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Review of *The Legal Needs of the Public*,

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are likely to be confused by this, since neither rationalism nor Cartesianism have been explained. Finally, Rossides's criticisms of the theorists are often unclear because of his florid style of writing. For example, one of his criticisms of Parsons is that "his fluid, stretched out, fluctuating, cybernetic, maturing 'societal community' is never stated as a problem" (p. 491). Readers are not likely to understand extended descriptions like this, and they appear throughout the book.

It is possible to write clear and penetrating analyses of sociological theories, either from a sociology-of-knowledge perspective or in terms of the theories themselves. An example might be Lewis Coser's *Masters of Sociological Thought* (New York: Harcourt Brace Jovanovich, 1971). There are others. For the reasons noted above, I doubt that this book is one of them.

The Legal Needs of the Public: The Final Report of a National Survey. By Barbara A. Curran. Chicago: American Bar Foundation, 1977. Pp. xxxvi+382. \$25.00 (paper).

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Both the title, *The Legal Needs of the Public*, and the subtitle, *The Final Report of a National Survey*, of this volume are, quite fortunately, inapt. The report does not seek to quantify the legal needs of the public or to determine whether "needs" are being "met," and we are told by both Barbara Curran in her preface and Spencer Kimball in his foreword that this "final report" signifies the beginning and not the end of data analysis. This study (which I shall call the ABF study) is a joint undertaking of the American Bar Association Special Committee to Survey Legal Needs and the American Bar Foundation. It is the most recent of a number of survey studies that have sought information on popular attitudes toward lawyers and the legal system, the public's experience with lawyers and the legal system, and the past incidence and distribution of situations where individuals might have benefited from legal services. This last focus has led some people to characterize this research as research on "legal need," but, as Curran recognizes, situations where lawyers might have aided respondents are not necessarily situations where respondents needed lawyers. The fact that a problem is in some sense "legal" does not mean that an individual acting alone or with lay help cannot resolve it satisfactorily nor does it mean that it makes economic sense to hire a lawyer whenever professional help promises an incremental advantage.

Earlier surveys of this nature, reviewed in chapter 1 of Curran's report, are limited in important ways. Some do not interview enough people, several do not seek enough information from those they do interview, and most

of them sample respondents in ways that seriously limit the generalizability of their findings. The ABF study avoids these deficiencies. With the aid of the National Opinion Research Center, a straight random sample of households was drawn and 2,064 persons living in these households were interviewed. When responses are appropriately weighted to reflect differences in household size, the results approximate a random sample of noninstitutionalized adults living in the contiguous 48 states. While comparisons with census data reveal some of the biases commonly found in large national samples of adults (e.g., women and whites are oversampled while the less educated and those who have never married are undersampled), differences between aggregate sample characteristics and census data are never more than a few percentage points. The interviews were lengthy—requiring an average of an hour and a half to complete—and wide ranging. Most of the questions posed seek information about actual experience. Respondents are asked whether they have ever encountered any of 40 “problems” (e.g., acquiring real estate, wage garnishment, divorce, employment discrimination, and estate planning) that might have been the occasion for legal help. For most problems, reported encounters trigger questions about the help actually sought. Respondents are also asked about their actual contacts with lawyers, whatever the reason for the consultation. Other portions of the questionnaire probe the respondents’ attitudes toward lawyers and the legal system, ask respondents what actions they would take in six problem situations, and capture the basic demographic information on which much of the data analysis turns.

Taken as a whole, the ABF survey is impressive, but it is not without its problems. Some are familiar, inescapable by-products of the survey method. The most important is that reported experience is colored by perception and memory, psychological processes affected by social status and culture. For example, mean educational level is significantly higher among respondents who claim to have experienced consumer problems, constitutional problems, employment problems, and problems with government agencies than it is among those not reporting such problems. One wonders whether the more educated actually experienced more problems of these kinds or whether they were simply more prone to perceive difficulties. The latter interpretation is supported by the fact that the average number of problems reported by those reporting at least one problem is highest in the most amorphous of the problem categories: constitutional rights. Among blacks and Latinos the pattern is truly striking. Those reporting at least one violation of their constitutional rights report an average of 4.9 violations. Torts is the next most likely to be repeated of the 11 problem categories. Those reporting at least one tort report an average of 2.1.

Vicissitudes of memory and perception may also account for an apparent anomaly in the data. When respondents are asked to list, by categories, the total number of problems they have encountered over the course of their lives, the average number of problems reported by the oldest age group (55+) is less than that reported by the middle age group (35–54) in nine

of the 11 categories and less than that reported by the youngest age group (18–34) in six categories. While some of these differences may reflect the increasing incidence of problematic behavior in recent years, particularly among the young, it is likely that the older respondents did not in their youth define as problematic situations which today would be so defined.

The ambiguity inherent in reports of experience means that one may not be justified in treating the incidence data reported by Curran as an accurate count of the absolute number, or even the relative number, of legally problematic situations in which different classes of respondents have found themselves. The data have greater validity as an indication of the potential demand for legal services. When people do not perceive problems, they are not going to seek aid in resolving them.

Other problems with the survey were avoidable. For some categories of problems follow-up questions either are absent or do not follow the pattern that is ordinarily employed. We are told that this was done to cut the time of the interview and it may have been justified, but it is nonetheless annoying not to be able to make certain comparisons that suggest themselves. One also wishes that the researchers had deliberately oversampled blacks and Latinos. Many of the most interesting questions that can be asked of these data concern the attitudes and experience of minority group members. With only 252 respondents who were black or Latino, controlled analysis will often be frustrated. For example, we can learn little about blacks or Latinos who experience eviction, repossession, or garnishment. There are fewer than 15 respondents in each category.

Perhaps the most serious of the avoidable problems concerns the operationalization of that category of torts referred to in the text and tables as “serious property damage to respondent” (e.g., table 4.8 on p. 104). The question that elicits information about this type of tortious victimization is: “Has any property belonging to you—such as a house or car—ever been seriously *damaged* by someone else—either accidentally or on purpose; or, has anyone ever *stolen* property belonging to you?” (p. 320). This question elevates the legal doctrine that criminal theft inevitably encompasses the tort of conversion above the fact that theft of property is sociologically quite different from *serious* property damage. The demographic incidence of the two experiences is likely to be quite different and their implications for the use of legal services certainly are. Thieves are likely to be unknown and if known are likely to be so impoverished that it makes no sense to sue them for the harm they caused. Those responsible for serious property damage, particularly damage to automobiles, are often known and often have insurance to pay the injured’s damages.

Respondents answering the above question affirmatively were asked whether they reported the matter to the police as a crime (30% did), but known tendencies to underreport crime mean that this follow-up question cannot satisfactorily screen those who were criminally victimized from those who were not. The ambiguity of the category “serious property damage to

respondents" affects more general analyses since the category accounts for more than half the reported torts and, over the lifetime of the respondents, is the second most common of 29 problems that are examined in detail. To cite just one statistic that this ambiguity renders meaningless: the probability of consulting an attorney when harmed by a tort involving serious property damage is reported to be .05. This invites the conclusion that one suffering serious property damage is less likely to use a lawyer than one experiencing an infringement of his constitutional rights ($P = .10$), a serious dispute with a creditor ($P = .07$), or a serious difficulty with a federal agency ($P = .15$). I expect that this relative ranking is correct in the case of those who have property stolen, but I would be very surprised if it held for those experiencing serious noncriminal property damage.

The heart of Curran's report is three chapters crammed with data. In 160 pages, 43 of which are devoted to footnotes, the reader is presented with 64 figures and 91 tables. Analysis invariably takes the form of tabulations of attitudes or experience controlling for one or two of the following characteristics: race, sex, age, income, and education. The bulk of the text restates the contents of the tables and figures, both as presented and as modified by the addition of further controls. Many of the footnotes report the significance levels of observed relationships. Although Curran occasionally suggests reasons for particular findings, there is no systematic attempt to do so. This task is left, by and large, to the reader.

There is much that is interesting in these data. To give but one example: among users of lawyers the most satisfied are those who consulted attorneys about matters involving estate planning, estate settlement, and real property (p. 212). These are the only three of the 11 categories examined where the client is not likely to be seeking aid in dealing with a grievance or facing an adversary. It may be that whenever a lawyer represents a client involved in a dispute, the stresses of the dispute are likely to affect the client's judgment of the attorney. Perhaps this is because the lawyer must often convince the client that there is some substance to the opponent's case and so is not perceived as completely loyal. Whatever the reason, Curran's finding suggests that analyses of lawyer-client interaction should distinguish at the outset situations where lawyers plan or facilitate activities for the client from situations where lawyers serve clients as advocates.

The ABF study will be of most value to those with specific hypotheses to test or specific questions to answer. Curran does not seek to test hypotheses or to answer questions in her "final report"; instead she seeks to lay out basic patterns. As a last word this approach would be most unsatisfactory, but as an effort that marks the commencement of the serious exploration of these data it is alluring. Curran's volume convinces me that with further analysis there is more to be learned from the ABF study than from all previous surveys of this type.