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Idahoans Aren't Getting the Legal Help They Need

Patrick Costello

 tens of thousands of low- to moderate-income Idahoans are not getting their legal needs met, according to a University of Idaho report.

The study, performed by the College of Law and the Social Science Research Unit, is the first step in identifying needs and working to make improvements. The college and other policy makers will use the results to make decisions regarding how to meet the needs of underserved populations in Idaho.

“This study confirms what many of us in the profession have long suspected: access to civil justice is an ideal we are far from realizing here in Idaho,” said Michael Satz, College of Law interim dean. “It is my intention to use this information to show the continued need for a strong state College of Law and the need to provide the opportunity to train as lawyers in the state capitol, bringing that knowledge back to the communities our students come from.”

The study assessed the legal needs of Idahoans in the last year in non-criminal matters. The study found that households with lower incomes were less likely to get legal help than those homes with higher incomes. Specifically, in Idaho, households at or below 200 percent federal poverty levels were found to be twice as likely as the general population to have unmet legal needs.

The study also found that Idahoans needed the most assistance in accessing public benefits and debt collection matters. Significant levels of unmet legal needs were also identified in family law cases, especially custody and child support, housing matters, and consumer transactions.

The study also found that Idahoans needed the most assistance in accessing public benefits and debt collection matters.

Below is the executive summary of the report, which can be viewed in full at:

<http://web.cals.uidaho.edu/ssru/files/2013/06/LegalNeedsReport1.pdf>

Idaho legal needs assessment

The College of Law and the Social Science Research Unit at the University of Idaho conducted a statewide assessment of unmet legal needs in Idaho. The study included three primary data collection efforts: a statewide telephone survey of the general public, an Internet survey of judges, attorneys, court clerks, and victims' advocates, and several semi-structured interviews with key stakeholders. In total, 879 households completed the telephone survey, 156 individuals completed the stakeholder Internet survey, and eight interviews were conducted. These results will be used to assist the College of Law and policy makers within the state to make decisions regarding how to meet the needs of underserved populations in Idaho.

The survey included questions about households' civil legal needs over the past 12 months in the following areas of law: family law, domestic abuse, immigration, housing & utilities, discrimination, identity theft, employment, consumer issues, public benefits and services, probate, and health care.

Stakeholders group surveyed cross-section of legal field

To gain the perspective and insights of members of the law profession, including attorneys, judges, court clerks, and advocates, we conducted a web-based survey of members of those professions. The Idaho State Bar (ISB) assisted with the survey effort. Sections (ADR, Commercial Law and Bankruptcy, Diversity, Employment and Labor Law, Family Law, Government and Public Sector Law, Health Law, Indian Law, Litigation, Real Property, Taxation, Probate, and Trust Law, Workers Compensation, and Young Lawyers) within the ISB were selected based on the relevance of their areas of law practice and the survey was forwarded to those members by the ISB. In addition, the survey was forwarded to all the judges and court clerks in the state. It should be noted that while the survey was not a probability based sample and the response rate was low, the main goal of this survey was to target those who are likely to encounter low- or moderate-income clients in civil cases and assess what types of legal services are most likely to not be met for those individuals.

Percentage of households with legal issues in the past twelve months

- The areas of law that had the highest percentage of households with legal needs in the past 12 months include: public benefits and services (36 percent), debt collection (19 percent), probate (14 percent), collecting unpaid debts (13 percent), and utilities (10 percent).
- Areas of law with very low levels of need include immigration (<1 percent), foreclosure (<1 percent), malpractice (2 percent), leasing to others (2 percent), domestic violence (2 percent), and accidents (3 percent).
- The estimate for the total number of households in Idaho in which someone has experienced problems related to child custody, guardianship, and child support in 2012 is 16,000.
- The estimate for the total number of households in Idaho in which someone has experienced legal issues related to debts and debt collection in 2012 is 78,000.
- No statistically significant differences existed among the different judicial districts with respect to legal needs, though some variability among districts in areas related to debt collection and public benefits and services may be of practical significance.

Unmet legal needs in Idaho

- For those households with legal needs in the past 12 months, the majority did not obtain legal assistance.
- Over a quarter (28 percent) of households in Idaho had legal issues with respect to public benefits and services and did not obtain legal advice.
- Nearly one in five (17 percent) of households in Idaho had issues related to debt collection and did not obtain legal advice.

The estimate for the total number of households in Idaho in which someone has experienced legal issues related to debts and debt collection in 2012 is 78,000.



- Just over 10 percent of households had issues related to payment of debts owed to them and did not obtain legal advice.
- Households at or below 200 percent of federal poverty guidelines were significantly more likely to have unmet legal needs than the population as a whole.
- Over 60 percent of households in poverty had issues with public benefits and services.
- Nearly a third (31 percent) of households in poverty had legal issues related to debt collection.
- One in five households in poverty (20 percent) faced issues related to access to health care.

- Households at or below poverty were twice as likely as the general population to face issues related to their rental unit, divorce, child custody, adult guardianship, domestic violence, access to health care, and accidents.

Stakeholder assessment of legal needs in Idaho

- Stakeholders as a group tended to underestimate the percentage of cas-

es that proceed pro se (34 percent), relative to the actual number of pro se cases in Idaho recorded by the Idaho Supreme Court (58 percent).

- Stakeholders perceive that the types of cases most likely to lack legal representation are family law, debt collection, and housing.
- Over 80 percent of stakeholders listed cost as the primary reason that individuals do not seek legal assistance, and 57 percent state that the clients would have had better outcomes had they been represented by an attorney.
- The two largest problems caused by pro se representation that stakeholders perceive are adverse outcomes for the client, and lengthening and delaying the court proceedings.
- State support for legal services was ranked as the best option for addressing unmet legal needs by a plurality of the respondents.

For more information about this study, please contact: Emeritus Professor Patrick Costello, legal needs study coordinator at the College of Law (c1stello@gmail.com); Michael Satz, interim dean of the College of Law; or the Social Science Research Unit Project Manager, Stephanie Kane (skane@uidaho.edu).