

Legal Needs Survey

Initial Survey Scan – Raw Data

I. Introduction:

This document compiles and summarizes the findings identified from the scan of 22 surveys from 18 jurisdictions. It covers the broad survey objectives, the general methodology aspects, and the categories included on the surveys scanned.

II. Objectives

Four common themes were identified: basic legal information, resolution pathways, outcomes, and perceptions. Some are broader, such as those in *Everyday Legal Problems and the Cost of Justice in Canada* and all the HiiL surveys, while others, such as those in *The 2017 Justice Gap Measurement Survey* out of the USA, are narrower/more detailed, allowing them to be combined or made to be sub-objectives under broader ones. The reasoning for providing both broad and narrow objectives is to show the expanse of possible options available as we begin to design the Saskatchewan survey.

1. Basic Legal Problem Information

- a. What is the extent, type, and frequency of the everyday legal problems of Saskatchewan residents?
- b. The incidence of justiciable problems within the Saskatchewan population as a whole and within the sub-groups of Indigenous, immigrant/new Canadians, and LGBTQ2S communities.

Examples:

- Types and frequency of justiciable problems encountered by members of the public (Hong Kong survey - Consultancy Study on the Demand for and Supply of Legal and Related Services)
- The incidence of justiciable problems within the population (Paths to Justice in the Netherlands)
- What is the incidence of legal need in Northern Ireland, as measured by the proportion of the adult population experiencing different kinds of problems which have a remedy in civil law? (Northern Ireland Legal Needs Survey)

2. Resolution Pathways

- a. What is the range of responses of the Saskatchewan population to justiciable issues (use of legal sources, self-help strategies, and taking no action) and what drives people to respond in this manner?
- b. What are the social and economic costs incurred as a result of a justiciable issue and the steps taken to resolve that issue?
- c. Level of legal literacy, capability, and awareness of the Saskatchewan population and how that impacts the resolution pathways chosen.

Examples:

- To understand the strategies that the individuals employ to respond to the existing needs for justice. (Justice Needs in Ukraine)
- Pathways to their resolution (Legal Australia-Wide Survey: Legal Need in Australia)

- What is the cost of delivering access to justice? (Everyday Legal Problems and the Cost of Justice in Canada)
- Examine the reasons why people decide to handle some issues alone (Online Survey of Individuals' Handling of Legal Issues in England and Wales – 2015)
- The range of agencies consulted by the public and the reasons for selecting them and the order in which they were selected (Paths to Justice in Scotland: What People in Scotland do and Think About Going to Law)

3. Outcomes

- a. Outcomes achieved as a result of the different resolution pathways taken.
- b. Quality of the services used and the impact of that quality on the outcomes.

Examples:

- The motivation for using the courts or alternative forms of dispute resolution and the extent to which the objectives of those using these services were achieved (Hong Kong survey - Consultancy Study on the Demand for and Supply of Legal and Related Services)
- The experiences of people who did not seek legal assistance or who were unable to resolve their problem. (Global Insights on Access to Justice)
- To better understand the reasons why some people do not access legal services and the outcomes of that inaction (New Zealand's 2006 National Survey of Unmet Legal Needs and Access to Services: Implications for Information and Education)

4. Perceptions

- a. What are the obstacles to accessing justice and how does that affect the perception of fairness and usefulness of the civil justice system?
- b. To evaluate the attitudes, perceptions, and reactions of the Saskatchewan population who have had contact with the civil justice system regarding fairness and efficacy of the system.

Examples:

- To identify the barriers to legal information, advice and representation, to help develop better service design and delivery (New Zealand's 2006 National Survey of Unmet Legal Needs and Access to Services: Implications for Information and Education)
- How much fairness and justice the people receive when they need it (Justice Needs in Ukraine)
- Evaluate low-income Americans' attitudes and perceptions about the fairness and efficacy of the civil legal system (USA survey - The 2017 Justice Gap Measurement Survey)
- Mapping of citizens' responses to disputes and their evaluation of access to justice (Justice Needs in Uganda)

Most of the surveys had between 2-5 objectives that the survey was seeking to achieve. The less objectives, the broader they were. If using fewer objectives, it is recommended that a deeper look at the HiiL studies or the Canadian studies to assist in the development of the Saskatchewan study objectives, as their objectives are well-worded. However, it is recommended having approximately 4-5 and having one that encompasses each of these themes, or as many as themes that are relevant for the Saskatchewan survey. This will allow this survey to achieve a balance between being specific and being broad.

III. Methodology Aspects

The scan involved looking at 22 surveys from 18 jurisdictions with an even split between advanced economies and emerging and development economies. The *OECD Guide* in their similar endeavour (but on a larger scale) had found commonalities across jurisdictions and that prompted this scan to include emerging markets like Kenya and Uganda even though Canada (and Saskatchewan) would be considered an advanced economy. Looking at the following factors allowed for baseline information about implementation factors to be gained and considered as the survey is being developed.

- Number of participants – average was 6321
 - This is a high number for a province-wide survey and the majority of the surveys scanned were nationwide. Doing a quick scan of state-level surveys in the United States found that the range was anywhere from 325 to 2800 participants with the average being about 1020 participants. This may be a more workable number for a province-wide survey.
- Type of respondents – mostly adults (18+)
 - There is no reasoning listed for why adults were chosen but a conclusion can be drawn that it is because many civil issues require being the age of majority to experience directly/be directly responsible for. Also, if the reference period is 3-5 years and minors are interviewed, we could be asking some participants to think back to age 10 which could cause recollection issues as well as produce no useable data.
- How respondents were chosen – randomly with selection of the participants based on region to get a more representative sample
- Process type – mostly face-to-face (52%)
 - *OECD Guide* found that face-to-face interviews gave generally better response rates which was confirmed in my this scan (for the few reports that gave response rates)
 - Some of the surveys used a combination method where the pre-screening was done via online/telephone and then the main interview was face-to-face or the main interview was done by phone and select in-depth interviews were done face-to-face.
 - There were no specific recommendations from the *OECD Guide* or anything that stood out in this scan and so the process type will mostly likely depend on budget and manpower, but some number of face-to-face interviews would be beneficial.
- Reference period – average was approximately 3 years (33.8 months)
 - *OECD Guide* recommends a 2-year period because it gives the best quality data, but they found the average was about 3 years. The only thing they caution against is 1-year or less period because it is not long enough to gain detailed enough data
- Time to complete – average was 4.2 months (out of 18 surveys with this data)
- Time to publish – average was 13.5 months (out of 15 surveys with this data)

IV. Categories

After the scan, 18 categories emerged with the most common (included in 50% or more of the surveys) highlighted yellow. Looking at the Statistic Canada legal questions that will be on the next census, all but three will be included. Out of three not include, government is a category that is useful to include as government can cover a large number of sub-categories.

Category	Frequency	Sub-categories	Category on Stats Canada questions
Accident	→ Included – 54.5% → Not Included – 45.5%	→ Traffic → Partner or child	No
Consumer	→ Included – 94.5% → Not Included – 4.5%	→ Faulty goods or services → consumption	Yes
Credit/debt	→ Included – 45.5% → Not Included – 54.5%		Yes
Crime	→ Included – 68.2% → Not Included – 31.8%	→ Domestic violence → Arrest	Yes
Discrimination	→ Included – 31.8% → Not Included – 68.2%		Yes
Employment	→ Included – 100% → Not Included – 0%		Yes
Family	→ Included – 100% → Not Included – 0%	→ Divorce and relationship breakdown → children	Yes (excluding children)
Government	→ Included – 63.6% → Not Included – 31.8%	→ Police-related problems → Access to benefits → Public services → Obtaining ID	No
Health	→ Included – 54.5% → Not Included – 45.5%	→ Mental health → Hospitalization → Social welfare → Medical treatment	No
Housing	→ Included – 81.8% → Not Included – 18.2%	→ Rental housing → Homelessness → Landlord/tenant issues	Yes (includes owned property)
Immigration	→ Included – 31.8% → Not Included – 68.2%		Yes
Money	→ Included – 86.3% → Not Included – 13.6%	→ Welfare benefits → Disability benefits	Yes (benefits and disability)
Neighbors	→ Included – 63.6% → Not Included – 36.4%		Yes (under Community Problems)
Other	→ Included – 77.3% → Not Included – 22.7%	→ Threat of legal action → Rights → Corruption → Business related problems → Education → Veteran's issues	Yes → Children → Poor/incorrect medical treatment → Legal action → Other (harassment)
Personal Injury	→ Included – 50% → Not Included – 50%	→ Work injuries	Yes
Property/Land	→ Included – 81.8% → Not Included – 18.2%	→ Homeownership/owning residential property	Yes (under Housing)

Wills and Estates and Powers of Attorney	→ Included – 22.7% → Not Included – 77.3%		Yes
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