierarchical relationship between employers and their employees.

There is significant room for improvement in the quality of employment justice journeys Americans experience

Taken together, these findings make clear the great extent to which paths to resolution of employment problems can be improved. Uncovering the reasons why problems related to work and employment are so often abandoned, unresolved, or resolved with unsatisfactory outcomes is all the more important given the extent to which employment problems and their unequally distributed impacts have been exacerbated by the COVID-19 pandemic.

Focus chapter 2: Debt and money-related problems



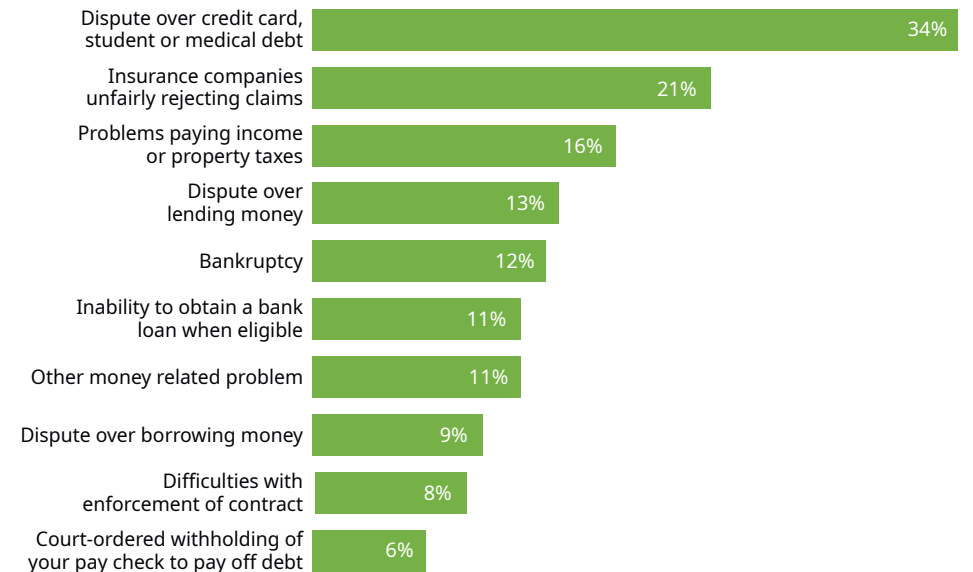
In this second focus chapter, we zoom in on debt and money-related problems, discussing the nature and impact of the money-related problems Americans faced in the past four years. We provide an overview of their justice journeys, including their experience with resolution and the quality of outcomes they achieved.

One third of Americans with money-related problems faced disputes over debt

Of all Americans who reported having at least one money-related problem in the past four years, one third experienced a dispute over credit cards, student, or medical debt. There is a considerable drop of more than 10 percentage points to the second most common type of money-related problem: insurance companies unfairly rejecting claims. Disputes over credit cards, student, or medical debt are so prominent that they occurred more than twice as often as the third most common category: problems paying income or property taxes.



Specific debt and money-related problems



n=1641

The growing impact of money-related problems

Money-related problems affected a sixth of Americans over the past four years. Approximately one in three people who experienced a money-related problem identified it as their most serious legal problem. Americans who report a money-related problem as their most serious legal problem also report facing, on average, three other legal problems.

The impact of money-related problems was highest among American households making \$50-74K per year

Household income: The average impact score of money-related problems is lowest in the highest and lowest household income groups (among Americans whose annual household income is either less than \$25K or \$100K or more). The average impact score of money-related problems is highest among Americans with household income of \$50K-\$74,999 per year.

Americans in the highest income bracket reported above average rates of problems related to insurance companies unfairly rejecting claims (31%), while the lowest income bracket shows above average rates of disputes over borrowing money (16%).

Many money-related problems were attributed to the COVID-19 pandemic

Around 33% of the most serious problems that emerged in the period between March and August 2020—the onset of the COVID-19 crisis—in the money-related problem category are attributed to COVID-19, which is above the 26% average.

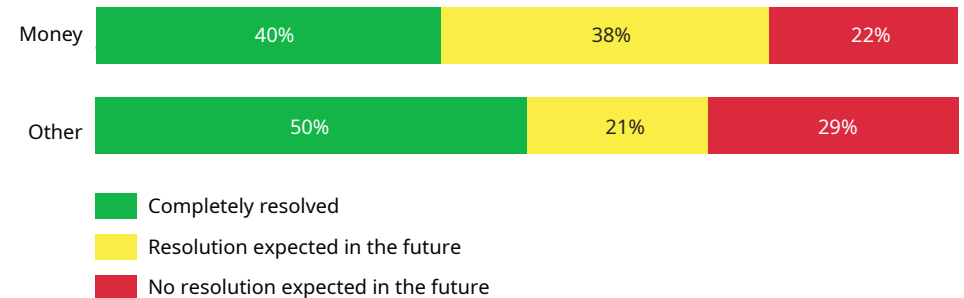
When faced with a money-related problem, Americans usually tried to resolve it

Four out of five Americans whose most serious problem was money-related took action to try to resolve it. Taking action is so common that there are no significant differences associated with demographic characteristics.

Paths to resolution of money-related problems were varied and often incomplete

At the time the survey was conducted, four out of every ten money-related problems that Americans identified as their most serious problem were still ongoing. That is almost twice the average rate of ongoing (not yet resolved) problems for all problem types. This suggests that these money-related problems were less likely to be completely resolved and more likely to remain in a process of resolution, relative to other problem types.

Resolution status

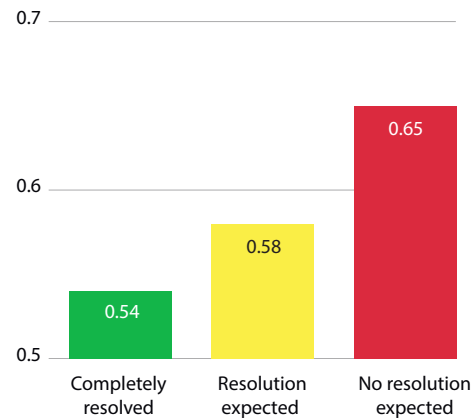


The exception to the rule: abandoned money problems were more impactful on average

Out of all the problem types in which the average impact score varied significantly by resolution status, money is the only one in which abandoned problems had a higher average impact score. For all other problem types, problems that remained ongoing had the highest average impact score.

The graph to the right hints at extraordinary difficulties and barriers that Americans face at the time of trying to resolve their money-related problems.

Average impact score by resolution status

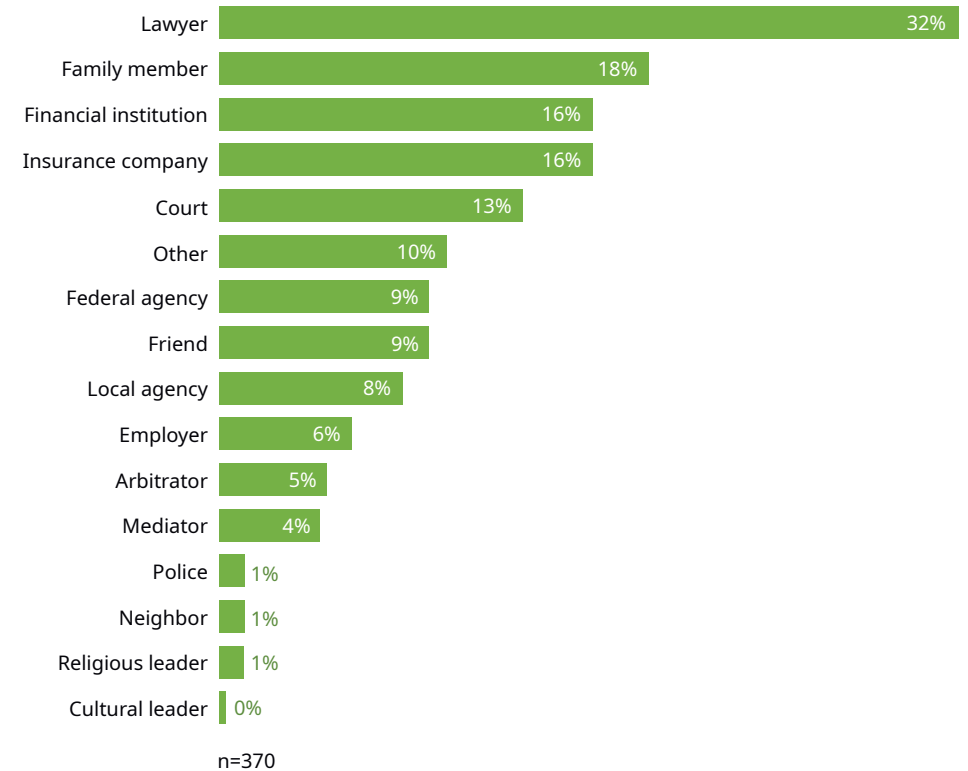


Americans relied primarily on lawyers and family members for help resolving money-related problems

Approximately one in three Americans who engaged at least one source of help in attempting to resolve their money-related problem engaged a

lawyer. Out of the 15 problem types included in the survey, money-related problems is one of only six in which lawyers are the most commonly engaged source of help. Family members follow as the second most relied upon source of help.

Sources of help in money-related problems



Financial institutions and insurance companies play a bigger role in the resolution of money-related problems than any other problem type, with the exception of personal injury and property damage, public benefits (in the case of insurance companies), and crime (in the case of financial institutions).

Debt and money-related justice journeys varied across income, gender, race/ethnicity, and age

Household income: When faced with money-related problems, Americans in the highest income group (household income more than \$100K per year) engaged lawyers relatively less often than did people in lower income groups, with the exception of the lowest (household income of less than \$25K per year). Still, as shown in the graph below, lawyers were the most common source of help for this income group.

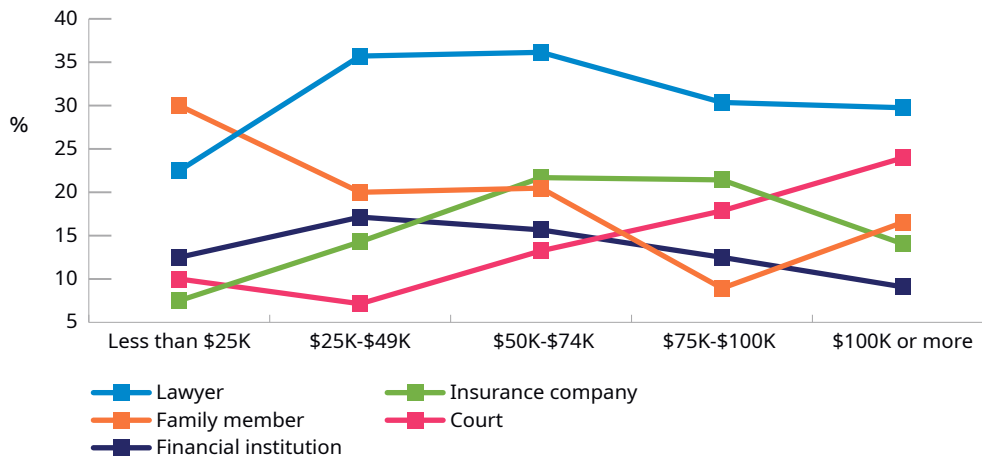
Americans in the lowest income group were also less likely to engage financial institutions to resolve their money-related problems than any other income group.

Gender: For the most part, men and women who faced money-related problems engaged with similar sources of help. Men (16%) were more likely than women (10%) to engage courts, however.

Race/ethnicity: Black (non-Hispanic) Americans engaged courts to resolve their money-related problems more often (30%) than other racial/ethnic groups (approximately 13%). They also engaged arbitrators (9%) more often than did white (non-Hispanic) (4%) or Hispanic Americans (2%).⁷⁰

Age: Americans in the youngest age group (between 18-29) engaged lawyers at a lower rate (19%) than Americans in all other age groups (30% and above, peaking in the 30-44 age group with 37%). For help resolving their money-related problems, the youngest age group was most likely to engage a family member. Insurance companies and financial institutions follow as the next most popular sources of help among young Americans with money-related problems. The youngest age group is also the least likely of all the age groups to engage courts (together with the 60+ at 8%).

Top sources of help per income groups



⁷² $\chi^2(N=370) = 437.0909, p < 0.000$



The quality of justice outcomes Americans with money-related problems achieved was similar to the that of Americans with other types of problems

Answers to questions regarding the extent to which the outcome of the justice journey restored the damages caused by money-related problems do not differ from those provided by people with other problem types.

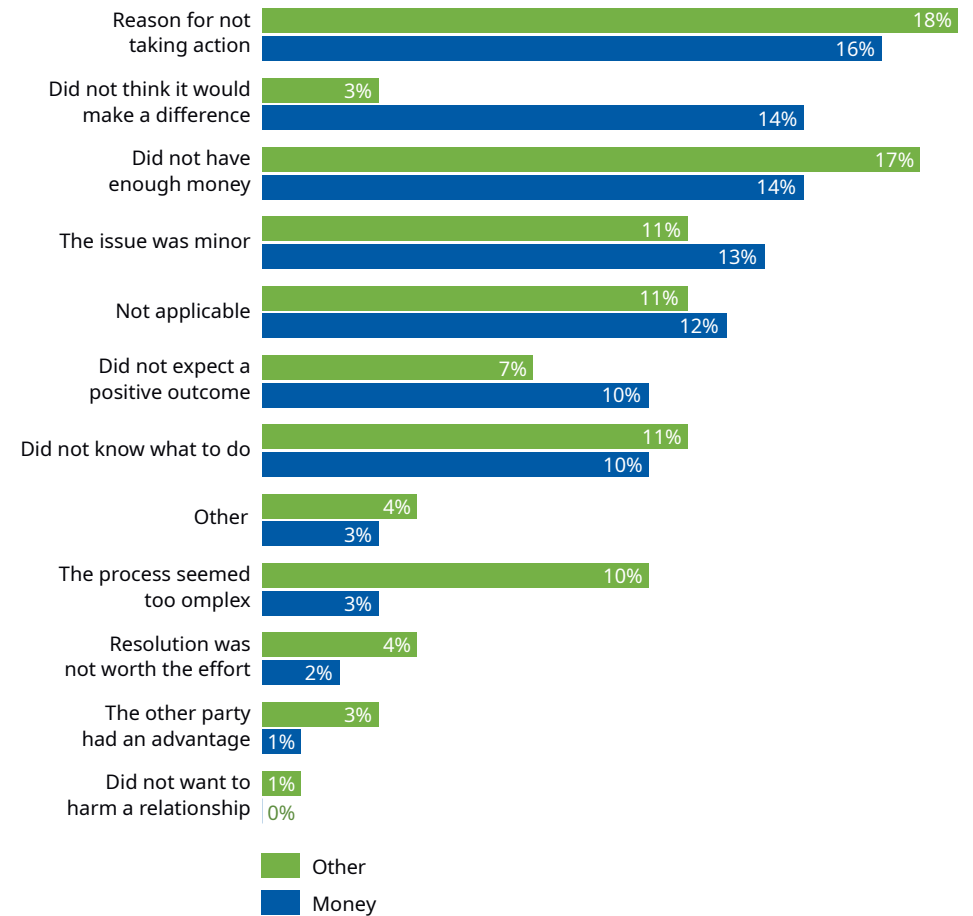
As described in Chapter 3 on justice journeys, Americans who resolved their legal problem and achieved an outcome were in general dissatisfied with the way it addressed damages caused by the problem in the first place, or the extent to which it restored the time and money they lost.

It is expensive to be (relatively) poor: lack of money was a deterrent for action

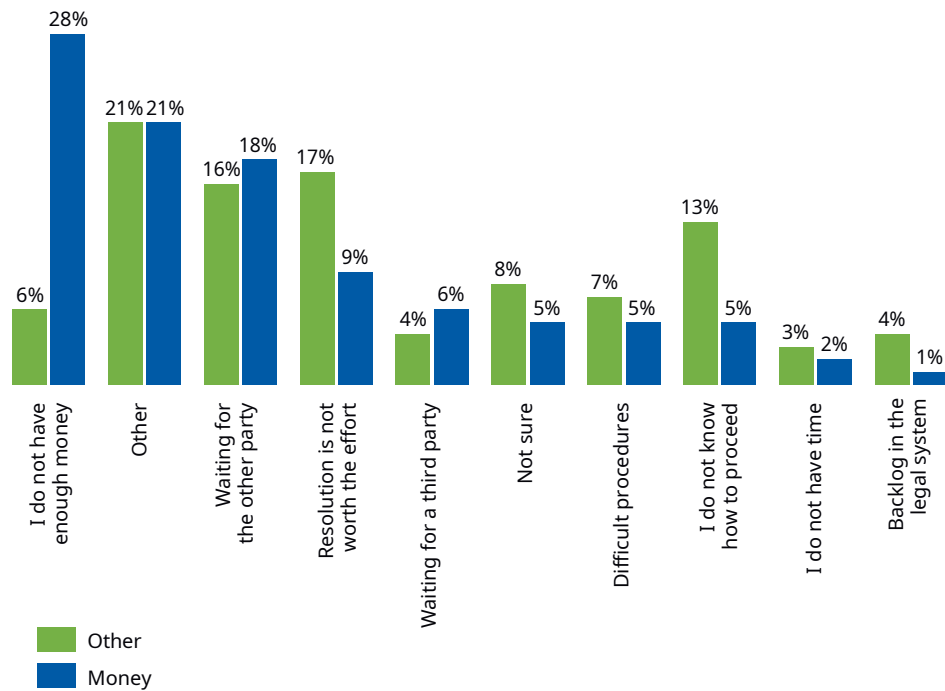
The most noticeable difference between the main reason that Americans who faced money-related problems provided for not taking action and the main reason that Americans who faced other problem types provided is the answer category “did not have enough money,” which is overrepresented in the former category.

While we did not find demographic differences in the propensity to take action, this data suggests that monetary losses made it difficult for everyone—regardless of their income—to take action and/or completely resolve their money-related problems.

Main reason for not taking action



Reasons for not resolving the problem



Key findings

One third of Americans with money-related problems faced disputes over debt, and this is likely to rise as a result of COVID-19

Disputes related to credit card, student or medical debt were more common compared to other types of money-related problems. Debt-related disputes occurred more than twice as often as the third most common money-related problem sub-category.

The prevalence of debt-related disputes compared to other money-related problems was likely exacerbated by the COVID-19 pandemic, which put many Americans under financial strain as a result of job loss and a paralyzed economy. Between 2019 and 2020, US consumer debt rose by \$800 billion (by 6%, the highest annual growth rate recorded in a decade) to a record high of \$14.88 trillion.⁷³ This hypothesis is supported by our finding that an above average proportion of money-related problems identified as the most serious (33%) were attributed to COVID-19.

Even before the pandemic however, the US faced a mounting consumer debt crisis. In 2019, Americans were burdened by an average of \$35,620 in student loan debt and \$6,194 in credit card debt.

The impact of money-related problems is broad but varies across income groups

Money-related problems affected a sixth of Americans over the past four years. Approximately one in three people who experienced a money-related problem identified it as their most serious legal problem.

Americans making \$50K-\$74,999 in household income per year were most impacted by money-related problems. The average impact score of money-related problems was lowest in the highest and lowest income groups, which reported above average rates of problems related to insurance companies unfairly rejecting claims and disputes over borrowing money, respectively.

⁷³ Stefan Lembo Stolba, Average US Consumer Debt Reaches New Record in 2020, Experian, April 6, 2021.

The vast majority of Americans who faced money-related problems took action to address them

Four out of five Americans whose most serious problem was money-related took action to try to resolve it. This tendency towards action did not vary across socio-demographic characteristics.

This may indicate that Americans by and large felt that resolution of their money-related problems was within reach. It may also be a sign that they placed a high value on addressing problems related to money relative to other problem types.

Money-related problems were more likely to remain ongoing than other problem types, but abandoned money-related problems were the most impactful

Two out of every five money-related problems that Americans identified as their most serious problem were reported to be ongoing. That is almost twice the average rate of ongoing (not yet resolved) problems for all problem types.

Unlike other problem types however, money-related problems that were reported as abandoned were associated with the highest average

impact score, rather than those which remained ongoing. This suggests that abandoning a money-related problem may be more costly than actively working to address it, and may explain why most Americans take action to resolve their money-related problems.

Lawyers and family members were the most popular sources of help in resolving money-related problems

Approximately one in three Americans who engaged at least one source of help in the course of their money-related justice journey engaged a lawyer. The tendency to rely primarily on a lawyer for help is only seen in 6 of the 15 problem types, including money-related problems.

This tendency varied somewhat by income and age, with middle-income and middle-aged Americans being most likely to engage a lawyer compared to their wealthier/poorer and older/younger counterparts.

Family members were the second most common source of help among Americans facing money-related problems broadly, and the most popular source of help among Americans in the youngest age group. Financial institutions and insurance companies also played a large role in the resolution of money-

related problems relative to other problem types, and were relatively popular sources of help among young Americans with money-related problems.

These findings suggest that the decision to try to resolve a money-related problem formally (via a lawyer) or informally (via a family member) was in part a function of income and age. Although lawyers were popular sources of help for money-related problems across the board, younger Americans in particular were more likely to seek help from a family member, a financial institution, or an insurance company. This may have to do with the perceived costs of hiring a lawyer and/or the possibility of receiving financial help within one's family.

Americans who did not take action to resolve their money-related problem most often cited "not having enough money" as the primary reason

Ironically or perhaps appropriately, insufficient funds was cited as the primary deterrent for taking action to resolve a money-related problem. This reason was overrepresented among Americans with money-related problems, compared to Americans facing other problem types.

This provides evidence for the cyclical nature of debt and money-related problems, which makes their resolution particularly difficult and may explain why abandoned money-related problems have the greatest average impact. It also suggests that increasing the accessibility of low-cost alternative sources of help would empower those most impacted by money-related problems to take action towards resolution.

Overall conclusions



In this final Chapter, we discuss what the dataset can and cannot tell us and invite readers to explore opportunities for further analysis and action. We make suggestions for continued data collection related to people's justice needs. We then present the major findings and implications of this study. We are confident that this is just the beginning, and that the rich dataset presented in this report will be a source of many more actionable insights about access to justice in the US.

We have selected the findings and implications outlined in the pages that follow based on the need to improve access to justice, and access to fair resolutions in particular, for Americans. Our findings are intended to support policymakers and providers of justice services in their efforts to increase the number of legal problems that are prevented or resolved in a fair and effective way. This justice data is critical to close the US justice resolution gap.

A unique dataset

This report presents findings based on a unique dataset. Prior studies on access to justice in the US have been conducted primarily at the state level, sampled low-income Americans exclusively, or focused on gaps in the provision of specific justice services. This is the first nationwide survey of its size to measure how Americans across a broad range of socio-demographic groups experience and resolve their legal problems.

In addition to identifying common problems, vulnerable groups, and sources of help, this survey explored new dimensions of American justice journeys. We asked questions about the impact of the legal problems people experienced, the type of interventions they obtained, the outcomes they achieved, and the quality of their justice journeys overall. We also collected data on the money, time, and emotional energy people spent in order to access justice. Designing the survey from the justice user's perspective allowed us to explore the effects of interventions offered by courts, lawyers, the police, mediators, websites, and the many other sources of help Americans rely on when they are faced with a legal problem.

Filling the data gap

The justice sector lags behind other sectors, including business and health care, in the availability and use of data. This is particularly true for data about how individuals need, perceive, and assess justice. We call this people-centered justice data. The epidemiology of legal problems remains largely unknown. Very little attention and few resources have been directed towards understanding how people experience justice, how their problems are most effectively resolved, and the impact of these problems on people's lives. People-centered data is needed to assess what works in justice. Longitudinal data is essential to assess and evaluate the impact of justice delivery models and interventions. The deficiency of people-centered data has contributed to the access to justice crisis in the US and undermined efforts to address it. Without data, justice cannot work for the people.

Limitations

The study design and the dataset have limitations. We did not investigate legal problems of "hidden" communities such as homeless or incarcerated Americans, or those with disabilities. In addition, the sample only included people over the age of 18 and

therefore excluded adolescents and children. The limitations and consequences of collecting data via an internet panel are addressed in the methodology section of the report and are well known in the survey field (see Methodology).

Moreover, the data was collected during 2020, which was an unusual year. The preceding 4 years were characterized by political polarization and unprecedented protests calling for gender and racial justice and a reckoning with the country's past. When the COVID-19 pandemic struck, it overshadowed everything and disrupted life in many ways. This study began before the pandemic but could not entirely isolate the impact of COVID-19 on American's legal problems and their ability to resolve them. Nevertheless, the survey was developed with these challenges in mind, and questions were added to understand the timing of justice problems as related to the pandemic. In addition, questions were added to learn about the impacts of the pandemic on justice needs.

Our framework for prioritizing key findings and implications

Selection of findings and implications

Given the richness of the dataset, there are many ways in which we could have prioritized findings, implications, and suggestions for further research and policy actions. Different perspectives are possible even when access to justice is the main issue of interest. One way to prioritize is to emphasize insights about how Americans access formal justice institutions such as courts. Another is to frame access to justice findings and implications according to how people access legal services. A third one is to expand the concept of access and include a broader array of legal services including ADR and informal justice. A fourth perspective is to see access to justice as the ability of Americans to reach “fair resolutions” to their legal problems. This perspective is based on people’s demand for justice. We call it people-centered justice.⁷²

In this final chapter, we take the people-centered justice perspective. We select findings and formulate recommendations that are most useful for policymakers wanting to increase the number of justice problems that are prevented or resolved in a fair way. Examples of policy-makers who aspire to improve access to justice using this people-centered justice perspective could include access to justice commissions, regulators of legal services, designers of rules of procedure, community organizers, social justice advocates, and legislators providing resources and laws relating to the justice sector.

Our perspective also follows from the missions and visions of IAALS and HiIL (see box below). It is closely aligned with what many leaders in the legal profession and justice innovation more broadly want to achieve: justice services that are fair and have a positive impact on people’s lives.⁷³

⁷²Rebecca L. Sandefur, *Access to What? Daedalus* (2019) 148 (1): 49–55.

⁷³Trevor Farrow, *What is access to justice*, 51(3) *Osgoode Hall L. J.* 957 (2014).



Next, the framework is informed by the emerging international trend on people-centered justice. This movement is led by the OECD, the World Justice Project, the WorldBank, and various UN agencies. At its heart is the recognition that justice should work for the people who need it. People-centered justice is increasingly accepted by justice leaders and becoming a paradigm in international rule of law cooperation. In this international movement, many building blocks originate from initiatives in which North Americans have played a crucial role. Examples include procedural justice research, law and economics analysis, problem solving courts, criminal justice reform, online dispute resolution, user-centered design thinking, and regulatory reform of legal services. All these perspectives coalesce into the central questions of our research approach—how do formal and informal justice mechanisms prevent and resolve the legal problems that Americans encounter in their daily lives.



IAALS: Our mission is to forge innovative and practical solutions to problems within the American legal system. Our vision is a system that works for all people by being accessible, fair, reliable, efficient, and accountable: a system that earns trust, because a trusted and trustworthy legal system is essential to our democracy, our economy, and our freedom.

HiIL: We aim to empower 150 million people to prevent or resolve their most pressing justice problems by 2030. We truly believe basic justice care for everyone is possible. We at HiIL call it: user-friendly justice. Justice that is affordable, accessible and easy to understand. It is justice that works.

Based on our respective missions and visions, we use the following framework for findings, implications, and suggestions for further research.

1. *Capacity needed to resolve pressing problems* | The burden of injustice needs to be quantified, so policy makers and providers of justice services can develop and enhance the services that are needed, prioritizing the most frequent and impactful justice problems.
2. *Protecting vulnerable groups* | The groups that are most vulnerable to the consequences of problems need to be identified; assistance for them needs to be prioritized when resources are scarce.
3. *Effective solutions for the most pressing problems* | In order to increase resolution and prevention rates, more effective, evidence based “treatments” for justice problems are required. Providers of justice services should be informed about the combinations of interventions that deliver the outcomes and procedural justice people need.
4. *Scalable and sustainable services* | The combination of justice services that are available should be equally accessible to all, and thus be able to deliver treatments at scale and in a way that is financially sustainable, both for the users of justice services and for justice professionals.
5. *An enabling regulatory environment* | Justice sector institutions should create an enabling environment for innovative and practical solutions, both at the level of treatments/ interventions for individual justice problems and at the level of delivery models for justice services.

The people-centred justice movement has worked to reduce the justice gap by focusing on the following efforts:

- Making access to justice a sustainable development goal for humankind (SDG 16.3)
- Recognizing courts and law firms alone cannot meet all justice needs
- Quantifying (worldwide) justice gap
- Putting justice needs of population at the center
- Basing reform on evidence
- Opening up to innovation
- Including prevention

Key findings

The sheer number of unresolved legal problems and the negative impact of those problems are clear evidence of an access to justice crisis in the United States: additional capacity to resolve 120 million justice problems per year is needed.

Legal problems occur often in the lives of Americans. Two out of three Americans encounter at least one serious legal problem every four

years (Chapter 1). There is no income group, gender, race or ethnic group, age group, or geographic area that does not face a substantial number of legal problems. On an annual basis, 55 million Americans experience 260 million legal problems. A considerable proportion of these problems—120 million—are not resolved or are concluded in a manner which is perceived as unfair. This study shows that access to justice challenges are significant and pervasive.

Legal problems are not only problems for the poor. Low-income, middle class, and wealthy Americans regularly encounter legal problems.

Previous legal needs studies in the US have largely focused on low-income Americans. While low-income Americans are a particularly vulnerable population, this study shows that the need for fair resolution of legal problems is experienced universally across different groups of the population. Access to justice is not only a problem for the poor. It is a problem that is impacting people from all walks of life, with serious social, legal, economic, and political consequences. Access to justice is particularly challenging for those of low income, but this is also a critical challenge for the middle class in the US. Such a challenge has not been—and cannot be—addressed through the usual actions and policies. The justice crisis requires a profound change in the access to justice paradigm – from how the United States thinks about the scope of the crisis to how it is addressed.

The negative effects of legal problems are not equally distributed. Certain groups experience more impactful problems than others, and find them more difficult to resolve.

While access to justice is a broad societal problem, the effects of the justice crisis are not equally distributed. The nature, seriousness, and resolution rates of the problems Americans experience are not independent of income, gender, race and ethnicity, age, and living environment. The result is that certain socio-demographic groups are particularly disadvantaged in terms of access to justice. Multiracial (non-Hispanic) and Black (non-Hispanic) Americans most frequently encounter legal problems. On average, Black Americans also experienced more serious legal problems than any other racial or ethnic group. Women face domestic violence and abuse more often than men.

Women, lower-income Americans, older Americans, Black and Hispanic Americans, and Americans living in rural environments are less likely to completely resolve their most serious legal problems than other groups. This study provides critical empirical support for the need to advance racial equity and support for underserved



communities in the justice system, and the data needed for an evidence-based approach to those efforts.

The most pressing legal problems of Americans occur in situations in which they are crucially dependent on a particular person for their well-being.

People experience problems in their family, at work, when they buy goods and services, about land/housing, between neighbors, after an accident, as a consequence of violent crime, or in relationships with the police and other authorities (Chapter 1). Problems related to work, domestic violence, family problems, and problems related to public benefits are among the most serious and impactful. Because of these and other legal problems, people encounter negative emotions, mental health issues, loss of money and time, as well as various other negative consequences.

In human rights terms, these problems involve people's rights to life, freedom, security, bodily integrity, as well as basic socio-economic rights. From a socio-economic perspective, these problems occur in relationships where people are dependent on a particular person for a crucial element

of their well-being. Only the particular person who caused a traffic accident can provide an explanation and make an apology. A victim of domestic violence needs the aggressor to stop being violent and also may want them to be a reliable and cooperative parent. Similar dependencies exist in relationships with employers, the police, an immigration authority, and a neighbor. When that other party is not cooperative, the person seeking resolution needs outside help. When the dispute escalates, the situation may deteriorate. The survey results show that problems related to domestic violence, family problems, and problems with the police often lead to justice journeys that are particularly burdensome. Justice solutions should recognize this important element of justice problems and take this into account in order to ensure just resolutions.

Half of the legal problems Americans experience have a considerable negative impact and are not easy to resolve.

Some justice problems are complex and highly impactful, whereas others are less serious and can be resolved relatively easily (Chapter 2). Forty-four percent of all Americans who experienced one or more legal

problems reported that their most serious problem negatively affected them in one way or another. Those negative impacts ranged from the practical and financial to the emotional and psychological: negative emotions, negative impact on mental health, loss of money, loss of time, and negative impact on financial well-being were the most frequently occurring consequences encountered by Americans.

Combining these insights with the number of 120 million problems that need better solutions, we can conclude that at a societal level, the cumulative adverse effect of legal problems that are not resolved in a fair manner is immense. This underscores the extent of the justice crisis in the United States, and urges for a focus on upstream solutions that prevent justice problems in addition to a focus on fair resolution.

The burden of legal problems shows where the priority of access to justice policies and actions should be.

Historically the legal system in the United States has taken a very one size fits all approach to providing justice. This study reflects that more tailored approaches can lead to improved outcomes. In addition, the burden of some legal problems suggest opportunities for more targeted solutions and reform. Looking from people's perspectives we can see which are the problems that occur frequently and have high impact on the lives of Americans (Chapter 2). According to this measure, high attention should be paid to the following categories of problems:

- Employment
- Personal Injury
- Family
- Domestic Violence
- Money-related Problems
- Crime

Processes for resolving legal problems can be improved considerably. Medical professionals and mental health professionals are perceived as providing inclusive and fair processes. Lawyers are given relatively high process scores as well. Courts, local and federal agencies, and employers are seen as least fair in the quality of the processes.

From the perspective of those with legal problems, “non-traditional” providers of support in resolving legal problems outperform the institutions that are conventionally related to justice on perceived quality of justice (Chapter 3). Medical professionals and mental health professionals consistently outperform other options in dimensions such as allowing the parties to be heard in processes, objectivity, and participation. Further study and analysis of the practices of health professionals will yield valuable insights into why people are more satisfied with such processes and what other sources of help can learn to improve their processes.

The processes delivered by “traditional” justice providers such as courts and local and federal agencies received relatively low scores. In four out of the seven dimensions

of quality of the process, the court system was among the three lowest-scoring formal sources of help. In voice, the court system received the lowest score: people often do not feel heard or do not believe that what they say is making an impact on the process or the final outcome. Respectful treatment is a dimension in which the “traditional” providers often fail to deliver. The problems that end up in courts are often more complicated and time consuming, and people engage the court frequently because the issue can only be resolved in that forum. In addition, courts are necessarily defined by their mandated neutrality and statutory restrictions. The study also reflects that courts remain meaningful actors in the system, particularly for certain legal problems. Recognizing this important context, the perspectives of people experiencing these more justice journeys provides important insights into how traditional justice providers can reassess and innovate in their role to help meet the access to justice crisis in the US.

Roughly half of Americans who experienced legal problems did not resolve them. Few people report that the harm caused by the problem was undone.

Around half of the legal problems that Americans encounter are deemed as resolved (Chapter 3). The other half are either in the process of being resolved or remain unresolved for various reasons. Resolution varies considerably across problem categories. Most of the traffic and parking violations are fully resolved whereas few of the legal problems with police or around immigration reach a resolution. There is a clear trend in which more impactful problems get resolved less frequently. Even when problems are seen as resolved, the perceived quality of the resolutions is not particularly high.

The outcomes of American justice journeys can thus be improved substantially. Sixty percent of people who resolve their problem agree or strongly agree that the solution they received was fair (Chapter 3). A smaller proportion of people agree that the outcomes of their problem compensate for the time and money they lost, and only a very small proportion agree (17%) that the outcomes restored relational damage caused by the legal problem.



Americans most commonly envision a conventional model of “problem-lawyer-court,” but other strategies are more popular. Next to the “traditional” model for resolving legal problems, people use many other types of help and interventions. We see a growing field of “non-traditional” justice providers.

The “problem-lawyer-court” journey is used but is only one of the strategies used. The survey results reveal an increasingly diverse and changing field of justice providers. When people take action to resolve the problem, 23% use a lawyer and 14% use a court (Chapter 3). Both sources of help, lawyers and courts, are used more often than in other countries but less frequently than what is the common perception—or misconception—in the United States.

Along with the “traditional” providers, we see numerous “new” providers of justice such as financial institutions, health care professionals, insurance companies, and public authorities. Such providers focus on a specific problem category or even an individual problem. The assessments by the users of their justice processes and outcomes shows that “new” providers are not inferior to “traditional” providers. Indeed, in quite a few dimensions of the quality of the processes, quality of the outcomes, and

the costs of justice, people have more positive experiences when they work with new providers than when they are assisted by lawyers, courts, and local and federal agencies. Nowadays, many legal problems are taken to such new providers.

Americans need a broader range of interventions to resolve their legal problems in a fair way. Professionals—including lawyers and judges at courts—appear to recognize this need and often move beyond their traditional roles.

The survey data allows comparisons between different justice journeys. When local and federal agencies or courts are used as the main source of help in resolving the legal problem, the results for procedural justice and outcome justice are often lower compared to other sources of help. While this is an important call to action for traditional providers to innovate, it also coincides with a widely shared understanding among professionals and experts that “alternatives” need to be considered for most of these pressing justice problems in order to achieve access to justice.⁷⁴

⁷⁴Jacqueline Nolan-Haley, International Dispute Resolution and Access to Justice: Comparative Law Perspectives, 2020 J. Disp. Resol. 391 (2020).

People who have complicated issues with their spouse, their employer, their neighbor, their landlord, the police, or local authorities may hesitate to consult lawyers or commence action in courts. The data show that courts, police, and lawyers are particularly ineffective in repairing damage to relationships. Moreover, people often experience economic, social, and health consequences that require a more holistic approach than is offered by courts and lawyers (Chapter 2).

Another indication that traditional lawyering and adjudication will not bridge the justice gap is the type of interventions lawyers and courts currently deliver (Chapter 4). Court systems provide mediation, options for counseling, assistance with paperwork, and referrals as often as they decide matters. Lawyers not only give advice and represent people, but also mediate, talk to the other party, handle paperwork for people, and even make decisions. Lawyers and



courts are thus often perceived to have used other interventions than those they were typically expected to deliver within the traditional model. The traditional models are already serving in new roles and the results of this study urge additional innovative approaches.

Deciding matters, mediating, and handling paperwork are most likely to lead to resolution (Chapter 4). These interventions are delivered by many different providers. Insurance companies handle paperwork, talk to the other party, advise, and are perceived as making decisions. Family members are also one of the most frequent sources of help. Although lawyers assume they have a monopoly

on giving legal advice, the reality is that Americans receive advice from many other sources.

Cost is not identified as the primary reason for not seeking legal advice from a lawyer (14%, Chapter 5). The impact of legal problems on peoples' lives suggests that they might be willing to spend substantial additional resources to solve the problem. Many people say their reason for not using legal advice is that their problem is not "a legal problem," that a lawyer is unnecessary, or that they don't think their problem is appropriate for a lawyer. This suggests that they are looking for another type of service than the one they typically expect from a lawyer.

Neither courts, lawyers, nor "non-traditional" providers have been able to deliver effective solutions at scale. Although effective combinations of interventions exist for some problem types, the individuals who are able to resolve their legal problems effectively tend to be those who deal with lower impact problems.

The variety of providers, the low rates of usage of legal specialists (courts, lawyers, police), and the broad range of interventions they each deliver, combined with the overall resolution rates, suggest that Americans do not have access to scalable solutions of consistent high quality for justice problems. Effective treatments may exist, but they are not offered at a scale that is noticeable in a nationwide survey like this. People go to many different providers and are treated with many different interventions.

There may be exceptions in the case of some categories of legal problems. Personal injury problems, for example, are resolved at higher rates and more satisfactorily than are other types of legal problems.

For most (and perhaps all) categories of legal problems, there is no high-volume, high-quality solution that scales-up and delivers fair and effective outcomes to most of the people who need resolutions. In the justice sector we do not see the analogs of insulin, antibiotics, or coronary angioplasty which among many other health-care interventions save millions of lives every year. This gap is particularly notable for those faced with high-impact problems.



Implications for policymakers and providers of justice services

The US justice resolution gap is wide (Chapter 1). It also reflects serious inequities in the justice system. People need better treatments for most of their pressing legal problems. Further, they need these treatments to become available at scale, accessible for every American.

When policy makers and providers of justice services engage with the implications of this study, they may benefit from a number of initiatives relevant to the findings and already existing. We outline a few relevant initiatives below.

Increasing effectiveness by consolidating the many local and often promising initiatives into evidence-based practices.

In 2019 the Taskforce on Justice published an influential report titled "Justice for All", written by leading experts. According to this report, universal access to justice can be achieved by starting from the problems that people experience, establishing the outcomes they need, and then implementing evidence-based practice to achieve

these outcomes, which need to be monitored to stimulate learning and continuous improvement.

Evidence-based practice has been accepted and implemented in many sectors, and it is the foundation of our approach to system reform at IAALS and HiIL. It needs a knowledge and R&D infrastructure, including an attitude and framework geared towards systematic evaluation that still needs to be established in the justice sector.

The data from this study suggest the following leads for developing more effective treatments and implementing evidence-based practice for justice problems:

- Combinations of multiple interventions are most effective in resolving legal problems.
- Advice, talking to the other party, representation to give people voice (while safeguarding participation) and paperwork may need to be complemented by better integration of mediation and decision-making in justice journeys.
- Methods used by medical services and mental health providers may lead to better results in resolving particular problems.

- Financial expertise and the approach of insurance companies may add value as well.
- More emphasis on restorative justice—the extent to which the outcome of the justice journey remedies the harms caused by the problem—may be needed, next to further improvements on distributive justice and transparency of outcomes.
- Efforts to ensure access to justice, from system reform to funding, would benefit from focus on higher impact problems, rather than the lower impact problems that people are more likely to resolve by themselves.
- The internet is increasingly used as a source of guidance. People actively seek information. The use of the internet for dispute resolution and other forms of legal problem resolution is still in embryonic stages, but justice is clearly happening online. This will only grow in the years to come.
- For employment problems, personal injury, land problems, and family problems, the range of providers and the types of interventions provided are different. This suggests that specialization is needed in order to increase resolution rates.

Developing standardized, scalable justice services should be a priority. The service delivery models of law firms, courts and other formal justice institutions need to evolve and be complemented by innovative models. A substantial investment in R&D is needed for this.

The lack of scalable (and highly effective) justice services is apparent from the data. It is confirmed by other research which shows that “legal markets” are regulated in such a way that individuals are served by small, inefficient entities and that this market segment is decreasing in size.⁷⁵ Courts, police, mediation services, law firms working for individuals, and socio-legal services mostly operate at a state level, a county level, or as a small professional practice. A 120 million capacity problem requires economies of scale. Looking at the data, we feel this requires urgent attention.

Existing models for the delivery of legal services must be redesigned. New models are emerging and need to be developed.

⁷⁵ G. Hadfield, Legal Markets, Journal of Economic Literature, forthcoming.

These new models can be seen as upgrades from existing models, combining the best elements of courts and services provided by lawyers with elements that have proven to be equally important, such as more integrated socio-economic and mental-health advice, help with restoring relational damage, and support guiding parties towards fair, balanced, and effective agreements.

The data suggests that the following features are important for developing standardized, scalable, and economically viable justice services:

- A firm basis in user-centered design;
- Integration with existing social, economic, healthcare, mental health care, and educational interventions and policies;
- A focus on preserving or improving key relationships between people;
- A commitment to empowerment, agency, and autonomy for those experiencing justice problems;
- A clear value proposition for services delivered;
- Careful consideration of the reasons people do not use justice services: price is not the driving factor that many consider it to be;

- Specialization for the most pressing justice problems, which occur millions of times a year in the US;
- Seamless integration of justice services online and in person.

The substantial demand for justice (120 million unresolved problems per year) does not generate the supply of effective justice services delivered at the scale that would be expected. If markets and governments fail to generate a sufficient supply of justice services, this suggests that there is a need for regulatory reform.

The data presented in this report can be seen as market research. It highlights the need for a more thorough analysis of how formal (government-regulated) and informal (market) justice services meet people's demand for justice. Under normal conditions, the demand for a valuable good would be met by sufficient supply. In the justice sector, this means either by private or public justice services (such as the police, courts, tribunals, ombudsmen, subsidized legal help or information). Why is this not happening?

Justice is a complicated public good, because it has to be delivered in

a setting where the interests of disputants are partly aligned and partly opposed. In addition, justice services in the US are fragmented across many different actors that are not coordinating and don't have shared incentives or mandates to help people meet their justice needs. However, most justice problems can be solved in a satisfactory way. This means that the demand for justice can be satisfied by supply. First, however, the way justice services are regulated and provided by the public sector needs attention.

This is already happening. Experimentation with alternative ways to regulate the provision of legal services has already begun in Utah and Arizona. Other states are looking to follow in their footsteps. This study suggests that this should be a nationwide effort.

Integration of diagnosis and triage mechanisms in justice journeys.

Effective use of public and private resources requires prioritization of the impactful problems. Often such problems trigger chains of other legal and non-legal problems. Use of evidence-based processes, data, and technologies can help traditional and non-traditional justice service providers to distribute their resources in a smart and impactful manner.

A path forward

This study informs a deeper understanding of the justice crisis in the United States and provides the foundation for a path forward based on data. We call upon providers of justice services and policymakers to take up this data to inform innovation in the approach to closing this justice gap in the United States.

About the JNS

Justice is not just about the number of reported crimes. Nor is it about courts and laws. It is about people. Their daily lives, their pain and frustration, and the justice outcomes that they get or do not get.

That is why we listen to people in each country to measure their satisfaction. We collect the voices of thousands with our Justice Needs and Satisfaction (JNS) tool. It reveals people's actual legal problems, experiences and access to justice.

Adjusted to the specific context of the country, it provides in-depth understanding for people working in the justice sector.

We also make the data available to policymakers through clever interfaces, so they can work with the findings. The responsible use of this data leads to knowledge, creates empowerment, and builds accountability.

Our concept and methodology of measuring access to justice is recognized by the global SDG 16 community. Our JNS data is used by, among others, the World Bank, the OECD, the Task Force on Justice, UNDP, and the SDG 16 Pathfinders.

The JNS survey methodology has been tried and tested in nearly twenty countries thus far. These include The Netherlands, Nigeria, Mali, Tunisia, Ukraine, Kenya, Bangladesh, Fiji, Ethiopia. Our target countries for 2021-2022 are Burkina Faso, Niger and South Sudan.

For more information, visit www.hiil.org

HIIL AUTHORS

Dr Martin Gramatikov
Director Measuring Justice, Hiil
martin.gramatikov@hiil.org

Dr Rodrigo Núñez
Justice Sector Advisor, Hiil
rodrigo.nunez@hiil.org

Isabella Banks
Justice Sector Advisor, Hiil
isabella.banks@hiil.org

Prof. Maurits Barendrecht
Research Director, Hiil
maurits.barendrecht@hiil.org

Dr. Jelmer Brouwer
Justice Sector Advisor, Hiil
jelmer.brouwer@hiil.org

IAALS AUTHORS

Brittany Kauffman
Senior Director, IAALS
brittany.kauffman@du.edu

Logan Cornett
Director of Research, IAALS
logan.cornett@du.edu

GRAPHIC DESIGN:

Anne Toledo
www.annetoledo.com



PHOTOGRAPHS:

Cover photo: © bonandbon / Shutterstock.com,
Gideon Tailleux, StockSnap
Page 5: © Nathan Anderson / Unsplash
Page 7: © Alex Iby / Unsplash
Page 10: © Kari Shea / Unsplash
Pages 15, 58: © ChameleonsEye / Shutterstock.com
Page 16: © LeoPatrizi / iStockphoto
Page 25: © Ragnar Vorel / Unsplash
Page 27: © Shanon Palomino Salinas / Unsplash
Pages 28, 155: © rightdx / iStockphoto
Page 27: © Shanon Palomino Salinas / Unsplash
Page 31: © Blulz60 / Shutterstock.com
Page 33: © fishwork / iStockphoto
Page 39: © Simone Hogan / Shutterstock.com
Page 45: © Grandbrothers / iStockphoto
Pages 54,63: © Joseph Sohm / Shutterstock.com
Page 61: © Sara Carpenter / Shutterstock.com
Page 64: © Aaron Hawkins / iStockphoto
Page 67: © stu99 / iStockphoto
Pages 68, 207: © Juanmonino / iStockphoto
Page 71: © Andriy Blokhin / Shutterstock.com
Page 78: © Fly View Productions / iStockphoto
Page 81: © Tomasz Wozniak / Shutterstock.com
Page 87: © APN Photography / Shutterstock.com
Page 89: © Christian Hinkle / Shutterstock.com
Page 94: © Gregory Hayes / Unsplash
Page 106: © Gilberto Mesquita / Shutterstock.com
Page 114: © Wileydoc / Shutterstock.com
Page 122: © Alex Potemkin / iStockphoto
Page 125: © Nice M Nshuti / Unsplash
Page 129: © Joseph Ngabo / Unsplash
Page 137: © Greveling Photography / Shutterstock.com
Page 139: © bonandbon / Shutterstock.com

Page 146: © monkeybusinessimages / iStockphoto
Page 148: © Joe Benning / Shutterstock.com
Page 150: © Derick Anies / Unsplash
Pages 157, 219: © Kristi Blokhin / Shutterstock.com
Page 160: © krblokhin / iStockphoto
Page 162: © SbytovaMN / iStockphoto
Page 177: © jBurdMages / iStockphoto
Page 179: © wonderful life / Shutterstock.com
Page 180: © WoodysPhotos / iStockphoto
Page 182: © Konoplytska / iStockphoto
Page 185: © J2R / iStockphoto
Page 180: © WoodysPhotos / iStockphoto
Page 187: © BrandyTaylor / iStockphoto
Page 189: © baranozdemir / iStockphoto
Page 190: © kali9 / iStockphoto
Page 194: © BUKET TOPAL / iStockphoto
Pages 199, 204: © B Brown / Shutterstock.com
Page 200: © ferrantraite / iStockphoto
Page 220: © Josh Wilburne / Unsplash
Page 222: © Adam Winger / Unsplash
Page 227: © Hayes Potter / Unsplash
Page 229: © Samantha Sophia / Unsplash
Page 230: © Pedro Lastra / Unsplash



Justice we can believe in



Institute for the Advancement of
the American Legal System
University of Denver
John Moye Hall, 2060 South Gaylord Way
Denver, Colorado 80208
Tel: +1 303 871 6600
E-mail: iaals@du.edu
<http://iaals.du.edu>



The Hague Institute for Innovation of Law
Muzenstraat 120, 2511 WB The Hague
The Netherlands
Tel: +31 70 762 0700
E-mail: info@hiil.org
www.hiil.org