

# The California Justice Gap: Measuring the Unmet Civil Legal Needs of Californians



The State Bar  
*of California*

November 2019



### **About the State Bar of California**

Created by the California Legislature in 1927, the State Bar of California is an administrative arm of the California Supreme Court. Its mission is to protect the public and includes the primary functions of licensing, regulation, and discipline of attorneys; the advancement of the ethical and competent practice of law; and support of efforts for greater access to, and inclusion in, the legal system. To learn more about the State Bar of California, please visit: [www.calbar.ca.gov/About-Us](http://www.calbar.ca.gov/About-Us).

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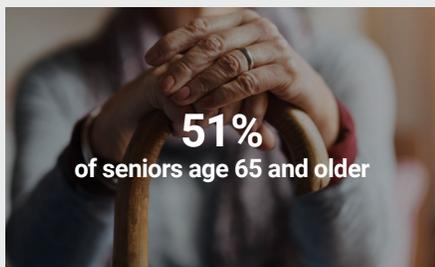
# Executive Summary

The State Bar of California and NORC at the University of Chicago partnered in 2019 on a survey exploring the civil legal needs of residents of California with the goal of evaluating the “justice gap.” The justice gap is the difference between the civil legal needs (problems that could be addressed through civil legal action) of Californians and the legal help they receive to address those needs. The justice gap is examined in a few ways in this report—the number of civil legal problems for which people are able to get legal help, the number of problems for which that help is inadequate to resolve the problem, and the frequency with which people get nonlegal help for their legal problems. Through interviews with nearly 4,000 California residents,<sup>1</sup> the survey allows for a detailed analysis of the civil legal needs Californians faced in the past year. This report provides results among Californians overall, those living in households at or below 125 percent of the federal poverty level (FPL), and those living in households above 125 percent of FPL.<sup>2</sup>

**55%** of Californians experienced at least one civil legal problem in their household in the past year. Among key demographic groups, the comparable figure is:

**60%** of Californians in households at or below 125% FPL

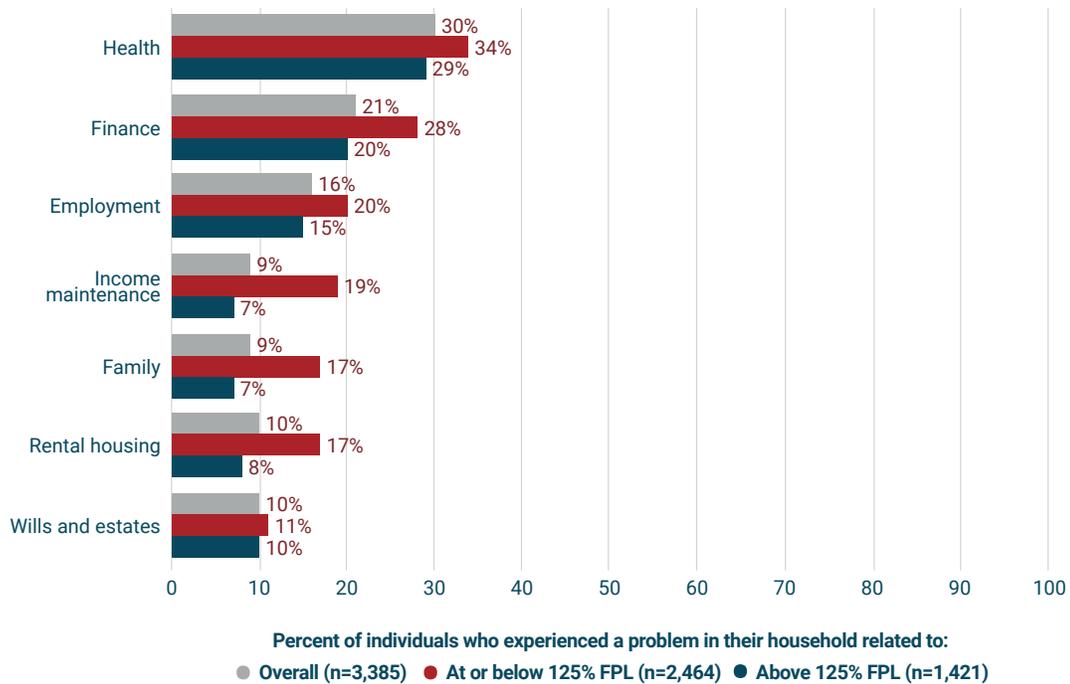
**54%** of Californians in households above 125% FPL



**Health, finance, and employment** issues were the most commonly reported among those in households below and above 125% FPL.



**Health, finance, and employment were the most common types of problems reported by Californians.**



**32%**

Californians sought legal help for **only 32% of the civil legal problems they experienced**.<sup>5</sup> The most common reasons for not seeking legal help included:

- Deciding to deal with it on their own
- Uncertainty whether the problem was a legal issue
- Concerns about the cost of legal help
- Fear about pursuing legal action

**Almost half of all problems experienced by Californians were resolved**, regardless of whether or not they received legal help. Those who received legal help reported resolution for **50% of problems**, similar to the **49% of problems** among those who did not receive legal help.

Those at or below 125% FPL **sought legal help for 29% of civil legal problems** they experienced, **similar to the 33% among those above 125% FPL**.

Californians received **inadequate or no legal help at all for 85%** of their legal problems. Rates are similar among Californians **at or below 125% FPL (86%)** and those **above 125% FPL (84%)**.

**29% | 33%**

**85% | 86% | 84%**

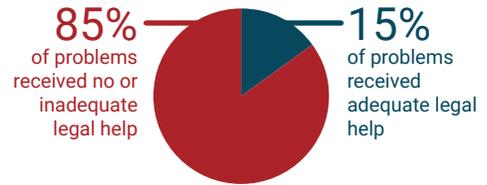
**More than 29 million adults** age 18 and older live in California, including:

<b>&lt;125% FPL</b>	<b>&gt;125% FPL</b>					
<b>4.6 million</b> at or below 125% FPL	<b>25 million</b> above 125% FPL	<b>5.3 million</b> seniors, 15% of whom are at or below 125% FPL	<b>3.8 million</b> persons with disabilities, 24% of whom are at or below 125% FPL	<b>1.8 million</b> veterans, 9% of whom are at or below 125% FPL	<b>8.2 million</b> who speak Spanish at home, 21% of whom are at or below 125% FPL	<b>3.7 million</b> in rural areas, 18% of whom are at or below 125% FPL

## Key Findings | What is the Justice Gap?



**Overall, 85% of Californians received no or inadequate<sup>6</sup> legal help** to resolve the civil legal issues they experienced. Rates are similar among those at or below 125% FPL (86%) and above 125% FPL (84%).



Among problems for all Californians (n=4,969)

When people **do not seek** the legal help they need for civil legal problems, they have fallen into **the justice gap**.



**55%** of Californians experienced at least one civil legal problem in their household in the past year. Those at or below 125% FPL were more likely to report at least one problem compared to those above 125% FPL (60% vs. 54%).

**13%** of Californians reported six or more household problems. Those at or below 125% FPL were more likely to experience a greater number of problems than those above 125% FPL (23% vs. 11%).

Californians overall sought legal help for just **32%** of their civil legal problems. Low-income Californians sought legal help for **29%** of problems they experienced. Those with incomes above 125% FPL sought legal help at a similar rate (33% of problems).

### There is also a gap in terms of providing legal services for the most vulnerable Californians.

According to the Intake Census of State Bar-funded legal aid organizations, these organizations report being able to fully address **30% of the problems presented** to them in 2019 by low-income Californians.

When people **receive inadequate civil legal help**, they have also fallen into **the justice gap**.



Californians who sought and received **legal help offline rather than online** reported that this help **was inadequate for 19%** of these problems.

The gap is even larger for low-income Californians.

**27%** of problems faced by Californians at or below 125% FPL were inadequately addressed, while those above 125% FPL received inadequate help less often (18% of problems).

And finally, when people **receive only nonlegal help** for their civil legal problems, they, too, have fallen into **the justice gap**.

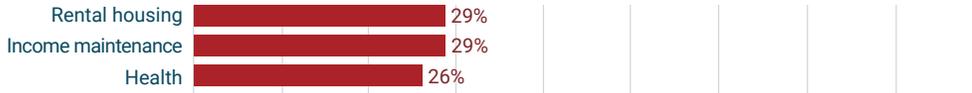


**For 26% of problems**, low-income Californians sought and received help exclusively from nonlegal sources. **The most common source of nonlegal help** was friends or family members (provided help for 59% of problems for which they received only nonlegal help), but other sources included nonlegal professionals like doctors (35%) and religious or spiritual leaders (5%). Californians above and below 125% FPL received exclusively nonlegal help at similar rates and from similar sources.

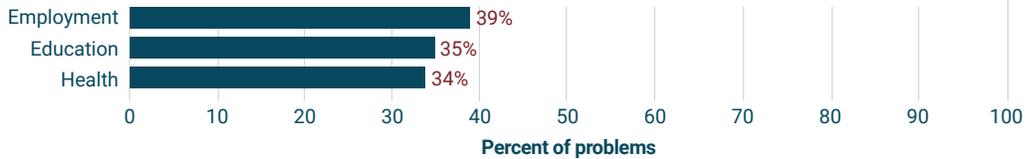
**Among all Californians (n=4,932 problems), people were most likely to receive only nonlegal help for problems related to:**



**Californians at or below 125% FPL (n=3,410 problems) were most likely to receive just nonlegal help for:**



**Among Californians above 125% FPL (n=1,522 problems), issues were:**

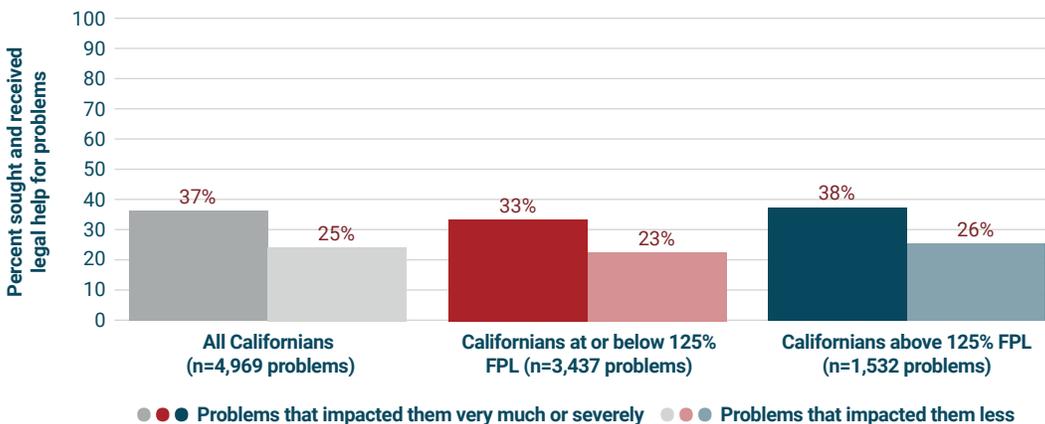


## Key Findings | How Californians Seek and Receive Legal Help



The severity of the problem influences whether people seek and receive legal help. **Californians sought and received legal help for 37% of problems that affected them very much or severely** compared to 25% of problems that had less impact.

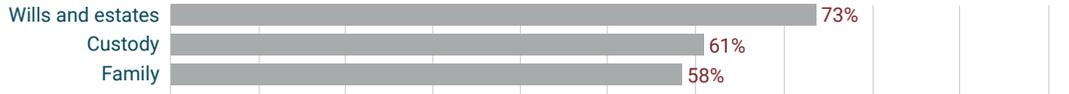
**Californians of all income levels were more likely to seek and receive legal help for problems that impact them more.**



**Californians were most likely to seek and receive legal help for issues related to wills and estates, custody, and family. This held for Californians with incomes above 125% FPL as well.** Californians at or below 125% FPL, however, were most likely to seek and receive legal help for custody, homeownership, and immigration issues.<sup>7</sup>

**Frequency of seeking and receiving legal help by problem type.**

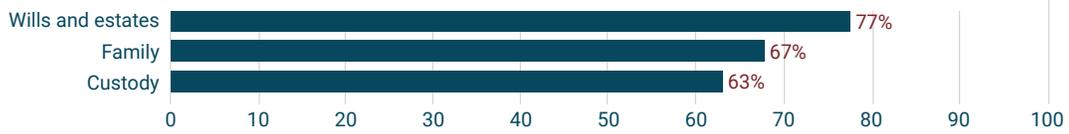
**Among all Californians (n=4,969 problems)**



**Californians at or below 125% FPL (n=3,437 problems)**



**Among Californians above 125% FPL (n=1,532 problems), issues were**



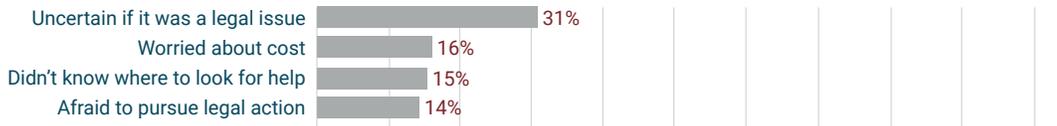
Percent of problems where legal help was sought and received

Among Californians at or below 125% FPL, the most common source of legal help was **legal aid**, but for those above 125% FPL and Californians overall, it was a **paid private attorney**.

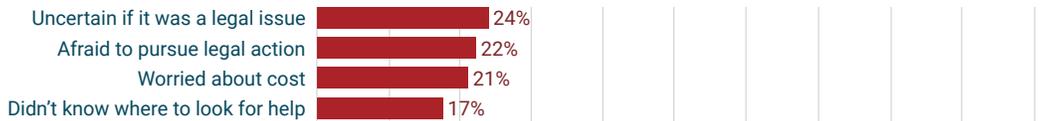
Some of **the most common reasons given for not seeking legal help** among Californians suggest a lack of knowledge about the civil legal system and the help that is available. For 31% of problems, Californians say they **weren't sure if it was a legal issue**, and for 15%, they **didn't know how or where to look for legal help**.

**Californians of all income levels who do not seek or receive legal help commonly cite reasons related to a lack of knowledge of the civil legal system.<sup>8</sup>**

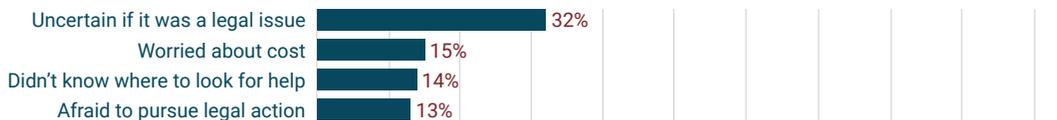
**Among all Californians (n=1,565 problems)**



**Californians at or below 125% FPL (n=1,053 problems)**



**Among Californians above 125% FPL (n=512 problems)**



Percent of problems where legal help was sought and received

## Key Findings | Report from California's Legal Aid Organizations

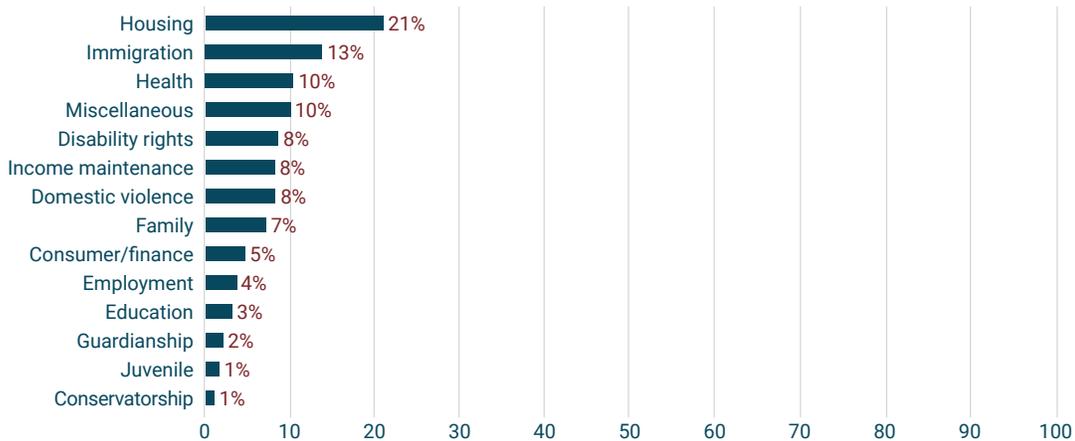


Data in this section comes from the **State Bar's 2019 Intake Census of legal aid organizations** that received funding from the State Bar through grants to provide direct client services to low-income Californians free of charge.

In 2018, legal aid organizations provided services to Californians most often for problems related to **housing, immigration, and health**.



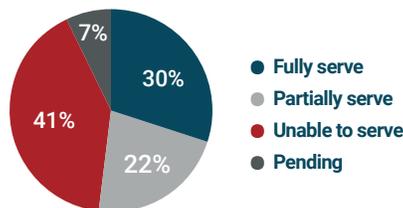
**Problems related to housing and immigration were the most common types of cases closed by legal aid organizations in 2018.**



Based on data from California legal aid organizations' 2018 annual case summary reports

According to the Intake Census, State Bar-funded legal aid organizations are projected to receive **over 450,000 requests for assistance in 2019**.

California's legal aid organizations estimate that they will be able to fully serve approximately 30% of problems presented to them. They will be unable to serve, or only partially address, 63% of requests.



**For 33% of the problems** for which they were fully served, Californians received help such as legal information, advice, or self-help resources. They **received ongoing assistance** like complex legal research or representation in court for 26% of their problems. Clients **received more limited services**, like help preparing straightforward documents, for 41% of their problems.

## Key Findings | Comparison to National Findings



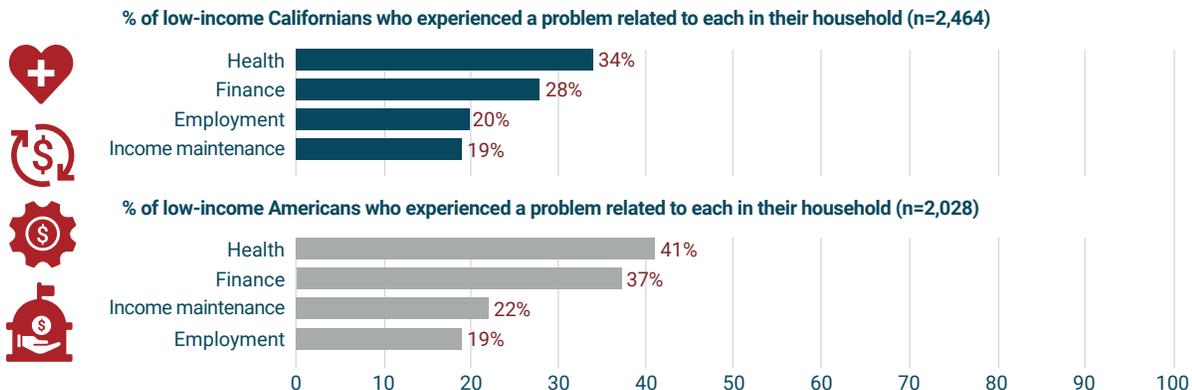
Data in this section represent the findings from the **2019 California Justice Gap Survey** compared to findings from the **2017 Justice Gap Measurement Survey<sup>9</sup>** of Americans at or below 125% FPL.

**Low-income Americans are more likely to report at least one civil legal problem** in the past year compared to low-income Californians (71% vs. 60%).

But among those who **report at least one issue** in the past year, low-income Californians experience **more problems on average** than low-income Americans overall (7.2 vs. 5.8 problems).

Issues related to **health, finance, employment, and income maintenance** are the most common issues individuals report experiencing in their households, among both low-income Californians and low-income Americans.

**Both Californians and Americans overall in low-income households most often report issues related to health, finances, income maintenance, and employment.**



**Rates of legal help-seeking were also similar in California compared to the nation overall.**

Low-income Californians received legal help for 29% of the problems they reported; the rate among low-income residents nationally was 26%.

Low-income **Californians were more likely to seek legal help online compared to the nation overall.** Californians sought and received legal help exclusively online for 10% of the problems they experienced compared to 7% among low-income respondents nationally.

Low-income Californians and low-income Americans nationally **received no or inadequate legal help for 86% of the problems they experienced.**

Low-income Californians and low-income Americans express similar levels of satisfaction with how the problems they received legal help for have been resolved—**more than half of both groups say they were very or extremely satisfied with the resolution.**

**Low-income Americans received nonlegal help for 30% of the problems for which they did not receive legal help—more than the 24% of problems among low-income Californians.**

## Introduction and Background

In 2017, the Legal Services Corporation partnered with NORC to conduct the Justice Gap Study. This survey of 2,000 American adults was the first national household study of the justice gap in over 20 years. It included interviews only of those living in households at or below 125 percent of the FPL. It covered civil legal issues related to housing, employment, health, family, children and custody, finances, income maintenance, education, disability, veterans, immigration, and wills and estates. The current report focusing on California was closely modeled after this important national study.

The 2017 report found that individuals in low-income households in America had faced an average of 4.1 problems in their households in the previous 12 months. About 7 in 10 low-income individuals faced at least one civil legal issue in their household. The most common problem area for civil legal needs was health, where 41 percent experienced at least one civil legal issue in the previous year, followed by finances (37 percent). The study also found that 72 percent of low-income respondents who experienced a civil legal issue did not receive any assistance from legal professionals.

Research has also been conducted at the state level, specifically in the state of Washington, where the 2015 Washington Civil Legal Needs Study Update (CLNS Update) found that individuals living in households at or below 200 percent of FPL had faced an average of 9.3 legal problems in the previous 12 months, triple the number found in the 2003 version of the same study. Seventy-one percent lived in households experiencing at least one legal problem, and 46 percent lived in households with four or more. Seventy-six percent of those with a legal problem said they did not get the help they needed, and most lacked confidence in the state's civil justice system.

### The 2019 California Justice Gap Survey

The State Bar of California partnered with NORC at the University of Chicago to conduct a survey of nearly 4,000 California adults. The survey used NORC's nationally representative, probability-based AmeriSpeak® Panel, as well as a probability sample provided by Ipsos's KnowledgePanel® and nonprobability sample provided by Dynata's opt-in panel. The survey was administered using telephone and web interview modes, which allowed a flexible survey logic to gather detailed information about Californians' civil legal needs at the individual level, household level, and level of specific civil legal problems. The survey was conducted in English and Spanish, based on respondent preference.

This survey builds on the work of the 2017 Justice Gap Study and the 2015 Washington CLNS Update to focus on the justice gap in California. It explores Californians' experience with a host of civil legal issues in the past year, whether they have sought legal help for those issues, the kinds of help they received, why they may have decided not to seek help, and how they feel about the resolution of the issues they experienced. The survey utilized similar questions to the 2017 Justice Gap Study, asking about the civil legal needs of Californians related to issues of housing, employment, health, family, children and custody, finances, income maintenance, education, disability, veterans, and wills and estates. It also included questions about civil legal needs related to immigration, adding a new dimension to this study.

The 2017 Justice Gap Measurement Survey assessed the prevalence of various types of problems that typically raise “justiciable civil legal issues,” that is, issues that could be addressed through civil legal action. This is consistent with standard practice in the literature for measuring the prevalence of civil legal problems.<sup>10</sup> While an in-depth interview with a legal professional would reveal that some of the problems reported by respondents are not actually justiciable, most will be. For ease of reporting, and to be consistent with established literature, we refer to these problems as “civil legal problems” throughout this report.

Unlike previous studies that have focused mainly on low-income individuals, this year’s study is designed to represent all Californians. However, it includes an oversample of those at or below 125 percent of FPL to allow for a particular focus on the civil legal needs of those individuals. This group is of particular interest, as 125 percent of FPL is the income eligibility standard for people seeking assistance from a State Bar-funded legal aid organization.

This year’s study set out to provide:

- An accurate estimate of the prevalence of civil legal problems in California households in the past 12 months
- An accounting of how often individuals experiencing civil legal issues sought help—specifically legal help—for those issues
- A description of where Californians turned for help regarding their civil legal issues or why they may not have sought legal help at all
- An assessment of the attitudes and perceptions Californians have regarding the fairness and efficacy of the civil legal system

This report uses data from the 2019 California Justice Gap Survey to provide insight into the extent of the justice gap in California in 2019. It does not present or discuss all of the findings from the survey. Readers are encouraged to see the accompanying survey instrument and data, which have been made publicly available.

More details on the survey and the AmeriSpeak Panel can be found in Appendix A and also at [www.calbar.org/CAJusticeGap](http://www.calbar.org/CAJusticeGap).

This report features an in-depth analysis of these questions to produce a well-rounded snapshot of the civil legal needs of California’s diverse population. Any reported differences between subgroups have been confirmed as statistically significant differences at the  $p < 0.05$  level in both multivariate regression<sup>11</sup> and bivariate significance testing.

## **Report Overview**

The findings of this report are organized into five sections:

## **Section 1. California Demographics**

This section uses data from the U.S. Census Bureau to describe the demographic makeup of the California population, including the state overall, those at or below 125 percent of FPL, and those above 125 percent of FPL. It also focuses on key subgroups who access the civil legal system—like seniors age 65 and older, those in households with veterans or others who have served in the military, persons with disabilities, those who speak Spanish at home, and those in rural areas.

## **Section 2. What is the Justice Gap?**

This section uses data from the 2019 California Justice Gap Survey to present findings on the frequency and types of civil legal issues experienced by Californians overall, those at or below 125 percent of FPL, and those above 125 percent of FPL. It also looks at the size of the justice gap—the number of civil legal problems for which Californians get legal help; the number of problems for which Californians get legal help, but that help is inadequate; and the number of civil legal problems for which Californians get nonlegal help but not legal help—for these three groups.

## **Section 3. How Californians Seek and Receive Legal Help**

This section also uses data from the 2019 California Justice Gap Survey to present findings on differences in legal help-seeking behavior by severity and type of problem. It also digs deeper into the sources and types of help Californians seek and receive, as well as the reasons they choose not to seek legal help.

## **Section 4. Report from California's Legal Aid Organizations**

This section uses data from the California Intake Census to look at the work of State Bar-funded legal aid organizations in 2019, including the number of issues they handle and their ability to meet the civil legal needs of low-income Californians.

## **Section 5. Comparison to National Findings**

This section uses data from the 2019 California Justice Gap Survey and the national 2017 Justice Gap Measurement Survey to compare the experiences with civil legal issues of low-income Californians to low-income Americans overall. It looks at the rates of experiencing civil legal issues, the types of problems experienced, help-seeking behavior, and the adequacy of legal help received.

## **Study Findings in Brief**

This study finds that 55 percent of Californians experienced at least one civil legal issue in their household in the past year. This rate was higher among Californians at or below 125 percent of FPL compared to those above (60 percent vs. 54 percent). Problems related to health, finance, and employment are the most common for Californians across income levels. Even though all of these problems could have been legally actionable, Californians sought legal help for just 32 percent of the problems they experienced. And among the problems for which Californians received legal help offline, the help they received was inadequate for 19 percent of those

problems. Many Californians who do not seek help cite reasons like dealing with the problems on their own. However, many reasons relate to an unfamiliarity with the legal system, including uncertainty if their problem was a legal issue, concerns about costs, fear of pursuing legal action, and not knowing where to go for help.

In 2019, low-income Californians will seek help from State Bar-funded legal aid organizations for an estimated 450,000 civil legal problems. They will receive some help for 59 percent of these problems, and will receive what legal aid organizations describe as full service for 30 percent of their problems. However, Californians will not be fully served for 22 percent and not served at all for 41 percent of their problems, due, in part, to the organizations' insufficient resources.

This report highlights four key findings related to the magnitude of the justice gap in California:

- Californians received no or inadequate help for 85 percent of civil legal problems they faced in the past year (see Section 2).
- When it comes to reasons Californians don't seek and receive legal help, those related to a lack of knowledge of the civil legal system—like uncertainty whether their problem was a legal issue, and concerns about cost—are most common (see Section 3).
- Of the estimated 450,000 civil legal problems for which low-income Californians seek State Bar-funded legal aid, 22 percent will be only partially served and 41 percent will not be served at all due, in part, to the organizations' insufficient resources, meaning 63 percent will receive no or inadequate legal help. This represents an estimated 290,000 problems (see Section 4).
- The proportion of problems for which low-income Californians receive no or inadequate legal help is similar to the national average among low-income Americans (see Section 5).

An elderly woman with short, white, wavy hair and glasses is the central focus. She is wearing a dark, textured sweater over a light blue collared shirt. Her right hand is resting under her chin, and she has a thoughtful or slightly smiling expression. The background is a softly blurred indoor setting, possibly a living room, with a white sofa on the left and a wooden cabinet on the right. The lighting is warm and directional, coming from the side, highlighting her features.

# California Demographics

**i About the Data:**

This section describes the California population. It explores key demographics of the population, and the breakdown of these groups by income above or below 125% FPL. It should be noted that the FPL does not account for California's high cost of living. For example, in 2019 the annual income for a four-person household at 125% FPL is \$32,188.<sup>12</sup> Middle-class income for a four-person household in California is estimated by the Pew Research Center to range between \$59,702 and \$179,105.<sup>13</sup> The median income for respondents in the 2019 California Justice Gap Survey among those with household incomes above 125% FPL falls in the range of \$85,000-\$99,999 for a four-person household, which is at the bottom of the Pew middle-class income range.



**Figure 1: Report Demographic Groups**

**\$32,188**

Annual income for a four-person household at 125% FPL in California

**\$59,702-  
\$179,105**

Annual income for a middle-class four-person household in California estimated by the Pew Research Center

**\$85,000-  
\$99,999**

Median annual income for four-person households that responded to the 2019 California Justice Gap Survey above 125% FPL in California

The population estimates presented in this section come from the 2017 American Community Survey (ACS). Note that the ACS specifically reports on people with family incomes at or below 125 percent of FPL, which is how income eligibility for State Bar-funded services is defined and how the analysis for the remainder of this report is conducted. The unit of analysis in this section is individuals.

**More than 6.8 million Californians have family incomes at or below 125 percent of the FPL.**

California is home to 38.7 million people, including 9 million age 0-17, 24.3 million age 18-64, and 5.4 million age 65 and older. Based on estimates from the Census Bureau, 18 percent of Californians—more than 6.8 million people—live in households with family income at or below 125 percent of FPL. This includes 2.2 million age 0-7, 3.8 million age 18-64, and 800,000 age 65 and older.

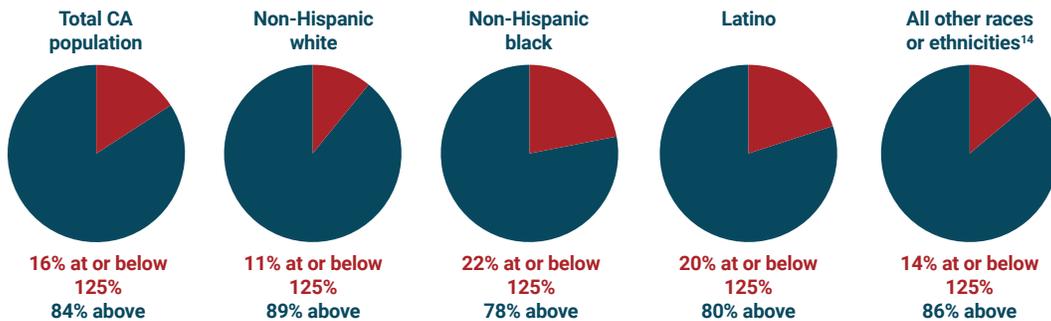
Among California's adult population (those age 18 and older), 16 percent—nearly 4.7 million people out of the nearly 30 million adults—live in households with family income at or below 125 percent of FPL. The vast majority of Californians—84 percent—have incomes above 125 percent of FPL.

**Latinos and blacks in California are more likely to have low incomes.**

Non-Hispanic white Californians make up 40 percent of the state's population, while another 5 percent is non-Hispanic black, 35 percent is Hispanic or Latino, and 19 percent is other races or ethnicities. Hispanic/Latinos and non-Hispanic black Californians are disproportionately likely

to live in households at or below 125 percent of FPL. While 16 percent of the overall California population lives in households at or below 125 percent of FPL, 22 percent of non-Hispanic blacks and 20 percent of Latinos do so. On the other hand, just 11 percent of non-Hispanic whites live in households at or below 125 percent of FPL, and 14 percent of those of other races or ethnicities say the same. See Figure 2.

**Figure 2: Two in 10 Latinos and non-Hispanic black or African Americans live in households at or below 125 percent of FPL.**



**Special Focus** | California’s residents are among the most diverse of any state in the country. Including the education and racial/ethnic diversity highlighted above, those living in rural areas, seniors, veterans, persons with disabilities, and Spanish speakers make up important segments of the state’s population that utilize the civil legal system.

 <p><b>Rural population</b></p> <p>Those in rural areas make up 13% of California’s adult population. More than 675,000 of the 3.7 million rural residents in California—18%—live in households at or below 125% FPL.</p>	 <p><b>Seniors age 65+</b></p> <p>Those age 65 and older make up 18% of California’s adult population. More than 800,000 of the 5.3 million seniors in California—15%—live in households at or below 125% FPL.</p>	 <p><b>Veterans</b></p> <p>Veterans make up 6% of California’s adult population. More than 170,000 of the 1.8 million veterans—9%—have family incomes at or below 125% FPL.</p>	 <p><b>Persons with disabilities</b></p> <p>Persons with disabilities make up 13% of California’s adult population. Nearly 900,000 of the 3.8 million people with a disability—24%—have family incomes at or below 125% FPL.</p>	 <p><b>Spanish speakers</b></p> <p>Spanish speakers make up 28% of California’s adult population. More than 1.7 million of the 8.2 million Spanish speakers—21%—have family incomes at or below 125% FPL.</p>
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**What is the  
Justice Gap?**



### About the Data:

The findings in this section come from the 2019 California Justice Gap Survey that asked about the types of problems personally experienced and whether legal and nonlegal help was received for those problems. The survey interviewed 3,885 Californians of all income levels, and respondents reported a total of 16,993 civil legal problems. This section of the report focuses on survey results at both the *individual* and *problem* levels. For individual-level results, percentages presented are among Californians. For problem-level results, percentages presented are out of the problems experienced by Californians.



Among Californians at or below 125% FPL, **2,464 were surveyed, and they reported 12,942 civil legal problems** in their households. Among Californians above 125% FPL, **1,421 were surveyed, and they reported 4,051 civil legal problems** in their households.

#### **A majority of Californians experience civil legal issues in their household.**

Fifty-five percent of Californians experienced at least one civil legal issue in their household in the past year. Many reported more than one problem, with 11 percent reporting two problems, 13 percent three to five problems, and 13 percent reporting six or more. Overall, Californians reported an average of two and a half problems in their household in the past 12 months. This difference is not a result of lower-income households having more people—both those above and below 125 percent of FPL average three members in their households.

Among Californians with household incomes at or below 125 percent of FPL, 60 percent experienced at least one civil legal issue in their household in the past year. And many low-income Californians dealt with more than one civil legal problem—46 percent reported at least two problems in their household, including nearly 1 in 4 (23 percent) who say their household experienced six or more problems in the past 12 months.

Californians with household incomes above 125 percent of FPL were less likely to report at least one civil legal issue in their household in the past year (54 percent) compared to those at or below 125 percent of FPL. They were also less likely to say they experienced at least two problems (35 percent) or six or more problems in the past year (11 percent).

Low-income Californians experienced an average of 4.3 problems in their household, while Californians above 125% FPL experienced fewer (2.1 problems on average).

**Among Californians of all income levels, the most common types of problems experienced are in the areas of health, finance, and employment.**

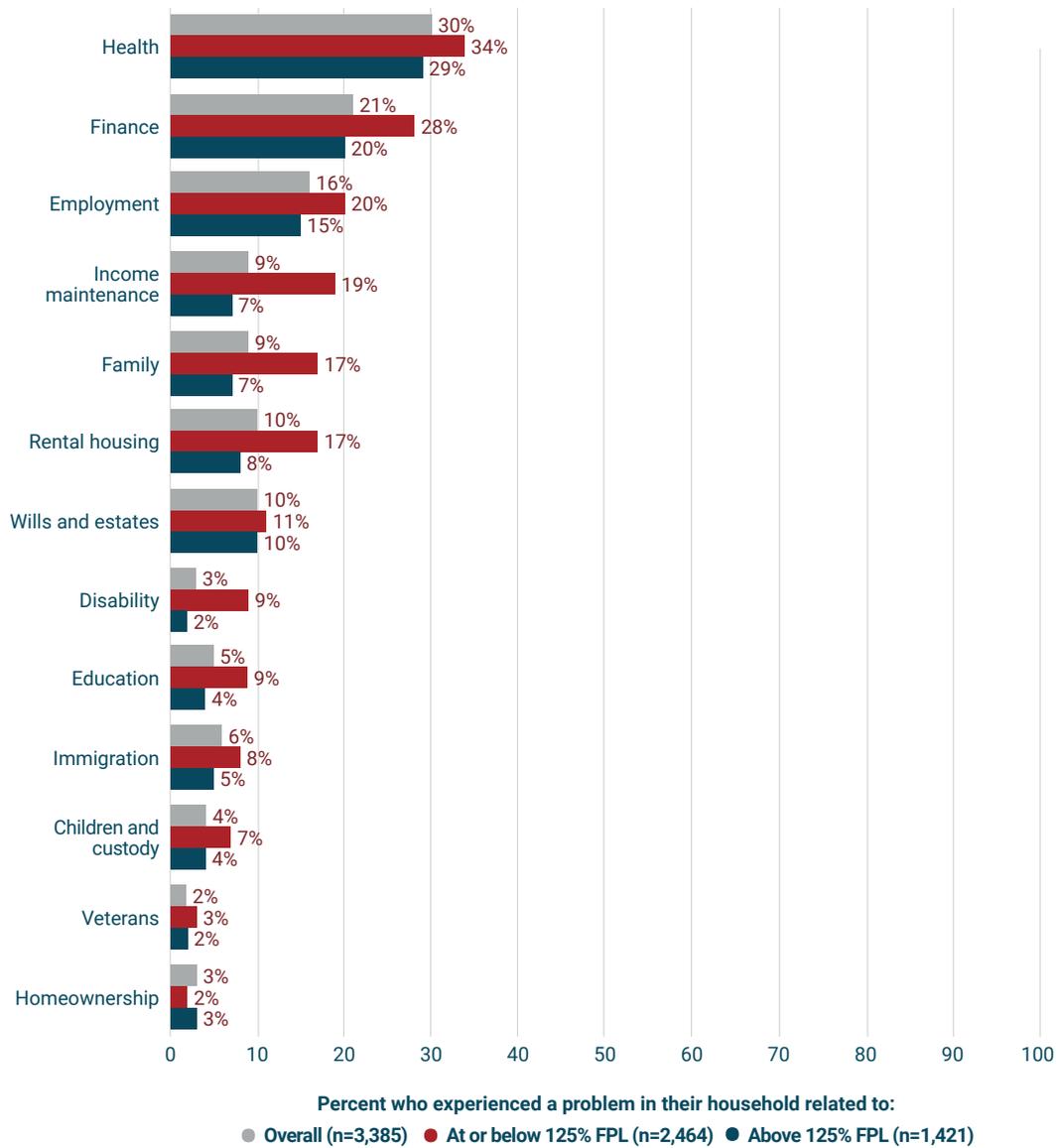
Among Californians overall, 30 percent reported at least one civil legal issue related to health in their household in the past year, while 21 percent reported one related to finances, and 16 percent reported one related to employment. Among low-income Californians, health, finances, and employment were the most common types of problems. These problem types were also most common among Californians above 125 percent of FPL. However, those below 125 percent of FPL were more likely than those above 125 percent of FPL to experience problems in their household related to health, finance, employment, income maintenance, family, rental housing, and disabilities. A complete breakdown of problem types experienced in California can be found in Figure 3.

Health, finance, and employment issues are the most common reported in households above and below 125% FPL.



**Trey | Health Issue** | Trey had stomach cancer and had to have a large portion of his stomach removed. A feeding tube was placed to allow him to obtain enteral nutrition. The medical provider submitted the claim to Medicare but marked on the submission documents that the beneficiary's enteral nutrition was not medically necessary and refused to change its determination. Legal aid filed an appeal to have a hearing and obtained medical records and letters from Trey's doctors stating that enteral nutrition was needed, because he could not receive sufficient nutrition by mouth. At the hearing, the administrative law judge expressed amazement that the medical provider had apparently not reviewed any of the medical records in making its decision, and ordered payment for the enteral nutrition pump and supplies.

**Figure 3. Health, finance, and employment were the most common types of problems reported.<sup>15</sup>**



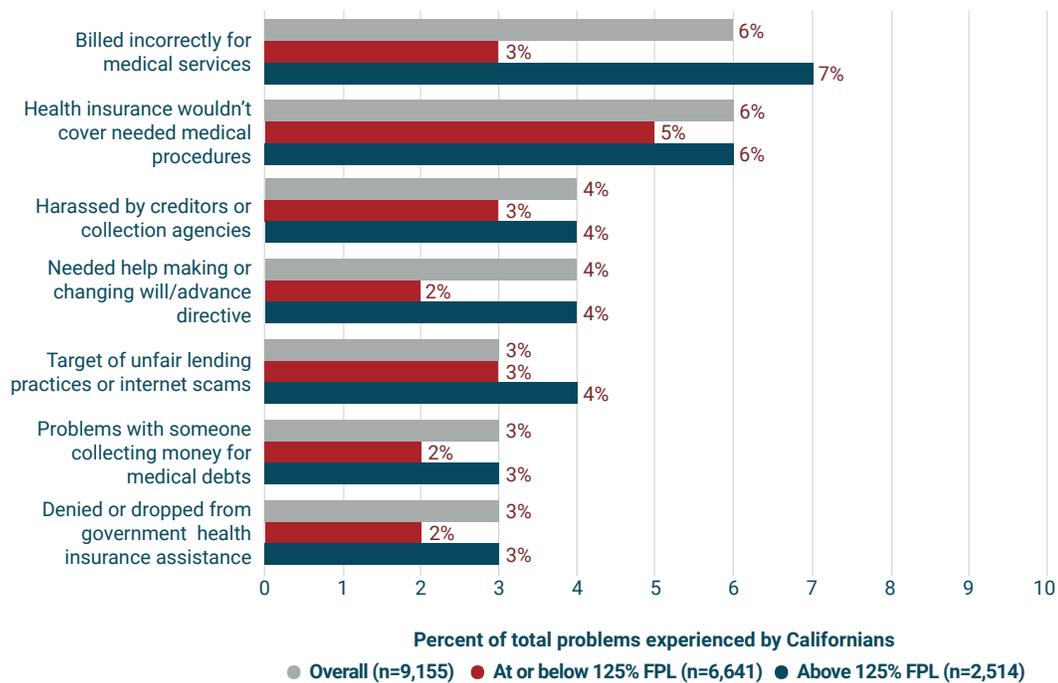
For this study, Californians were asked about whether they experienced 90 different civil legal problems. Looking at specific types of problems among all Californians, the most common problems experienced were being billed incorrectly for medical services (6 percent of all problems reported), health insurance not covering needed medical procedures (also 6 percent of problems reported), being harassed by creditors or collection agencies (4 percent), and needing help changing a will or advance directive (also 4 percent).

**Section 2: What is the Justice Gap?**

Among those at or below 125 percent of FPL, the most common problems were health insurance that would not cover needed medical procedures (5 percent of problems experienced among low-income Californians), being harassed by creditors or collection agencies (3 percent), and not getting approved or having income, food, disability, housing, or other state government assistance reduced or terminated (3 percent).

Among those above 125 percent of FPL, the most common problems were being billed incorrectly for medical services (7 percent of problems experienced by Californians above 125 percent of FPL), health insurance not covering needed medical procedures (6 percent), being harassed by creditors or collection agencies (4 percent), and needing help making or changing a will, living will, or advance directive, or setting up a trust or power of attorney (4 percent). See Figure 4.

**Figure 4. Issues related to correct billing for medical services or health insurance not covering needed procedures make up the largest share of problems experienced by Californians.**



**The justice gap is the number of civil legal problems for which Californians do not receive legal help. While all of the problems asked about in the survey could have been legally actionable, legal help was only sought and received for about 3 in 10 problems.**

When asked specifically whether they sought and received help from a legal professional such as legal aid, a helpline, or a private lawyer for the problems they were experiencing, Californians overall say they sought legal help for just 32 percent of problems. For the majority of problems where legal help was sought, it was also received, as Californians tried to get legal help but could not for just 1 percent of problems.<sup>16</sup> Californians received legal help for 19 percent of problems offline. For 12 percent of problems, they received legal help online only. For the vast majority of problems—67 percent—no legal help was sought.

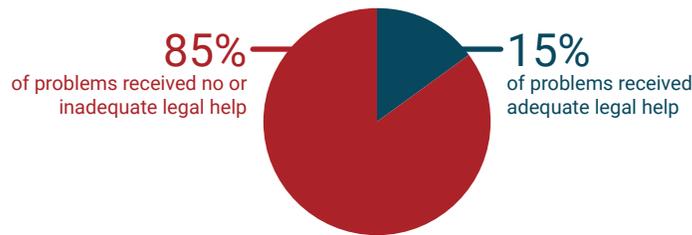
A similar story emerges for those at or below 125 percent of FPL and above 125 percent of FPL, and the two groups do not differ significantly. Those at or below 125 percent FPL sought legal help for 29 percent of problems they experienced, receiving offline legal help for 19 percent and online legal help for 10 percent of these problems. Legal help was sought but not received for 1 percent of these problems. Again, for the vast majority of their problems—70 percent—no legal help was sought. Californians above 125 percent of FPL sought legal help for 33 percent of problems they experienced, receiving offline legal help for 19 percent, online legal help for 13 percent, and seeking legal help but not receiving legal help for 1 percent of these problems. For 67 percent of their problems, no legal help was sought.



**No legal help was sought for 67% of problems** experienced by Californians overall (n=4,969), representing one aspect of the justice gap. The rates among those at or below 125% FPL (70%, n=3,437) and those above 125% FPL (67%, n=1,532) were similar.

But even when Californians sought legal help, they still faced obstacles. For nearly half of the problems for which they did seek legal help, Californians either did not receive help, only received help online, or received help offline that was inadequate. In all, that means Californians received no or inadequate legal help for 85 percent of problems they experienced (See Figure 5).<sup>17</sup>

**Figure 5. Californians receive no or inadequate legal help for 85 percent of problems they experience.**



Among problems for all Californians (n=4,969 problems)

Looking at differences by income, legal help was inadequate for 27 percent of problems experienced by Californians at or below 125 percent of FPL compared to 18 percent of problems experienced by Californians above 125 percent of FPL. Rates of insufficient legal help were similar across both groups, with Californians at or below 125 percent of FPL receiving no or inadequate help for 86 percent of their problems, and those above 125 percent of FPL reporting the same for 84 percent of their problems.<sup>18</sup>



Low-income Californians who received legal help offline reported that the **help they received was inadequate for 27% of their problems**. Californians above 125% FPL reported that the help they received was inadequate for just 18% of their problems.

Californians overall also seek help from nonlegal sources, suggesting they do need help for issues where they do not seek legal assistance. While they received legal help for 31 percent of problems, for another 26 percent of problems they received help exclusively from other sources like friends and family, other professionals, or religious or spiritual leaders. See Figure 6. They did not seek or receive any help for 43 percent of their problems.

For another **26% of problems, Californians received help exclusively from nonlegal sources** like friends and family (n=4,932 problems).

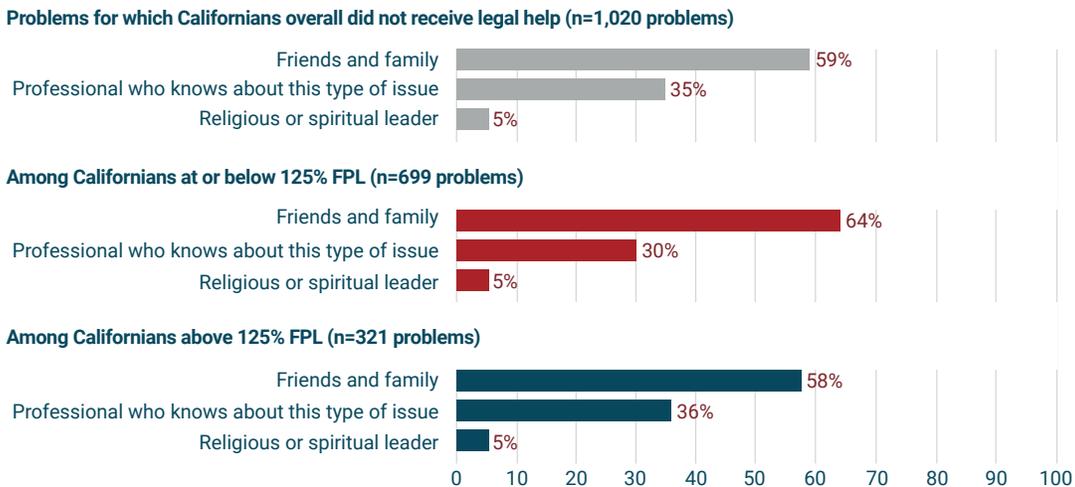
While low-income Californians received legal help for 29 percent of problems, for another 24 percent they received help exclusively from other sources like friends and family, other professionals, or religious or spiritual leaders. They received no help for 48 percent of their problems.

Among those above 125 percent of FPL, they received legal help for 32 percent of problems, but for another 26 percent they received exclusively nonlegal help from sources like friends and family, other professionals, or religious or spiritual leaders. They received no help for 41 percent of problems.



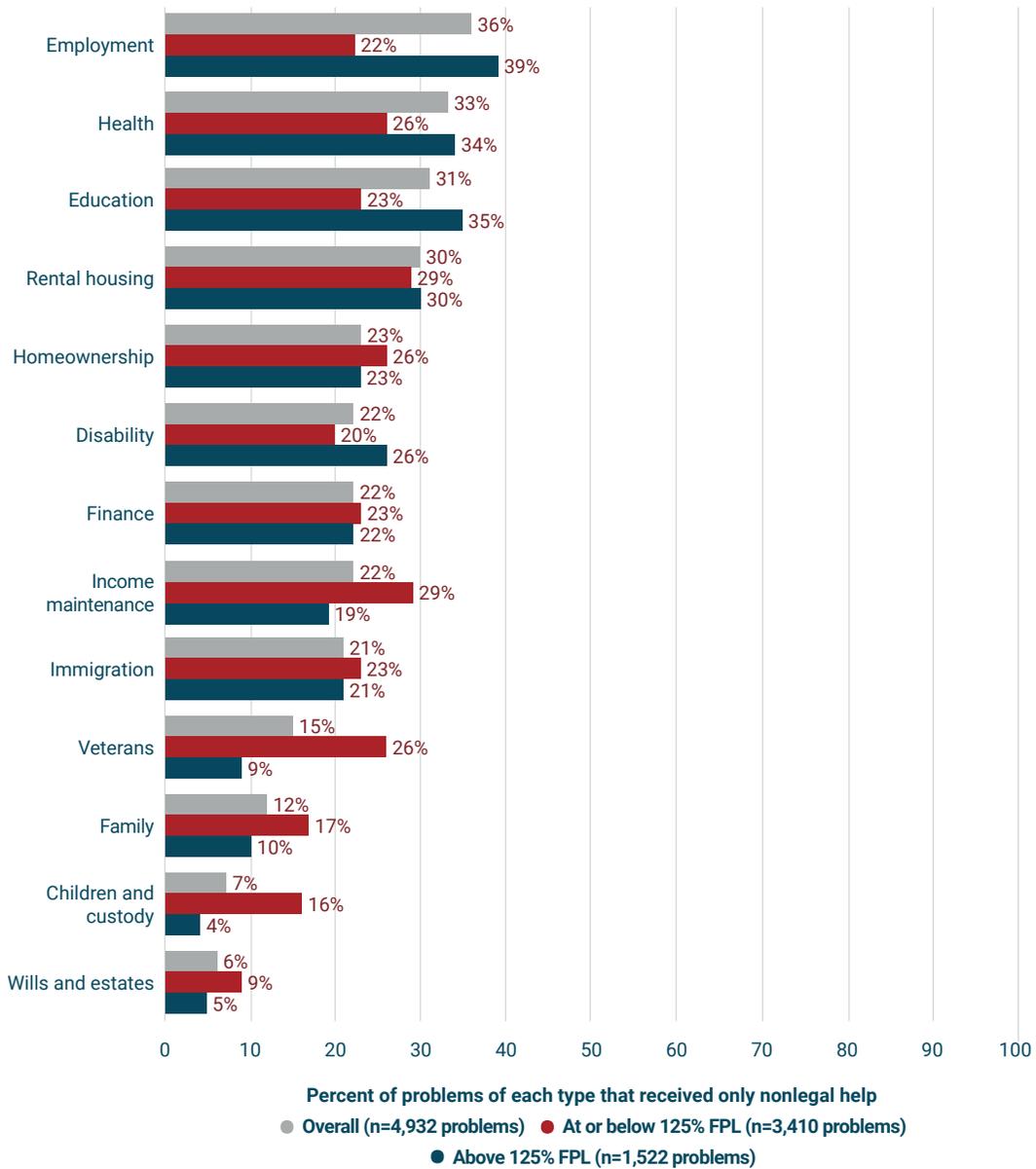
For another 24% of problems, low-income Californians received help exclusively from nonlegal sources like friends and family (n=3,410 problems).

**Figure 6. Californians rely on other sources of help.**



Californians overall were particularly likely to receive exclusively nonlegal help for problems related to employment, health, and education. Californians at or below 125 percent of FPL were most likely to receive only nonlegal help for rental housing, income maintenance, and home ownership. Those above 125 percent of FPL most often received only nonlegal help for problems related to employment, education, and health. See Figure 7. Differences by income are not significant when controlling for other demographic factors.

**Figure 7. Californians received exclusively nonlegal help for a variety of types of problems.**



**Sue | Financial Scam** | Sue was a victim of an internet scam. She signed up with some websites that deceptively offered opportunities to make money. In the process, she signed a contract without realizing what it entailed and ended up using several credit cards to pay the website \$15,000. The company kept asking for more money, which Sue refused to pay. The experience drained her financial reserves, and she struggled to pay her debt. The debt impacted Sue's credit score, and she lost her credit cards. Sue did not get any legal help because she did not know where to look for it. In the end, Sue never recovered her money from the website.

**Special Focus** | The population of California is diverse, and its various groups experience civil legal issues in different ways, especially when it comes to the number and types of problems and the legal help they receive. The findings that follow look at demographic differences in the number of problems experienced and the help-seeking behavior for those problems among key populations in California across all income groups. The findings also compare low-income Californians to low-income Americans overall.

While the survey design extended extra effort to include California's diverse population in the sample, those who were unable to complete the survey in English or Spanish were not included in the final set of completed interviews. Similarly, data was not collected from tribal communities. The unique legal needs of these communities and the help available to them may differ from the groups reported here.<sup>19</sup>



### Rural populations

- 59% of rural Californians experienced at least one civil legal issue in their household in the past year.
- Rural Californians report personally experiencing an average of two problems, similar to urban Californians (one problem).
- Rural Californians sought and received help for 35% of the problems they personally experienced, similar to urban Californians.
- Rural Californians are particularly likely to have experienced an issue related to homeownership compared to urban Californians (6% vs. 2%).
- Note: This survey includes 577 rural respondents reporting 1,407 problems. It includes 3,235 urban respondents reporting 7,522 problems.



### Seniors age 65+

- 51% of seniors say they experienced at least one civil legal issue in their household in the past year.
- Seniors report personally experiencing one problem on average, similar to the average among those age 18-64 (two problems).
- 34% of seniors sought and received legal help for at least one of the problems they experienced, similar to those age 18-64.
- Seniors sought and received legal help for 28% of the issues they personally experienced, similar to those age 18-64.
- Seniors are particularly likely to have experienced problems related to wills and estates (12% vs. 5%), and less likely to experience problems related to employment (7% vs. 12%), rental housing (4% vs. 9%), and custody (less than 1% vs. 3%) compared to those age 18-64.
- Note: This section includes 669 respondents age 65 and older reporting 877 problems. It includes 3,216 respondents age 18-64 reporting 8,278 problems.



### Veterans

- 55% of those in households with veterans report at least one civil legal issue in their household in the past year.
- Those in military households with veterans personally experienced an average of two civil legal issues in the past year, similar to the average of those in nonveteran households (one problem).
- The most common types of problems experienced by veterans include health (20%), finance (19%), and employment (10%).
- Those in households with veterans sought and received legal help for 34% of the problems they personally experienced, similar to the rate among those in nonveteran households.
- Note: This section includes 617 veterans reporting 1,691 problems. It includes 3,268 nonveterans reporting 7,464 problems.

## Special Focus | Continued



### Persons with disabilities

- 73% of Californians living in a household where at least one person has a disability report experiencing at least one civil legal issue in their household in the past year.
  - Those in households where someone has a disability personally experienced an average of three problems in the past year, significantly more than those without a member of the household with a disability (one problem on average).
  - Those in households where someone has a disability sought and received help for 30% of the problems they personally experienced, a similar rate to those who live in other households.
- Those in households with a disability were more likely to experience problems related to finances (27% vs. 13%), income maintenance (14% vs. 5%), employment (14% vs. 11%), wills and estates (12% vs. 5%), and veterans issues (3% vs. less than 1%) compared to those who live in other households.
  - Note: This section includes 1,560 respondents living in households with someone with a disability reporting 5,798 problems. It includes 2,325 respondents living in other households reporting 3,357 problems.



### Domestic violence or sexual assault survivors

- 95% of survivors experienced at least one problem in addition to domestic violence or sexual assault in their household the past year.
  - Those who experienced domestic violence or sexual assault in the past year personally experienced an average of eight problems, significantly more than those who did not (one problem on average).
  - Survivors sought and received legal help for 35% of the civil legal issues they personally experienced, similar to rates among those who did not experience domestic violence or sexual assault.
- Survivors are more likely to have experienced problems related to most topics asked about, including employment (52% vs. 10%), health (46% vs. 20%), family (43% vs. 4%), finances (43% vs. 15%), rental housing (37% vs. 7%), income maintenance (27% vs. 6%), custody (22% vs. 2%), and disability (13% vs. 2%).
  - Note: This section includes 242 survivors reporting 2,056 problems. It includes 3,643 respondents who did not experience sexual assault or domestic violence reporting 7,099 problems.



### Spanish speaking

- 61% percent of those who speak Spanish at home report at least one civil legal problem in their household in the past year.
  - Spanish speakers personally experienced an average of two civil legal issues, similar to non-Spanish speakers (one problem).
- Spanish speakers sought and received help for 32% of the problems they personally experienced, similar to non-Spanish speakers.
  - Note: This section includes 1,067 respondents who speak Spanish at home reporting 2,600 problems. It includes 2,818 respondents who do not speak Spanish at home reporting 6,555 problems.

## Special Focus | Continued



### California regions

- The rate of Californians experiencing at least one civil legal problem in their household varies by region<sup>20</sup> from 44% of individuals in Sacramento area counties to 66% of individuals in Central Coast counties. These differences, however, seem to be due to differences in demographic makeup, as differences are not significant once controlling for key factors like gender, race/ethnicity, education, income, and others.
- Similarly, the average number of problems varies from 0.8 in Orange County to 2.0 in Central Coast counties. Again, however, these differences seem due to differences in demographic makeup.
- The rate of Californians seeking and receiving legal help for their problems ranged from 20% of problems in Central Coast counties to 45% of problems in Inland Empire counties. But these differences again appear to be due to differences in demographic makeup.
- This section includes respondents in: northern counties (236 respondents), Sacramento area (419), Bay Area counties (433), Central Valley and Sierra counties (520), Central Coast counties (202), Inland Empire counties (505), Los Angeles County (932), Orange County (352), and San Diego County (272). Numbers of problems reported per county are: northern counties (729 problems), Sacramento area (1,321), Bay Area counties (906), Central Valley and Sierra counties (1,341), Central Coast counties (559), Inland Empire counties (1,063), Los Angeles County (2,034), Orange County (640), and San Diego County (518).

# How Californians Seek and Receive Legal Help

**i About the Data:**

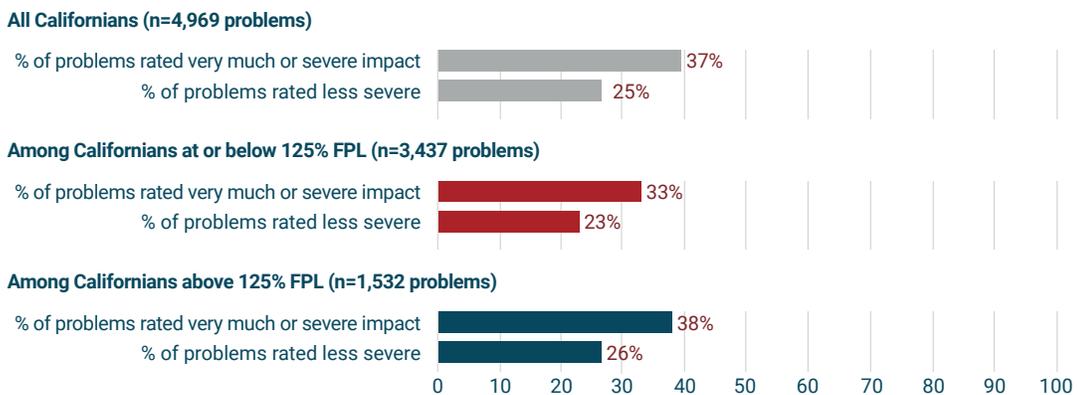
The findings presented in this section come from parts of the 2019 California Justice Gap Survey that asked about the severity of problems experienced and help-seeking behavior for those problems. For each respondent, the survey randomly selected up to four personally experienced problems that affected them at least “slightly” and asked detailed questions about help-seeking behavior and reasons for seeking or not seeking help. Due to the low incidence of problems relating to veterans’ issues and disabilities, these problems were always selected if they met the other criteria. This section of the report focuses on survey results at the *problem* level. Percentages are presented out of the problems experienced by Californians.

**Seeking and receiving legal help depends on the severity of the problem and the type of problem experienced.**

Californians were more likely to seek and receive legal help for problems they rated as more severe. Californians overall sought and received legal help for 37 percent of problems rated as impacting them very much or severely compared to 25 percent of problems rated as less severe.

Low-income Californians received legal help for 33 percent of problems rated as impacting them very much or severely, compared to receiving legal help for just 23 percent of problems that were rated as less severe. Similarly, among Californians above 125 percent of FPL, legal help was sought and received for 38 percent of problems impacting them very much or severely compared to just 26 percent of problems impacting them less. See Figure 8.

**Figure 8. Californians of all income levels were more likely to seek and receive legal help for more severe problems.**



Along with severity, the likelihood of seeking and receiving legal help varies by the type of problem. Among all Californians, they were most likely to receive legal help for issues related to wills and estates, custody, and family. They were least likely to receive legal help for issues related to education, health, and employment.

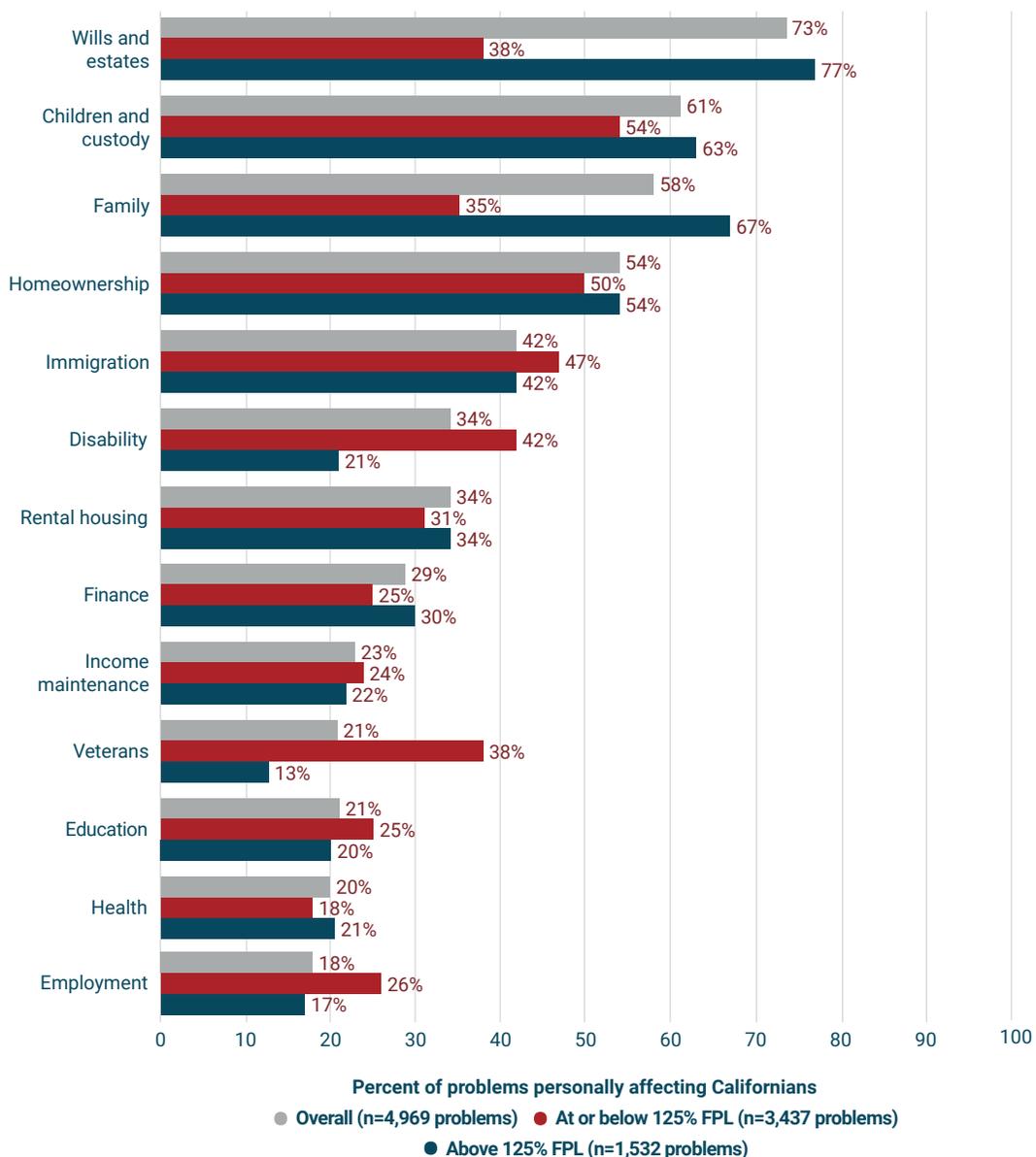
Low-income Californians sought and received help for a different set of problems compared to Californians overall. They were most likely to receive legal help for problems related to custody,

**Section 3: How Californians Seek and Receive Legal Help**

homeownership, and immigration, and least likely to receive legal help for problems related to health, income maintenance, finance, and education.

Similar to Californians overall, the types of problems for which Californians above 125 percent of FPL were most likely to receive legal help include those related to wills and estates, family, and custody. They were least likely to receive legal help for problems related to veterans, employment, education, and disability. They were more likely than lower-income Californians to receive legal help for issues related to wills and estates and family. See Figure 9.

**Figure 9. Rates of seeking and receiving legal help varied between Californians above and below 125 percent of FPL and by problem type.**



### The sources and types of legal help Californians received varied by their household income level.

Among the third of problems for which Californians sought and received legal help, paid private attorneys were the most common source of legal help received (49 percent of problems where people received help). Legal aid was also a common source of help (for 31 percent of problems where people received help). Californians received help for about 1 in 10 problems from social or human services, volunteer (unpaid) attorneys, or self-help centers at court. As noted earlier, two-thirds of problems did not receive any legal help at all.

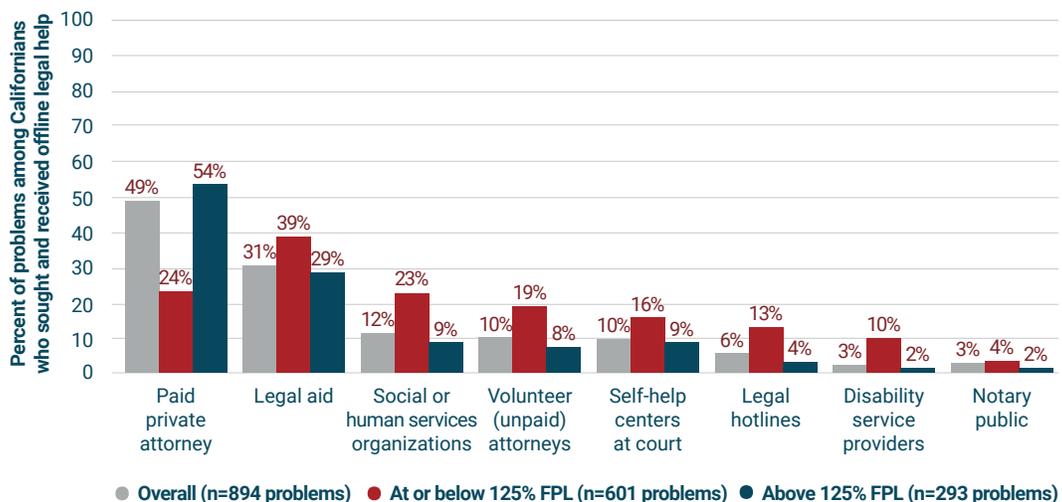
For low-income Californians who sought and received legal help, however, legal aid was the most common source. They received help from legal aid for 39 percent of problems for which they received legal help offline. Paid private attorneys (24 percent) and a social or human services organization (23 percent) were also common sources of help. For Californians above 125 percent of FPL, paid attorneys topped the list for the most common source of help for their problems, followed by legal aid.

Those at or below 125 percent of FPL were less likely than those above 125 percent of FPL to go to paid private attorneys, but they were more likely to go to legal aid, legal hotlines, volunteer (unpaid) attorneys, social or human services organizations, or disability service providers. See Figure 10.



**Legal aid was the most common source of legal help for low-income Californians, but paid attorneys were most common among those above 125% FPL and Californians overall.**

**Figure 10. Legal aid topped the list of sources of offline legal help for Californians at or below 125 percent of FPL, but Californians above 125 percent of FPL and Californians overall were more likely to get legal help from paid attorneys.<sup>21</sup>**

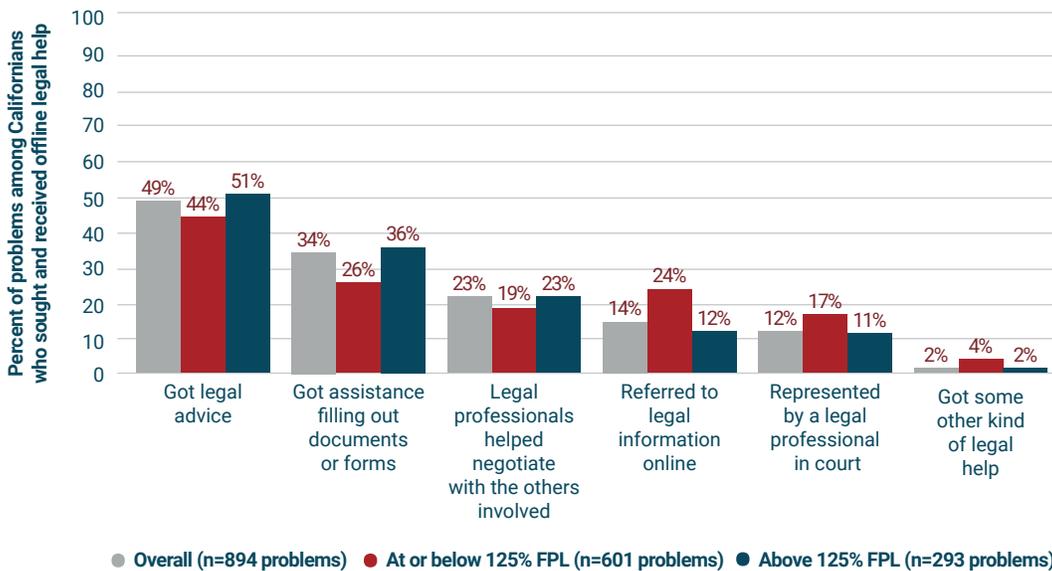


As for the specific types of help Californians received from legal sources, for Californians of all income levels, legal advice was the most common type of help received, followed by assistance filling out documents or forms. Low-income Californians, however, were more likely to be referred to legal information online or some other kind of legal help. See Figure 11.



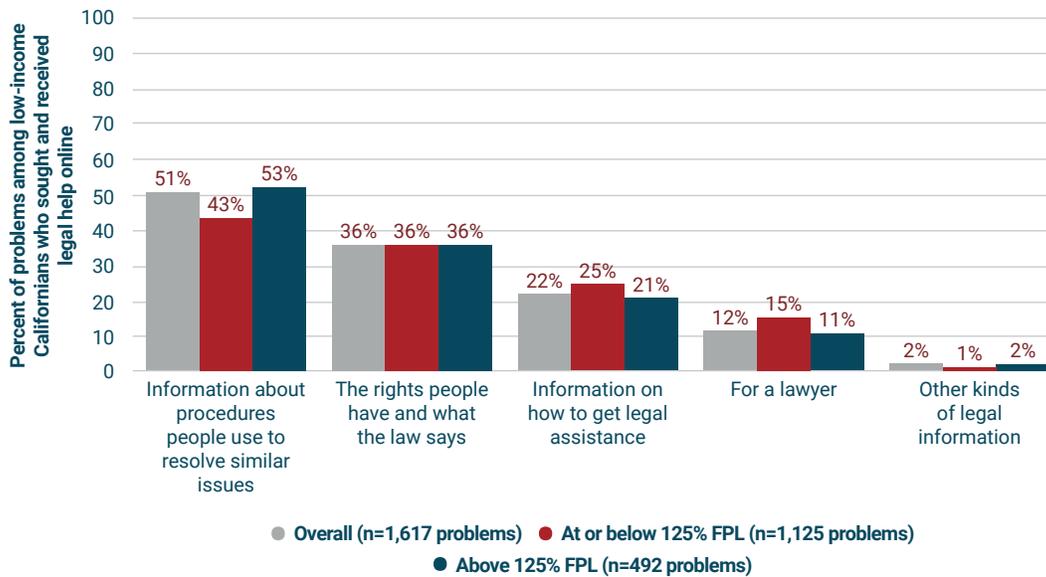
## Getting legal advice was the most common type of legal help received among all Californians.

**Figure 11. The most common type of legal help received by Californians above and below 125 percent of FPL is legal advice.<sup>22</sup>**



For problems where legal information was sought and received online, looking for information about procedures people use to resolve similar issues was the most common type of search among all Californians, and among those both above and below 125 percent of FPL. Looking for what rights people have and what the law says, and looking for information on how to get legal assistance were also common searches among all Californians and those both above and below 125 percent of FPL. See Figure 12.

**Figure 12.** The most common online legal help Californians received was information about procedures people use to resolve similar types of civil legal issues.<sup>23</sup>



### Lack of knowledge, fear about pursuing legal action, and concerns about costs are substantial barriers to seeking legal help.

Californians did not seek any legal help for 67 percent of the civil legal problems they experienced, and they give a variety of reasons for why they didn't seek help. For 31 percent of the problems for which they didn't seek help, Californians say they just decided to deal with the problem on their own. But, for many problems, a lack of knowledge or familiarity with the legal system led to not getting help. For 31 percent of problems, Californians say they weren't sure if it was a legal issue, and for 15 percent, they did not know where to look for legal help. For 16 percent, concerns about cost were cited. For 15 percent, Californians say they were afraid to pursue legal action.



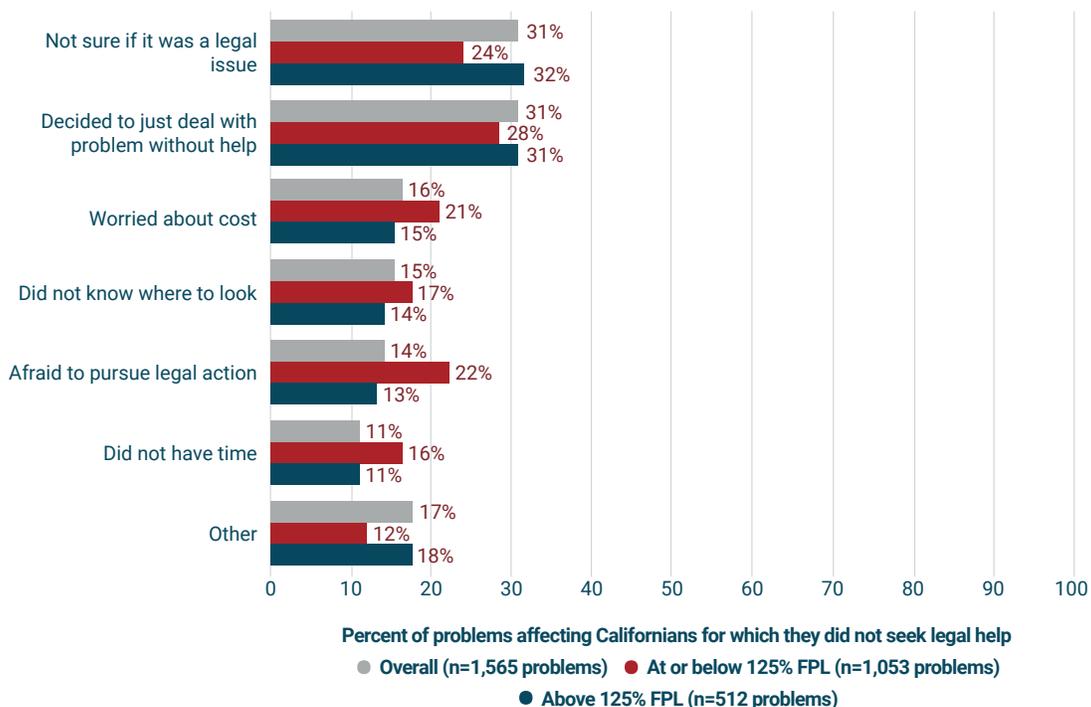
**Uncertainty whether it's a legal issue, concerns about cost, fear of pursuing legal action, and not knowing where to go for help were top reasons why Californians did not seek legal help for their civil legal problems.**

Among low-income Californians, the most common reason cited for not receiving legal help was that they decided to deal with the problem without getting help (28 percent). But again, other common reasons relate to a lack of knowledge or familiarity with the legal system, like being unsure if it was a legal issue (for 24 percent of problems) and not knowing where to look (17

**Section 3: How Californians Seek and Receive Legal Help**

percent). Fear of pursuing legal action (22 percent of problems) and concerns about cost (21 percent) were also common. Californians above 125 percent of FPL who did not seek legal help report similar reasons for why they did not, though they are less likely than those at or below 125 percent of FPL to say they were concerned about costs or were afraid to pursue legal action. See Figure 13.

**Figure 13. Uncertainty about whether it was a legal issue was a top reason why Californians don't seek legal help.<sup>24</sup>**



**Victor | Veteran** | Victor served in the U.S. Navy and was deployed to Haiti as part of the humanitarian response after the 2010 earthquake. He witnessed horrible devastation and soon thereafter started having PTSD symptoms. Homeless and unemployed, Victor was unable to claim Veterans Administration (VA) disability benefits, since the Navy had lost some of his treatment records. Legal aid helped Victor appeal the decision, arguing that publicly available information about his ship while Victor was in Haiti was sufficient to corroborate that he had indeed suffered PTSD-inducing stress under VA precedent. The VA granted his appeal, confirming the onset of symptoms during Victor's Haiti mission, and eventually awarded him a 100-percent disability rating for severe PTSD symptoms, along with years of back pay. Victor is now able to enjoy life, along with a renewed sense of hope.

## Special Focus |



### Rural populations

- Rural Californians sought and received legal help for 37% of problems that impacted them very much or severely.
- For problems for which they received legal help, rural Californians were particularly likely compared to urban Californians to use a legal hotline for help (15% vs. 4%).
- For problems for which legal help was received, the most common types of help were legal advice for 46% of problems, assistance with documents for 35%, referral to legal information online for 25%, a legal professional negotiated on their behalf for 18%, and representation in court for 13%.
- The most common reasons given by rural Californians for not seeking legal help were uncertainty that it was a legal issue (41% of problems that didn't receive legal help), deciding to just deal with it on their own (34%), and concerns about cost (25%).



### Seniors age 65+

- Seniors were more likely to seek and receive legal help for problems that impacted them very much or severely compared to problems that impacted them less (36% vs. 21%).
- Seniors were particularly likely to get legal help from a paid private attorney compared to those age 18-64 (64% vs. 45% of problems), and less inclined to get help from a self-help center (3% vs. 11%).
- The most common types of legal help seniors received were legal advice (51% of problems), assistance filling out documents (29% of problems), and representation in court (17%).
- The most common reasons seniors gave for not seeking legal help were uncertainty whether it was a legal issue (41% of problems), a reason not offered on the survey (31%), deciding to just deal with the problem on their own (24%), fear of pursuing legal action (16%).



### Veterans

- Those in households with veterans sought and received legal help for 39% of problems that impacted them very much or severely.
- Those in households with veterans were particularly likely to receive legal help from a paid private attorney compared to those in nonveteran households (69% vs. 44%), and less likely to get help from legal aid (13% vs. 35%).
- The most common types of legal help among those in households with veterans were legal advice (48% of problems for which they received legal help), assistance filling out documents (31%), and representation (19%).
- The most common reasons those in households with veterans gave for not seeking legal help were uncertainty if it was a legal issue (39% of problems that didn't get legal help), deciding to just deal with it on their own (31%), and concerns about cost (26%).

## Special Focus | Continued



### Persons with disabilities

- Those in households with someone with a disability sought and received legal help for 34% of problems that impacted them very much or severely.
- Those in households with someone with a disability were particularly likely compared to those in other households to receive legal help from a legal hotline (14% vs. 3% of problems for which they received legal help), a volunteer (unpaid) attorney (18% vs. 8%), a social or human services organization (22% vs. 8%), and disability services (9% vs. 2%).
- The most common types of legal help received by those in households with someone with a disability were getting legal advice (44% of problems for which they received legal help), assistance with documents or forms (28%), and being referred to legal information online (22%).
- Those in households with a disability were particularly likely to say they didn't seek legal help because they were afraid to pursue legal action (20% vs. 13% of problems for which they didn't seek legal help) or that they didn't have time (17% vs. 10%).



### Domestic violence or sexual assault survivors

- Survivors of domestic violence or sexual assault sought and received legal help for 41% of problems that impacted them very much or severely.
- Survivors were particularly likely compared to others to receive legal help from a social or human services organization (33% vs. 10% of problems for which they received legal help).
- The most common types of legal help received by survivors were assistance filling out forms (36% of problems for which they received legal help), legal advice (32%), and being referred to legal information online (27%).
- The most common reasons survivors gave for not seeking legal help were deciding to just deal with it on their own (39% of problems for which they didn't receive legal help), uncertainty if it was a legal issue (32%), fear of pursuing legal action (29%), and not knowing where to go for help (25%).



### Spanish speaking

- Those who speak Spanish at home sought and received legal help for 35% of problems that impacted them very much or severely.
- The most common sources of legal help among those who speak Spanish in the home were a paid private attorney (36% of problems for which they received legal help), legal aid (35%), and a self-help center (14%).
- The common types of legal help among those who speak Spanish in the home were legal advice (39% of problems for which they received legal help), assistance filling out forms (34%), and being referred to legal information online (20%).
- The most common reasons for not seeking legal help among those who speak Spanish at home were uncertainty whether it was a legal issue (32% of problems that didn't receive legal help), deciding to just deal with it on their own (31%), and not knowing where to look for help (20%).

## Special Focus | Continued



### Education

- Those without a bachelor's degree were less likely to seek and receive legal help for the civil legal issues they experienced compared to those with a bachelor's degree (28% vs. 39% of problems).
- The most common sources of legal help among those without a bachelor's degree were legal aid (40% of problems for which they received legal help), a paid private attorney (39%), and a social or human services organization (16%).
- The most common types of legal help received by those without a bachelor's degree were legal advice (46% of problems for which they received legal help), assistance filling out forms (30%), and being referred to legal information online (19%).
- Those without a bachelor's degree were less likely compared to those with a bachelor's degree to say they just decided to deal with the problem on their own (25% vs. 40% of problems for which they didn't receive legal help).

A photograph of a man with glasses and a woman looking at a document. The man is pointing at the document with a pencil. The woman is looking at the document with a smile. The background is blurred.

# Report from California's Legal Aid Organizations

Previous sections of this report explored the civil legal needs of Californians at all income levels. This section explores the assistance received by low-income Californians who actively sought assistance from a California State Bar-funded legal aid organization. Key findings include:

- Housing and immigration are the top two problems reported to legal aid.
- Low-income Californians are projected to approach State Bar-funded legal aid organizations for assistance with over 450,000 civil legal problems in 2019, but they will receive all the help they need for only 30 percent of these problems.
- Legal aid organizations will serve 22 percent of reported problems to some extent but not to the extent required to fully address their clients' needs.
- Half of all legal problems that go unserved or underserved are due to legal aid organizations' insufficient resources.

## Introduction

The State Bar of California administers several grant programs that provide funding for organizations that deliver civil legal services without charge to low-income Californians—generally, those with a household income at or below 125 percent of FPL.<sup>25</sup> Legal aid organizations are the primary vehicle for the delivery of free civil legal services.<sup>26</sup>

In 2019, the State Bar funded 76 legal aid organizations throughout the state to provide free legal services to low-income Californians.<sup>27</sup> For four weeks in April and May 2019, these organizations conducted an Intake Census that captured key information about individuals who contacted them for help with their civil legal problems. Information captured about legal problems presented include the following: type of problem (housing, family, employment, etc.) and the extent to which each legal problem was addressed (categorized as “fully served,” “unable to serve fully due to insufficient resources,” or “unable to serve”). Requests for help are characterized as “problems” for the purpose of this analysis.<sup>28</sup> Additional information about the methodology used in the Intake Census can be found in Appendix B4.

The California Justice Gap Survey showed that low-income Californians do not seek legal assistance for 7 out of 10 identified problems. Among the 32 percent of problems for which low-income Californians seek legal help, services provided by a legal aid organization are only one form of legal help that a person may pursue in addition to resources such as self-help services in courthouses, pro bono attorneys, nonprofit social services organizations, or private paid attorneys. Moreover, as illustrated by the household survey, confusion about what constitutes a legal problem, fear of consequences for pursuing legal action, and concerns about cost influence individuals to seek legal help for certain types of problems over others. As a result, the number of problems reported to legal aid organizations is a subset of the total number of civil legal problems that receive legal help and an even smaller share of all civil legal problems experienced by low-income Californians.



The Intake Census provides important information about the provision of legal services to low-income Californians but only tells part of the story about the overall legal needs of low-income Californians.

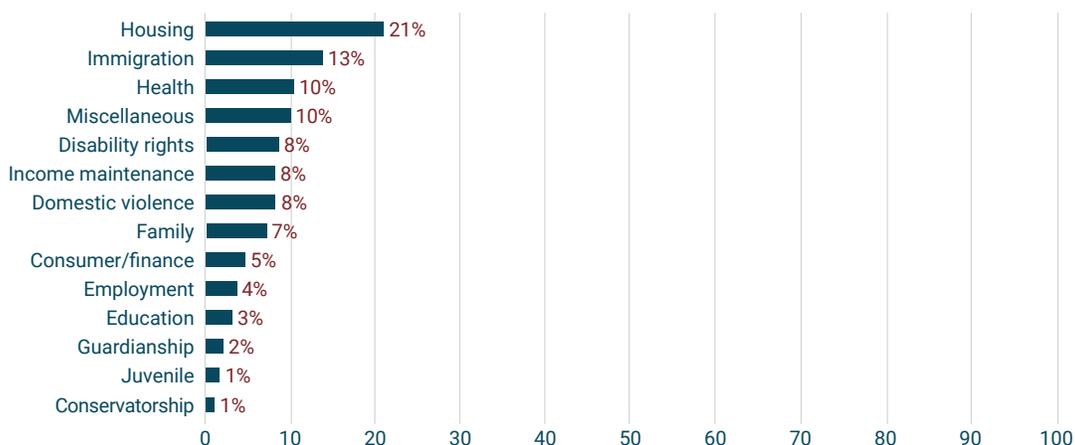
**In 2018, housing and immigration cases represented one-third of the problems for which people received services from State Bar-funded legal aid organizations.**

Figure 14 shows the cases closed by State Bar-funded legal aid organizations in 2018, according to their annual case summary reports.<sup>29</sup> Housing problems, including rental housing and homeownership/foreclosure issues, comprised 21 percent of the cases closed by these legal aid organizations in 2018. Immigration comprised an additional 13 percent.<sup>30</sup> Health problems, including medical insurance denials and disputes as well as other health and long-term care issues, comprised 10 percent of closed cases, as did problems categorized as “miscellaneous.”<sup>31</sup> Additional information about the data drawn from these organizations’ case summary reports can be found in Appendix B4.



Problems related to housing (21%) and immigration (13%) were the most common types of cases closed by legal aid organizations in 2018.

**Figure 14. Problems related to housing and immigration were the most common types of cases closed by legal aid organizations in 2018.**



Based on data from California legal aid organizations’ 2018 annual case summary reports

## In 2019, State Bar-funded legal aid organizations will be approached with over 450,000 civil legal problems from low-income Californians.

During the four-week Intake Census, low-income Californians approached State Bar-funded legal aid organizations for assistance with 38,168 civil legal problems. Based on this, a projected 458,016 problems will be reported to legal aid organizations in 2019.<sup>32</sup> The organizations will provide some form of legal assistance for an estimated 270,012 problems, or 59 percent of the problems low-income Californians present to them.<sup>33</sup> Categories that capture the extent problems were served (“served fully,” “unable to serve fully due to insufficient resources,” and “pending”) are in Table 1 along with their four-week Intake Census values and corresponding 12-month projections.



In 2019, low-income Californians are expected to approach State Bar-funded legal aid organizations for **help with over 450,000 civil legal problems, and only 30% will be fully served.**

**Table 1. Distribution of civil legal problems by extent of service**

	Total from 2019 Intake Census	Total 12-month projection	Percent of total problems
Total problems	38,168	458,016	100%
Total served to some extent	22,501	270,012	59%
Fully served	11,413	136,956	30%
Unable to serve fully due to insufficient resources	8,491	101,892	22%
Pending	2,597	31,164	7%
Unable to serve	15,667	188,004	41%
Total problems not served or not served fully (excluding pending)	24,158	289,896	63%
Total problems not served or not served fully (including pending)	26,755	321,060	70%

Based on data from the 2019 Intake Census

### Problems fully served

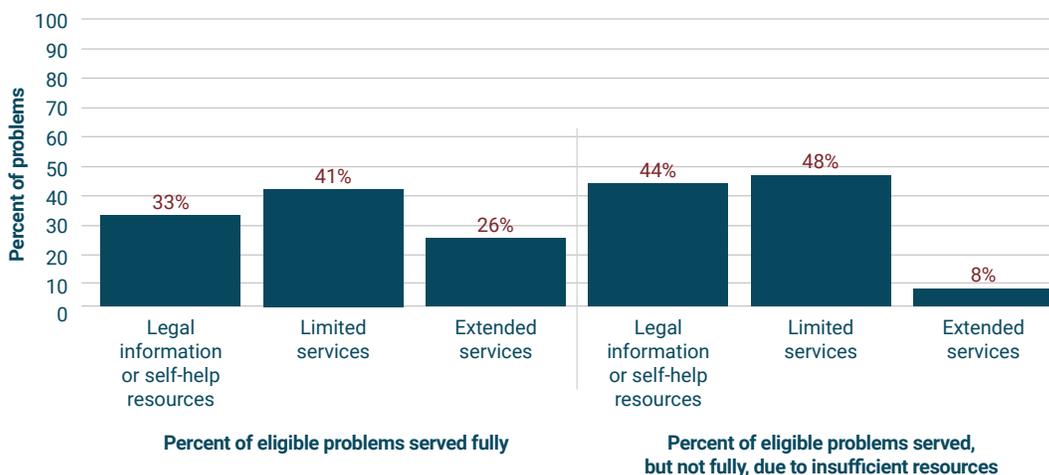
State Bar-funded legal aid organizations expect to fully serve low-income Californians for at least 30 percent of the eligible civil legal problems reported. “Fully served” means the legal aid organization provided legal information, pro se resources, limited services, or extended services in accordance with

the organization's policies for the type of matter. This is consistent with the national findings on the average percentage of problems fully served by legal aid organizations.<sup>34</sup> The majority of problems for which clients were fully served are resolved through providing legal information, advice, or self-help resources for clients to solve problems on their own (33 percent) or by providing "limited services," which include services that were brief and/or uncomplicated—such as writing a letter or preparing straightforward documents—in order to resolve the case (41 percent). "Extended services" are the most resource-intensive and indicate that the legal aid organization provided ongoing assistance—such as conducting complex legal research or providing representation in court—to bring the case to completion. This type of service resolved just 26 percent of fully served problems and represented the smallest proportion of problems for which clients are fully served. See Figure 15.



## State Bar-funded legal aid organizations expect to fully serve low-income Californians for about 30% of eligible civil legal problems reported to them.

**Figure 15. Types of legal assistance provided**



Based on data from the 2019 Intake Census

### Californians served, but not fully

State Bar-funded legal aid organizations expect to be unable to fully serve low-income Californians for 22 percent of the problems for which they contacted the organizations in 2019 due to insufficient resources. That is, they expect to offer some amount of legal assistance for

these problems but not enough to fully resolve the client's needs (see Table 1 above).<sup>35</sup> Help given to people with problems that are unable to be fully resolved will take the form of primarily legal information and/or self-help services (44 percent) and limited services, such as providing legal advice, speaking with a third party, or document preparation (48 percent), and 8 percent will receive some extended service (such as complex research or hearing representation). See Figure 15.

### **Californians served but extent of service is pending**

At the conclusion of the Intake Census, legal aid organizations had not yet determined the level of assistance available for 7 percent of problems they received.

### **Low-income Californians will receive no legal assistance for an estimated 188,004 problems reported to State Bar-funded legal aid organizations in 2019.**

Legal aid organizations will be unable to serve Californians for 41 percent of all problems for which they contacted the organizations. This corresponds to an estimated 188,004 problems for 2019 that will not move past the point of intake or services will not be received from the organization. Californians will not be served for over half (58 percent) of these problems because the organization does not provide the type of service the problem requires, or the problem does not fit with the organization's mission. Over one quarter (27 percent) fall within an organization's priorities but cannot be served due to insufficient resources. Other reasons, such as transportation issues, account for 11 percent of problems for which legal aid organizations are unable to provide services, and a small portion (3 percent) are not served due to conflicts of interest (if the legal aid organization has assisted the other party, for example).



Low-income Californians who approach State Bar-funded organizations **will receive insufficient or no legal assistance for as many as 321,060 problems this year.**

The preceding section showed that State Bar-funded organizations were unable to serve Californians for 41 percent of problems they presented to the organizations. An additional 22 percent will receive some help but not enough to fully resolve the problem, meaning overall, insufficient legal assistance will be provided for 63 percent of problems presented. This is a conservative estimate; it excludes "pending" problems, assuming that Californians will be "fully served" for all of those problems.

Legal aid organizations categorized 7 percent of reported problems as "pending" at the conclusion of the Intake Census. Including the assumption that the organizations will be unable to fully serve

Californians for all their “pending” problems due to insufficient resources, the share of problems for which they will not receive any legal help or not enough to fully resolve their issues would be 70 percent. In reality, some of the “pending” problems will fall into the “fully served” category and some will likely be “unable to serve fully.” In short, Californians will receive no legal assistance or a level of assistance that will not fully resolve between 289,896 and 321,060 of the problems (or between 63 percent and 70 percent of all problems) brought to State Bar-funded legal aid organizations. See Table 1.

**Low-income Californians are unserved or underserved for a large share of the problems they experience.**

The 12-month projections from the Intake Census indicate that 458,016 civil legal problems will be reported to legal aid organizations in 2019. Table 2 examines the issue of insufficient resources more thoroughly by taking into account the number of problems for which Californians will be unable to be served due to insufficient resources.

The “unable to serve” category in the Intake Census had four subcategories, of which one was “Insufficient Resources.” A 12-month estimated total of 51,360 problems fall into this subcategory. Adding this to the 101,892 problems for which Californians were underserved (unable to be served fully) due to insufficient resources results in a total of 153,252 problems that were met with insufficient resources. These problems comprised 33 percent of all problems and 50 percent of all problems for which Californians were unserved (received no legal help) or were underserved (not served fully).

See Appendix B4 explaining the method of calculation.

**Table 2. Number and percent of problems “unable to serve” or “unable to serve fully” due to insufficient resources**

	Total 2019 Intake Census count	Total 12-month projection	Percent of all problems	Percent of all problems receiving no help or insufficient help
Total problems	38,168	458,016	100%	
Total problems unable to serve or unable to serve fully due to insufficient resources	12,771	153,252	33%	50%
Unable to serve fully – insufficient resources	8,491	101,892	22%	33%
Unable to serve – insufficient resources	4,280	51,360	11%	17%

Based on data from the 2019 Intake Census

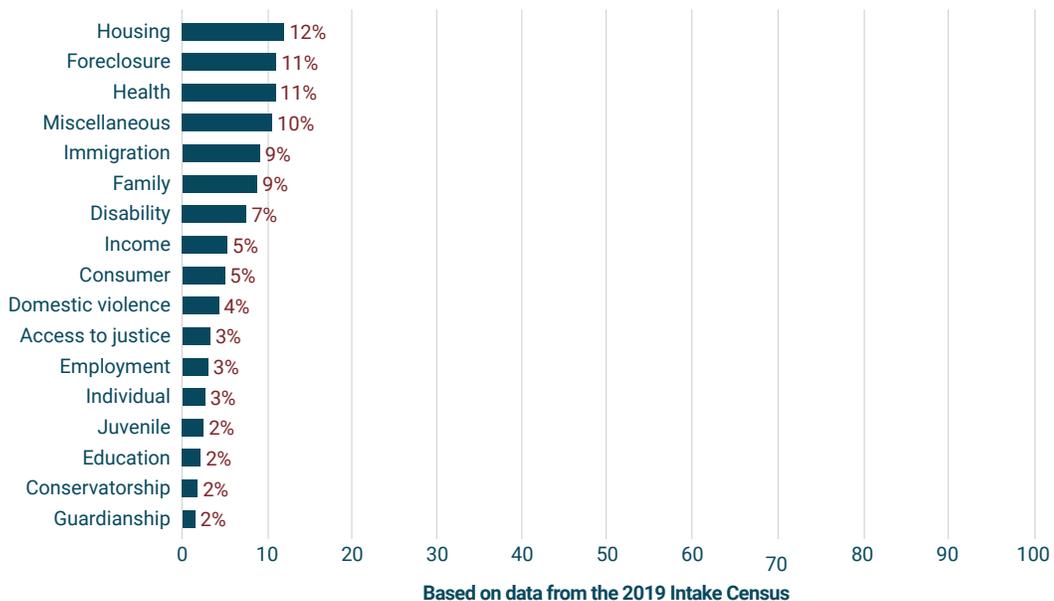
**The types of problems for which people received help from legal aid are consistent across the California Justice Gap Survey and the Intake Census.**

The 2019 California Justice Gap Survey of California residents showed that 39 percent of problems for which low-income Californians received help were discussed with legal aid (see Figure 10). An analysis of those problems revealed that the top three served by legal aid were related to rental housing (15 percent), health (13 percent), and employment (11 percent).<sup>36</sup> The top three problems for which low-income Californians received legal help according to the Intake Census were housing (12 percent), foreclosure (11 percent) and health (11 percent). See Figure 16.

The top problems served by legal aid organizations, according to both the California Justice Gap survey and the Intake Census involved rental housing (“housing” represents rental housing in the Intake Census). Health is also in the top three for both. Employment rose to the top in the household survey data in contrast to foreclosure in the case summary report data. Californians received help for many of the problem categories at similar rates across both the household survey and the Intake Census—often within a few percentage points of each other. Despite the difference in problem counts between the two data sources, the problem distributions are statistically significant within their own data sets.<sup>37</sup>

The following limitations may account for some of the differences observed in the problem distributions between the household survey and the Intake Census: “Legal aid” in the household survey is not restricted to State Bar-funded organizations as it is in the Intake Census; problem category definitions in the household survey vary from the Intake Census in some instances (e.g. the household survey only has 13 categories whereas the Intake Census has 17, consequently some of the problems in the household survey might be rolled into a broader category than the Intake Census); finally, the household survey data is based on self-reporting from individuals who said they received legal services, and the Intake Census data is based on reports of actual services provided by the legal aid organizations.

**Figure 16. Low-income Californians received the most help from State Bar-funded legal aid organizations for problems related to housing and health.**



# Comparison to National Findings



**i About the Data:**

To place the results from the 2019 California Justice Gap Survey in context, this section compares the results among Californians at or below 125 percent of FPL to those of Americans overall at or below 125 percent of FPL from the 2017 Justice Gap Measurement Survey. The findings indicate that there are some differences between low-income respondents in California and those nationally in the number of problems reported. Rates of help-seeking behavior, however, are similar. This section of the report focuses on survey results at both the *individual* and *problem* levels. For individual-level results, percentages presented are among low-income Californians or Americans. For problem-level results, percentages presented are out of the problems experienced by low-income Californians or Americans.

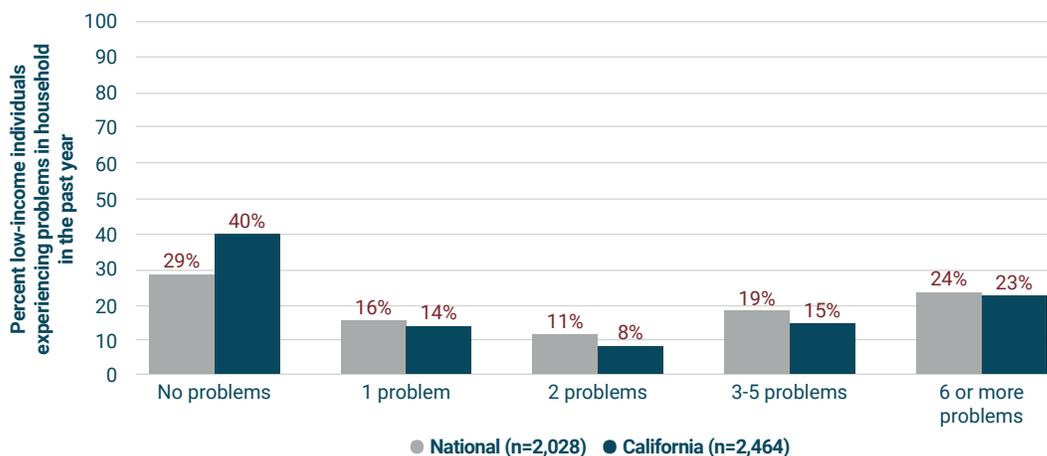
**Low-income Californians report a similar number of problems to the national average, but they are more likely to report not experiencing any problems in their household.**

Low-income Californians experienced an average of 4.3 problems in their household in the past year, similar to the national average (4.1 problems).<sup>38</sup> However, low-income Americans overall are more likely to report having at least one problem in their household compared to low-income Californians: 71 percent of low-income Americans experienced at least one civil legal problem in their household in the past year, more than the 60 percent of low-income Californians say the same. See Figure 17.



Both low-income Americans and Californians report an average of about 4 civil legal problems in their households in the past year.

**Figure 17. Low-income Californians are more likely to report experiencing zero civil legal problems in their household in the past year compared to Americans overall.**

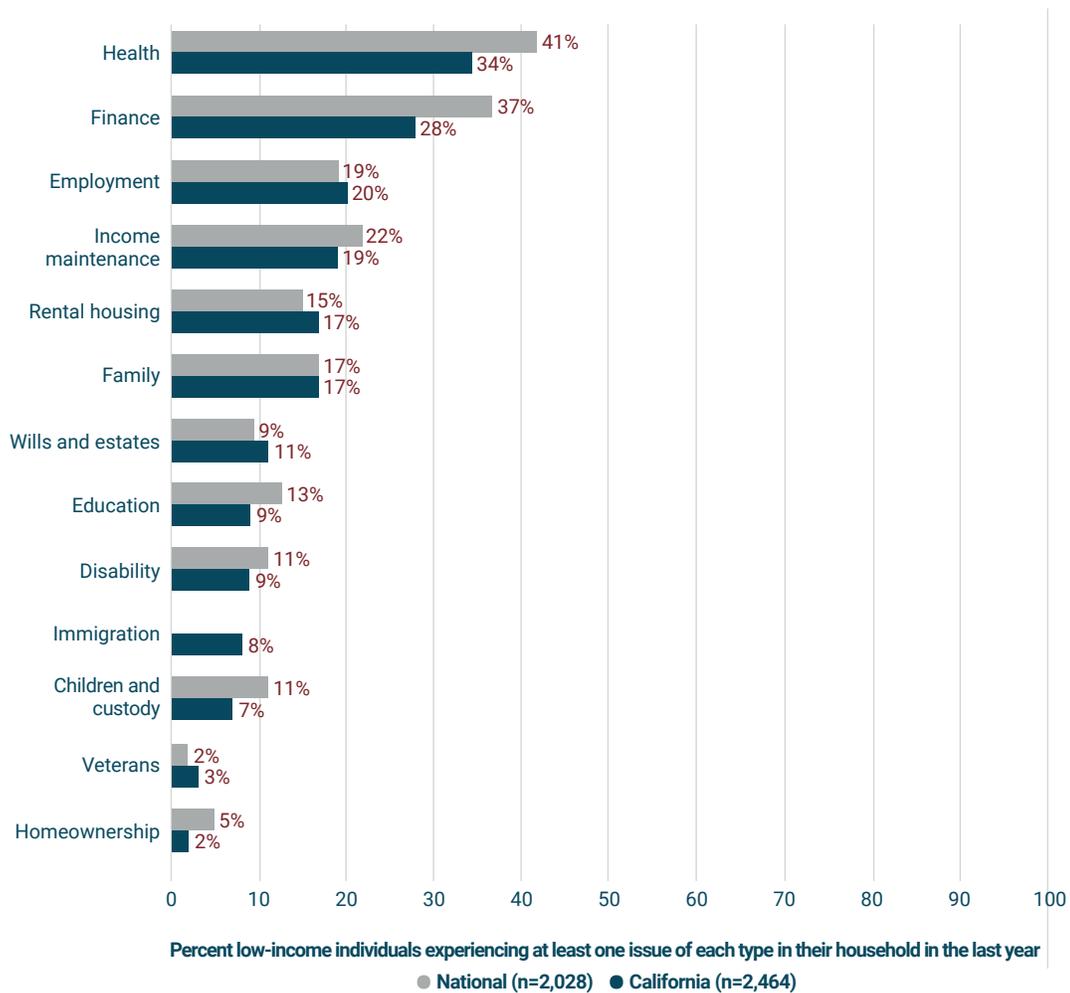


**Section 5: Comparison to National Findings**

Among those who report at least one problem in their household in the past year, low-income Californians report facing more problems on average than low-income Americans overall (7.2 vs. 5.8).

The most common types of problems reported by Californians in their household are similar to those experienced nationally. Health, finance, employment, and income problems all ranked toward the top of the most frequently experienced problems by both groups. Low-income Americans overall, however, were more likely to report experiencing problems in their household related to health, finance, education, and custody. See Figure 18.

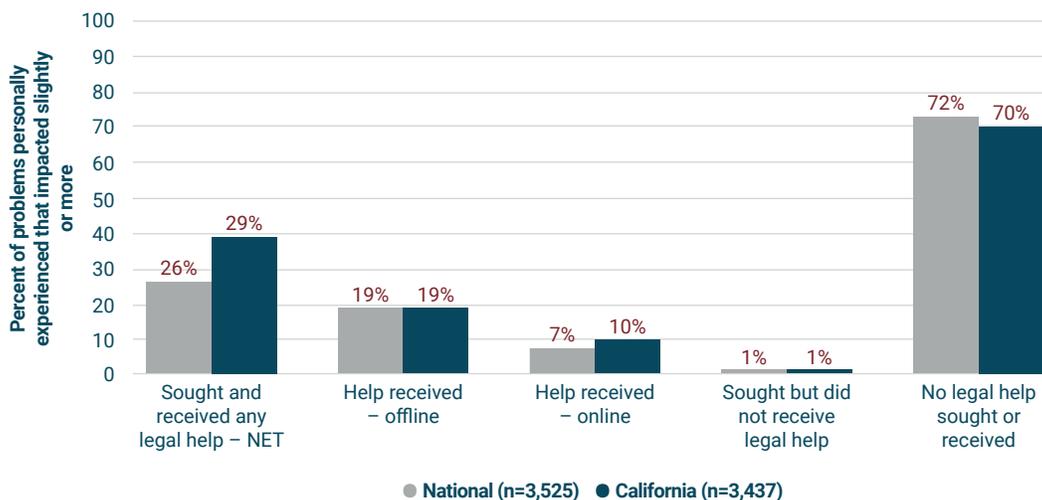
**Figure 18. Health and finance issues are the most common types of household problems experienced both in California and nationally among low-income residents.**



Rates of legal help-seeking were also similar in California compared to the nation overall.

Low-income Californians received legal help for 29 percent of the problems they personally experienced; the rate among low-income residents nationally was 26 percent. Figure 19 provides more details comparing how Californians and Americans overall sought and received legal help.

**Figure 19. Low-income residents of California received legal help for their personal civil legal problems at similar rates to those nationally.**



While both low-income Americans overall and Californians did not seek legal help for about 7 in 10 of their personal problems, this does not tell the entire story of the justice gap. Low-income Americans received inadequate legal help for 27 percent of problems they experienced for which they received offline legal help, similar to the 27 percent among low-income Californians. When looking at both those who do not seek any legal help and those who received inadequate help, the justice gap in California and Americans overall remains similar and large: both nationally and in California, low-income people receive insufficient legal help or no help at all for 86 percent of their problems.



Low-income Californians and Americans overall **receive no or inadequate legal help for 86% of problems** they experience.

Still, for problems that have been resolved and legal help was received, experience with help has been positive for more than half of both low-income Americans overall and Californians. Low-income Californians are very or extremely satisfied with how 56 percent of these problems were resolved, moderately satisfied with 25 percent of these problems, and just slightly or not at all satisfied with 19 percent. Low-income Americans express similar levels of satisfaction, saying they are very or extremely satisfied with how 52 percent of these problems were resolved, moderately satisfied with 21 percent, and slightly or not at all satisfied with 26 percent.



Both low-income Americans overall and low-income Californians say **they are satisfied with how more than half** of problems for which they received legal help were resolved.

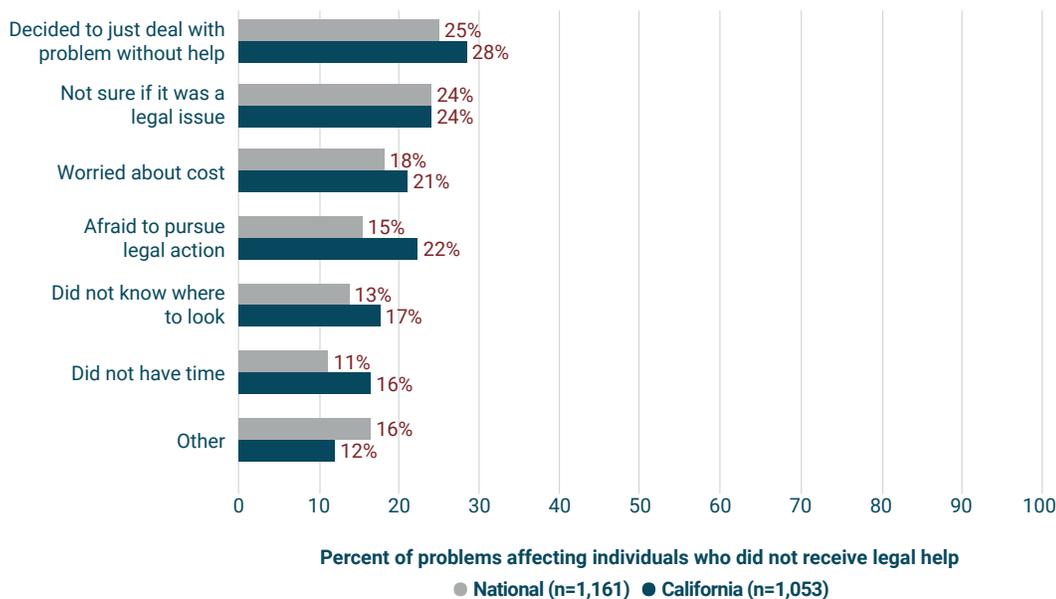
While rates of getting legal help were similar between low-income Californians and Americans overall, Americans were more likely than Californians to seek exclusively nonlegal help for their problems – 30 percent say they only received nonlegal help compared to just 24 percent of Californians. The most common sources of this help among both groups, though, are friends and family, a professional specializing in that type of issue like a doctor, or another person.



## For 30% of problems, low-income Americans received exclusively nonlegal help compared to just 24% of problems among low-income Californians.

In both California and nationally, those in low-income households who did not seek and receive legal help for their problems offered a variety of reasons for why they did not. Deciding to deal with the problem without help was the most common reason in both California and nationally, followed by uncertainty if it was a legal issue. Low-income Californians, however, were more likely to say they didn't seek and receive legal help because they were afraid to pursue legal action, they didn't know where to look, or they didn't have time. See Figure 20.

**Figure 20. Low-income Californians are more likely than low-income Americans overall to say they didn't get legal help because they were afraid of pursuing legal action, they didn't know where to look, and they didn't have time.**



## Appendix A: 2019 California Justice Gap Survey Methodology

Readers are encouraged to visit [www.calbar.org/CAJusticeGap](http://www.calbar.org/CAJusticeGap) where they can find the full technical survey report, the questionnaire, and the codebook corresponding to the 2019 California Justice Gap Survey. In this appendix, we present some important methodological information about the survey, including information about sampling and survey administration, survey structure, statistical weighting, and the demographic profile of the sample. Additional methodology details can be found in the full technical survey report.

### Sampling and Survey Administration

The general population survey combined interviews from both probability and nonprobability sample sources. The probability interviews were conducted using two probability-based panels. The first is AmeriSpeak®, NORC's probability-based panel designed to be representative of the U.S. household population. During the initial recruitment phase of the panel, randomly selected U.S. households were sampled with a known, non-zero probability of selection from the NORC National Sample Frame and then contacted by U.S. mail, email, telephone, and field interviewers (face-to-face). The panel provides sample coverage of approximately 97 percent of the U.S. household population. Those excluded from the sample include people with P.O. Box only addresses, some addresses not listed in the USPS Delivery Sequence File, and some newly constructed dwellings.

Panel members residing in California were randomly drawn from AmeriSpeak, and 967 completed the survey. Interviews were conducted online and over the phone, with 853 completing via the web and 114 completing via telephone. Interviews were conducted in English and Spanish, depending on respondent preference. This includes 192 interviews with those residing in households at or below 125 percent of FPL and 775 residing in households above 125 percent of FPL. The sample included oversamples of 136 Spanish speakers<sup>39</sup> in households above 125 percent of FPL, 222 seniors age 65 and older in households over 125 percent of FPL, and 251 adults residing in households above 125 percent of FPL who are living with a person with a disability. The final stage completion rate is 95 percent, the screener completion rate is 29.5 percent, the weighted household panel response rate is 30.3 percent, and the weighted household panel retention rate is 85.4 percent, for a cumulative response rate of 7.3 percent. The overall margin of sampling error is +/- 4.8 percentage points at the 95 percent confidence level, including the design effect.

Probability interviews were also conducted using Ipsos's KnowledgePanel®, and 651 completed the survey. Residents of California were sampled. Interviews were conducted in English and Spanish, depending on respondent preference, via web only. This includes 319 interviews with those residing in households at or below 125 percent of FPL and 332 residing in households above 125 percent of FPL. The sample included oversamples of 136 Spanish speakers in households over 125 percent of FPL, 76 seniors age 65 and older in households over 125 percent of FPL, and 92 adults residing in households above 125 percent of FPL who are living with a person with a disability. The final stage completion rate is 43.6 percent, the weighted household panel response rate is 10.8 percent, and the weighted household panel retention rate is 54.2 percent, for a cumulative response rate of 2.6 percent. The overall margin of sampling error is +/- 6.2 percentage points at the 95 percent confidence level, including the design effect.

Dynata, an opt-in panel, provided 2,267 nonprobability interviews of Californians age 18 and older. This includes 1,953 interviews with those residing in households at or below 125 percent of FPL and 314 residing

in households above 125 percent of FPL. The sample included oversamples of 125 Spanish speakers in households over 125 percent of FPL, 131 seniors age 65 and older in households over 125 percent of FPL, and 119 adults residing in households above 125 percent of FPL who are living with a person with a disability. Interviews were conducted in English and Spanish, depending on respondent preference, and via web only. Because nonprobability panels do not start with a frame where there is a known probability of selection, standard measures of sampling error and response rates cannot be calculated.

This study was conducted by NORC at the University of Chicago with funding from the State Bar of California. Staff at NORC and the State Bar collaborated on all aspects of the study design. Interviews were conducted between June 4 and July 15, 2019, with adults age 18 and older representing the state of California. Overall, 3,885 adults in California completed the survey, including 3,771 via the web and 114 via telephone. The sample includes 2,464 respondents at or below 125 percent of FPL.

### Survey Structure

To determine a respondent's income relative to the FPL, the survey first asked about the number of people living in their household and their household income. The survey then asked about some of the key demographic characteristics—if the respondent was a parent or guardian of a child under 18; if they or anyone in their household attended school<sup>40</sup> in the past 12 months; if they or anyone in their household ever served in the military; if anyone in their household has a disability like deafness, blindness, or another physical, mental, or emotional condition; if they rent or own their home; and if they speak Spanish at home.

The survey then asked whether the respondent or anyone in their household experienced any of the up to 90 different civil legal problems in the past 12 months. These issues fell into the following categories, and respondents were only asked about issues that applied to them based on the demographic questions asked previously in the survey:<sup>41</sup>

**Employment:** Questions asked about an employer who did not pay wages or other earned benefits, denial of worker's compensation, unsafe working conditions, unfair termination, denial of accommodation for disability or a medical condition, denial of unemployment benefits, inadequate treatment of a workplace grievance, and sexual harassment by a supervisor or coworker. These questions were asked of all respondents.

**Family:** Questions asked about problems with serving as a foster parent, issues adopting a child, difficulties with being appointed as the guardian of a child, filing for divorce or separation, difficulty collecting alimony payments, experience with domestic violence or sexual assault, and problems involving a vulnerable adult being taken advantage of or abused. These questions were asked of all respondents.

**Finances:** Questions asked about problems getting credit because of identity theft, being the target of unfair lending practices or internet scams, problems with debt reduction or credit repair services, problems with terms for repayment of payday lenders, problems related to legal financial obligations, harassment by creditors, problems with pay for or repossession of a car, filing for bankruptcy, garnished wages, and disconnected utilities due to nonpayment or a billing dispute. These questions were asked of all respondents.

**Health:** Questions asked about billing, the inability to access or other problems getting health insurance, the denial of an interpreter in a medical setting, issues with debt collection or financial assistance, and payment for needed equipment, procedures, or other services. These questions were asked of all respondents.

**Immigration:** Questions asked about filling out or filing paperwork relating to U.S. immigration issues and attending any legal actions or proceedings related to U.S. immigration issues. These questions were asked of all respondents.

**Income maintenance:** Questions asked about trouble receiving the earned income tax credit; the reduction or termination of state government income, food, disability or housing benefits; and the denial or termination of federal Supplemental Security Income, Social Security Disability income, or Social Security Survivors benefits. These questions were asked of all respondents.

**Wills and estates:** Questions asked about help making or changing a will/living will/advance directive, setting up a trust or power of attorney, and help with a probate or administering an estate. These questions were asked of all respondents.

**Child and custody:** Questions asked about trouble reaching an agreement about custody or visitation arrangements, a custody or visitation agreement not being followed, problems collecting or paying child support, issues with age eligibility for foster care, paternity problems, investigation by Child Protective Services (CPS), an attempt by CPS to terminate parental rights, and involvement in a court hearing involving dependency of a child. These questions were asked of those with a parent or guardian in their household.

**Disabilities:** Questions asked about the denial of state or federal benefits, denial of access to government programs, denial or limited access to public businesses, mishandled Social Security benefits, a court order requiring an unwanted guardian who provided poor treatment, and being placed in a mental health or long-term care facility. These questions were asked of those in households where anyone has a disability.

**Education:** Questions asked about suspension/expulsion from school, truancy, safety, access to special education services, and denial of bilingual education. These questions were asked of those who had someone in their household attend school in the past 12 months.

**Homeownership:** Questions asked about being the target of misleading or dishonest mortgage lending practices, being told by a lender that extra financial products needed to be purchased to get a mortgage, falling several payments behind on a mortgage or having a home going into foreclosure, and having trouble selling or buying property. These questions were asked of those who own their home.

**Rental housing:** Questions asked about a dispute with a landlord about rules or property, difficulty getting a security deposit back, the denial of reasonable accommodations for a medical condition, trouble getting a written lease or rental contract, failure to receive basic services or repairs, a threat of eviction, denial or trouble with a housing voucher or subsidy, harassment for rent, denial of relocation assistance from an unsafe rental unit, and denial of a rental unit because of prior juvenile or criminal system involvement. These questions were asked of those who rent their home.

**Veterans issues:** Questions asked about issues with discharge status, denial of Veterans Administration benefits, denial of access to service-related medical care, and problems getting an old job back after discharge. These questions were asked of those in households where anyone has served in the military.

For the problems the respondents report experiencing personally, respondents were asked how much those problems affected them.<sup>42</sup> For problems that affected them at least slightly, respondents were asked if they sought any type of help for each of these problems, either by talking to someone else for help or looking online. Then, the survey selected up to four of the problems the respondent personally experienced and asked a series of questions on the status of the issue, who they have talked to about the issue or where they looked online, whether they received legal help, why they might have chosen not to seek legal help, who they talked to for legal help and the type of legal help they received, and their satisfaction with that legal help and how the issue has or has not been resolved.

Finally, all respondents were asked about their confidence in the fairness and efficacy of the civil legal system.

### Statistical Weighting

To produce AmeriSpeak weights, panel weights are adjusted for survey nonresponse and a raking ratio method to population benchmarks from the 2017 American Community Survey (ACS) among adults age 18 and older residing in households at or below 125 percent of FPL and among adults age 18 and older above 125 percent of FPL. Within each of these income groups, the sample was adjusted using the 2017 ACS by age, race, gender, education, and Spanish speaking.

To produce Ipsos weights, the study base weight provided by Ipsos was adjusted via a raking ratio method to population benchmarks from the 2017 ACS among adults age 18 and older residing in households at or below 125 percent of FPL and among adults age 18 and older above 125 percent of FPL. Within each of these income groups, the sample was adjusted using the 2017 ACS by age, race, gender, education, and Spanish speaking.

AmeriSpeak and Ipsos weights were combined by multiplying with a factor that was calculated using the proportion of number of completes from each source over the total number of completes from both panels by the following subgroups:

- California adults age 18 and older residing in households at or below the 125 percent of FPL and speak Spanish
- California adults age 18 and older residing in households at or below the 125 percent of FPL and speak English
- California adults age 18 and older residing in households above the 125 percent of FPL and speak Spanish
- California adults age 18 and older residing in households above the 125 percent of FPL and speak English

To produce the probability and nonprobability combined sample weights for the general population of California, NORC used calibration techniques to adjust the opt-in sample from Dynata. The calibration adjusts the weights for the nonprobability sample so as to bring weighted distributions of the nonprobability sample in line with the population distributions for characteristics correlated with survey variables. The opt-in

respondents adjusted to population benchmarks from the 2017 ACS on age, race, sex, education, Spanish speaking, and disability status within 1) California adults age 18 and older residing in households at or below 125 percent of FPL and 2) California adults age 18 and older residing in households above the 125 percent of FPL who are Spanish speakers, seniors, or live in a household with a person with a disability.

The combined AmeriSpeak, Ipsos, and Dynata opt-in panel sample weight is obtained by determining an optimal composition factor for combining the final raked AmeriSpeak, Ipsos, and opt-in panel sample; the optimal composition factor for the combined weights is computed based on a criterion of minimizing the mean squared error associated with key survey estimates. Such calibration adjustments help to reduce potential bias, yielding more accurate population estimates. The weighted data reflect California's population of adults age 18 and older for the demographic categories used for weighting.

The margin of sampling error among those at or below 125 percent of FPL is +/- 2.9 percentage points at the 95 percent confidence level, including the design effect. Among those above 125 percent of FPL, the margin of sampling error is +/- 3.5 percentage points at the 95 percent confidence level, including the design effect. The overall margin of sampling error for the full sample is +/- 3.0 percentage points at the 95 percent confidence level, including the design effect.

While the survey makes extra efforts to include California's diverse population in its sample, those who were unable to complete the survey in English or Spanish are not included in the final set of completed interviews.

Full question wording in English and Spanish can be found in the questionnaire. For more information, please contact [info@norc.org](mailto:info@norc.org).

### Sample Demographic Profile

The respondents who completed the survey represent the state of California. The data is weighted to match the age, race, gender, education, Spanish speaking, and incomes above or below 125 percent of the FPL, based on the 2019 federal poverty guidelines set by the U.S. Department of Health and Human Services. In California, households at or below 125 percent of FPL include a range of incomes depending on household size. For a household of one person, 125 percent of FPL corresponds to a household income of \$15,612, and that level increases by \$5,525 for each additional member of the household. In this sample, 16 percent live in households at or below 125 percent of FPL, while 84 percent live in households above 125 percent of FPL.

This sample is weighted to California's demographics as outlined above. By age, it is divided roughly in fourths among those age 18-29 (22 percent), age 30-44 (25 percent), age 45-59 (27 percent), and age 60 and older (26 percent). In terms of racial/ethnic makeup, the sample is 40 percent non-Hispanic white, 6 percent non-Hispanic black or African American, 35 percent Latino, and 19 percent another race or ethnicity. About a quarter (27 percent) speak Spanish at home, while 73 percent do not. In terms of education, over one-third (34 percent) of the sample has a bachelor's degree or higher, while 31 percent have some college, 21 percent have a high school degree or equivalent, and 14 percent do not have a high school diploma. Thirteen percent of the sample live in rural areas, and 87 percent live in urban areas, using their census tract as defined by California's Medical Service Study Areas.<sup>43</sup> Additionally, 62 percent of the sample is employed full- or part-time, while 38 percent is not currently employed. Fifteen percent live in a household with former or current military personnel, while 85 percent live in households without any such individuals. Similarly, 15 percent live in households where one

member of the household has a disability, and 85 percent do not. Fifty-two percent of respondents own their own home, 6 percent rent with public assistance, 34 percent rent without public assistance, and 8 percent have some other arrangement.

### **Appendix B1: Section 1. California Demographics**

Most of the descriptive data on the California population, including breakdowns of those above and below 125 percent of FPL, come from the 2017 American Community Survey. To estimate the number of Californians under 125 percent of FPL or above 125 percent of FPL for each of the groups presented in the report, we used the percent of the population that is estimated to be under or above 125 percent of FPL and the total number of people estimated to comprise each group.

### **Appendix B2: Section 2. What is the Justice Gap?**

The findings presented in this section come exclusively from the 2019 California Justice Gap Survey.

### **Appendix B3: Section 3. How Californians Seek and Receive Legal Help**

The findings presented in this section also exclusively use data from the 2019 California Justice Gap Survey.

### **Appendix B4: Section 4. Report from California's Legal Aid Organizations**

Most of the findings presented in Section 4: Reports from California's Legal Aid Organizations are based on information gathered during the State Bar of California's 2019 Intake Census. Additional data was derived from the State Bar's case summary reports prepared by legal aid organizations that receive funding to serve low-income Californians. This appendix provides information about each of these sources of data. Some data in this section also comes from the 2019 California Justice Gap Survey.

#### **The State Bar 2019 Intake Census**

From April 29, 2019, to May 24, 2019, the State Bar directed the 76 legal aid organizations that received funding to provide direct client services to low-income Californians to conduct an Intake Census. Modeled after the Legal Services Corporation's Intake Census instrument, this census asked legal aid organizations to count the number of individuals who approached them for legal help and categorize them as follows: 1) Fully Served, 2) Unable to Serve Fully – Insufficient Resources, and 3) Unable to Serve. A total of 69 of the 76 legal aid organizations that receive grant funding from the State Bar submitted a 2019 Intake Census.

**Fully Served.** Individuals were categorized as Fully Served when legal aid organizations had sufficient resources to resolve their legal problems with an appropriate level of service given the needs of the case. This legal assistance ranged in its level of service from providing legal advice to conducting extensive legal research to representation in court hearings. The legal aid organizations determined the appropriate level of service based on the type and extent of the problem. A total of 11,413 individuals were categorized as Fully Served.

The three subcategories within this category are:

1. Fully Served – Provision of Legal Information or Pro Se Resources (n=3,827)
2. Fully Served – Provision of Limited Services (n=4,633)
3. Fully Served – Extended Service Case Accepted (n=2,953)

**Unable to Serve Fully - Insufficient Resources.** Individuals were categorized as Unable to Serve Fully if they received some legal services, but not enough to resolve their legal problems, due to insufficient resources at the legal aid organization. Individuals may have received legal advice, document preparation, assistance negotiating with other parties, or even representation at a hearing, but the assistance provided did not lead to resolution of the problem. It is assumed that, had the legal aid organizations had enough resources, the problem would have remained with the organization until fully resolved. A total of 8,491 individuals were categorized as Unable to Serve Fully – Insufficient Resources.

The three subcategories within this category are:

1. Unable to Serve Fully – Insufficient Resources – Provision of Legal Information or Pro Se Resources (n=3,739)
2. Unable to Serve Fully – Insufficient Resources – Provided Limited Service (n=4,050)
3. Unable to Serve Fully – Insufficient Resources – Provided Some Extended Service (n=702)

**Pending.** A small share of individuals (2,597) fell into the Pending category because the legal aid organization had not yet determined the level of service it would provide at the time of the Intake Census. All individuals in the pending category would receive some level of service.

**Unable to Serve.** A legal aid organization may have been unable to assist individuals for a number of reasons: the person contacting them may have earned too much to qualify for services; a conflict may have existed (for example, if the legal aid organization has represented the other party in the dispute); the case may have exceeded the legal aid organization's expertise or failed to meet its mission; staff constraints could have led to a lack of capacity; or any number of other reasons (e.g., the individual lacked transportation to get to the legal aid organization or the organization was only open during hours that the individual worked). A total of 3,805 individuals were unable to be served because they exceeded income requirements; they were excluded from all analyses presented in Section 4. A total of 15,667 individuals were categorized as Unable to Serve. Information on the types of legal problems these individuals faced was not collected.

The four subcategories within this category are:

1. Unable to Serve – Conflict of Interest (n=500)
2. Unable to Serve – Outside of Program Priorities or Case Acceptance Guidelines (n=9,118)
3. Unable to Serve – Insufficient Resources (n=4,280)
4. Unable to Serve – Other Reasons (n=1,769)

## Data Analysis

**Unit of analysis.** The Intake Census counted individuals, but the unit of analysis for this section was problems.

It is possible that a single individual had more than one legal problem—which the household survey clearly demonstrated—but it is less likely that they sought help for multiple legal problems at the same time during the four-week Intake Census. For the purpose of this analysis, it was assumed that the number of individual contacts with legal aid organizations was equal to the number of problems reported. As a result, the results reported here likely underrepresent the overall number of problems reported to legal aid organizations during the four-week Intake Census.

**12-month projections.** This section includes 12-month projection estimates to quantify the legal needs of low-income Californians who approached a legal aid organization in 2019. The Intake Census lasted almost a month (approximately four weeks). The projections were calculated by multiplying the Intake Census number by 12. However, given that there are approximately 4.3 weeks in most months, this again indicates a slight underestimation of the number of overall problems.

**Calculating the number of problems that are “Unserviced” or “Underserved” due to legal aid organizations’ insufficient resources.** Table 2 focuses on the unmet need for legal services among low-income Californians—whether they received no legal assistance (“unserved”) or insufficient legal assistance (“underserved”)—due to insufficient resources within legal aid organizations. The total was derived by adding the two following categories of individuals:

- Unable to Serve Fully – Insufficient Resources (n=8,491)
- Unable to Serve – Insufficient Resources (n=4,280)

### State Bar Grantee Case Summary Reports

At the end of each year, the State Bar collects data from all legal aid organizations that receive grant funding through the Interest on Lawyers’ Trust Accounts program and the Equal Access Fund in the form of a Case Summary Report (CSR). The CSR includes information regarding the services provided during the prior 12 months: number of problems served, types of legal problems, and client demographics, among other things. Case summary reports compiled from all 76 direct services legal aid organizations that provided additional data regarding the number and types of cases closed by legal aid organizations during 2018 is presented in Figure 1. However, Figure 1 includes information from all 76 of the legal aid organizations funded by the State Bar in 2018 and is not limited to the 69 that responded to the 2019 Intake Census.

The State Bar provided the following definitions to aid legal aid organizations in categorizing the problems reported in the CSR:

**Conservatorship:** all types of conservatorship proceedings, including probate, limited, general, and Lanterman-Petris-Short Act conservatorships

**Consumer/Finance:** bankruptcy, debtor relief, collections (including repossession), garnishment, contracts, warranties, credit access, loans, installment purchase, unfair sales practice, or other consumer finance matters

**Disability Rights:** disability, including mental health rights

**Domestic Violence:** abuse perpetrated against any of the individuals identified in the Domestic Violence Protection Act, California Family Code §6211

**Education:** discipline (including expulsion and suspension), special education, learning disabilities, access, and other education matters

**Employment:** job discrimination, wage claims, employee rights, and other employment matters. (Note: Earned income tax credits should be captured under “Miscellaneous.”)

**Family:** adoption, custody, visitation, divorce, separation, annulment, parental rights termination, paternity, support, and other family matters. (Note: Name changes should be captured under "Miscellaneous.")

**Guardianship:** cases brought by persons other than the child's parent seeking to be appointed guardian of a minor by the probate or other court

**Health and Long-Term Care:** Medicare, Medicaid, Medi-Cal, and other health and long-term care matters

**Housing:** federally subsidized housing rights, foreclosure or title fraud, landlord tenant (including foreclosure evictions), public housing, homelessness, and other housing matters.

**Immigration:** naturalization, asylum, adjustment of status, citizenship, family petition, Special Immigrant Juvenile Status, trafficking, T-Visa, U-Visa, and other immigration matters

**Income Maintenance:** CalWORKs, food stamps, Social Security, SSI, unemployment compensation, veteran benefits, workers' compensation, and other income maintenance matters

**Juvenile:** adoption, or emancipation, delinquent, neglected, abused, dependent, and other juvenile matters

**Miscellaneous:** incorporation, corporate dissolution, Indian and tribal law, license (auto and others), taxes, torts, wills, estates, prisoners' rights, and other individual rights matters

**Access to Justice:** measurable benefits that could not be captured in other substantive areas. These benefits might consist of increased individual access or a much broader impact than to the individual served.

## **Appendix B5: Section 5. Comparison to National Findings**

Data in this section comes from both the 2019 California Justice Gap Survey and the national 2017 Justice Gap Measurement Survey to compare the experiences with civil legal issues of low-income Californians to low-income Americans overall.

## Endnotes

- <sup>1</sup> The survey interviewed a total of 3,885 Californians, including 2,464 in households at or below 125% FPL and 1,421 in households above 125% FPL. It also includes 669 seniors age 65 and older, 617 in households with a veteran or others who have served in the military, 1,560 in households with at least one member of the household with a disability, 577 who live in rural areas, 1,068 who speak Spanish in the home, and 242 who experienced sexual assault or domestic violence in the past year.
- <sup>2</sup> In 2019, the FPL for a one-person household in California is \$12,490. It increases by \$4,420 for each additional person living in the household. For one person, 125 percent FPL would be \$15,612.50, and it increases by \$5,525 for each additional person living in the household. <https://aspe.hhs.gov/poverty-guidelines>
- <sup>3</sup> Respondents were first asked “Do you speak a language other than English at home?” If they said yes to that question, they were asked a follow-up question of “What language is it?” with options for Spanish, Chinese, Tagalog, Vietnamese, Korean, Farsi/Persian, Armenian, Russian, Arabic, Khmer/Cambodian, or other. Those who answered “Spanish” to this question are classified as Spanish-speaking in the analysis in this section and throughout the report.
- <sup>4</sup> Because sexual assault/domestic violence was considered to be a potential civil legal issue in this survey, this percentage is in addition to that experience.
- <sup>5</sup> The 2019 California Justice Gap Survey randomly selected up to four problems personally affecting the respondent to ask more detailed follow-up questions about help-seeking. Because these problems were randomly selected, they can be said to be representative of all problems personally affecting Californians.
- <sup>6</sup> This figure includes problems for which respondents indicated (1) they sought no help of any kind, (2) they sought some sort of assistance from others and/or information online, but they did not seek the help of a legal professional offline, (3) they sought help from a legal professional, but were unable to get it, or (4) they sought and received help from a legal professional offline, but felt that they did not or would not be able to get as much legal help with the issue as they felt they needed.
- <sup>7</sup> Problems categorized as family issues come from questions asked about serving as a foster parent, issues adopting a child, difficulties with being appointed as the guardian of a child, filing for divorce or separation, difficulty collecting alimony payments, experience with domestic violence or sexual assault, and problems involving a vulnerable adult being taken advantage of or abused. Problems categorized as custody issues come from questions asked about trouble reaching an agreement about custody or visitation arrangements, a custody or visitation agreement not being followed, problems collecting or paying child support, issues with age eligibility for foster care, paternity problems, investigation by Child Protective Services (CPS), an attempt by CPS to terminate parental rights, and involvement in a court hearing involving dependency of a child. These questions were asked of those with a parent or guardian in their household. A full description of all problems types can be found in Appendix A.
- <sup>8</sup> Of the problems where legal help was not sought or received, for 31%, Californians said they decided to just deal with the problem without help. Those at or below 125% FPL said they decided to deal with 28% of problems without help, and those above 125% said they decided to deal with 31% of problems without help.
- <sup>9</sup> Legal Services Corporation. 2017. *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans*. <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>
- <sup>10</sup> Legal Services Corporation. 2009. *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*. [https://www.lsc.gov/sites/default/files/LSC/pdfs/documenting\\_the\\_justice\\_gap\\_in\\_america\\_2009.pdf](https://www.lsc.gov/sites/default/files/LSC/pdfs/documenting_the_justice_gap_in_america_2009.pdf)
- <sup>11</sup> In all models, multivariate significance testing controls for age, gender, race/ethnicity, education, income, employment status, urban/rural resident, and whether the respondent speaks Spanish at home. Some models also control for military personnel living in the household, disability in the household, and sexual assault/domestic violence experience.
- <sup>12</sup> Office of the Assistant Secretary for Planning and Evaluation, U.S. Health and Human Resources. 2019. Poverty Guidelines. <https://aspe.hhs.gov/poverty-guidelines>
- <sup>13</sup> While there is no official definition of middle class, the Pew Center’s analysis is widely cited as a standard definition of middle class households. <https://www.pewresearch.org/fact-tank/2018/09/06/the-american-middle-class-is-stable-in-size-but-losing-ground-financially-to-upper-income-families/>

- <sup>14</sup> This category includes those who identified as American Indian or Alaska Native, Asian Indian, Chinese, Filipino, Japanese, Korean, Vietnamese, Other Asian, Native Hawaiian, Guamanian or Chamorro, Samoan, other Pacific Islander, or some other race. It also includes those who were not of Spanish, Hispanic, or Latino descent but identified as belonging to more than one racial/ethnic group, including white, or black or African American.
- <sup>15</sup> The survey asks respondents whether they or anyone in their household experienced any of the up to 90 different civil legal problems in the past 12 months. These questions were grouped into the 13 categories referenced throughout the report and displayed in Figure 3.
- <sup>16</sup> Respondents were defined as receiving legal help if they said they at least spoke to a legal professional, or were in the process or already had received help from a legal professional in person. These respondents were classified as receiving legal help offline. They were also defined as receiving legal help if they said they did any of the following online: looked up information on legal procedures, legal rights, or information on how to get legal assistance; have searched for a lawyer; or have looked for other kinds of legal information. These respondents were classified as receiving legal help online.
- <sup>17</sup> See Endnote 6 for a complete description for how the adequacy of legal help was determined.
- <sup>18</sup> Further analysis shows that the justice gap persists even at the highest levels of income. Californians between 501% and 600% FPL received no or inadequate legal help for 74% of their civil legal problems; those above 601% FPL received no or inadequate legal help for 78% of their civil legal problems.
- <sup>19</sup> This section discusses problems personally experienced by the survey respondent. For rural Californians, seniors, survivors of sexual assault or domestic violence, and those who speak Spanish in the home, we are referring to the survey respondent themselves. For the sections on veterans and those with disabilities, we are still talking about problems experienced personally by the survey respondent, but the respondents only need to live in households with a veteran or someone with a disability and may not themselves be a veteran or have a disability.
- <sup>20</sup> Regions were defined by groups of counties as follows: Northern counties: Butte, Colusa, Del Norte, Glenn, Humboldt, Lake, Lassen, Mendocino, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity. Sacramento area counties: El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba. Bay Area counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma. Central Valley and Sierra counties: Alpine, Amador, Calaveras, Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Mono, San Joaquin, Stanislaus, Tulare, and Tuolumne. Central Coast counties: Monterey, San Benito, San Luis Obispo, Santa Barbara, and Ventura. Inland Empire counties: Imperial, Riverside, and San Bernardino.
- <sup>21</sup> Respondents could select more than one source of legal help for any given problem experienced.
- <sup>22</sup> Respondents could select more than one type of legal help for any given problem experienced.
- <sup>23</sup> Respondents could select more than one type of online legal help for any given problem experienced.
- <sup>24</sup> Respondents could select more than one reason for not seeking legal help for any given problem experienced.
- <sup>25</sup> Income eligibility varies based on special categories, including seniors, individuals receiving Supplemental Security Income, and those with disabilities. Under limited circumstances, legal aid may offer services to individuals in these categories.
- <sup>26</sup> However, California state courts appoint free counsel in dependency matters to parents and children in proceedings regarding child abuse and neglect.
- <sup>27</sup> The State Bar also funded 22 support centers whose primary purpose is to provide legal training, legal technical assistance, or advocacy support to the legal aid organizations.
- <sup>28</sup> The State Bar's Intake Census was modeled on the Legal Services Corporation's 2019 Intake Census instrument.
- <sup>29</sup> State Bar-funded legal aid organizations reported closing almost 250,000 cases in 2018. This does not reflect all the problems served by legal aid in 2018 and does not include cases that remained open; it only indicates cases closed by the legal aid organizations—either because they were complete or because the legal aid organizations had insufficient resources to serve the cases completely.

- <sup>30</sup> The proportion of problems reflected in the case summary report data will not necessarily match the problems reported by low-income Californians in the household survey; the survey illustrated the fact that people do not seek legal help for all types of problems at the same rate. The distribution of problems where legal aid organizations provided services in 2018 may also reflect the fact that these organizations often prioritize certain types of problems over others based on the needs of the communities they serve.
- <sup>31</sup> “Miscellaneous” covers a variety of areas, including individual rights, wills and estates, torts, and access to justice, among other issues.
- <sup>32</sup> See Appendix B4 for details about how these projections were calculated.
- <sup>33</sup> This is close to the national average reported in the Legal Services Corporation’s Justice Gap Survey, 2017. <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>
- <sup>34</sup> Nationally, legal aid organizations expected to be able to fully serve 28 percent of civil legal problems, Legal Services Corporation’s Justice Gap Survey, 2017, p. 42. <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>
- <sup>35</sup> This is also consistent with the national average of problems that were served, but not fully. Legal Services Corporation, Justice Gap Survey, 2017, p. 43. <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>
- <sup>36</sup> This analysis is not included in the published documents.
- <sup>37</sup> The number of problems in the household survey analyzed was 237, and for the Intake Census the number of problems analyzed was 22,501.
- <sup>38</sup> In the 2017 survey, respondents completing the survey on the web were shown an explicit response option for “Don’t know” for the questions about specific problems they experienced. This was removed from the 2019 survey.
- <sup>39</sup> Respondents were counted as Spanish speaking if they spoke Spanish in the home.
- <sup>40</sup> This includes preschool, kindergarten through 12th grade, community college, college, and university.
- <sup>41</sup> For consistency, percentages reported for all problem types throughout the report are based on the full sample, not just those who were asked about that type problem.
- <sup>42</sup> The exact question wording was, “How much did the following issue(s) personally affect you? Not at all, slightly, moderately, very much, or severely?”
- <sup>43</sup> Medical Service Study Areas (MSSAs) classify areas as either urban, rural, or frontier. For this study, rural and frontier are combined. MSSAs are determined at the census tract level, and in this study, 98.2% of cases were matched to a census tract and MSSA. Details on MSSAs can be found here: <https://healthdata.gov/dataset/medical-service-study-area-mssa-census-detail-2013>



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