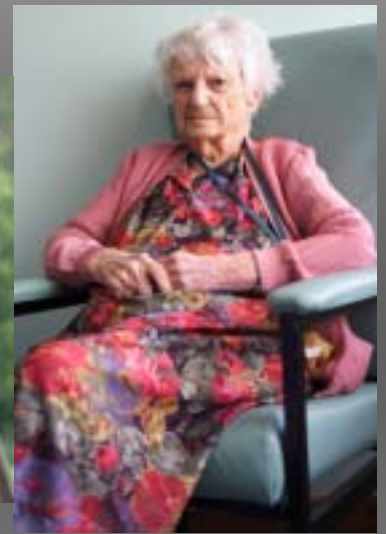


The Justice Gap: *The Unmet Legal Needs of Low-Income Utahns*



Presented by



Utah Legal Services



"and
Justice
for all"

The Justice Gap: *The Unmet Legal Needs of Low-Income Utahns*

*By
D. Michael Dale*

Table of Contents

I.	TABLE OF CONTENTS	ii
II.	TABLE OF CHARTS	iii
III.	Executive Summary	1
IV.	Introduction.....	2
V.	Methodology.....	3
VI.	General Findings.....	5
	A. Prevalence of Legal Problems.....	5
	B. Severity of Legal Problems.....	7
	C. Analysis of Problems within Substantive Areas.....	7
VII.	The Gap in Legal Assistance.....	15
VIII.	Why Did So Few Respondents Obtain Legal Assistance and Where Did Unrepresented Households Turn For Help?	18
IX.	Resulting Attitudes of Households That Had Legal Problems	21
X.	Differences in Legal Problems of Demographic Clusters	23
XI.	Regional Variations	27
XII.	How Large is the Unmet Need for Legal Aid?	28
XIII.	Conclusions.....	29
XIV.	Recommendations	29

Table of Charts

Methodology.....	3
Fig. 1: Map of Regions	4
Fig. 2: By Region - % of Respondents vs. Poverty Population	4
General Findings.....	5
Prevalence of Legal Problems	
Fig. 3: Problems Per Household Per Year (weighted).....	5
Fig. 4: Mean Problems and Issues	6
Fig. 5: Distribution of Legal Issues	6
Severity of Legal Problems	
Fig. 6: Importance of Issue to Respondents.....	7
Fig. 7: Distribution of Problems with Very Significant Effect	7
Analysis of Problems within Substantive Areas	
Fig. 8: Distribution of Family Issues	8
Fig. 9: Distribution of Employment Issues	8
Fig. 10: Distribution of Employment Discrimination	9
Fig. 11: Distribution of Housing Issues	9
Fig. 12: Distribution of Consumer Issues	10
Fig. 13: Distribution of Public Services Issues	10
Fig. 14: Distribution of Health Law Issues	11
Fig. 15: Distribution of Public Benefits Issues.....	11
Fig. 16: Distribution of Trusts and Estates Issues	12
Fig. 17: Distribution of Adult Care Abuse.....	12
Fig. 18: Distribution of Immigration Issues.....	13
Fig. 19: Distribution of Education Issues.....	13
Fig. 20: Distribution of Native American Issues.....	14
Fig. 21: Distribution of Disability Rights Issues	14
The Gap in Legal Assistance.....	15
Fig. 22: Respondents with Legal Problems Assisted by Lawyer	15
Fig. 23: Who Sought Assistance Based on Type of Problem	15
Fig. 24: Likelihood of Being Represented Depending on Type of Problem	16
Fig. 25: Intensity of Services Provided.....	16
Fig. 26: Level of Services Provided Depending on Problem Type	17
Why Did so Few Respondents Obtain Legal Assistance and Where Did Unrepresented Households Turn For Help?	18
Fig. 27: Reasons for not Seeking Legal Help.....	18
Fig. 28: Reasons for not Seeking Legal Help—Certain Vulnerable Populations	18
Fig. 29: Awareness of Legal Services by Cluster Group.....	19
Fig. 30: Awareness of Legal Services Resources.....	19
Fig. 31: Awareness of Other Legal Resources	20
Fig. 32: Do you think you are eligible for free legal services?	20

Resulting Attitudes of Households That Had Legal Problems	21
Fig. 33: Satisfaction of All Respondents	21
Fig. 34: Satisfaction of Those Represented by an Attorney	21
Fig. 35: Satisfaction Depending Upon Problem Type.....	21
Fig. 36: Attitudes About Legal System—All Respondents	22
Fig. 37: Attitudes About Legal System—Represented	22
Fig. 38: Attitudes About Legal System Depending on Problem Type	22
Differences in Legal Problems of Demographic Clusters.....	23
Fig. 39: Distribution of Problems Domestic Abuse Survivors.....	23
Fig. 40: Distribution of Problems Homeless Households.....	23
Fig. 41: Distribution of Problems Individuals with Physical Disabilities	23
Fig. 42: Distribution of Problems Individuals with Mental/Developmental Disabilities	24
Fig. 43: Distribution of Problems African American or Black Households	24
Fig. 44: Distribution of Problems Vulnerable Senior Citizens	24
Fig. 45: Distribution of Problems At-Risk Children or Youth.....	24
Fig. 46: Distribution of Problems Non-English Speaking Households	25
Fig. 47: Distribution of Problems Agricultural Workers	25
Fig. 48: Distribution of Problems Latino Households.....	25
Fig. 49: Distribution of Problems Asian and Pacific Islander Households	25
Fig. 50: Distribution of Problems Native American Households	26
Fig. 51: Distribution of Problems Individuals Transitioning to Self-Sufficiency	26
Fig. 52: Distribution of Problems Immigrants/Refugees	26
Fig. 53: Distribution of Problems by Education (weighted).....	26
Regional Variations	27
Fig. 54: Mean Legal Issues and Problems by Region	27
Fig. 55: Distribution of Problems by Region (weighted)	27
Fig. 56: Awareness of Legal Services by Region.....	28
How Large is the Unmet Need for Legal Aid?	28
Fig. 57: Unmet Legal Needs Cases in Utah	28

Executive Summary

Access to justice is the cornerstone of our democracy yet, from the data collected in this study, it is apparent that more and more frequently access to justice depends on access to money. While attorney representation is guaranteed in criminal cases, no such right exists for those facing civil (non criminal) disputes.

The justice system serves as the foundation of a civil society in which all people have access to a forum that allows them to address disputes and inequities. The findings of the survey are clear; each time an individual is denied access to our system of justice, it undermines the faith in our democratic society, and thus in our democracy.

It is important to remember that all of the numbers in this report represent actual problems being faced by fellow Utahns. These problems not only impact a specific household, but our community at large. Legal aid programs help obtain and maintain income, jobs, education and housing while increasing the quality of life for all residents and building civic faith in the legal system.

The data from this survey provide a wealth of information to help shape the legal aid delivery system in Utah. Significant conclusions suggested by the findings include:

- Low-income Utah households face over 92,000 civil legal problems each year.
- Over two out of every three low-income households in Utah will face a civil legal problem each year.
- The civil legal help most needed by low-income Utahns are, in order: family law, employment, housing, and consumer law.
- Only 13% of very poor households report receiving legal help with their civil legal problems.
- Households that receive legal assistance are much more likely to be satisfied with the outcomes of their problems.
- Households that receive legal assistance are much more likely to have a positive attitude about the legal system.
- Many individuals are unaware of what constitutes a legal problem.
- The majority of low-income households facing civil legal problems are unaware of legal aid programs available to them or that they are financially eligible for these programs.
- Low-income Utahns facing certain types of legal problems, such as a consumer or family law issue, are more likely to receive help from an attorney than those facing, for example, an employment or housing issue.

“Equal justice is not just a caption on the façade of the Supreme Court building. It is perhaps the most inspiring ideal of our society...It is fundamental that justice should be the same, in substance and availability, without regard to economic status.”

Justice Lewis Powell, Jr., Former Associate Justice, U.S. Supreme Court

Introduction

The reason for this study was a genuine desire to better understand the civil legal needs of people of very limited financial means throughout Utah. The study was carefully planned but difficult to complete. It was based on individual interviews of a diverse set of low-income Utahns about very personal issues that often took more than an hour. Those interviewed were asked whether they or a member of their household experienced any of 59 common situations that give rise to a need for legal services in the last year. The survey sought out those who may never have had contact with an attorney or a court and included many who are only too familiar with the legal system.

To further the goal of obtaining and presenting the most reliable data possible, every effort was made to be conservative in categorizing responses as legal problems or issues so this report should be read keeping the overlay of “at least this many” in mind. While it provides significant and new information, it also invites exploration of further questions in many areas.

The study was undertaken by organizations dedicated to providing civil legal assistance in order to guide the effective use of limited resources. It is intended to provide a basis to involve the entire community in making justice reasonably accessible to all Utahns. We are indebted to the more than 1,500 individuals who shared private and often painful and frustrating matters with us and believe that by working together, we can provide more and better legal assistance in cases that involve the basics of life—safety, health, and stability of income, home, and family.

From the state’s first legal aid program in Salt Lake County in 1922, Utah has continued to develop paid and pro bono programs to address the most pressing legal needs of those who cannot afford an attorney throughout the state. Yet, as indicated throughout this report, much work remains to be done.

We would like to thank Sylvia Pena who coordinated the volunteers and interviews, the 68 volunteers who conducted interviews throughout Utah, the Department of Sociology at Portland State University and the 1,500 Utahns who shared their experiences with us.

10.4% of Utahns live below 150% of the poverty level. (Utah Issues’ State of Poverty Report, 2006)

*“The first duty to society is justice.”
Alexander Hamilton*

Methodology

“Equality before the law in a true democracy is a matter of right. It cannot be a matter of charity or of favors or of grace or of discretion.” U.S. Supreme Court Justice Wiley Rutledge

This report is the culmination of in-depth interviews performed across Utah in 2005 and 2006. Quotas for surveys were assigned to geographic areas of the state based upon poverty population and relevant demographics. Surveyors then targeted locations where they were likely to encounter low-income individuals such as laundromats, food banks and low-income housing. Persons encountered were approached to complete the survey on as random a basis as possible. After a few initial questions, the respondents were asked about household income. Those surveys in which respondents would not declare their income, or reported income in excess of 129% of poverty, were terminated and are not included in the reported data. 1,185 respondents reported they lived in low-income households. The survey was modeled on an American Bar Association design used for a 1994 national study¹ as well as a modified version of that study used in Montana under the guidance of consultant D. Michael Dale.² Data was tabulated by Portland State University.

The survey focused on 59 common situations that typically give rise to a need for civil legal assistance. Where the respondent’s household had experienced such an issue within the last year, additional questions were asked for up to five such problems in each household to determine whether legal assistance was sought or obtained, the reasons for not seeking assistance, and attitudes about the legal system as a result of the experience. Since many of the interviewees were not lawyers, all surveys were reviewed by an attorney to assure that the situations described were legal problems.

The study used a cluster group design to assure collection of information about a broad cross-section of the lower income population but also to learn of disparate barriers to accessing the legal system faced by various demographic groups. Since many in these targeted groups do not have telephones, may not have mailing addresses and would not likely respond by mail, most surveys were conducted in person. At least 100 surveys of each specific demographic group were sought and the overall survey results adjusted to reflect the demographic characteristics of the general population. This survey focused on the following 16 demographic groups as well as a control group of individuals who had none of these characteristics.

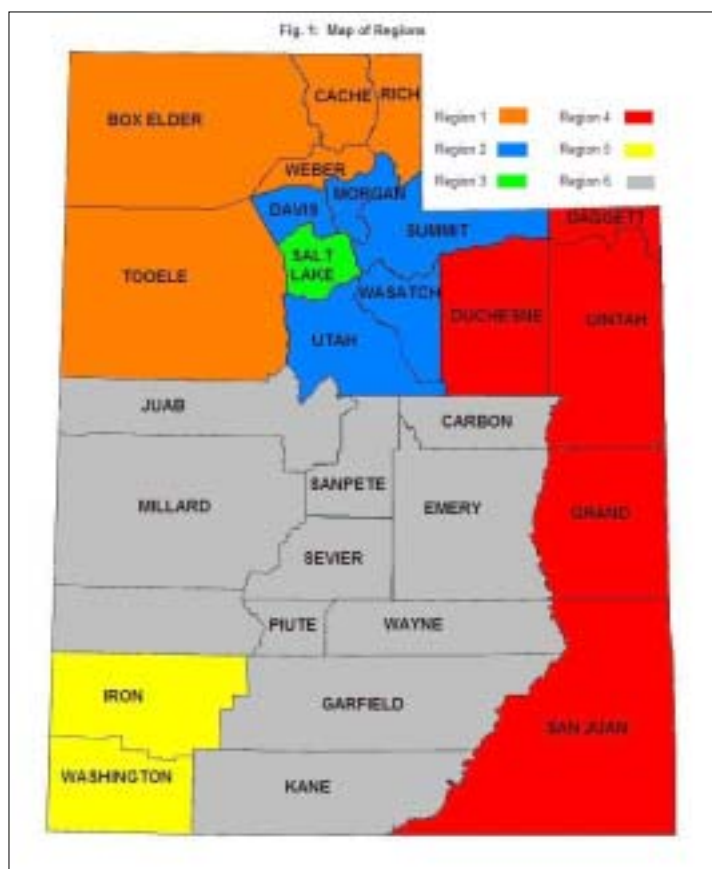
- African-Americans
- Agricultural Workers
- Asian/Pacific Islanders
- At-Risk Children or Youth
- Domestic Violence Survivors
- Latinos
- Latinos (not including agricultural workers)
- Homeless
- Immigrants and Refugees
- Individuals Transitioning from Welfare to Self-Sufficiency
- Mental/Developmental Disabilities

¹ Division for Legal Services, *Findings of the Comprehensive Legal Needs Study* (Chicago, IL: American Bar Association Publishing, 1994)

² D. Michael Dale, *Legal Needs of Low Income Households in Montana* (Montana State Bar Association, 2005)

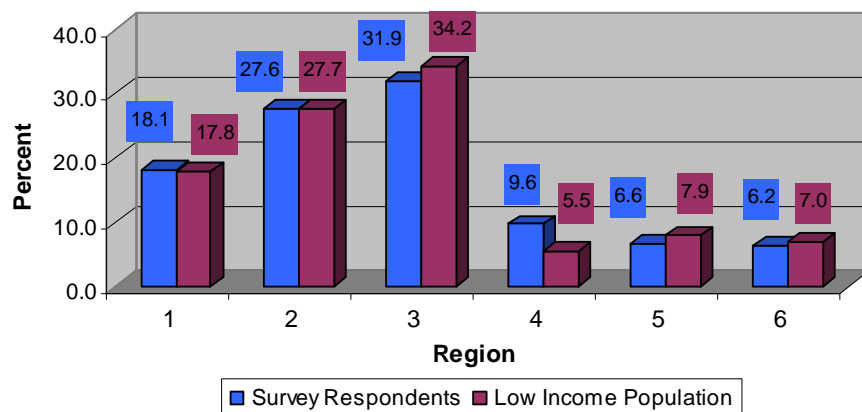
- Native Americans Living On or Near Reservations
- Native Americans Outside of Reservations
- Non-English Speaking
- Physical Disabilities
- Vulnerable Seniors

The state was divided into six regions and surveys were taken to closely match census demographic data as shown in Figure 1.



46% of Utah workers earn less than \$12.14 per hour, the minimum income each adult in a two-parent family must earn to be self-sufficient, i.e., able to pay for the basic necessities without outside assistance. (Utah Issues' State of Poverty Report 2006)

Fig. 2: By Region - % of Respondents vs. Poverty Population

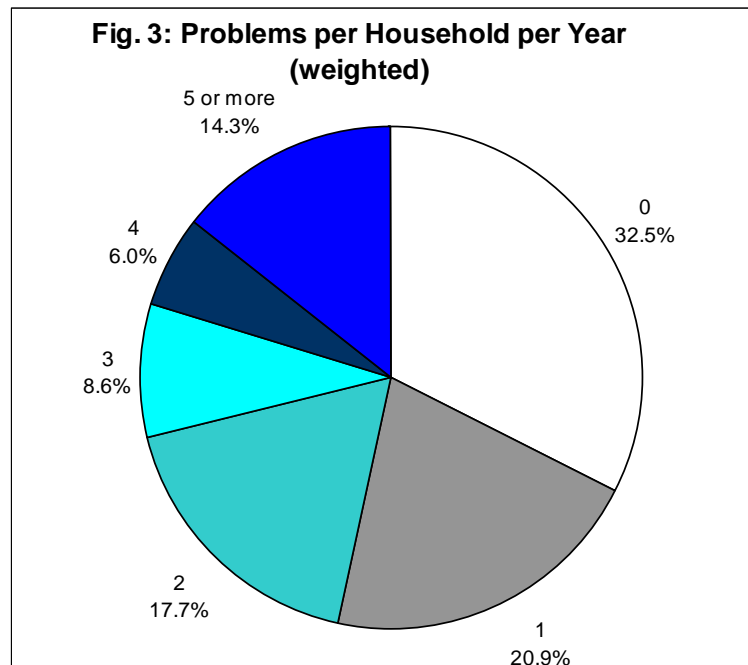


General Findings

Prevalence of Legal Problems

Low-income households in Utah report an average of more than 1.28 legal problems per year.³ While 32.5% of households had no legal problems, 46.6% had two or more legal problems and 14.3% had five or more legal problems.

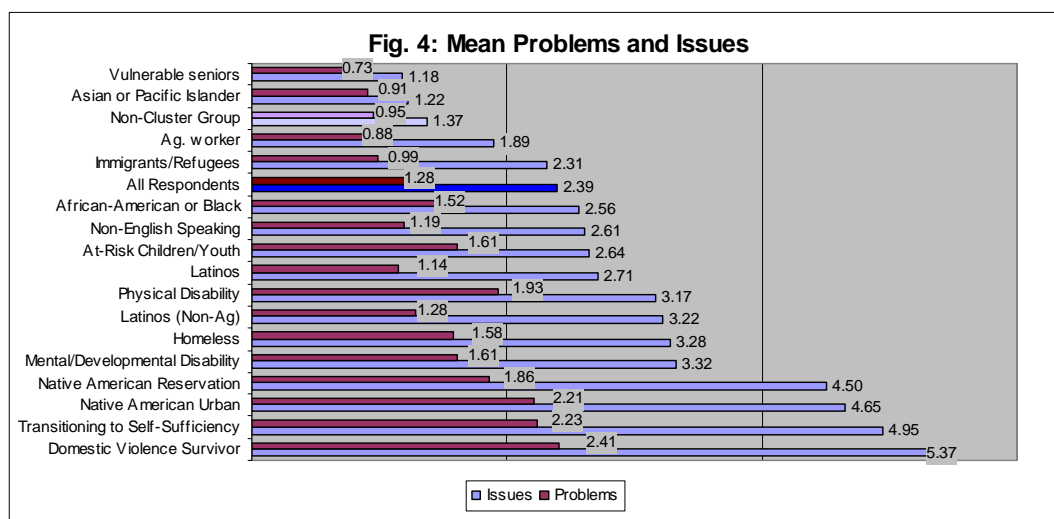
67.5% of low-income households in Utah will face a civil legal need this year.



A legal problem may consist of several issues such as a family law problem that includes the issues of child custody, child support and a divorce.

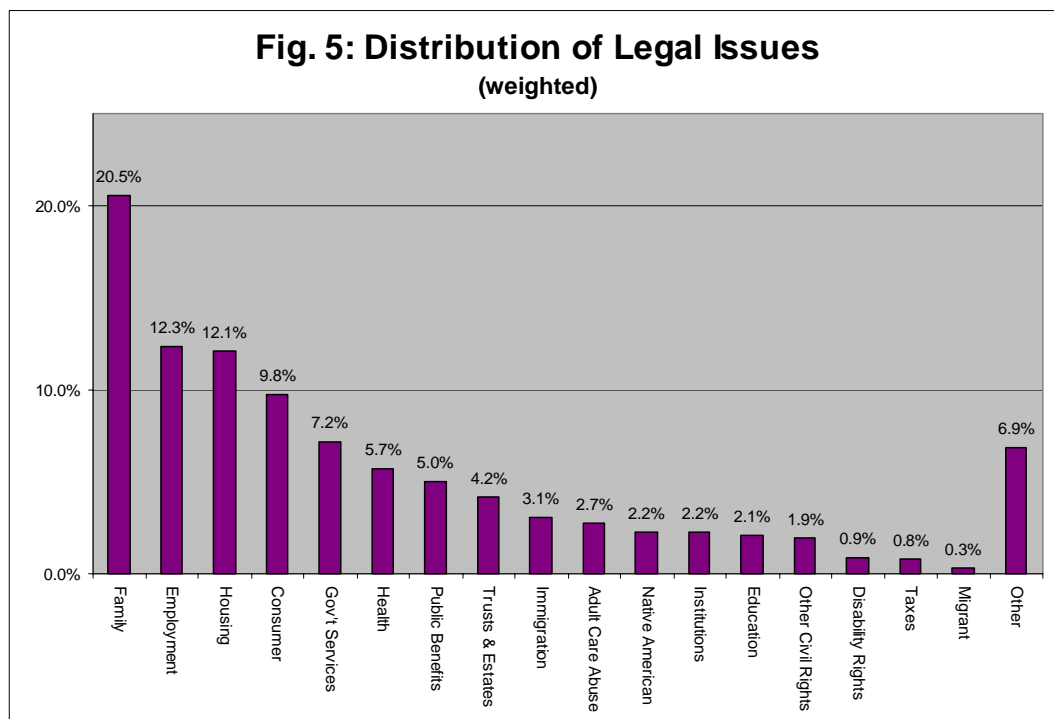
As shown in Figure 4, the number of legal issues and problems vary significantly for certain populations. Individuals not in any of the targeted demographic (cluster) groups averaged 0.95 legal problems in the last year. Four cluster groups that averaged more than two legal problems were Domestic Violence Survivors who had an average of 2.41 problems, Individuals Transitioning from Welfare to Self-Sufficiency averaged 2.23 problems, Native Americans in Urban Areas averaged 2.21 problems and Native Americans on Reservations had 2.05 problems.

³ The data presented in this section conservatively understates the number of problems experienced by low-income Utahns each year, since detailed information was only recorded for five legal problems in the household. Prior research has shown that more than five problems occur with some frequency. See Montana legal needs study cited above.



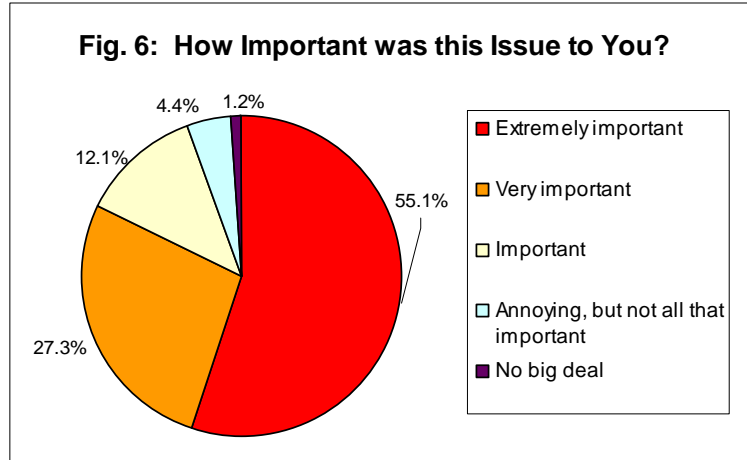
The total annual cost of intimate partner violence in the United States is \$67 million. (National Coalition Against Domestic Violence)

Legal issues span a range of problems with the most common being family law (20.5%), employment (12.3%), housing disputes (12.1%), and consumer issues (9.8%). The occurrence of other common legal issues are government services (7.2%), health (5.7%), public benefits (5%), trusts and estates (4.2%), immigration (3.1%), adult care abuse (2.7%), Native American (2.2%), institutions (2.2%), education (2.1%), other civil rights (1.9%), disability rights (0.9%), taxes (0.8%), migrant workers (0.3%), and other (6.9%).



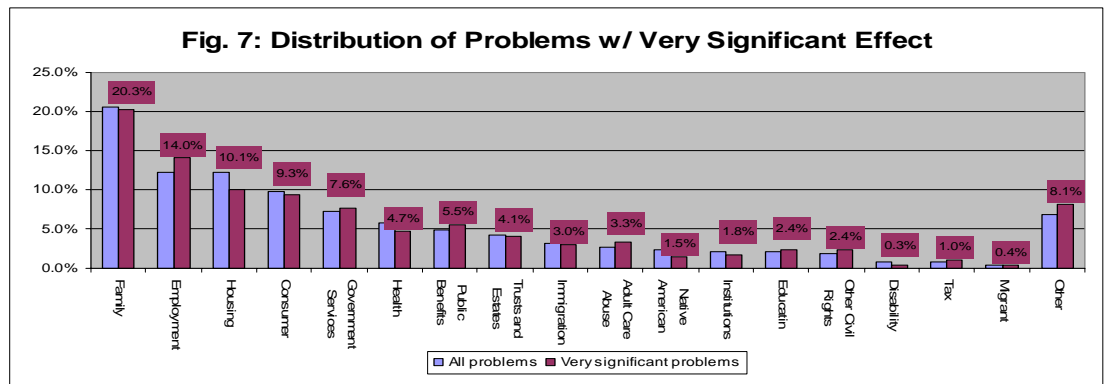
Severity of Legal Problems

Close to nine in ten low-income households with legal problems felt these problems were important, with over half indicating their legal problems to be extremely important.



"Your support gave me back my dignity and peace of mind. Thank you"
Park City client

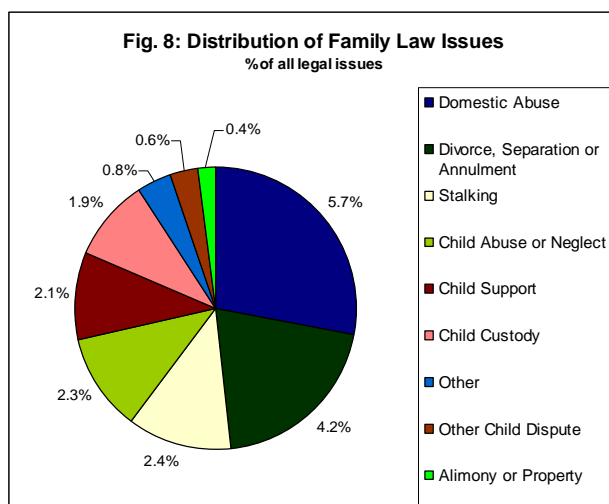
Within each issue area, respondents were asked how significantly the problems' outcome effected them. There was little difference between the percentage of problems experienced and the significance of those problems as shown in Figure 7. For example, 20.5% of all problems were family law related with 20.3% of those having a very significant effect.



Analysis of Problems within Substantive Areas

In this section, the specific legal issues reported are further analyzed within each of the general areas.

Family issues, experienced by 20.5% of respondents, represent the greatest civil legal need of low-income households. Over one-half of all family law issues involved in the problems that respondents reported are related to physical safety (domestic abuse, stalking and child abuse). Domestic abuse accounted for 5.7% of all legal problems, divorce and separation 4.2%, stalking 2.4%, child abuse or neglect 2.3%, child support 2.1%, child custody 1.9%, other 0.8%, other child disputes 0.6%, and alimony or property division 0.4%.

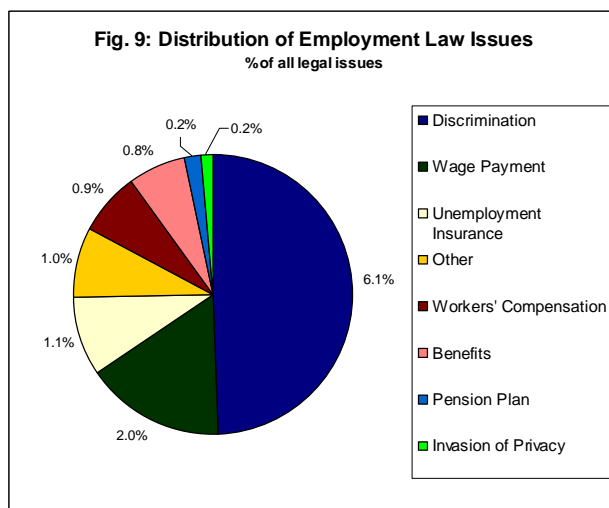


The Department of Child & Family Services investigated 6,027 allegations of child abuse in 2004. (Utah Domestic Violence Report 2005)

Susan filed a protective order against her physically abusive spouse to keep herself and her two children safe but under the guise of visitation, Susan's husband violated the protective order and took the children to Florida. Legal Aid Society of Salt Lake and the County Attorneys Office in Florida arrested Susan's abusive spouse. Susan flew to Florida to regain custody of her children and her spouse was extradited back to Utah. Susan filed custodial interference charges and a complaint for divorce against her husband. She now has full custody of her children and is divorced from her abusive spouse.

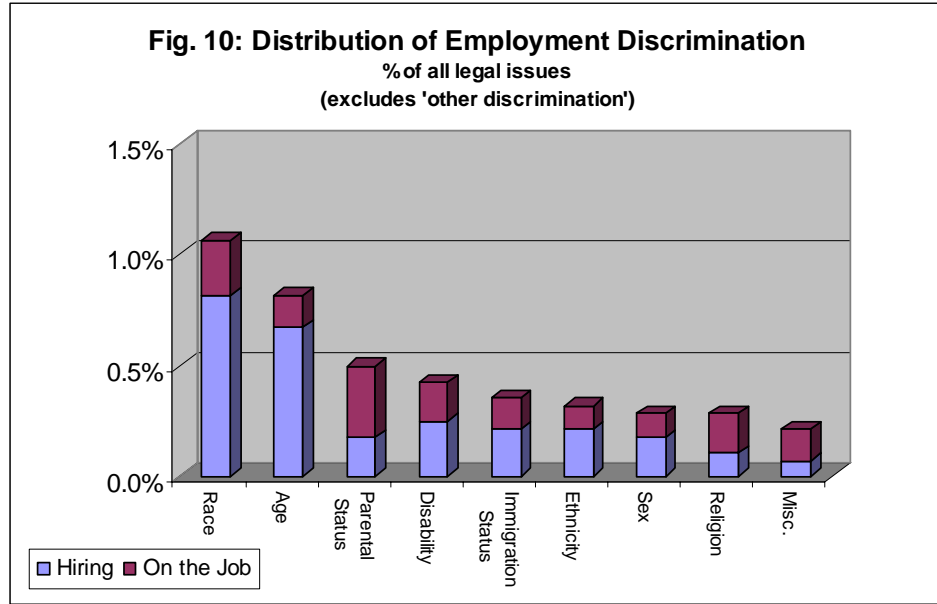


Almost half of the legal issues arising in employment problems involved alleged discrimination, with 6.1% of all legal problems involving employment discrimination in the past year. Discrimination based upon race, age, and parental status are the most commonly reported grounds. Other employment issues involved wage payment (2.0%), unemployment insurance (1.1%), workers compensation (0.9%), benefits (0.8%), pension plans (0.2%), invasion of privacy (0.2%), and other (1.0%).

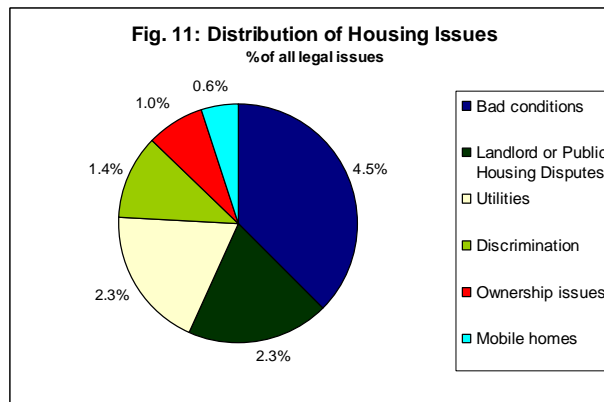


The 2000 U.S. Census indicated that 3 out of 4 poor families have at least one member who works. (Utah Issues' State of Poverty 2006)

Over 75,000 employment related discrimination charges were filed in 2005 nationwide. (U.S. Equal Employment Opportunity Commission)



Reported housing law issues include bad conditions (4.5%), landlord or public housing disputes (2.3%), utilities (2.3%), discrimination (1.4%), ownership issues (1.0%), and mobile home problems (0.6%).

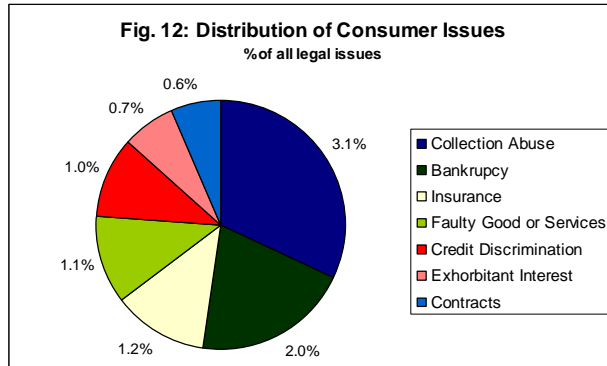


A Salt Lake attorney reports that some landlords will ask the city water department to shut off the water then evict the tenant because of the lack of water in that residence.

Fathia, a refugee from Somalia found herself facing eviction from her subsidized Salt Lake County home due to a misunderstanding about the number of individuals living in the home. At the hearing, no translator was provided. Since Fathia was unable to properly represent herself, the court ordered her eviction. She then came to Utah Legal Services for help. Utah Legal Services argued that the Housing Authority did not handle the situation properly and needed to provide a translator. Not only was Utah Legal Services able to reinstate Fathia’s government-subsidized home, but they were also able to make it a requirement that the Housing Authority must provide a translator for all similar cases.



Collection abuse was the largest consumer issue, impacting 3.1% of respondents. Other reported issues include the following: bankruptcy (2.0%), insurance (1.2%), faulty goods or services (1.1%), credit discrimination (1.0%), exorbitant interest (0.7%) and contract problems (0.6%).

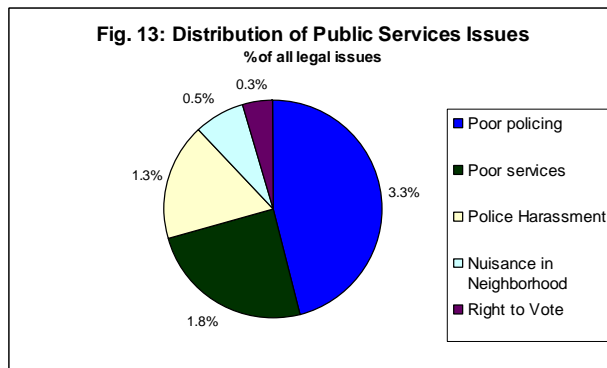


Over 20% of reported causes of bankruptcy are related to the overwhelming cost of health/medical bills. (United Way Report, [Living on the Edge: Utah's Perspectives on Bankruptcy & Financial Security](#))



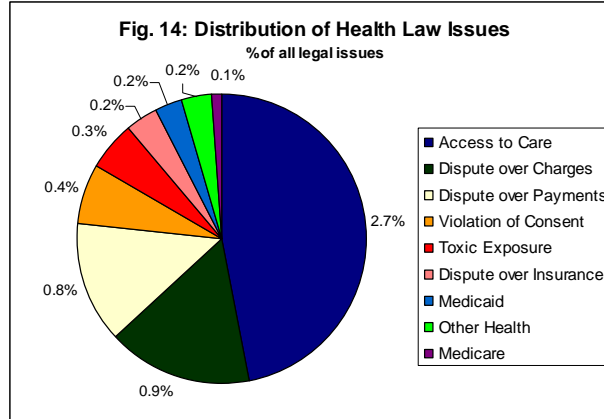
Mehri, who is living with disabling mental impairments and has been receiving Social Security disability benefits for years, had an outstanding judgment against her for unpaid medical bills. She was unaware her benefits were exempt from execution yet surprised when she received notice that a substantial portion of her account had been illegally garnished. Legal service attorneys assisted her in contacting the collection agency that eventually released the garnishment.

Legal needs pertaining to inadequate public services accounted for 7% of all legal issues reported. These needs dealing with law enforcement and other government services provide safety and stability in one's neighborhood and home. Problems included poor policing (3.3%), poor services (1.8%), police harassment (1.3%), nuisance in neighborhood (0.5%), and right to vote issues (0.3%).



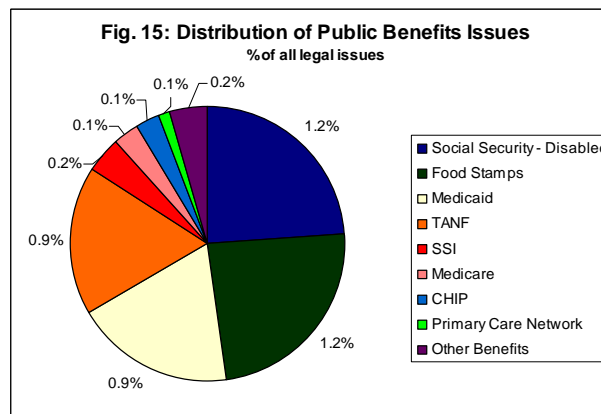
*Although the majority of Utah's uninsured are employed, low-income people are **four times** more likely to be uninsured than those with higher incomes. (Utah Issues' State of Poverty Report 2006)*

Accessing affordable and quality health care is a continual problem, especially with low-income households. Many health care issues have a legal component, with accessing medical care accounting for almost half of all health care issues and 2.7% of all civil problems. Other health related problems included disputes over charges (0.9%), disputes over payments (0.8%), violation of consent (0.4%), toxic exposure (0.3%), insurance disputes (0.2%), Medicaid (0.2%), Medicare (0.1%), and other (0.2%).

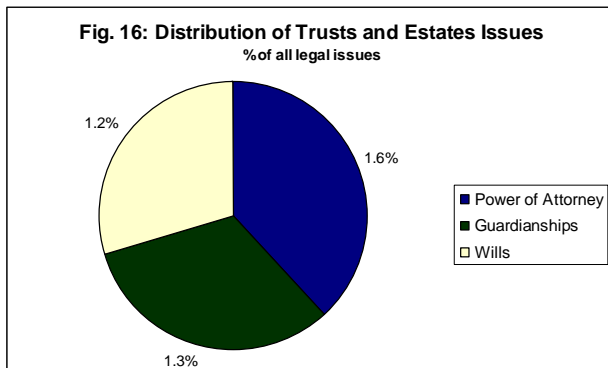


The United States and Utah have developed safety net systems to help the most vulnerable in our society, however, these at-risk individuals are often the least able to access these programs. Legal assistance, particularly when benefits have been denied, helps people navigate the administrative processes required to successfully obtain benefits. The most common issues are Social Security Disability Income (1.2%), Food Stamps (1.2%), Medicaid (0.9%), Temporary Aid for Needy Families (0.9%), Social Security (0.2%), Medicare (0.1%), Children's Health Insurance (0.1%), Primary Care Network (0.1%) and other benefit issues (0.2%).

Utah ranks 5th in the nation for food insecurity due to the fact that 14.8% of families go to bed hungry. (Utah Issues' State of Poverty Report 2006)

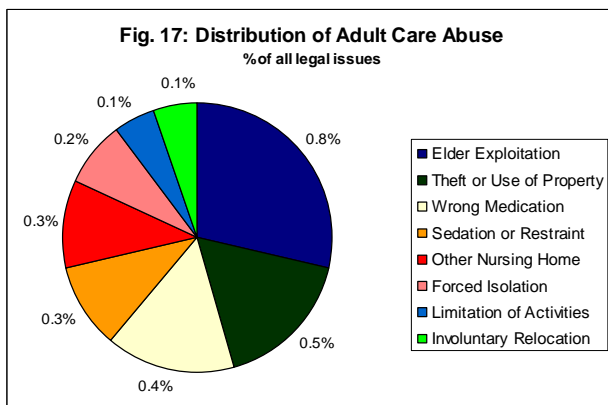


While trust and estate problems are not frequently thought of in conjunction with low-income populations, survey results indicate that 1.6% of respondents needed a power of attorney, 1.3% a guardianship, and 1.2% help with a will.



Joe, a 48-year-old father of three, is terminally ill with lung cancer. He was too ill to travel to Utah Legal Services in order to get help with his end-of-life estate planning, living will, and power of attorney. Utah Legal Services was able to help Joe by conducting home visits in order to successfully complete Joe's end-of-life legal needs. He is now reassured that his family will not be burdened with these problems after he is gone.

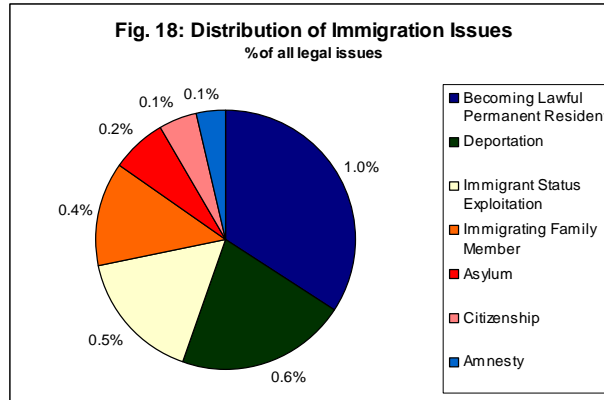
Adult care abuse is becoming a larger issue in Utah as the population ages. Legal problems faced by those over 60 years of age include: elder exploitation (0.8%), theft or use of property (0.5%), wrong medications (0.4%), sedation or restraints (0.3%), other nursing home problems (0.3%), forced isolation (0.2%), limitation of activities (0.1%) and involuntary relocation (0.1%).



29.6% of those over 65 live alone. From 1990 to 2000, the 65+ population grew 26.9%. (Utah Data Guide, Spring 2006 Edition)

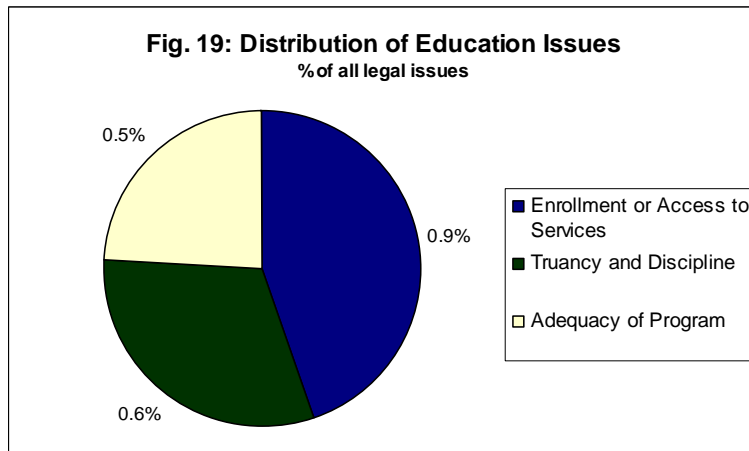
Utah has 150,000 immigrants representing 6.3% of the population. (Center for Immigration Studies)

The survey results show the need for legal assistance with immigration problems has increased dramatically as our society has become increasingly diverse. One percent of the identified legal issues involved needed help becoming a lawful permanent resident, 0.6% with deportation proceedings, 0.5% with exploitation of immigration status, 0.4% with adjusting status of a family member, 0.2% with asylum assistance, 0.1% with citizenship, and 0.1% with amnesty.

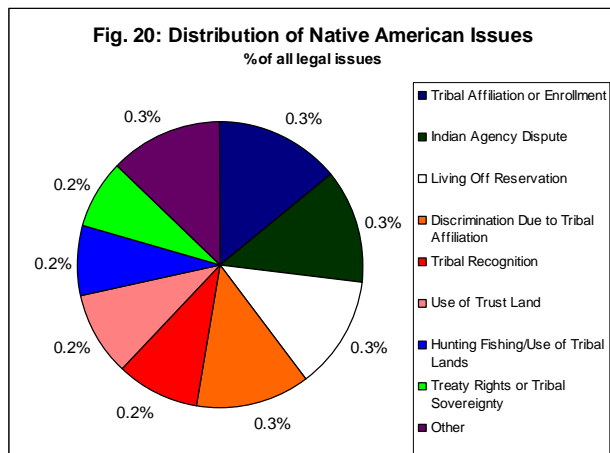


Ensuring access to a quality education is important to all. Education problems of low-income families include three legal issues: enrollment/access (0.9%), discipline (0.6%), and inadequate programs (0.5%).

There were 40,826 available childcare spaces available in 2006—a 10% decrease from 2005. (Utah Office of Child Care Annual Report, Dept. of Workforces Services, 2006)

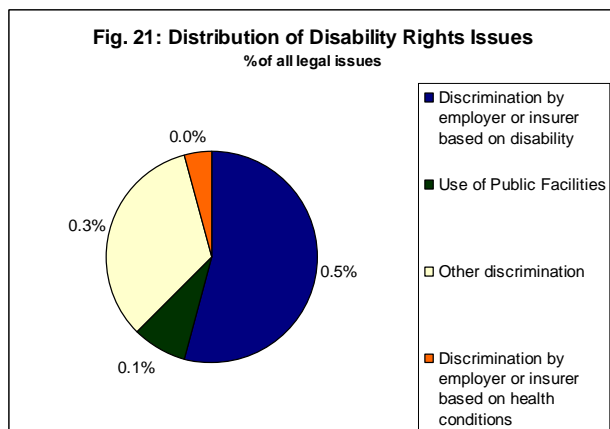


Native Americans report legal issues with tribal affiliation or enrollment (0.3%), Indian Agency disputes (0.3%), living off of a reservation (0.3%), discrimination due to tribal affiliation (0.3%), tribal recognition (0.2%), use of trust land (0.2%), hunting or fishing on tribal land (0.2%), treaty rights or tribal sovereignty (0.2%) and other (0.3%).



30% of all Native American families in Utah live below the poverty level. (U.S. Census Bureau, 2000)

People with disabilities often face legal issues specific to their disability—the survey indicates 0.5% of all issues reported involved discrimination by an employer based on disability, 0.1% had problems accessing facilities, 0.3% other discrimination issues, and a small number had problems with discrimination by an employer or insurer based on health conditions.



273,066 individuals in Utah are living with disabilities or 12.5% of the total population. (U.S. Census Bureau, 2005)

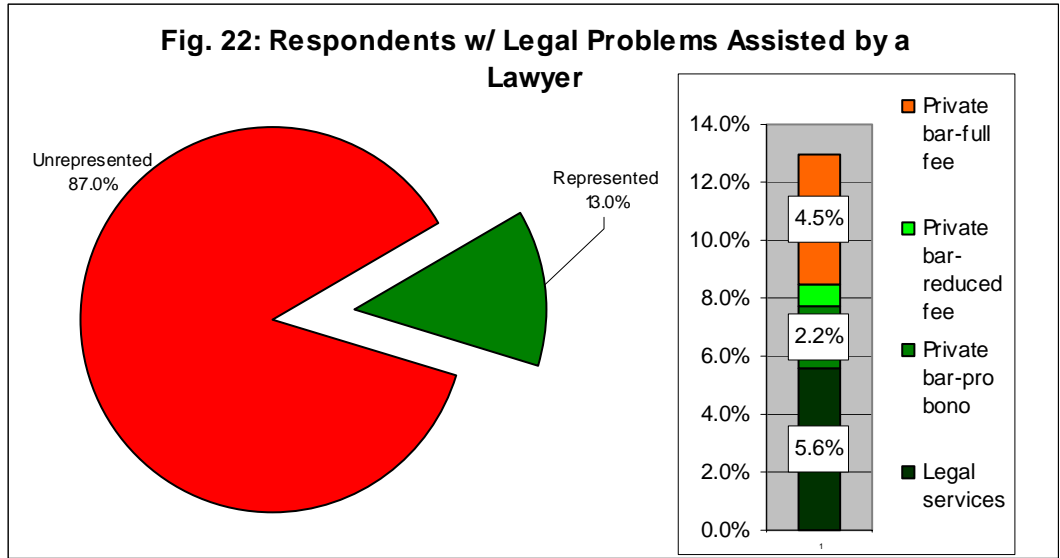
A mentally disabled client, Alice, was living in her family’s home when she received an eviction notice from her cousin. Her mother made sure before she passed away that the house would remain in the family trust for the benefit of Alice. Yet the trustee, Alice’s cousin, was now taking advantage of her by charging rent, allowing other people to live in the home and threatening to evict her. A pro bono attorney volunteered to take the case and was not only successful in returning the charged rent money to Alice but also negotiated the transfer of the title of the house to her.



The Gap in Legal Assistance

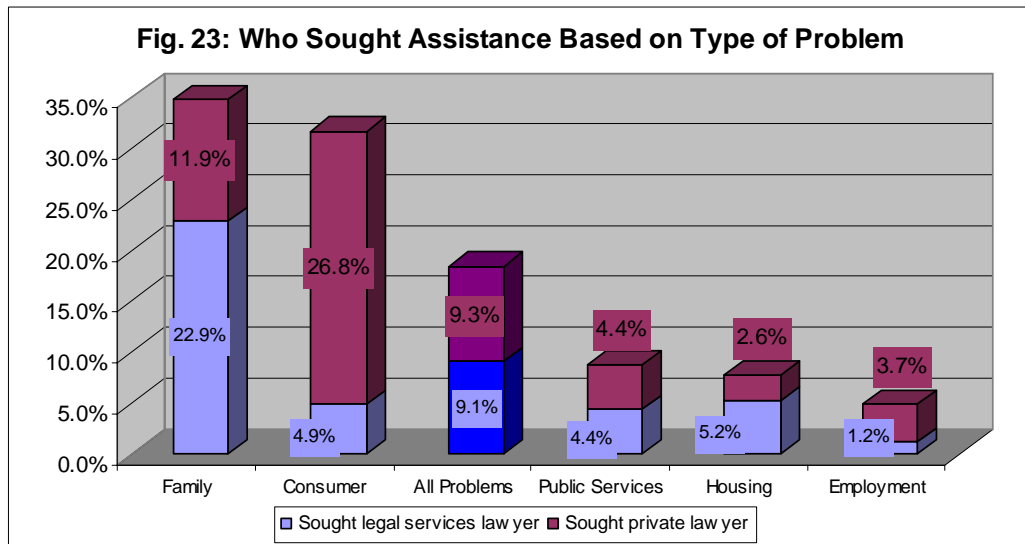
Less than one percent of the nation's legal expenditures, and fewer than one percent of its lawyers assist the seventh of the population that is poor enough to qualify for aid. (Georgetown Journal of Legal Ethics, Spring 2004)

All respondents reporting a legal problem were asked additional questions to find out how their households dealt with their legal needs. Overwhelmingly, the legal needs identified were not addressed with the assistance of counsel. Only 13% of households reported receiving help from an attorney, leaving 87% without help. About one-third of those who received help from a lawyer were charged full fees by a private attorney, 5.6% of all respondents with legal problems were assisted by legal services lawyers. The balance of those who obtained legal help were served on a *pro bono* or reduced fee basis.



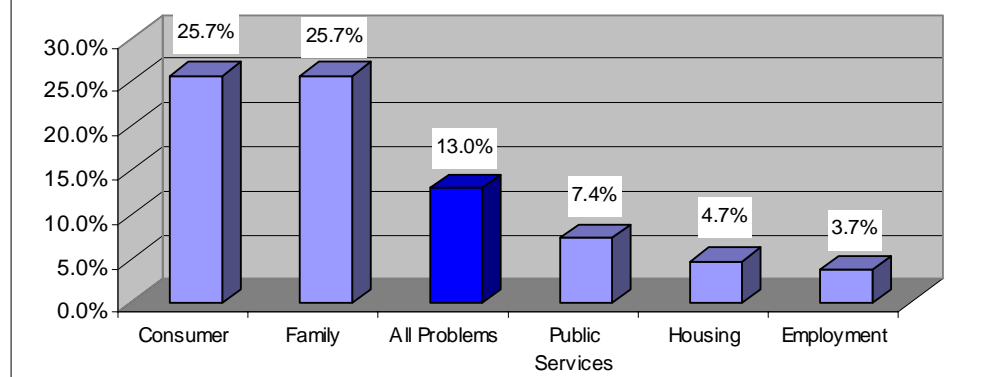
Only 18.4% of households that experienced legal needs sought legal help for their problems. Respondents with family law problems were the most likely to seek the help of an attorney with 34.8% turning to an attorney; 22.9% from legal service programs; and 11.9% from the private bar. Respondents with other kinds of types of problems were less likely to look for an attorney—consumer (31.7%), public services (8.8%), housing (7.8%) and employment (4.9%).

54% of protective filings and 47% of divorce filings have no attorney. (Supreme Court Committee on Resources for Self-Represented Litigants)



While 18.4% of households looked for legal help, only 13% report having received it. The kinds of problems for which representation was most likely were consumer and family law, each representing 25.7% of the problems facing low-income households. For other legal problems, fewer than 10% of households received legal assistance. Even though only a small percentage of other types of cases were represented by an attorney, the significance of these problems is not to be discounted.

Fig. 24: Likelihood of Being Represented Depending on Type of Problem



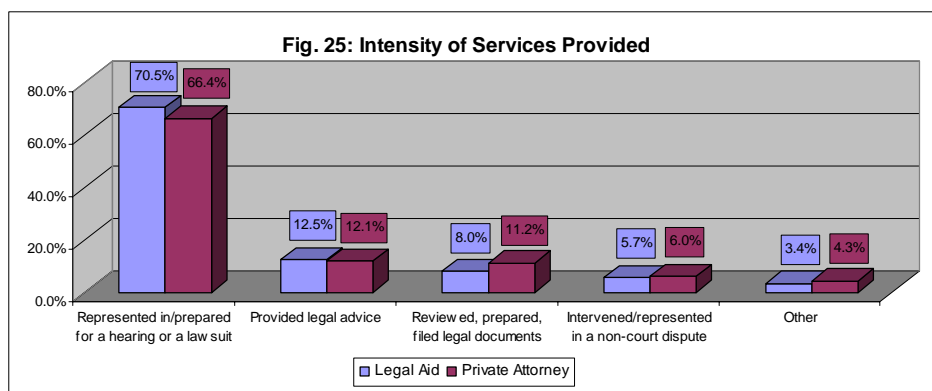
"Thank you for all the help that I was given. I could never have paid an attorney for two years." Client in Salt Lake City

After working two weeks at a temporary job, Dave, a day laborer, was released without pay. In order to settle the dispute with his employer, Dave called the Utah Labor Commission which had him fill out a wage claim form but was unable to educate Dave on his rights or give any legal advice. Dave called Utah Legal Services but due to lack of funding, Legal Services was unable to take the case and referred Dave to a private lawyer, who, depending on the strength of the case, may take the case on contingency.



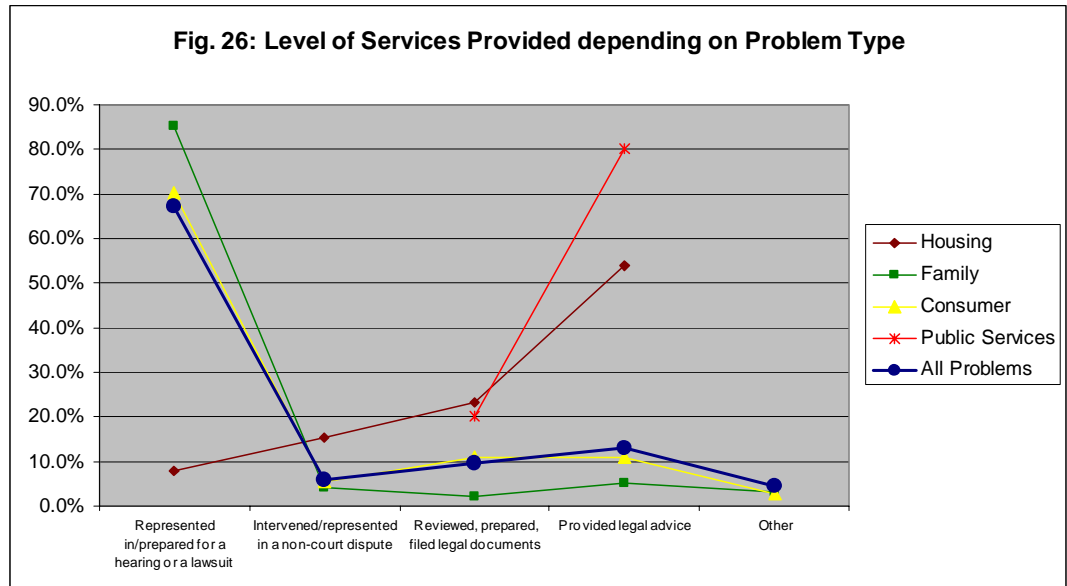
Of the households that received legal assistance from a legal services program, 70.5% indicated they had full representation, 12.5% legal advice, 8% had help with documents, 5.7% received help in a non-court dispute and 3.4% received other services. Households represented by the private bar provided just slightly different levels of service.

Fig. 25: Intensity of Services Provided



“If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice.”
Judge Learned Hand

There were, however, large differences in the levels of service for various types of issues. For example, a household with a family law problem was much more likely to receive full legal representation than one with a housing issue.

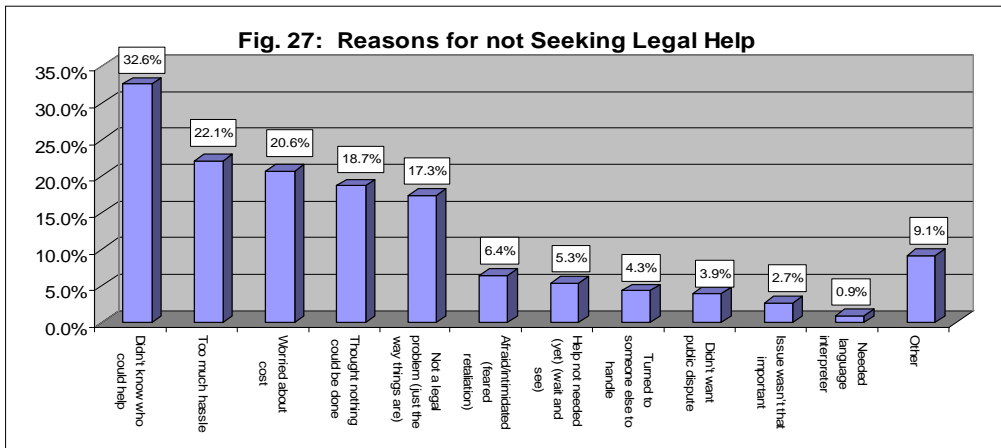


A pro bono attorney successfully defended Maria, a deaf client, at her Temporary Restraining Order hearings and in response to a Petition to Modify Custody. The attorney was able to overturn an initial Order for an emergency change of custody that was in favor of her spouse. This attorney donated 50 hours in three months of pro bono work worth over \$7,500 of billable hours.

Why Did so Few Respondents Obtain Legal Assistance and Where Did Unrepresented Households Turn For Help?

Respondents did not seek legal assistance for a variety of reasons. Nearly one-third did not know where to turn for help. Just over 22% felt it was too much hassle. Close to 21% did not seek help because they feared the cost. Almost 19% felt that nothing could be done about their problem, and about 17% did not perceive the problem to involve a legal issue. Other reasons for not seeking help included fear of retaliation, waiting to see if things change, feeling the problem is not important enough and an inability to speak enough English to seek legal counsel.

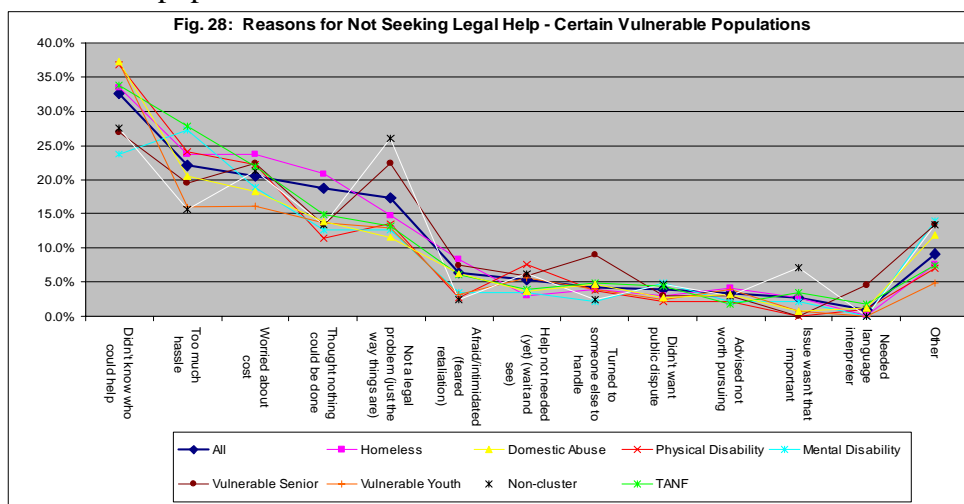
47% of those representing themselves at trial or hearing report an annual household income of \$24,000 or less. (Supreme Court Committee on Resources for Self-Represented Litigants)



Jennifer had been abused by her spouse in the past. After each instance of abuse she chose not to take legal action because she was financially dependent upon him. She began to suspect he would begin abusing her again, so she contacted Utah Legal Services for help. Unfortunately, Utah Legal Services does not have the resources to take cases like Jennifer's as they only have the means to take cases that involve recent instances of abuse.

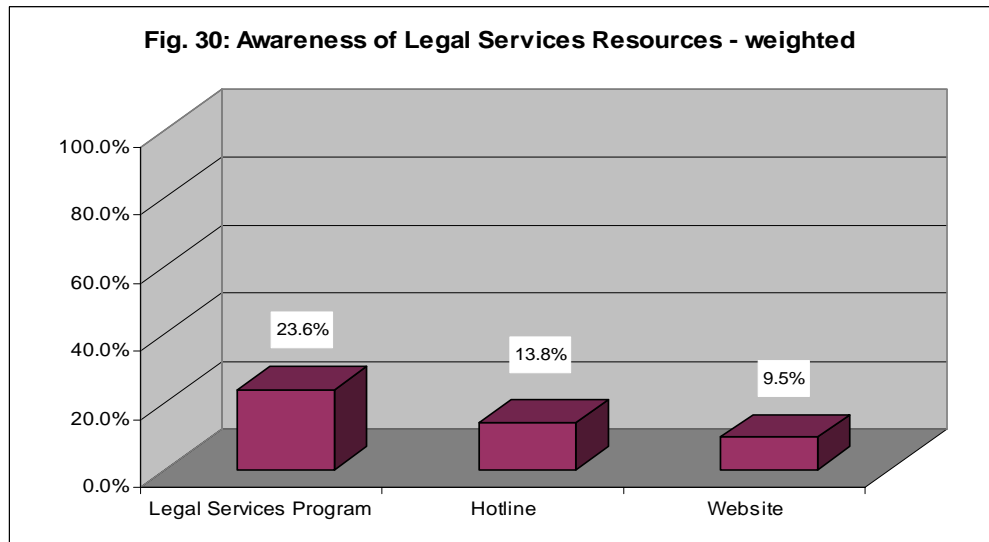
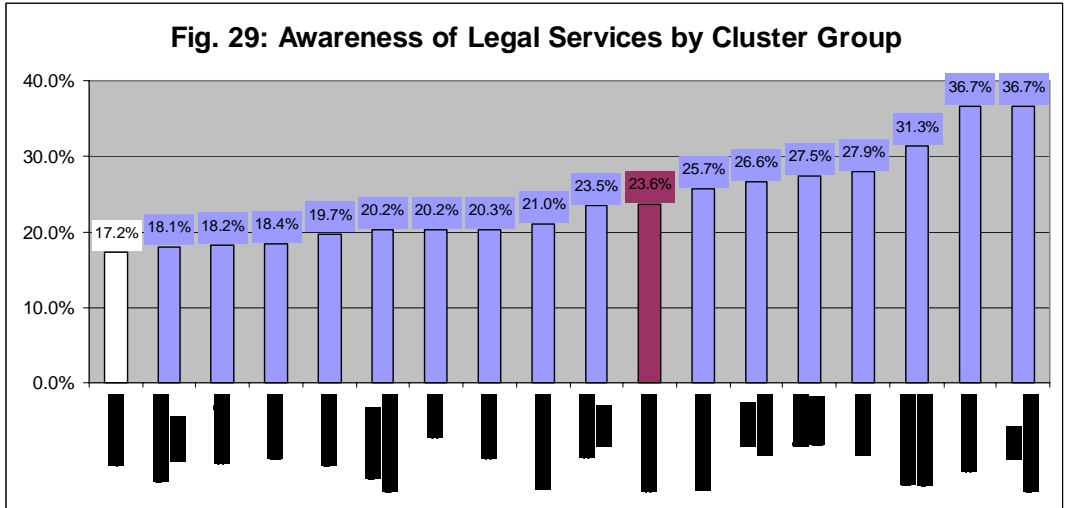


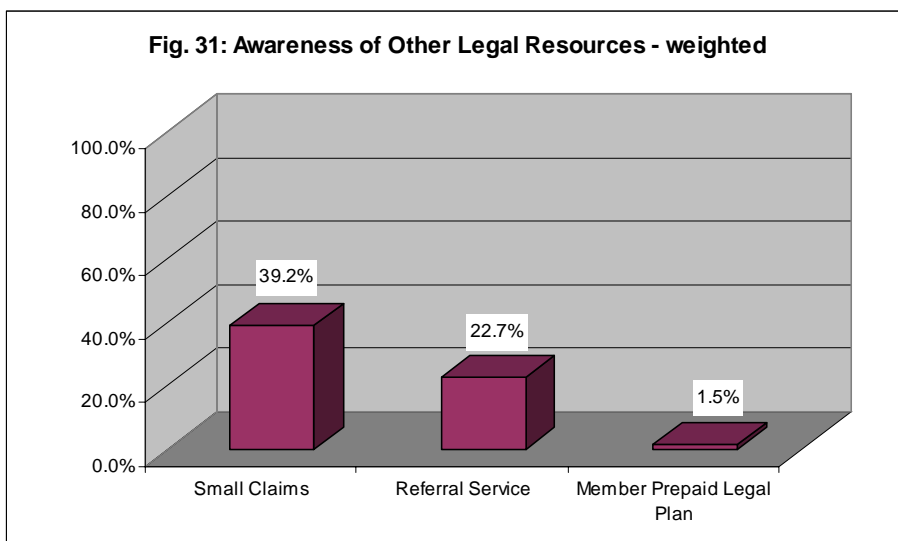
There are significant differences in the reasons households do not seek legal help among certain vulnerable populations as shown in the chart below.



“If the motto ‘and justice for all’ becomes ‘and justice for those who can afford it,’ we threaten the very underpinnings of our social contract.” Chief Justice Ronald George, California State Supreme Court

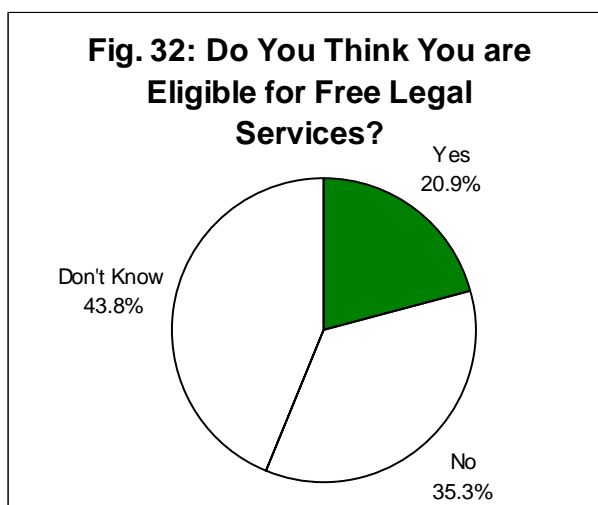
Despite qualifying for assistance, only 23.6% of low-income households were aware of a free legal service program with large variations among groups. Further, even among those who know about legal services, another key obstacle seemed to be the lack of understanding of eligibility standards. All respondents in the survey were financially eligible for services based upon their household income. Yet only about one-fifth thought that they were eligible. See Figure 29 below.





98% of small claims filings have no attorney. (Supreme Court Committee on Resources for Self-Represented Litigants)

Shockingly, only 20.9% of households below 125% of the 2005 poverty level knew they were eligible for free legal help.

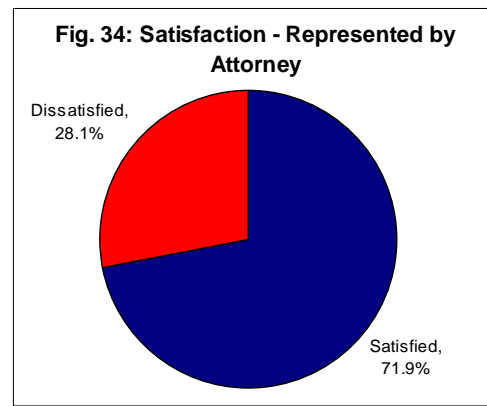
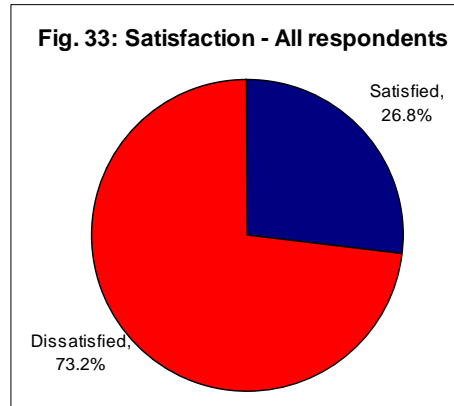


Only 20.9% of low-income households knew they were eligible for free legal services.

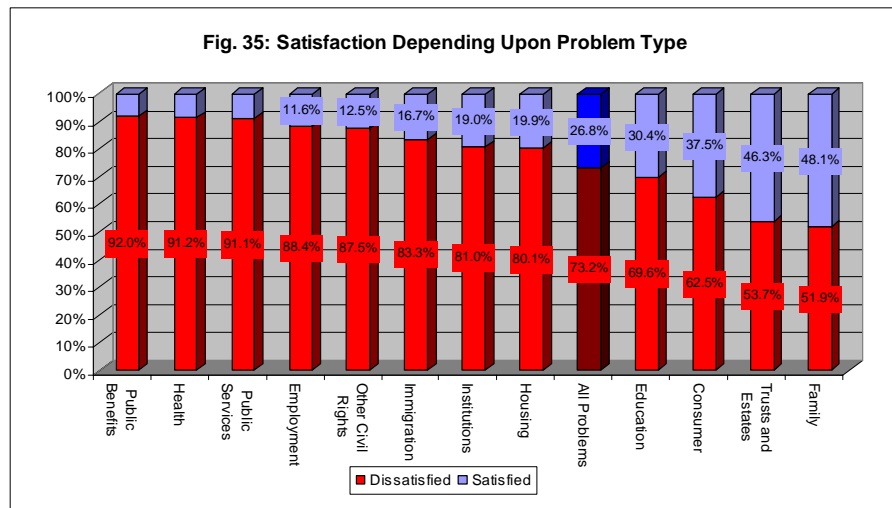
Resulting Attitudes of Households That Had Legal Problems

Households that received legal representation were much more likely to be satisfied with the outcome of the situation. Only 26.8% of all households were satisfied with the outcome of their problems while 71.9% of those who received legal help indicated satisfaction.

"We had an excellent attorney who was caring and patient during our discussions and extremely efficient and knowledgeable. Utah Legal Services made a horrible situation a lot easier to deal with." A client from Provo



Satisfaction varied significantly depending on the type of problem. Over 90% of households who were seeking help with public benefits, health issues or public services were dissatisfied with the outcome of their problems. Households with family law or trust and estate problems tended to be the most satisfied with the outcomes of their problems, though about half still were not satisfied.



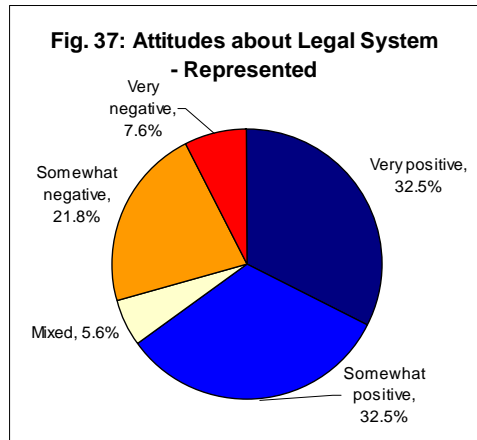
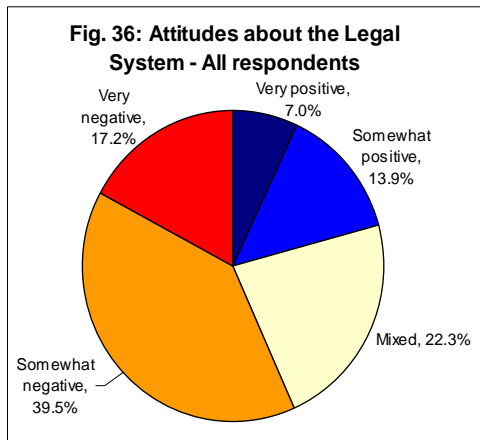
The Disability Law Center assisted a client in acquiring a much needed wheelchair ramp for his place of residence. The following is an email received from the client's caretaker:



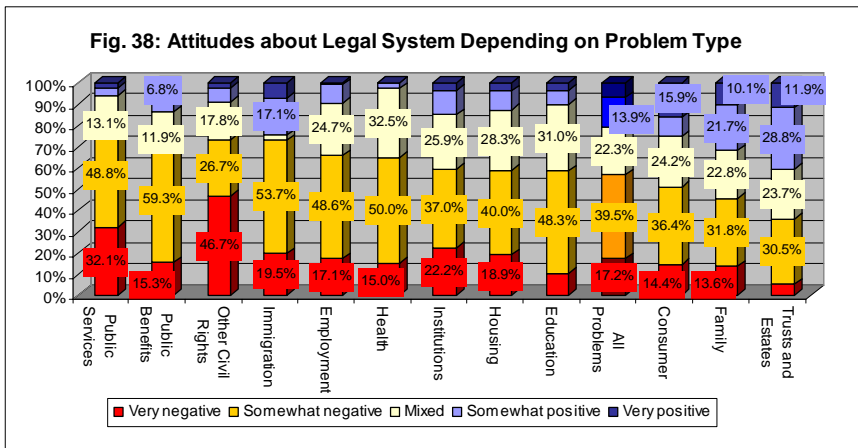
“On Tuesday, the ramp for Stephen was installed. He was overcome, speechless. It was more wonderful than he expected. He said that now he could take out his own garbage and get out for fresh air and sunshine—just what the doctor ordered (literally for depression). Yesterday, I ordered refills for some of his prescriptions. He was able to go to the drug store and pick them up himself. I wanted to express our gratitude for all of your help and guidance through this. You kept us on track. I hope you know what a wonderful job you do and wish you could see what a difference this makes for this man. And the Smiles.”

“The poor man looks upon the law as an enemy, not as a friend. For him, the law is always taking something away.” Attorney General Robert Kennedy

Having legal help also had a significant effect on attitudes towards our legal system. Sixty-five percent of those with legal help who were satisfied with the outcome of their cases felt positive or very positive about the legal system, compared to only 20.9% for all respondents.



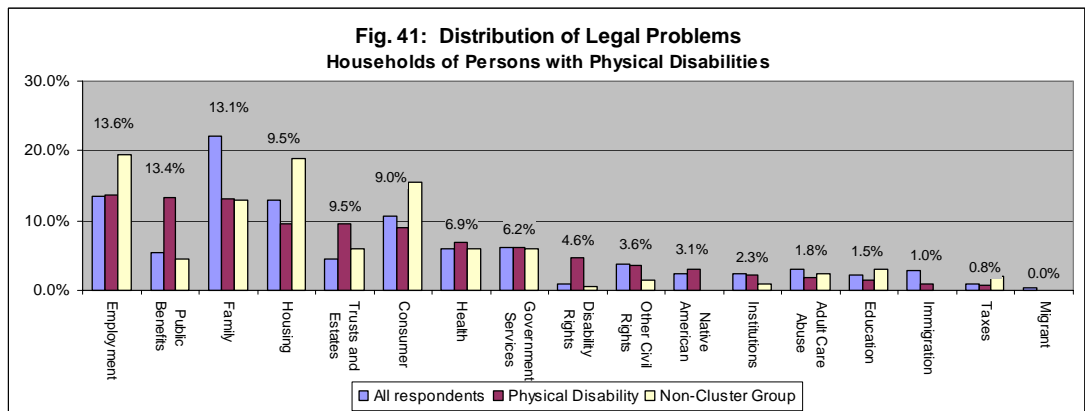
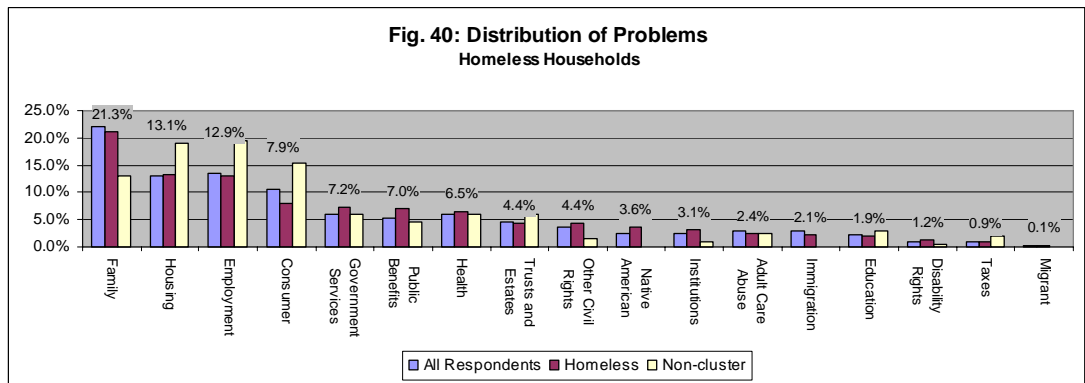
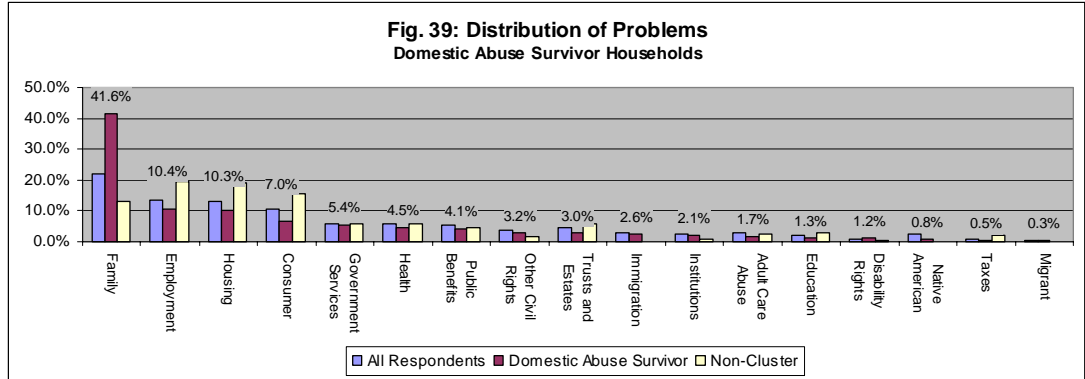
Attitudes were also significantly impacted depending on the type of legal problem.



Differences in Legal Problems of Demographic Clusters

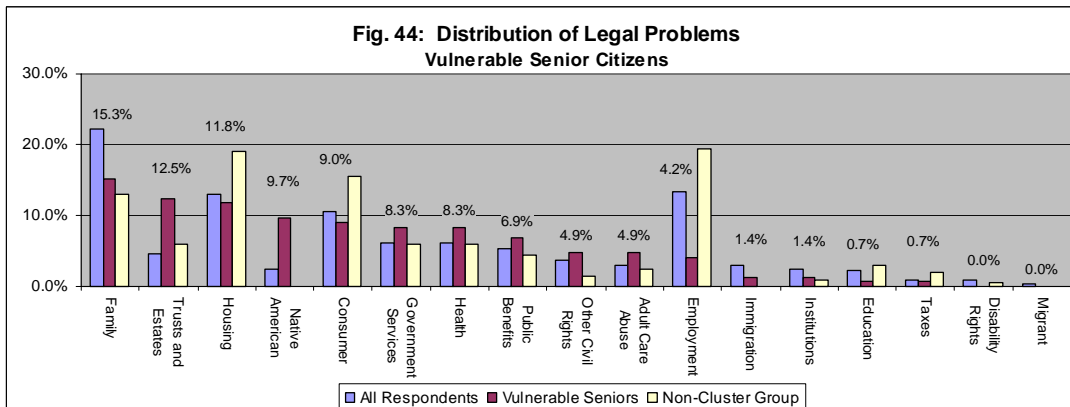
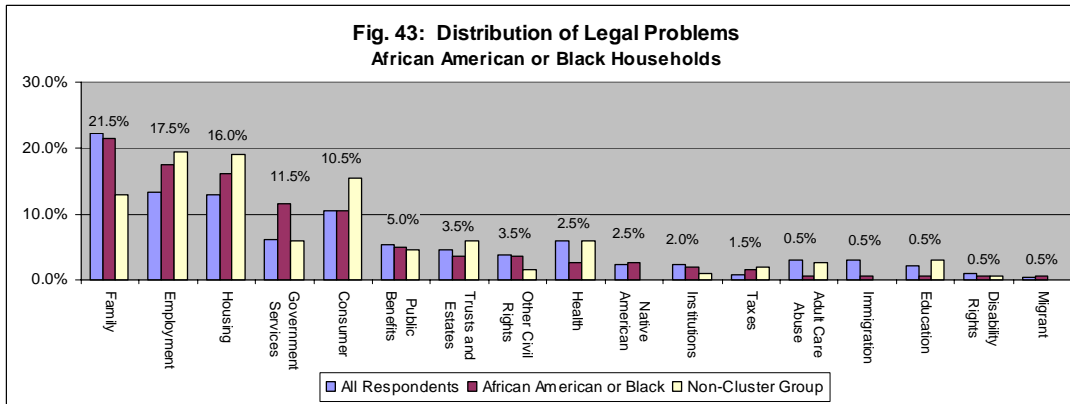
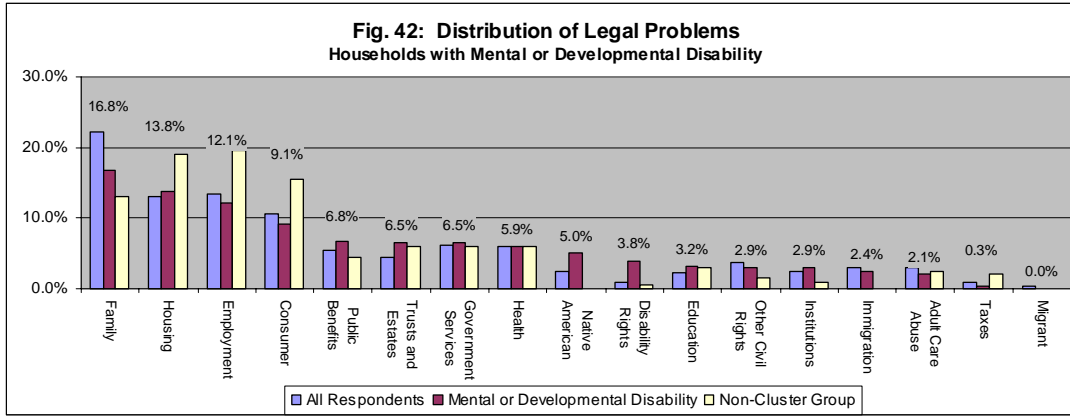
A significant finding of the survey is that certain demographic groups reported varying numbers of legal problems within different legal issues. The following series of charts shows the type and frequency of legal problems experienced by different demographic groups.

Approximately 15,225 cases of domestic violence were reported to police in 2002. Almost 75% of all domestic violence in Utah is not reported. (Utah Domestic Violence Cabinet Council—Utah State Domestic Violence Report, 2004)

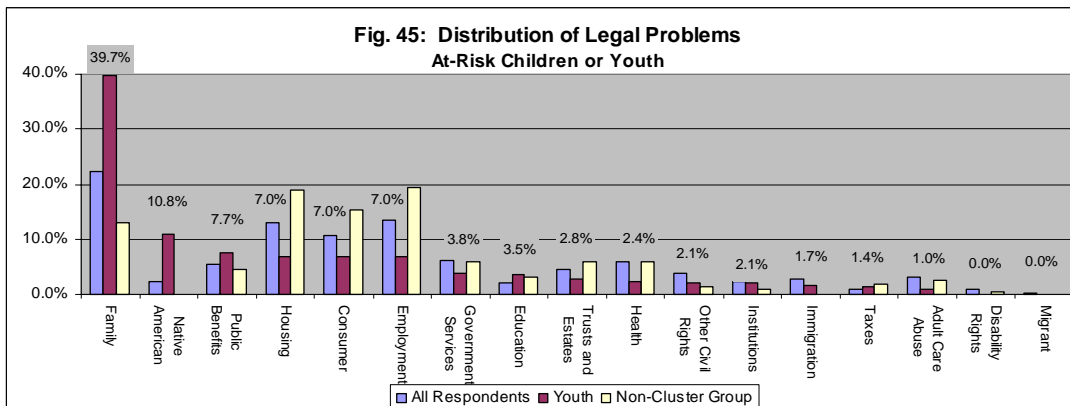


117,889 Utahns are living with a physical disability. (U.S. Census Bureau, 2000)

Approximately 12% of the population in Salt Lake, Summit, and Tooele counties suffer from a diagnosable mental disorder. (Surgeon General Report, 2001)

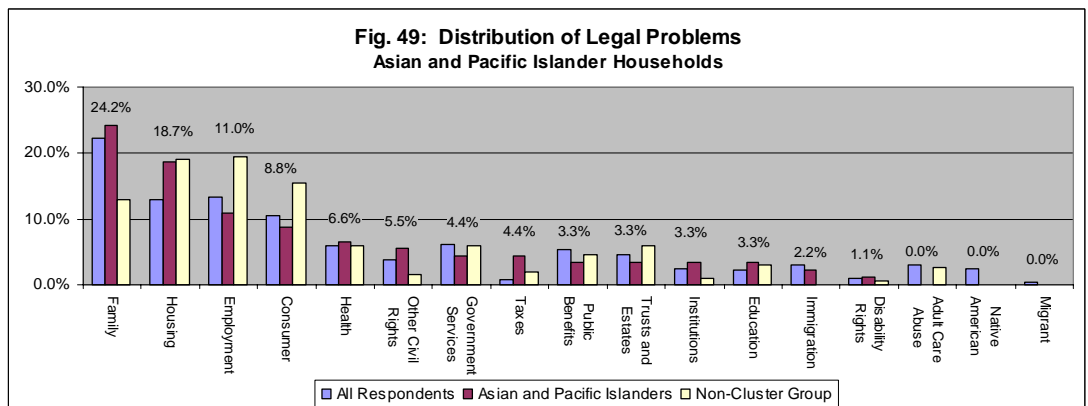
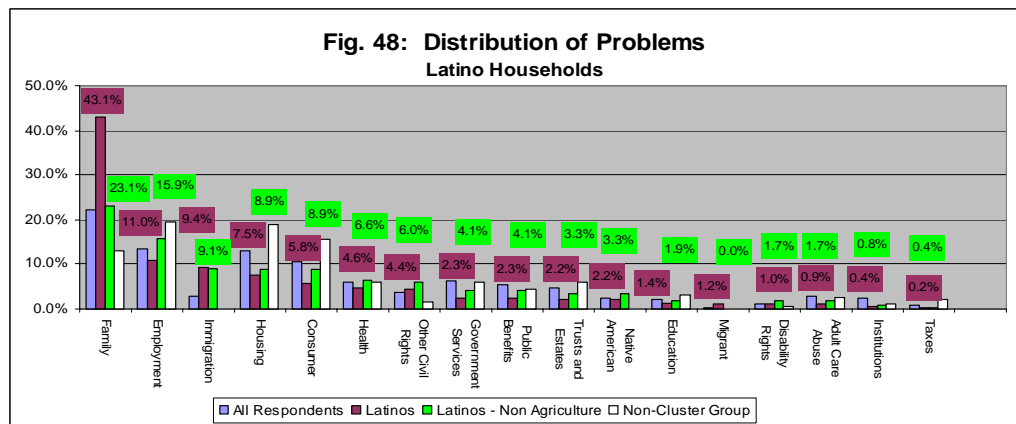
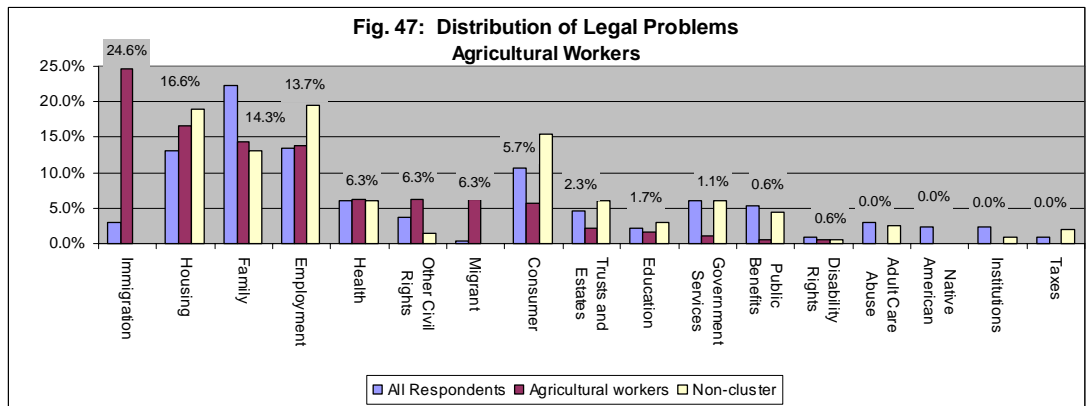
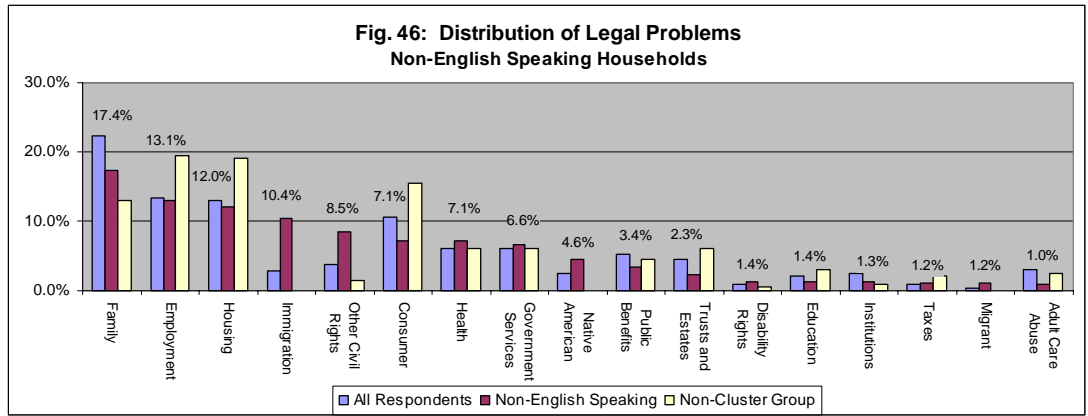


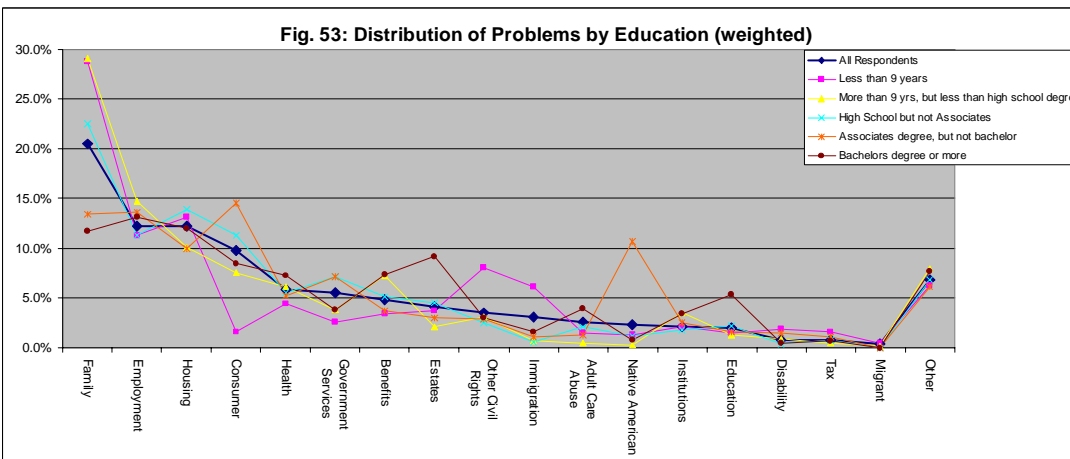
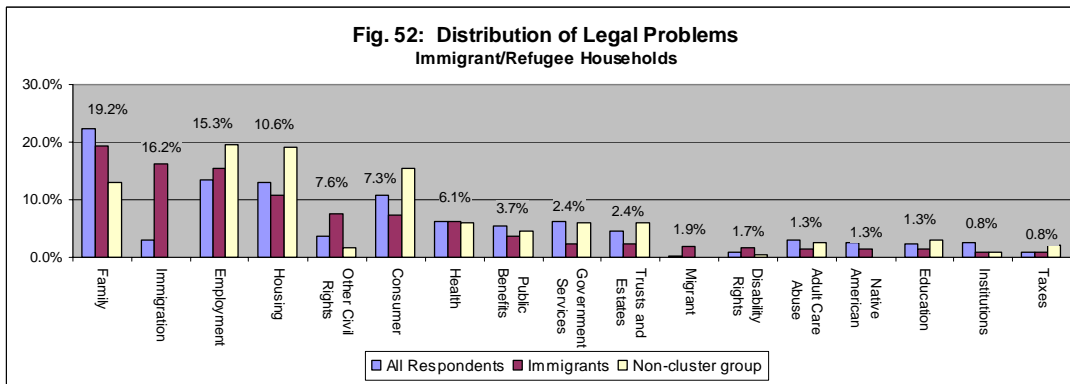
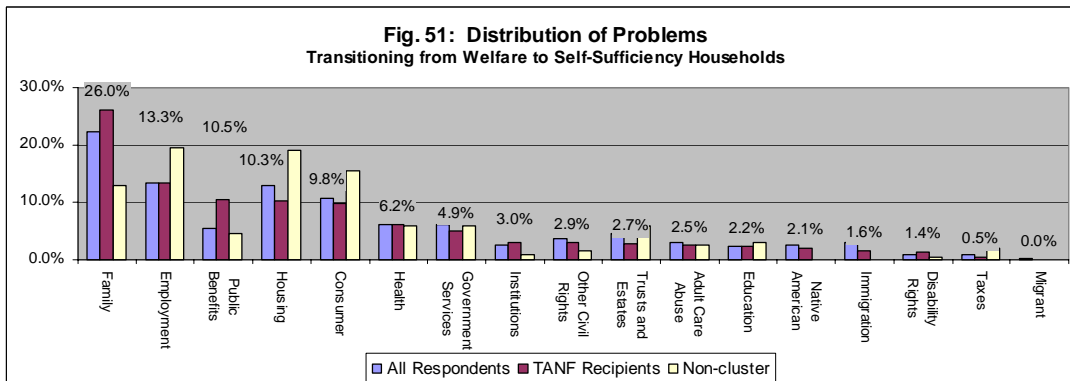
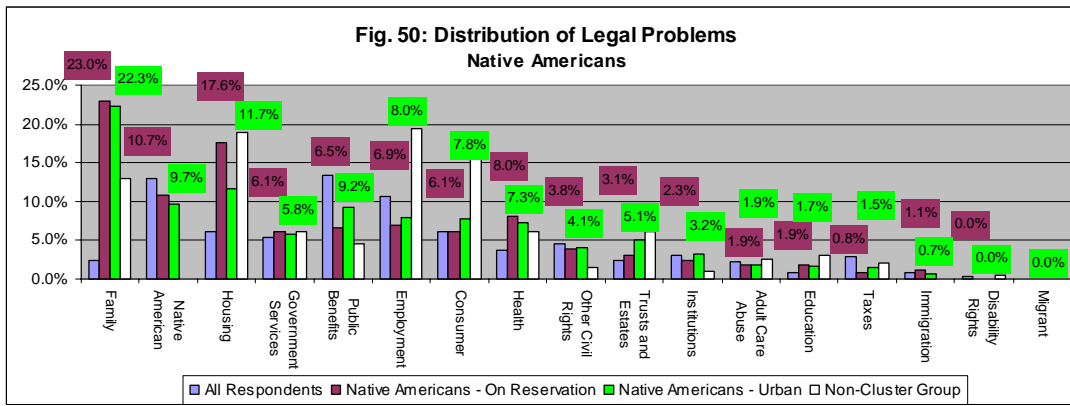
86% of all seniors reported having some kind of legal problem within the past three years. (Utah Division of Aging and Adult Services, 2004)



Public school students in Utah speak at least 40 different languages. (The Utah Special Educator, 2003)

68.4% of Hispanics/Latinos who live 100% below the Federal Poverty Level have no health insurance coverage. (Utah Issues' State of Poverty, 2006)

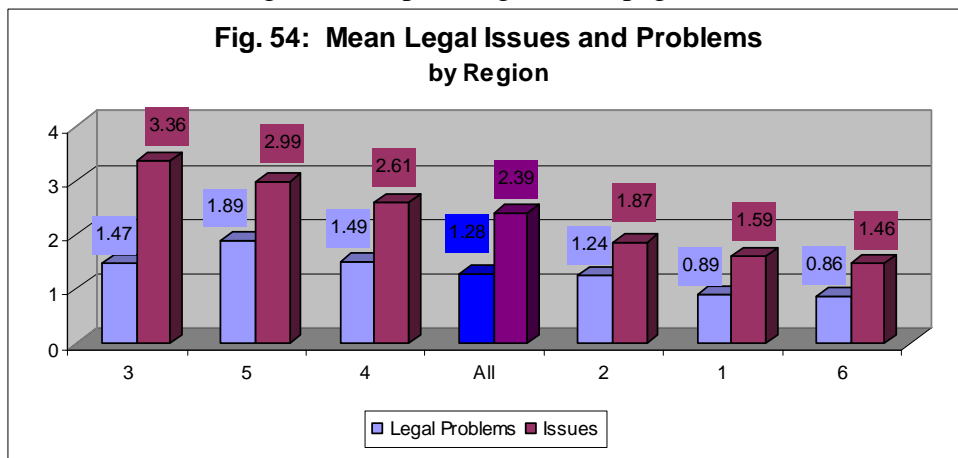




According to the University of Utah's Social Research Institute, the average monthly caseload for Temporary Aid for Needy Families was 9,221 for 2005, up 1.4% from 2004. (Utah Issues' State of Poverty, 2006)

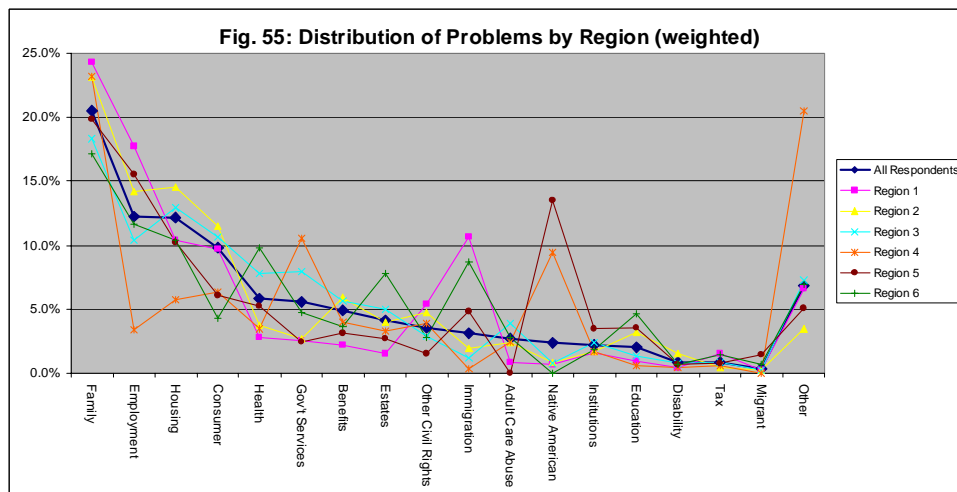
Regional Variations

This survey also reflects differences in the number of legal problems and legal issues within the six regions of the state. A legal problem may consist of several issues such as a family law problem that includes the issues of child custody, child support and a divorce. A household in Region 3 (Salt Lake County) is 71% more likely to have identified a legal problem than a household in Region 6 which encompasses the most rural parts of Utah. (See Figure 2, Map of Regions, on page 4).



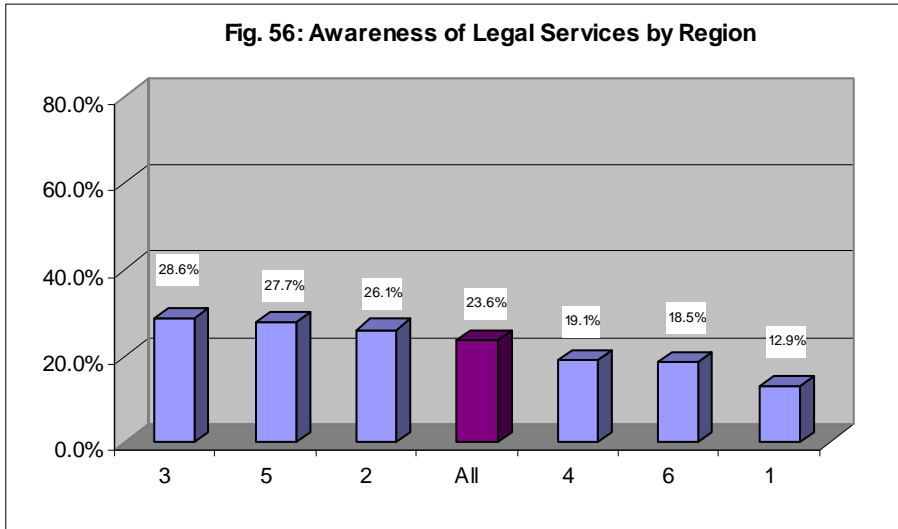
Households in different regions of the state also have different frequencies of problems within common areas of the law. For example, Regions 4 and 5 have a high frequency of problems dealing with Native American issues due to the high concentration of Native Americans living in those areas. Region 4, the Eastern part of the state, shows large variances in employment problems—very low—compared to government services—highest of all the regions. This is most likely caused by the large increase in employment in the oil and gas industry in that part of the state. With high employment comes the need for accessing more government services.

Meanwhile, problems with immigration were high in the Northern part of the state (Region 1) because of the heavy agricultural communities in that area. Salt Lake County (Region 3) also saw many problems with immigration because of the county being the most populous in the state.



Households in some regions are also much less likely to be aware of legal service programs. A household living in Region 3 (Salt Lake County) is 222% more likely to be aware of legal aid programs than a household in Region 1 (Northern Utah).

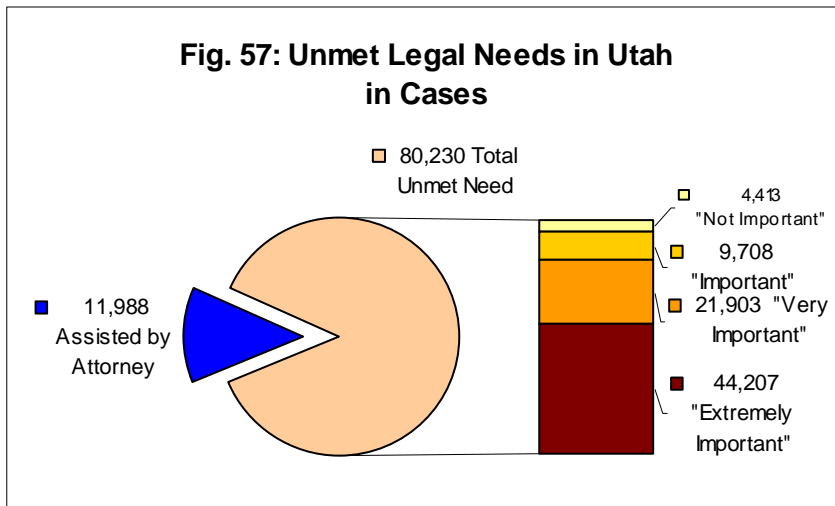
*“Equal Justice Under Law”
Motto inscribed over the entrance to the U.S. Supreme Court Building*



How Large is The Unmet Need For Legal Aid?

The survey found that there is an enormous need for legal services that is not being met— more than 80,320 cases each year.⁴ These are not trivial problems. Although a small number of those cases were not seen by the respondent to be important, over 94% of these cases were felt to be important (12%), very important (27%), or extremely important (55%).

80,320 cases of legal needs are not being met.



⁴ Because no more than five problems per household were explored in detail, this figure does not include any problems in excess of five that a household encountered during the prior year.

"Our responsibility is to marshal the forces of law to combat the causes and effects of poverty. We must uncover the legal causes of poverty, remodel the system which generates the cycle of poverty and design new social, legal, and political tools and vehicles to move poor people from deprivation, depression, and despair to opportunity, hope, and ambition."

E. Clinton Bamberger, first Director of the OEO Legal Services Program

Conclusion

It is important to remember that all the numbers in this report represent actual problems being faced by your fellow Utahns. These problems impact specific households and our community at large. Legal assistance programs help obtain and maintain income, jobs, and housing while increasing the quality of life for all residents and building civic faith in the legal system.

The data from this survey provides a wealth of information to help shape the legal aid delivery system in Utah. Significant conclusions suggested by the findings include:

- Low-income Utah households face over 92,000 civil legal problems each year.
- Over two out of every three low-income households in Utah will face a civil legal problem each year.
- The civil legal help most needed by low-income Utahns are in order: family law, employment, housing, and consumer law.
- Only 13% of very poor households report receiving legal help with their civil legal problems.
- Households that receive legal assistance are much more likely to be satisfied with the outcomes of their problems.
- Households that receive legal assistance are much more likely to have a positive attitude about the legal system.
- Many individuals are unaware of what issues can be resolved through the legal system.
- The majority of low-income households facing civil legal problems are unaware of legal programs available to them or that they are financially eligible for these programs.
- Low-income Utahns facing certain types of legal problems, such as a consumer or family law issue, are more likely to receive help from an attorney than those facing, for example, an employment or housing issue.

Recommendations

1. Convene an Access to Justice Council to develop a statewide plan to address the unmet civil legal needs of low-income Utahns. Create a broad-based effort engaging stakeholders from private, government, religious, and non-profit sectors to plan and implement programs and policies that increase access to justice for low-income Utahns.
2. Prioritize legal aid services with the most pressing needs of low-income Utahns taking into consideration barriers faced by specific demographic groups.
3. Employ a range of legal advocacy techniques including self-help, brief advice, community legal education and representation to create maximum impact with the least amount of resources.
4. Strengthen collaborative efforts within and outside the legal community.
5. Develop increased resources to adequately address the legal needs of low-income Utahns.

6. Increase opportunities for *pro bono* attorneys to participate in meeting the legal needs of low-income Utahns. Evaluate which types of cases and levels of service are most likely to appeal to *pro bono* attorneys and explore ways to remove barriers to attorneys accepting other types of cases.
7. Continue to strengthen service delivery models that allow legal assistance programs to reach all areas of the state from clinics to toll-free hotlines and web-based programs
8. Increase outreach to low-income individuals and groups to help them understand when they have a legal problem and where to go for assistance. Develop specific plans to reach vulnerable populations who may face additional barriers.
9. Educate the general public about the impact legal aid programs have on our community.
10. Coordinate with other agencies that provide assistance to low-income individuals and households to create a holistic approach to solving problems.

*"We believe that all men have a right to equal justice under the law and equal opportunity to share in the common good."
President Harry S. Truman*



ZIONS BANK®

The Law Offices of
STRINDBERG &
SCHOLNICK

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY SAINTS
FOUNDATION