

Annex C. Topics included in Legal Needs Surveys to date

This annex sets out the full range of topics included in the more than 50 surveys set out in Table 1.1 and Table 1.2. Some surveys addressed only a few topics, others many. No survey has addressed or could be expected to address all the topics detailed.

Attitudes (general)

- Attitude towards justice system (lawyers, courts, traditional dispute resolution, etc.)
 - Accessibility (including cost, etc.)
 - “Interpersonal justice” (including respect, etc.)
 - “Procedural justice”/fairness (including neutrality, manipulability, etc.)
 - “Informational justice” (including transparency, clarity, etc.)
 - Effectiveness (including timeliness, whether solves problems, etc.)
 - What is most effective means to solve problems today
 - What is most common means to solve problems today

Attitudes (to processes used)

- Fairness of process
 - In general
 - “Interpersonal justice”
 - “Procedural justice”
 - “Informational justice”
- Whether costs reasonable
- Influence on process
- Emotional response to process
- Physical state of institutions (accessibility, location, cleanliness, facilities, etc.)

Capability/empowerment

- Awareness of law – Reported problem
 - at time problem commenced
 - at later date
 - reasons for change
 - Hypothetical (see “Hypothetical scenarios”)
- Awareness of legal services - General (open question/list)
 - Reported problem (open question/list)
 - Defined problem (see “Hypothetical scenarios”)
 - Proximity
 - Most accessible
 - Legal aid/free legal services (general/specific services/specific problems)

- Legal aid eligibility
- Legal Aid reform
- Cost of legal services
- Awareness of processes/institutions
- Subjective legal empowerment
- Perceived character of reported problem (including whether seen as “legal” / whether considered a problem that should be dealt with using legal mechanisms)
- Whether aware of legal implications of problem
- Whether equipped to deal with experienced problem at outset (general, understanding, knowledge, etc.)
- Ability to meet cost, time, etc., of acting (see also “Cost of problem resolution”)

Causes and consequences (of identified justiciable problems)

- Links between reported problems
- Whether reported problems contributed to or followed on from one another
- General impact on life
- Details of broader causes of problems
 - Personal
 - Social
 - Economic
 - Health
 - Environmental
- Details of broader impact of problems
 - Personal (fear, loss of confidence, substance abuse, etc.)
 - Social (damage to relationships, child behaviour, etc.)
 - Economic (lost employment, income, home, etc.)
 - Health (mental, physical, etc.)
 - Environmental (property damage, etc.)
- Duration/cost of period of lost income
- Duration/value of period of welfare receipt
- Use (and type/extent of use) of public services (e.g. health services)
- Other costs of problem impact
- Was any of loss insured/how much recovered through insurance

Choice of advisor

- How found out about advisor
- Whether (in seeking assistance) information sought on:
 - Available services
 - Recommendations
 - Expertise/timeliness
 - Costs of services
 - Regulation of services (and if not, why not)
- Difficulty of obtaining advice
- Whether respondent knew what sort of assistance required
- Factors in choice (e.g. distance, cost, reputation, ethnicity, etc.)

Cost of problem resolution

- Fees paid by respondent
 - Information/documentation/advice/representation
 - Courts and other processes
- Fees met by third parties
 - Information/documentation/advice/representation
 - Courts and other processes
- Itemisation of fees
 - Global
 - Itemised (to whom, for what, etc.)
- Where payments made by respondent, source of funds (e.g. savings, loan, etc.)
- Form of fees (fixed, hourly billing, etc.)
- If not fixed fees, whether and what estimate provided at outset (and form of communication)
- Explanation of higher fee than estimate
- Whether any negotiation on fees, and if successful
- Legal aid
 - Whether Legal Aid applied for
 - Whether Legal Aid received
 - If refused Legal Aid, why
 - What Legal Aid covered

- Details of other third parties meeting fees (e.g. Legal Aid, insurance company, etc.)
- Other monetary costs borne by respondent (e.g. travel, communication, evidence gathering, babysitting etc.) (global, itemised)
- Whether bribes required to be paid as part of problem resolution process, how much and to who
- Other monetary impacts (e.g. lost income (associated with time needed to resolve problem), etc.)
- Proportionality of costs
- What would be an acceptable amount to pay
- How much would have been willing to pay
- Time spent resolving problem (globally/by activity)
- Other (non-money/time) impact *of resolution* (e.g. stress, damage to relationships)
- Cost as an obstacle to action (see also “Reasons”)
 - Whether
 - Which aspect of dispute resolution
 - Whether/where information about costs obtained
 - Why information about costs not obtained

Courts/tribunals (see also “Processes used”)

- Whether court/tribunal contacted
- Whether formal process issued
- Which court/tribunal
- Whether hearing occurred
- Whether respondent attended
- Tasks undertaken by respondent
- Whether referred to mediation/conciliation
- Whether pressed to give particular testimony
- Whether respondent (and other party) represented, and by who
- Attitude/nature of experience (see “Attitude to processes used”)
- Outcome (see also “Outcome”)

Demographics

- Household characteristics
- Personal characteristics

Experience of justiciable problems

(open question/presentation of categories/ presentation of detailed problem types) (single or multiple reference periods)

- Number of problems experienced
- Nature of problems experienced (see “Nature of identified justiciable problems”)

Formal assistance (from independent “advisors”)

- Details of advisor(s)
- Whether friend/relative
- Whether advisor(s) were trained lawyer(s)
- Independence of advisor(s)
- Who appointed/chose lawyer(s)
- Demographics of advisor(s)
- Number of advisors
- Ordering of advisors
- Date of first contact with advisor(s)
- Links between use of different advisors (e.g. signposting, referral, etc.)
- Why particular advisor(s) chosen (see “Choice of advisor”)
- Nature of assistance (see “Nature of assistance provided by advisors”)
- Form of communication/mode of contact (see “Mode of contact”)
- Distance of advisor(s)
- Mode/duration of travel (see “Cost of problem resolution”)
- Number of times advisor(s) contacted
- Duration of contact (see “Cost of problem resolution”)
- Obstacles/barriers to access (e.g. opening hours, distance, cost, language, etc.)
- Whether assistance obtained through an intermediary
- Whether respondent had to pay (see “Cost of problem resolution”)
- Satisfaction with assistance obtained
 - Global
 - Communication
 - Honesty
 - Timeliness
 - Action

- Reasons for satisfaction/dissatisfaction
- Response to being dissatisfied (complaint, advice, etc.)
- Use/satisfaction with response of regulator
- Consequences of response (apology, fee reduction, etc.)
- Utility of assistance obtained
- Relative utility (where multiple advisors) of advisors
- Timeliness of assistance
- Which was “main” advisor (or most useful)
- Impact of assistance from advisors on social, health, and economic circumstances

Historical use of legal services/processes

- Whether/when services used
- Whether/when processes used

Hypothetical scenarios

- Vignettes
 - Awareness of law (see “Capability/empowerment”)
 - Awareness of legal services (see “Capability/ empowerment”)
 - Predicted problem resolution strategy (global and elements (e.g. use of advisors))
 - Reasons for choice
- Future experience of similar problems (to those reported)
 - Whether different problem resolution strategy likely (global and elements (e.g. use of advisors))
 - Predicted problem resolution strategy (global and elements (e.g. use of advisors))
 - Reasons for choice
- If somebody else experienced same problem
 - Would recommend same strategy/advisor(s)
- Generic
 - Predicted problem resolution strategy (global and elements (e.g. use of advisors, processes, etc.))
 - Who would *not* discuss with

Information (excluding information about advisors)

- What type of information sought

- What type of information obtained
- Where information obtained from (see also “Use of Internet”)
- Reason for obtaining information from identified source(s)
- Utility of information

Mediation, conciliation and arbitration (see also “Processes used”)

- Whether mediation, conciliation or arbitration organised (and which)
- How many
- What role respondent had
- Whether respondent (and other party) represented
- Attitude/nature of experience (see “Attitude to processes used”)
- Outcome (see also “Outcome”)

Mode of contact (with advisors)

- Global/individual
- Ever
- First
- Predominant
- Preferred
- Available

Nature of assistance provided by advisors

- What assistance was wanted (general)
- What assistance was sought (e.g. moral support, information/advice, practical support)
- What assistance was obtained
- What information was provided about assistance to be given (on instruction, first meeting)
- Degree of delegation
- Whether prior agreement on what assistance was to be provided
- Whether respondent got all assistance needed
- Character of assistance obtained (e.g. emotional support, legal, practical, etc.)
- Whether advisor provided other services to respondent also
- Whether advisor tried to sell respondent other services

Nature of identified justiciable problems

- Brief description (open text)
- Perceived character of problem (see “[Capability/empowerment](#)”)
- What problem about (e.g. money, property, changing behaviour, apology, etc.)(see also “[Objectives](#)”)
- Whether personal or business
- Whether shared (within household)
- Nature of other party/parties (including demographics)
- Relationship with other party/parties
- Whether claimant or defendant / Who considered to be in the right/responsible
- Existence and extent of disagreement
- Problem duration (see “[Problem duration](#)”)
- Whether ongoing (see “[Problem duration](#)”)
- Seriousness (see “[Problem seriousness](#)”)
- Links to other identified justiciable problems (see “[Causes and consequences](#)”)
- Whether problem involved discrimination

Objectives (in trying to resolve problem)

- Nature of objective (monetary, non-monetary, etc.)
- Value (of matter problem concerned)
- Relative importance (where multiple objectives)
- Whether objectives achieved (e.g. fully, in part, etc.)

Outcome

- Brief description (open text)
- Whether concluded (see “[Problem duration](#)”)
- Means disagreement/problem concluded (e.g., through a court decision, negotiation, etc., including “putting up with” problem)
- Satisfaction/happiness with outcome (all parties)
- Favourableness of outcome
- Fairness of outcome (all parties)
 - In general
 - “Distributive justice”
 - “Restorative justice”

- Timeliness of outcome
- Finality of outcome/whether outcome implemented
 - Whether respondent complied
 - Whether other party complied
 - Enforcement mechanisms
- Sufficiency of explanations provided for outcome/“Transparency” of outcome
- Understanding of outcome

Problem duration

- How long problem lasted/has lasted to date
- Problem start date
- Problem end date
- Whether problem ongoing
 - Whether disagreement ongoing
 - Whether problem ongoing
- Whether ongoing problem will conclude
- When ongoing problem will conclude

Problem seriousness

- Relative seriousness
 - Most serious
 - Scaled seriousness (seriousness, importance of resolution, etc.)
 - Impact on life (time spent worrying, ability to live normally, etc.)
- Impact (specific) (see “Causes and consequences”)
- Has situation improved/deteriorated
- Seriousness to others

Problem resolution strategy

- Brief description (open text)
- Overall strategy (single questions for determining basic approach)
- Whether thought problem would be sorted out without action
- How difficult it was thought it would be/it turned out to be to sort out problem
- Relative difficulty of resolving (multiple) problems
- Capability to resolve problem (see “Capability”)

- Whether any action taken
- Obstacles to action (cost, time, social implications, etc.) (see also “Capability”)
- When first action taken
- Whether previous experience influenced strategy
- Whether information obtained (see “Information”)
- Whether any information/advice suggested respondent would not obtain objectives (in seeking to resolve problem)
- Contact/negotiation with other party
 - Whether
 - Form of communication
 - What aiming to achieve
 - What achieved
 - Obstacles to contact
 - Unsuccessful attempts to communicate (either way)
 - Contact through an intermediary
- Use of Internet (see “Use of Internet”)
- Use of written materials
 - Whether
 - About what
 - Produced by
 - How helpful
- Whether assistance sought/obtained from family/friends (“informal assistance”)
 - Whether
 - Who
 - Why
 - What sought
 - What obtained
 - How useful
 - Whether expert
- Sources of formal assistance (see “Formal assistance”)
- Unsuccessful attempts to obtain information (see “Unsuccessful attempts to obtain information/assistance”)
- Unsuccessful attempts to obtain formal assistance (see “Unsuccessful attempts to obtain information/assistance”)
- Consideration of formal assistance

- Processes used (see “Processes used”)
- Consideration of processes
- Third party involvement in sorting out problem (see also “Processes used”)
 - Whether/by who solicited
 - Type of involvement
- Other actions to try to resolve problem (e.g. thinking about options, collecting evidence, etc.)
- Whether withdrew claim/defence
- Ordering of elements of strategy
- Reasons for strategy choices (see “Reasons”)

Processes used

- Formal processes used
 - Nature
 - Court/tribunal (see “Court/tribunal proceedings”)
 - Formal mediation, conciliation or arbitration (see “Mediation, conciliation and arbitration”)
 - Ombudsman
 - Police
 - Tribal/social
 - Religious
 - Other
- Informal processes used
 - Nature (e.g. negotiation, use of intermediaries)
- Party initiating process(es)
- Cost of process(es) (see “Cost of problem resolution”)
- Whether process(es) concluded problem (see “Outcome”)
- Reason for choice of process
- Duration of process(es)
- Ordering of processes
- Whether any documentation needed to be signed, and whether documentation understood
- Language process used
- Availability of interpreter
- Ability to monitor/communication concerning progress of process

- Whether suffered any abuse/discrimination as part of process (including bribes) (see also “Cost of problem resolution”)
- Whether suffered any threats or physical violence
- Details of any detention experienced
- Satisfaction with process(es) used
- Utility of processes
- Relative utility (where multiple processes) of processes
- Attitude to processes used (see “Attitude to Processes used”)

Reasons

- For inaction
- For not doing more
- For handling a problem alone
- For not obtaining independent advice or other assistance
- For not obtaining legal advice
- For not obtaining help from lawyer
- For obtaining (or considering) help from lawyer
- For obtaining (or considering) help from other source
- For not using formal process
- For withdrawing claim/defence

Regrets (regarding how problem handled)

- Whether regrets about how problem handled
- What wish had done
- What wish had known
- Would assistance have led to a better outcome
- What assistance would have improved outcome

Traditional dispute resolution mechanisms (see also “Processes used”)

- Whether traditional dispute resolution mechanism used
- Which traditional dispute resolution mechanism
- Attitude/nature of experience (see “Attitude to processes used”)
- Outcome (see also “Outcome”)

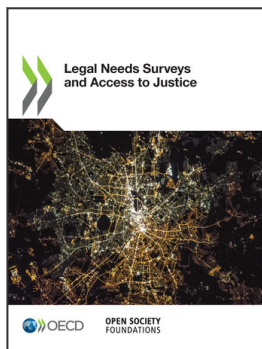
Unsuccessful attempts to obtain information/formal assistance (from independent “advisors”)

- Details of advisor(s)
- Why unable to obtain information
- Why unable to obtain assistance

Use of Internet

(general use/access dealt with separately through demographic questions)

- Whether used
- What looked for/hoped to achieve (e.g. locate help, obtain information, etc.)
- What found/achieved
- Websites visited
- How websites identified/located
- Utility of Internet



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