Annex A. Annotated Model Core Legal Needs Survey Questions

Figure A.1. Model problem identification question

An open question is ill suited to problem identification, and separate lists (often presented on show-cards) for different problem categories are too time consuming. Here, a single list of problem categories is presented, with examples provided to improve clarity.

> 'Problems and disputes' has been the most common terminology used. to date.

References to 'legal' problems should be avoided. Here, problems are contextualised as 'everyday' to improve the reporting rate.

A dichotomous question presents the simplest task for respondents, promoting reliability. If necessary, the number of problems experienced can be ascertained through immediate follow-up.

I am going to read you a list of problems and disputes that people commonly experience in everyday life. In each case, can you tell me whether you have personally experienced such a problem in the past two years; by which I mean a problem that started since [DATE] or started before then, but continued afterwards.

(Please only include problems that you have had yourself, not problems experienced by a business you run, in the course of self-employment or by an employer, and not situations where you represented or helped somebody else with their problem. And please only

mention problems once)

Clarity on which problems to report is essential. Here, it is made clear that all problems existing within the reference period should be included, regardless of when they started.

> Data accuracy is promoted by explicit reference to causes of reporting errors known to present a particular risk.

A 2-year reference period provides a balance between maximising problems reported and enabling contemporaneous monitoring. Business related problems can be a significant aspect of the lives of the selfemployed. This is particularly relevant in low income countries. However, they are conceptually (and often legally) distinct from personal problems, so should ideally be asked about separately. Approaches to doing so are detailed in Section 3.

This is to prevent double counting.

Surveying individuals, rather than households, etc., promotes data accuracy.

Figure A.2. Model problem seriousness question

Emphasis is placed on the words 'as a whole', to indicate that the circumstances and impact of a problem should be considered.

Thinking about the problem as a whole, consider a scale of 0 to 10, where 1 represents the least serious type of problem you could face and 10 represents the most serious.

To provide some examples, a score of 8 might be [ANCHOR 1] and a score of 2 might be [ANCHOR 2].

What number best represents the seriousness of your problem?

The two anchors should comprise an example of a very serious and relatively trivial problem. The examples need not be justiciable problems. Anchors must be appropriate for the population surveyed.

Figure A.3. Model problem impact question

Use of this phrasing removes ambiguity around whether impact that constitutes an element of a problem should, or should not, be included.

Did you experience any of the following as part of or as a result of this problem?

- a) ill-health or injury
- b) high levels of stress
- c) damage to a family relationship
- d) being harassed, threatened or assaulted
- e) damage to your property
- f) loss of employment
- g) having to move home
- h) financial loss
- i) fear or loss of confidence

Financial loss is included in preference to loss of income, which is narrower.

As loss of employment/moving home do not equate to becoming unemployed/becoming homeless, some surveys have separately asked about the latter.

Inclusion of information sought on behalf of 'Information' is the term that has been used respondents allows a more comprehensive to define the scope of questions of this type. assessment of help seeking behaviour. More tailored Internet or app based help will be captured, though not detailed. Use of the term 'obtain' limits References to 'legal' information, scope to information seeking that advice, etc., should be avoided; as is (at least partially) successful. respondents may not recognise legal dimensions of help received. Did you, or somebody acting on your behalf, obtain information from any of the following sources, to help you better understand, resolve or prepare to resolve [the problem]? a) A website or 'app' b) A leaflet, book or self-help guide c) Newspapers or magazines d) Television, video or radio

Figure A.4. Model media information question

Items (a) to (d) include all modes of mass communication asked about in surveys to date. In the future, the items may need to be updated to accommodate technological change. 'To help you better understand, resolve or prepare to resolve' is broader than commonly used phrases such as 'to try to resolve'. It more clearly includes preliminary information and help seeking directed towards, for example, understanding the nature of a problem or dispute resolution options.

Figure A.5. Model sources of help question

	Use of the term 'obtain' limits scope to help seeking that is (at least partially) successful.		'Information' and 'advice' are the terms that have been most commonly used to define the scope of questions of this type. The addition of 'representation' adds further clarity.		
Inclusion of help sought on behalf of respondents allows a comprehensive assessment of help seeking behaviour.			'People or organisations' is the most common phrasing used to describe the form of advisors. No further indication of scope is required, as details of each advisor category are presented to respondents.		
		ive told me about a on your behalf, ob		n, advice or representation	
from any o	of the following p	eople or organisati	ons to help you	ı better understand or resol	ve
[the probl	em]? [ASK EACH S	EPARATELY]			
Please exc	lude any help pro	vided by the other p	party		
n list item should be asked ut separately, to increase clarity maximise reporting rates.		'To help you better resolve' is broade used phrases successolve'. It more construction preliminary inform help seeking direction for example, under nature of a problem resolution option	r than commonly h as 'to try to learly includes mation and cted towards, erstanding the em or dispute	References to 'legal' inf advice, etc., should be respondents may not r legal dimensions of he	avoided; as ecognise
	Not being indepe provided by the o outside the usual question and sho	other party is scope of this			

Figure A.6. Model list of sources of help

This first category is designed to capture only non-expert informal help from family, friends and acquaintances. It therefore excludes help from those whose job involves providing advice on relevant issues. Their help should be recorded within the other categories. Providing examples in relation to sources described using relatively technical language should assist clarity and recall.

- a) Family, friends or acquaintances (excluding people whose job is to advise on problems such as these; please mention these people in their professional capacity)
- b) A lawyer, professional advisor, advice service or advice helpline; such as [examples] (specify)
- c) A court [or tribunal] or other dispute resolution organisation (such as [examples]) or the police (specify)
- A national, regional or municipal government department, agency, council or a politician (specify)
- e) Your employer, a trade union or professional association, or a trade association (such as [examples]) (specify)
- f) A health, welfare, financial services or other professional (specify)
- g) A community or religious leader or organisation, an [civil society organisation/ charity], or trusted person or organisation (specify)
- h) Any other person or organisation

Include if appropriate

The most appropriate term to describe the non-government, non-commercial sector should be used.

Box A.1. Model process question

(Apart from anything you have told me about already) Did any of the following things happen as part of [the problem] or sorting it out? When I say "'you'" here, I mean you or somebody acting on your behalf.

- a) You communicated with the other party.
- b) You or the other party made a claim to, or made use of, a court (or tribunal).
- c) [If applicable] You or the other party made a claim to, or made use of, an [Indigenous/ customary] dispute resolution process (e.g. [examples]).
- d) [The problem] was reported to the police (or other prosecution authority).
- e) You or the other party turned to, or action was taken by, a formal designated authority. or agency, such as [examples, e.g. Ombudsman, regulator (e.g. [example]) or enforcement authority (e.g. consumer protection authority)].
- f) You or the other party turned to, or action was taken by, another state authority (e.g. [examples]).
- g) You or the other party turned to, or action was taken by, a religious authority.
- h) You or the other party turned to, or action was taken by, a community leader or organisation (e.g. [example]).
- i) You participated in formal mediation, conciliation or arbitration (e.g. [examples]).
- j) You or the other party made use of a formal appeals process operated by the other party or independently.
- k) You, the other party or somebody else turned to, or action was taken by, another third party for adjudication, mediation or intervention.
- 1) There was no negotiation or third party involvement.

[For each positive response from a to k]

Who initiated this action?

[If the respondent did not initiate processes b to h or j and k]

Did you respond to this action?

Figure A.7. Model residual activity question

Inclusion of action on behalf of respondents allows a comprehensive assessment of help seeking behaviour. Inclusion of residual activity undertaken on behalf of respondents allows a comprehensive assessment of problem resolving behaviour. The question is presented as an open question, so as not to limit responses to pre-determined behaviours.

(Apart from anything you have told me about already) Did you, or somebody acting on your behalf, do anything else to help you better understand or resolve [the problem], such as obtain or organise evidence or make an insurance claim?

'To help you better understand or resolve' is broader than commonly used phrases such as 'to try to resolve'. It more clearly includes activity undertaken prior to (or to inform) decision making about problem resolving strategy. An example is provided as a prompt regarding an activity that is potentially an important component of problem resolution.

Figure A.8. Model fact of outcome question

The phrase 'done with' is preferred to other previously used wording – notably 'over or resolved' – as it suggests no change in the future, rather than non-existence. As 'done with' is intended to encompass two distinct forms of problem conclusion (problems being completely resolved *and* the resolution of persisting problems being abandoned by all parties), its definition must be made explicit.

Is [the problem] ongoing or done with? By 'done with' I mean that the problem is either completely resolved or that it persists, but you and everybody else have permanently given up all efforts to resolve it further. [PROBE FULLY]

- a) Ongoing
- b) Too early to say
- c) Done with, but problem persists
- d) Done with, problem fully resolved

There may be a period of time in which it is unclear whether a problem has been resolved, or all attempts to resolve it have been abandoned. Thus, a response option reflecting this uncertainty is necessary. Given the centrality and complexity of this question, particular effort should be made to ensure accuracy. The definition of 'done with' is the most important element of the question, so should not be shortened or removed in the interest of survey efficiency. It is important, for example, that it refers to the intentions of both the respondent and the other party.

Figure A.9. Model manner of outcome question

The question is presented in a closed form, as the data sought is particular and the question, if open, is quite broad. Being concerned with manner of outcome, the question emphasises that the correct response should reflect how the outcome was 'ultimately' brought about.

Which of the following statements best reflects how the problem outcome was ultimately

brought about?

The problem outcome was ultimately brought about by ...

- a) ... a court (or tribunal) judgment
- b) ... a decision or intervention by another formal authority
- c) ... mediation, conciliation or arbitration
- d) ... action by another third party
- e) ... agreement between you and the other party
- f) ... the other party independently doing what you wanted
- g) ... you independently doing what the other party wanted
- h) ... you moving away from the problem (e.g. moving home, changing job)
- i) ... the problem sorting itself out
- j) ... you and/or all other parties giving up trying to resolve the problem

As problem conclusion can involve problems persisting, but the parties giving up on their resolution, this must be reflected in the manner of outcome categories.

Figure A.10. Model reasons for not obtaining help question

The model question asks about failure to obtain advice, as this links to the measurement of unmet legal need (discussed below)

Why didn't you obtain independent advice to help resolve the problem?

- a) No dispute with anybody/thought other side was right
- b) Problem resolved without need to get advice
- c) Did not think needed advice
- d) Did not think problem important enough
- e) Concerned about the time it would take
- f) Concerned about the financial cost
- g) Advisors were too far away
- h) Thought it would be too stressful
- i) Thought it would damage relationship with other side
- j) Was scared to take action/get advice
- k) Didn't know where/how to get advice
- I) Didn't think it would make any difference to the outcome
- m) Had tried seeking advice before and not found it useful
- n) Other (specify)

The examples provided are those most commonly investigated and reported in legal needs survey work Some of the examples do not suggest any obstacle in the path of respondents. However, others may represent causes for concern. In drafting examples, care should be taken to differentiate between these types of responses.

Figure A.11. Model process and outcome fairness questions

The two questions ask about 'basic' fairness, to indicate that minor deficiencies of fairness should be disregarded. This phrasing is intended to more clearly differentiate the subject matter of the two questions from respondents' personal satisfaction.

[OUTCOME FAIRNESS]

Do you feel the outcome of this problem was basically fair or unfair to everybody concerned?

[PROCESS FAIRNESS]

Regardless of the outcome of this problem, do you feel the process through which the

outcome was reached was basically fair or unfair to everybody concerned ?

Respondents are explicitly instructed to disregard outcome, to clearly differentiate the process question from the outcome question.

This model question utilises generic phrasing in anticipation of use in relation to problem resolution processes in their entirety. If specific processes are being asked about, this phrasing can be modified accordingly.

Figure A.12. Model problem resolution cost question

To remove ambiguity, it is necessary to specify whether or not indirect forms of payment are included in the scope of this question. To remove ambiguity, costs explicitly include those borne by respondents' family and friendship groups; being distinct from forms of third party financial support. While not constituting a definition of indirect payments, insurance premiums and membership subscriptions are the most common pooled resources from which indirect payments may be made.

Excluding indirect payments, such as insurance premiums or membership subscriptions, but including payments made by family members and friends

Did you, personally, have to pay for any of the following in order to resolve the problem :

- (a) Lawyer and other advisor fees
- (b) Court, mediation or other administrative fees
- (c) Telephone calls and correspondence
- (d) Collecting information or obtaining evidence (incl. reimbursement of witnesses' costs)
- (e) Travel (e.g. bus fares or petrol to visit an advisor)
- (f) Lost business or salary, from taking time off work (e.g. to obtain advice)
- (g) Bribes / kick-backs (Remember, your answer is confidential)
- (h) Incidental domestic costs (e.g. childcare)

Although in tension with the inclusion of payments by family and friends, the word 'personally' emphasises that the question concerns costs met, rather than the full cost of services.

Following the practice in HiiL's Justice Needs and Satisfaction Surveys, respondents concerns about reporting bribes can be allayed by reiterating that responses are confidential. The use of an example reminds respondents that the questions concerns the costs of problem resolution, not of problems themselves. Listing cost elements clarifies the scope of the question and assists recall.

This clarifies the question concerns problem resolution, not problem impact.

Figure A.13. Model legal capability questions (identified problem)

By mixing the 'legal' response category with other potential descriptions, the question avoids leading respondents. Allowing more than one response avoids the risk of legal characterisation going unreported because it is not the dominant characterisation. Multiple responses also provide insight into broader perceptions of problems.

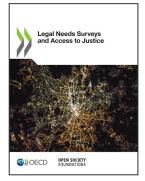
Which of the following describe the problem? You can choose more than one option, or none.

- a) Bad luck / part of life
- b) Bureaucratic
- c) A family or private matter
- d) Legal•
- e) Political
- f) A social or community matter
- g) Economic
- h) None of these

To what extent do you agree or disagree with the following statements about the problem?

- a) I understood or came to understand my legal rights and responsibilities.
- b) I knew where to get good information and advice about resolving the problem.
- c) I was able to get all the expert help I needed.
- d) I was confident I could achieve a fair outcome.

These items relate to the three aspects of legal capability: awareness of legal rights and responsibilities, awareness of services and legal confidence. This phrasing captures instances in which respondents come to their understanding as problems progress. A common stem is used for speed. and efficiency.



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