

The Need of the Poor for Legal Assistance

Introductory comment: In 2002 Missouri Legal Services with funding from the Mo. Bar Foundation employed Professor Greg Casey to survey the needs of the poor for legal services. The October 2002 survey found that during the three years before the report, 77% of low-income households faced at least one legal problem (190,172 households containing 507,760 persons) (p.10). Many households experienced multiple legal problems. The average number of legal problems per household was 6.28 (p.13).

Most of these households were not able to obtain legal assistance. Legal Services eligibility requirements exclude any one over 125% of poverty level (\$12,763 per year for one person), incarcerated persons, and because of conflicts, the respondent opposed to everyone they do represent etc. Even as to those eligible, because of limited resources, Legal Services was only able to serve 25%.

Based on this report over 63,000 households each year have at least one legal problem needing an attorney and more than 47,000 (75%) do not receive an attorney's help. Note: The 47,000 does not count persons who where outside of Legal Services eligibility. The simple fact is that there is a great need to address the problem of access to justice for many needy households.

Except from Professor Greg Casey 2002 Report for Legal Services:

Let us look at **the incidence of each type of trouble in Missouri households**. Table 2 shows the percentage of households afflicted by particular kinds of legalizable problems. The most predominant problem is housing, with nearly 41% of households experiencing these types of difficulty. Next most frequent is employment problems, with 30% of households undergoing these pains. Employment is followed by family problems, with over a quarter of the households having these troubles. Miscellaneous problems, mostly involving wills and living trusts, affect about 25% of poor households. Consumer finance is next most pressing, followed by health and education. Rights problems are less widespread. Juvenile difficulties are not very widespread, but only two questions directly focused on non-educational legal problems of juveniles, so possibly this is a product of the paucity of measures (i.e., had more questions been asked, the additional questions might have picked up more households by describing other juvenile problems (unmentioned in the survey) that they might have undergone. Finally, income maintenance, usually involving some form of bureaucratic meddling by welfare authorities, is notably low.

Consumer Finance	17.13%
Education	11.74%
Employment	30.31%
Family	28.03%
Juvenile	5.99%
Health	12.14%
Housing	40.65%
Income Maintenance	3.46%
Rights	7.22%
Miscellany	25.04%

Readers should be cautioned that the high, medium, or low incidence of these problems cannot indicate precisely which problems are of high, medium, or low priority to the people suffering from them. Ranking procedures would have to be used within the survey instrument to measure and portray the hierarchies of poor people's priorities. For instance, in a telephone poll, respondents could be asked to rank perhaps as many as 5 particular needs in order of seriousness; in a field poll, it would be possible to ask respondents to sort out cards reflecting the seriousness of particular problems in their views. One telephone study by the Spangenberg Group used a final question at the conclusion of the interview asking respondents to identify which problem area they considered most serious of all the problems areas they had recounted experiencing. The problems categories considered most serious tracked the order of the incidence of problem categories very closely (the two most serious problems areas were identical to the two problem areas of highest incidence and occurred in the same order, and the order of the less serious problem categories was very similar to the order of incidence of the problem categories).ⁱ The statewide New York study (1993) also reported that poverty respondents' rankings of the most serious problem area facing them were very similar to the overall incidence of the problem area.ⁱⁱ Thus, there may be a very high correlation between the ranking of problem areas by legal service recipients and the general incidence of these problem areas, but we cannot know for sure in this survey because the final question was not asked.

The numbers of households in the survey reflects the larger reality of the number of poverty households in the state as a whole, and we can generalize to these households by using point and interval estimation statistics. Essentially, we have proportions of households reporting having experienced particular types of legal problems. We know our sample size,ⁱⁱⁱ the number of households to which we are generalizing (N= 257214 poverty households in Missouri), and we have from the survey the proportion of households surveyed which complain of a type of legal problem. With these ingredients, we can estimate the range of households affected by the type of need within a confidence interval. We will use the 95% confidence interval: with each of these intervals, we know that the correct or true number of households affected is within the range we set up 19 out of 20 times. The range goes from below the observed (survey) value to above that value. To avoid exaggerating legal needs, we will accept the lowest value, i.e., the low end of the confidence interval; since the true value could be above the high end of the confidence interval (and would probably be there about 2 ½ % of the time, we are in a sense about 97 ½ % confident that the true value is at least the low end.

Table 3 gives the data. **Note that the low estimate of the number of households affected by at least one legal problem (under overall) is 190,172. Of course, many households are affected by more than one problem: the average number of legalizable problems affecting a poverty household is 6.28.** One household in the survey encountered 66 such problems! (Also, some households were untouched by problems: 234 reported no difficulties whatsoever.) In considering the numbers of households with legal problems, it is important to hold in mind the depth of the legal problems for some households; it is probably part of the nature of the poverty experience to face multiple woes, often simultaneously.

Table 3. Numbers of Households Affected by One Legal Problem			
Category of Trouble	Percentage of Survey	Lowest Estimate of Households	Highest Estimate of Households

	Respondents Reporting it	Affected by Trouble	Affected by Trouble
Consumer finance	0.1713	38057.17	50064.35
Education	0.1174	25067.72	35326.12
Employment	0.3031	70638.18	85284.95
Family	0.2803	64940.25	79253.92
Juvenile	0.0599	11625.88	19188.36
Health	0.1214	26021.76	36429.8
Housing	0.4065	96730.87	112384.1
Income Maintenance	0.0346	5987.377	11811.83
Rights	0.0733	14700.85	23006.72
Miscellany	0.2504	57502.95	71309.83
Consumer finance	0.1713	38057.17	50064.35
Overall:	0.7656	190172.9	203673.2

Now it is interesting to fit onto these estimates the numbers of cases in the classes of legal areas that Legal Services entities in Missouri were able to take on. Although we presume that Legal Services is unable to provide legal help to all the poor who want help, and that **rationing of legal services is therefore going on**, we do not know the extent or dimensions of the unmet need. We can take both a two year total of legal services provided and a three year total. The three year total takes in the years 1999, 2000, and 2001. Since most questions in the survey referenced a three year period of time, this is the best estimate of the amount of the legal need of the poor that found its way to Legal Services entities. (We don't have data for 1998 legal services cases; thus we are taking the 1999-2001 caseload as an estimate of the needs arising in the three year period 1998-2000. The problem area in which legal services entities are most likely to

Category of Trouble	Lowest Estimate of Households Affected by Trouble	Three Year Load of Legal Services Entities (1999-2001)	Percentage of Unmet Need Met by Legal Services Entities
Consumer finance	38057.17	4958	0.130278
Education	25067.72	2201	0.057834
Employment	70638.18	2483	0.065244
Family	64940.25	15054	0.395563
Juvenile	11625.88	2249	0.059095
Health	26021.76	3721	0.097774
Housing	96730.87	7595	0.199568
Income Maintenance	5987.377	4676	0.122868
Rights	14700.85	4104	0.107838
Miscellany	57502.95	2847	0.074809
Total:	190172.9	47382	0.249152

respond to the needs of the poor is in the area of family law: here nearly 40% of the (conservatively estimated) need is handled in the volume of cases that pass through the four legal services delivery entities in the state. The next best served area is housing; legal services is handling about 20% of estimated need. About 13% of consumer finance troubles and 12% of the income maintenance cases get into the legal services system. About 10% of rights cases succeed in winning an audience with legal services, and almost 10% of health cases attract some intervention by legal services. Problems

in the rest of the case categories have a low likelihood of obtaining help from legal services. **Overall, legal services organizations seem to be handling about 25% of the legalizable problems emerging among the poverty population of the state.**

Taking into consideration the many constraints under which Legal Services entities operate, including restrictions on the type of case which they may take, not to speak of the budgetary constraints that hinder their operations, serving a quarter of the households (estimated conservatively) looks like a way of spreading legal help as widely as possible. **Unfortunately, some households have many legalizable needs, and the total number of needs is much larger than the number of households experiencing them.** Since legal service entities may serve one family more than once, the estimates in **Table 3 probably exaggerate supply of legal services somewhat.** If a legal services entity provides help to one household more than once (in the three year period), another household with needs would not be served, diminishing the spread of legal services over the pool of households needing them.

ⁱ Monroe County Legal Needs Study Final Report, especially pp. 38-42.

ⁱⁱ The New York Legal Needs Study, June 1990, revised and reprinted December 1993, especially pp. 20-23.

ⁱⁱⁱ The sample size is 1001, but on some question sets a smaller number was asked (our telephone polling firm was able to ask some questions to all and certain sets of questions to only a subset of the larger sample. Assignment to all subsets was random, meaning that the households in the subset reflect the larger poverty public, but the sample size was smaller, which is taken into consideration in the estimation of proportions.

The full Casey report is available in the archive of the Joint Pro Se Commission, which can be accessed here <http://www.courts.mo.gov/page.jsp?id=6145>, under the section titled 'Reports from Other Sources.'