How People Resolve ‘Legal’ Problems

Professor Pascoe Pleasence
and
Dr. Nigel J. Balmer

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How People Resolve ‘Legal’ Problems

A REPORT TO THE LEGAL SERVICES BOARD

May 2014

Written by

Pascoe Pleasence
Nigel Balmer

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Key Findings

**Courts and law are peripheral to everyday justice.**
- Fewer than one in ten people experiencing legal problems instruct solicitors.
- Consumer experience does not mirror traditional legal services distinctions including reserved activities.
- Deficiencies in the civil justice system in meeting consumers’ needs are largely due to difficulty enabling vulnerable populations with limited capability/resources access appropriate help from a complex market.

**Increasing severity and duration funnels problems towards law**
- People are more likely to go to a lawyer in relation to more severe problems, and problems taken to lawyers are more likely to involve the courts.
- But, people also often take no action to resolve more severe problems.

**Most inaction in response to a problem is rational…. but …**
- A significant minority of inaction is characterised by helplessness.
- Inaction is associated with poorer prospects of effective problem resolution.

**Civil law and social injustice**
- Links between social disadvantage, legal capability and inaction are well illustrated by the Civil and Social Justice Panel Survey.
- Problem solving behaviour becomes entrenched over time.

**Determinants of advice (and its impact)**
- Problem characterisation, problem type and cost are key drivers of strategy.
- The importance of problem type is a function of both market structure and peoples’ understanding of legal services.
- People who characterise problems as ‘legal’ are less likely to ‘lump’ them and far more likely instruct a solicitor.
- Choices of sources of help can be unpromising, and where people are forced to look elsewhere they can suffer referral fatigue, getting lost in the system.

**The wider advice sector makes a critical contribution to civil justice**
- Failure to characterise problems as legal does not bear on use of the wider advice sector, with people using it regardless of their understanding.
- However, traditional legal practices provide few welfare related services.

**Counting costs**
- Most respondents who obtained help from an advice agency rather than a lawyer said they did so because of the perceived cost.
- People’s perceptions of cost can be inaccurate.
- Making lawyers cheaper to access may not greatly change consumer behaviour. Public legal education and/or the development of services that meet the public’s perceived needs may also be necessary (Sandefur 2012).
- Marketing (the private sector form of public legal education) of personal injury services appears to overcome concerns about cost.

**How problems conclude**
- It is rare for problems to conclude through a legal process.
- Problem resolution strategy, problem severity, problem type, psychological factors and respondent mental health are key drivers of form of outcome.
- Emotional stability was associated with both a greater tendency to put up with problems and lesser tendency to go to court.
Executive Summary

Introduction
Over the past two decades, at least 26 large-scale national ‘legal needs’¹ surveys of the public’s experience of civil (i.e. non-criminal) legal problems have been conducted in at least 15 separate jurisdictions. Comparison of the results of surveys is difficult, owing to differences in methodologies. Nonetheless, recent surveys have yielded a reasonably consistent picture of the main drivers of problem resolution strategy and form of case outcome.

However, to date, no detailed analysis of legal problem resolution strategy or form of case outcome has been undertaken that has simultaneously explored the influence of demographic, capability and problem factors.

In this report we review the evidence to date and then present and integrate the results of detailed new analysis of data from the Civil and Social Justice Panel Survey. This new analysis represents the most detailed analysis of problem resolution strategy and forms of problem outcome undertaken to date. It has placed a particular focus on the relationship between personal capability and problem resolution strategy/forms of problem outcome, and yielded unique findings in relation to knowledge of rights, subjective legal empowerment,² the reasons behind different strategy decisions and what drives the form of problem outcome.

A Detailed Picture of Problem Resolution Strategy and Forms of Problem Outcome
Not everybody who experiences a legal problem will take steps to resolve it. Fewer than one in ten will instruct a traditional lawyer (i.e. a private practice solicitor or barrister), and only around one in twenty will see it resolved through a court, tribunal or other third party decision. The courts are thus peripheral to much everyday justice. Though, this does not mean we face a crisis of lack of ‘access to justice’ (despite recent changes to the legal aid scheme in England and Wales certainly diminishing people’s ability to obtain legal help when needed), as people do not systematically act irrationally or in ignorance.

Severity, Inaction and Capability
Civil and Social Justice Panel Survey (CSJPS) respondents were more likely to obtain assistance from a traditional lawyer in relation to more severe problems. The same was also true of the wider advice sector. This suggests, in Kritzer’s (2008, p.903) words, “market rationing” of legal services – i.e. access by only

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¹ Legal need is a contested concept. It has been used to refer to occasions when people experience legal problems but fail to obtain the services of lawyers to assist with their resolution. However, it is generally recognised that legal mechanisms do not always provide the most appropriate route to solving problems that raise legal issues (e.g. Lewis 1973, Blacksell et al 1991). Attempts to define legal need have therefore come to place emphasis on understanding of options and preferences (e.g. Hughes 1980, Ignite Research 2006, Coumarelos et al 2012).

² Subjective legal empowerment is the self-belief that an individual can solve problems of a legal nature if they occur (Gramatikov and Porter, 2011).
those that really need it. However, in simple numerical terms, respondents also more often took no action to resolve more severe problems, and while most inaction is rational inaction, a significant minority of cases of inaction are characterised by helplessness and powerlessness.

Problem resolution behaviour is unequivocally tied to legal capability, with action more likely among those with higher subjective legal empowerment scores, who understand their rights and/or see problems as having a legal character. Problem resolution behaviour is also ‘learned’ (both individually and within households), meaning that it is likely to recur when new problems are faced. Thus, diminished capability, in lessening people’s initial ability to resolve problems may also contribute to ‘frustrated resignation’ (Sandefur 2007) and an increasing likelihood of ‘lumping’ problems. And this is of great significance as inaction is, in turn, associated with far poorer prospects of effective problem resolution.

**Characterisation of Problems, Choice of Adviser and the Legal Services Market**

In relation to choice of adviser, three dominant factors have emerged from the CSJPS; problem characterisation, problem type and cost. Problems that CSJPS respondents characterised as 'legal' were less likely to be ‘lumped’. They were also less likely to be handled by respondents themselves, but far more likely to result in help being obtained from a law firm. While, we live in a “law thick” world (Hadfield 2009), most of us do not see it as such, and we behave accordingly.

Importantly, though, failure to characterise problems as legal has no bearing on use of the wider advice sector or other formal sources of advice. This demonstrates the profound importance of the broad advice sector “to the accessibility of legal services and, ultimately, justice.” (Pleasence, Balmer and Reimers 2010).

Characterisation is linked to problem type. Different types of problems tend to be more or less associated with law, with patterns of behaviour reflecting this. As we noted in relation to the 2001 CSJS, “while 25 per cent of all English and Welsh solicitors’ non-corporate income (and more than 20 per cent of smaller firm solicitors’ income) relates to negligent accidents, 9 per cent relates to employment problems and less than 1 per cent relates to problems concerning welfare benefits (Law Society 2003) … this is despite incidence of problems being similar for all three problem types, all three problem types having a potentially serious impact on people’s lives and all potentially involving complex legal issues.”

But characterisation and problem type independently influence problem resolution behaviour. There are therefore other aspects of problem type that are in play here. One may be the absolute value of problems. As Kritzer (2008) has stressed, there are evident “cost-benefit calculations” applied in people’s choices about whether to use lawyers. Also, there is the structure of the legal services market. Traditional legal practices may not be inclined to provide services to relatively poor clients in relation to basic welfare issues they find it hard to profit from.

**The Cost of Law**

Recent years have seen increasing evidence come to light of cost acting as a
barrier to the use of lawyers. Where legal aid is most available, there appears to be a ‘U’ shaped relationship between income and lawyer use. Where no legal aid is available, there is a simpler relationship, with access increasing along with income; except where conditional/contingent fees (or an equivalent form of alternative payment mechanism) are available, in which case there appears to be no relationship. Our new findings from the CSJPS confirm that cost is a live issue among those looking to resolve legal problems. 57% of CSJPS respondents who obtained help from an advice agency rather than a lawyer indicated that they did so because of the perceived or actual cost of instructing a lawyer.

To the extent that preference is based on cost, reduction in cost might therefore act to increase that rate at which law firms are instructed. However, it is not clear that public understanding of the cost of lawyers is particularly nuanced. It may be that in addition to perception of the nature of problems being a factor in problem resolution behaviour, perception of the cost of lawyers is also a factor.

Because behaviour “is a function of more than the services’ cost,” Sandefur (2012) has suggested that there are two options to addressing any erroneous perceptions of lawyer costs. One would be through public legal education. But another, “alternative or complementary strategy might be to ask people about the kinds of help they would like with their [problems] and then develop services that meet people’s own perceived needs – even if those services turn out not to be traditional legal services.”

The advice sector and new lower cost entrants to the legal services market constitute more diverse and affordable elements of the legal services market; a point made by Hadfield (2009) in noting that “the extreme approach to the unauthorised practice of law in the United States drastically curtails the potential for ordinary folks to obtain assistance with their law-related needs and problems.”

‘Other’ Advisers, the Advice Maze and Referral Fatigue

Our new findings confirm that people seek advice from a broad range of sources. Fifteen per cent of problems see formal help obtained from beyond both the recognised advice sector (e.g. from health professionals, social workers, employers and politicians). As Pleasence et al. (2004, p.69-70) have observed, “some confusion and desperation” is sometimes evident in choices of sources of help, with some “seemingly inappropriate and unpromising.” And where people make inappropriate choices, they must then look again, or be signposted/referred on to new advisers, and each time this happens a proportion will give up (‘referral fatigue’). This highlights the importance of a visible and coherent legal services market.

Duration and Reasons for Obtaining Independent Help

Our new CSJPS findings showed that shorter duration problems were more likely to have been handled by CSJPS respondents themselves. According to respondents’ reasons for obtaining independent help, lengthier problems were sometimes those they had been unsuccessful in resolving by themselves. But more often, respondents recognised that they needed help in order to resolve their problems. Echoing Galanter’s (1974) discussion of ‘one-shotters’ and
‘repeat players’, a small number of respondents made explicit reference to the need “to be on equal terms.”

Elsewhere, as with inaction, some respondents also said their main spur to getting independent help was fear or intimidation. These respondents looked to independent help to extricate them from their predicament. Unexpectedly, though, and in greater harmony with the generally civil nature of dispute resolution, there were also respondents who explained their use of independent help as a means to engage with the other party without threatening or physically hurting them.

**Drivers of Process**
Statistical modelling identified a number of factors as having a significant bearing on the form of problem outcome, with strategy, problem severity, problem type, psychological factors and respondent mental health standing out.

In the same way that more severe problems tend to be channelled towards independent help and law firms, so both severe problems and those involving law firms have a greater tendency to involve formal process and resolve in court. In contrast, problems that are handled alone are less likely to end in court. Thus the market rationing exposed in relation to legal advice is also apparent in relation to formal process.

Elsewhere, problem type was again shown to be a key driver of form of outcome and, again, cultural norms are likely to in part inform parties’ decisions. Also, emotional stability was associated with both a greater tendency to put up with problems and lesser tendency to go to court.

**Challenges for the Future**
Market rationing can be seen to act to channel more severe legal problems into advice and legal services (and, beyond that, formal process). However, it is apparent that this form of rationing has its limits. Lesser legal capability prevents people taking action to resolve problems where others would do so (with inaction more common for more severe problems) and, when action is taken, is influential in determining choices of strategy and sources of help. In addition to this, cost (or, at least, perceived cost) is evidently an important factor in decisions concerning sources of help. Though the social construction of appropriateness in dispute resolution, through institutionalised behaviours, no doubt somewhat diminishes cost sensitivity in the legal services sphere.

These findings make clear the challenge that remains to further improve the civil justice rationing process, whether through targeted services, public legal education (or marketing, in the private sphere), or the development of new forms of services that better meet the needs of the public, even though these may look very different from traditional legal services. And while public legal education faces a tough task in altering deep rooted perceptions and beliefs, the success of marketing in the private sector (e.g. in relation to personal injury claims) offers some hope.

To the extent that beliefs reflects the reality of legal costs, the role of cost in decision making also makes clear the challenge to further innovate to provide legal services for people with different levels of resources. And never has this
been so important than at the time when civil legal aid is undergoing such considerable change.

Our findings concerning choice of sources of help in relation to legal problems also again makes clear the challenge of making gateway legal services more visible and the legal services market more navigable.

Finally, the findings that longer duration problems are more likely to be those that involve lawyers, and then that problems involving lawyers are more likely to be determined through the courts raises again the challenge of more timely forms of intervention to enable earlier resolution of legal disputes.

In Conclusion
The findings set out in this report provide a more detailed picture of the factors that influence legal problem resolution behaviour and the form of outcome than has previously been available. They confirm the complexity of behaviour, and the importance of problem severity, problem type and perceptions/understandings. Our findings do not suggest any broad crisis of access to justice, with market rationing operating to channel more severe problems towards advice and formal process and some inaction appearing entirely rational. However, the legal services market and civil justice system do not ensure fair and equal access to justice, with deficiencies attributable largely to the difficulty of enabling vulnerable populations with limited capability and resources (e.g. those with health problems, low levels of education and/or lower income) to access appropriate help in a complex legal services market in which innovations to broaden service reach have often emanated from outside of the traditional legal professional sphere.

The findings in this report suggest similarities between the experiences of individuals and businesses. Elsewhere (Pleasence and Balmer 2013) we have shown the importance of problem severity, problem type and business capability/resources to businesses’ responses to legal problems. Here, also, market rationing and unequal access to justice are evident – with smaller businesses generally at a disadvantage.
A Tradition of Surveys
Over the past two decades, at least 26 large-scale national ‘legal needs’ surveys of the public’s experience of civil (i.e. non-criminal) legal problems have been conducted in at least 15 separate jurisdictions: Australia, Bulgaria, Canada, England and Wales, Hong Kong, Japan, Moldova, the Netherlands, New Zealand, Northern Ireland, Scotland, Slovakia, Taiwan, Ukraine and the United States (Table 1.1). Extensive sub-national surveys have also been conducted in China, Russia, and various of the jurisdictions just listed.

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4 Michelson (2008)

5 See Pleasence et al. (2013), citing correspondence with the surveys’ author, Martin Gramatikov.
Legal needs surveys originate from the 1930s recession at the United States’ Bar, though only towards the end of the 20th Century the conduct of such surveys “gain considerable momentum” (Coumarelos et al. 2012, p.1); particularly following high profile national surveys in, first, the United States, then England and Wales, New Zealand and Scotland. This momentum has been fuelled by the establishment or reform of legal aid across the developed world.

For example, over the past two decades, surveys have been conducted in at least 16 of the 50 US states, as well as in other jurisdictions such as Australia (Coumarelos et al 2006) and Canada (Baxter et al 2012).

Clark and Corstvet (1938), Reese and Eldred (1994), Genn (1999), Maxwell et al. (1999) and Genn and Paterson (2001). They were themselves influenced by an earlier wave of surveys including, most notably, the Civil Litigation Research Project is evident (Trubek et al 1983), which also led to efforts of replication (e.g. Bogart and Vidmar 1990).

<table>
<thead>
<tr>
<th>Country</th>
<th>Date</th>
<th>Study</th>
<th>Size</th>
</tr>
</thead>
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<td>Law Australia Wide Survey</td>
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<tr>
<td>Bulgaria</td>
<td>2007</td>
<td>Access to Justice and Legal Needs Bulgaria</td>
<td>2730</td>
</tr>
<tr>
<td>Canada</td>
<td>2004</td>
<td>National Survey of Civil Justice Problems</td>
<td>4501</td>
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<tr>
<td></td>
<td>2006</td>
<td></td>
<td>6665</td>
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<tr>
<td></td>
<td>2008</td>
<td></td>
<td>7002</td>
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<td>England and Wales</td>
<td>1997</td>
<td>Paths to Justice</td>
<td>4125</td>
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<tr>
<td></td>
<td>2001</td>
<td>Civil &amp; Social Justice Survey (CSJS)</td>
<td>5611</td>
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<td>2004</td>
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<td>2006-9</td>
<td></td>
<td>10537</td>
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<td></td>
<td>2010</td>
<td>Civil &amp; Social Justice Panel Survey (CSJPS)</td>
<td>3806</td>
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<tr>
<td></td>
<td>2012</td>
<td></td>
<td>3911</td>
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<td>Hong Kong</td>
<td>2006</td>
<td>Demand &amp; Supply of Legal &amp; Related Services</td>
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<td>Japan</td>
<td>2005</td>
<td>National Survey of Everyday Life &amp; the Law</td>
<td>12408</td>
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<tr>
<td></td>
<td>2006</td>
<td>Access to Legal Advice: National Survey</td>
<td>5330</td>
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<tr>
<td></td>
<td>2007</td>
<td>Everyday Life and Law</td>
<td>5500</td>
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<tr>
<td>Moldova</td>
<td>2011</td>
<td>Met and Unmet Legal Needs in Moldova</td>
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<td>2003</td>
<td>Paths to Justice in the Netherlands</td>
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<td>2009</td>
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<td>Unmet Legal Needs &amp; Access to Services</td>
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<td>Scotland</td>
<td>1998</td>
<td>Paths to Justice Scotland</td>
<td>2684</td>
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<td>Slovakia</td>
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<td>Legal Needs in Slovakia</td>
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<td>Taiwan</td>
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<td>Legal Dispute Settlement Behaviour</td>
<td>5601</td>
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<td>Ukraine</td>
<td>2010</td>
<td>Legal Capacity of the Ukrainian Population</td>
<td>2463</td>
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<tr>
<td>United States</td>
<td>1993</td>
<td>Comprehensive Legal Needs Study</td>
<td>3087</td>
</tr>
</tbody>
</table>

6 For example, over the past two decades, surveys have been conducted in at least 16 of the 50 US states, as well as in other jurisdictions such as Australia (Coumarelos et al 2006) and Canada (Baxter et al 2012).
7 Clark and Corstvet (1938),
8 Reese and Eldred (1994), Genn (1999), Maxwell et al. (1999) and Genn and Paterson (2001). They were themselves influenced by an earlier wave of surveys including, most notably, the Civil Litigation Research Project is evident (Trubek et al 1983), which also led to efforts of replication (e.g. Bogart and Vidmar 1990).
9 e.g. Legal Aid Act 2004 (Taiwan), Legal Aid Act 2005 (Bulgaria); Legal Aid Act 2007 (Moldova), Legal Aid, Sentencing and Punishment of Offenders Act 2012 (England and Wales).
10 Not included in this list are the Scottish Crime and Justice Surveys, which have been conducted annually on a continuous basis (April to March) since 2008/9. The civil justice module for the 2008/9 survey had 7,971 respondents (half of the total survey sample), while the civil justice modules for the 2009/10 and 2010/11 surveys each had 3,984 respondents. In the phrasing of questions, the modules could be said to follow the Paths to Justice approach to identifying justiciable problems (although utilising different wording). However, the inclusion of only 5 main questions in 2008/9 and 8 questions in the 2009/10 and 2010/11 surveys entails that they are different in nature to the 26 surveys reported on in detail in this report.
In England and Wales, following Genn’s landmark Paths to Justice survey in 1997, the first CSJS was conducted in 2001, then again in 2004 and from 2006 to 2009 on a continuous basis, with fieldwork conducted throughout the period. The CSJS was originally funded to enable government performance management, with the survey first adopted to measure progress against government Public Service Agreement (PSA) targets around access to legal services. They were subsequently used to measure “equal protection and support for individuals with civil justice problems” within the Equality Measurement Framework (Alkire et al. 2009). The conduct of the CSJS has also been seen by the Legal Services Commission as central to discharging its statutory duty to “inform itself about the need for, and the provision of Community Legal Service services,” under Section 4(6) of the Access to Justice Act 1999.

From 2010 the survey moved to a longitudinal panel format (the CSJPS - the first legal need survey adopting the design) with respondents re-interviewed after around 18 months in early 2012. The panel survey design allows uncompleted problems to be followed up, providing better insight into the development of problem resolution behaviour over time, more accurate ordering of life events, and the accumulation of more extensive demographic data. The CSJPS surveys were funded by the Legal Services Commission.

This report focusses primarily on the 2010 and 2012 waves of the CSJPS, which in terms of detail, is the most extensive legal need survey undertaken worldwide.

Mirroring developing understanding of ‘legal needs’, and general recognition that legal mechanisms do not always provide the most appropriate route to solving ‘legal’ problems, more recent legal needs surveys have adopted a neutral stance towards consumer behaviour. One consequence of this has been a broader and more nuanced examination of problem resolution strategies.

While comparison of the results of surveys is difficult, owing to differences in methodologies, recent surveys have yielded a wide range of influential findings concerning consumer responses to legal problems.

As Pleasence et al. (2013, p.33) have noted, a “reasonably consistent” set of factors associated with broadly defined problem resolution strategies has emerged from multivariate analysis. In demographic terms, these include gender, age and education. In problem terms, these include value, severity and problem type.

**Responses to Legal Problems: Survey Findings to Date**

*Inaction*

Not everybody who experiences a legal problem will take steps to resolve it. Since Felstiner, Abel and Sarat (1981) developed their influential five-part aetiology of how ‘injurious experiences’ may become lawsuits – involving the recognition of circumstances as injurious (naming), the identification of them as a grievance for which another is responsible (blaming), and the confrontation of the wrongdoer with a complaint (claiming) – it has been widely recognised that

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11 e.g. Lewis (1973), Blacksell et al. (1991)
12 Pleasence et al. (2013)
13 However, it should be noted that, though 26 large-scale surveys have been undertaken, analyses of consumer behaviour have not always been reported, and multivariate analyses have been undertaken in respect of fewer than half the surveys listed in Table 1.1.
people may ‘lump’ legal problems for many reasons. People may not recognise their circumstances as problematic.\textsuperscript{14} And even if circumstances are recognised as problematic, people may not act to address them if, for example, problems are expected to resolve themselves, action is seen as unlikely to succeed (as in the case of the socially stratified fatalism described by Sandefur (2007)), or action is seen as involving unacceptable risk, or cost (in time or money terms).

The surveys listed in Table 1.1 have generally put the rate of inaction in the face of legal problems at between 10% and 20%. For example, the 2006-9 English and Welsh Civil and Social Justice Survey (CSJS), the largest survey undertaken in this jurisdiction, indicated that 9.4% of ‘difficult to solve’ legal problems see no action taken to resolve them (Pleasence et al. 2010). For 43% of these 575 problems, inaction was simply a consequence of problems not involving dispute, being relatively trivial or resolving without the need for action. However, for 21% of the 575 problems, respondents said that action would make no difference, for 8% they did not know what to do or who to go to, for 6% they were uncertain of their rights, and for 6% they were scared to act.\textsuperscript{15} Thus, for around 40% of these problems, respondents provided reasons for inaction that suggested diminished legal capability,\textsuperscript{16} and in only a few of these cases did respondents provide other reasons that placed their inaction in a better light.

Drawing on those surveys in which multivariate analyses have been undertaken, inaction appears to be more common among men, younger people and those with fewer educational qualifications. It is also more common in relation to problems concerning anti-social neighbours, along with, unsurprisingly, lower value and less severe problems. Inaction is rare in the case of family problems.

\textit{Advice}

The surveys listed in Table 1.1 point to seeking formal advice being the most common response to legal problems. For example, the 2006-9 CSJS found that 49.2% of ‘difficult to solve’ legal problems involved advice being obtained (usually from an independent source), while 40.6% saw an unsuccessful attempt to obtain advice (7.7%) or problems handled alone.

Respondents reported having obtained advice from a wide range of sources. Solicitors firms, local authorities, the police and Citizens Advice Bureaux were the most common, but Pleasence et al. (2010) also documented advice as having been sought from other advice agencies, trade unions and professional bodies, employers, insurance companies, claims agencies, Jobcentres, government departments, court staff, health workers, social workers, trade associations, financial institutions, politicians, churches, housing associations, the media, banks and schools.

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\textsuperscript{14} As we have discussed elsewhere, the propensity to see circumstances as problematic is not fixed across populations (Pleasence et al. 2004). Indeed, what one person sees as problematic, another may see as positive.

\textsuperscript{15} Linked to this, in 5% of cases respondents were worried about damaging their relationship with the other side.

\textsuperscript{16} For a discussion of what is meant by ‘legal capability’ see Pleasence et al. (forthcoming).
Pleasence et al. (2010) reported that 2006-9 CSJS respondents most often established contact with advisers via the telephone (52%), with face-to-face meetings also common (37%).

![Figure 1.1: Percentage of Referrals that are Successful (Pleasence 2006)](image)

It is clear that not all choices of adviser are appropriate – with Pleasence et al. (2004) describing “confusion and desperation” in relation to some choices. A significant proportion of advice seekers therefore end up moving from one adviser to another, giving rise to the phenomenon of ‘referral fatigue’ (Figure 1.1), meaning “that the likelihood of [people] obtaining advice from an adviser to whom they had been referred declined as respondents visited more advisers” (Pleasence et al. 2004, p.77).

Drawing on those surveys in which multivariate analyses have been undertaken, as can be seen from Table 1.2, advice seeking appears to be more common among women,\textsuperscript{17} older (but not oldest) people and those with more qualifications. It is also more common in relation to higher value and more serious problems, and problems concerning family, personal injury, employment and owned housing. Advice is rare in the case of problems concerning consumer issues and debt.

It also appears that broader social and cultural factors (e.g. language),\textsuperscript{18} and geographical, technological and other physical and structural access issues (e.g. opening times, service availability, distance to services,\textsuperscript{19} mode of service

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\textsuperscript{17} This gender difference has not been found in relation to legal advice (Maxwell et al 1999, Pleasence and Balmer 2008)

\textsuperscript{18} e.g. Coumeralos (2012)

\textsuperscript{19} Proximity to legal services appears to influence mode of access more than the fact of access to advice, with telephone becoming more prominent with distance (Patel et al 2008).
delivery, service cost, service integration) influence problem resolution behaviour.

Table 1.2 Reported Predictors of Advice (from Pleasence et al. 2013)

<table>
<thead>
<tr>
<th>Predictor</th>
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<tr>
<td></td>
<td>Scotland 98</td>
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<tr>
<td></td>
<td>Taiwan 11</td>
</tr>
<tr>
<td>Gender (Male)</td>
<td></td>
</tr>
<tr>
<td>Age (increasing)</td>
<td></td>
</tr>
<tr>
<td>Ethnicity (BME)</td>
<td></td>
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<tr>
<td>Family Status</td>
<td></td>
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<tr>
<td>Income (increasing)</td>
<td></td>
</tr>
<tr>
<td>Education</td>
<td></td>
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<tr>
<td>Illness/disability</td>
<td></td>
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<tr>
<td>Value (increasing)</td>
<td></td>
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<tr>
<td>Seriousness</td>
<td></td>
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<tr>
<td>Consumer</td>
<td></td>
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<tr>
<td>Debt</td>
<td></td>
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<tr>
<td>Domestic violence</td>
<td></td>
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<tr>
<td>Employment</td>
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<tr>
<td>Family</td>
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<td>Neighbours</td>
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<tr>
<td>Owned housing</td>
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<tr>
<td>Rented housing</td>
<td></td>
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<tr>
<td>Personal injury</td>
<td></td>
</tr>
<tr>
<td>Welfare benefits</td>
<td></td>
</tr>
</tbody>
</table>

* = Advice from a lawyer, ** = Black, n/r = not reported
'= indicates that no association was observed. Specific association are detailed by direction or category.
HA = Handled alone, NA = No advice, NL = No lawyer
∩ = ∩-shaped distribution, U = U-shaped distribution, D = Divorced/separated LP = Lone parent, M = Married, ↑ = Positive relationship, ↓ = Inverse relationship.

20 For example, different demographics are also associated with different propensities to use different modes of communication with advisers, with Denvir et al. (2011) suggesting that young people, while heavy users of online services, are not great users of online advice services.
21 e.g. Genn (1999), Genn and Paterson (2001), Pleasence et al. (2004), Murayama (2009), Patel et al. (2009), Chen et al. (2012), Coumeralos et al. (2012), Pleasence and Balmer (2012)
22 Forthcoming findings indicate a mixed picture, with a U-shape discernible for problems for which legal aid is most commonly available.
Use of Lawyers

Looking in more detail at lawyer use, problem type has been repeatedly identified as a key influence, with family related problems most associated with lawyers. In fact, as Pleasence et al. (2013, p.34) report, lawyers were most frequently instructed to help resolve family problems “in 19 of 20 surveys for which findings are available.” The exception was Moldova, where family came second. Problems concerning owned housing and personal injury are also strongly associated with lawyer use.

This has inspired inquiry into what underpins associations between problem type and lawyer use.

Figure 1.2: Using a Lawyer by Income/Legal Aid Eligibility and Legal Aid Availability (2006-9 English and Wales Civil and Social Justice Survey, Pleasence and Balmer 2012)

Pleasence and Balmer (2008, p.245) have posited that different levels of lawyer use for different problem types is likely to in part reflect different levels of supply, with profitability and the dominance of traditional areas of legal practice being instrumental in this. They pointed to the fact that 25 per cent of all English and Welsh solicitors’ non-corporate income relates to negligent accidents, 9 per cent to employment problems and less than 1 per cent to problems concerning welfare benefits (Law Society 2003), “despite incidence of problems being similar for all three problem types, all three problem types having a potentially serious impact on people’s lives and all potentially involving complex legal issues.”

Evidently, problem severity (which varies by problem type) is also related to lawyer use, and Pleasence et al. (2011) and Pleasence and Balmer (2012) have demonstrated clear associations through multivariate analyses.

Multivariate analyses in England and Wales, Australia and Taiwan also suggest an association between relative resources (e.g. income) and lawyer use,

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22 This generally refers to private practice lawyers, but there is inconsistency between surveys as to the precise definition.
24 e.g. Kritzer (2008) and Pleasence, Balmer and Reimers (2011)
but (critically), one that is mediated by the availability of legal aid, alternative funding schemes (such as conditional or contingent fees) and the structure of the market for legal services.

In both England and Wales and Australia a U-shaped association between income and lawyer use appears to be produced by the availability of legal aid for those on the lowest incomes in the case of problem types for which legal aid is most available. Figure 1.2 illustrates this for England and Wales. Figure 1.3 illustrates this for Australia, with the additional subtlety that different lawyers are utilised by those at the lower and higher ends of the income scale. Also, in both jurisdictions, income was found not to be related to the use of lawyers in relation to personal injuries, where alternative funding mechanisms are available. For other problem types lawyer use was generally low, but there was evidence of lawyer use becoming more widespread as income rose.

![Figure 1.3: Using a Lawyer for Family Problems by Income (Australian LAW Survey, Pleasence and Macourt 2013)](image)

Supporting multivariate findings, respondents to various surveys have also reported cost (which could be perceived and/or actual) as a barrier to accessing lawyers. For example, Genn and Paterson reported that respondents to the Scottish *Paths to Justice Scotland* surveys “expressed a pervasive feeling that obtaining legal advice was hugely expensive and that for many kinds of problems obtaining such advice was simply not an option” (p.105). However, as Kritzer (2008) has argued, associations between income and lawyer use remain modest compared to those between problem type and lawyer use.

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25 Pleasence and Balmer (2012), Pleasence and Macourt (2013), Huang et al. (forthcoming).
26 e.g. Genn (1999), Genn and Paterson (2001) and Genn and Paterson (2001)
27 The 2009 Paths to Justice in the Netherlands Survey explored the relationship between legal expenses insurance (LEI) and access to lawyers. For higher-income citizens it was found that LEI increases access to lawyers, while for lower-income citizens, no net change was observed: van Velthoven and Haarhuis (2011)
Elsewhere, there is increasing interest in “exploring how problem resolution behaviour is influenced by beliefs about law, lawyers and dispute resolution, and people’s perceptions of the issues they face and their motivations in addressing issues through particular channels” (Pleasence et al. 2013, p.63). As Pleasence et al. (2013) go on to observe, “This is beginning to conjoin theories of legal consciousness and legal empowerment with the Paths to Justice tradition of research.”

For example, The 2005 Japanese National Survey of Everyday Life found that whether people perceive problems ‘legal’ is an important influence on lawyer use.\textsuperscript{28} Using data from an online survey, Pleasence et al. (2011) also found that characterisation of problems as ‘legal’, rather than moral, social, criminal, etc., greatly increases the likelihood of people considering lawyers as a solution (Figure 1.4). Importantly, though, people’s consideration of general advice services generally remains constant, irrespective of characterisation (Figure 1.5).

\textsuperscript{28} Murayama (2009)
Figure 1.5: Probability of Seeking Advice Sector Advice on the Basis of Problem Type and Whether or not the Problem was Characterised as 'Legal' (Pleasence et al. 2011).

Gramatikov (2008) has also highlighted, using the 2007 Bulgarian survey data, how cultural expectations of how particular problem types are resolved directs behaviour. He explains that “still, many of the citizens of [East European countries] expect the state to play extensive corrective role in cases when their private lives, rights and interests are endangered” (p.11).

Gramatikov and Porter (2011) have also started to inquire into how confidence in resolving disputes, termed subjective legal empowerment, impacts on problem resolution behaviour. And linked to this, findings from Japan and England and Wales indicate that prior dispute resolution behaviour influences later behaviour. Problem resolution strategies become entrenched within individuals, and also households.29

Outcomes
Different problem resolution strategies are associated with different means of problem conclusion. For example, Pleasence and Balmer (2013, p.60) observed that 2006-9 CSJS respondents who obtained advice “also saw their problems conclude through a court or tribunal process far more frequently.” Also, those who obtained advice or handled problems alone reached a settlement more

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29 e.g. Pleasence and Balmer (2009)
often than those who unsuccessfully tried to obtain advice or (unsurprisingly) took no action to resolve problems.

The means of problem conclusion also varies by problem type. For example, Pleasence and Balmer (2013, p.60) also observed that CSJS family problems, commonly associated with advice, “were more likely than other problem types to conclude through a court or tribunal process.”

This Report
In this report we use data from the English and Welsh Civil and Social Justice Panel Survey (CSJPS) to build upon the above evidence base and explore in more detail the factors that influence legal problem resolution behaviour and the form of problem outcome. We have not sought to replicate the findings of previous publications (such as the relationship between demographics – including income - and lawyer use), where the new survey data offers little scope for developing our understanding further. We will, though, draw on these in our discussion at the conclusion of the report. Instead, we have concentrated our efforts on exploring the relationship between lawyer use and attitudes, beliefs, understanding and experience of the law and dispute resolution; with a particular focus on problem characterisation, subjective legal empowerment and perceived problem severity. We also go beyond previous survey analyses of stated reasons for problem resolution behaviour, in looking at new data concerning reasons for choices between different strategy options.

In Section 2, we provide a brief overview of the public’s experience of legal problems as reported through the CSJPS. In Section 3, we then describe CSJPS findings relating to the factors we have included in our statistical analyses. In Section 4 we set out the methods and results of multivariate statistical analyses of problems resolution strategy. In Section 5 we set out the methods and results of analyses of stated reasons behind problems resolution strategy choices. In Section 6 we set out the methods and results of multivariate statistical analyses of problems resolution strategy. Finally, in Section 7 we review the findings set out in this report and discuss their implications.
The Experience of Legal Problems

Summary
Around one-third of 2010 and 2012 CSJPS respondents reported having experienced one or more legal problems over the past eighteen months. Across the two waves of the survey, data were collected in relation to 3,832 problems (with problems concerning consumer issues, neighbours, employment, money, debt, welfare benefits and housing most common).

Overall, problems concerning care proceedings were regarded as being the most severe. Elsewhere, problems concerning relationship breakdown, domestic violence, clinical negligence, education and employment were more often regarded as relatively severe. Problems concerning consumer problems, money, neighbours and owned housing were more often regarded as less severe.

Demographic associations with legal problems have commonly been found with age, education, family status, income, unemployment and, particularly, morbidity (most notably, psychiatric morbidity). Demographic associations are subtly different for less severe and more severe legal problems.

No action was taken to resolve 13% of CSJPS problems, 43% were handled by respondents themselves, 15% led to informal advice, and 29.0 per cent to formal advice being obtained. Formal advice was obtained from a law firm on 5.8 per cent of occasions, and from the NFP advice sector (as the most specialist adviser) on 4.3 per cent of occasions. For more severe problems, both the rates of doing nothing and of obtaining formal advice increased.

10% of concluded CSJPS problems resolved through a court or tribunal process, 42% by settlement, 35% independently/by themselves, and 13% were being put up with. More severe problems more often resolved through court or tribunal process and less often resolved through settlement or independently/by themselves.

This section provides an overview of the public’s experience of legal problems, as reported through the English and Welsh Civil and Social Justice Panel Survey (CSJPS). It details the types of problems reported, the relative severity of problems, key demographic patterns, and provides an overview of problem resolution behaviour and outcomes.

Problem Prevalence
Thirty-two per cent of 2012 CSJPS respondents reported having experienced one or more legal problems over the past eighteen months. Including just those respondents who took part in both the 2010 (Wave 1) and 2012 (Wave 2) surveys, the figure rose to 43 per cent over three years. Table 1 shows the prevalence of problems of different types, as reported in the two waves of the survey. Unlike in previous United Kingdom surveys, consumer problems were

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30 Including new and existing (i.e. those not yet concluded 18 months prior to interview) problems.
31 3,806 respondents
not the most prevalent, with problems concerning anti-social neighbours reported by a slightly greater percentage of respondents.\textsuperscript{32}

In all, across the two waves of the survey, data were collected in relation to 3,832 problems. Here, the greatest proportion were consumer problems, with problems concerning neighbours, employment, money, debt, welfare benefits and housing also very common.

\begin{table}[h]
\centering
\begin{tabular}{|l|c|c|c|}
\hline
Problem type & Wave 1 & Wave 2 & Wave 1+2 \\
& % Respondents & % Respondents & % Problems \\
\hline
Neighbours & 9.4\% & 8.4\% & 12.7\% \\
Consumer & 8.9\% & 8.2\% & 17.5\% \\
Employment & 5.5\% & 6.4\% & 12.2\% \\
Money & 5.3\% & 5.2\% & 10.2\% \\
Debt & 4.9\% & 4.2\% & 9.2\% \\
Rented housing & 3.8\% & 3.0\% & 6.6\% \\
Welfare benefits & 4.4\% & 3.7\% & 7.5\% \\
Personal injury & 4.1\% & 3.8\% & 3.9\% \\
Relationship breakdown & 2.1\% & 2.0\% & 3.3\% \\
Education & 1.9\% & 1.9\% & 4.0\% \\
Owned housing & 1.6\% & 2.2\% & 3.5\% \\
Clinical negligence & 1.4\% & 1.5\% & 3.0\% \\
Divorce & 1.1\% & 1.2\% & 3.7\% \\
Domestic violence & 1.0\% & 1.2\% & 2.2\% \\
Care proceedings & 0.2\% & 0.2\% & 0.5\% \\
\hline
\end{tabular}
\caption{Prevalence of legal problems of different types in wave 1 and wave 2.}
\end{table}

Overall, problems concerning care proceedings were regarded as being the most severe (with a mean score of 39 on a 50-point severity scale). Consumer problems were regarded as the least severe (Table 2.2). Elsewhere, problems concerning relationship breakdown, domestic violence, clinical negligence, education and employment were more often regarded as relatively severe. Problems concerning money, neighbours and owned housing were more often regarded as less severe. However, it should be noted that because of the sheer number of consumer problems, and their varying seriousness, they comprised just under 10 per cent of the most severe rated problems reported.

\textit{Demographic Associations With Legal Problems}

As Pleasence et al. (2013) have reported, as the experience of legal problems is tied to experience of the defining circumstances of problems, along with factors such as experience, resources and disposition, experience can be expected to vary greatly between population groups. Demographic associations with legal problems have commonly been found with age, education, family status, income, unemployment and, particularly, morbidity (most notably, psychiatric morbidity). Figures 2.1 to 2.4 illustrate the distribution of legal problems by type and severity for age, family status, receipt of welfare benefits and self-reported mental health.

\textsuperscript{32} The CSJPS did not restrict problems to those that were ‘difficult to solve’. This methodological difference may lie behind the greater reporting of problems concerning neighbours.
As can be seen from Figure 2.1, “as people move through life their circumstances change and expose them to different types of ... problem” (Pleasence et al. 2004, p.15).

<table>
<thead>
<tr>
<th>Problem type</th>
<th>Severity Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Care proceedings</td>
<td>39.1</td>
</tr>
<tr>
<td>Relationship breakdown</td>
<td>34.0</td>
</tr>
<tr>
<td>Domestic violence</td>
<td>32.8</td>
</tr>
<tr>
<td>Education</td>
<td>31.1</td>
</tr>
<tr>
<td>Personal injury</td>
<td>29.6</td>
</tr>
<tr>
<td>Clinical negligence</td>
<td>29.3</td>
</tr>
<tr>
<td>Divorce</td>
<td>28.3</td>
</tr>
<tr>
<td>Employment</td>
<td>28.3</td>
</tr>
<tr>
<td>Rented housing</td>
<td>27.6</td>
</tr>
<tr>
<td>Debt</td>
<td>27.4</td>
</tr>
<tr>
<td>Welfare benefits</td>
<td>26.5</td>
</tr>
<tr>
<td>Owned housing</td>
<td>25.7</td>
</tr>
<tr>
<td>Neighbours</td>
<td>25.7</td>
</tr>
<tr>
<td>Money</td>
<td>24.0</td>
</tr>
<tr>
<td>Consumer</td>
<td>19.9</td>
</tr>
</tbody>
</table>

Table 2.2: Severity Score by Problem Type (Low to High, 1-50)

So, for example, the youngest 2010 CSJPS respondents reported more legal problems concerning rented housing, and fewer concerning owned housing. Those in the middle age groups reported more problems concerning family breakdown, employment and consumer issues. As can also be seen from Figure 2.1, there were some subtle differences in patterns of experience between less and more severe problems. For instance, more severe problems concerning owned housing were most often reported by those in middle age groups, while less severe problems increased with age. And less severe problems concerning consumer issues were disproportionately reported by younger respondents.

As can be seen from Figure 2.2, patterns of 2010 CSJPS problem reporting also varied between family types. So, for example, families with children (in particular, lone parents) more often reported family and education related legal problems. Lone parents also more often reported problems related to rented housing, neighbours, debt and welfare benefits. They also reported more severe problems of these types.

As can be seen from Figure 2.3, 2010 CSJPS respondents in receipt of welfare benefits were associated with higher prevalence of 12 of the 15 legal problem types investigated; the main exception being problems concerning consumer issues and owned housing. Where respondents in receipt of welfare benefits did report problems concerning owned housing, they tended to be more severe. The same was also true of problems concerning rented housing, neighbours, money, debt, welfare benefits, personal injury and clinical negligence.
Figure 2.1: Prevalence of legal problems by type, severity and age (CSJPS 2010).
Figure 2.2: Prevalence of legal problems by type, severity and family status (CSJPS 2010).
Figure 2.3: Prevalence of legal problems by type, severity and receipt of welfare benefits (unemployment/income support) (CSJPS 2010).
Figure 2.4: Prevalence of legal problems by type, severity and self-reported mental health (CSJPS 2010).
Finally, as can be seen from Figure 2.4, 2010 CSJPS respondents who reported mental health problems were associated with higher prevalence of all 15 legal problem types investigated, and prevalence was also usually more pronounced for more severe problems; the main exception being problems concerning money (but not debt or welfare benefits).

**Problem Resolution**

As can be seen from Table 2.3, 13.1 per cent of problems across the 2010 and 2012 CSJPS saw no resolution action taken; a little higher than the figure recorded for the 2006-9 CSJS owing to the removal of the requirement that reported problems be ‘difficult to solve’. At 43.1 per cent, the percentage of problems that respondents handled alone was also higher than that recorded for the 2006-9 CSJS. A further 14.8 per cent of problems led to informal advice (from family or friends) being obtained, and 29.0 per cent to (usually independent) formal advice being obtained. Formal advice was obtained from a law firm on 5.8 per cent of occasions, and from the NFP advice sector (as the most specialist adviser) on 4.3 per cent of occasions. Advice was described as having been provided by a lawyer on 6.1 per cent of occasions. The most common sources of help beyond the advice sector were doctors, social workers, employers, the police and politicians.

Looking at more severe legal problems, the rate of taking no remedial action rose to 14.6 per cent, but so too did the rate of obtaining formal advice, to 33.8 per cent. A lower 37.6 per cent of problems were resolved by respondents themselves, and 14.0 per cent of saw informal advice obtained. Formal advice was obtained from a law firm on 7.9 per cent of occasions, and from the NFP advice sector (as the most specialist adviser) on 5.5 per cent of occasions. Advice was described as having been provided by a lawyer on 8.3 per cent of occasions.

Associations between problems resolution strategy and problem and respondent characteristics are set out in Section 4.

<table>
<thead>
<tr>
<th>Problem Resolution Strategy by Problem Severity</th>
<th>All problems (n=3,821)</th>
<th>Less severe problems (n=1,794)</th>
<th>More severe problems (n=2,027)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Did nothing</td>
<td>13.1%</td>
<td>11.3%</td>
<td>14.6%</td>
</tr>
<tr>
<td>Handled alone</td>
<td>43.1%</td>
<td>49.3%</td>
<td>37.6%</td>
</tr>
<tr>
<td>Informal advice</td>
<td>14.8%</td>
<td>15.8%</td>
<td>14.0%</td>
</tr>
<tr>
<td>Other formal advice</td>
<td>18.9%</td>
<td>17.4%</td>
<td>20.3%</td>
</tr>
<tr>
<td>Advice sector</td>
<td>4.3%</td>
<td>2.9%</td>
<td>5.5%</td>
</tr>
<tr>
<td>Law firm</td>
<td>5.8%</td>
<td>3.3%</td>
<td>7.9%</td>
</tr>
</tbody>
</table>

**Problem Outcome**

As can be seen from Table 2.4, of concluded problems reported through the 2010 and 2012 CSJPS, 9.8 per cent resolved through a third-party decision (6.4% through a court, tribunal or formal appeals service). The greatest proportion

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33 In a small percentage of cases respondents formally requested help from ‘the other side’, and in some others it was unclear whether the advice obtained was independent.

34 Problems scored at 26 or more on the 1-50 severity scale.
(42.2 per cent) resolved by way of settlement between the parties, and 33.6 per cent resolved independently/by themselves. Respondents reported that they were ‘putting up with’ the remaining 14.4 per cent of concluded problems.

Looking at more severe problems, they were more likely to resolve through a court or tribunal process (12.9 per cent) and less likely to resolve through settlement (40.1 per cent) or by resolving themselves (32.4 per cent).

Associations between problems outcome and problem and respondent characteristics are set out in Section 6.

Table 2.4: Problem Outcome by Problem Severity

<table>
<thead>
<tr>
<th>Problem type</th>
<th>All concluded problems</th>
<th>Less severe problems</th>
<th>More severe problems</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>% Problems (n=2,041)</td>
<td>% Problems (n=1,023)</td>
<td>% Problems (n=1,018)</td>
</tr>
<tr>
<td>Court/tribunal/third-party</td>
<td>9.8%</td>
<td>6.7%</td>
<td>12.9%</td>
</tr>
<tr>
<td>Agreement (settlement)</td>
<td>42.2%</td>
<td>44.3%</td>
<td>40.1%</td>
</tr>
<tr>
<td>Resolved independently</td>
<td>33.6%</td>
<td>34.8%</td>
<td>32.4%</td>
</tr>
<tr>
<td>Putting up with it</td>
<td>14.4%</td>
<td>14.2%</td>
<td>14.6%</td>
</tr>
</tbody>
</table>
Summary

Problems respondents characterised as ‘legal’ were far more likely to have led to advice being obtained from a law firm, at the expense of problems being handled alone or with only informal advice. Problems considered ‘criminal’ were also associated with increased use of ‘law firms’. In contrast, problems characterised as ‘bad luck’ were associated with higher rates of inaction.

When respondents suggested they knew their rights, they were more likely to handle problems alone or with only informal advice. They were also less likely to take no action to deal with problems.

As respondents’ subjective legal empowerment scores increased, inaction significantly decreased.

There were also large and significant variations in strategy decisions by problem type. Particularly high proportions of CSJPS respondents obtained formal advice from law firms for divorce, from the advice sector for problems concerning debt, and from other advisors for problems concerning anti-social neighbours. Handling alone and informal advice were most strongly associated with problems concerning consumer issues, and inaction with problems concerning employment.

As problem severity increased, so too did the rate at which respondents obtained advice from law firms and the advice sector. This was at the expense of handling problems alone or with only informal advice.

Where respondents reported problems led to one or more adverse consequences, there was a reduction in no action being taken to resolve problems, and also a reduction in problems being handled alone or with only informal advice.

As problem duration increased, the likelihood of respondents handling problems alone or with only informal advice decreased.

There was evidence of an increased tendency for respondents (and their household members) to repeat problem-solving strategies where they reported more than one problem.

When examining only more severe problems, characterisation of problems as legal, problem type and problem duration remained key influences and had a broadly comparable association with strategy as for problems in general. Characterisation of problems as being the product of bad luck or as criminal also remained influential. However, there was evidence of an increase in the use of law firms where severe problems were classified as ‘bad luck’. Also, the low level of problems being handled alone or with only informal advice, and high level of use of law firms, for problems characterised as criminal were more pronounced for severe problems. Similarly, adverse consequences remained important for more severe problems, though the reduction in handling alone or using informal advice was again more pronounced.

In contrast, perceived knowledge of rights, subjective legal empowerment and relative problem severity were less influential predictors when looking solely at more severe problems.
This section sets out the methods and findings of detailed statistical analyses of English and Welsh Civil and Social Justice Panel Survey (CSJPS) data directed to identifying what drives legal problem resolution behaviour. It first describes the survey, the sample of problems subjected to statistical analysis and forms of statistical analysis undertaken (technical details are set out in an appendix). It then describes the factors found to most influence problem resolution behaviour, as well as providing a more detailed description of the findings in general.

Methods

The English and Welsh Civil and Social Justice Panel Survey

The English and Welsh Civil and Social Justice Panel Survey (CSJPS) provides detailed information on the nature, pattern and impact of people’s experience of legal (or ‘justiciable’) problems. It is the primary source of data on the strategies that users, and potential users, of the legal system and services employ in order to resolve problems. The CSJPS replaced the English and Welsh Civil and Social Justice Survey (CSJS) in 2010. Two waves of the CSJPS have been undertaken, in 2010 and 2012. Wave 1 surveyed 3,807 individuals aged 16 or over, with Wave 2 revisiting those same individuals where possible. Wave 2 saw 1,307 new respondents introduced to the survey panel to replace Wave 1 respondents who could not be followed-up.

Wave 1 of the CSJPS saw respondents interviewed over the summer of 2010 about problems that they had experienced at any point in the preceding 18 months. Wave 2 of the survey saw respondents asked to provide additional details about unconcluded problems reported in Wave 2, plus new problems arising in the prior 18 months.

As Pleasence and Balmer (2013, p.2) note, “In terms of detail, the CSJPS is the most extensive survey of its kind so far undertaken.”

The Problems Utilised in Our Analysis

The analyses reported in the section are based on a subset of legal problems reported in the 2010 and 2012 waves of the CSJPS for which adequate data was available for the variables included in the analyses (see below).

Problems were identified through the following problem identification question, used to ask about 97 types of problem concerning consumer issues, employment, neighbours, owned housing, rented housing, money, debt, welfare benefits, education, clinical negligence, relationship breakdown, domestic violence and care proceedings:

“[have you/has your partner] had any (other) problems or disputes of the type shown on this card since [18 months]?”

35 ‘A matter experienced by a respondent which raised legal issues, whether or not it was recognised by the respondent as being “legal” and whether or not any action taken by the respondent to deal with the [matter] involved the use of any part of the civil justice system’: H. Genn (1999) Paths to Justice: What People Do and Think About Going to Law, Oxford: Hart Publishing, p.12.
Two similar questions were also asked about negligence resulting in personal injury and divorce/break-up of a relationship between cohabitees.

As detailed in Section 3, problems concerning neighbours, consumer, employment and money problems were the most common, collectively accounting for more than 50 per cent of all problems about which data were obtained.

Statistical Analysis
A number of statistical models were developed to examine determinants of problem resolution strategy, though a single ‘main’ model forms the principal focus of analysis, including the majority of predictor variables of interest. Following on from the main model, further models were fitted introducing additional variables to assess association with strategy. The additional variables were typically not included in the main models due to large numbers of missing values (e.g. because they were not asked throughout the survey or only applied to a subset of problems).

Analysis then focussed on problems categorised as ‘more severe’. These were problems which scored 26-50 on the CSJPS severity scale which ranged from 1-50, accounting for around half of the problems in the CSJPS. A statistical model was fitted to assess how key variables (from the main models and additional variables) related to strategy examining solely more severe problems.

In all models, the response variable (strategy or outcome) was categorical with five categories. As a result the models fitted were multinomial logistic regression models. Models were also adjusted for clustering by household (as the CSJPS was a household survey).36

Technical details are set out in an appendix. The predictor variables included in the main strategy model comprised broad socio-demographic factors, capability factors, and problem factors.

The socio-demographic factors were:

- Gender
- Ethnicity
- Tenure type
- House type
- Recent crime victimisation (as a social environment proxy)

The capability factors were:

- Age
- Family type
- Academic qualifications (personal or partner)
- Experience of study/work in the legal field
- Income
- Receipt of unemployment benefits/income support
- Use of motorised transport
- Physical health status

36 Robust variance estimates within Stata were used to account for within-household correlation (Williams, 2000).
Mental health status
Problem characterisation
Perceived knowledge of rights
Knowledge of adviser types
Subjective legal empowerment

The problem factors were:

- Problem type
- Problem severity
- Whether discrimination was involved

The additional variables included in other strategy models were problem duration, adverse consequences of problems (physical ill-health, mental ill-health, harassed/verbal abuse/threatened/assaulted, property damage, loss of confidence, fear, damage to relationship/breakdown, had to move home/became homeless) and psychological factors (emotional stability, openness to experience, self-efficacy, locus of control).

Modelling of the strategies adopted in relation to more severe problems included only key variables identified through the initial modelling exercises.

The response variable was made up of five categories: ‘did nothing’, ‘handled alone/informal advice’, ‘other advice’, advice sector’ and ‘law firm’.

Because data were not available for all problems for all variables, the working dataset for the main strategy model was made up of 3,133 problems (rather than the 3,821 problems detailed in the previous section). Table 3.1 sets out the strategies employed in the 3,133 problems included in the main model.

Table 3.1: Problem Resolution Strategies Employed in the 3,133 Problems Included in the Main Strategy Model.

<table>
<thead>
<tr>
<th>Problem Resolution Strategy</th>
<th>Frequency</th>
<th>Percent</th>
<th>Probability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Did nothing</td>
<td>343</td>
<td>10.9</td>
<td>0.11</td>
</tr>
<tr>
<td>Handled alone/Informal</td>
<td>1855</td>
<td>59.2</td>
<td>0.59</td>
</tr>
<tr>
<td>Other advice</td>
<td>550</td>
<td>17.6</td>
<td>0.18</td>
</tr>
<tr>
<td>Advice sector</td>
<td>164</td>
<td>5.2</td>
<td>0.05</td>
</tr>
<tr>
<td>Law firm</td>
<td>221</td>
<td>7.1</td>
<td>0.07</td>
</tr>
<tr>
<td>Total</td>
<td>3133</td>
<td>100.0</td>
<td>1</td>
</tr>
</tbody>
</table>

Text and figures
To make interpretation of statistical model output as simple as possible, each model predictor is discussed, keeping statistical jargon to a minimum and highlighting any key associations to strategy or outcome. Where a particular term has an association with strategy or outcome, a figure is generally also included to illustrate the relationship. In many cases these show how the ‘addition’ of a particular characteristic (e.g. characterising a problem as legal) alters strategy (or outcome in Section 5) for the sample a whole (having controlled for all other variables). In some cases, a reference category (e.g. consumer problems) is held at its overall strategy (or outcome in Section 5) percentages, with the figure showing how percentages change for different levels of the predictor variable (e.g. different problem types). The figures represent the
simplest way to understand how significant predictor variables relate to strategy or outcome.

**Statistical output in footnotes**
Description of associations in the text is frequently accompanied by footnotes presenting important statistical information from statistical model output. These footnotes typically take two forms.

First, footnotes of the form ‘Testing the ethnicity model terms together, $\chi^2_{16} = 13.34, p = 0.65$’ assess whether the parameters for a particular predictor (in this case ethnicity) are jointly equal to zero. This is essentially a measure of whether the predictor as a whole has a significant association with strategy or outcome. A p-value less than 0.05 would lead us to conclude that the parameters are not jointly equal to zero and there is a significant association.

Second, footnotes of the form ‘comparing ‘court/tribunal/process’ to ‘agreement, $Z = 2.78, p = 0.005, \text{odds}\text{-ratio} = 2.29$’, for example, show us where specific differences might lie. In this example, we would conclude that for this particular term (which is criminal characterisation) the presence of criminal characterisation (rather than no criminal characterisation) was associated with an increase in the likelihood of a ‘court/tribunal/process’ outcome, rather than ‘agreement’. Again, a p-value less than 0.05 would indicate that this difference is statistically significant. The odds-ratio, meanwhile, indicates that where a problem is characterised as ‘criminal’, a ‘court/tribunal/process’ outcome would be 2.78 times as likely as an ‘agreement’ outcome when compared to problems not characterised as criminal.

**Statistical appendices**
For those more comfortable with detailed statistical information, model specification, model output, key model terms and information on model fit can also be found in the statistical appendices.

**Results**

**Most Influential Factors In Problem Resolution Strategy**
In this sub-section we highlight the most influential factors associated with problem resolution strategy decisions, as highlighted by multivariate analysis, before setting out full details in the next sub-section.


(i) Problem characterisation
Those problems CSJPS respondents characterised as ‘legal’ were far more likely to have led to advice being obtained from a law firm, mainly at the expense of problems being handled alone or with only informal advice. Problems considered by respondents to be ‘criminal’ were also associated with an increase in the use of ‘law firms’, again at the expense of handling alone and informal advice. In contrast, problems characterised as ‘bad luck’ were associated with higher rates of inaction.
(ii) Perceived knowledge of rights
When respondents suggested they knew their rights at the outset of problems, they were more likely to handle problems alone or with only informal advice. Conversely, they were less likely to take no action to deal with problems.

(iii) Subjective legal empowerment
As respondents’ subjective legal empowerment scores increased, inaction significantly decreased. There was a corresponding increase in the use of other strategies.

(iv) Problem type
As with previous studies, we identified large and significant variations in strategy decisions by problem type, after accounting for other factors. Notably, particularly high proportions of CSJPS respondents obtained formal advice from law firms for divorce, from the advice sector for problems concerning debt, and from other advisors for problems concerning anti-social neighbours. Handling alone and informal advice were most strongly associated with problems concerning consumer issues, and inaction with problems concerning employment.

(v) Problem severity
As problem severity increased, so too did the rate at which respondents obtained advice from law firms and the advice sector. This was at the expense of handling problems alone or with only informal advice.

(vi) Adverse consequences
Where respondents reported problems led to one or more adverse consequences, there was a reduction in no action being taken to resolve problems, and also a reduction in problems being handled alone or with only informal advice. There were corresponding increases in the use of other strategies.

(vii) Problem duration
As problem duration increased, the likelihood of respondents handling problems alone or with only informal advice decreased. There were corresponding increases in the use of other strategies.

(viii) Personal/household preferences
There was evidence of an increased tendency for respondents (and their household members) to repeat problem-solving strategies where they reported more than one problem.

When examining only more severe problems (i.e. problems scoring over 25 on the 50-point CSJPS problem severity scale), characterisation of problems as legal, problem type and problem duration remained key predictors and had a broadly comparable association with strategy as they did for problems in
general. Characterisation of problems as being the product of bad luck or as criminal also remained influential. However, there was also evidence of an increase in the use of law firms where severe problems were classified as ‘bad luck’. Also, the low level of problems being handled alone or with only informal advice, and high level of use of law firms, for problems characterised as criminal were more pronounced for severe problems. Similarly, the adverse consequences remained an important predictor for more severe problems, though the reduction in handling alone or using informal advice was again more pronounced.

In contrast, perceived knowledge of rights, subjective legal empowerment and relative problem severity were less influential predictors when looking solely at more severe problems.

**Detailed Findings**

a) **Socio-demographic factors**

Having controlled for other variables, respondent gender, ethnicity and tenure type were found to have had little or no impact on problem resolution strategy, though findings in relation to specific non-white ethnicity respondents were based on relatively small numbers.

There was some evidence of strategy differences among respondents living in different types of house. In particular, compared to those in detached properties (the reference category in the model), respondents in flats tended not to seek advice sector advice, being significantly more likely to do nothing, seek ‘other’ advice or attempt to handle problems alone or with only informal advice.

Figure 3.1 shows problem resolution strategy for different housing types, maintaining the strategy profile of the ‘detached’ reference category at that of the sample as a whole (i.e. as shown in Table 3.1).

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37 Though there were some differences of note for individual problem types.
38 Testing the male model terms together, $\chi^2 = 1.06, p = 0.90$. Testing the ethnicity model terms together, $\chi^2 = 13.34, p = 0.65$. Testing the ‘tenure’ model terms together, $\chi^2 = 13.33, p = 0.65$. Of the four groups included in the ethnicity predictor, the largest accounted for just over 3 per cent of the sample. Thus, it is possible that difference exists, but not such as could be detected through the CSJPS.
39 $Z = 2.38, p = 0.017, \text{odds ratio} = 2.73$.
40 $Z = 2.67, p = 0.008, \text{odds ratio} = 2.79$.
41 $Z = 2.25, p = 0.025, \text{odds ratio} = 2.30$. 
Whether or not respondents reported having been recent victims of crime (a proxy for social environment) also appeared to have had some bearing on problem-solving strategy. In particular, victims of crime exhibited a somewhat increased tendency to seek ‘advice sector’ advice, when compared to ‘other advice’ or ‘law firm’ advice.\textsuperscript{42} This may reflect greater presence of advice services in higher crime areas.

b) Capability factors

There was evidence that respondent age is associated with problem resolution strategy decisions. While testing all ‘age group’ terms simultaneously fell marginally short of significance,\textsuperscript{43} there were a number of significant (or close to significant) ‘age group’ terms in the model, not all of which were entirely coherent. Compared to ‘45-59 year olds’, the most common age group in the dataset, the youngest group (16-24 year olds) were somewhat more likely to ‘do nothing’ rather than seek ‘advice sector’ advice, with the difference marginally short of significance.\textsuperscript{44} ‘35-44 year olds’ were also somewhat more likely than ‘45-59 year olds’ to seek ‘advice sector’ advice (compared to ‘doing nothing’\textsuperscript{45} or seeking ‘other advice’\textsuperscript{46}) or ‘handle problems alone/use informal advice’ (again compared to ‘doing nothing’\textsuperscript{47} or seeking ‘other advice’\textsuperscript{48}).

\textsuperscript{42}Z = 1.96, p = 0.005, odds-ratio = 1.61 and Z = 2.16, p = 0.031, odds-ratio = 2.01 respectively.
\textsuperscript{43}χ^{2}_20 = 30.07, p = 0.069.
\textsuperscript{44}Z = 1.84, p = 0.066, odds ratio = 2.37.
\textsuperscript{45}Z = 1.97, p = 0.049, odds ratio = 1.90.
\textsuperscript{46}Z = 1.99, p = 0.047, odds ratio = 1.82.
\textsuperscript{47}Z = 2.02, p = 0.043, odds ratio = 1.50.
\textsuperscript{48}Z = 2.25, p = 0.025, odds ratio = 1.44.
The eldest age group (75 or older) also differed slightly from ‘45-59 year olds’, with an increased tendency to use ‘law firms’ rather than ‘other advice’ and ‘handle alone/use informal advice’ rather than ‘other advice’.

Similarly, while testing all family type model terms simultaneously suggested that it was not a significant term overall, there were some significant individual family type terms in the model. Specifically, compared to ‘married couple with children’ (the reference category), ‘lone parents’ tended away from inaction, in favour of ‘other advice’, ‘handling alone/obtaining informal advice’ and particularly ‘advice sector’ advice (a difference which reached significance). ‘Single respondents without children’ were also more likely than ‘married couple with children’ to seek ‘legal advice’, particularly when compared to ‘doing nothing’, while the largest differences were for cohabitants without children who were particularly likely to seek ‘legal advice’ rather than ‘do nothing’, seek ‘other advice’ or ‘handle alone or use informal advice’.

Figure 3.2 shows problem-solving strategy by family type, with the ‘married couple with children’ reference category held at its raw data strategy percentages (11.6% ‘did nothing’, 60.4% ‘handles alone/informal advice’, 19.3% ‘other advice’, 4.6% ‘advice sector’ advice).

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49 $Z = 2.10, p = 0.035, \text{odds ratio} = 3.21$.
50 $Z = 2.44, p = 0.015, \text{odds ratio} = 2.53$.
51 Testing the ‘family type’ model terms together, $\chi^2_{20} = 26.94, p = 0.14$.
52 $Z = 1.99, p = 0.047, \text{odds ratio} = 2.46$.
53 $Z = 2.51, p = 0.012, \text{odds ratio} = 2.61$.
54 $Z = 2.84, p = 0.004, \text{odds ratio} = 3.38, Z = 2.86, p = 0.004, \text{odds ratio} = 3.33$ and $Z = 2.71, p = 0.007, \text{odds ratio} = 2.77$ respectively.
‘other advice’, 4.6% ‘advice sector’, 4.2% ‘law firm’). The figure illustrates a comparatively low percentage of inaction among ‘lone parents’ and high percentages of ‘cohabitants without children’ and ‘single respondents without children’ seeking advice from a ‘law firm’.

There was some evidence of an association between academic qualifications and problem resolution strategy. Compared to those with no academic qualifications (and controlling for other variables), having ‘some qualifications’ was associated with an increase in the likelihood of ‘other advice’, ‘advice sector’ advice, use of a ‘law firm’ and ‘handling alone/using informal advice’ rather than ‘doing nothing’. Meanwhile, comparing those with ‘degrees’ to those with no qualifications suggested an increase in the use of the ‘advice sector’ rather than ‘doing nothing’ or handling alone/using informal advice. Figure 3.3 shows problem-solving strategy by academic qualifications, holding those without academic qualifications at their raw data strategy percentages.

Figure 3.3: Problem-solving strategy by academic qualifications, controlling for other variables and holding those with ‘no qualifications’ at their raw data percentages.

Just over 6 per cent of the sample suggested that they or their partner was a lawyer, legal adviser or teacher of law, or had studied law. Such legal experience was a significant predictor of problem-solving strategy. Having ‘experience in the legal field’ related to an increased likelihood of using a ‘law firm’ compared to ‘doing nothing’ or seeking ‘other advice’ as well as an increase in the likelihood of ‘handling alone/using informal advice’ rather than

55 Testing the ‘academic qualifications’ terms together, $\chi^2 = 16.16$, $p = 0.040$.

56 The model terms were $Z = 2.49$, $p = 0.013$, odds-ratio = 1.68; $Z = 2.27$, $p = 0.023$, odds-ratio = 2.09, $Z = 2.60$, $p = 0.009$, odds-ratio = 2.00 and $Z = 1.91$, $p = 0.056$, odds-ratio = 1.42 respectively.

57 $Z = 1.95$, $p = 0.051$, odds-ratio = 2.11 and $Z = 2.03$, $p = 0.042$, odds-ratio = 2.04 respectively.

58 Testing the ‘legal experience’ model terms together, $\chi^2 = 9.52$, $p = 0.049$.

59 Though both terms fell slightly short of significance - $Z = 1.83$, $p = 0.067$, odds ratio = 1.22 and $Z = 1.78$, $p = 0.079$, odds ratio = 1.18 respectively.
‘doing nothing’ or seeking ‘other advice’. Figure 3.4 shows problem resolution strategy for those with and without experience in the legal field, maintaining the strategy profile of the ‘no experience’ reference category at that of the sample as a whole (i.e. as shown in Table 3.1). As can be seen, ‘experience in the legal field’ was associated with less inaction and ‘other advice’ and increases in self-help and using a ‘law firm’.

There was also some evidence of a relationship between problem resolution strategy and respondents’ income. In particular, those with income of less than £10,000 tended towards ‘advice sector’ advice rather than ‘other advice’ or ‘handling alone using informal advice’ (compared to the ‘all other’ income group). Those with income of £50,000 or more were also slightly more likely than the ‘all other income’ group to tend towards advice from a ‘law firm’ rather than ‘other advice’. Figure 3.5 shows broad problem-solving strategy by respondents’ income, maintaining the strategy profile of the ‘all other income’ reference category at that of the sample as a whole (i.e. as shown in Table 3.1). In keeping with earlier studies, there is an apparent U-shaped relationship between income and lawyer use, which was explored in more detail in Pleasence and Balmer’s (2013) and Pleasence and Macourt’s (2013) studies.

Figure 3.4: The impact of the addition of ‘legal experience’ to problem solving strategy, controlling for other variables and compared to overall strategy for the dataset as a whole.

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60 Z = 1.85, p = 0.065, odds ratio = 1.85 and Z = 2.25, p = 0.024, odds ratio = 1.62 respectively.
61 Z = 2.61, p = 0.009, odds-ratio = 1.84 and Z = 2.05, p = 0.040, odds-ratio = 1.56 respectively.
62 Though the difference fell slightly short of significance Z = 1.80, p = 0.071, odds-ratio = 2.06. There were also some differences between the ‘all other income’ group and ‘refused unknown group (as can be seen in Figure 3.5), though it is not clear how to interpret such differences.
Figure 3.5: Problem-solving strategy by respondents’ income, keeping the ‘all other income’ group at overall strategy percentages for the dataset as a whole.

Being in receipt of unemployment benefits/income support was associated with an increase in the likelihood of inaction, use of the ‘advice sector’, use of a ‘law firm’ and ‘handling alone/using informal advice’ when compared to ‘other advice’.\(^6\) As shown in Figure 3.6, use of ‘other advice’ falls considerably among those in receipt if benefits, with slight increases in ‘advice sector’ and ‘legal’ advice, maintaining the strategy profile of the ‘no benefits’ reference category at that of the sample as a whole (i.e. as shown in Table 3.1).

\(^6\) Z = 1.97, p = 0.049, odds-ratio = 1.71, Z = 2.19, p = 0.029, odds-ratio = 1.87, Z = 2.53, p = 0.011, odds-ratio = 2.58 and Z = 2.02, p = 0.043, odds-ratio = 1.51 respectively.
While testing the ‘use of motorised transport’ terms simultaneously suggested that it was not a significant factor as a whole, there was evidence of some differences for individual terms, with those with motorised transport somewhat more likely to tend towards ‘law firm’ rather than ‘advice sector advice’.

Having controlled for other factors, physical ill-health (measured using the physical health summary measure (PCS) of the SF-12 health survey) was not significantly related to problem-solving strategy, and there was no evidence of any significant individual ‘PCS’ model terms.

There was, though, some evidence of a relationship between mental health (measured using the mental health summary measure (MCS) of the SF-12 health survey) and problem-solving strategy. While testing the MCS terms simultaneously suggested that it was not particularly influential, there was at least some tendency for those with better mental health scores to use ‘law firms’ more often, when contrasted with ‘doing nothing’, and to a lesser extent, when

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64 Testing the ‘motorised transport’ model terms together, $\chi^2_4 = 5.50$, $p = 0.24$.
65 $Z = 2.28$, $p = 0.022$, odds ratio = 2.24.
66 Testing the ‘PCS’ model terms together, $\chi^2_4 = 3.76$, $p = 0.44$.
67 Percentages of each strategy are held at the raw data percentages for the whole sample for an MCS score of 50 (which is near the mean MCS for the sample as a whole).
68 Testing the ‘MCS’ terms together, $\chi^2_4 = 4.35$, $p = 0.36$.
69 $Z = 1.92$, $p = 0.055$, odds-ratio = 1.02.
contrasted with ‘handling alone/informal advice’ and ‘other advice’ (higher scores indicate better mental health).\textsuperscript{70} Figure 3.7 shows the relationship between MCS scores and problem-solving strategy. The most noticeable effect is the increase in the use of ‘law firm’ with improving mental health score, though the increase is fairly modest compared to some more influential predictors.

Overall, the way in which problems were characterised made an important contribution to problem solving strategy decisions. Since respondents were able to specify as many characterisations as they felt applied (with a mean of 1.4 characterisations where respondents chose one or more), each of the characterisations was explored in turn.

**Characterising problems as ‘bad luck’**

Characterising a problem as ‘bad luck’ was significantly related to problem resolution strategy.\textsuperscript{71} Figure 3.8 shows the impact of the addition of ‘bad luck’ characterisation (controlling for other variables), maintaining the strategy profile of the ‘no bad luck characterisation’ reference category at that of the sample as a whole (i.e. as shown in Table 3.1). Most importantly, characterising problems as ‘bad luck’ related to a highly significant increase in the likelihood of doing nothing rather than seeking ‘other’ advice\textsuperscript{72} and a significant increase in the likelihood of doing nothing when compared to handling alone/obtaining informal advice.\textsuperscript{73}

![Graph showing the relationship between 'bad luck' characterisation and problem-solving strategy.](image)

*Figure 3.8: Overall strategy by 'bad luck' characterisation, maintaining the strategy profile of the 'no bad luck' reference category at that of the whole sample.*

**Characterising problems as ‘moral’**

Having controlled for other factors, characterising a problem as ‘moral’ was not significantly related to problem-solving strategy.\textsuperscript{74} Examining individual model terms, however, did indicate a somewhat greater tendency for ‘moral’ problems to tend towards ‘handling alone/informal advice’ and particularly ‘advice sector’

\textsuperscript{70} Z = 1.86, p = 0.062, odds-ratio = 1.02 and Z = 1.67, p = 0.095, odds-ratio = 1.02 respectively.

\textsuperscript{71} Testing the ‘bad luck’ model terms together, $\chi^2 = 16.3$, p = 0.003.

\textsuperscript{72} Z = 3.48, p < 0.001, odds-ratio = 1.80.

\textsuperscript{73} Z = 3.34, p = 0.001, odds-ratio = 1.64.

\textsuperscript{74} Testing the ‘moral’ model terms together, $\chi^2 = 5.84$, p = 0.21.
advice when compared to ‘doing nothing’. Overall though, differences were comparatively modest. In the case of ‘advice sector’ advice, the addition of ‘moral’ characterisation might be expected to increase the ‘advice sector’ percentage for all respondents of 5.2 per cent (based on the raw data percentages) to 7.5 per cent.

**Characterising problems as ‘private’**

Similarly, characterisation of problems as ‘private’ matters was not significantly related to problem-solving strategy. There was some tendency for ‘private’ problems to tend towards inaction or ‘advice sector’ advice, when compared to ‘other advice’, though overall, as with ‘moral’ problems, differences were fairly modest.

**Characterising problems as ‘criminal’**

As with characterising a problem as ‘bad luck’, ‘criminal’ characterisation was also significantly related to problem-solving strategy. Figure 3.9 shows how strategy changes with the addition of ‘criminal’ characterisation, maintaining the strategy profile of the ‘no criminal characterisation’ reference category at that of the sample as a whole (i.e. as shown in Table 3.1). As can be seen, ‘criminal’ characterisation was associated with a significant increase in the likelihood of using a ‘law firm’ compared to doing nothing, obtaining ‘other advice’ or ‘handling alone/obtaining informal advice’.

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**Figure 3.9: Overall strategy by ‘criminal’ characterisation, maintaining the strategy profile of the ‘no criminal characterisation’ at that of the whole sample.**

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75 Z = 1.67, p = 0.096, odds-ratio = 1.41 and Z = 2.30, p = 0.021, odds-ratio = 1.97 respectively.
76 Testing the ‘private’ model terms together, χ² = 4.81, p = 0.31.
77 Z = 1.71, p = 0.088, odds-ratio = 1.70 and Z = 1.92, p = 0.055, odds-ratio = 1.99 respectively.
78 Testing the ‘criminal’ model terms together, χ² = 13.87, p = 0.008.
79 Z = 2.85, p = 0.004, odds-ratio = 2.76.
80 Z = 2.21, p = 0.027, odds-ratio = 1.92.
81 Z = 3.55, p < 0.001, odds-ratio = 2.64.
**Characterising problems as ‘legal’**

Not surprisingly, ‘legal’ characterisation was highly significantly related to problem resolution strategy. Figure 3.10 shows how strategy changes with ‘legal’ characterisation, maintaining the strategy profile of the ‘no legal characterisation’ reference category at that of the sample as a whole (i.e. as shown in Table 3.1). As can be seen ‘legal’ characterisation is associated with a dramatic increase in the likelihood of using a ‘law firm’ rather than ‘handing alone/seeking informal advice’, seeking ‘other advice’, ‘advice sector’ advice or ‘doing nothing’. There was also evidence of an increase in inaction when compared to ‘handing alone/seeking informal advice’. Importantly, as illustrated in Figure 3.10, ‘legal’ characterisation had little overall bearing on respondent’s tendency to use ‘advice sector’ or ‘other advice’.

![Figure 3.10: ‘Legal’ characterisation and strategy, maintaining the strategy profile of the ‘no legal characterisation’ category at that of the whole sample](image)

**Characterising problems as ‘social’**

Having controlled for other factors, characterising a problem as ‘social’ was not significantly related to problem-solving strategy.

**Characterising problems as ‘bureaucratic’**

As with ‘social’ problems, characterising a problem as ‘bureaucratic’ was not significantly related to problem-solving strategy.

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82 Testing the ‘legal’ model terms together, $\chi^2 = 37.51$, $p < 0.001$.
83 $Z = 5.98$, $p < 0.001$, odds-ratio = 3.61.
84 $Z = 4.14$, $p < 0.001$, odds-ratio = 2.80.
85 $Z = 3.10$, $p = 0.002$, odds-ratio = 2.72.
86 $Z = 2.67$, $p = 0.008$, odds-ratio = 2.05.
87 $Z = 2.60$, $p = 0.009$, odds-ratio = 1.76.
88 Testing the ‘social’ model terms together, $\chi^2 = 1.92$, $p = 0.75$. Moreover, no individual ‘social’ model terms were close to statistical significance.
89 Testing the ‘bureaucratic’ model terms together, $\chi^2 = 3.54$, $p = 0.47$). No individual ‘bureaucratic’ model terms were statistically significant.
**Characterising problems as ‘family/community’ issues**

There was some evidence of a relationship between problem-solving strategy and whether problems were characterised as ‘family or community’ issues.\(^{90}\) Looking at individual ‘family/community’ model terms suggested that there was some tendency towards inaction, ‘other advice’, ‘law firm’ advice or ‘handling alone/informal advice’, rather than using the ‘advice sector’.\(^{91}\) In practical terms, the addition of ‘family/community’ characterisation might be expected to decrease ‘advice sector’ advice from 5.2 per cent (i.e. the percentage for all respondents using raw data) to 1.7 per cent (as shown in Figure 3.11).

![Figure 3.11: ‘Family/community’ characterisation, maintaining the strategy profile of the ‘no family/community’ characterisation’ category at that of the sample as a whole](image)

In relation to other capability factors, whether respondents felt that they knew their rights when their problem started had a significant association with problem-solving strategy.\(^{92}\) Discarding the group of just over 100 problems where respondents were not asked if they knew their rights, there was an increased tendency among those who felt they knew their rights to ‘handle alone/use informal advice’ or seek ‘other advice’, rather than ‘do nothing’.\(^{93}\) Figure 3.12 illustrates the influence of perceived knowledge of rights on problems solving strategy, maintaining the strategy profile of the ‘did not know rights’ reference category at that of the sample as a whole (i.e. as shown in Table 3.1).

Turning to knowledge of advisers, respondents were asked which of a list of ten advisers they knew something about (for example, what they do).

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\(^{90}\) Testing the ‘family/community’ model terms together fell short of significance, \(\chi^2 = 5.69, p = 0.22\), though there was evidence of some significant ‘family/community’ model terms (see below).

\(^{91}\) The model terms were \(Z = 2.19, p = 0.028\), odds-ratio = 3.85; \(Z = 1.92, p = 0.055\), odds-ratio = 2.94; \(Z = 2.19, p = 0.029\), odds-ratio = 4.13 and \(Z = 1.88, p = 0.060\), odds-ratio = 2.90 respectively.

\(^{92}\) Testing the ‘knew rights’ terms together, \(\chi^2 = 24.12, p = 0.002\).

\(^{93}\) Significance of the model terms were \(Z = 3.23, p = 0.001\), odds-ratio = 1.60 and \(Z = 2.40, p = 0.016\), odds-ratio = 1.48 respectively.
Responses were summed to produce a score from 0 to 10. However, there was no evidence of the number of advisers respondents knew about relating to problem solving strategy.94

Figure 3.12: Knowledge of rights and problem resolution strategy, maintaining the strategy profile of the ‘did not know rights’ category at that of the whole sample

**Subjective legal empowerment**
Respondents were also presented with a series of six (five-point) Likert scale based questions to measure their expectations of whether or not they would get a fair resolution if they were involved in an employment, family, neighbours, land or business dispute or were the victim of crime. Their responses were summed and divided by six to give a subjective legal empowerment score ranging from 1 to 5. There was some indication of a relationship between respondents’ legal empowerment scores and their strategy decisions when faced with legal problems. In particular, higher subjective legal empowerment scores related to a significant increase in the likelihood of ‘other advice’, using a ‘law firm’ and ‘handling alone/informal advice’ when compared to ‘doing nothing’.95 Figure 3.13 shows how problem solving strategy changes with subjective legal empowerment.96 As shown, the most evident change is the reduction in inaction as empowerment increases.

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94 Testing the ‘number of advisers known about’ terms together, $\chi^2 = 2.59$, $p = 0.63$. For individual terms, none of which approached statistical significance, see the full model output.
95 Significance of the model terms were $Z = 2.63$, $p = 0.009$, odds-ratio = 1.42; $Z = 2.08$, $p = 0.038$, odds-ratio = 1.42 and $Z = 2.28$, $p = 0.023$, odds-ratio = 1.31 respectively.
96 With strategy held at the raw data population percentages for an empowerment score of three.
c) **Problem factors**

Having controlled for a broad range of other variables, problem type remained a highly significant and key predictor of problem solving strategy. Figure 3.14 shows strategy by problem type, derived from the model and keeping the reference problem type (consumer) held at its raw data percentages of each strategy (4.5% did nothing, 81.1% handled alone/informal advice, 11.5% Other advice, 2.2% advice sector, 0.7% law firm).

As can be seen, strategies varied considerably by problem type. For example, high levels of inaction were observed for problems concerning employment and neighbours. Particularly high rates of ‘handling alone/obtaining informal advice’ were observed for consumer issues. High percentages of ‘other advice’ were observed for problems concerning employment, neighbours and owned housing. The highest tendency towards the ‘advice sector’ was for problems concerning debt, and the highest use of ‘law firms’ was for divorce and family related issues.

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97 Testing the ‘problem type’ model terms together, $\chi^2_{48} = 535.14$, $p < 0.001$. Note, that in describing strategy by problem type, the ‘involved discrimination’ terms were dropped from the model. This was since the question was not asked in regard to divorce, relationship breakdown and violence, which led to some unusual estimates were it included. The appendix of output includes models with and without the ‘involved discrimination’ terms to allow comparison.
Perceived problem severity, as measured by the 50-point severity scale developed for the CSJPS (with 1 being least severe and 50 most severe) was also a highly significant and key predictor of problem resolution strategy.\(^9\)

Figure 3.15 shows how strategy changed with problem severity. Increased problem severity was associated with a significant increase in both ‘advice sector’ advice and use of ‘law firms’, when compared to ‘doing nothing’.

\(^9\) Testing the ‘severity’ model terms together, \(\chi^2 = 29.00, p < 0.001\).
‘other advice’ and ‘handling alone/obtaining informal advice’.\textsuperscript{99} As can be seen in Figure 3.15, use of both advice sector advice and ‘law firms’ more than doubled from the least to most severe problems (3.3\% to 7.6\% and 3.7\% to 11.9\% respectively).

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure316.png}
\caption{Strategy and the involvement of discrimination in legal problems, controlling for other variables}
\end{figure}

\textbf{A note on model fit and improvement over a problem type only model}

The statistical appendix includes comprehensive information on model fit for a model including only problem type and the full model as described above. Taking a single common measure,\textsuperscript{100} the Nagelkerke (or Cragg-Uhler) $R^2$,\textsuperscript{101} indicated that the full model represented a substantial improvement over a problem type only model (0.347 compared to 0.237, where a value of 1 would predict strategy perfectly).

\textbf{Other variables not in the main model}

There were a number of additional predictor variables of interest in modelling strategy. However, these variables were excluded from the main strategy model set out above, since they typically had large numbers of missing values. In some cases, this was because of uncertainty on the part of respondents (e.g. problem start and end dates), and in others because they only applied to a subset of problems (e.g. consequences of problems, psychological factors). ‘Household effects’ is an exception to this, and was excluded since the full model could not be fitted as a multilevel model due to its size and complexity. As a result, ‘household effects’ are examined using a smaller, less complex multilevel model. Apart from ‘household effects’, the other variables of interest are introduced to the full model in turn, and their relationship to strategy examined.

\textsuperscript{99} Comparing ‘advice sector’ advice to ‘doing nothing’ ($Z = 2.30$, $p = 0.021$, odds-ratio = 1.018), ‘other advice’ ($Z = 2.01$, $p = 0.044$, odds-ratio = 1.015) and ‘handled alone/informal advice’ ($Z = 3.28$, $p = 0.001$, odds-ratio = 1.022). Comparing use of a ‘law firm’ to ‘doing nothing’ ($Z = 3.32$, $p = 0.001$, odds-ratio = 1.025), ‘other advice’ ($Z = 3.11$, $p = 0.002$, odds-ratio = 1.022) and ‘handled alone/informal advice’ ($Z = 4.54$, $p < 0.001$, odds-ratio = 1.029).

\textsuperscript{100} Clear descriptions of the Nagelkerke R-squared and a number of other common fit measures can be found at \url{http://www.ats.ucla.edu/stat/mult_pkg/faq/general/Psuedo_RSquareds.htm}

\textsuperscript{101} Essentially a measure of the degree to which your model improves upon a constant only (null) model.
Problem duration
Adding ‘problem duration’ to the model indicated that it had a highly significant association with problem resolution strategy. Figure 3.17 shows problem-solving strategy as problem duration increases, with durations from zero to five years included (controlling for other variables and maintaining the strategy profile of the ‘one year’ reference category at that of the sample as a whole (i.e. as shown in Table 3.1). As can be seen, as duration increases, the likelihood of ‘handling alone/using informal advice’ decreases substantially, while the likelihood of inaction and advice seeking increase.

Figure 3.17: Problem-solving strategy by problem duration, maintaining the strategy profile of the ‘no benefits’ category at that of the whole sample

Adverse consequences
Whether or not respondents reported any adverse consequences was also significantly associated with problem resolution strategy. The presence of one or more adverse consequences related to significant increases in the likelihood of ‘other advice’, ‘advice sector’ advice and advice from a ‘law firm’ when compared to ‘doing nothing’ or ‘handling alone/using informal advice’. This is illustrated by figure 3.18, which shows the change in strategy when problems lead to adverse consequences.

102 Testing the ‘problem duration’ model terms together, $\chi^2 = 30.93$, $p < 0.001$.
103 Comparing ‘handled alone/informal advice’ to ‘did nothing’, $Z = -4.18$, $p < 0.001$, odds-ratio = 0.88, ‘other advice’, $Z = -3.54$, $p < 0.001$, odds-ratio = 0.80, ‘advice sector’, $Z = -2.92$, $p = 0.004$, odds-ratio = 0.89 and ‘law firm’, $Z = -4.74$, $p < 0.001$, odds-ratio = 0.85.
104 Testing the ‘any adverse consequences’ model terms together, $\chi^2 = 22.81$, $p < 0.001$.
105 Comparing ‘other advice’ to ‘did nothing’, $Z = 3.18$, $p = 0.001$, odds-ratio = 1.69 and ‘handled alone/informal advice’, $Z = 2.56$, $p = 0.010$, odds-ratio = 1.35. Comparing ‘advice sector’ to ‘did nothing’, $Z = 2.67$, $p = 0.008$, odds-ratio = 1.87 and ‘handled alone/informal advice’, $Z = 2.02$, $p = 0.044$, odds-ratio = 1.50. Comparing ‘law firm’ to ‘did nothing’, $Z = 3.59$, $p < 0.001$, odds-ratio = 2.38 and ‘handled alone/informal advice’, $Z = 3.04$, $p = 0.002$, odds-ratio = 1.91.
The ‘one or more adverse consequences’ predictor was then replaced with predictors for each of ten groups/types of adverse consequence (physical ill-health, mental ill-health, harassed/verbal abuse/threatened/assaulted, property damage, loss of confidence, fear, damage to relationship/breakdown, had to move home/became homeless).

The strongest associations between individual adverse consequences and strategy were for ‘physical ill-health’, ‘harassed / verbal abuse / threatened / assaulted’, ‘loss of income’ and ‘job loss/unemployment’. For those reporting ‘physical ill-health’ as a consequence, the most significant difference was an increased propensity to ‘do nothing’ rather than ‘handle alone/use informal advice’. Meanwhile, those who reported ‘harassment / verbal abuse / threat of assault / assault’ were significantly less likely to ‘do nothing’, with all other strategies far more likely. In percentage terms, controlling for other variables, the addition of ‘harassment / verbal abuse / threat of assault / assault’ would reduce the ‘did nothing’ percentage of 10.9 per cent for the sample as a whole to 3.7 per cent (as shown in Figure 3.19).

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106 Testing the ‘physical ill-health’ model terms together, $\chi^2_4 = 12.97$, $p = 0.011$.
107 Testing the ‘problem duration’ model terms together, $\chi^2_4 = 12.76$, $p = 0.013$.
108 Testing the ‘problem duration’ model terms together, $\chi^2_4 = 9.76$, $p = 0.045$.
109 Testing the ‘problem duration’ model terms together, $\chi^2_4 = 8.11$, $p = 0.088$.
110 $Z = 3.49$, $p < 0.001$, odds-ratio = 2.30.
111 Compared to ‘doing nothing’, ‘other advice’, $Z = 2.82$, $p = 0.005$, odds-ratio = 2.83, ‘advice sector’, $Z = 3.19$, $p = 0.001$, odds-ratio = 4.28, ‘law firm’, $Z = 2.62$, $p = 0.009$, odds-ratio = 3.04 and ‘handled alone/informal advice’, $Z = 3.38$, $p = 0.001$, odds-ratio = 3.26.
Elsewhere, the addition of ‘having to change jobs/unemployment’ as an adverse consequence, related to an increase in the use of ‘law firms’, when contrasted with ‘inaction’112 or ‘other advice’.113 ‘Loss of income’ was also associated with an increase in the likelihood of using a ‘law firm’, when compared to ‘other advice’114 and, particularly, ‘handling alone/using informal advice’.115

f) Psychological factors
Questions were derived from the ten-item personality inventory (TIPI116) and taken from the International Personality Item Pool (IPIP117) to produce measures of ‘emotional stability’, ‘openness to experience’, ‘self-efficacy’ and ‘locus of control’. These variables were introduced to the full problem solving strategy model to assess their relationship to strategy.

Emotional stability
There was little evidence of a relationship between ‘emotional stability’ and problem resolution strategy,118 and no significant individual ‘emotional stability’ model terms.

Openness to experience
In contrast, there was evidence of a significant relationship between ‘openness to experience’ and problem solving strategy.119 In particular, increased ‘openness to experience’ was associated with an increase in the use of ‘law firms’ and a decrease in the use of ‘other advice’ and ‘handling alone/using informal advice’.

\[ \chi^2 = 10.85, p = 0.028. \]

\[ \chi^2 = 3.12, p = 0.54. \]

\[ Z = 2.42, p = 0.015, \text{odds-ratio} = 2.55. \]

\[ Z = 2.24, p = 0.025, \text{odds-ratio} = 2.21. \]

\[ Z = 1.77, p = 0.076, \text{odds-ratio} = 1.55. \]

\[ Z = 2.76, p = 0.006, \text{odds-ratio} = 1.85. \]

112 http://homepage.psy.utexas.edu/homepage/faculty/gosling/scales_we.htm#Ten
113 http://ipip.org/
114 Testing the ‘emotional stability’ model terms together, \( \chi^2 = 3.12, p = 0.54. \)
115 Testing the ‘openness to experience’ model terms together, \( \chi^2 = 10.85, p = 0.028. \)
experience’ was associated with an increase in the use of ‘law firms’, and inaction when compared to use of the ‘advice sector’ or ‘handling alone/informal advice’.\textsuperscript{120}

**Self-efficacy**

As with ‘emotional stability’, there was little evidence of an association between ‘self-efficacy’ and problem solving strategy,\textsuperscript{121} and no significant individual ‘self-efficacy’ model terms.

**Locus of control**

Testing the model terms simultaneously indicated that ‘locus of control’ was not a significant predictor of problem resolution strategy,\textsuperscript{122} and there were no significant individual ‘locus of control’ model terms.

**g) Household effects**

If strategy is modelled using a simplified multilevel model in MLwiN, there is evidence of significant person and household effects. Essentially, where respondents or households have multiple problems strategy tends to cluster, with repeated strategies increasingly likely.

**Segmenting by severity**

In order to examine a subset of more severe problems, the dataset was reduced to only those problems with a severity score of 26 or more.

Overall, as shown in Figure 3.20, when compared to less severe problems, more severe problems had a far higher percentage of ‘law firm’ advice and ‘advice sector’ advice, slight increases on ‘other advice’ and ‘doing nothing’ and a substantially lower percentage ‘handling alone/using informal advice’.

\begin{figure}
\centering
\includegraphics[width=\textwidth]{figure320.png}
\caption{Problem-solving strategy descriptive statistics for less severe and more severe problems (based on the CSJPS severity scale)}
\end{figure}

\begin{itemize}
  \item \textsuperscript{120} Z = 2.30, p = 0.020, odds-ratio = 1.35 and Z = 2.22, p = 0.027, odds-ratio = 1.22 respectively for law firms. Z = 2.08, p = 0.037, odds-ratio = 1.27 and Z = 2.17, p = 0.030, odds-ratio = 1.16 respectively for inaction.
  \item \textsuperscript{121} Testing the ‘self-efficacy’ model terms together, $\chi^2_4 = 2.58, p = 0.63$.
  \item \textsuperscript{122} Testing the ‘locus of control’ model terms together, $\chi^2_4 = 5.24, p = 0.26$.
\end{itemize}
A further multinomial logistic regression model was then fitted, modelling strategy on the basis of the key variables, identified above, for more severe problems. The variables were ‘problem type’, ‘legal problem characterisation’, ‘bad luck characterisation’, ‘criminal characterisation’, ‘perceived knowledge of rights’, ‘subjective legal empowerment’, ‘problem severity’, ‘problem duration’ and ‘adverse consequences’. Model output is set out in the statistical appendix.

a) **Problem factors**
Not surprisingly, problem type remained a highly influential predictor of problem-solving strategy for more severe problems. Figure 3.21 shows strategy by problem type for more severe problems, controlling for other variables and keeping the reference problem type (consumer) held at its raw data percentages for each strategy (6.0% did nothing, 78.0% handled alone/informal advice, 12.5% Other advice, 1.5% advice sector, 2.0% law firm). As with ‘all problems’, strategies varied significantly by problem type. For example, high levels of inaction were again observed for employment problems, particularly high rates of ‘handling alone/obtaining informal advice’ for consumer issues, high percentages of ‘other advice’ for employment and neighbours issues, high percentages of ‘advice sector’ advice for debt, high use of ‘law firms’ for divorce and owned housing.

Figure 3.21. Problem resolution strategy by problem type for more severe problems, controlling for a range of other factors (and keeping the reference category ‘consumer’ at its raw data percentages for severe problems)

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123 Testing the ‘problem type’ model terms together, $\chi^2_{48} = 287.00$, p < 0.001.
124 This represented an increase in legal advice when compared to the ‘all problems’ results.
When analysing only more severe problems, ‘severity score’ was far less influential as a predictor than for problems as a whole. An increased use of ‘law firms’ when compared to ‘handling alone/informal advice’ with increasing ‘severity score’ was the closest to significance. However, overall, the relationship between ‘severity score’ and strategy was modest for more severe problems.

b) Capability factors

Characterising problems as ‘legal’

Whether or not problems were characterised as ‘legal’ also remained a key predictor for more severe problems. The association between ‘legal characterisation’ and problem-solving strategy was broadly comparable as for ‘all problems’, with a slight increase in inaction, huge increase in use of ‘law firms’ and a very large reduction in the likelihood of ‘handling alone/informal advice’ with ‘legal characterisation’. Figure 3.22 shows the impact of the addition of ‘legal characterisation’ for more severe problems, maintaining the strategy profile of the ‘detached’ reference category at that of the sample of severe problems as a whole (i.e. as shown in Figure 3.20).

![Figure 3.22: Problem resolution strategy for more severe problems by the 'legal' characterisation](image)

Characterising problems as ‘bad luck’

125 Testing the ‘problem severity’ model terms together, \( \chi^2 = 3.32, p = 0.51 \). This was not entirely surprising, given that only scores over 25 were available to differentiate between strategies when analysing more severe problems.

126 \( Z = 1.77, p = 0.077, \text{odds-ratio} = 1.03 \).

127 Testing the ‘legal characterisation’ model terms together, \( \chi^2 = 22.77, p < 0.001 \).

128 Key model terms were significant increases in the likelihood of the use of ‘law firms’ with ‘legal characterisation’ compared to ‘other advice’, \( Z = 3.01, p = 0.003, \text{odds-ratio} = 2.46 \), ‘advice sector’ advice, \( Z = 2.95, p = 0.003, \text{odds-ratio} = 3.06 \) and particularly ‘handling alone/informal advice’, \( Z = 4.60, p < 0.001, \text{odds-ratio} = 3.46 \). There was also a significant increase in the likelihood of ‘doing nothing’ when compared to ‘handling alone/informal advice’ with ‘legal characterisation’, \( Z = 2.23, p = 0.026, \text{odds-ratio} = 1.89 \).
Similarly, whether or not problems were characterised as ‘bad luck’ remained an important predictor of problem solving strategy.\textsuperscript{129} And, as for ‘legal characterisation’ of severe problems, the association between ‘bad luck characterisation’ and problem-solving strategy was broadly comparable to ‘all problems’. In particular, characterising a problem as ‘bad luck’ was associated with a far greater likelihood of ‘doing nothing’.\textsuperscript{130} However, among severe problems, there was also greater evidence (than for problems as a whole) of an increase in the likelihood of ‘law firms’ being used for problems defined as being ‘bad luck’.\textsuperscript{131} Figure 3.23 shows the problem resolution strategy by ‘bad luck characterisation’ for more severe problems, maintaining the strategy profile of the ‘no bad luck’ reference category at that of the whole sample of severe problems.

\textit{Characterising problems as ‘criminal’}

Whether or not problems were characterised as ‘criminal’ also remained a key predictor of problem-solving strategy,\textsuperscript{132} with the strength of the association somewhat stronger for severe problems than for ‘all problems’. ‘Criminal’ characterisation was still principally associated with a large significant increase in use of ‘law firms’\textsuperscript{133} and a large significant decrease in ‘handling alone/informal advice’\textsuperscript{134} (Figure 3.24).

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{strategy.png}
\caption{Strategy for resolving more severe problems by ‘bad luck’ characterisation.}
\end{figure}

\textsuperscript{129} Testing the ‘bad luck characterisation’ model terms together, $\chi^2_{4} = 16.09$, $p = 0.003$.

\textsuperscript{130} When compared to ‘other advice’, $Z = 3.25$, $p = 0.001$, odds-ratio = 2.05 and ‘handled alone/informal advice’, $Z = 2.96$, $p = 0.003$, odds-ratio = 1.79 in particular.

\textsuperscript{131} When compared to ‘other advice’, $Z = 2.69$, $p = 0.007$, odds-ratio = 1.99 and ‘handled alone/informal advice’, $Z = 2.38$, $p = 0.017$, odds-ratio = 1.74.

\textsuperscript{132} Testing the ‘criminal characterisation’ model terms together, $\chi^2_{4} = 19.75$, $p < 0.001$.

\textsuperscript{133} Compared to ‘doing nothing’, $Z = 2.66$, $p = 0.008$, odds-ratio = 3.08, ‘other advice’, $Z = 2.69$, $p = 0.007$, odds-ratio = 2.49, ‘advice sector’ advice, $Z = 2.24$, $p = 0.025$, odds-ratio = 3.01 and ‘handled alone/informal advice’, $Z = 4.37$, $p < 0.001$, odds-ratio = 3.99.

\textsuperscript{134} Particularly when compared to advice from a ‘law firm’, $Z = -4.37$, $p < 0.001$, odds-ratio = 0.25.
Perceived knowledge of rights

Whether or not respondents felt that they knew their rights when their problem started was a less influential predictor of more severe problems than it was for ‘all problems’, though some significant model terms remained. In particular, knowledge of rights was associated with a significant reduction in the likelihood of ‘doing nothing’ when compared to ‘other advice’, use of ‘law firms’ and ‘handling alone/using informal advice’. Figure 3.25 shows the impact of the addition of ‘knowledge of rights’ for more severe problems, maintaining the strategy profile of the ‘no knowledge of rights’ reference category at that of the severe problem sample as a whole.

Figure 3.24 Strategy for resolving more severe problems by ‘criminal’ characterisation, maintaining the strategy profile of the ‘no’ reference category at that of the whole sample of more severe problems.

Figure 3.25: Problem resolution strategy for severe problems by knowledge of rights, maintaining the strategy profile of the ‘no’ reference category at that of the whole sample of severe problems.

135 Testing the ‘knew rights’ model terms together, $\chi^2 = 10.60, p = 0.23$.
136 Z = -2.13, p = 0.033, odds-ratio = 0.62.
137 Z = -2.20, p = 0.028, odds-ratio = 0.54.
138 Z = -2.32, p = 0.020, odds-ratio = 0.62.
Subjective legal empowerment
Compared to ‘all problems’, the association between ‘subject legal empowerment’ score and problem resolution strategy was far weaker for severe problems, and fell short of statistical significance.\(^{139}\) Evidently empowerment was less of a factor in predicting strategy when dealing with more severe issues.

c) Problem duration
As for ‘all problems’, problem duration remained a significant predictor of problem solving strategy for more severe problems.\(^{140}\) Figure 3.26 shows problem solving strategy as problem duration increases, with durations from zero to five years included (controlling for other variables, and maintaining the strategy profile of the ‘one year’ reference category at that of the more severe problem sample as a whole). As with ‘all problems’, as duration increases, the likelihood of ‘handling alone/using informal advice’ decreases substantially, while the likelihood of inaction and advice seeking increase.\(^{141}\)

\[\text{Figure 3.26 Problem resolution strategy by problem duration for severe problems, maintaining the strategy profile of the 'one year' category at that of the whole more severe problem sample}\]

\[\text{d) Adverse consequences}\]
Whether or not respondents reported adverse consequences also remained a highly significant predictor of problem solving strategy.\(^{142}\) Where ‘adverse

\(^{139}\) Testing the ‘subjective legal empowerment’ model terms together, \(\chi^2_4 = 3.35, p = 0.50.\)

\(^{140}\) Testing the ‘duration’ model terms together, \(\chi^2_4 = 17.09, p = 0.002.\)

\(^{141}\) Comparing ‘handled alone/informal advice’ to ‘did nothing’, \(Z = -3.09, p = 0.002, \text{ odds-ratio} = 0.90, ‘other advice’, Z = -2.18, p = 0.029, \text{ odds-ratio} = 0.93, ‘advice sector’, Z = -2.02, p = 0.043, \text{ odds-ratio} = 0.92 \text{ and ‘law firm’, } Z = -3.54, p < 0.001, \text{ odds-ratio} = 0.86.\)

\(^{142}\) Testing the ‘one or more adverse consequence’ model terms together, \(\chi^2_4 = 22.05, p < 0.001.\)
consequences’ were reported for more severe problems a substantial reduction in ‘handling alone/informal advice’ was observed (and a far greater reduction than for ‘all problems’). A reduction in ‘doing nothing’ was also associated with adverse consequences, as were large increases in the likelihood of ‘other advice’ and ‘advice sector’ advice. Again, these increases were larger than observed in the analysis using ‘all problems’. Figure 3.27 shows the strategy by adverse consequences, maintaining the strategy profile of the ‘none’ reference category at that of the more severe problems sample as a whole (i.e. as shown in Figure 3.20).

Figure 3.27: Problem resolution strategy by adverse consequences for severe problems, maintaining the strategy profile of the ‘none’ reference category at that of the more severe problems sample as a whole

143 Particularly contrasted with ‘advice sector’, $Z = -2.55$, $p = 0.011$, odds-ratio = 0.50 and ‘other advice’, $Z = -3.27$, $p = 0.001$, odds-ratio = 0.57.
144 Again when contrasted with ‘advice sector’, $Z = -3.12$, $p = 0.002$, odds-ratio = 0.37 and ‘other advice’, $Z = -3.69$, $p < 0.001$, odds-ratio = 0.41 in particular.
Reasons and Responses

Summary
The most common reason for respondents' having obtained help from a lawyer was to 'sort problems out'; sometimes following failure to reach agreement with the other side. Those with low subjective legal empowerment scores more often reported having been unable to resolve problems themselves. Around 15 per cent of respondents who instructed lawyers said that they did so because their problem was 'legal' or that a lawyer was most appropriate or expert. This was more often the case for less severe problems.

The majority of those who obtained independent help, but not from a lawyer, chose not to instruct lawyers because they believed there was no need to do so. This was more often the case for less severe problems and in relation to those with higher subjective legal empowerment scores, those with experience in the legal field, and those who understood their legal rights. Some respondents were uncertain about how lawyers related to their problems. Around one-quarter held off going to see a lawyer because of the perceived cost. This was more common in relation to family and employment related problems. Cost was more often mentioned by those on lower incomes and with lower subjective legal empowerment scores.

When those who obtained help from advice agencies, rather than solicitors' firms, were asked why they had not instructed solicitors, cost concerns dominated, with 'need' relegated to a distant second place.

When respondents who had obtained independent help were asked why they had not handled problems themselves, more than one-third gave the main reason as an inability to resolve problems alone. There were also concerns to level the playing field, where the other side had instructed a lawyer, or had greater resources. And for some, independent help also meant being listened to. Ominously, a significant number of respondents mentioned fear/intimidation. Mirroring this, some respondents used of independent help as a means to engage without harming the other side.

Younger respondents more often mentioned being unable to resolve problems alone. The same was the case for more severe problems, and family and neighbours problems. Neighbours problems were associated with more frequent mentions of the other side not listening and fear/intimidation.

Seven per cent of those who did not obtain advice wished that they had done so, with a further 1.6 per cent were unsure. Such regrets were more common among those facing more severe problems, and less common among those who had experience in the legal field or said they had known their legal rights.

In the introduction we detailed the reasons for inaction in the face of legal problems provided by respondents to the English and Welsh Civil and Social Justice Survey (CSJS). In this section we use new data from two waves of the English and Welsh Panel Survey (CSJPS) to move beyond reasons for inaction, to explore reasons provided for utilising lawyers, independent help in general and choices between lawyers and not-for-profit advice agencies.
**Methods**

For the purposes of our analysis we have combined data from the 2010 and 2012 waves of the CSJPS, to yield a sample of 2,312 unique problems\(^{145}\) about which some strategic reasoning was provided. These problems comprise all those which had concluded and about which respondents provided an answer to one or more of the following five questions (that form the subject matter of this section):

1. Why did you get help from a lawyer? (asked of those who obtained help from a lawyer\(^{146}\))
2. Why didn’t you try to get help from a lawyer? (asked of those who obtained help from an independent source, but not from a lawyer)
3. Why did you choose to get help from an advice agency, rather than a solicitors’ firm? (asked of those who got advice from an advice agency, but not from a lawyer\(^{147}\))
4. Why didn’t you deal with the problem yourself, without getting help from an independent advisor? (asked of all those who obtained help from an independent source)
5. Do you now wish you had got independent advice to sort out the problem? (asked of all those who obtained no help from an independent source)

As not all problem resolution strategies were adopted to the same extent, the number of respondents answering each of the questions varied. As we detailed in section 3, 58 per cent of CSJPS problems were dealt with by respondents on their own (or with only informal help), with just 6 per cent having involved help from a lawyer, and a further 23% help from another independent source. Thus, while there were 854 responses to question 6, there were just 116 and 81 for questions 1 and 3 respectively.\(^{148}\) As a consequence, we do not include any multivariate analysis in this section. Furthermore, it should be noted that, as the results of bivariate analysis are sometimes based on small numbers, we were frequently precluded from drawing any conclusions as to the existence (or non-existence) of associations between reasoning and personal or problem characteristics.

The personal and problem characteristics that we included in bivariate analysis related to capability, support, compulsion and the legal services market. Personal characteristics comprised age, family type\(^{149}\), academic qualifications, legal experience, legal empowerment, knowledge of rights, illness/disability status\(^{150}\), mental health status\(^{151}\), benefits status, income, Problem characteristics comprised problem severity\(^{152}\) and problem type\(^{153}\).

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\(^{145}\) 1183 from 2010 and 1129 from 2012.

\(^{146}\) As understood by respondents.

\(^{147}\) Ibid.

\(^{148}\) There were 356 responses for question 2 and 488 for question 4.

\(^{149}\) Owing to the small sample size, family type was reduced to 2 categories: ‘Single’ and ‘Married/Cohabiting’.

\(^{150}\) A binary form.

\(^{151}\) Ibid.

\(^{152}\) Separating out more (53.4%) and less (46.6%) severe problems
Reasons for Instructing Lawyers\textsuperscript{154}

As can be seen from Table 4.1, the most common reason given by respondents for having obtained help from a lawyer was to enable them to sort out their problem; sometimes following failure to reach agreement with the other side. As one respondent involved in a dispute following the breakdown of a relationship said, “We couldn’t come to an agreement, [so] wanted a lawyer involved.” On some occasions the stress of trying to resolve problems unassisted had clearly taken its toll. Thus, another respondent, again involved in a dispute following the breakdown of a relationship, lamented that she “couldn’t cope any more [and] needed professional help” after having “tried on my own.” Other respondents simply stated that they “needed” lawyers.

Unsurprisingly, those with low subjective legal empowerment scores more often reported that they instructed a lawyer as they had been unable to sort problems out themselves. They were also more often involved in legal processes, although the numbers were very small. Those with high subjective legal empowerment scores more often reported having been referred to lawyers.

Table 4.1: Main reason\textsuperscript{155} for obtaining help from a lawyer

<table>
<thead>
<tr>
<th>Reason</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Couldn’t agree/needed/to sort it out</td>
<td>30</td>
<td>25.9</td>
</tr>
<tr>
<td>Referred/suggested</td>
<td>27</td>
<td>23.3</td>
</tr>
<tr>
<td>Legal matter/most appropriate/expert</td>
<td>17</td>
<td>14.7</td>
</tr>
<tr>
<td>Wanted to understand rights or situation</td>
<td>12</td>
<td>10.3</td>
</tr>
<tr>
<td>Legal process sought/involved</td>
<td>10</td>
<td>8.6</td>
</tr>
<tr>
<td>Other</td>
<td>13</td>
<td>11.2</td>
</tr>
<tr>
<td>Don’t know</td>
<td>7</td>
<td>6.0</td>
</tr>
<tr>
<td>Total</td>
<td>116</td>
<td>100</td>
</tr>
</tbody>
</table>

Among those who were referred to lawyers, 7 (of 27) explained that their lawyer had been provided by a union. All 7 corresponding problems concerned employment, making up one-third of employment problems in which lawyers were instructed. More generally, those who reported a mental health problem (and, though to a lesser extent, any health problem) more often said they had been referred to a lawyer, or that going to a lawyer had been suggested to them.

Around 15 per cent of respondents who instructed lawyers said that they did so because their problem was ‘legal’ or that a lawyer was most appropriate or expert. A disproportion of these problems concerned employment, family, personal injury/clinical negligence or housing. None concerned consumer issues (though only a tiny proportion of consumer problems involved lawyer use). However, those respondents who instructed lawyers about less severe problems were more likely than those who did so about more severe problems to say that they did so because the problem was legal; suggesting that as problems become more serious, expert help is seen as more necessary.

\textsuperscript{153} Owing to the small sample size, problem type was reduced to 8 categories: ‘Money, debt and benefits’ (25.2% of problems), ‘Consumer’ (18.4%), ‘Neighbours’ (15.5%), ‘Employment’ (13.0%), ‘Housing’ (8.9%), ‘Family’ (8.6%), ‘Personal injury/Clinical negligence’ (7.1%) and ‘Other’ (3.4%).

\textsuperscript{154} As understood by respondents.

\textsuperscript{155} The main reason was taken to be the first reason set out.
Finally, around 10 per cent explained that they obtained help from a lawyer, in the words of one respondent, “to clarify the legal position.” Predictably, no respondents who claimed to have completely understood their legal rights at the outset of their problem provided this explanation. Instead, these respondents suggested that they needed help to resolve problems.

**Reasons for not Instructing Lawyers**

As can be seen from Table 4.2, the majority of those who obtained independent help, but not from a lawyer, chose not to instruct a lawyer because they believed there was no need to do so. This was more often the case in respect of less severe problems (54 per cent vs. 42 per cent (see Figure 4.1)). It was also more often the case in relation to those with higher subjective legal empowerment scores (55 per cent vs. 39 per cent), those with experience in the legal field (though numbers were very small), and those who said they understood their legal rights (60 per cent for ‘completely’ vs. 43 per cent for ‘not at all’).

Looking at problems of different types, ‘no need’ was least often mentioned in relation to family problems (10 per cent vs. 48 per cent).

A small number of respondents questioned the competence of lawyers to assist with their problems. For example, one respondent who had experienced an employment related legal problem said that he “felt a lawyer was unnecessary” as “they are expensive and badly informed.” Similarly, another respondent who reported a problem concerning home ownership said, “I don’t hold lawyers in high esteem ... or any esteem.” Another talked of non-involvement of a lawyer as “a trust thing.”

However, it was also evident that some respondents who saw no need to instruct a solicitor were uncertain about how the law, or lawyers, related to their problem. For example, one respondent explained, “I did not need a lawyer as this is not a criminal case.” A small number of others also reasoned that they did not instruct lawyers as their problems were not legal ones. A grandmother involved in a dispute over contact with grandchildren said, “I didn’t think it was in their field really.” A man who had a problem concerning damage caused by a problem on adjoining land suggested “it was not something a lawyer could deal with.” And a young man with a mental health problem who was being intimidated by violent neighbours explained that “it was a problem of violence and a lawyer could not help.”

<table>
<thead>
<tr>
<th>Reason</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>No need</td>
<td>170</td>
<td>47.8</td>
</tr>
<tr>
<td>Cost</td>
<td>83</td>
<td>23.3</td>
</tr>
<tr>
<td>Other priorities/not sufficiently important</td>
<td>22</td>
<td>6.2</td>
</tr>
<tr>
<td>Lawyer not appropriate</td>
<td>15</td>
<td>4.2</td>
</tr>
<tr>
<td>Not a legal problem</td>
<td>12</td>
<td>3.4</td>
</tr>
<tr>
<td>Would have made no difference</td>
<td>12</td>
<td>3.4</td>
</tr>
<tr>
<td>Other</td>
<td>10</td>
<td>2.8</td>
</tr>
<tr>
<td>Don’t know</td>
<td>32</td>
<td>9.0</td>
</tr>
<tr>
<td>Total</td>
<td>356</td>
<td>100</td>
</tr>
</tbody>
</table>

Table 4.2: Main reason for not obtaining help from a lawyer (for those obtaining independent help, but not from a lawyer)

As understood by respondents.
Around one-quarter of respondents who obtained independent help, but not from a lawyer, held off going to see a lawyer because of the perceived cost involved. This was more common in relation to family and employment related problems (31 per cent vs. 21 per cent), a reflection of the choice of non-lawyer assistance in the (non-crime) area most commonly associated with lawyers. Cost was least frequently mentioned in relation to personal injury/clinical negligence problems, a reflection of the availability of alternative funding mechanisms.

Generally, when cost was mentioned, it was the only reason offered for not going to a lawyer (67 of 83 responses). However, sometimes it was tied to uncertainty around how to go about obtaining help from a lawyer. For example, one respondent who had faced an employment related problem said, “I couldn’t afford it,” but then went on to say that he “[didn’t] know how to.” Another respondent similarly qualified concerns about the cost by saying, “I wasn’t sure if they would be able to help.” A few others said similarly.

Unsurprisingly, cost was more often mentioned by those in receipt of welfare benefits and those on lower incomes. It was also more often mentioned by those with lower subjective legal empowerment scores.

Similar to findings concerning people “lumping” problems, a small number of respondents expressed the opinion that obtaining help from a lawyer would have made no difference to their problem. Half of these problems were in the ‘more severe’ category. For example, one respondent who had faced an employment related problem explained, “I knew I did not have a right to change employment hours ... that [the] employed would probably win.” Likewise, another respondent, who had also faced an employment related problem, said, “[I] thought I had no rights as an agency worker.” Employment and neighbours related problems were the most likely to be associated with this resigned outlook.

Figure 4.1: Reason for not obtaining help from a lawyer by problem severity
(for those obtaining independent help, but not from a lawyer)
Finally, a number of respondents who obtained independent help, but not from a lawyer, pointed to other priorities in their lives. Predictably, this rationale was less frequently provided by those facing more severe problems (Figure 4.1). It was also less frequently provided by those with mental health problems, although numbers were small.

**Reasons for Obtaining Help from an Advice Agency Rather than a Solicitors’ Firm**

As can be seen from Table 4.3, similar reasons to above were offered for choices to utilise advice agencies rather than solicitors’ firms (narrower than ‘lawyer’, which could often have been taken to include advisors working in the broader advice sector). However, in this case cost concerns were dominant, with ‘need’ relegated to a distant second place (though the small number of responses should be noted). As in the previous sub-section, cost concerns were associated with those in receipt of welfare benefits or on low incomes. They were also again associated with subjective legal empowerment, with more frequent mentions by those with lower subjective legal empowerment scores.

Also as in the previous section, need was associated with problem severity and subjective legal empowerment, with more frequent mentions in relation to more severe problems and those with lower subjective legal empowerment scores. Those in receipt of welfare benefits or on low incomes mentioned need less frequently, reflecting the not-for-profit advice sectors greater role in relation to benefits and debt related problems, which made up a significant proportion of problems reported by those answering question 3.

Recognition of the expertise of advice agencies was not uncommon. For example, one respondent said of an advice agency, “They are the best legal advisors.” Elsewhere, “trust” was mentioned, and one respondent summed up his feelings by saying, “Free, legal, friendly!”

<table>
<thead>
<tr>
<th>Reason</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost</td>
<td>46</td>
<td>56.8</td>
</tr>
<tr>
<td>No need</td>
<td>16</td>
<td>19.8</td>
</tr>
<tr>
<td>Other</td>
<td>9</td>
<td>11.1</td>
</tr>
<tr>
<td>Don’t know</td>
<td>10</td>
<td>12.3</td>
</tr>
<tr>
<td>Total</td>
<td>81</td>
<td>100</td>
</tr>
</tbody>
</table>

**Reasons for Not Handling Problems Alone**

*Not Being Able to Resolve Problems Alone*

As can be seen from Table 4.4, when respondents who had obtained independent help were asked why they did not handle problems by themselves, more than one-third gave the main reason as being that they had been unable to resolve problems alone. Some respondents indicated that they “wouldn’t have known where to start.” Some pointed to problems being, as one respondent put it, “far too big and complex.” Thus, there was a common view that knowledge and experience were important, and independent advisors were seen “to know more; have more knowledge.”

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157 To put this in context, overall, respondents were quite or very confident that they would be able to resolve problems without help from anyone else on 59.1 per cent of occasions.
There were also concerns to level the playing field, where the other side had instructed a lawyer, or had greater resources. One respondent explained, “[The] other side also had a solicitor and I needed to be on equal terms.” Another said, “It was strength in numbers.”

And then there was the resort to independent help as a means to gain a voice. As is shown in Table 4.4, 7 per cent of reasons boiled down to frustration at not being listened to by the other side. Thus, independent help meant, as one respondent put it, “I would be listened to.”

Table 4.4: Main reason for not handling alone (for those obtaining independent help)

<table>
<thead>
<tr>
<th>Reason</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not able to solve on own</td>
<td>190</td>
<td>38.9</td>
</tr>
<tr>
<td>Including:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other side wouldn’t listen</td>
<td>(35)</td>
<td>(7.2)</td>
</tr>
<tr>
<td>Tried and failed</td>
<td>(30)</td>
<td>(6.1)</td>
</tr>
<tr>
<td>Needed information or advice</td>
<td>111</td>
<td>22.7</td>
</tr>
<tr>
<td>More effective/easier</td>
<td>31</td>
<td>6.4</td>
</tr>
<tr>
<td>Fear/intimidation</td>
<td>22</td>
<td>4.5</td>
</tr>
<tr>
<td>Provided (by subscription, etc.)</td>
<td>17</td>
<td>3.5</td>
</tr>
<tr>
<td>Legal matter</td>
<td>7</td>
<td>1.4</td>
</tr>
<tr>
<td>Referred/suggested</td>
<td>7</td>
<td>1.4</td>
</tr>
<tr>
<td>Other</td>
<td>76</td>
<td>15.6</td>
</tr>
<tr>
<td>Don’t know</td>
<td>27</td>
<td>5.5</td>
</tr>
<tr>
<td>Total</td>
<td>356</td>
<td>100</td>
</tr>
</tbody>
</table>

The emotional drain of legal problems was also made apparent by some respondents, and this sometimes acted as a huge obstacle to problem resolution. One respondent who reported a debt problem simply said, “I was in such a mess.” And another, who had dealt with a rented housing related problem said,

“I have a severe illness and any stress makes me really ill. We had just moved house and that was difficult enough to cope with.”

So was confidence. For example, one respondent, who had faced a debt problem, said, “I did not know where to start with it, or [have] the confidence either.”

Need for Information or Advice
Of course, some respondents chose to obtain independent help simply to better inform themselves about their options, rather than as a result of exasperation. And others obtained help because, as was also illustrated in a previous section, it was an entitlement through subscription to, for example, a union.

Fear/Intimidation
Ominously, a significant number of respondents stated that their main spur to getting independent help was fear or intimidation. One respondent talked of a neighbour, who was behind his problem, as “not the sort of person you would approach.” Another respondent, who had also faced a problem with a neighbour
said he had sought help “because I was threatened.” A number of respondents therefore looked to independent help to extricate them from their predicament.

Figure 4.2: Reason for not handling alone by problem severity (for those obtaining independent help)

Figure 4.3: Reason for not handling alone by problem severity (for those obtaining independent help) – further breakdown of ‘not able to solve on own’

Unexpectedly, mirroring this phenomenon were respondents who explained their use of independent help as a means to engage with the other party without threatening or physically hurting them. For example, one
respondent who had been involved in an employment dispute said, “I would have got arrested, as I was angry.” Similarly, another respondent, who had also been involved in an employment dispute, said, “I would have landed up in prison. I would have killed him.” And a third respondent, who this time had been involved in a neighbour dispute, said,

“Because he was my neighbour, I had to be careful how I approached this problem, because I could have easily hurt him badly.”

**Associations Between Reasons for Not Handling Problems Alone and Problem and Respondent Characteristics**

Looking at associations between reasons for not handling problems alone and problem and respondent characteristics, younger respondents more often mentioned being unable to resolve problems alone (29 per cent for 16 to 24 year olds vs. 22 per cent for those aged 60 or over).\(^{158}\)

As can be seen from Figure 4.2, not being able to solve problems alone was also more often mentioned in relation to more severe problems (29 per cent vs. 22 per cent), perhaps reflecting the greater likelihood of disputes arising where more is at stake.

When looked at in more detail, Figure 4.3 illustrates how more severe problems were more common amongst those that respondents said they had tried, but failed, to resolve themselves (8 per cent vs. 4 per cent). Conversely, the difficulty of the other side not listening was less common for more severe problems. The residual group of problems that respondents felt unable to resolve and so, consequently, obtained independent help (e.g. because respondents lacked knowledge, experience and/or confidence) were also more often more severe (29 per cent vs. 22 per cent).

![Figure 4.4: Reason for not handling alone by problem type (for those obtaining independent help)](image)

\(^{158}\) The figures were 28 per cent for 25 to 34 year olds and 25 per cent for 35 to 59 year olds.
As can be seen from Figure 4.4, respondents also mentioned being unable to resolve problems themselves in relation to family and neighbours problems. And as can be seen from Figure 4.5, neighbours problems were also associated with more frequent mentions of the other side not listening to respondents requests/claims (14 per cent vs. 5 per cent for all other problems combined). Housing and personal injury/clinical negligence related problems were associated with the least frequent mentions of having tried and failed to resolve problems being the spur to obtaining help.

As can be seen from Figure 4.2, the need for information or advice was more often given as a reason for obtaining independent help in the case of less severe problems (26 per cent vs. 20 per cent). It was also more often given in the case of problems concerning employment (30 per cent) or money, debt or benefits (32 per cent), especially when compared to neighbours problems (10 per cent) (Figure 4.4).

Also as can be seen from Figure 4.2, the ease or effectiveness of utilising independent help was more likely to be given as a reason for obtaining independent help in the case of less severe problems (9 per cent vs. 4 per cent).

Finally, fear and intimidation was almost exclusively associated with neighbours problems.

![Figure 4.5: Reason for not handling alone by problem type (for those obtaining independent help) – further breakdown of 'not able to solve on own'](image)

**Wishes that Independent Advice Had Been Obtained**

6.8% of those who did not obtain advice wished that they had done so, with a further 1.6% unsure.
Figure 4.6: Reason for wishing had obtained independent help by knowledge of rights (for those not obtaining independent help)

None of the 30 respondents who had experience in the legal field and did not obtain independent help about their problems reported wishing that they had obtained independent advice.

Similarly, as can be seen from Figure 4.6, those who professed to have known their legal rights less often reported wishing that they had obtained independent advice (2 per cent for ‘completely’ vs. 14 per cent for ‘not at all’).

Figure 4.7: Reason for wishing had obtained independent help by income (for those not obtaining independent help)
There was no significant difference in relation to subjective legal empowerment.

Curiously, as can be seen from Figure 4.7, those on lower incomes less often said that they wished they had obtained advice, but much more often said that they were unsure whether they should have obtained advice or not.

Meanwhile, those who reported mental health problems were more likely to wish they had obtained advice than others (13 per cent vs. 5 per cent).

And in terms of problem types, as can be seen from Figure 4.8, those who obtained no help to resolve personal injury/clinical negligence, housing, neighbours and employment problems were all associated with high rates of regret about not obtaining advice.

The same was also true of those who took no action to resolve more severe problems (10 per cent vs. 4 per cent).
The Outcome of Legal Problems

Summary
The most influential factors associated with the form of CSJPS problem outcome (as highlighted by multivariate analysis) were 'problem resolution strategy', 'mental health', 'problem characterisation' (specifically 'legal' and 'criminal' characterisation), 'perceived knowledge of rights', 'problem type', 'problem severity' as well as 'adverse consequences' (including 'physical ill-health' and 'fear' in particular) and 'psychological factors' ('emotional stability' in particular).

Those who did nothing were particularly likely to 'put up with the problem' or report that 'ongoing' problems, with lower levels of 'court/tribunal/process' outcomes and particularly low levels of 'agreement'. Those who 'handled alone/used informal advice' also had lower percentages of 'court/tribunal/process' outcomes, as well as the highest percentage 'resolving independently/resolving themselves'. Those who used 'other advice' or 'advice sector' advice both had a lower percentage of 'putting up with the problem', while those using 'law firms' had the highest percentage of 'court/tribunal process' outcomes and 'agreements' and a far lower percentage of problems 'ongoing'.

Poor mental health was associated with a significant increase in the likelihood of problems being reported as 'ongoing' and a decrease in other outcomes. Problems characterised as 'legal' were associated with an increase in the percentage of 'ongoing' problems and a notable decrease in 'resolved independently/resolved self' outcomes. 'Criminal' characterisation saw increased 'putting up with the problem' and 'court/tribunal/process' outcomes, and fewer 'agreement'.

Those knowing their rights were less likely to report 'ongoing' problems and 'putting up with problem' outcomes. They were more likely to report problems concluding through 'court/tribunal/process' and 'resolved independently/resolved self' outcomes.

There were particularly low levels of 'court/tribunal/process' outcomes for consumer problems, a high percentage of 'agreement' for debt (and a low percentage of 'resolved independently/resolved self'). 'Putting up with the problem' was common for personal injury/clinical negligence and employment issues and 'ongoing' problems were far more common for rented housing and family problems.

As problem severity increased, so did the likelihood of respondents reporting problems to be 'ongoing' or having concluded by 'court/tribunal/process'. This was balanced by less 'agreement' and 'putting up with the problem'.

Problems with adverse consequences were more likely to be 'ongoing' or have concluded by 'court/tribunal/process'. However, a number of individual adverse consequences were also significantly related to outcome. For example, 'fear' was, in particular, related to an increase in the use of 'courts/tribunals/processes'.

There was some evidence of a relationship between psychological factors and outcome. In particular, increasing 'emotional stability' was associated with a decreasing likelihood of 'court/tribunal/process' and 'resolved independently/resolved self' outcomes and significantly increasing likelihood of 'putting up with the problem'.

When examining only more severe problems, with the exception of 'fear as a consequence' of problems and 'emotional stability', all other key predictors retained their significance.
This section sets out the methods and findings of a statistical analysis of English and Welsh Civil and Social Justice Panel Survey (CSJPS) data aimed at identifying factors associated with legal problem outcome. By ‘outcome’ we are referring to how the problem concluded or failed to conclude (i.e. court/3rd party process, agreement, independent resolution, putting up with the problem or still ongoing) rather than whether the respondent ‘won’ or ‘lost’, or were satisfied with how a problem concluded.

Methods
As with the analysis set out in Section 3 above, the data utilised were collected through the English and Welsh Civil and Social Justice Panel Survey (CSJPS). Again, the analyses reported in this section are based on a subset of legal problems reported in the 2010 and 2012 waves of the CSJPS for which adequate data was available for the variables included in the analyses (see below). Also again, a number of statistical models were fitted to examine determinants of problem outcome, with a single ‘main’ model forming the principal focus of analysis, including the majority of predictor variables of interest. Following on from the main model, further models were fitted introducing additional variables to assess association with outcome. The additional variables were typically not included in the main models due to large numbers of missing values (e.g. because they were not asked throughout the survey or only applied to a subset of problems).

Analysis then focussed on problems categorised as ‘more severe’. These were problems which scored 26-50 on the CSJPS severity scale which ranged from 1-50, accounting for around half of the problems in the CSJPS. A statistical model was fitted to assess how key variables (from the main models and additional variables) related to outcome examining solely more severe problems.

In all models, the response variable was categorical with five categories. As a result the models fitted were multinomial logistic regression models. Models were also adjusted for clustering by household (as the CSJPS was a household survey).\(^{159}\) Models were fitted using Stata 13,\(^{160}\) with MLwiN\(^{161}\) also used to further explore person and household level clustering in strategy and outcome. Technical details are set out in the statistical appendices.

The predictor variables included in the main outcome model comprised problem resolution strategy, broad socio-demographic factors, capability factors, and problem factors.

The socio-demographic factors were:
- Gender
- Ethnicity
- Tenure type
- House type
- Recent crime victimisation (as a social environment proxy)

\(^{159}\) Robust variance estimates within Stata were used to account for within-household correlation. See Williams, R. L. (2000). A note on robust variance estimation for cluster-correlated data. *Biometrics* 56: 645–646.

\(^{160}\) StataCorp. 2013. *Stata Statistical Software: Release 13*. College Station, TX: StataCorp LP.

\(^{161}\) Rasbash et al., (2009).
The capability factors were:
- Age
- Family type
- Academic qualifications (personal or partner)
- Experience of study/work in the legal field
- Income
- Receipt of unemployment benefits/income support
- Use of motorised transport
- Physical health status
- Mental health status
- Problem characterisation
- Perceived knowledge of rights
- Knowledge of adviser types
- Subjective legal empowerment

The problem factors were:
- Problem type
- Problem severity
- Whether discrimination was involved

The additional variables included in other outcome models were problem duration, adverse consequences of problems (physical ill-health, mental ill-health, harassed/verbal abuse/threatened/assaulted, property damage, loss of confidence, fear, damage to relationship/breakdown, had to move home/became homeless) and psychological factors (emotional stability, openness to experience, self-efficacy, locus of control).

Modelling of the outcome of more severe problems included only key variables identified through the initial modelling exercises.

In the outcome models, the response variable was made up of five categories: ‘court/tribunal/process’, ‘agreement’, ‘resolved independently/resolved self’, ‘putting up with it’ and ‘ongoing’.

Because data were not available for all problems for all variables, the working dataset for the main outcome model was made up of 2,983 problems (rather than the 3,821 problems detailed in Section 2). Table 5.1 sets out the strategies employed in the 2,983 problems included in the main model.

<table>
<thead>
<tr>
<th>Outcome</th>
<th>Frequency</th>
<th>Percent</th>
<th>Probability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court/tribunal/3rd party process(^{162})</td>
<td>199</td>
<td>6.7</td>
<td>0.07</td>
</tr>
<tr>
<td>Agreement</td>
<td>861</td>
<td>28.9</td>
<td>0.29</td>
</tr>
<tr>
<td>Resolved independently/resolved self</td>
<td>698</td>
<td>23.4</td>
<td>0.23</td>
</tr>
<tr>
<td>Putting up with it</td>
<td>271</td>
<td>9.1</td>
<td>0.09</td>
</tr>
<tr>
<td>Ongoing</td>
<td>954</td>
<td>32.0</td>
<td>0.32</td>
</tr>
<tr>
<td>Total</td>
<td>2983</td>
<td>100.0</td>
<td>1</td>
</tr>
</tbody>
</table>

\(^{162}\) This excludes mediated, etc., outcomes. The figure was 9.8% including only concluded problems.
As can be seen, just under a third of problems remained ‘ongoing’, with reaching an ‘agreement’ the most common outcome for concluded problems.

*Interpretation of Text, Figures and Footnotes*

An explanation of how to interpret findings from statistical models set out in this section was set out in the equivalent sub-section of Section 3 above. A more detailed description of statistical models, output and fit is set out in the statistical appendices.

**Results**

*Summary of Key Influences on Problem Outcome*

The key influences on problem outcome identified through the multilevel models were ‘problem resolution strategy’, ‘mental health’, ‘problem characterisation’ (specifically ‘legal’ and ‘criminal’ characterisation), ‘perceived knowledge of rights’, ‘problem type’, ‘problem severity’ as well as ‘adverse consequences’ (including ‘physical ill-health’ and ‘fear’ in particular) and ‘psychological factors’ (‘emotional stability’ in particular).

*(i) Problem resolution strategy*

There were highly significant variations in outcome by strategy. Unsurprisingly, those who did nothing were particularly likely to ‘put up with the problem’ or report that their problem was ‘ongoing’, with lower levels of ‘court/tribunal/process’ outcomes than other strategies and particularly low levels of ‘agreement’. Those who ‘handled alone/used informal advice’ also had lower percentages of ‘court/tribunal/process’ outcomes, as well as the highest percentage ‘resolving independently/resolving themselves’. Those who used ‘other advice’ or ‘advice sector’ advice both had a lower percentage of ‘putting up with the problem’, particularly in the case of those using the ‘advice sector’, while those using ‘law firms’ had the highest percentage of ‘court/tribunal process’ outcomes, by far the highest percentage of ‘agreements’ and a far lower percentage of problems ‘ongoing’.

*(ii) Mental health*

Worse mental health was associated with a significant increase in the likelihood of problems being reported as ‘ongoing’ and a decrease in other outcomes.

*(iii) Characterisation of problems as ‘legal’*

Problems characterised as ‘legal’ were associated with an increase in the percentage of ‘ongoing’ problems and a notable decrease in the percentage of ‘resolved independently/resolved self’ outcomes.

*(iv) Characterisation of problems as ‘criminal’*

Where problems were categorised as ‘criminal’ there was an increase in the likelihood of ‘putting up with the problem’ and ‘court/tribunal/process’ outcomes, balanced by a decrease in ‘agreement’.

*(v) Perceived knowledge of rights*

Where respondents suggested that they knew their rights at the outset of problems, a lower percentage of ‘ongoing’ problems and ‘putting up with
problem' outcomes were observed. There were also increases in the percentage of 'court/tribunal/process' and 'resolved independently/resolved self' outcomes.

(vii) Problem type
While problem type was not as influential a predictor of outcome as it was for problem resolution strategy, it remained highly significant. Differences included particularly low levels of 'court/tribunal/process' outcomes for consumer problems, a high percentage of 'agreement' for debt (and a low percentage of 'resolved independently/resolved self'), 'putting up with the problem' being particularly common for personal injury/clinical negligence and employment issues and 'ongoing' problems being less likely for a small number of education problems and far more common for rented housing and family problems.

(viii) Problem Severity
Problem severity also had a highly significant association with problem outcome. Specifically, as severity increased, so did the likelihood of respondents reporting problems to be 'ongoing' or having concluded by 'court/tribunal/process'. This was balanced by decreases elsewhere, particularly in relation to 'agreement' and 'putting up with the problem'.

(ix) Adverse consequences
In general, the presence of one or more adverse consequence was associated with an increase in respondents reporting problems to be 'ongoing' or having concluded by 'court/tribunal/process', and decreases in the likelihood of other outcome categories. However, a number of individual adverse consequences were also significantly related to outcome. For example, 'physical ill-health' as a consequence also related to a higher percentage of 'court/tribunal/process' outcomes and 'ongoing' problems and decreases in 'resolved independently/resolved self' and 'putting up with the problem' outcomes, while 'fear' was, in particular, related to an increase in the use of 'courts/tribunals/processes'.

(x) Psychological factors
There was some evidence of a relationship between psychological factors and outcome. In particular, increasing 'emotional stability' was associated with a decreasing likelihood of 'court/tribunal/process' and 'resolved independently/resolved self' outcomes and significantly increasing likelihood of 'putting up with the problem'.

When examining only more severe problems, with the exception of 'fear as a consequence' of problems and 'emotional stability', all other key predictors described above remained key predictors of outcome. In the majority of cases, the specific associations were also comparable to those for problems in general.

Detailed Results
a) Strategy
Problem-solving strategy was a highly significant predictor of problem outcome.163 For example, compared to the 'handled alone/informal advice'

163 Testing the 'strategy' terms in the model together $\chi^2_{16} = 199.08$, p < 0.001.
reference category, those ‘doing nothing’ were very unlikely to reach an ‘agreement’, with all other outcomes significantly more likely,\textsuperscript{164} and ‘putting up with the problem’ particularly likely. Again, compared to those who ‘handled alone/obtained informal advice’, ‘court/tribunal/process’ outcomes were significantly more likely than other outcomes for those obtaining ‘other advice’ \textsuperscript{165} or ‘advice sector’ advice.\textsuperscript{166} Finally, compared to ‘handled alone/informal advice’, use of a ‘law firm’ was associated with an increased likelihood of ‘court/tribunal/process’, ‘ongoing’ and ‘agreement’, when compared to ‘resolved independently/resolved self’ and ‘putting up with the problem’.\textsuperscript{167}

The relationship between strategy and outcome is most clearly illustrated by Figure 5.1 which shows outcome by problem-solving strategy (controlling for other variables and keeping the outcome profile of the ‘handled alone/informal advice’ reference category in line with raw data outcome percentages).

\textsuperscript{164} Compared to ‘agreement’, $Z = 3.57$, $p < 0.001$, odds-ratio = 4.19 (court/tribunal process), $Z = 5.42$, $p < 0.001$, odds-ratio = 4.86 (resolved independently/resolved self), $Z = 9.96$, $p < 0.001$, odds-ratio = 20.58 (putting up with it) and $Z = 6.80$, $p < 0.001$, odds-ratio = 6.88 (ongoing).

\textsuperscript{165} Comparing ‘court/tribunal/process’ to ‘resolved independently/resolved self’ ($Z = 5.10$, $p < 0.001$, odds-ratio = 3.04), ‘putting up with it’ ($Z = 4.43$, $p < 0.001$, odds-ratio = 3.58), ‘ongoing’ ($Z = 3.23$, $p = 0.001$, odds-ratio = 1.95) and ‘agreement’ ($Z = 3.90$, $p < 0.001$, odds-ratio = 2.28).

\textsuperscript{166} Comparing ‘court/tribunal/process’ to ‘resolved independently/resolved self’ ($Z = 2.33$, $p = 0.020$, odds-ratio = 2.35), ‘putting up with it’ ($Z = 3.01$, $p = 0.002$, odds-ratio = 6.45) and ‘agreement’ ($Z = 2.00$, $p < 0.045$, odds-ratio = 1.97).

\textsuperscript{167} Comparing ‘court/tribunal/process’ to ‘resolved independently/resolved self’ ($Z = 3.95$, $p < 0.001$, odds-ratio = 5.16) and ‘putting up with the problem’ ($Z = 2.87$, $p = 0.004$, odds-ratio = 4.26). Comparing ‘ongoing’ to ‘resolved independently/resolved self’ ($Z = 3.85$, $p < 0.001$, odds-ratio = 3.55) and ‘putting up with the problem’ ($Z = 2.48$, $p = 0.013$, odds-ratio = 2.93). Comparing ‘agreement’ to ‘resolved independently/resolved self’ ($Z = 4.123$, $p < 0.001$, odds-ratio = 3.94) and ‘putting up with the problem’ ($Z = 2.67$, $p = 0.008$, odds-ratio = 3.25).

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure5.1.png}
\caption{Problem outcome by problem resolution strategy, controlling for other variables and holding the outcome pattern for ‘handled alone/informal advice’ at raw data percentages.}
\end{figure}
b) Socio-demographic factors

Having controlled for other variables, gender had little or no association with problem outcome.\textsuperscript{168}

There was some evidence of a relationship between ethnicity and problem outcome,\textsuperscript{169} though the results are not easy to interpret. Looking at individual ‘ethnicity’ model terms and comparing to ‘white British’ respondents, ‘white other’ respondents were significantly more likely to report ‘ongoing’ problems, rather than reaching ‘agreement’.\textsuperscript{170} In contrast, and again compared to ‘white British’ respondents, ‘mixed/other’ respondents were significantly more likely to reach ‘agreement’, particularly when contrasted with ‘resolved independently/resolved self’\textsuperscript{171} and ‘ongoing’ outcomes.\textsuperscript{172} Figure 5.2 shows the relationship between ethnicity and problem outcome, controlling for other variables and maintaining the outcome profile of ‘white British’ respondents at that of the sample as a whole.

![Figure 5.2: The relationship between ethnicity and problem outcome, controlling for other variables and maintaining the outcome profile of 'white British' respondents at that of the sample as a whole.](image)

There was little evidence of a relationship between respondents’ tenure type and problem outcome.\textsuperscript{173} However, there were some significant individual ‘tenure’ model terms, with those living ‘rent free’, ‘renting privately’ and particularly those ‘renting publicly’ somewhat more likely to report

\textsuperscript{168} Testing the ‘gender’ model terms together, $\chi^2_{16} = 4.19$, $p = 0.38$. Moreover, there was no evidence of any significant individual gender terms in the model.
\textsuperscript{169} Testing the ethnicity model terms together, $\chi^2_{16} = 30.35$, $p = 0.016$.
\textsuperscript{170} $Z = 2.90$, $p = 0.004$, odds ratio = 3.08.
\textsuperscript{171} $Z = 2.78$, $p = 0.005$, odds ratio = 2.43.
\textsuperscript{172} $Z = 3.20$, $p = 0.001$, odds ratio = 2.47.
\textsuperscript{173} Testing the ‘tenure’ model terms together, $\chi^2_{16} = 15.35$, $p = 0.50$. 

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‘court/tribunal/process’ outcomes\textsuperscript{174} than those who owned their homes. In the case of those who were ‘renting publicly’, this equated to an increase from the overall ‘court/tribunal/process’ percentage of 6.7 per cent to 14.3 per cent with the addition of ‘public renting’.

Similarly, while testing the ‘house type’ terms together suggested that it was not a significant predictor of problem outcome overall,\textsuperscript{175} there were some significant individual ‘house type’ model terms. In particular, compared to those in ‘detached’ houses, those in terraces and flats were less likely to ‘put up with the problem’, particularly when contrasted with ‘resolved independently/resolved self’\textsuperscript{176}, ‘agreement’\textsuperscript{177} and ‘ongoing’\textsuperscript{178} outcomes in the case of terraces and ‘agreement’ and ‘ongoing’ in the case of flats. Figure 5.3 shows problem solving strategy for different housing types, maintaining the outcome profile of the ‘detached’ reference category at that of the sample as a whole (i.e. as shown in Table 5.1).

\textbf{Figure 5.3: How overall strategy changes with housing type, controlling for other variables and maintaining the outcome profile of ‘detached’ at that of the sample as a whole.}

Whether or not respondents reported having been the victim of crime had relatively little relationship to problem outcome,\textsuperscript{179} with no individual ‘victim of crime’ terms reaching statistical significance.

\begin{itemize}
  \item \textsuperscript{174} Compared to those who owned their homes, those who were ‘renting publicly’ were significantly more likely to report ‘court/tribunal/process’ outcomes when rather than ‘resolved independently/resolved self’, \( Z = 1.84, p = 0.066, \text{ odds ratio } = 2.37 \), ‘ongoing’, \( Z = 1.84, p = 0.066, \text{ odds ratio } = 2.37 \) and ‘agreement’, \( Z = 1.84, p = 0.066, \text{ odds ratio } = 2.37 \).
  \item \textsuperscript{175} Testing the ‘house type’ model terms together, \( \chi^2 \text{, } \text{df} = 16 = 13.33, p = 0.65 \).
  \item \textsuperscript{176} \( Z = -2.05, p = 0.040, \text{ odds ratio } = 0.64 \).
  \item \textsuperscript{177} \( Z = -2.01, p = 0.045, \text{ odds ratio } = 0.65 \).
  \item \textsuperscript{178} \( Z = -2.66, p = 0.008, \text{ odds ratio } = 0.57 \).
  \item \textsuperscript{179} Testing the ‘crime victimisation’ model terms together, \( \chi^2 \text{, } \text{df} = 4 = 5.12, p = 0.28 \).
\end{itemize}
c) Capability factors

There was some evidence of significant age group terms in the problem outcome model, with, in particular, (compared to the 45-59 year old reference group) ‘16-24 year olds’ more likely to report ‘resolved independently/resolved self’ and ‘putting up with the problem’ outcomes rather than problems being ‘ongoing’ or reaching ‘agreement’.\(^{180}\) Similarly, ‘25-34 year olds’ were more likely to suggest that they were ‘putting up with the problem’ when compared to ‘court/tribunal/process’, ‘ongoing’ and ‘agreement’ outcomes.\(^{181}\)

Figure 5.4 shows problem outcome by age group, controlling for other variables and with the outcome profile of the ‘45-59 year old’ reference category held in line with the sample as a whole.

![Figure 5.4: Problem outcome by age group, controlling for other variables and maintaining the outcome profile of the ‘45-59 year at that of the sample as a whole.](image)

As with the strategy model detailed in Section 3, while testing all family model terms simultaneously suggested that it fell short of significance\(^ {182}\), there were some significant individual family type terms in the model. For example, comparing married couples without children to the ‘married couples with children’ reference category suggested an increase in the likelihood of ‘putting up with the problem’, when compared to ‘resolved independently/resolved self’ and ‘agreement’\(^ {183}\), an increase in ‘ongoing’ problems when compared to

\(^{180}\) Comparing ‘resolved independently/resolved self’ to ‘ongoing’, \(Z = 2.75, p = 0.006\), odds-ratio = 1.88 and ‘agreement’, \(Z = 3.10, p = 0.002\), odds-ratio = 2.06. Comparing ‘putting up with the problem’ to ‘agreement’, \(Z = 2.04, p = 0.041\), odds-ratio = 1.98.

\(^{181}\) \(Z = 2.02, p = 0.044\), odds-ratio = 2.01, \(Z = 1.98, p = 0.048\), odds-ratio = 1.67 and \(Z = 2.75, p = 0.006\), odds-ratio = 2.10 respectively.

\(^{182}\) Testing the ‘family type’ model terms together, \(\chi^2_{20} = 26.89, p = 0.072\).

\(^{183}\) \(Z = 3.62, p = 0.001\), odds-ratio = 2.66 and \(Z = 2.36, p = 0.018\), odds-ratio = 1.89 respectively.
‘resolved independently/resolved self’\textsuperscript{184} and an increase in ‘court/tribunal/process’ outcomes, when compared to ‘resolved independently/resolved self’.\textsuperscript{185} However, further differences between the ‘married couple with children’ reference category and other family types were small and non-significant.

While income was not a significant predictor of problem outcome overall,\textsuperscript{186} there was at least some evidence of significant individual income terms. Specifically, compared to the ‘all other’ income category, those with income less than £10,000 per year were somewhat more likely to have problems ‘resolved independently/resolved self’ when compared to ‘court/tribunal/process’ outcomes.\textsuperscript{187} Again, compared to the ‘all others’ reference category, those with income of £50,000 or more were more likely to report resolving problems by ‘agreement’ rather than ‘resolved independently/resolved self’.\textsuperscript{188} Overall, however, differences were relatively modest and income was not a key predictor of outcome.

Having controlled for other factors, physical ill-health (measured using the physical health summary measure (PCS) of the SF-12 health survey) was close to being significantly related to problem outcome.\textsuperscript{189} Looking at individual model terms indicated that ‘resolved independently/resolved self’ outcomes were increasingly likely with higher PCS scores (and therefore better health), particularly when contrasted with likelihood of ‘ongoing’ problems.\textsuperscript{190} Figure 5.5 shows the relationship between problem outcome and PCS score.

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure5.5.png}
\caption{The relationship between PCS (physical health) score and problem outcome, controlling for other variables. Higher scores indicate improving physical health.\textsuperscript{191}}
\end{figure}

\textsuperscript{184} Z = 2.92, p = 0.004, odds-ratio = 1.74.
\textsuperscript{185} Z = 2.15, p = 0.032, odds-ratio = 1.93.
\textsuperscript{186} Testing the ‘income’ terms together, $\chi^2_{12} = 15.99$, p = 0.19.
\textsuperscript{187} Z = 2.40, p = 0.017, odds-ratio = 1.65.
\textsuperscript{188} Z = 2.14, p = 0.032, odds-ratio = 1.80.
\textsuperscript{189} Testing the ‘PCS’ model terms together, $\chi^2_{4} = 8.68$, p = 0.070.
\textsuperscript{190} Z = 2.65, p = 0.008, odds-ratio = 1.015.
\textsuperscript{191} Percentages of each strategy are held at the raw data percentages for the whole sample for an PCS score of 50 (which is near the mean PCS for the sample as a whole).
There was evidence of a strong relationship between mental health (measured using the mental health summary measure (MCS) of the SF-12 health survey) and problem outcome. Specifically, higher MCS scores (and therefore better mental health) were associated with a significant increase in the likelihood of 'court/tribunal/process', 'putting up with the problem' and particularly 'resolved independently/resolved self' and 'agreement' outcomes, when contrasted with problems being 'ongoing'. Figure 5.6 shows the relationship between MCS scores and problem outcome. As can be seen, the most noticeable effect is the increase in 'ongoing' problems with worsening mental health.

Figure 5.6: The relationship between MCS (mental health) score and problem outcome, controlling for other variables. Higher scores indicate improving mental health.

A with modelling problems-solving strategy, the way in which problems were characterised made a contribution to the prediction of problem outcome.

Characterising problems as ‘bad luck’
There was a modest association between ‘bad luck’ problem characterisation and problem outcome, primarily as a result of a reduction in the likelihood of ‘ongoing’ problems. In percentage terms, the addition of ‘bad luck’

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192 Testing the ‘MCS’ terms together, $\chi^2_4 = 24.79, p < 0.001$.
193 $Z = 1.98, p = 0.048$, odds-ratio = 1.016, $Z = 2.63, p = 0.009$, odds-ratio = 1.020, $Z = 4.00, p < 0.001$, odds-ratio = 1.021 and $Z = 4.02, p < 0.001$, odds-ratio = 1.020 respectively.
194 Percentages of each strategy are held at the raw data percentages for the whole sample for an MCS score of 50 (which is near the mean MCS for the sample as a whole).
195 Testing the ‘bad luck’ model terms together fell somewhat short of significance, $\chi^2_4 = 7.96, p = 0.093$.
196 Particularly when compared to ‘resolved independently/resolved self’, $Z = -2.23, p = 0.025$, odds-ratio = 0.77.
characterisation would be expected to reduce the overall percentage of ‘ongoing’ problems from 32.0 per cent to 27.7 per cent.

**Characterising problems as ‘moral’**

As with ‘bad luck’ characterisation, there was some association between ‘moral’ characterisation and problem outcome. Specifically, ‘moral’ characterisation was associated with ‘putting up with the problem’ rather than reaching ‘agreement’, though this was the only significant model term and the overall association was fairly modest.

**Characterising problems as ‘private’**

Whether or not problems were characterised as ‘private’ was not related to problem outcome.

**Characterising problems as ‘criminal’**

However, ‘criminal’ characterisation was a significant predictor of problem outcome. Figure 5.7 shows how overall outcome (for all problems) changes with the addition of ‘criminal’ characterisation (controlling for other variables). As shown in Figure 5.7, ‘criminal’ characterisation was associated with a higher likelihood of conclusion by ‘court/tribunal/process’ and ‘putting up with the problem’ and in particular, a lower percentage reaching ‘agreement’.

![Figure 5.7](image)

*Figure 5.7. Problem outcome by ‘criminal’ characterisation, controlling for other variables and maintaining the outcome profile of the ‘no’ category at that of the sample as a whole.*

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197 And as with ‘bad luck’ characterisation, testing the ‘moral’ model terms together fell short of statistical significance, $\chi^2_4 = 7.52$, $p = 0.11$.

198 $Z = 2.57$, $p = 0.010$, odds-ratio = 1.73.

199 Testing the ‘private’ model terms together, $\chi^2_4 = 2.16$, $p = 0.71$.

200 Testing the ‘criminal’ model terms together, $\chi^2_4 = 14.40$, $p = 0.006$.

201 Significant terms were; comparing ‘court/tribunal/process’ to ‘agreement’, $Z = 2.78$, $p = 0.005$, odds-ratio = 2.29, ‘resolved independently/resolved self’ to ‘agreement’, $Z = 2.08$, $p = 0.037$, odds-ratio = 1.70, ‘putting up with the problem’ to ‘ongoing’, $Z = 2.20$, $p = 0.028$, odds-ratio = 1.82 and ‘putting up with the problem’ to ‘agreement’, $Z = 3.34$, $p = 0.001$, odds-ratio = 2.77.
Characterising problems as ‘legal’
‘Legal’ characterisation was also significantly associated with problem outcome. In particular, ‘legal’ characterisation was associated with a higher likelihood of ‘ongoing’ problems, when compared to ‘resolved independently/resolved self’, ‘putting up with the problem’ or reaching ‘agreement’. Figure 5.8 shows how overall problem outcome (for all problems) might be expected to change with the addition of ‘legal’ characterisation (controlling for other variables).

![Figure 5.8](image)

**Figure 5.8. Problem outcome by ‘legal’ characterisation, controlling for other variables and maintaining the outcome profile of the ‘no’ category at that of the sample as a whole.**

Characterising problems as ‘social’
Characterising problems as ‘social’ was not significantly related to problem outcome. Looking at individual model terms, there was some indication of ‘social’ characterisation being associated with an increase in ‘ongoing’ problems when compared to ending in a ‘court/tribunal/process’, though overall, the impact of ‘social’ characterisation was modest.

Characterising problems as ‘bureaucratic’
As with problems characterised as ‘social’, characterisation as ‘bureaucratic’ was not significantly related to problem outcome.

Characterising problems as ‘family/community’ issues
There was some evidence of a relationship between problem outcome and whether problems were characterised as ‘family or community’ issues.

202 Testing the ‘legal’ model terms together, $\chi^2_{4} = 13.61$, $p = 0.009$.
203 $Z = 3.53$, $p = 0.001$, odds-ratio = 1.91.
204 $Z = 1.91$, $p = 0.056$, odds-ratio = 1.62.
205 $Z = 2.29$, $p = 0.022$, odds-ratio = 1.45.
206 Testing the ‘social’ model terms together, $\chi^2_{4} = 6.15$, $p = 0.19$.
207 $Z = 2.02$, $p = 0.043$, odds-ratio = 1.70.
208 Testing the ‘bureaucratic’ model terms together, $\chi^2_{4} = 4.84$, $p = 0.30$. No individual ‘bureaucratic’ model terms were statistically significant.
209 Testing the ‘family/community’ model terms together fell marginally short of significance, $\chi^2_{4} = 8.36$, $p = 0.079$, though as with problem-solving strategy, there was evidence of some significant ‘family/community’ model terms.
Looking at individual ‘family/community’ model terms suggested that ‘family/community’ problems were somewhat more likely to be ‘ongoing’, particularly when compared to ‘agreement’.210 Figure 5.9 illustrates the relationship between ‘family/community’ characterisation and outcome, controlling for other variables, highlighting the increased percentage of ongoing problems.

Whether respondents felt they knew their rights at the outset of their problem was a highly significant predictor of problem outcome.211 Discarding the group of just over 100 problems where respondents were not asked if they knew their rights, the key differences were an increase in the likelihood of ‘court/tribunal/process’, ‘resolved independently/resolved self’ and ‘agreement’ outcomes, at the expense of ‘putting up with it’ outcomes and ‘ongoing’ problems.212 Figure 5.10 illustrates the influence of perceived knowledge of rights on problems outcome, controlling for other variables and maintaining the outcome profile of those who did not know their rights at that of the sample overall (i.e. as shown in Table 5.1).

210 $Z = 2.43, p = 0.015, \text{odds-ratio} = 1.76$.

211 Testing the ‘knew rights’ terms together, $\chi^2 = 64.98, p < 0.001$.

212 ‘Court/tribunal/process’ compared to ‘putting up with it’, $Z = 4.52, p < 0.001, \text{odds-ratio} = 2.68$ and ‘ongoing’, $Z = 3.29, p = 0.001, \text{odds-ratio} = 1.75$. ‘Resolved independently/resolved self’ compared to ‘putting up with it’, $Z = 5.51, p < 0.001, \text{odds-ratio} = 2.56$ and ‘ongoing’, $Z = 4.50, p < 0.001, \text{odds-ratio} = 1.67$. ‘Agreement’ compared to ‘putting up with it’, $Z = 4.65, p < 0.001, \text{odds-ratio} = 2.20$ and ‘ongoing’, $Z = 3.38, p = 0.001, \text{odds-ratio} = 1.44$. 

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Unlike for problem resolution strategy, there was some indication of a relationship between the number of adviser types respondents knew about and problem outcome. In particular, as the number of adviser types identified increased, the likelihood of a ‘court/tribunal/process’ outcome decreased. In percentage terms, a ‘court/tribunal/process’ percentage of 8.4 per cent for a respondent suggesting they knew something about three adviser types might be expected to fall to 4.8 per cent for those who felt they knew something about all ten adviser types.

![Figure 5.10: Problem outcome by knowledge of rights, controlling for other variables and maintaining the outcome profile of ‘did not know’ at that of the whole sample.](image)

![Figure 5.11: Problem outcome by subjective legal empowerment, controlling for other variables.](image)

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213 Testing the ‘number of advisers known about’ terms together, $\chi^2 = 9.93$, $p = 0.042$.

214 In contrast with ‘resolved independently/resolved self’, $Z = -2.53$, $p = 0.011$, odds-ratio = 0.91, ‘putting up with the problem’, $Z = -2.73$, $p = 0.006$, odds-ratio = 0.89, ‘ongoing’, $Z = -2.62$, $p = 0.009$, odds-ratio = 0.91 and ‘agreement’, $Z = -1.82$, $p = 0.068$, odds-ratio = 0.94.
There was also some evidence of a relationship between respondent’s subjective legal empowerment scores and problem outcome, with higher scores associated with a increased likelihood of ‘agreement’ when compared to problems which were ‘resolved independently/resolved self’ or ‘ongoing’ problems. Figure 5.11 shows how problem solving strategy varies with subjective legal empowerment. As shown, the most evident change is the reduction in inaction as empowerment increases.

Academic qualifications, prior experience of work/study in the legal field, receipt of benefits and availability of motorised transport were not related to the outcome of their problem.

d) Problem factors
After controlling for a broad range of other variables, problem type was found to be a highly significant predictor of problem solving strategy. Figure 5.12 shows problem outcome by problem type, controlling for other variables and keeping the reference problem type (consumer) held at its raw data percentages for each outcome (1.3% court/tribunal/process, 40.3% agreement, 33.3% resolved independently/resolved self, 9.2% putting up with the problem and 15.9% ongoing).

As shown in Figure 5.12, there was substantial variation in outcome by problem type. For instance, problems concluding by court, tribunal or other processes were particularly uncommon among consumer problems and far more common for neighbours, education and family issues. Debt, meanwhile, was characterised by comparatively high levels of agreement and low levels of independent resolution and putting up with the problem. In contrast, putting up with the problem was far more common for personal injury/clinical negligence and employment problems, while the highest percentage of ongoing issues was among rented housing, personal injury/clinical negligence and family problems.

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215 $Z = 2.24$, $p = 0.025$, odds-ratio = 1.23.
216 $Z = 2.52$, $p = 0.012$, odds-ratio = 1.24.
217 With outcome held at the raw data population percentages (see Table Y) for an empowerment score of three.
218 Academic qualifications: Testing the ‘academic qualifications’ terms together, $\chi^2_4 = 6.07$, $p = 0.64$. Prior experience: Testing the ‘legal experience’ model terms together, $\chi^2_4 = 4.01$, $p = 0.41$. Benefits: Testing the ‘in receipt of unemployment benefits/income support’ terms together, $\chi^2_4 = 1.59$, $p = 0.81$. Motorised transport: Testing the ‘motorised transport’ model terms together, $\chi^2_4 = 4.42$, $p = 0.35$.
219 Testing the ‘problem type’ model terms together, $\chi^2_{40} = 194.58$, $p < 0.001$. Note, that in describing outcome by problem type (as with the strategy model), the ‘involved discrimination’ terms were dropped from the model. This was since the question was not asked in regard to divorce, relationship breakdown and violence, which led to some unusual estimates were it included. The appendix of output includes models with and without the ‘involved discrimination’ terms to allow comparison. Due to some empty cells, divorce, relationship breakdown, domestic violence and a very small number of care problems were combined into a single problem category.
Problem severity was also a highly significant predictor of problem outcome.\textsuperscript{220} Figure 5.13 shows how outcome changes with perceived problem severity (assuming outcome percentages similar to the overall outcomes for all problems (i.e. as shown in Table 5.1) at the mean severity of 27.0).

Increased severity related to a significant increase in ‘court/tribunal/process’ outcomes, when compared to ‘resolved independently/ resolved self’, ‘putting up with the problem’ and particularly

\footnotesize{\textsuperscript{220} Testing the ‘severity’ model terms together, $\chi^2_4 = 40.86$, $p < 0.001$.}
when compared to ‘agreements’.\textsuperscript{221} ‘Ongoing’ problems were also highly significantly more likely as severity increased.\textsuperscript{222}

Finally, whether or not respondent’s felt that ‘discrimination was involved’ in their problem had little bearing on problem outcome,\textsuperscript{223} with no individual ‘discrimination’ terms reaching statistical significance.

\textbf{A Note on Model Fit and Improvement Over a Problem Type Only Model}

As with the strategy model, the statistical appendix includes comprehensive information on outcome model fit for a model including only problem type and the full model as described above. Again, taking a single common measure, the Nagelkerke (or Cragg-Uhler) $R^2$, indicated that the full model represented a substantial improvement over a problem type only model (0.334 compared to 0.128, where a value of 1 would predict strategy perfectly) and a greater improvement than was observed with the strategy model.

\textbf{Other Variables Not in the Main Model}

As with the strategy model, there were further predictor variables of potential interest when modelling problem outcome. Again, such variables were excluded from the main outcome model since they typically had large numbers of missing values. As previously, in some cases, this was because of uncertainty on the part of respondents (e.g. problem start and end dates) and in others, since they only applied to a subset of problems (e.g. consequences of problems, psychological factors). Also, as for strategy, ‘household effects’ were examined using a smaller, less complex multilevel model. Variables of interest are introduced to the full model in turn (so a range of other variables are still controlled for), and their relationship to outcome examined.

e) \textbf{Problem duration}

As for strategy, adding ‘problem duration’ to the model indicated that it had a highly significant association with problem outcome.\textsuperscript{224} However, the inclusion of duration in the problem outcome model simply demonstrates that as duration increases, so does the likelihood of ‘ongoing’ problems. As a consequence, duration is of relatively little interest when modelling outcome.

f) \textbf{Adverse consequences}

Whether or not respondents reported any adverse consequences was significantly associated with problem outcome.\textsuperscript{225} In particular, the presence of adverse consequences was associated with an increase in the likelihood of ‘court/tribunal/process’ outcomes\textsuperscript{226} and ‘ongoing problems’.\textsuperscript{227} Figure 5.14

\begin{itemize}
\item \textsuperscript{221} $Z = 2.35, p = 0.019, \text{odds-ratio} = 1.015, Z = 2.49, p = 0.013, \text{odds-ratio} = 1.019$ and $Z = 3.24, p = 0.001, \text{odds-ratio} = 1.021$ respectively.
\item \textsuperscript{222} When compared to ‘resolved independently/resolved self’, $Z = 4.07, p < 0.001, \text{odds-ratio} = 1.016$, to ‘putting up with it’, $Z = 3.59, p < 0.001, \text{odds-ratio} = 1.020$ and to ‘agreement’, $Z = 5.66, p < 0.001, \text{odds-ratio} = 1.022$ respectively.
\item \textsuperscript{223} Testing the ‘discrimination involved’ model terms together, $\chi^2_4 = 3.39, p = 0.50$.
\item \textsuperscript{224} Testing the ‘problem duration’ model terms together, $\chi^2_4 = 42.43, p < 0.001$.
\item \textsuperscript{225} Testing the ‘any adverse consequences’ model terms together, $\chi^2_4 = 12.43, p = 0.014$.
\item \textsuperscript{226} Compared to ‘resolved independently/resolved self’, $Z = 2.12, p = 0.034, \text{odds-ratio} = 1.53$, ‘putting up with the problem’, $Z = 2.34, p = 0.019, \text{odds-ratio} = 1.74$ and ‘agreement’, $Z = 2.47, p = 0.014, \text{odds-ratio} = 1.62$.
\end{itemize}
shows the change in outcome (compared to overall outcome percentages) with the addition of one or more adverse consequence.

Figure 5.14: Problem outcome and adverse consequences, controlling for other variables and maintaining the outcome profile of the 'none' category at that of the whole sample.

As in the strategy analysis, the 'any adverse consequences' predictor was then replaced with each of ten groups/types of adverse consequence (physical ill-health, mental ill-health, harassed/verbal abuse/threatened/assaulted, property damage, loss of confidence, fear, damage to relationship/breakdown, had to move home/became homeless).

The majority of adverse consequences had an association with outcome. There were particularly strong associations for ‘moved home/became homeless’, ‘physical ill-health’, ‘fear’, ‘loss of income’ and ‘changed job/became unemployed’ and to a lesser extent ‘damage to relationship/relationship breakdown’, ‘mental ill-health’ and ‘harassed/verbal abuse/threatened/assaulted’.

‘Moved home/became homeless’ as a consequence was primarily associated with significant increases in the likelihood of ‘resolved independently/resolved self’ compared to other outcomes. Of course, this is hardly surprising, since ‘moving home’ itself is likely to be interpreted by respondents as resolving the problem themselves.

More interestingly, having controlled for other variables, ‘physical ill-health’ as a consequence was associated with increased likelihood of

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227 Again, compared to ‘resolved independently/resolved self’, $Z = 1.88, p = 0.060$, odds-ratio = 1.26, ‘putting up with the problem’, $Z = 2.09, p = 0.036$, odds-ratio = 1.44 and ‘agreement’, $Z = 2.48, p = 0.013$, odds-ratio = 1.34.

228 Testing the ‘moved home/became homeless’ model terms together, $\chi^2 = 20.01, p < 0.001$.

229 Testing the ‘physical ill-health’ model terms together, $\chi^2 = 20.27, p < 0.001$.

230 Testing the ‘fear’ model terms together, $\chi^2 = 16.77, p = 0.002$.

231 Testing the ‘loss of income’ model terms together, $\chi^2 = 14.68, p = 0.005$.

232 Testing the ‘changed job/became unemployed’ model terms together, $\chi^2 = 12.28, p = 0.015$.

233 Testing the ‘damage to relationship/relationship breakdown’ model terms together, $\chi^2 = 9.38, p = 0.052$.

234 Testing the ‘mental ill-health’ model terms together, $\chi^2 = 9.06, p = 0.060$.

235 Testing the ‘harassed/verbal abuse/threatened/assaulted’ model terms together, $\chi^2 = 7.40, p = 0.12$.

236 Compared to ‘court/tribunal/process’, $Z = 3.30, p = 0.001$, odds-ratio = 4.51, ‘putting up with the problem’, $Z = 2.62, p = 0.009$, odds-ratio = 15.37, ‘ongoing’, $Z = 3.26, p = 0.001$, odds-ratio = 2.35 and ‘agreement’, $Z = 2.17, p = 0.030$, odds-ratio = 1.86.
‘court/tribunal/process’, ‘ongoing’ and ‘agreement, when compared to ‘resolved independently/resolved self’ or ‘putting up with the problem’.237

Reporting ‘fear’ as a consequence of problems was associated, in particular, with an increase in ‘court/tribunal/process’ outcomes.238

Elsewhere, ‘loss of income’ as a consequence of problems was related to an increased likelihood of ‘putting up with the problem’, compared to ‘resolved independently/resolved self’239 and ‘agreement’,240 as well as an increased likelihood of ‘ongoing’ problems, again when compared to ‘resolved independently/resolved self’241 and ‘agreement’.242

‘Changed job/became unemployed’, meanwhile’ was associated with, in particular, an increase in the likelihood of ‘resolved independently/resolved self’.243 However, much like those reporting having to move home as a consequence, this may simply be a function of a change of job being directly interpreted as resolving the problem yourself by respondents.

Those reporting ‘damage to relationship/relationship breakdown’ were, not surprisingly, more likely to report ‘court/tribunal/process’ as an outcome,244 while ‘mental ill-health’ as a consequence was associated with an increase in ‘ongoing’ problems, particularly when contrasted with ‘agreement’.245

g) Psychological factors

As for the strategy model, measures of ‘emotional stability’, ‘openness to experience’, ‘self-efficacy’ and ‘locus of control’ were introduced to the main problem outcome model (taken from the ten-item personality inventory (TIPI) and International Personality Item Pool (IPIP)) to assess their association with outcome.

Emotional stability

There was a significant association between ‘emotional stability’ and problem outcome.246 Specifically, increased ‘emotional stability’ was associated with an increased likelihood of ‘putting up with the problem’ rather than resolving

237 Comparing ‘court/tribunal process’ to ‘resolved independently/resolved self’, Z = 3.23, p = 0.001, odds-ratio = 3.29 and ‘putting up with the problem’, Z = 2.80, p = 0.005, odds-ratio = 3.23. Comparing ‘ongoing’ to ‘resolved independently/resolved self’, Z = 3.55, p < 0.001, odds-ratio = 2.52 and ‘putting up with the problem’, Z = 2.82, p = 0.005, odds-ratio = 2.47. Comparing ‘agreement’ to ‘resolved independently/resolved self’, Z = 2.85, p = 0.004, odds-ratio = 2.27 and ‘putting up with the problem’, Z = 2.29, p = 0.022, odds-ratio = 2.23.

238 Comparing ‘court/tribunal/process’ to ‘resolved independently/resolved self’, Z = 3.47, p = 0.001, odds-ratio = 2.68, ‘putting up with the problem’, Z = 3.04, p = 0.002, odds-ratio = 2.97, ‘ongoing’, Z = 2.07, p = 0.038, odds-ratio = 1.68 and ‘agreement’, Z = 3.00, p = 0.003, odds-ratio = 2.28.

239 Z = 2.81, p = 0.005, odds-ratio = 1.92.

240 Z = 2.63, p = 0.008, odds-ratio = 1.82.

241 Z = 2.64, p = 0.008, odds-ratio = 1.60.

242 Z = 2.60, p = 0.009, odds-ratio = 1.51.

243 Particularly when compared to ‘putting up with the problem’, Z = 2.63, p = 0.009, odds-ratio = 2.67 and ‘ongoing’, Z = 2.93, p = 0.003, odds-ratio = 2.13.

244 Compared to ‘resolved independently/resolved self’, Z = 2.77, p = 0.006, odds-ratio = 2.58, ‘putting up with the problem’, Z = 2.17, p = 0.030, odds-ratio = 2.84, ‘ongoing’, Z = 1.92, p = 0.055, odds-ratio = 1.72 and ‘agreement’, Z = 2.18, p = 0.029, odds-ratio = 1.98.

245 Z = 2.47, p = 0.013, odds-ratio = 1.41.

246 Testing the ‘emotional stability’ model terms together, $\chi^2 = 13.28, p = 0.010$. 

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through a ‘court/tribunal/process’\textsuperscript{247} or ‘resolved independently/resolved self’\textsuperscript{248}, or conversely, a decrease in the likelihood of ‘resolved independently/resolved self’ when compared to ‘putting up with the problem’,\textsuperscript{249} reaching agreement\textsuperscript{250} or problems being ‘ongoing’.\textsuperscript{251} Figure 5.15 shows changing outcome across the full range of the emotional stability (with higher scores indicating greater emotional stability), with outcome held at the outcome percentages for the sample as a whole for a score of five (the mean score was 4.8).

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure5.15}
\caption{Problem outcome by emotional stability score (scores could vary from 2 to 10) controlling for other variables and holding percentages for self-efficacy scores of five at outcome percentages for the sample as a whole.}
\end{figure}

**Openness to experience**

Having controlled for other variables, there was no evidence of an association between ‘openness to experience’ and problem outcome.\textsuperscript{252}

**Self-efficacy**

While testing the ‘self-efficacy’ terms together fell slightly short of statistical significance,\textsuperscript{253} there was some evidence of significant individual model terms. In particular, higher ‘self-efficacy’ was associated with a lower likelihood of ‘putting up with the problem’, when contrasted with ‘court/tribunal/process’,\textsuperscript{254}

\begin{align*}
\text{\textsuperscript{247} Z} &= 2.45, \ p = 0.014, \text{ odds-ratio } = 1.31. \\
\text{\textsuperscript{248} Z} &= 2.99, \ p = 0.003, \text{ odds-ratio } = 1.29. \\
\text{\textsuperscript{249} Z} &= -2.99, \ p = 0.003, \text{ odds-ratio } = 0.78. \\
\text{\textsuperscript{250} Z} &= -2.03, \ p = 0.043, \text{ odds-ratio } = 0.88. \\
\text{\textsuperscript{251} Z} &= 2.44, \ p = 0.015, \text{ odds-ratio } = 0.89. \\
\text{\textsuperscript{252} Testing the ‘openness to experience’ model terms together, } \chi^2_4 &= 1.85, \ p = 0.76. \\
\text{\textsuperscript{253} } \chi^2_4 &= 7.93, \ p = 0.09. \\
\text{\textsuperscript{254} Z} &= -2.32, \ p = 0.020, \text{ odds-ratio } = 0.68.
\end{align*}
‘resolved independently/resolved self’, and ‘agreement’. Figure 5.16: shows changing outcome across the full range of the self-efficacy scale, with outcome held at the outcome percentages for the sample as a whole for a score of four (the mean score was 3.9). It should be noted when interpreting Figure 5.16: that the majority of respondents (94 per cent) scored between two and six, with higher scores relatively rare.

Figure 5.16: Problem outcome by self-efficacy score (scores could vary from 2 to 10, though higher scores were rare), controlling for other variables and holding percentages for self-efficacy scores of four at outcome percentages for the sample as a whole.

**Locus of control**
Having controlled for other variables, there was little evidence of an association between 'locus of control' and problem outcome and there were no significant individual 'locus of control' model terms.

**h) Household effects**
If problem outcome is modelled using a simplified multilevel model in MLwiN, as with strategy, there is evidence of significant person and household effects. Essentially, where respondents or households have multiple problems problem outcome tends to cluster, with repeated outcomes increasingly likely. This significant clustering applied to all problem outcomes.

**Segmenting by severity**

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255 \( Z = -2.01, p = 0.044, \text{odds-ratio} = 0.76. \)
256 \( Z = -2.28, p = 0.023, \text{odds-ratio} = 0.73. \)
257 Testing the 'locus of control' model terms together, \( \chi^2 = 4.49, p = 0.34. \)
As with the strategy analysis, in order to examine a subset of more severe problems, the dataset was reduced to only those problems with a severity score of 26 or more (using the severity scale in the CSJPS, which varied from 1 (least severe) to 50 (most severe)), leaving around half of the problems.

Overall, as shown in Figure 5.17, when compared to less severe problems, more severe problems had a far higher percentage of ‘ongoing’ problems, and a lower percentage concluding by ‘agreement’. There was also a higher percentage of ‘court/tribunal/process’ outcomes for the more severe group as well as somewhat lower percentages of ‘resolved independently/resolved self’ and ‘putting up with the problem’.

Figure 5.17: Problem outcome for less severe and more severe problems

A further multinomial logistic regression model was then fitted, modelling outcome on the basis of the key variables identified above. These were ‘problem solving strategy’, ‘mental health’, ‘legal problem characterisation’, ‘criminal characterisation’, ‘perceived knowledge of rights’, ‘problem type’, ‘problem severity’, ‘physical adverse consequences’ and ‘fear as an adverse consequences’. ‘Emotional stability’ was also introduced in a further model. Model output is set out in the statistical appendix.

a) **Problem resolution strategy**
How respondents went about attempting to solve their problem remained a highly significant and key predictor of problem outcome for more severe problems. Figure 5.18 shows problem outcome by problem resolution strategy. As can be seen, the association is broadly comparable to the analysis using all problems. Highest levels of ‘agreement’ were observed for those using law firms, while ‘resolved independently/resolved self’ was particularly common where respondents ‘handled alone/used informal advice’ or ‘did nothing’. ‘Putting up with the problem’ was by far highest where respondents ‘did

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258 It was excluded from the initial model due to a large number of missing cases.

259 Testing the ‘problem-solving strategy’ model terms together, $\chi^2_{16} = 103.17$, $p < 0.001$. 
nothing’, while ‘ongoing’ problems were more common where respondents obtained formal advice.

There were also some differences between the ‘severe problem’ and ‘any problem’ analyses, notably for those using ‘law firms’, where ‘agreement’ was far less common when examining only severe problems, while ‘ongoing’ problems were far more common.

Figure 5.18: Problem outcome by problem resolution strategy, controlling for other variables and with outcome for those who ‘handled alone/used informal advice’ held at their raw data percentages for severe problems (Figure 5.17)

b) Mental health

Score on the MCS component of the SF-12 also remained a highly significant predictor of problem outcome for severe problems. Figure 5.19 shows problem outcome by MCS score (with higher scores indicating improving mental health). As shown, the relationship between mental health and problem outcome for severe problems was broadly comparable to problems as a whole, with worsening mental health primarily associated with an increase in the percentage of ongoing problems as well as an increase in the likelihood of ‘court/tribunal/process’ outcomes.

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260 Testing the ‘MCS’ model terms together, $\chi^2_4 = 26.94$, $p < 0.001$.

261 Compared to ‘resolved independently/resolved self’, $Z = -3.89$, $p < 0.001$, odds-ratio = 0.975, ‘putting up with the problem’, $Z = -1.87$, $p = 0.062$, odds-ratio = 0.983 and ‘agreement’, $Z = -4.35$, $p < 0.001$, odds-ratio = 0.973.

262 Compared to ‘resolved independently/resolved self’, $Z = -2.27$, $p = 0.023$, odds-ratio = 0.979 and ‘agreement’, $Z = -2.55$, $p = 0.011$, odds-ratio = 0.977.
c) ‘Legal’ characterisation

Whether or not problems were characterised as ‘legal’ remained a significant predictor of problem outcome for severe problems. The specific association between ‘legal’ characterisation and outcome was also comparable to the analysis using all problems, with ‘legal’ characterisation primarily associated with a higher likelihood of ‘ongoing’ problems. Figure 5.20 shows how overall problem outcome (for all problems) changes with the addition of ‘legal’ characterisation.

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Figure 5.19: The relationship between MCS score and problem outcome, controlling for other variables.

Figure 5.20: Problem outcome by ‘legal characterisation’, controlling for other variables and maintaining the outcome profile of the ‘no’ reference category at that of the sample of severe problems as a whole.

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263 Testing the ‘legal characterisation’ model terms together, $\chi^2_4 = 12.47, p = 0.014$.
264 Compared to ‘resolved independently/resolved self’, $Z = 2.79, p = 0.005$, odds-ratio = 2.04 and ‘putting up with the problem’, $Z = 2.47, p = 0.013$, odds-ratio = 2.62.
d) **‘Criminal’ characterisation**

Whether or not problems were characterised as ‘criminal’ was also had a highly significant association with problem outcome for severe problems and again, the specific association was comparable to the analysis involving all problems. Figure 5.21 shows how overall outcome (for all problems) changes with the addition of ‘criminal’ characterisation, for severe problems only. As shown, ‘criminal’ characterisation was again associated with a higher likelihood of conclusion by ‘court/tribunal/process’ and ‘putting up with the problem’ and in particular, a lower percentage reaching ‘agreement’.

![Figure 5.21: Problem outcome by ‘criminal’ characterisation, controlling for other variables and maintaining the outcome profile of the ‘no’ reference category at that of the sample of severe problems as a whole.](image)

<table>
<thead>
<tr>
<th>Criminal characterisation</th>
<th>Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>10.1% 10.8% 25.7% 17.2% 36.2%</td>
</tr>
<tr>
<td>No</td>
<td>8.0% 24.9% 21.1% 8.1% 37.8%</td>
</tr>
</tbody>
</table>

Significant terms were; comparing 'court/tribunal/process' to 'agreement, Z = 2.90, p = 0.004, odds-ratio = 2.93, 'resolved independently/resolved self' to 'agreement', Z = 3.07, p = 0.002, odds-ratio = 2.82, 'putting up with the problem' to 'ongoing', Z = 2.38, p = 0.017, odds-ratio = 2.21 and 'putting up with the problem' to 'agreement', Z = 3.96, p < 0.001, odds-ratio = 4.87 and (unlike the ‘all problems’ model) 'ongoing' to 'agreement', Z = 2.66, p = 0.008, odds-ratio = 2.21.

Testing the ‘knowledge of rights’ model terms together, $\chi^2_{20} = 30.53, p < 0.001$.

Testing the ‘knowledge of rights’ model terms together, $\chi^2_{20} = 30.53, p < 0.001$.

Significant terms were; comparing 'court/tribunal/process' to 'putting up with it', Z = 2.98, p = 0.003, odds-ratio = 2.29 and 'ongoing', Z = 2.76, p = 0.006, odds-ratio = 1.75. 'Resolved independently/resolved self' compared to 'putting up with it', Z = 3.21, p = 0.001, odds-ratio = 2.11 and 'ongoing', Z = 3.19, p = 0.001, odds-ratio = 1.62. 'Agreement' compared to 'putting up with it', Z = 3.01, p = 0.003, odds-ratio = 2.02 and 'ongoing', Z = 3.05, p = 0.002, odds-ratio = 1.55.

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265 Testing the ‘criminal characterisation’ model terms together, $\chi^2_{4} = 18.06, p = 0.001$.
266 Significant terms were; comparing 'court/tribunal/process' to 'agreement, Z = 2.90, p = 0.004, odds-ratio = 2.93, 'resolved independently/resolved self' to 'agreement', Z = 3.07, p = 0.002, odds-ratio = 2.82, 'putting up with the problem' to 'ongoing', Z = 2.38, p = 0.017, odds-ratio = 2.21 and 'putting up with the problem' to 'agreement', Z = 3.96, p < 0.001, odds-ratio = 4.87 and (unlike the ‘all problems’ model) 'ongoing' to 'agreement', Z = 2.66, p = 0.008, odds-ratio = 2.21.
267 Testing the 'knowledge of rights' model terms together, $\chi^2_{20} = 30.53, p < 0.001$.
Figure 5.22: Problem outcome by perceived knowledge of rights, controlling for other variables and maintaining the outcome profile of the ‘no’ reference category at that of the sample of severe problems as a whole

f) **Problem type**

Problem type remained a highly significant and important predictor of problem outcome for severe problems, with Figure 5.23 illustrating the relationship between outcome and problem type for more severe problems only. Again, as with the majority of the outcome analysis for severe problems, specific associations were comparable to the analysis involving ‘all problems’. However, there were some differences, including ‘court/tribunal/process’ outcomes becoming somewhat more prominent for ‘owned housing’ problems and disproportionately reduced levels of ‘agreement’ for some problem types (e.g. rented housing, debt, family).

Figure 5.23 Problem type by outcome for severe problems, controlling for other variables

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269 Testing the ‘problem type’ model terms together, $\chi^2_{40} = 146.30, p < 0.001$. 
g) Problem severity

Problem severity remained a highly significant predictor of problem outcome for more severe problems. In particular, increasing severity was associated with an increase in the likelihood of ‘ongoing’ problems, when compared to ‘resolved independently/resolved self’ or ‘agreement’, as well as an increase in ‘court/tribunal/process’ outcomes, again when compared to ‘agreement’. Figure 5.24 illustrates the relationship between severity score and outcome for more severe problems only.

![Figure 5.24 Problem outcome by severity score for more severe problems, controlling for other variables](image)

h) Physical ill-health as a consequence

Whether or not respondents reported physical ill-health as a consequence of problems was a highly significant predictor of problem outcome when looking solely at more severe problems. As for ‘all problems’, for more severe problems, ‘physical ill-health’ as a consequence was associated with increased likelihood of ‘court/tribunal/process’, ‘ongoing’ and ‘agreement’, when compared to ‘resolved independently/resolved self’ or ‘putting up with the problem’, though differences were slightly larger still for more severe problems. Figure 5.25 shows how overall problem outcome percentages change with the addition of ‘physical ill-health’ as a consequence (for severe problems only).

![Figure 5.25](image)

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270 Testing the ‘severity’ model terms together, $\chi^2 = 21.12$, $p < 0.001$.

271 $Z = 2.64$, $p = 0.008$, odds-ratio = 1.025.

272 $Z = 4.50$, $p < 0.001$, odds-ratio = 1.041.

273 $Z = 2.01$, $p = 0.044$, odds-ratio = 1.028.

274 Testing the ‘physical ill-health consequence’ model terms together, $\chi^2 = 24.51$, $p < 0.001$.

275 Comparing ‘court/tribunal process’ to ‘resolved independently/resolved self’, $Z = 4.29$, $p < 0.001$, odds-ratio = 5.98 and ‘putting up with the problem’, $Z = 3.13$, $p = 0.002$, odds-ratio = 4.20.

Comparing ‘ongoing’ to ‘resolved independently/resolved self’, $Z = 3.94$, $p < 0.001$, odds-ratio = 3.77 and ‘putting up with the problem’, $Z = 2.53$, $p = 0.011$, odds-ratio = 2.65. Comparing ‘agreement’ to ‘resolved independently/resolved self’, $Z = 3.34$, $p = 0.001$, odds-ratio = 3.51 and ‘putting up with the problem’, $Z = 2.13$, $p = 0.033$, odds-ratio = 2.47.
Figure 5.25 Problem outcome by consequential physical ill-health for severe problems, controlling for other variables and maintaining the outcome profile of ‘no’ at that of the whole sample.

i) **Fear as a consequence**
In contrast, when looking only at more severe problems, there was relatively little evidence of an association between fear as an adverse consequence and problem outcome.276

j) **Emotional stability**
Similarly, emotional stability had little or no association with problem outcome when looking only at more severe problems.277

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276 Testing the ‘fear consequence’ model terms together, $\chi^2 = 6.80$, $p = 0.15$.
277 Testing the ‘emotional stability’ model terms together, $\chi^2 = 3.01$, $p = 0.56$. 
Discussion

Summary
The findings in this report provide a more detailed picture of the drivers of legal problem resolution behaviour and outcome than previously available.

CSJPS respondents were more likely to obtain assistance from a lawyer, or wider advice sector, in relation to more severe problems. This represents a form of market rationing. But, in numerical terms, respondents also more often took no action to resolve more severe problems, suggesting market deficiencies, with problem resolution behaviour also tied to capability.

Problem characterisation, problem type and cost are 3 dominant drivers of adviser choice. We live in a “law thick” world, but do not see it as such. But, failure to characterise problems as legal has no bearing on use of wider advice services, demonstrating the value of the broad advice sector.

15% of problems see formal help obtained from beyond both the recognised advice sector. Not all sources of help are appropriate, and failure to quickly obtain appropriate advice can result in referral fatigue.

Traditional legal practices may not be inclined to provide services to relatively poor. 57% of CSJPS respondents who obtained help from an advice agency rather than a lawyer indicated they did so because of cost.

Shorter duration problems were more likely to have been handled by CSJPS respondents themselves, with lengthier problems sometimes those respondents had been unsuccessful in resolving by themselves.

Where there are deficiencies in the civil justice system, they are attributable largely to the difficulty of enabling vulnerable populations with limited capability and resources to access appropriate help in a complex market.

Market rationing is apparent in relation to formal process.

The findings in this report make clear the challenge that remains to further improve the civil justice rationing process, whether through targeted services, public legal education (or marketing, in the private sphere), or the development of new forms of services that better meet the needs of the public.

Not everybody who experiences a legal problem will take steps to resolve it. Fewer than one in ten will instruct a traditional lawyer, and only around one in twenty will see it resolved through a court, tribunal or other third party decision. However, this does not mean that we face a crisis of lack of ‘access to justice’ (despite recent changes to the legal aid scheme in England and Wales certainly diminishing people’s ability to obtain legal help when needed). Nor does it mean that people are systematically acting in ignorance or irrationally.

As the results set out in the previous sections demonstrate, while there are evident obstacles to accessing advice and the courts, for the most part people
achieve resolution to legal problems through considered and rational behaviour.
The law and traditional legal professions are simply peripheral to much
everyday justice. While the public facing practice of traditional legal
professionals extends to a largely unchanged (over the past half-century) and
relatively narrow range of legal problems, the public’s experience is centred on a
far broader range of welfare and consumer related issues that have become
fundamental to civil justice with the establishment (over the past half-century)
of an extensive range of legal rights and obligations relating to benefits, debt,
education, health, housing and consumer transactions.

Where there are deficiencies in the civil justice system, they are – as in
most areas of public services – attributable largely to the difficulty of enabling
vulnerable populations with limited capability and resources to access
appropriate help in a complex legal services market in which innovations to
broaden service reach have often emanated from outside of the traditional legal
professional sphere.

Severity, Inaction and Capability
Civil and Social Justice Panel Survey (CSJPS) respondents were more likely to
obtain assistance from a lawyer in relation to more severe problems. The same
was also true of the wider advice sector. In contrast, respondents were more
likely to handle less severe problems on their own. This is a picture consistent
with rational cost-benefit based decisions and also, to some extent, in Kritzer’s
(2008, p.903) words, to “market rationing … the employment of legal
professionals by individuals who have law-related problems.” As problems
become more severe, they also become more likely to see the involvement of
lawyers and the courts, which are thereby more likely to be attendant to more
appropriate issues.

However, in simple numerical terms, CSJPS respondents also more often
took no action to resolve more severe problems. Indeed rates of inaction were
higher than rates of assistance from lawyers and the advice sector combined for
more severe problems. And while most inaction in the face of legal problems is
rational inaction (where there is no dispute, problems are relatively trivial, or
problems resolve without the need for action), a significant minority of cases of
inaction are characterised by helplessness and powerlessness (Genn

When asked the reason, more than two-thirds of 2006-9 Civil and Social
Justice Survey (CSJS) respondents who took no action to resolve legal problems
provided answers that suggest diminished capability, such as not knowing what
to do or where to go (8%), thinking it would be too stressful (8%), being
uncertain of rights (6%), being scared (6%) or having a general belief that action
would make no difference to outcome (21%). In the last case, some respondents
may have been right; but without the benefit of advice, they may have been
wrong. These reasons, suggesting a “profound need for knowledge … about
obligations, rights, remedies and procedures” (Genn 1999, p.255), were more
common among socially disadvantaged groups (Balmer et al. 2010).

Links between social disadvantage, legal capability and inaction are well
illustrated by the CSJPS. Socially disadvantaged CSJPS respondents were
associated with lower levels of legal capability. For example, as subjective legal
empowerment scores (indicating confidence in being able to achieve fair
resolution of disputes in general) decreased, a greater proportion of CSJPS respondents reported being on benefits, and the lowest scores were registered by lone parents, those reporting long-term health problems, mental health problems and the youngest respondents. Separately, our statistical models unequivocally tied legal capability to problem resolution behaviour, with action found to have been more likely among those CSJPS respondents who had higher subjective legal empowerment scores, understood their rights and/or saw problems as having a legal character.

Compounding this, our models indicated that behaviours – both positive and negative – are 'learned' (both individually and within households), meaning that they are likely to recur when new problems are faced. Thus, diminished capability, in lessening people's initial ability to resolve problems may also contribute to an increasing likelihood of 'lumping' problems. This process, which was described as "frustrated resignation" by Sandefur (2007) in her study of inaction among low-moderate income residents of a Mid-Western American city might be characterised as one of subjective legal disempowerment.

And why, ultimately, is this of great importance? Because inaction is, in turn, associated with far poorer prospects of effective problem resolution. Where CSJPS respondents did nothing to resolve problems, problems were much more likely to still be ongoing or simply being put up with.

**Characterisation of Problems, Choice of Adviser and the Legal Services Market**

In relation to choice of adviser, three dominant factors emerged from our findings; problem characterisation, problem type and cost. As indicated in the above sub-section, those problems that CSJPS respondents characterised as 'legal' were less likely to be 'lumped'. They were also less likely to be handled by respondents themselves, but far more likely to result in help being obtained from a law firm. This demonstrates the significance of being aware of the legal dimension of problems to resolution strategy. While, we live in a “law thick” world (Hadfield 2009), most of us do not see it as such, and we behave accordingly.

Importantly, failure to characterise problems as legal has no bearing on use of the wider advice sector or other formal sources of advice. As we have suggested before (Pleasence, Balmer and Reimers 2010), this demonstrates the profound importance of the broad advice sector "to the accessibility of legal services and, ultimately, justice." For, “as people’s recourse to the broader advice sector is relatively uninfluenced by whether or not problems are characterised as legal, it facilitates access to legal services for those who do not see the legal dimensions of the justiciable problems they encounter.” Without the broader advice sector, lack of appreciation of the legal dimensions of problems might present a much more significant obstacle to justice.

Characterisation is linked to problem type. Different types of problems tend to be more or less associated with law. For example, while most people equate family break-up with lawyers and the courts, few think the same of problems concerning debt or welfare benefits. And patterns of behaviour reflect this. As Sandefur (2012, p.244) explains, “in part, how people think about their ... problems reflects how different types of problem have become institutionalized as remediable through different means, or as not remediable at all.” So, as we
noted in relation to the 2001 CSJS, “while 25 per cent of all English and Welsh solicitors’ non-corporate income (and more than 20 per cent of smaller firm solicitors’ income) relates to negligent accidents, 9 per cent relates to employment problems and less than 1 per cent relates to problems concerning welfare benefits (Law Society 2003) ... this is despite incidence of problems being similar for all three problem types, all three problem types having a potentially serious impact on people’s lives and all potentially involving complex legal issues.”

But characterisation and problem type independently influence problem resolution behaviour. Problem type remained a key predictor of problem resolution behaviour even after controlling for characterisation, and after controlling for problem severity, personality, capability and a broad range of other socio-demographic factors. There are therefore other aspects of problem type that are in play here.

One may be the absolute value of problems. As Kritzer (2008) has stressed, there are evident “cost-benefit calculations” applied in people’s choices about whether to use lawyers, and the inherent costs and benefits associated with different problem types are different.

Also, there is the structure of the legal services market. Traditional legal practices may not be inclined to provide services to relatively poor clients in relation to basic welfare issues they find it hard to profit from. Thus, citizens facing such problems need to look elsewhere. It may simply be easier to make money from assisting people who have suffered negligent accidents.

The Cost of Law
Recent years have seen increasing evidence come to light of cost acting as a barrier to the use of lawyers (e.g. Pleasence and Balmer 2012, Pleasence and Macourt 2013, Huang et al. forthcoming). Where legal aid is most available, there appears to be a ‘U’ shaped relationship between income and lawyer use. Where no legal aid is available, there is a simpler relationship, with access increasing along with income; except where conditional/contingent fees (or an equivalent form of alternative payment mechanism) are available, in which case there appears to be no relationship.

The new findings from the CSJPS confirm that cost is a live issue among those looking to resolve legal problems. So, while earlier studies have pointed to cost being only infrequently mentioned as an obstacle to initial action to resolve problems (e.g. Pleasence et al. 2004, Coumarelos et al. 2012), 57% of CSJPS respondents who obtained help from an advice agency rather than a lawyer indicated that they did so because of the cost of instructing a lawyer. Furthermore, almost a quarter of those who obtained independent help, but not from a lawyer indicated that cost was the main reason for not obtaining advice from a lawyer.

To the extent that preference is based on cost, reduction in (at least upfront) cost might therefore act to increase that rate at which law firms are instructed. However, as Sandefur (2012, p.227-229) has pointed out, “we do not know a great deal about the cost of personal legal services,” though some seem to be “relatively affordable”, though they evidently “vary greatly, from sums that would be affordable out of pocket for many moderate income households to sums that are potentially ruinous.” Also, it is not clear that public understanding
of the cost of lawyers is particularly nuanced. Thus, it may be that in addition to perception of the nature of problems being a factor in problem resolution behaviour, perception of the cost of lawyers is also a factor; and in both instances, perceptions will sometimes be in tune and sometimes out of tune with reality.

Marketing (the private sector form of public legal education) of personal injury services appears to have managed to overcome concerns about cost but it is unlikely to be a simple proposition to change widespread and longstanding public perceptions of lawyers’ fees.

Importantly, also, as indicated in the previous sub-section, and as Sandefur (2012, p.244) has argued, making lawyers cheaper to access (in reality and perception) may not, on its own, radically change the way that people go about resolving legal problems – because behaviour “is a function of more than the services’ cost.” Factors such as characterisation, as described above, play a key role in behaviour.

Thus, Sandefur (2012, p.245) goes on to suggest that there are two options to addressing (any erroneous) perceptions of lawyer costs. One would be through public legal education. But another, “alternative or complementary strategy might be to ask people about the kinds of help they would like with their [problems] and then develop services that meet people’s own perceived needs – even if those services turn out not to be traditional legal services.”

Here, it could be suggested that the wider not for profit advice sector is providing an alternative and low cost form of advice. Some CSJPS respondents noted the expertise of the advice sector, with one summing up his feelings by saying advice agencies are “free, legal and friendly.” However, while a significant proportion of advice service users felt they had no need for advice from a law firm, the majority (as just indicated) explained their choice of advice agency over law firm in terms of cost. Nevertheless, the advice sector and new lower cost entrants to the legal services market certainly constitute more diverse and affordable elements of the legal services market; a point made by Hadfield (2009) in noting that “the extreme approach to the unauthorised practice of law in the United States drastically curtails the potential for ordinary folks to obtain assistance with their law-related needs and problems.”

‘Other advisers’, the Advice Maze and Referral Fatigue

Our findings confirm that people seek advice from a broad range of sources. Fifteen per cent of problems see formal help obtained from beyond both the recognised advice sector. For example, advice is commonly sought from health professionals, social workers, employers and politicians. As Pleasence et al. (2004, p.69-70) have observed, “some confusion and desperation” is sometimes evident in choices of sources of help, with some “seemingly inappropriate and unpromising.” And, as we described in Section 1, where people make inappropriate choices, they must then look again, or be signposted/referred on to new sources of help, and each time this happens a proportion will give up (‘Referral fatigue’). This points to the importance of a visible and coherent legal services market.

278 Although the impact of conditional fees on lawyer use in England and Wales is masked by the earlier legal aid provision in the area.
Duration and Reasons for Obtaining Independent Help
Shorter duration problems were more likely to have been handled by CSJPS respondents themselves. According to respondents’ reasons for obtaining independent help, lengthier problems were sometimes those they had been unsuccessful in resolving by themselves. But more often, respondents recognised that they needed help in order to resolve their problems.

Of the 39% of respondents who indicated that they needed help, as they were unable to resolve problems alone, many pointed to the value of knowledge and experience. A small number – echoing Galanter’s (1974) discussion of ‘one-shotters’ and ‘repeat players’ – made explicit reference to the need “to be on equal terms.”

Elsewhere, as with inaction, some respondents also said their main spur to getting independent help was fear or intimidation. These respondents looked to independent help to extricate them from their predicament. Unexpectedly, though, and in greater harmony with the generally civil nature of dispute resolution, there were also respondents who explained their use of independent help as a means to engage with the other party without threatening or physically hurting them.

Drivers of Process
Statistical modelling identified a number of factors as having a significant bearing on the form of problem outcome, with strategy, problem severity, problem type, psychological factors and respondent mental health standing out.

In the same way that more severe problems tend to be channelled towards independent help and law firms, so both severe problems and those involving law firms have a greater tendency to involve formal process and resolve in court. In contrast, problems that are handled alone are less likely to end in court. Thus the market rationing exposed in relation to legal advice is also apparent in relation to formal process.

Elsewhere, problem type was again shown to be a key driver of form of outcome with, for example, legal problems concerning debt more likely to conclude through agreement. Again, cultural norms are likely to in part inform parties’ decisions.

Finally, emotional stability was associated with both a greater tendency to put up with problems and lesser tendency to go to court, suggesting that being more relaxed about legal problems that life throws up does is less likely to resolve them, but makes them easier to deal with.

Challenges for the Future
Market rationing can be seen to act to channel more severe legal problems into advice and legal services (and, beyond that, formal process). However, it is apparent that this form of rationing has its limits. Lesser legal capability prevents people taking action to resolve problems where others would do so (with inaction more common for more severe problems) and, when action is taken, is influential in determining choices of strategy and sources of help. In addition to this, cost (or, at least, perceived cost) is evidently an important factor in decisions concerning sources of help. Though the social construction of
appropriateness in dispute resolution, through institutionalised behaviours, no doubt somewhat diminishes cost sensitivity in the legal services sphere.

These findings make clear the challenge that remains to further improve the civil justice rationing process, whether through targeted services, public legal education (or marketing, in the private sphere), or the development of new forms of services that better meet the needs of the public, even though these may look very different from traditional legal services. And while public legal education faces a tough task in altering deep rooted perceptions and beliefs, the success of marketing in the private sector (e.g. in relation to personal injury claims) offers some hope.

To the extent that beliefs reflect the reality of legal costs, the role of cost in decision making also makes clear the challenge to further innovate to provide legal services for publics with different levels of resources. And never has this been so important than at the time when civil legal aid is in radical retreat.

Our findings concerning choice of sources of help in relation to legal problems also again makes clear the challenge of making gateway legal services more visible and the legal services market more navigable.

Finally, the findings that longer duration problems are more likely to be those that involve lawyers, and then that problems involving lawyers are more likely to be determined through the courts raises again the challenge of more timely forms of intervention to enable earlier resolution of legal disputes.

**In Conclusion**

The findings set out in this report provide a more detailed picture of the factors that influence legal problem resolution behaviour and the form of outcome than has previously been available. They confirm the complexity of behaviour, and the importance of problem severity, problem type and perceptions/understandings. Our findings do not suggest any broad crisis of access to justice, with market rationing operating to channel more severe problems towards advice and formal process. However, the legal services market and civil justice system do not ensure fair and equal access to justice, with deficiencies attributable largely to the difficulty of enabling vulnerable populations with limited capability and resources (e.g. people with health problems, low levels of education and/or lower income) to access appropriate help in a complex legal services market in which innovations to broaden service reach have often emanated from outside of the traditional legal professional sphere.
Glossary

**Legal Need**
Legal need is a contested concept. It has been used to refer to occasions when people experience legal problems but fail to obtain the services of lawyers to assist with their resolution. However, it is generally recognised that legal mechanisms do not always provide the most appropriate route to solving problems that raise legal issues (e.g. Lewis 1973, Blacksell et al 1991). Attempts to define legal need have therefore come to place emphasis on understanding of options and preferences (e.g. Hughes 1980, Ignite Research 2006, Coumarelos et al 2012).

**Legal Need Surveys**
Legal need surveys are surveys directed towards quantifying the public's experience of and responses to legal problems. As Pleasence, Balmer and Sandefur (2013) have observed, these surveys have their ultimate origins in Clark and Corstvet's (1938) landmark study of "how the needs of the community for legal service were being met" in Connecticut during the 1930s recession at the United States' Bar. Although Clark and Corstvet anticipated that similar surveys would become commonplace, few further surveys were conducted until the 1990s, when such research "gain considerable momentum" (Coumarelos et al 2012, p.1) following the conduct of high profile national surveys in, first, the United States (Reese and Eldred 1994), then England and Wales (Genn 1999), New Zealand (Maxwell et al 1999) and Scotland (Genn and Paterson 2001).

**Subjective Legal Empowerment**
Subjective legal empowerment is the self-belief that an individual can solve problems of a legal nature if they occur (Gramatikov and Porter, 2011). In the current study, subjective legal empowerment combines measures of respondent's self-belief that they would get a fair solution when faced with a conflict with an employer, family member, neighbour, a land dispute, a business dispute and if they were a victim of crime. The questions were developed by Robert Porter of Tilburg University.

**Vulnerable Populations**
In this report vulnerable populations is used as a shorthand expression to denote populations that, because of their characteristics, are more susceptible than others to the experience of legal and wider social problems, and have lesser capability and resources to resolve problems. Thus, vulnerable populations typically include people with health problems, low levels of education and/or lower income.
References


