The Justice Gap
Addressing the Unmet Legal Needs of Lower-Income Utahns

This report was commissioned by the Utah Bar Foundation.

Utah Foundation Board of Trustees

Executive Board
Chad Westover, Chair
Dan Eldredge, Vice Chair
Melissa Shanjengange, Treasurer
Brian Autry, Fund-Raising Chair
Nathan Anderson
Carlton Christensen
Denise Dragoo
Terry Grant
Michael Gregory
Andrew Gruber
Annalis Holcombe
Brent Jensen
Dave Kallas
Richard Lambert
Kelly Mendenhall
Scott Parson
Art Turner

Utah Foundation Staff
Shawn Teigen, Vice President/Director of Research, Principal Author
Kai Wilson, Research Consultant
Peter Reichard, President
Christopher Collard, Research Analyst
Megan Luther, Outreach Coordinator
Cecilia G. Sanchez and Leonor Perretta, Spanish Translators
Anthony Dam and Drew Crawford, Research Interns

Research Report 776

About Utah Foundation
Utah Foundation’s mission is to produce objective, thorough and well-reasoned research and analysis that promotes the effective use of public resources, a thriving economy, a well-prepared workforce and a high quality of life for Utahns. Utah Foundation seeks to help decision-makers and citizens understand and address complex issues. Utah Foundation also offers constructive guidance to improve governmental policies, programs and structures.

Utah Foundation is an independent, nonpartisan, nonprofit research organization.

Support Our Work
Utah Foundation relies on the support of business and civic leaders and average citizens to produce the high-quality, independent research for which we’re known. To become a member or sponsor one of our projects or programs, contact us at 801-355-1400.
EXECUTIVE SUMMARY

In April 2020, Utah Foundation – a nonprofit non-partisan public policy research organization – released a report focusing on the legal needs of lower-income Utahns. The purpose of the report is to inform the public of Utahns’ civil legal needs and provide research to help stakeholders with informed decision-making on the future allocation of funding for legal resources. Utah Foundation undertook this project at the request of the Utah Bar Foundation.

Recognizing that critical civil legal needs of low-income Utahns were left unmet, the Utah State Bar, pursuant to an order of the Utah Supreme Court, formed an Access to Justice Task Force in 1996 to make recommendations to address gaps in services. These efforts have led to significantly more Utahns receiving legal help to resolve their legal problems.

Even after much progress, however, Utah still has tremendous unmet legal needs.

The Justice Gap: Addressing the Unmet Legal Needs of Lower-Income Utahns is based on a Utah Foundation survey of approximately 1,700 lower-income Utahns — or the roughly 26% of Utah’s population living at or below 200% of the federal poverty line. The report also relies heavily on data and analysis provided by Kai Wilson and David McNeill. In addition, the report includes short stories about the clients of legal service organizations, analysis of data from the United Way of Salt Lake’s 2-1-1 information and referral service, and data from the U.S. Census Bureau’s American Community Survey.

KEY FINDINGS OF THIS REPORT

- Most people do not have representation in civil legal cases in Utah; for the 62,000 debt collection cases, nearly 100% of petitioners (plaintiffs) have lawyers, compared with only 2% of respondents (defendants); for the 14,000 eviction cases, 90% of petitioners have lawyers, compared with only 5% of respondents.

- More than two-thirds of Utah’s lower-income survey respondents indicated that they could not afford a lawyer if they needed one.

- While the median hourly fee for a Utah lawyer is between $150 and $250, fewer than one-in-five Utah lawyers offer “discounted fees and rates for persons of modest means” or a “sliding scale based on income.”

- Rural counties tend to have relatively low availability of local legal representation.

- Most lower-income Utahns try to solve their legal problems on their own.

- When asked if the respondents tried to get help with the problems indicated in the survey, three-in-five said they did.

- Half of the respondents that sought help were successful; about one-in-five found assistance from a social or human service agency, one-in-five found help online, and another one-in-five hired a paid attorney. Only about one third used free legal help.

- Over half of all services provided for lower-income Utahns’ legal needs are for family law and immigration issues.

- Financial legal needs topped the list of legal-need types with 26% of households, followed by employment (21%), health law (19%) and public benefits (16%).

- Domestic violence was the least reported legal issue of the 19 types of legal needs in the survey at just 4% of households; however, it had the highest rating for severity for victims and their households.

- The most common employment law issues were that employees were forced to work overtime or “the bad shifts” and that employers “did not pay wages, overtime or benefits, or did not pay them on time.”
The data in this report were collected between November 2019 and February 2020. Note that as a result of the COVID-19 pandemic, certain types of the legal needs estimated in the report have or will likely become much more prevalent and more acute, such as civil legal needs issues related to finances, employment, public benefits, landlord/tenant, domestic violence and others.

Utah Foundation’s random sample survey of lower-income Utahns suggests that 57% of lower-income households have at least one civil legal needs issue type – and nearly a quarter have three or more issues. (See Figure 1.)

The survey found that financial legal needs topped the list of legal-need types. Over one-quarter of households had a financial legal need issue. This was followed by employment and health legal needs issues. (See Figure 2.)

Most lower-income households have at least one civil legal needs issue type – and nearly a quarter have three or more issues.

Figure 1: Number of Issue Types per Household, Random-Sample Survey

Note: Survey questions asked about 19 issues types.

Source: Utah Foundation.

Financial legal needs are clearly the biggest issues for lower-income households, followed by employment and health care legal needs.

Figure 2: Percent of Respondents’ Households with a Specific Need, all Random Sample Survey Responses

Note: Legal issues are divided by the total number of survey respondents, except the “Homelessness” and “Native American” bars, which are online-only responses weighted to be comparable to the other 17 issue types.

Source: Utah Foundation.
People with financial needs are typically faced with debt collection agency harassment and scams. Employment issues have to do with working bad shifts or in unsafe conditions, and not being paid. People with civil legal health problems report that they were charged too much for services and unfairly declined coverage. (See Figure 3.)

Some needs may be affecting households disproportionately hard. In fact, while domestic violence was the least reported legal issue of the 19 types of legal needs, it had the highest rating for the severity of its impact on households. (See Figure 4.)
Resource disparities highlight the need for legal aid. With the 62,000 debt collection cases, almost none of the respondents or defendants have representation, and most respondents do not have representation for eviction cases. This is vastly unbalanced when considering that almost all of the petitioners or plaintiffs are represented. (See Figure 5.)

Why are respondents underrepresented? In part because two-thirds of Utah’s lower-income survey respondents indicated that they could not afford a lawyer if they needed one – particularly in the face of $200 per hour legal fees. The situation is even more dire in rural communities. As a result, most lower-income Utahns try to solve their legal problems on their own. This often takes the form of reaching out online. But many people also reach out to social service agencies and elsewhere, including information and referral services, particularly for landlord/tenant disputes and family law issues.

Of those lower-income households who are successful in procuring legal assistance, half are getting help for their family law and immigration issues rather than for financial issues. Domestic violence is not far behind. (See Figure 6.)
While existing legal services provide support for lower-income Utahns, analysis of Utah’s civil legal system shows a large unmet need. In 2019, just over 40,000 lower-income Utahns received some type of legal aid. Utah Foundation’s survey suggests that lower-income Utahns’ legal problems might total over 240,000. This leaves an enormous legal needs gap. As a result, the 26% of Utahns living at or below 200% of the federal poverty line may find their legal needs insurmountable. (See Figure 7.)

Helping overcome the gap will take more funding for legal aid agencies (either from private or public sources), more social and human service agency support, and more low-cost and pro-bono work by attorneys. While the call to close the legal needs gap has been sounded, there is still a long way to go.

### Large legal needs gaps exist between the services provided and the number of problems households experience.

<table>
<thead>
<tr>
<th>Assistance provided to clients*</th>
<th>Number of problem areas, households†</th>
<th>Legal needs gap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial</td>
<td>n/a</td>
<td>42,570</td>
</tr>
<tr>
<td>Employment</td>
<td>694</td>
<td>35,145</td>
</tr>
<tr>
<td>Health law</td>
<td>n/a</td>
<td>32,670</td>
</tr>
<tr>
<td>Public benefits</td>
<td>2,171</td>
<td>27,060</td>
</tr>
<tr>
<td>Discrimination</td>
<td>247</td>
<td>16,005</td>
</tr>
<tr>
<td>Public services</td>
<td>n/a</td>
<td>13,365</td>
</tr>
<tr>
<td>Housing</td>
<td>3,759</td>
<td>16,500</td>
</tr>
<tr>
<td>Disability rights</td>
<td>426</td>
<td>7,755</td>
</tr>
<tr>
<td>Education</td>
<td>153</td>
<td>6,270</td>
</tr>
<tr>
<td>Other legal</td>
<td>5,023</td>
<td>11,055</td>
</tr>
<tr>
<td>Adult care</td>
<td>n/a</td>
<td>3,290</td>
</tr>
<tr>
<td>Family</td>
<td>13,584</td>
<td>16,830</td>
</tr>
<tr>
<td>Military</td>
<td>n/a</td>
<td>2,805</td>
</tr>
<tr>
<td>Native American</td>
<td>14</td>
<td>1,410</td>
</tr>
<tr>
<td>Domestic violence</td>
<td>5,456</td>
<td>6,600</td>
</tr>
<tr>
<td>Immigration</td>
<td>11,193</td>
<td>1,980</td>
</tr>
<tr>
<td>Total</td>
<td>42,720</td>
<td>241,310</td>
</tr>
</tbody>
</table>

* 49% of “assistance provided in 2019” was in the form of information and referral services. Please note that some assistance may be duplicated; clients may be counted more than once if referred by providers to other providers. See pages 9 and 10 in the full report for more details. Note that this is clients only, not secondary clients, which are typically in the same household as the client.

† The “number of problem areas” is an estimate of the percentage of random-sample survey respondents with a problem area type multiplied by the estimated number of households, multiplied by 66% – the survey respondents who perceived that their legal need “wasn’t a big enough problem” or that they “didn’t need help.” See page 38 in the full report for more details.

‡ Some households may not respond that they need immigration help for fear of a lack of anonymity in the survey.

Source: Kai Wilson data and Utah Foundation random-sample survey. Utah Foundation calculations.
THE JUSTICE GAP
ADDRESSING THE UNMET LEGAL NEEDS OF LOWER-INCOME UTAHNS

This report was commissioned by the Utah Bar Foundation.

Utah Bar Foundation
Board of Directors

Lori W. Nelson, Board President
Peggy Hunt, Vice President
Hon. Royal I. Hansen, Secretary/Treasurer
Robert L. Jeffs
Leonor Perretta
Kristina Ruedas
Walter A. Romney, Jr.

Kim Paulding, Executive Director