

Washington State Civil Legal Needs Study Update Results of Non-Probability Survey

*Supplement to the June 2015
Statewide Civil Legal Needs
Study Probability Survey Report*

Submitted by

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Introduction

The 2014 Civil Legal Needs Study Update consisted of two components – a random, statewide probability-based survey (PS) and a targeted non-probability (N-PS) survey of members of specific target groups unlikely to be sufficiently represented in the pool of respondents to an address-based survey. These include:

1. Reservation-based Native Americans
2. Homeless persons (persons with no fixed residential address)
3. Victims of domestic violence and sexual assault
4. Immigrants and refugees
5. Youth and young adults
6. Persons with disabilities¹

The results of the probability based survey are presented in the main Report. This Supplement reports findings of the non-probability survey. Among the key findings are that:

- N-PS respondents experienced a *greater prevalence of problems across a broader range of substantive areas* than those reported by similarly situated PS respondents.
- The N-PS target group members who are also members of racial and ethnic minorities experienced *disproportionately higher levels of problems* than similarly situated group members who are white.
- N-PS respondents experienced *higher rates of discrimination and unfair treatment* across the board than similarly situated PS respondents.
- N-PS respondents were *more likely to seek and secure some level of legal assistance* than low-income respondents to the PS survey.

Non-Probability Study Component – Purpose and Limitations

The N-PS was designed to look deeper into the experience of low-income groups that would not be sufficiently represented in the PS survey. The N-PS was not intended to duplicate the probability survey, and does not offer statistically representative information from which general assumptions can be made about the general low income population. It was rather designed to serve as a distinct complementary research effort to the PS survey – one that would reach and provide deeper understanding of the problems experienced by low-income members of each of the discrete target survey groups.

¹ While the Civil Legal Needs Study Update Committee intended to include persons who identify as lesbian, gay, bisexual, transgender or questioning of their sexual identity or orientation in the N-PS survey, administrative errors resulted in the failure to execute on this intent. Subsequently, the Update Committee has engaged SESRC to expand the N-PS portion of the survey to target low-income persons who identify as LGBTQ. That work was commencing at the time of publication of this Supplement.

Non-Probability Study Component – Data Gathering Approach

Consistent with the purposes outlined above, SESRC and volunteer law students at Seattle University School of Law recruited community-based organizations that provide services to members of the target groups to distribute and secure return of completed surveys from individuals with whom they worked or to whom they provided services. Community-based groups included low-income housing and homeless services providers, food banks, immigrant rights organizations, Indian tribes, domestic violence victim service providers and youth advocacy organizations. While some legal aid organizations were involved in helping recruit community-based organizations to assist with the effort, they did not ask their clients to fill out the surveys.

The targeting was generally successful. Two hundred twenty-four (224) completed surveys from eligible respondents were obtained. Of these, 55 (26.3%) were homeless individuals and families, 102 (47.9%) were persons who were or had a household member who has a disability, 30 (17.5%) were persons who were not US citizens, 76 (36.7%) identified as victims of domestic violence or sexual assault, 45 were youth or young adults, 34 (15.3%) were Native Americans and 53 (23.9%) identified as of Hispanic/Latino descent. Table 1 shows the relative breakdown of PS and N-PS respondents by gender, age, marital status, household composition, immigrant and citizenship status, disability status, homeless status, income and employment status, and military/veteran status.

Table 1: Household Characteristics of PS and N-PS respondents

Demographic Characteristics	PS survey		NP-S survey	
	n	%		
Race				
White or Caucasian	708	57.6%	117	52.7%
Black/African American	113	9.2%	31	14%
Hispanic/Latino	251	20.4%	53	23.9%
Asian	93	7.6%	3	1.4%
Pacific Islander	17	1.4%	3	1.4%
Native American	78	6.3%	34	15.3%
Mixed Race	44	3.6%	18	8.1%
Other	38	3.1%	7	3.2%
Total	1,342	100%	215	100%
Immigrant status (born outside the U.S.)				
Yes	325	26.8%	53	24.8%
No	889	73.2%	161	75.2%
Total	1,214	100%	214	100%
Gender				
Male	468	38.6%	58	26.6%
Female	736	60.8%	158	72.5%
Transgender or other	7	0.5%	1	0.5%
Total	1,211	100%	218	100%
Age				
0-17	11	0.9%	5	2.3%
18-24	123	10.2%	40	18.4
25-39	344	28.4%	78	35.9%
40-64	509	42%	85	39.2%
65+	224	18.5%	9	4.1%
Total	1,211	100%	217	100%
Marital Status				
Married	394	32.5%	33	15.4%
Not married, but live and share household expenses with another	246	20.3%	39	18.2%
Single and live alone	360	29.7%	79	36.9%
Other	212	17.5%	63	29.4%
Total	1,212	100%	214	100%

NON-PROBABILITY SURVEY SUPPLEMENT NO. 2015-01

Demographic Characteristics	PS survey		NP-S Survey	
	n	%	n	%
Households composed of families with children				
Households without children	691	57%	104	47.7%
Households with children	522	43%	114	52.3%
Total	1,213	100%	218	100%
Homeless				
Homeless	21	1.7%	55	26.3%
No	1,192	98.3%	154	73.3%
Total	1,213	100%	209	100%
Disability				
Disability	463	38.1%	102	47.9%
No disability	752	61.9%	111	52.1%
Total	1,210	100%	213	100%
Caring for Dependent				
Yes	187	15.4%	29	13.3%
No	1,026	84.6%	189	86.7%
Total	1,213	100%	218	100%
Military Status:				
Served in the military	201	16.6%	22	10.4%
Did not serve in the military	1,011	83.4%	190	89.6%
Total	1,212	100%	212	100%
Citizenship				
United States citizen	1,073	88.5%	180	82.6%
U.S. permanent resident, but not a U.S. citizen	78	6.4%	7	3.2%
Citizen of another country	48	4%	23	10.6%
Other	14	1.2%	8	3.7%
Total	1,213	100%	218	100%
Employment				
Not employed	650	53.9%	136	62.1%
Employed full-time	276	22.9%	38	17.4%
Employed part-time	218	18.1%	43	19.6%
Self-employed	63	5.2%	2	0.9%
Total	1,213	100%	219	100%
Victim of Domestic Violence or Sexual Assault				
Yes	99	8.4%	76	36.7%
No	1,114	91.6%	143	63.3%

Prevalence of Legal Problems

It is not possible to meaningfully compare the substantive legal prevalence rates between the PS survey and the N-PS survey given the targeted focus of the N-PS effort. The PS is representative of the overall general low income population; the N-PS is not. But the N-PS survey allows for deeper appreciation of the problems unique or disproportionately experienced by members of the groups that were the targets of that survey. As such, the N-PS provides greater insight into the prevalence, substance and scope of legal problems experienced by members of these target groups. The responses are generally consistent but often magnify the underlying findings of the PS survey.

Because of the intentional targeting of victims of domestic violence and others who might be expected to have disproportionately higher levels of legal problems than the general population, the N-PS survey respondents in fact reported a higher level of legal problems (93%) than PS respondents (71%). More than a half of N-PS respondents (59.4%) were aware of their legal problems while only 35.5% of the PS survey respondents were aware of their legal problems, as measured by Q1 early in the survey².

Figure 1 shows the prevalence of legal problems by substantive area reported by N-PS respondents. N-PS respondents experienced substantially higher levels of problems across all substantive areas. For example, while 43% of PS respondents had a problem involving health care, 58.6% of N-PS respondents reported at least one legal problem in this area. While 27.8% of PS survey respondents reported

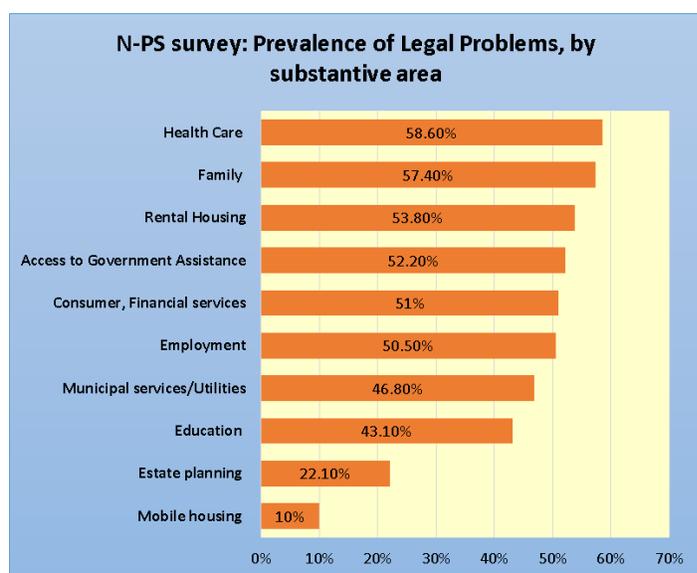


Figure 1: Percentage of N-PS respondents affected by legal problems, by category

PS survey respondents reported problems associated with rental housing, 53.8% of N-PS respondents (who disproportionately included DV/SA victims and persons who had been homeless in the past 12 months) had problems in this area. While 22.8% of PS survey respondents reported a family-related legal problem, 57.4% of N-PS respondents (which disproportionately included DV/SA victims) had problems in this area. Similarly, while 30% of PS survey respondents reported problems associated with access to government assistance, 52.20% of N-PS respondents reported one or more problems in this area.

² Question 1 of the survey asked respondents to choose between “Yes” or “No” answer to the following: “In the last 12 months, have you had any civil (not criminal) problems for which you thought you needed legal help? (For this survey, “you” refers to you and the members of your immediate household. Household means all persons living together in a unit and sharing income and expenses).”

These distinctions become even more pronounced when looking at specific legal problems in each of the major problem categories experienced by N-PS respondents.

- For example, while 10.7% of PS respondents were threatened with eviction prior to the termination of their lease, 21.3% of N-PS respondents (which disproportionately included high numbers of homeless persons) experienced such problems. Similarly, while 8.5% of PS respondents reported being denied housing assistance, 25.5% of N-PS respondents had this type of problem.
- Looking at family-related problems, 8.4% of PS respondents said that they were victims of DV/SA, while 36.7% of N-PS respondents reported problems with DV/SA. 8.6% of PS respondents had child custody related problems while 21.0% of N-PS respondents (which disproportionately included higher numbers of women, DV/SA survivors and families with children) had custody related problems.
- In the consumer/financial services area, significantly higher percentages of N-PS households had problems with wage garnishment, collection practices and legal financial obligations (LFO's) than the PS households. This reflects the substantially higher percentage of persons who had current or prior involvement in the juvenile and criminal justice systems in the N-PS survey than the PS survey.
- The percentage of N-PS respondents who had problems with law enforcement (25.2%) dwarfs that of those in the PS responses (14.5%), reflecting the substantially higher percentage of persons who are more likely to have negative interactions with law enforcement (e.g., people who are homeless, youth).
- The percentage of persons with denials of government assistance is much higher for the N-PS respondents (34.5%) than the PS respondents (22.4%), again reflecting that the N-PS survey respondents have a higher rate of un- and under-employment than their PS counterparts and are therefore more likely to be seeking some form of government assistance.
- Similar magnifications occur in the areas of access to health insurance, securing coverage for required medical procedures and health care-related debt collection.
- In the child welfare area, a substantially greater percentage of N-PS respondents who were involved in the child welfare system had been investigated by CPS (42.9%) than those in the PS survey (33.3%). This could be due to the disproportionately high percentage of homeless respondents, including homeless respondents with children.
- The percentages of N-PS Native American respondents denied governmental assistance from tribal entities (33.3%) is much higher than the PS respondents (20.6%), due to the higher percentage of reservation-based respondents.
- N-PS respondents with disabilities were far more likely to have been denied state or federal disability assistance (41.6%) than their PS counterparts (19.6%).
- Although similar percentages of immigrants were included in PS and N-PS surveys (around 25% of respondents), respondents to the N-PS survey reported substantially higher percentages of problems involving immigration status (37.0% v. 19.5%), deportation of a family member (24.4% v. 6.7%), denial of services due to immigration status (29.8% v. 13.6%) and job-related harassment due to immigration status (26.1% v. 8.6%).

Master Table 1 shows the prevalence of legal problems by substantive area and by demographic group. This table documents similarities as well as significant disproportionalities in the experiences of members of distinct sub-demographic groups relative to the all N-PS survey respondents³. Specifically, Table 1 shows that while 50% of all N-PS respondents experienced one or more problems relating to employment, 59% of Native Americans and 58% of persons with a disability experienced employment-related problems. Table 1 shows that while 54% of all N-PS respondents experienced one or more problems relating to rental housing, 68% of African-American respondents, 65% of Native America, and 63% of persons with a disability had a problem in this area.

Relative to the entire N-PS respondents, African American, Native American, persons with a disability, veterans, and youth experience substantially greater number of problems in a broader range of areas, including, employment, municipal services, rental housing, consumer/financing and education.

Master Table 1: Prevalence (%) of Legal Problems by Substantive Area and Demographic Group among N-PS Respondents

	All	White	Non-White	African-Americans	Hispanics	Native Americans	Not employed	Persons with a disability	Military Service Members	Households with children	Immigrants	Youth	Women	Men
Employment	50	49	53	50	43	59	55	58	54	46	54	55	49	54
Rental Housing	54	50	62	68	50	65	61	63	50	50	49	60	54	53
Municipal Services/Utilities	47	45	48	53	34	63	52	53	45	43	41	53	42	55
Consumer	51	56	52	50	36	70	57	62	62	45	44	44	47	59
Government Assistance	52	58	50	53	34	67	60	67	52	43	47	51	52	52
Health care	59	60	56	43	53	64	62	68	50	56	66	48	61	51
Family	57	63	56	52	50	70	60	63	73	66	49	55	60	48
Education	43	29	57	63	47	68	41	47	33	48	45	61	44	35
Estate Planning	22	22	24	13	20	32	27	22	32	21	33	21	24	16
Number of respondents	224	117	123	31	53	34	136	102	22	114	53	44	158	58

Note: Only the groups consisting of a sufficiently representative sample of respondents were selected

³ Table 1 uses red color code to highlight the areas in which the prevalence of problems among demographic groups of victims is 10 or more percent higher than the prevalence for the entire groups of victims reported in column 1.

Discrimination and Unfair Treatment

Figure 2 shows the percentage of N-PS respondents who experienced discrimination or unfair treatment on the basis of a state and federal legally protected classification. Figure 3 shows the percentage of N-PS respondents experiencing discrimination or unfair treatment with

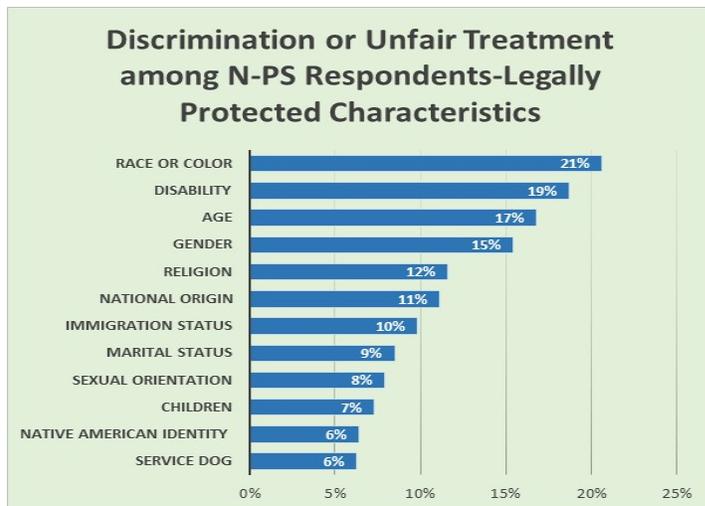


Figure 2: Percentage of N-PS affected by discrimination or unfair treatment on a basis of legally protected characteristics

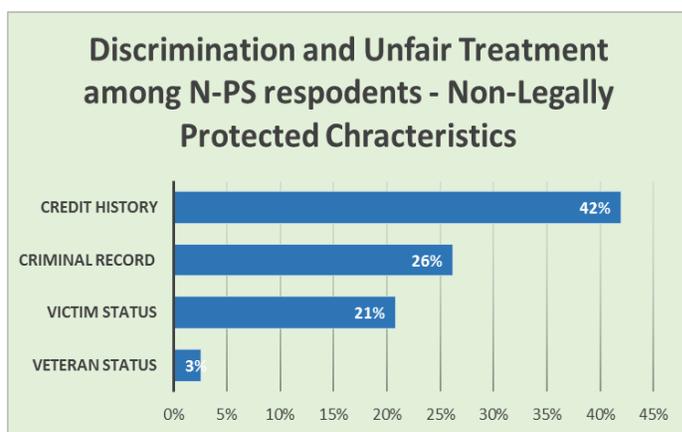


Figure 3: Percentage of N-PS affected by discrimination or unfair treatment on a basis on non-legally protected characteristics

respect to characteristics that are not protected under either state or federal law. The findings regarding discrimination are generally consistent but often magnify the underlying findings reported in the PS survey. Specifically, N-PS respondents are about 1.5 or 2 times more likely to experience discrimination on the basis of race, disability, age, gender, religion, or national origin than their PS counterparts.

Disparities in the levels of discrimination are also evident for cases involving unfair treatment with respect to characteristics that are not categorically protected under either state or federal law. Specifically, while 23% of PS respondents reported being discriminated against or unfairly treated on the basis of their credit history, 42% of N-PS respondents reported being discriminated based on credit history. While only 8.9% of PS respondents reported being discriminated on the basis of a prior juvenile or criminal record, 26% of N-PS respondents have been discriminated on the basis of a prior juvenile or criminal record.

This is because the target population has respondents with disproportionately higher levels of prior involvement in the juvenile and criminal justice system (20.6%) than the general low income population (4.1%). The same is true given the differences in the percentage of youth (20.8% v 12.5%) and persons involved in the child welfare system (16.6% v. 3.9%). Because women were disproportionately represented in the N-PS survey, though not substantially beyond what might be expected for the key target groupings of DV/SA victims and homeless families, N-PS respondents were 4 times more likely than PS respondents to experience discrimination on the basis of their being a victim of domestic violence or sexual assault (21% versus 5.4%).

Master Table 2 shows the prevalence of discrimination and unfair treatment among N-PS respondents based on demographic identity and by demographic group. Specifically, Table 2 shows that 21% of all N-PS respondents experienced discrimination based on race or color, but members of several demographic groups experienced substantially higher levels of discrimination, including African-American victims (58%), immigrants (31%) and youth (36%). In the similar vein, while 15% of all N-PS respondents experienced discrimination based on gender, 25% of African-Americans, 21% of Native Americans, and 19% of youth experienced gender-based discrimination or unfair treatment. Relative to all N-PS respondents, youth were two times more likely to experience discrimination on a basis of sexual orientation than their PS counterparts (16% versus 8%).

Master Table 2: Prevalence (%) of Discrimination and Unfair Treatment Based on Demographic Identity and Demographic Group among N-PS Respondents

	All	White	Non-White	African-Americans	Hispanics	Native Americans	Not employed	Persons with a disability	Military Service Members	Households with children	Immigrants	Youth	Women	Men
Race or color	21	7	33	58	23	28	20	21	25	22	31	36	21	18
National origin	11	4	16	9	21	7	10	10	11	12	36	18	12	6
Religion	12	8	15	25	6	10	10	10	16	7	15	21	10	12
Native American Identity	6	2	11	12	0	22	4	8	16	6	5	11	6	6
Gender	15	14	19	25	13	21	10	18	17	15	12	19	18	8
Marital status	8	6	12	12	13	13	5	8	16	11	12	13	8	6
Children in home	7	4	12	8	19	7	7	7	11	13	14	11	9	2
Sexual orientation	8	9	8	12	4	13	6	12	11	5	7	16	6	10
Age	17	20	14	17	9	17	21	24	44	9	12	29	16	16
Veteran	3	1	5	4	0	6	2	6	10	3	2	5	3	2
Disability	19	24	16	8	6	28	22	32	32	9	17	20	15	27
Service dog	6	7	7	8	2	10	9	13	0	2	2	5	6	8
Prior Juv. or crim. record	26	26	24	33	11	17	31	35	44	15	19	24	21	41
Credit History	42	36	51	57	31	56	43	50	48	38	29	46	39	46
Immigration status	10	3	14	0	27	0	7	3	5	15	34	13	12	2
Number of respondents	224	117	123	31	53	34	136	102	22	114	53	44	158	58

Discrimination and Unfair Treatment by Substantive Problem Area

Master table 3 shows the relationships between N-PS respondents' reporting of problems relating to discrimination and unfair treatment by reference to their demographic identity/characteristics (X axis) and the substantive problem areas in which the reported acts of discrimination or unfair treatment occurred (Y axis). For example, while 44% of all N-PS respondents reported discrimination in the area of employment, 56% of African Americans reported discrimination in this area. While 44% of all N-PS respondents reported discrimination in the area of rental housing, 56% of African-Americans, 56% Native Americans, and 56% of persons with a disability reported discrimination in this area. These differentials mirror the findings in the PS Survey (See PS Survey Report, p. 56, Master Table 2).

Relative to the entire N-PS respondents, African American respondents experienced substantially higher levels of discrimination in the areas of employment, rental housing and consumer/finance. Native American respondents were more likely than all N-PS respondents to report discrimination in the areas of rental housing, law enforcement, health care, and education. Youth experienced substantially higher levels of discrimination in education than members of other N-PS target groups.

Master Table 3: Prevalence (%) of Discrimination and Unfair Treatment Based on Demographic Identity by Substantive Problem Area

	All	White	Non-White	African-Americans	Hispanics	Native Americans	Not employed	Persons with a disability	Military Service Members	Households with children	Immigrants	Youth	Women	Men
Employment	44	42	47	56	44	48	43	48	50	42	42	44	44	44
Rental Housing	44	45	46	56	33	56	50	56	50	47	32	47	45	44
Home ownership	8	8	11	12	8	11	12	11	22	13	15	9	10	5
Utility Services	11	8	12	12	11	15	14	11	11	19	12	15	10	12
Municipal Services/Land Use	5	3	6	4	6	7	4	4	6	5	10	3	3	5
Law Enforcement	25	27	27	20	22	41	29	35	33	24	22	18	25	29
Consumer	28	28	30	32	39	26	26	24	28	31	22	18	31	22
Health care	18	22	19	8	17	37	21	27	22	17	27	18	18	17
Government Assistance	27	24	30	24	42	33	29	29	28	31	40	23	30	20
Education	22	15	29	24	31	37	22	17	28	28	35	41	24	15
Government Programs	10	8	13	4	25	7	10	4	17	15	20	15	10	10
Access to private business srv	12	10	16	20	19	18	11	11	6	13	22	15	12	12
Number of respondents	224	117	123	31	53	34	136	102	22	114	53	44	158	58

Steps N-PS Respondents Take When Faced With Civil Legal Problems

The percentage of N-PS respondents who self-diagnosed their legal problem and tried and got some level of legal help was higher than that for PS survey respondents (43.8% versus 24%). The percentage of N-PS respondents who sought but could not get legal help was lower than that for PS survey respondents (7.7% versus 11%). This is likely due to the types of legal problems reported and for which help was sought as a percentage of the total number of problems reported in the two surveys. Thus, because there were substantially more persons experiencing family law, housing and child welfare related problems, it is expected that there would be a greater level of understanding of the need to get legal help to address these court-based legal problems.

The breakdown by category of problems for which people sought help are generally consistent with that reported in the PS Survey with the exception of a greater percentage of respondents seeking help with family-related legal problems (37.9% v. 21.4%). This is explained by the greater percentage of women with children, DV/SA victims and homeless single parents in the N-PS survey, all of whom experienced higher percentages of family-related legal problems than the general population reported in the PS Survey.

Problems accessing court forms (40.6%), obtaining fee waivers (38.7%) and understanding court rules (28.1%) were the predominant challenges identified by N-PS respondents in relation to their ability to effectively participate in court or administrative agency proceedings. These are not significantly different than the experiences reported by respondents to the PS survey who had been involved in a court or administrative agency proceeding in the prior 12 month period.

Ability to Solve Legal Problems

The percentage of N-PS respondents who were able to solve some portion of their legal problem was not different than for PS survey respondent (45% versus 44%). The same was true for the rates of obtaining the complete resolution for their problems (18.6% of N-PS respondents versus 17% for PS respondents).

N-PS Respondents' Views of the Civil Justice System

Perceptions regarding the fairness or effectiveness of the civil justice system for “people like them” and its ability to serve as a forum for the effective resolution of disputes are not dissimilar from (though a bit magnified) than those shared by respondents to the PS survey. Specifically, while 41.2% of PS respondents did not believe that people like them have the ability to use the courts to protect themselves and their families or to otherwise enforce important legal rights, 48.1% of N-PS respondents felt the same way. While 26.7% of PS respondents felt that people like them could rarely if ever effectively resolve important problems through the civil justice system, 32.9% of N-PS respondents felt the same way.