

Many solve civil justice problems on their own, rarely involving attorneys

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It's not concerns about the cost that keep many people from getting help with civil justice problems, says Rebecca Sandefur, a professor of sociology and of law at Illinois, in a new report. Credit: L. Brian Stauffer

Many of life's problems are also civil legal problems, but people don't

see them that way. As a result, they often deal with them on their own, and rarely involve lawyers or courts, or even other third parties, according to a recent study.

They rarely say that concern about the cost of legal help is a factor, contrary to common assumptions.

Those were among the findings presented by University of Illinois professor Rebecca Sandefur Aug. 8 at the annual meeting of the American Bar Association in Boston, in a report titled "Accessing Justice in the Contemporary USA."

"The main reason people don't get assistance is not that they think it's too expensive," according to Sandefur, a professor of sociology and of law. "It's that they think about these problems in a way that channels them away from attorneys, and often channels them away from anybody helping them outside their immediate social network."

Sandefur's report was based on a random sample of 668 adults in a middle-sized Midwestern city (not named, for the sake of future research), all surveyed in person during 2013. The survey was part of a Community Needs and Services Study for the American Bar Foundation, partially funded by the National Science Foundation, and follows [earlier research](#) on state-by-state access to civil justice services.

Two-thirds (66 percent) of respondents had experienced at least one civil justice situation during the previous 18 months. Within that two-thirds, the average number of situations reported was 3.3.

Sandefur found that 46 percent of those reporting a civil justice situation dealt with it on their own, 16 percent did nothing to address it, and another 16 percent sought help or advice only from family members or friends. Only 22 percent sought help from a third party, which might

include lawyers or courts, but also social workers, clergy, or government agencies or officials.

She also found that almost half (47 percent) of those situations, no matter how or whether they were resolved, resulted in a significant negative consequence for the person involved. The most common of those negative consequences, at 27 percent, was an adverse impact on their mental or physical health.

"I anticipated people would report that these situations caused them to lose money or to experience fear or a loss of confidence, but seeing such wide-ranging impacts on health for so many people, for such a range of problems, was quite surprising," Sandefur said.

The most common situations reported were those involving respondents' livelihood or financial stability: 25 percent reported at least one situation involving debt; 24 percent at least one situation involving employment, such as termination, wages or disciplinary procedures; 22 percent at least one situation involving insurance, including health insurance; and 21 percent at least one situation involving money, such as mismanagement of pension funds or disputed bills.

Eighteen percent reported at least one situation involving rental housing, such as eviction or problems with housing conditions; and 16 percent reported at least one situation involving government benefits.

Other situations involved children's education, the breakdown of relationships, personal injury, and negligent care by doctors or dentists.

The survey also asked about situations involving consumer purchases, access to health care, and neighborhood and community issues. Those findings will be presented in future reports.

In presenting her results, Sandefur was not necessarily making a case for more attorney involvement, at least not as the whole solution. Many programs and services have been developed, especially in other countries and in some U.S. courts, that provide advice without the need for attorneys, she said.

"In many cases, there are inexpensive interventions possible that would prevent a lot of hardship and expense later on," Sandefur said.

"Oftentimes people handle these things on their own and it's disastrous, not only for them but for their entire families. They have different lives than they would have, if they'd had a little bit of help."

Another concern raised by the study is that so many of these situations are being resolved outside the legal system, Sandefur said. "It's getting resolved without the system knowing about it, and without the system knowing whether it's being resolved lawfully or fairly. And that seems like a problem to me, if you believe in something like the rule of law."

More information: The complete study is available online:
www.americanbarfoundation.org/...y_usa_aug_2014.pdf

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