

Access to Recourse: An Exploratory Study Seeking to Understand the Workings of the Lucas County Court System and Barriers to its Use



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I. Foreword

This study has been conducted with continuing input and insights from a dedicated group of Lucas County legal and social service professionals, the personnel of the Ohio State Bar Foundation, and the University of Toledo Urban Affairs Center researchers and staff. The issues and insights that are detailed in our study and outlined in this report are a direct result of this important and effective collaboration. We wish to acknowledge and salute our partners in this collective endeavor, and offer this report as a contribution to the effort to improve the effectiveness and responsiveness of the criminal justice system in our metropolitan community.

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II. Executive Summary of the Data

The primary purpose of the study was to determine why and how people experience the local court system and what kinds of barriers they encounter when using local courts. The investigators studied three distinct sample groups, people who;

- Had some experience with the court system within the past two years,
- Attempted to use the court system within the past two years but could not gain access, and
- Believed they had a legal problem, but elected not to pursue that problem in court.

Major findings of this study include:

1. While the number of respondents in the latter two categories were insufficient for detailed analysis, our limited data suggest that the focus on not only those who participated, but those who did not, why, and with what impacts, while an unusual focus, is one worthy of further examination. Because of the subject of inquiry, cognitive and fiscal limits on information gathering, the unique setting, and the multiplicity of perception, this study must be regarded as exploratory in nature.
2. Most survey respondents were satisfied with their court experience, regardless of their race, employment status, educational level, marital status, or income; which particular court they were in; or whether their role in court was that of a plaintiff, defendant, or witness.
3. Most respondents regardless of demographic or jurisdictional attribute had no difficulty physically accessing the court, communicating with court personnel, dealing with other people in the courthouse, knowing where to be and when, and felt informed about and understood the process.
4. Over 2/3 of respondents were able to speak to an attorney about their legal problems, although less than half chose to and/or were able to secure full legal representation.
5. Those who did not have legal assistance were more likely to say they were not satisfied with the limited legal advice and non-legal advice they received.
6. *Sense of control over the process* was not related to a respondent's role in the case (plaintiff vs. defendant), type of court (county or municipal), or other major factors involved in the process of engaging with the legal system.

This study is limited to an exploration of general trends among the general population of Toledo and Lucas County. It does not purport to specifically examine trends among traditionally underserved, marginalized, and/or disenfranchised populations. Due to the

limited sample size of the study, such groups could not be examined in statistically meaningful manners. The investigators note that further study of less visible populations is a necessary next step in a broader research agenda that is beyond the scope of this inquiry.

III. Background

The Ohio State Bar Foundation (“OSBF”) is a public charity that “strives to promote public understanding of the law and improvements in the justice system throughout Ohio.” In early 2001, OSBF convened a series of meetings among local community leaders to explore the prospect of initiating a five-to-seven year pilot project in Lucas County to further its mission. A working group, known as the Key Initiative Focus (“KIF”), was formed to generate ideas and develop a working proposal. The strategic goals of the KIF are: (1) “to improve the access and experience of the public with the courts;” and (2) “to improve collaboration between the courts and other institutions to alleviate the role of the courts as institutions of last resort.”

The meetings brought together local judges, public officials, and other community leaders to launch a pilot project that would examine the public’s experience with the courts and the role of the local courts as a community institution. Social service and government participants expressed a willingness to collaborate on improved processes, new communications tools, and other training to ease their burden in dealing with clients who need court services. This working group identified desirable project criteria and prioritized issues, and decided to *undertake a project addressing the public’s initial experiences at the “threshold of the court system”*—whether trying to access information about the court system, identifying problems as legal or non-legal issues, or attempting to navigate the system to resolve disputes. The group decided that its first step must be to conduct a study something like a needs assessment of the court users. At the direction of the KIF, OSBF engaged the University of Toledo Urban Affairs Center to assess the public’s access to and experience with the local court system. In subsequent collaborative meetings with the KIF and OSBF, the UAC drew upon their perspectives and experiences of the various stakeholders present (legal workers, legal administrators, judges, members of public and private social service agencies that interact with the legal system) to map the current legal and social service landscape as it related to the:

- a. Multiple points of entry into the legal and related social service systems.
- b. Impediments to making a successful entry into the legal system.
- c. Operational and structural attributes of each institution.
- d. Relationships among institutions.
- e. Logical paths of progression into the legal system.
- f. Impediments to initial smooth progress within the legal system.
- g. Potential alternatives to obstacles and impediments to successful entry.
- h. Successful “off-ramps” from the legal and/or social service system(s).

Using these insights, we further refined our scope, method, and concepts to create a research strategy appropriate to this unusual task.

There have been recurring meetings and exchanges of information and ideas between the UAC researchers and the OSBF and KIF members in meetings held to share

research insights and findings. During those meetings the insights, questions, and ideas of the KIF and OSBF have helped to guide, refine, and sharpen the findings (and specify limits on those findings) of the research team as we progressed in our work.

IV. Research Question

Drawing upon the insights from facilitated group meetings, we formulated a clear basic research question:

Can we draw upon the experiences and insights of stakeholders to identify how perceptions, knowledge, and procedural and structural conditions impede or encourage entry into and initial navigation of the Lucas County Court System?

A detailed list of the major issues identified as requiring examination and consideration included ascertaining:

1. How people learn about the courts, legal standing, and the points of entry into the courts systems.
2. What sends people to court and who are the users of court services (civil, criminal, and other) in Toledo, Oregon, Maumee, Sylvania, and Lucas County.
3. The demographic attributes of various users of legal services and whether there are patterns of entry and usage common to members of such communities.
4. Whether there are groups who cannot gain entry to the legal system.
5. Whether various attribute-, interest-, and demographic-based communities have common problems relative to entry into, and initial interactions with, legal and social service agencies.
6. Whether categories of common problems exist for legal service users or categories of stakeholders relative to motive, entry, or obstacles.

Based upon the findings from these queries, we proposed to work with the KIF and OSBF to identify strategies and structures that might enhance the effectiveness of existing legal institutions regarding entry and retention of participants. This might include technologies, training, strategies, collaborations, incentives, coordinating agencies, locational/geographic decisions, new offices, and/or new task-focused positions, etc.

V. Review of Literature—A Futile Search for Best Practices, Model Studies, and Comparative Foci upon which to Pattern to our Research

As is the norm when conducting research, the UAC Research team, aided by student Intern Brookes Brown, searched various academic and public databases of reports and articles identified with various key word topics reflective of our concerns. We reviewed

and summarized 72 articles and reports most pertinent to the topics we were seeking to examine. Many were part of the American Bar Association's program "Access to Justice" which had generated numerous national and state conferences. Many papers were generated as part of this effort, focusing on public-lawyer-court relationships, dynamics, and outcomes from 1996 through 2002. While this confluence of concern was initially heartening and implied that there should exist a well-developed body of knowledge, we found the literature search of minimal benefit.

About a dozen studies were overviews of scores of specific surveys of "stakeholders" and perceptions about lawyers, access for the poor to legal services, and the effectiveness of pro se (self-represented) individuals. These authors often noted that the findings in the specific studies they were reviewing varied greatly. When we viewed the results of various surveys directly, we found wildly varying responses from strong (75 -80%) appreciation for the operation of justice to perceived low responses (25%-30%). This is in part due to variance in the specific frames—satisfaction, fairness, justice, trust, accessibility, etc.—employed by analysts. However, regardless of specific frame, findings varied widely.

There was widespread recognition that there was a dearth of legal knowledge, public trust, and/or confidence in the legal system (cf. ABA 1979, 1998, Rottman & Tomkins 2000).¹ Yet, we found many studies reporting high levels of lawyer utilization, trust in courts, and public satisfaction (cf. ND 1999 in Spain 2001), while another suggested that less than 5% of the legal needs of the low income individuals were met in the same state (Spain 2001)². There was also support for the idea that those who had hired a lawyer were much more satisfied than those who were self-represented (cf.- Moore 2001)³. Urban coastal residents seemed less trusting or satisfied, while those in the mid-west more content—but that is our deductive insight based on their observations and summary reports. There also seemed to us a pattern that verified the old joke among lawyers that "members of the public believe all lawyers are crooks, except their own"—those describing their personal experiences seemed more satisfied than the general public.

Similar wildly varying responses were secured on issues of access to the legal system, depending on respondent pool, locale, issue framing, etc. Most of the studies we found were focused on some of the 16,400 state trial courts and/or 13,748 limited jurisdiction courts existing across 44 states. They disproportionately focus on criminal case filing, etc. while civil caseloads are generally restricted to small claims and local courts (Hanson & Rottman 1999)⁴. One reason for such variance, as several observers noted, is the significant autonomy of states, state laws and procedures, relations to local

¹ *Public Trust and Confidence in the Courts; What Public Opinion Means to Judges.* David Rottman & Alan Tomkins.

² *Public Interest Law: Improving Access To Justice: The Opportunities and Challenges of Providing Equal Access to Justice In Rural Communities-* Larry R. Spain- *William Mitchell Law Review* 2001

³ *Symposium: Lawyering for the Middle Class; Foreword,* Nancy J. Moore. *Fordham Law Review*, December 2001.

⁴ "United States: So Many States, So Many Reforms," Roger A. Hanson, David B. Rottman, *The Justice System Journal*, Volume 20, Number 2, 1999.

courts, local and regional culture relative to government activities, and their varying reform practices (Hanson & Rottman 1999).

There are a few case studies on local courts, but these involve only a miniscule number of venues, despite the fact that the latter is the loci of most people's experiences. Most of these were descriptions of the effectiveness of local programs to promote education, create alternative adjudication sites, develop better pro bono and pro se advisory groups, ombudsmen, booklets, and create a better physical and operating environment for participants (cf. Casey 1998⁵, Washington State 1996,⁶ 2001,⁷ Bureau of Justice Assistance 1998).⁸

Whether local or state-based in approach, the respondents targeted in these surveys varied from the public at large, to only stakeholders, to only court personnel, to only the poor or only the middle class.⁹ Many were highly targeted to secure public reaction to specific proposed reforms, but provided little in terms of seeking public input on their perceptions, especially based on experiences. They could be typified as "here is what we are going to do for you, how do you like it" as opposed to our concern with whether you have needs and asking what those needs and concerns might be. There appeared to be an important distinction between the general perception that noted a widespread inability to get lawyers and dissatisfaction and a laundry list of specific problems, with the reports of individuals about their own experiences where the percentage of people getting legal advice was often half to two-thirds of respondents. A few studies indicated that such a discrepancy was largely due to media influence.

Another group of studies were courthouse focused participant observation studies that noted discontinuities in process, and focused on internal court amenities (such as day care centers, bike racks, magazines, etc), helpfulness of kiosks and court personnel, and took a customer satisfaction approach. Still others started from an assumption of insufficient resources and were reports of various states and jurisdictions attempting to remedy those and then gauge the effectiveness of various remediation activities. Such work often focused on community mediation, restorative justice, peer courts, etc., or on the effectiveness of electronic courts, after hours programs, and computer programs to facilitate pro se activities in lieu of insufficient funds. A few studies were reports developed not from people's experiences or beliefs at all, but a combination of participant observation studies and mass data analyses of computerized court personnel actions and court records analyzing effectiveness and fairness among thousands of discrete cases (cf. IIT/National Center for State Courts 2001).¹⁰ The study

⁵ "Defining Optimal Court Performance, *The Trial Court Performance Standards*," Pamela Casey. *Court Review* Winter 1998.

⁶ *Washington State Access to Justice Impediments Committee: Report to the ATJ Board*. 1996

⁷ "Positive Approaches to 21st Century Justice." Washington State Bar News 2001.

⁸ *Improving State and Local Criminal Justice Systems: A Report on How Public Defenders, Prosecutors, and Other Criminal Justice System Practitioners are Collaborating Across the County*. Bureau of Justice Assistance. October 1998.

⁹ Several papers argued that the middle classes were reportedly more legally vulnerable than the poor, lacking both the wealth and connections of the affluent and the legal services provided to the poor. cf. Moore 2001.

¹⁰ "Annual Report on Trends in the State Courts" 2001. Knowledge and Information Services, National

that shared the most in common with our concerns and approach was a British study “Paths to Justice, What People Think and do about Going to the Law” (1999)¹¹ which started from questions about the needs of individuals and when and why they may turn to the law for assistance. But the institutions, processes, and culture of Britain are so different from the US situation as to render the specifics of their work moot for our interests.

In sum, there was not a standardized set of basic questions or common focus from survey-to-survey or study-to-study, and the findings varied all over the map. Further, we did not find a preferred method of study, or a set of common findings, patterns, or trends, nor a common template of subjects or questions to guide our inquiry. While on one hand a futile exercise, the search encouraged us to revert to the most basic approach. We decided to work through the most important methodological issues ourselves, attempting to stay true to our basic research question. Thus, a major finding of the literature review is that ***this would be an exploratory study***. There was not an established body of literature examining the question we were asking or the issue we hoped to examine. Further, there was reason to believe that there would be high variability among distinct locales, and thus potentially context-specific answers to such inquiry. Each factor suggested that a comparison of our findings to similar studies of a common scope is impossible.

While minimally helpful in guiding our decisions regarding what we would do, it did provide guidance to help us decide what NOT to do, thereby refining and reducing our focus. We did decide to limit our focus to local courts; and not federal or appellate courts. We decided not to consider or discuss alternatives to litigation and court systems—mediation systems, ombudsmen, etc. Further, there were several studies suggesting that resource availability was strongly correlated to successful litigation when businesses and the public were adversaries, and in business-to-business litigation (and no contradictory evidence) (Rottman and Tompkins 1998, National Center for State Courts 1999),¹² and so we also decided to not examine inter-corporate or business-to-business disputes. The review encouraged us to only work with people who had relatively recent experiences with the court system, and to not ask the public about beliefs or perceptions about the courts and justice system, since the literature widely attributed mass perceptions about courts in general to the media.

VI. Methodology

Given the minimal guidance obtained from the literature review, the research team examined several potential methods of obtaining data, and had extensive discussions regarding potential sources of information, and regarding methods of securing, interpreting and analyzing data. Given our research question, we quickly decided to obtain information from participants based on their experience. Since we sought

Center for State Courts.

¹¹*Paths to Justice; What People Do and Think About Going to Law*, Hazel Genn & Sarah Beinart, Hart Publishing, Oxford, UK. 1999.

¹²*Implementing the National Action Plan to Improve Public Trust and Confidence*, National Center for State Courts. 1999

information about several courts in several local venues, focus groups involving the general public and participant observation studies were inappropriate. In-depth personal interviews were beyond our budget and resource capacity. Primary or archival data that we would ideally seek did not exist, was confidential, or would be extremely costly to assemble. While surveys were the obvious choice, numerous problems and issues remained.

We initially considered creating multiple and overlapping versions of a survey, with three different audiences: the general public, current court participants, and stakeholders (court personnel) involving a total of 325-350 individuals. Surveying a sample of stakeholders would be easy given our working relationship with the KIF which included members of all the germane stakeholder groups, and which could help us gain access to those populations and their phone numbers. On the other hand, a stakeholder survey could render problematic data, since many of the respondents may have a distorted view of the level or extent of problems. Due to their positions they would disproportionately hear criticism and experience episodes of intense (albeit situational) displeasure that distorts the accuracy and hierarchy of their perceptions of problems—a situation analogous to police whose views of humanity are often jaded because of the amount of time they spend with criminals, malcontents, and sociopaths.

A survey of those who entered the legal system would allow us to secure information about observed problems and criticism of its operations on a daily basis (McGuire 2002). However, even if we gained access to the names of the thousands of individuals involved in legal actions in thirteen courts in Lucas County, and then draw a sample of these, we would not have had access to their phone numbers, which generally are not part of the public record. And even if we had access to phone numbers, many individuals would have changed numbers, providers, and locales during the intervening period since their initial involvement in the legal process, and others would have identified cell phones and they would not want to be charged while responding to a survey. We also worried about the accuracy of their memory, depending on how long ago they had a court experience.

We considered limiting this pool to people who were in the midst of legal activity. Obtaining complete and reliable data was ethically and legally problematic. Trying to hand out surveys in the courthouses was problematic, since litigants were often represented by lawyers and often were not required to appear in court. In addition, we were concerned that lawyers would advise their clients against participating in the survey for fear they may reveal confidences or somehow jeopardize their case. We also worried about how a respondent's observations might be tainted or distorted by their most recent experience/decision rather than the full process.

At one point, we even considered trying to identify and directly sample people who had tried to go to court, but were unable to secure legal assistance to do so. We considered trying to create a separate survey for them and then only comparing them and people who did go to court. Confidentiality issues, however, would have precluded legal service providers from identifying individuals who had contacted them for assistance,

but whose requests for assistance were declined. Every means of circumventing such confidentiality concerns that we could ascertain would have created a massive burden for legal service providers and researchers, and would have introduced unknown and unknowable biases.

The public survey portion of the three surveys would include many people who had no experience upon which to draw or whose experience may reflect recollections from previous decades, faulty memories, and/or were tainted by subsequent events. The literature also told us that while the views of the public at large were interesting, they often reflected the mass ideology and not the reality of the local courts or in fact any reality at all. We wanted to understand contemporary courts based on experiences of participants.

There are clear advantages of using several distinct but overlapping instruments including the opportunity to triangulate results. However, we increasingly realized that the costs and logistics of a three-pronged approach would be unwieldy. Further, triangulation is of optimal use when seeking to detail a specific phenomenon—we were attempting to define the parameters and varying attributes of a complex, probably multi-part phenomenon wherein the perceived problems would be specific to each actor, similar conditions would not be probable but comparable ones might, and where a central tendency might not exist.

As we reflected on limits and problems, we realized that we had been thinking about information based in part on the sources of potential data. We needed to return to our research question and start anew. We realized that we needed data from three specific types of experienced respondents: those who had a legal issue and chose not to enter the system, those that tried and failed to enter the system, those who had entered and begun participating in the court system.

That recognition led us to two insights that made us reframe our thinking and approach. First, we realized that we had to conceptualize the process we were seeking to understand not as a static condition, but as an unknown number of path-dependent actions which might vary widely and which could diverge and converge. We needed to document the processes of decision-making by unknown numbers of potential users, of varying backgrounds, drawing upon their understandings and resources. By analogy, we needed to examine an area of unknown size and terrain, and to chart a stream of unknown size and varying depth and with various meanderings and branches as they converged and diverged across that terrain. To do so, we needed to start at the meteorological and hydrological levels (rain and ground water) since the amount of water from sources would vary, and some amount of water in this area would only occasionally or often would never become part of the stream, instead being absorbed, evaporated, and/or diverted to other places and uses. We needed to not only identify what did occur and contribute to the central tendency, but to be able to identify what did not occur and why, and to note alternative tendencies and conditions. This suggested that we needed to draw upon the “social construction” analytic framework and recognitions of path dependent historical analyses of institutional formation and

individual participation (McGuire and Granovetter 2003).¹³

This led to our second insight: to obtain such individually specific data of such unknown breadth we needed to use open-ended questions. This begged the question—how do we formulate common and meaningful questions about an unknown process. That led us to an important strategic decision. While we had to be sufficiently encompassing as to allow the respondents to provide us details of specifics (maybe many of them perhaps widely held but unanticipated by us), we also needed to understand the central tendency as viewed from institutional outcomes—the initial entry into and navigation of the courts. In addition, we needed to have an idea of what might have prevented others from such actions.

To learn how that was supposed to happen; and how it often happened to those who did enter; and their insights as to what impeded their getting to that point of entry; we decided that the insights of the KIF (as representative of a stakeholder group) could describe that main phenomenon. They could describe how people entered the court system and second hand information about the decisions, problems, opportunities, and impediments that the public encountered before, during, and immediately upon entering the courts. Rather than surveying the KIF as a separate subject of analysis, they would enable our strategy of path-dependent induction, serving as “insiders or informants” relating important information about the lay of the terrain we were about to probe.

Understanding paths, impediments, and problems is crucial to our constructing a survey that could accurately examine that broad array of potential activities experienced by individuals who are (in varying ways) involved in adversarial situations and potential legal issues. We decided to have the KIF identify problems and issues they knew of from their myriad positions as judges, court personnel, lawyers, public advocates, social workers, clerks, and members of legally-oriented social movements, and we met with them to ascertain the possible points, methods, motives, and impediments to entry that they could specify. Our assumption was that by learning about how people who did get to court reported phenomenon that discouraged and almost prevented them from doing so, would give us useful categorical information about the types of things that we would find to be common among people who did not enter the legal process, either due to their decisions or experiences.

Finally, we decided that a single survey of individuals drawn from the public should only interview people who in the preceding 24 months had experienced a situation that potentially involved litigation. This time frame would have allowed them to move through much or all of the legal process, but whose experiences would not have been so distant as to be vague or overly distorted. This time frame also allowed us to obtain reactions from individuals who were either now past the crises of particular findings, and/or were sufficiently experienced and integrated into the process to have perspective on their experiences. Finally, by surveying the public at large, we could capture those

¹³ Patrick McGuire and Mark Granovetter “Shifting Boundaries and the Social Construction in the Early Electricity Industry,” in *Constructing Markets and Industries*, Marc Ventresca and Joseph Porac- Eds. New York: Elsevier-Pergamon Publishing. 2003

individuals who had entered the legal process and followed it through, those who entered and ceased participation, and those that might have had a legal claim but had chosen not to follow through on this opportunity—all three major groups germane to the threshold of entry decision.

In our age, all surveys have intrinsic limits. Mail and newspaper surveys have notoriously low response rates, and attract people on the extremes of an issue. Similar difficulties plague attempts to directly question people in public places, specific to the setting. Moreover, often you are attempting to get information at a time when people are in a hurry. On-line surveys have significant biases regarding socio-economic, age, race, and educational factors, and it is difficult and/or expensive to attract attention to a web-based survey. Whether drawing phone numbers from a phone book or a “sample house”, all phone surveys are problematic now, since so many people have caller ID and screen their calls, and many, especially low income and young people, have cell phones as their principal phone. This creates problems because cell phones generally are not listed in phone books or banks, and because the user/recipient of the call is charged for the call. Thus, people have to pay to answer the survey, and most choose not to do so. Another important limitation of phone surveys is that they tend to undersample several important populations, such as non-native speakers, immigrants and undocumented aliens, certain people with disabilities, and other marginalized and/or disenfranchised groups. Despite such problems, we decided that the phone surveys were the most cost-effective, most efficient way to gain access to a diverse cross-section of our community, and might render the greatest number of completed responses. With this decision, we finally had a viable approach, frame, strategy, method, and vehicle of inquiry to effectively ask, and (hopefully) answer our research question.

After a half-day facilitation with about 70 KIF members about perceived issues when approaching, transgressing, and initially navigating the threshold of the legal system, we developed a single survey instrument with 7 demographic queries, and 23 questions about decisions to go to court, and experiences and perceptions while interacting with the court system. Consistent with basic survey construction, we created some checks for respondent consistency, and we created questions that were both specific queries and part of a group that constituted indices of larger issues and/or positions.

The Urban Affairs Center employees made approximately 3,000 phone calls in connection with the study. These calls were based on a randomly drawn sample of phone numbers from the white pages of the Toledo area Ameritech phone book.

When we made phone calls, our callers read a prepared script that identified this as a University sponsored survey, and that assured them that all responses would be kept confidential and that no information would be reported that could potentially link an individual to a specific response. We specifically told them that we did not want them to discuss any aspect of their court case with us, just to answer some general questions about the legal process. While this proviso was important, it may have scared off many individuals who were still engaged in a legal proceeding. The initial three questions

asked whether during the last two years, they had a reason to go to court, tried to go to court, and/or did go to the court to address a dispute. If a person had no such experience in the previous two years, we thanked them for their time and ended the call. This significantly reduced our pool of respondents relative to what it might have been if we had not had this constraint.

Telephone calls were made at varying times over a two-week period—morning, mid-day, and evening—both weekday and weekend to not preclude any specific group working a particular work schedule. Roughly $\frac{3}{4}$ of our phone calls were either incomplete, received by an answering machine, or an immediate hang-up. With the proliferation of answering machines, caller ID, and public anger about telemarketers and other phone-based intrusions, such a rate is typical. About 16% of the calls lasted one to five minutes. Such persons listened to the introduction and disclaimer, and then either expressed a disinterest in answering and/or completing the survey, or a lack of experience with the courts in the last two years, and terminated the call. Also, if the respondent identified himself or herself as being less than 18 years of age, we terminated the call, consistent with the requirements of the UT Human Subjects Research and Review Committee.¹⁴ A total of 241 persons answered the survey or about 8% of those called, and about 30% of those who answered and at least heard our initial outline and request for information.

Since many of the questions were open-ended, we potentially had a problem of inter-coder reliability—no two people would code or categorize people’s response in the same manner. We avoided this problem by having one person code all the data.¹⁵

Of the 241 respondents, 216 (89.6%) had some experience in court within the past two years. Fourteen (5.8%) respondents tried to use the court system within the past two years, but were unsuccessful. Eleven (4.6%) respondents indicated that they had a legal problem, but elected not to pursue the matter in court. The remaining 216 constitute only a miniscule fraction (0.06%) of the 354,359 cases filed in the local courts of Lucas County during the last two years.

¹⁴ This also by definition meant that we could not - survey some number of court participants. In fact, we may have excluded a significant percentage of juvenile and family court participants especially, because of the high standards involved in securing appropriate consent from individuals under age 18, made interviewing such people by phone almost impossible.

¹⁵ The person coding was a co-author of this paper with a Ph.D. in Educational statistics and measurement, 15 years of university teaching in that area, a scholarly books and numerous academic articles, and private sector publications on the topic of statistical measurement and interpretation.

Chart #1 Court Types and Case Load, 2001, 2002

Location	Type of Court	2001 data	2002 data
Lucas County	Common Pleas (General)	7,516	8,626
Lucas County	Common Pleas (Domestic Relations)	4,766	4,731
Lucas County	Common Pleas (Probate)	4,297	4,211
Lucas County	Common Pleas (Juvenile)	16,511	17,121
Toledo	Municipal	96,794	103,987
Sylvania	Municipal	19,848	20,012
Maumee	Municipal	16,994	15,910
Oregon	Municipal	6,299	6,736
Total Cases	All Courts Above	173,025	181,334

Using only the sample of persons who had court experience in the past two years (n=216), we were able to obtain responses to most of the survey questions for approximately 150-154 of those respondents (in other words, approximately 60 of those who had been to court did not respond to a majority of the survey questions). We viewed these as individuals who were reluctant to disclose specific aspects of their experience. Some may have done so consistent with their interpretation of our request that they did not reveal anything about their court case.

VII. Findings

Responses and percentages (rounded to the nearest whole number) are reported below for those who had been to court in the past two years. Our respondent pool is generally reflective of the composition of Lucas County, but is not formally a “representative” sample in the technical sense. As is readily apparent, we were able to capture a sample that had wide-ranging reasons for using the courts.

Demographics

In a perfect world, we would know the precise attributes and distributions within our target population, and from that we would create a representative sample based on those. We remembered that the population we seek to survey is *all individuals who could have, tried and failed, and did use the court system, not the population at large.*

Immediately we have a problem because two of the three categories are individuals who did not do something—measuring a frequency of non-action or actions that failed to leave a record is impossible. The classic limit of science is that it cannot prove the negative. Science is predicated on positivism—the assumed ability to identify and measure the existing and experienced attributes of a given phenomenon. The corollary of this limit, which applies to all positivistic pursuits, is that it cannot determine the frequencies or attributes of non-existent event(s)—such as the size and composition of the could/should have gone to court but didn’t. There is no way to identify the full population of people who tried and failed, since they may never have contacted anyone

who might have been able to help them, and there is a subjective element in the notion of “tried” that is not easily specified. Further, due to confidentiality rules applicable to legal service providers, there are no records available to identify the percentage of this sub-population who did call an agency that provides some legal services to some types of clients under some identifiable set of conditions.

In an effort to learn the attributes of that target population who had been to court (the third category), we sought data about the demographic attributes of all litigants and of all participants in court actions during the previous two years. The courts do not collect or record such variables regarding its participants, and while reviewing the primary records of every case would render some information (such as gender), generating such data for 354,359 court participants, would have taken months of research time and immense expense. Therefore, *it is definitionally impossible to identify a statistically representative sample, relative to the full population of people who could have gone to court, tried and failed, and those that did go to court, and relative to any and each of those categories as separate panels or sub-populations.*

With these caveats about sample and representativeness, we will present our findings for each of the three categories—could have, tried and failed, and did go to court—separately, beginning with the latter because it is the largest and most statistically valid group of responses.

Did Go To Court Panel

Since we cannot compare our sample to our target population (all people who might have, could have, and did have recourse to legal actions), we hoped to compare our sample to that of all people who did participate in court activities (the panel of respondents who are a sub-population of the larger target population). Toward that end, we attempted to get the demographic composition for all individuals involved in cases for each and all local courts. Failing that, we asked for just the demographics for the litigants. In neither case do the courts maintain such data.

Demographic information revealed a wide geographic distribution of respondents who had participated in the legal process, and it is a highly diversified respondent pool measured in terms of most demographic attributes. Where possible, the attributes of the pool were compared to both the Lucas County [yr 2000] demographic distributions, enabling to reader to determine the extent to which our respondent pool is reflective of and/or varies from, the distribution of the general public on each criteria. We offer the County (and occasionally City of Toledo) statistics only as indicators and comparative markers suggesting that the diversity of our respondent pool does not appear to be inappropriate given the attributes of all citizens in the region.

Ethnicity, income, educational level, marital status, and income level all showed great diversity among this sample. In terms of educational attainment, our sample was also quite consistent with the distribution in the County (See Chart 2).

Chart 2-- Educational Attainment

Level	Frequency	% Sample	% Lucas County 2000
Elementary	5	3	4.1
High school degree	50	32	32.3
Some college	41	26	22.1
College degree	43	28	21.1
Grad/professional	11	7	7.4
Other	5	3	

* The estimates for Lucas County may not add up to 100% due to the way in which the County data are reported

The number of dependents in a family ranged from 0 to 6, with the mean and median number of children at 1 (this is consistent with Lucas County and Toledo [yr 2000] statistics, which show a median family size of 3 persons).

Our sample has more married and fewer never married and separated/divorced respondents than is the norm in the County according to the Census (Chart 3).

Chart 3--Marital Status

Level	Frequency	% Sample	% Lucas County 2000
Never married	47	31	29.6
Married	55	37	49.4
Separated/divorced	37	25	13.6
Widowed	11	7	7.4

In terms of ethnicity, our sample over-sampled African Americans and slightly under sampled White/Caucasians relative to both the County and City resident populations (Chart 4).

Chart 4 -- Ethnicity

Ethnicity	Frequency	% Sample	% Lucas County 2000	% Toledo 2000
White	79	52%	77.5%	70.2%
African American	55	36%	17.0%	23.5%
Other	10	6.4%		
Hispanic	6	3.7%	4.5%	5.5%
American Indian	3	1.8%	0.3%	0.3%
Asian	1	0.1%	1.2%	1.0%

* These estimates from Lucas County and Toledo may not add up to 100% due to the way in which the City and County data are reported

Chart 5 shows that the income distribution of our sample is disproportionately composed by individuals of the lower socio-economic categories relative to the County. This may be a positive attribute relative to our target population, since generally lower income individuals are more likely to be involved in court-related activities as plaintiffs,

defendants, and witnesses, than middle and upper income individuals.

Chart 5 - Income Level

Our Sample			US Census for Lucas County	
Level	Frequency	Percent	Levels	Percentage
<15,000	44	29%	<\$15,000	12%
15k-30,000	35	23%	\$15-34,999	23.6%
31k-60,000	36	24%	\$35-49,999	16.5%
61k-100,000	14	9%	\$50-99,999	35.4%
100,000+	12	8%	\$100,000+	12.8%
Not applicable/ refused	10	29%		

The employment level of our sample is relatively similar to the County at large as shown in Chart 6. Our other income categories are inconsistent with the income categories of the Census, preventing further comparison.

Chart 6 - Main Source of Income

Source	Frequency	Percent	% Lucas County 2000
Employment	96	65	60.8%
Other	17	11	*
Retirement fund	15	10	*
Social security	9	6	*
SS disability or SSI	8	5	*
Ohio works first	3	2	*

*-US Census categories on attributes vary from those asked in the survey and are not comparable.

Our respondents ranged between 18 and 84 years old. The median age was 47 (median age in Lucas county [yr 2000] is 35; median age in Toledo is 33.2) and thus our sample is older than the norm. As shown in Chart 7, we under-sampled younger adults and over-sampled middle-aged adults (35-54 year olds). This may be a function of our reliance on the White pages and not dialing to cell phones—a device disproportionately used by younger adults. On the other hand, since call recipients on cell phones have to pay for the minutes when answering survey questions, they rarely answer surveys.

Chart 7 - Age Distribution of 20-84 year old in Sample compared to Lucas County

Age	# Sample	# Lucas County	% Sample	% Lucas County*
20 to 24 years	9	31,695	6%	11.1%
25 to 34 years	21	63,057	14%	22.1%
35 to 44 years	35	69,454	23.3%	24.4%
45 to 54 years	43	61,406	28.7%	21.5%
55 to 64 years	23	37,431	15.4%	13.1%
65 to 74 years	18	30,381	12%	10.7
75 to 84 years	1	21,753	0.7%	7.6

*- figures for Lucas County from 2000 US Census; % calculations relative to 20-84 year old populations

Our respondent sample was disproportionately female: Males were 34% of respondents identifying their gender, and females were 66%. This is not unusual since women are more often answer household telephones than men.

With this said, we note that 29% of our pool declined to identify their gender, 29% their income category, 26% their marital status, 27% their ethnicity, and 31% did not describe their main source of income. In the information age with people facing problems of identity theft, phone pervers, and worries about who might come into possession of information about them and with whom such data might be shared, people have become increasingly reluctant to provide any information to strangers on the telephone.

Our sample has broad representation generally reflective of the characteristics found in the population of our County, and yet significant numbers of our respondents answered the survey questions but declined to provide even the most basic demographic information about them. Our callers repeatedly reported that respondents were very cooperative until they reached the demographic questions and that many were angry about being asked questions about family, marital status, race, as well as the long-standing reticence about revealing economic information.

While we recognize the limits of our sample and acknowledge its potential errors, we are comforted by the fact that we have a randomly drawn sample of phone numbers, and that we exercised what control and rigor over selection we could. We carefully considered each methodological decision and examined the net attributes of the sample pool, and felt comfortable that it was as good as possible within the epistemological limits, unknowns, and in some cases the legal and technical limits that framed our work. Only by having many hundreds or thousands of times the financial resources that we did, could we have markedly improved our sample in a statistically meaningful manner. Even then, the extent of the unknown and unknowable (such as people who could have gone to court) would always remain a subjective and debatable construct. Further, a major reason for seeking a statistically representative sample is comparability. Given the thousands of local courts in different jurisdictions throughout the US, operating within different cultures, and guided/constrained by various state and local laws, the ability to compare our findings with other locales would be limited. Similarly, given changes in law, court personnel, and local and national culture, the ability to reproduce our survey and get the same results would be doubtful, as evidenced by the change in public perception and legal culture since the terrorist events of 9/11/01 and passage of the Patriot Act.

Did Go to Court Panel-- Survey Descriptives

This section is arranged to roughly parallel the experiential process of the respondent. The rationale for this arises from the recognition that people have associational memory and that taking a person step by step through their memories is the most effective and accurate way to recover their memories. Therefore, this section addressed basic questions such as the reason you entered the legal process, who you spoke to and what they told you, what you experienced while participating, and a respondent's

summary evaluation of those experiences.

The reason people went to court varied, but family, auto related, and criminal matters were far more common than other reasons, collectively constituting a little over ¾ of our sample responses, as shown in Chart 8. These responses are aggregated from open-ended responses provided by the respondent. Some people might have conceptualized adoption as a family rather than probate issue, or domestic violence as family rather than criminal matter, etc. Short of obtaining the respondent’s name and then going to the courts and researching their cases, there is no way to determine the accuracy of their response. Their responses are useful because it shows how they conceptualized their motive, and may help us aggregate responses into “similar” categories.

Chart 8- Initial Reason for Going to Court. ¹⁶

Reason for going to court	Frequency	Percent
Family matters	34	24
Automobile	31	22
Criminal matters	29	21
Other matters	16	12
Landlord/tenant matters	8	6
Business matters	4	3
Probate Matters	4	3
Consumer matters	3	2
Real Estate	3	2
Other civil matters	3	2
Contract matters	2	1
Employment	2	1
Government benefits	0	0
Immigration matters	0	0

The reason for the respondent’s most recent court visit (Chart 9) differs in response pattern from the motive for their initial reason. While family and auto still constitute roughly half of all responses and are relatively similar percentages relative to initial motive, the percentage that note that they were involved in criminal matters drops in half and landlord issues rise. Clearly, those whose initial interactions with the court system stemmed from criminal issues had subsequently been involved in other court matters.

¹⁶ A full description of each category can be found in Appendix 1.

Chart 9 - Most Recent Reason for Going to court

Most Recent Reason for going to court	Frequency	Percent
Automobile	35	27
Family matters	33	25
Landlord/tenant matters	16	12
Criminal matters	14	11
Other matters	10	7
Probate Matters	5	4
Real Estate	4	3
Business matters	3	2
Other civil matters	3	2
Contract matters	2	2
Employment	2	2
Government benefits	1	1
Immigration matters	1	1
Consumer matters	1	1

Respondents were then asked who they contacted when they first discovered they had a problem (Chart 10), and how long it took to reach that person/agency (Chart 11).

Chart 10 - First Person Contacted when Legal Problem was discovered

Contact	Frequency	Percent
Lawyer	59	39
Other ¹⁷	26	17
Family Member	17	11
Clerk of Courts	13	9
Police	10	7
Legal Aid	9	6
Judge	5	3
Didn't do anything	4	2
Public Defender's Office	3	2
Friend/Case Worker	3	2
Boss	1	1
Co-worker	1	1

¹⁷ "Other" include responses such as, "psychiatrist", "law suit", "no one", "self", "water dept", "zoning reg", "detective", "Fair Housing", and "summons".

Chart 11 - Number of Calls/Attempts/Visits before talking to someone

Number of Attempts	Frequency	Percent
1-3	98	72
4-7	9	7
8-10	3	2
Too many to count	3	2
Don't remember	9	7
None	5	4
Not applicable	8	6

While common wisdom would suggest that most people talk to a member of their family, a co-worker, or friend as the first person they contacted about a personal difficulty with potential legal implications, and before initiating direct conversation with someone who is part of the legal process, this was clearly not the case. Almost 40% of our respondents initially contacted a lawyer, and 27% contacted another office of the judicial/legal establishment (clerk of courts, police, judge, public defender, or judge's offices).¹⁸ Only 9 % contacted a family member, and 4% more spoke to a friend, co-worker, or caseworker.

When people called for advice, they almost immediately connected to someone whom they were attempting to contact, with roughly $\frac{3}{4}$ of them succeeding within the first three tries. Thus, institutional actors seem to be fairly accessible and responsive when initially contacted by strangers about legal issues.

We asked respondents what type of advice they received (Chart 12), was that advice helpful and did they use this advice (Chart 13). Again, the legal community was extremely helpful, with almost $\frac{3}{4}$ of respondents¹⁹ stated that they received some kind of legal information and assistance, and half of them obtaining full legal representation. Over $\frac{3}{4}$ of respondents said the advice and/or service was helpful, and 86% of respondents said they used the advice and/or service.

¹⁸ This is probably underreported since 17% offered answers we categorized as other, but which included things psychiatrist, cops, zoning regs, Water Dept., etc.

¹⁹ Obtained by combining full=34%, answers=24%, some=10%, in person consultation=5%, telephone consultation =1%

Chart 12 - Type of Help/Advice

Advice	Frequency	Percent
Full legal representation	43	34
Answer to my question	30	24
Some legal assistance	12	10
None	11	9
Non-legal assistance	8	6
In person consult/appt	6	5
Information packet/brochure	4	3
Not applicable	4	3
List of referral sources	3	2
Other ("counseling", "lies", "unfair")	3	2
Telephone consultation	1	1

Chart 13 - Service Effectiveness

Question	Disagree	Agree	% Agree	Partial	Not Applicable
Found Service/advice helpful	16	101	77%	6	5
Used that service/advice	10	109	86%	5	1

Given that we assumed that most people spoke initially to a friend, co-worker, or family member, we then asked specifically about their initial experiences with members of the legal establishment. While this turns out to have been a somewhat redundant exercise, the continuity of the answers between Charts 12, 13, & 14 and those in Charts 15, 16, 17 & 18 is important since it indicates consistency in response by the persons being surveyed. Asking the same question in a slightly different manner will often "trip" a person who is lying or misrepresenting information to a surveyor. The continuity suggests that they were being truthful.

Again, more than 2/3 of respondents were able to speak with a lawyer (Chart 14), not only within their first few attempts (Chart 11), but also within the first three days that they tried to contact the lawyer (Chart 15). Almost half obtained full legal representation and almost 10% more partial representation (Chart 16). In addition, 3/4 of all people who contacted a lawyer were satisfied with the results of those consultations (Chart 17).

We sought to determine if there was a pattern linking social network contacts to type of "advice received," "advice helpful," and "advice taken" and found no significant relationships. Similarly, we asked if having a representative of the legal community was correlated to types of "advice received," "helpful," and "taken," and again found no significant relationships there either. We also found that speaking to a lawyer, duration until speaking to a lawyer, and having full legal representation had no meaningful correlation to higher satisfaction.

Chart 14 - Were you able to speak to a lawyer?

Response	Frequency	Percent
Yes	82	68
No	22	18
Partial	6	5
Not applicable	10	8

Chart 15 - How long before you spoke to a lawyer?

Response	Frequency	Percent
1-3 days	61	53
4-7 days	14	12
1-3 weeks	12	10
1-6 months	3	3
More than 6 months	5	4
Not applicable	21	18

Chart 16 - What kind of assistance did you get?

Response	Frequency	Percent
Full legal representation	49	45
Answer to general questions	13	12
Limited legal representation	10	9
None	10	9
Not applicable	8	7
Guidance on handling it myself	8	7
An initial consult	7	6
Help filling out forms	3	3
Other	1	1
A referral	1	1

Chart 17 - Were you satisfied with the advice?

Response	Frequency	Percent
Yes	84	76
No	16	14
Not applicable	11	10

When people are asked about events in the past, they generally think back to an initial activity. Several studies on memory processes indicate that humans are associational learners and that reviewing sequential activities generally heightens the amount and accuracy of memory. Since we sought to understand each and all potential impediments or difficulties encountered by a respondent, we queried them about their

experiences in a manner that generally follows the most common flow of events as indicated by the KIF group during our focus group with them.

About half of all respondents who had gone to court were the recipients of legal documents initiating actions and half identified having legal documents filed on their behalf as the initial action in their experiences, as shown in Chart 18. It is not surprising, therefore, to learn that about 40% of the respondents were plaintiffs and 40% were defendants (Chart 19).

Chart 18 - How did your case get started?

Response	Frequency	Percent
Traffic ticket	37	23
Lawyer filed papers	33	21
I filed papers	23	15
Clerk gave me forms	5	3
Received summons	38	24
Other	22	14

Chart 19 - What was your role in the court case?

Response	Frequency	Percent
Witness	7	4
Plaintiff	59	39
Defendant	56	37
Not sure	6	4
Other	24	16

The respondents had participated in all the municipal and common pleas courts of the region, and we were satisfied that they generally were distributed in manners typical of the loads of those courts. Respondents from the two largest courts—Toledo and Sylvania (together 2/3 of the court load throughout Lucas County) were interviewed in numbers typical of the percentage of all Lucas County court cases heard in 2001 and 2002 (Chart 20).²⁰ The distribution of the remainder is less accurate for each court, as one would expect with such a small sample. Maumee and Lucas County Common Pleas juvenile court are under-represented: the latter perhaps due in part to our not interviewing individuals under age 18. Oregon and Lucas County Common Pleas general and domestic relations courts were over-represented in our sample. The over-representation of experience in domestic relations court may be a function of our having so many women in our sample. We would expect that a greater percentage of female respondents with court experience to have been through the domestic relations courts, since they are a small percent of defendants in cases in criminal courts relative to men.

²⁰ The percentage distribution among the 9 courts in Lucas County shown in the right column of Chart 19 were created based on the data displayed in Chart 1 of this report.

Chart 20 - Which court did you use?

Response	Frequency	Percent	% Lucas Co
Maumee municipal	5	3	9.3%
Oregon municipal	1	1	3.7%
Toledo municipal	85	54	56.7%
Sylvania municipal	12	7	11.5%
Lucas county common pleas (general)	17	11	4.5%
Lucas county common pleas (domestic)	13	8	2.6%
Lucas county common pleas (probate)	3	2	2.4%
Lucas county common please (juvenile)	7	4	9.5%
Don't remember	4	3	
Other	11	7	

We next queried about the respondent's relationship to legal professionals and to operating within the institutional setting of the legal system. Just under half had legal representation and half did not (Chart 21). About ¼ of respondent were referred to other services after their initial interactions with the court system, but 2/3 of respondents had no auxiliary services provided to them (Chart 22). Respondents were very successful in their interactions within the courthouse. Only 4% percent of respondents had problems with physical access to the court facilities, 7% had difficulties knowing where to be and when,²¹ 11% encountered problems with, or difficulties arising from, their interactions with court personnel, and only 11% had problematic interactions arising from interactions with other persons in the courthouse (Chart 23).

Chart 21 - Did you have legal assistance?

Response	Frequency	Percent
Yes	70	45
No	77	50
Don't remember	1	1
Not applicable	7	4

Chart 22 - Did you receive other services once you got to court?

Response	Frequency	Percent
Arbitration	5	3
Family counseling	7	5
Mediation	6	4
Other	20	13
None	101	67
Not applicable	11	7

²¹ The later point was also verified by 85% of respondents when asked a slightly different version of the same question as shown on Chart 27. Again, we found very high levels of consistency on similar questions suggesting that respondents were honest in their responses.

Chart 23 - Questions about navigating the courthouse

Did you have a problem	Disagree	Agree	% Agree	Other	Not Applicable
Physically going to court	134	7	4%	10	2
Knowing where to be & when	130	12	7%		36
Communicating with court personnel	122	16	11%	7	-
W/ other persons in courthouse	130	18	11%	10	3

Having attempted to take the respondent systematically through their court experience, we then sought summary assessments as to their perceptions and experiences. Three-quarters of respondents reported having understood and been well informed about the process as they were going through it. Over half felt that people were receptive to the ideas of the respondent and almost 60% believed that their thoughts mattered. Thus, a majority believed that their beliefs and insights were accepted and were somehow taken into account during the process. Only 40% felt that they had no control over the process. Interestingly, the percentage who felt that their ideas were heard and that their involvement mattered, and those who felt they had no control, was proportionately appropriate to each other (all Chart 24).

Chart 24 - Agreement with the following

Question	Disagree	Agree	% Agree	Don't Know	Not Applicable
Understood the legal process	33	116	75%	5	0
Felt informed about the process	37	113	74%	4	0
People were receptive to my ideas	43	86	56%	11	14
My thoughts matter	52	91	59%	3	6
Felt I had control over process	78	61	40%	9	3
Knew where I was supposed to be & when	13	131	85%	2	4

Again, we sought to identify potential relationships or correlations. Significantly, we found that those people who perceived the system or receptive to their ideas were more like to feel they had control over the process, and those who felt the system was not responsive felt a lack of control (Chart 25). Similarly, those that thought that their thoughts mattered were more likely to feel they had control over the process and those who felt their thoughts didn't matter believed that they did not have control over the process (Chart 26). Thus, whether one perceived acceptance of their ideas and actions were the key determinate of whether they felt a sense of control.

Chart 25 - People receptive to idea/Control over process

		Disagree	Agree	Total
Disagree	Count	37	2	39
	Expected	21.8	17.2	39.0
	Count			
	Std. Residual	3.3	-3.7	
Agree	Count	30	51	81
	Expected	45.2	35.8	81.0
	Count			
	Std. Residual	-2.3	2.5	
Total	Count	67	53	120
	Expected	67.0	53.0	120.0
	Count			

Chart 26 - My thoughts mattered/control over process

		Disagree	Agree	Total
Disagree	Count	47	2	49
	Expected	27.5	21.5	49.0
	Count			
	Std. Residual	3.7	-4.2	
Agree	Count	28	56	84
	Expected	47.1	36.9	84.0
	Count			
	Std. Residual	-2.8	3.2	
Don't know	Count	1	1	2
	Expected	1.1	.9	2.0
	Count			
	Std. Residual	-.1	.1	
Not applicable	Count	2	2	4
	Expected	2.2	1.8	4.0
	Count			
	Std. Residual	-.2	.2	
Total	Count	78	61	139
	Expected	78.0	61.0	139.0
	Count			

Over half of respondents said there was nothing they would have done differently. No single element was identified by even 15% of people and they involved various aspects of their experience as plaintiff or defendant (Chart 27). Thus, there was no significant “error” or institutional or professional problem common to many respondents.

Chart 27 - Would you have done anything differently?

Response	Frequency	Percent
Changed lawyers	5	4
Would have gotten a lawyer	13	9
Would have avoided the problem	19	14
Would not have gone to court	7	5
Would have handled it myself	8	6
No/nothing	72	52
Other	14	10

The reasons that respondents stayed the course in their activities within the legal institution were many and varied. One-third sought to accomplish a goal, and almost the same stayed the course to avoid going to jail or otherwise felt they had no choice. About half of the remainder (14%) did so out of loyalty to or pressure from a friend or family member (Chart 28).

Chart 28 - What made you stick it out?

Response	Frequency	Percent
To accomplish a goal	46	33
Didn't want to go to jail	6	4
Had no choice	40	29
For family or friend	19	14
I don't know	6	4
Other	21	15

Did Go to Court Panel -- Correlational Results

Satisfaction

Chief Justice Rehnquist, once quoted John Jay as saying; “Next to doing right, the great object in the administration of justice should be to give public satisfaction.” (NCSC 1999.)²² Building from this insight, and consistent with our research question, we correlated *satisfaction with legal advice* with a variety of other item responses: demographic information, reason for going to court, role in the court case, and whether or not the person had legal representation. The only significant relationship we found was between satisfaction with legal advice and whether or not the person had legal representation. **Specifically, those who did *not* have legal assistance were more likely to say they were *not satisfied* with the advice.**

Chart 29 (below) shows the joint frequency distribution of *satisfaction with legal advice* and *whether or not the person had legal assistance*. Eleven respondents who did not

²² Conference to Create a National Agenda, National Center for State Courts. 1999.

have legal assistance were also not satisfied with their advice. This observed number is compared to the expected number (6.1) to show that this number is greater than we would expect just by chance (standardized residual of 2.0).

Chart 29 – Satisfaction with Legal Advice by Whether or Not One had Legal Representation

	Were you satisfied with the advice			
			<u>yes</u>	<u>no</u>
Did you have legal assistance?	Yes	Count	52	4
		Expected Count	47.1	8.9
		Std. Residual	.7	-1.7
	No	Count	27	11
		Expected Count	31.9	6.1
		Std. Residual	-.9	2.0

Did Go to Court Panel -- Sense of Control

We correlated *sense of control over the process* with a variety of other item responses: relationship between role in the case (plaintiff vs. defendant), and type of court (county or municipal). No significant relationships were found.

Did Go to Court Panel-- Conclusions -

In sum, the system of justice is achieving its goals, as reflected in the experiences of those individuals who entered the legal system. Satisfaction with the system is a function of whether respondents had legal representation. Throughout the process, individuals, regardless of their legal representation, found the system responsive, orderly, and predictable, and the courthouse environment a relatively welcoming place populated by helpful employees. Consistent with Justice Jay’s dictum; the local courts of Lucas County were clearly meeting a central objective of their mission. While dissatisfaction with the legal system is widely reported in national surveys, Lucas County legal practitioners and institutions are serving well those citizens who approach, enter, and go through the legal process.

“Needed to,” “Tried to,” Compared to “Went to” Court Panel

Tried to Go to Court Panel

Respondents who say they tried to go to court are such a small number (14) that statistically meaningful data analysis is not possible. On the premise that our findings might contrast with the data on those who did go to court, and/or might inform or provide a starting point for a study to be performed later, we will grossly summarize our findings.

Since inferences from the data are not statistically valid, but should be publicly accessible, we did not array the tables within this text. Rather, we placed them in Appendix 3. While we could describe similarities and differences,²³ the samples are so small that these might be attributable to chance, as much as anything analytically meaningful.

Needed to Go to Court But Didn't Try Panel

Respondents who described themselves as having needed to go to court but not trying, are such a small number (11) that data analysis is not statistically valid. On the premise that our findings might contrast with the data on those who did go to court, and/or might inform or provide a starting point for a study to be performed later, we will grossly summarize our findings. Since inferences from the data are not statistically valid, we did not array the tables within this text. Rather, we placed them in Appendix 4. Again, the sample size is so small that our observations²⁴ may be as attributable to chance as to meaningful differences.

Comparison of "Tried" and "Needed to Go" Relative to "Did Go to Court" Panels

Even as a combined population integrating the two panels to one, the sample is too small to be statistically meaningful. Any results may be due to chance as much as meaningful connections.²⁵

²³ For example, the composition of our respondent pool for this category is slightly more African American, more educated (college degree), older (all over 35), and had smaller households than those who successfully entered the legal process. They differed from the "go to court" sample in that they were disproportionately plaintiffs, less apt to have legal assistance, to know where they were supposed to be and when, to perceive others as receptive to their ideas and thoughts, and to feel they had control over the process. As a result, their satisfaction rate was about half that of the "go to court" sample.

²⁴ We observed that people in this sample are roughly similar to the "went to court group" on almost all variables--demographics, approaching threshold, actions inside the courthouse, etc. They varied only in that they had less legal assistance and representation, didn't find the advice they received helpful, did not feel they were informed or had a good understanding of the legal process, and more often report that they would have done things differently.

²⁵ Our observations in comparison to the "went to court" sample are offered herein only to suggest possible trends that might be investigated by future researchers. While this combined "tried"/"needed" sample has a smaller number of people with incomes under \$15,000 and fewer dependents than the "went to court" population. They had less legal advice and representation. They were under-represented as defendants and more likely to have attended a municipal rather than a county level court. Not surprising (since these folks never went to court) many of these combined respondents provided no answer to many questions about entering the threshold and initial navigation of the court system, and reported being less understanding of, and information about, the process. They felt little receptivity to their ideas, their thoughts didn't matter, and they felt a lack of control over the process. Future investigators should examine the extent to which these differences are a function of experience or whether a difference in knowledge influences whether or not one chooses to hire a lawyer and/or to approach and/or enter the court system.

V. Conclusions

This exploratory study shows that individuals who participated in the Lucas County court system were satisfied with their court experience--regardless of their race, employment status, educational level, marital status, income, which particular court they were in, and whether their role was that of a plaintiff, defendant, witness, or juror. Similarly, most respondents who went to court had no difficulty physically accessing the court, communicating with court personnel, dealing with other people in the courthouse, knowing where to be and when, and felt informed about and understood the process.

Over 2/3 of respondents who went to court had been able to speak to an attorney about their legal problems, although less than half secured full legal representation. Those who had legal assistance were satisfied that they received good advice and outcomes, and generally felt their ideas were valued and that they were satisfied with this experience. Those going to court without legal assistance (including many who "tried to go to court" and didn't, and those who felt they "needed to" but hadn't) were less happy with the advice they received, felt less valued and less sense of control, and were less happy with the outcome of their legal issue. Sense of control over the process was not related to a respondent's role in the case (plaintiff vs. defendant), type of court (county or municipal), or other major factors involved in the process of engaging with the legal system.

Relative to studies in other parts of the nation, the courts of Lucas County are viewed in a strongly positive light by a majority of the citizens responding to this survey. Those who are stakeholders in the courts should take heart in those findings, and the community should appreciate the effectiveness, predictability, trustworthiness, and receptivity of the court system. The legal system of Lucas County is highly responsive and renders what are perceived to be positive benefits, especially to those who engage counsel. On the other hand, there are individuals who sought to participate and/or were hesitant to participate, were unhappy with their (limited) experiences and unsatisfied with the outcomes of their situation. Economics does not appear to be a significant factor influencing the availability of counsel or the composition of those who failed to transgress the threshold of the court system. The fact that having legal assistance and especially legal counsel seems to make a substantial and positive impact on the process of proceeding to and through the court system, and one's reaction to and satisfaction with that process should be made clear to the public. Further, engagement in pro se efforts seems to disproportionately result in confusion and dissatisfaction with the process and outcome.

VI. Appendices

Appendix 1 – Reasons for Going to Court

Reasons for going to court

Automobile

Accidents
Insurance
Driver's licenses
Impoundments
Traffic violations

Business matters

Fair trade/ competition
Corporate dissolution
Shareholder derivative suits
Whistleblower suits
Copyright, trademark, trade name disputes
Partnership dissolution
Breach of fiduciary duty
Stock transfers
Purchase/sale of business
Business reorganization
Patents
Environmental compliance

Consumer matters

Bankruptcy
Car repairs
Credit card debt
Identity theft
Utilities
Theft of utilities
Medical bills

Contract matters

Get out of /enforce lease
Get out of/enforce contract

Real estate

Buy, sell, transfer property
Mechanic's liens
Insurance claims
Tax assessments
Title disputes
Nuisance claims
Financing/refinancing

Criminal matters

Criminal charges
Expungements
Appeals
Post-conviction
Witness issues
Victim issues

Employment matters

Wrongful discharge
Pension benefits
Unemployment benefits
Worker's compensation benefits
Discrimination
Drug testing

Family matters

Divorce, dissolution, annulment
Custody, child support, spousal support, visitation
Termination of parental rights

Government benefits

Social security
Welfare
Medicaid
Taxes

Immigration matters

Immigration/asylum
Deportation
Visa/residency status

Landlord/tenant matters

Eviction
Rent escrow
Housing code violation

Probate matters

Estate administration
Guardianship
Adoption

Other civil matters

Medical malpractice
Legal malpractice
Accounting malpractice
Negligence
Fraud/misrepresentation
Personal injury

Other matters

I've been sued
I've been harassed
Civil rights violation
Called as a witness
Owed money
Health care

Appendix 2 – Zip codes

Zip Code	Frequency
34604	1
34610	1
34612	1
34621	1
43416	1
43465	1
43512	1
43523	1
43528	4
43537	5
43542	2
43551	2
43556	1
43558	3
43560	2
43566	2
43571	2
43600	1
43602	1
43605	5
43606	5
43607	26
43608	6
43609	11
43610	4
43611	7
43612	11
43613	7
43614	3
43615	8
43616	2
43617	2
43618	1
43619	1
43620	7
43623	8
43624	2
43651	1
44306	1
45614	1
48182	1

Appendix 3 Tried to Go to Court

Gender

Gender	Frequency	Percent
Women	6	42.9%
Men	5	35.6%
Missing	3	21.4%
Total	14	100%

Race

Race	Freq.	Percent
African-American	6	42.9%
White	4	28.6%
Other	2	14.3%
No info	2	14.3%

Main Sources of Income

Category	Frequency	Percent
Employment	6	42.9
Retirement fund	2	14.3
SS disability or SSI	1	7.1
Other	1	7.1
Not applicable - refused	1	7.1
Missing	3	21.4
Total	14	100%

Zip Codes

Zip	Frequency	Percent
43560	1	7.1
43606	3	21.4
43607	3	21.4
43608	1	7.1
43609	1	7.1
43612	1	7.1
43613	1	7.1
Missing	3	21.4
Total	14	100

Marital Status

Marital status	Frequency	Percent
Never married	2	14.3%
Married	3	21.4
Separated/divorced	5	35.7
Widowed	1	7.1
No data	3	21.4
Total	14	100

Education

School	Frequency	Percent
Elementary	1	7.1
High school	2	14.3
Some college	1	7.1
College degree	7	50.0
No data	3	21.4
Total	14	100

Income

Income	Frequency	Percent
<15k	2	14.3
15k-30k	3	21.4
31k-60k	2	14.3
61k-100k	3	21.4
Not applicable - refused	1	7.1
Missing	3	21.4
Total	14	100

Dependents

Dependents	Frequency	Percent
0	4	28.6
1	2	14.3
2	1	7.1
3	1	7.1
4	3	21.4
Missing	3	21.4
Total	14	100

Age

Age	Frequency	Percent
35-44	3	21.4
45-54	5	35.7
55-64	1	7.1
65+	2	14.3
Missing	3	21.4
Total	14	100

Initial Reason for Going to Court

Reason	Frequency	Percentage
Automobile	1	7.1%
Business matters	1	7.1%
Consumer matters	1	7.1%
Real estate	3	21.4%
Family matters	3	21.4%
Landlord/tenant	1	7.1%
Other Civil	1	7.1%
No answer	3	21.4%
Total	14	100%

Most Recent Reason for Going to Court

Reason	Frequency	Percent
Automobile	1	7.1
Business	2	14.3
Family	3	21.4
Other	1	7.1
Other civil	1	7.1
Real estate	2	14.3
Missing	4	28.6
Total	14	100

First Person Contacted

1st person contacted	Frequency	Pct
Public defender's office	1	7.1
Clerk of courts	1	7.1
Friend/case worker	1	7.1
Lawyer	3	21.4
Other	2	14.3
Police	3	21.4
Missing	3	21.4
Total	14	100

Calls spoke to someone

Calls/visit talk someone	Frequency	Percent
1-3	5	35.7
4-7	1	7.1
Too many to count	2	14.3
Don't remember	1	7.1
Missing	5	35.7
Total	14	100

Court

Location	Frequency	Percent
Toledo municipal	3	21.4
Sylvania municipal	2	14.3
Don't remember	3	21.4
Other	1	7.1
Missing	5	35.7
Total	14	100

Type of help or advice

Help or advice	Frequency	Percent
Answer to my question	3	21.4
Full legal representation	1	7.1
In person consult/appt	1	7.1
List of referral sources	1	7.1
Telephone consultation	1	7.1
None	1	7.1
Non-legal assistance	1	7.1
Missing	5	35.7
Total	14	100

Spoke to lawyer

Speak	Frequency	Percent
Yes	4	28.6
No	4	28.6
Missing	6	42.9
Total	14	100

Type of advice received

Type	Frequency	Percent
Answered general ?'s	1	7.1
Limited legal rep	1	7.1
Full legal rep	2	14.3
None	3	21.4
Missing	7	50.0
Total	14	100

Duration talk to lawyer

Duration	Frequency	Percent
1-3 days	3	21.4
1-3 weeks	1	7.1
More than 6 months	1	7.1
Not applicable	2	14.3
Missing	7	50.0
Total	14	100

Satisfied with Advice

Satisfied	Frequency	Percent
Yes	2	14.3
No	4	28.6
Missing	8	57.1
Total	14	100

How did your case get started?

Reason	Frequency	Percent
Traffic ticket	1	7.1
Lawyer filed papers	2	14.3
I filed papers	1	7.1
Received summons	3	21.4
Other	3	21.4
Missing	4	28.6
Total	14	100

Would do differently

Do differently	Freq.	Pct
No answer	5	35.7
Call to get better information	1	7.1
No	5	35.7
Not worth taking to courts	1	7.1
Taken case on herself	1	7.1
Yes	1	7.1
Total	14	100.0

Role in case

Role	Frequency	Percent
Plaintiff	6	42.9
Defendant	1	7.1
Not sure	2	14.3
Missing	5	35.7
Total	14	100

Stick it out

Stick it out	Freq.	Pct
No answer	6	42.9
I didn't	1	7.1
Damage done to property	1	7.1
Family	1	7.1
I didn't	1	7.1
My check	1	7.1
Wanted my case to be heard	1	7.1
Get knowledge of your case matter	1	7.1
Thought the paper work was correct	1	7.1
Total	14	100.0

Did you have legal assistance?

Legal assistance	Frequency	Percent
Yes	2	14.3
No	5	35.7
Not applicable	2	14.3
Missing	5	35.7
Total	14	100

Say "enough"

Say enough	Frequency	Percent
No answer	10	71.4
Cost factor	1	7.1
Gave up	1	7.1
My check	1	7.1
Sentenced	1	7.1
Total	14	100.0

Did you receive other services?

Services received	Frequency	Percent
Yes	0	0
None	7	50.0
Not applicable	1	7.1
Missing	6	42.9
Total	14	100

Did you have a problem:	Disagree	Agree	% agree	Missing	Not Applicable
Physically going to court	7	1	7.1%	5	1
Knowing where to be & when	5	2	14.3%	6	1
Communicating w/court personnel	6	1	7.1	6	1
W/other persons in courthouse	6	2	14.3%	5	1

Agreement with the following

Question	Disagree	Agree	% Agree	Don't know	Not applicable
Understood the legal process	3	3	21.4	1	7
Felt informed about process	5	2	14.3	-	7
People receptive to my ideas	5	2	14.3	-	7
My thoughts mattered	5	2	14.3	-	7
Had control over the process	6	-	0	1	7
Knew where to be & when	2	2	14.3	1	8

Appendix 4 Should Have Gone to Court

Gender

Gender	Frequency	Percent
Male	4	36.4
Female	7	63.6
Total	11	100.0

Zip Codes

Zip	Frequency	Percent
43528	1	9.1
43566	1	9.1
43605	1	9.1
43607	2	18.2
43611	1	9.1
43612	1	9.1
43613	1	9.1
43623	1	9.1
Missing	2	18.2
Total	11	100

Race

Race	Frequency	Percent
African-American	2	18.2
Hispanic	1	9.1
White	6	54.5
Other	2	18.2
Total	11	100

Employment

Employment	Frequency	Percent
Employment	7	63.6
Social security	1	9.1
SS disability or SSI	1	9.1
Other	1	9.1
Missing	1	9.1
Total	11	100

Education Level

Education	Frequency	Percent
High school degrees	3	27.3
Some college	2	18.2
College degree	4	36.4
Other	1	9.1
Missing	1	9.1
Total	11	100

Marital status

Marital status	Frequency	Percent
Never married	1	9.1
Married	6	54.5
Separated/divorced	3	27.3
Missing	1	9.1
Total	11	100

N of Dependents

Dependents	Frequency	Percent
0	4	36.4
1	1	9.1
2	2	18.2
3	3	27.3
Missing	1	9.1
Total	11	100

Income range

Income	Frequency	Percent
15k-30k	4	36.4
31k-60k	3	27.3
61k-100k	1	9.1
100k+	1	9.1
Missing	2	9.1
Total	11	100

Age

Age	Frequency	Percent
25-34	2	18.2
35-44	2	18.2
45-54	3	27.3
55-64	2	18.2
Missing	2	18.2
Total	11	100

Initial Reason go to Court

Reason	Frequency	Percent
Automobile	4	36.4
Business	1	9.1
Consumer issues	1	9.1
Real estate	1	9.1
Criminal matters	1	9.1
Family matters	3	27.3
Government	0	0
Landlord/tenant	1	9.1
Other civil matters	1	9.1
Total	11	100

1st person/institution contacted

Person/agency	Freq.	Pct
Public defender	1	9.1
Didn't do anything	1	9.1
Lawyer	2	18.2
Legal services NWO/Able	1	9.1
Police	1	9.1
Missing	4	36.4
Total	11	100

Most recent reason go to court

Reason	Frequency	Percent
Automobile	3	27.3
Business	1	9.1
Criminal	1	9.1
Family	2	18.2
Real estate	1	9.1
Missing	3	27.3
Total	11	100

How many calls/visits before talking

# Calls/attempt to someone	Freq.	Pct
0	1	9.1
1-3	3	27.3
Don't remember	2	18.2
Not applicable	1	9.1
Missing	4	36.4
Total	11	100

Types of help/advice

Times call/visit to talk	Frequency	Percent
Full legal representation	1	9.1
In person consult/appt	1	9.1
List of referral sources	1	9.1
Some legal assistance	1	9.1
Telephone consultation	1	9.1
Other	1	9.1
Not applicable	1	9.1
Missing	4	36.4
Total	11	100

Able to speak to Lawyer

Speak to lawyer	Frequency	Percent
Yes	5	45.5
No	1	9.1
Not applicable	1	9.1
Missing	4	36.4
Total	11	100

How long until talk to lawyer

Time to lawyer	Frequency	Percent
1-3 days	4	36.4
4-7 days	1	9.1
Not applicable	2	18.2
Missing	4	36.4
Total	11	100

Kind of legal services received

Kind of assistance	Frequency	Percent
An initial consult	1	9.1
Full legal rep	1	9.1
None	3	27.3
Not applicable	1	9.1
Missing	5	45.5
Total	11	100

Satisfied w/legal advice

Legal Advice helpful	Frequency	Percent
Yes	2	18.2
No	2	18.2
Not applicable	1	9.1
Missing	6	54.5
Total	11	100

Role in Case

Role	Frequency	Percent
Plaintiff	3	27.3
Defendant	3	27.3
Not sure	1	9.1
Other	2	18.2
Missing	2	18.2
Total	11	100

How did case get started

Started	Frequency	Percent
Traffic ticket	2	18.2
I filed papers	2	18.2
Received summons	2	18.2
Other	3	27.3
Missing	2	18.2
Total	11	100

Have Legal Assistance?

Legal assistance	Frequency	Percent
Yes	2	18.2
No	4	36.4
Not applicable	2	18.2
Missing	3	27.3
Total	11	100

Which Court did you use

Court attended	Freq.	Pct
Toledo municipal	2	18.2
Sylvania municipal	1	9.1
Lucas County common pleas (juvenile)	1	9.1
Don't remember	1	9.1
Other	3	27.3
Missing	3	27.3
Total	11	100

Have Legal Assistance?

Legal assistance	Frequency	Percent
Yes	2	18.2
No	4	36.4
Not applicable	2	18.2
Missing	3	27.3
Total	11	100

Received other services

Services	Frequency	Percent
Mediation	1	9.1
Other	1	9.1
None	3	27.3
Not applicable	2	18.2
Missing	4	36.4
Total	11	100

Done it differently

Done different	Freq.	Pct
Yes	1	9.1
Get better info re case	1	9.1
Didn't want to go to court	1	9.1
Hire attorney if had money	1	9.1
No	2	18.2
Not speed	1	9.1
Not worth taking to courts	1	9.1
Nothing - their way or nothing	1	9.1
Would not have let mother visit nursing home	1	9.1
Would of hired a good lawyer	1	9.1
Total	11	100.0

Stick it out

Stick it out	Freq.	Pct
No answer	4	36.4
Did not	1	9.1
Family	1	9.1
For the benefit of the child	1	9.1
Get on with life	1	9.1
No comment	1	9.1
Get knowledge of my case	1	9.1
Get the paperwork right	1	9.1
Total	11	100.0

Say "enough"

Reason	Frequency	Percent
No answer	11	100
Total	11	100

Service Effectiveness

Question	Disagree	Agree	% Agree	Partial	Not Applicable
Found service/advice helpful	3	3	27.3%	-	5
Used that service/advice	2	4	36.4%	-	5

Navigating the courthouse

Have a problem	Disagree	Agree	% Agree	Other	Not Applicable
Physically going to court	6	2	18.2%	-	5
Knowing where to be & when	5	1	9.1%	-	5
Communicating w/court personnel	5	-	-	-	5
W/other persons in courthouse	6	-	-	-	5

Agreement with the following

Question	Disagree	Agree	% Agree	Don't know	Not applicable
Understood legal process	1	4	36.4	1	5
Felt informed re process	2	4	36.4	0	5
People receptive to my ideas	2	3	33.3	1	5
My thoughts mattered	3	4	36.4	0	4
Felt I had control re process	6	0	0	1	4
Knew where to be and when	2	3	27.3	1	5

