

Policy Implications of the Massachusetts Legal Needs Survey

Presented by Legal Needs Study Advisory Committee

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Abstract

Since the last legal needs survey in Massachusetts almost a decade ago the state economy has grown at an impressive rate, but poverty has also grown and so have the civil legal needs of low-income residents.

The 2002 Massachusetts Legal Needs Survey indicates major increases in legal needs for problems exacerbated by economic growth such as housing, health and public benefits. More than half of low-income residents (53 percent) reported experiencing an *unmet* legal need during the previous 12-month period, with many people saying they don't think anyone can help, they don't know where to go for assistance or they are afraid to seek help.

Because people report similar legal needs throughout different regions of Massachusetts, a coordinated, statewide approach is required that brings together state government, the judiciary, the bar and those who fund civil legal assistance programs in order to provide adequate legal aid to low-income residents.

Over 700,000 residents of Massachusetts had incomes at 125 percent or less of the federal poverty line, or \$22,625 annually for a family of four at the time of this survey. The Massachusetts Legal Needs Survey confirms that two-thirds of these households encounter at least one legal problem every year. And that in only 20 percent of households are all legal problems addressed.

The legal aid programs that serve low income people are already stretched thin. Only 215 lawyers and paralegal advocates or one full-time advocate for every 3,507 low-income people work for legal aid programs. This is compared to the 46,724 lawyers in active practice or one for every 136 people in the total population.

Even during a fiscal crisis, the Commonwealth, must maintain the current level of support for legal aid or force additional thousands of our most vulnerable neighbors to face domestic violence, unfair evictions, denial of services and other such consequences of unmet legal needs alone.



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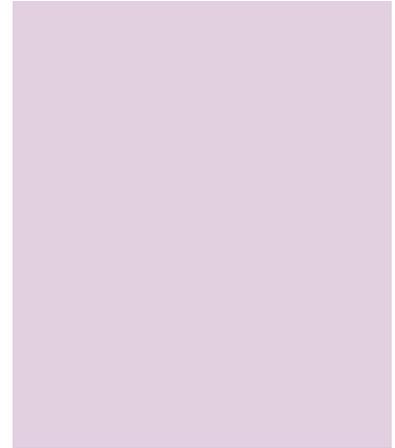
There is only one full-time advocate working in legal aid programs for every 3,507 people with low income. This is compared to one advocate for every 136 people in the total population.

Recommendations



1. **Expand support for legal assistance in Massachusetts** to provide low-income people with more legal representation, advice and brief assistance and education about their legal rights and responsibilities.
 - a. Legal representation is necessary in those instances when low-income people must go to court or to an administrative agency, for example, to prevent loss of housing, contest an unfair denial of services, protect themselves from violence or address the need for systemic change.
 - b. With legal advice and brief assistance, such as letters and phone calls, low-income people can address some of their legal problems, at least initially, on their own.
 - c. Community legal education directed at low-income people and organizations and the staff of social service agencies is another tool for expanding access to justice. As the experts on legal issues, legal aid advocates are uniquely qualified to provide this education. Legal aid programs should also continue and increase their support for community organizations as well as their cooperative efforts with social service providers.
2. **Target resources to address the particular legal needs of families** headed by single mothers, the elderly, those for whom English is not their first language, African American and Hispanic households, households comprised of five or more people and those with children. All these experienced disproportionately high levels of need.
3. The findings that **low-income people often do nothing or take some action on their own** when faced with a legal need give rise to two related recommendations:
 - a. Low-income people should have access to relevant, accurate, timely information regarding the legal dimensions of problems they confront and how they can respond.
 - b. The method of providing this information must include a means of determining when self-help actions by low-income people are sufficient to meet their legal needs.
4. **More resources are needed to address immigration needs** and legal needs based on language issues.
5. Legal assistance programs and clients should work in coalition with community and other advocacy organizations to **expand access to health care**.
6. The increase in unmet need demands a **uniform statewide, coordinated response** from legal aid programs, the Commonwealth, the judiciary, the bar and those who fund civil legal assistance programs.

7. **Other resources for providing legal assistance should be developed and expanded.** Private practitioners continue to provide significant levels of service to low income people and efforts to expand such service should continue. The court system struggles with advising potential claimants and should be supported to increase the effectiveness of those efforts. The capacity of the law schools and the wider academic community to assist in the design and assessment of methods used to address unmet legal needs should be encouraged.
8. **The financial strains on cities and towns** are seen in the extraordinarily high level of legal needs arising from **inadequate municipal services**. Legal resources should be devoted to assisting low-income people and local communities to address these needs.





Massachusetts legal aid programs are experiencing a significant increase in the number of people requesting help in such basic areas as housing, health care and employment.

The Massachusetts Legal Needs Survey was conducted to quantify and analyze the current scope and nature of client needs.

Background

The Economic and Fiscal Environment

The Massachusetts Legal Needs Survey was conducted to provide an updated assessment of the civil (non-criminal) legal needs of the state’s low-income population. Since the previous comprehensive study in 1993¹, dramatic shifts in the state’s economy, fiscal health and composition of the low-income population all acted to change the nature of poverty in Massachusetts.

The Commonwealth’s legal aid programs require updated, accurate data on which to plan the delivery of services to low-income residents. State government also requires updated, accurate data on which to base decisions to fund critical services for our most needy residents. This study serves as a guide to these program and funding decisions.

The 1990s brought impressive economic expansion to Massachusetts as major industries—especially high technology and finance—created thousands of new jobs. At the same time, immigration, especially from Latin America, changed the ethnic mix and work skills of the population. While many Massachusetts residents prospered, and some low-income residents escaped poverty, prosperity created a host of new problems for those left behind.

Among the ills of the economic boom were critical shortages of affordable housing, health insurance and secure jobs for people at the bottom of the economic ladder. Census figures show that during the 90s’ boom the Massachusetts poverty rate grew from 8.9% to 9.3%. In addition, while the state’s overall population grew by 5.3%, the state’s very poor population (below 50% of the poverty level) grew by approximately 24% (65,000 persons), which was counter to the national trend of reduction in extreme poverty.²

From 2000-2002 the shift from prosperity to recession has been widely felt in Massachusetts, as the drivers of growth in the 1990s—the technology and finance industries—trimmed their payrolls. For the state’s low-income residents, current economic ills mean they have fewer opportunities to rise out of poverty. At the same time, public benefit programs are now constrained by fiscal austerity.

Even before the current state budget crisis, low-income residents faced new hurdles in gaining access to public benefits. The welfare rolls have



been halved and more of those who remain have significant health problems and increased advocacy needs. Immigrants have been disproportionately affected and remain unaware of their rights. It is in this environment that budget decisions will be made in the 2003 legislative session.

Massachusetts legal aid programs are experiencing a significant increase in the number of people requesting help in such basic areas as housing, health care and employment. The Massachusetts Legal Needs Survey was conducted to quantify and analyze the current scope and nature of client needs. Survey results have the following policy implications for legal aid programs and government decision makers.





Comparing the results of the 1993 and the 2002 Massachusetts Legal Needs surveys we find that the occurrence of civil legal needs increased significantly.

This is especially true for problems exacerbated by the economic boom and cutbacks in welfare and other benefits . Civil legal needs less tied to the economy and government aid experienced more modest increases.

Legal Needs Outcomes

The full report on the 2002 Massachusetts Legal Needs Survey³ shows that the occurrence of civil legal needs increased significantly since the 1993 study. In 2002, two thirds (67%) of households eligible for legal aid (up to 125% of the Federal poverty level⁴) experienced at least one civil legal need during the previous twelve-month period (October 2001-October 2002). This rate compares with 38% in 1993.⁵

A comparison of the two surveys shows major increases in legal needs related to problems exacerbated by the economic boom and cutbacks in welfare and other benefits. In housing the occurrence of legal needs grew from 14% to 30% from 1993 to 2002, health issues grew from 4% to 22%, public benefits from 4% to 17% and employment from 5% to 16%. Meanwhile, civil legal needs less tied to the economy and government aid experienced more modest increases: family/domestic problems grew from 9% to 13% and advance directives (living wills, power of attorney) from 5% to 7%.

Actions Taken in Response to Legal Needs

To determine the extent to which legal needs are unmet, due either to inaction or inadequate support, the 2002 survey probed into what actions households took in response to civil legal needs. (Since people may take multiple actions, the following responses total more than 100 %.)

- **Did nothing.** By far the most common response to a civil legal need was to do nothing. Low income Massachusetts households reported that they did nothing in response to almost half (47%) of their civil legal problems, and 68% of households reported doing nothing in response to at least one civil legal problem. Common reasons for doing nothing are feelings of powerlessness and fear, including:
 - The belief that nothing could be done, that's just the way it is
 - Didn't know who could help
 - Didn't want a public dispute; were afraid/intimidated
 - Worried about the cost; advised not worth pursuing
 - Didn't speak English
- **Did something on their own.** The next most frequent reaction to a legal need was to do something on their own (25% did something on their own in response to at least one legal issue), directly contact those responsible (10%) or independently seek published legal information (2%).
- **Complained to government/went to court.** Less frequently those surveyed complained to government (18%) or took a complaint to court (1%).
- **Sought help from legal profession.** Seeking professional legal counsel was relatively infrequent. One in ten households (10%) sought help from a private lawyer and another 7% used legal aid.
- **Sought other help** from friends or family (6%), community/advocacy group (6%), or church (1%).

Satisfaction/Dissatisfaction with Outcomes

When people took action in response to a legal need, outcomes were mixed: 58% expressed satisfaction with the outcome while 43% were dissatisfied (including 33% very dissatisfied). Further analysis indicates people were most satisfied with outcomes when they sought help from private lawyers (69% satisfied) and legal aid organizations (66%). In contrast, satisfaction with outcomes was lower when people went directly to those responsible for the problem (54% satisfied) or complained to government (53%). Experience shows that having an advocate makes it far more likely that legal problems will be favorably resolved.⁶

Legal Needs Left Unmet

Thus, research findings indicate many low-income residents with civil legal needs either took no action or were dissatisfied with their attempts to resolve these problems without legal assistance. If a person was satisfied with the outcome of an incident, or if they went to a private lawyer or legal aid for help with it, that incident was calculated as a “met” legal need. An “unmet” legal need is defined as follows:

- Took no action, or,
- Took action—such as did something on their own, complained to a government agency, sought help from church or community group or sought published legal information—but were dissatisfied with the outcome.

Table 1 presents the breakdown of household experiences with civil legal needs. It shows that 67% experienced at least one civil legal need during the 12-month study period, including only 14% who had all their legal needs met. Fully 53% of households had at least one *unmet* civil legal need.

Any unmet need	52.9%
All needs met	13.8%
No legal needs	33.3%

Footnotes

¹ *Legal Needs Among Low-Income Households in Massachusetts*, Institute for Survey Research, Temple University, Karl R. Landis, Roy W. Reese, Carolyn A. Eldred, July 1993-January 1994. Submitted to Consortium on Legal Services and the Public, American Bar Association.

² *Comparative Analysis of 1990 and 2002 Census Bureau Poverty Statistics for Massachusetts Counties*, National Consumer Law Center, Inc., John Howat, August 28, 2002.

³ *Massachusetts Legal Needs Survey, Findings from a Comprehensive Legal Needs Study of Low-Income Households in Massachusetts*, Schulman, Ronca & Bucuvalas, Inc., 2003.

⁴ For example, \$22,625 annual income for a family of four in 2002. By this measurement, 754,207 Massachusetts residents qualified for legal aid in the 2000 Census.

⁵ Changes in the questionnaire could account for some but not all of this need; legal needs have increased in the last 10 years.

⁶ *Representation of Claimants at Unemployment Compensation Proceedings: Identifying Models and Proposed Solutions*, by Maurice Emselien and Monica Halas 29 U. Mich. J. L. Reform 289, 1996 (representation significantly improves a claimant’s chance of receiving unemployment compensation); *Explaining the Recent Decline of Domestic Violence*, by Amy Farmer and Jill Tiefenthaler, 2003 (the increased provision of legal services for victims of intimate partner abuse contributes to decline in domestic violence); *The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City Housing Court: Results of a Randomized Experiment*, by Carroll Seron, Gregg Van Ryvin, Martin Frankel, and Jean Kovath, 35 Law and Soc’y Rev. 419, 2001 (provision of legal counsel produces large differences in outcomes for low income tenants in housing court and may enhance the efficiency of adjudication).

Types of Legal Needs Left Unmet

As noted earlier, the research recorded high rates of civil legal needs on problems most affected by economic boom and recession and by fiscal austerity: housing, health, employment and public benefits. Among these critical issues, housing problems account for the highest rate of *unmet* needs—reported by 19% of low-income households (see Table 2). The survey also recorded significant levels of unmet legal needs relating to health care (13%), employment (9%) and public benefits (8%). Other areas with extensive unmet legal needs include consumer issues (12% unmet), e.g., utilities cut off and problems with insurance policies, and municipal services (20%), e.g., inadequate transportation, unsafe sidewalks and abandoned buildings.



On certain other issues the extent of unmet need is significant, but a considerable number of these needs have been met. On family/domestic issues 5% reported at least one unmet need while 6% reported all their needs were met. On advance directives (living wills, power of attorney), 2% reported unmet needs and 4% reported only met needs.

Table 3 tallies unmet needs as a percent of total legal needs rather than a percent of eligible population. It confirms the high rate of unmet needs on widespread problems such as housing (68% unmet), health care (67%), employment (64%) and public benefits (60%). But it also illustrates that certain less widespread legal needs, such as immigration and language problems, have unusually high rates of unmet needs (79% and 71% respectively).

Data presented in the following issue-by-issue summary may be found appended to the full report. Verbatim quotes are among those provided by survey respondents when asked to elaborate on their most troublesome legal need.

Table 2**Households with Met and Unmet Needs by Type of Legal Needs***(Percent of eligible population)***Income up to 125% Poverty**

	Any Unmet Need	All Needs Met
TOTAL	52.9	13.8
Housing	19.4	9.2
Unsafe/unhealthy conditions in rental housing	9.0	6.5
Dispute with landlord or public housing authority	7.3	4.2
Discrimination in housing	8.4	3.6
Foreclosure	0.2	0.4
Health	12.8	6.4
Discrimination due to disability or health condition	5.0	2.8
Problems with health care	8.8	4.5
Public Benefits (Problems with benefit programs)	8.4	5.6
Employment (Not involving wages)	8.6	4.8
Denial of a job	2.4	0.7
Denial of Unemployment or Workers' Compensation	3.6	3.3
Unfair treatment at job	2.8	1.2
Family and Domestic	4.6	6.2
Marriage break-up/relationship break-up	1.5	3.2
Dispute about child support	2.0	1.7
Abuse of other adult	0.7	1.6
Violence against a household member	0.8	2.2
Restraining order problem	0.1	0.6
Children's Schooling	1.4	1.7
Elderly (Abuse of an elderly relative)	0.7	0.4
Guardianship (Help for an adult)	2.7	3.4
Advance Directives (Living will, power of attorney)	1.9	4.4
Individual & Civil Liberties (Harassment by police or gov't)	1.7	1.0
Language	5.0	1.9
Immigrant (Discrimination against immigrant)	1.9	0.5
Consumer (Problems with utilities, insurance, products)	12.3	8.9
Municipal (Problems with city or municipal services)	20.3	7.6

Note: Table reflects completed matters in cases studied.

Table 3

Unmet Needs by Type of Legal Needs
(Percent of households that have any unmet need by category)
Income up to 125% Poverty

	Any Unmet Need
ALL CATEGORIES	79.3
Housing	67.9
Unsafe/unhealthy conditions in rental housing	57.8
Dispute with landlord or public housing authority	63.1
Discrimination in housing	70.2
Foreclosure	45.4
Health	66.7
Discrimination due to disability or health condition	64.1
Problems with health care	65.5
Public Benefits (Problems with benefit programs)	60.0
Employment (Not involving wages)	63.9
Denial of a job	77.4
Denial of Unemployment or Workers' Compensation	52.2
Unfair treatment at job	70.5
Family and Domestic	42.8
Marriage break-up/relationship break-up	33.0
Dispute about child support	53.8
Abuse of other adult	30.1
Violence against a household member	25.1
Restraining order problem	17.0
Children's Schooling	43.6
Elderly (Abuse of an elderly relative)	59.1
Guardianship (Help for an adult)	44.4
Advance Directives (Living will, power of attorney)	29.8
Individual & Civil Liberties (Harassment by police or gov't)	64.4
Language	71.3
Immigrant (Discrimination against immigrant)	79.2
Consumer (Problems with utilities, insurance, products)	58.0
Municipal (Problems with city or municipal services)	72.9

Note: Table reflects completed matters in cases studied.

Housing



Legal needs pertaining to housing issues have grown significantly over the past decade at a time when affordable housing has been especially hard to find in Massachusetts. Three out of ten Massachusetts households with incomes up to 125% of the poverty level reported a legal need regarding housing; two out of ten reported all their needs were left unmet. Among the most common problems:



- **Violations of housing codes.** Fully 10% reported problems with cockroaches, mice or rats in the past year. Other housing code violations reported include repairs not done (8%), poor security, such as broken locks or poor lighting leading to break-ins or assaults (7%), failure to provide heat, water, electricity (6%) and old or lead-based peeling paint (5%).
- **Housing discrimination.** 16% said they experienced discrimination in housing during the previous year, for example, in renting (5%) or getting financing (5%). A significant factor was discrimination against families with children (4%).
- **Eviction threats, other serious disagreements with landlords.** 5% reported they were evicted or threatened with eviction. People also reported serious landlord conflicts regarding rent (5%), lease terms (2%) and security deposits (3%).
- **Shortage of public housing.** A significant number of people cited legal needs regarding public housing such as being unable to find Section 8 housing (6%), landlords' refusal to accept Section 8 voucher (4%) and unfair denial of public housing (3%).

“I called a number of places and many said we will not because you have a child and there is lead in the apartments and one guy even came out and said ‘no children.’ A lot of people kept saying there’s lead in the apartment as soon as the child was mentioned.”

“My previous landlord stole my down payment when I left those apartments. My current landlord tried to negotiate with the other landlord and he wouldn’t have anything to do with it. He stole my money!”

“The day I moved in, they said three strikes and you’re out. I’m in a wheelchair and need assistance I have a professional who comes, but on the weekends my three teenage nieces come. The landlord started putting notes in my door saying that teenagers were not allowed because they were ‘drug dealers.’ ... My nieces aren’t drug dealers, they just come to help me.”



Health

“I went for an annual Pap smear and they found cancer in my cervix and I wasn’t notified. I went for a visit six months later and found the infection, and they said that they were trying to get a hold of me but they didn’t send me anything. I asked them for proof that they were sending me anything and they couldn’t provide proof.”

“Not having insurance to get the health care I want. They’re having a problem in Massachusetts where pharmacists don’t want to fill prescriptions for Medicaid patients, which is a major concern because I take five medication prescriptions.”

“Mass Health is denying the health insurance because of income. But my income changes all the time. I don’t care if they cut mine, but I’m worried about medical insurance for my daughter.”

Survey findings indicate that low-income Massachusetts residents are having growing difficulty gaining access to health care. Two in ten low-income households reported a legal need regarding health care during the past year (up significantly from 4% reported in the 1993 survey), including 13% who said at least one such need was unmet. Among the most common problems:

- Long waiting lists for medical care. The most common complaint was long waiting lists for health care, reported by 9%.
- Unsatisfactory care/unfair treatment due to discrimination. A significant number of people reported discrimination due to lack of insurance (7%), unsatisfactory care from discrimination based on income level (5%) or unfair treatment on the job due to health problems (5%).
- Refusal to accept Medicaid (6%).



Public Benefits

Even before the current state budget crisis, low-income residents were experiencing cuts in public assistance programs, for example, from welfare reform. Between 1993 and 2002, the percent of households reporting legal needs related to public benefits grew substantially from 4% to 17%. The trend toward reduced benefits is confirmed in data showing the following common problems with public assistance programs:

- **Benefit cuts/unfair requirements.** Benefits denied or cut unfairly (10%), unreasonable requirements to get benefits (8%), being discouraged from applying for benefits (5%), unfair denial of exemption/extension (2%).
- **Repayment demanded.** 6% reported they were told to repay benefits previously received.
- **Unfair treatment.** 4% had no information on how to appeal a decision and 2% were unable to get a hearing.

As noted in the earlier discussion of met and unmet needs, fully 60% of households with legal needs related to public benefits had at least one of their needs unmet.



“Social Security benefits for my handicapped son, they would give us so much per month. Right now they are making us pay back money they had given us in the past and they said it’s because we own property, but we’ve never owned property and now we have to prove that. Now they take a percentage of his check every month because we have to pay them back.”

“They keep denying me assistance because they want to know where my son Michael lives. He will be twenty in December and he doesn’t live here and they want me to give them a letter from him saying he doesn’t live here, but I’m not applying for him. They denied me food stamps and fuel assistance.”



Employment

“I left in September for maternity leave. I worked until labor. They said in September when I came back in January that I could work night hours but when I did come back they didn’t have night hours, so I was left without a job. The boss said I quit but I didn’t.”

“I was working for a place for a long time. It seemed like they treated Americans different than immigrants. I was there longer, but made less money. Then I was fired. They said I took something and that they had it on tape, but they wouldn’t show me the tape.”

“Unemployment called them to find out why I was fired, and they told them totally different reasons than what I was told.”

The occurrence of legal needs related to employment issues rose significantly between 1993 and 2002 from 5% to 16%. The difference may in part be explained by reporting periods. The most recent survey covers October 2001-October 2002, which coincided with recession and widespread layoffs. However, many of the problems appear systemic.

- **Job discrimination.** These problems include being paid less than co-workers doing similar work (5%) or, because of discrimination, being denied a job (5%), raise (3%) or promotion (2%), being disciplined (2%), fired (2%) or given undesirable work assignments (2%).
- **Difficulty collecting pay/overtime/unemployment compensation.** People reported denial of unemployment compensation (3%), being paid less than the minimum wage (2%), difficulty collecting pay (2%) and problems collecting overtime (1%).
- **Unsafe working conditions** (2%).
- **Sexual harassment** (1%).

In households with legal needs related to employment issues, nearly two-thirds (64%) had at least one of these needs unmet.



Family/Domestic Problems and Children's Schooling



Nearly 13% of low-income Massachusetts residents reported a legal need related to family and domestic problems; another 4% reported legal needs regarding children's schooling. These problems consist of:

- **Marriage break-up** (6%), child support payment problems (4%) and custody issues (2%).
- **Violence** against a household member (4%), other physical/sexual/emotional abuse of an adult (4%) and problems with a restraining order (1%).
- **Children's schooling** (4%), including difficulty getting special needs classes or services (2%), unfair treatment (2%), plus seriously inadequate education, enrollment problems, program placement, dangerous schools, language barriers and parents being unable to interact with school.



Family/domestic legal needs are more likely to lead to successful outcomes than are other civil legal needs. Nevertheless, a significant proportion of needs remain unmet. Households reported at least one of their needs unmet in the following categories by the percentages indicated: restraining orders (17%), violence against a household member (25%) and abuse of an adult (30%). On other family/domestic issues, the percentages are even higher: marriage break-up (33%), child support dispute (54%) and children's schooling (44%).

“Trying to set up meetings with the teachers and not being able to get an appointment. They claimed that my child was disruptive. Every day I would get phone calls saying my daughter was disruptive. I couldn't get in touch with the teachers, and when I did, they wouldn't help me. I felt that she may need special education classes, but they told me she would only qualify if she was failing.”

“My husband hits me and I have tried to divorce him but I have no money.”

“My daughter was separating from her husband because of abuse and was living in my household. After the separation he continued to threaten her physically, verbally and in writing until we got an attorney.”

“My son went to Florida and his father doesn't want to return him. He wasn't even supposed to have him. He moved and didn't give me information about where he is and is threatening me. I bought a plane ticket and I'm going to get him. He isn't supposed to have him at all.”



“It’s an elderly aunt. She has been very independent her whole life and worked all her life and someone came along and started controlling her financially, emotionally, and spiritually and has been robbing her of her dignity and her independence. I’m really concerned.”

“My father remarried. I am his adoptive son. When he remarried he turned over all legal matters, power of attorney, health care to his new wife. I am his son and now I got notice they placed him in a home. I want to have a say in what happens to him.”

“I needed a power of attorney document in case I could not do things for myself and I called legal services and they came out to me and took care of the paper work and didn’t charge me.”

Elderly, Guardianship & Advance Directives

These legal needs involve such specific problems as obtaining help for an adult who cannot handle their affairs (7%), getting a guardian appointed for an adult (3%), changing a guardianship arrangement (2%), obtaining advance directives (living will, power of attorney, 2%), and abuse of an elderly relative (1%).

Many of these legal needs go unmet. The rate at which households report at least one unmet need is lower on advance directives (30% unmet) than guardianship (44%) and abuse of the elderly (59%).



Individual & Civil Liberties

Approximately 4% of low-income Massachusetts residents reported a legal need during the previous year related to individual or civil liberties, defined as police harassment or unreasonable search/seizure by police or government. Two out of three times (64%) households reporting such needs had at least one need unmet.

Language & Immigrant Issues

The high rate of immigration to Massachusetts during the 1990s, for example, from Latin America, presents growing challenges—especially in the current political environment which is less receptive to bilingual education and immigrants. The survey presents the following key findings:

- **Language problems.** Serious problems stemming from language difficulties affected 8% of low-income Massachusetts residents. These include not being able to defend their rights, not being allowed to speak their native language, difficulty dealing with government agencies and having trouble getting work, housing, education, health care or other benefits.
- **Immigrant issues,** reported by 4%, are problems with becoming a citizen, becoming a legal resident or getting a green card, bringing a family member to the United States legally, getting political asylum, being threatened with deportation or gaining amnesty.

Of all civil legal needs, immigration problems show the highest occurrence of unmet need (fully 79% of those with immigration problems have at least one unmet). Nearly as many serious problems stemming from language difficulties go unmet (71%).



“There were a couple of people fighting outside. We called the cops. My husband walked out the door and the police arrested him for no reason and made up charges. They charged him with open container and disturbing the peace. My husband doesn’t even drink.”

“Many times we need to go to places and important meetings with government agencies, lawyers, etc. and we have to cancel because there are no interpreters.”

“I feel that because we can’t speak English we can’t defend ourselves. We are discriminated against everywhere. People see us as if we were stupid just because we can’t speak the language.”

“I couldn’t answer the questions the lady asked me so I couldn’t register myself to vote.”



Consumer

“I had my gas shut off for no reason, and they came out and took the meter saying I owed \$1,000. That bill was from the people who previously lived here but they were not trying to hear what I had to say.”

“My ex-husband cancelled health insurance. I have a disability and need health insurance. I had a lot of medical bills to pay by myself. I had to go to court three times to get health insurance. I could not afford an attorney and had to be my own attorney. I had to find insurance by myself.”

“We make too much money to get Mass Health, but we can’t afford to go get insurance and our jobs don’t offer insurance. My wife has cancer.”

“I had an MRI done. I asked about it to the insurance agency, they confirmed that it was 100% covered! I ended up getting the bills and had to pay for them.”

Almost one quarter of low-income Massachusetts households reported legal needs related to consumer problems, including 12% who reported an unmet consumer problem. For the low-income population, a consumer problem can have serious consequences such as having utilities cut off. The occurrence of consumer needs is as follows:

- **Utility shutoffs and disputes.** Fully 9% reported experiencing a utility shutoff during the preceding year due to lack of payment and 4% reported utilities frequently shut off for no reason. Other utility problems involved payment disputes (7%) and unreasonable deposits (5%).
- **Lack of/loss of insurance.** Obtaining health insurance can be difficult for low-income residents. In the survey, 6% reported they were unable to get insurance. Other insurance problems included: 3% reported not understanding what kind of insurance they needed, 2% said an insurance policy was cancelled without cause and another 3% reported a dispute over an insurance claim or payment.
- **Defective products/services (5%).**



Municipal

Legal needs pertaining to inadequate municipal services are widespread in Massachusetts, reported by three out of every ten low-income households, including two out of ten reporting at least one such need unmet. Many of these problems involve life-threatening situations, such as crime in nearby abandoned buildings and serious injury from holes in sidewalks. The challenge for public policy is to deal with these situations in Massachusetts' decentralized delivery of municipal services—at a time when state government is cutting back aid to cities and towns.

Legal needs regarding municipal services can be grouped into these categories:

- **Dangerous holes in streets or sidewalks** (reported by 21%). In particular, elderly and disabled residents said they experienced difficulty avoiding holes in sidewalks, in some instances suffering severe injury.
- **Inadequate or unsafe public transportation** (11%). Again, for the elderly and disabled, inadequate or unsafe public transportation can pose a serious problem, especially when it means they can't get to a doctor's appointment.
- **Abandoned lots or buildings** (8%). Respondents noted that abandoned buildings in their neighborhood are not only unsightly but may pose a real danger. Some abandoned buildings become centers of drugs and prostitution. Or they pose other dangers to neighborhood kids.
- **Garbage piling up without being collected** (5%).



“The holes in the sidewalks are horrible. They have holes and cracks and I fell and broke my leg in a hole. And they never came and fixed the holes.”

“There is an abandoned lot near the home. I tried calling the city but was told that the lot is privately owned. Prostitutes and drug dealers frequent the lot and do business there. It's just not appropriate.”

“A boy was killed in an abandoned building. He was killed when a ladder he was climbing on broke and he fell. The building has been abandoned for over twenty years.”



Legal Needs of Population Segments

Analysis of low-income population segments points to some variations in civil legal needs.

Other Low-Income Residents (Incomes 125%-184% of Poverty)

In addition to interviewing 1800 respondents who qualify for legal aid because their income does not exceed 125% of federal poverty guidelines, the survey included 200 more interviews with other low-income residents (125%-184% of poverty) who qualify for legal aid in certain cases. Overall, these other low-income residents are just as likely as lower income residents to experience civil legal needs: 73% of other low-income households reported at least one legal need during the previous year, compared with 67% of those with incomes up to 125% of poverty.

Analysis of their responses shows that the two income groups have similar legal needs. There are some variations, however, with the households at 125%-184% of poverty showing a higher occurrence of legal needs regarding:

- **Consumer problems** (30%), especially utility disputes and shutoffs;
- **Employment** (23%), especially on such problems as earning less than co-workers with similar jobs, undesirable work assignments, and unsafe working conditions;
- **Family and domestic issues** (20%), especially marriage break-up and getting child support;
- **Children's schooling** (8%), especially access to special needs classes/services.

Legal Needs Service Regions

MLAC funds legal aid through local legal services programs. The survey included an analysis of civil legal needs of residents within the service areas of each of these programs.

- Greater Boston Legal Services (GBLS)
- South Middlesex and Merrimack Valley Legal Services (SMLS/MVLS) including Framingham and Lowell;
- Neighborhood Legal Services (NLS) including Lawrence and Lynn;
- Southeastern Massachusetts Legal Services (SMLAC) including Brockton, Fall River and New Bedford;
- Legal Services of Cape Cod and Islands (LSCCI) including Hyannis and Plymouth;
- Legal Assistance Corporation of Central Massachusetts (LACCM) including Worcester; and,
- Western Massachusetts Legal Services (WMLS) including Northampton, Pittsfield and Springfield.

Occurrence of legal needs varied only slightly among the regions, with Western Massachusetts reporting the highest occurrence of legal needs (71%) and South-eastern Massachusetts the lowest (62%). Use of legal aid programs ranges from a high of 14% among low-income residents of Cape Cod and the Islands to a low of 5% in Greater Boston, which covers the largest population. Regional analysis indicates few major differences in legal needs among residents of different parts of the state. For an in-depth analysis of regional findings refer to the chapter entitled “Legal Needs by Region” in the full report.

Elderly

The elderly comprise one-quarter (26%) of Massachusetts residents with incomes up to 125% of poverty, and fully 31% of low-income residents have an elderly member in their household. Overall the elderly reported a lower occurrence of civil legal needs than the overall low-income population (48% compared with 66%). One area where the elderly experienced a higher occurrence of legal needs is advance directives (living wills, power of attorney), at 10%. When they seek assistance on their legal needs the elderly reported higher satisfaction than other low-income residents.

Single Mom Households

Thirteen percent of Massachusetts low income households are headed by a single mother. This group experienced disproportionately high occurrences of legal needs in such areas as family and domestic problems (especially marriage break-up, violence, and child support payments) and children’s schooling. On these critical family issues, single mothers reported comparatively high use of legal assistance.

Children in Household

Among low-income Massachusetts households, 41% have children under age 18. These households show one of the highest overall occurrences of civil legal needs (87%), with a disproportionately high rate of family and domestic problems (42%), especially child support payment (27%). The occurrence of legal needs regarding children’s schooling is also high (27%), especially problems getting special needs classes or services, unfair or unequal treatment and seriously inadequate education. Data show high rates of using legal assistance for family, domestic and children schooling problems.

Large Households

Fully 17% of low-income Massachusetts residents live in households with five or more persons. This figure contrasts with 7% recorded in the 1993 study. Fully 78% of large households reported at least one occurrence of legal needs during the past year. With housing costs rising dramatically and public housing in short supply, 42% of large households reported a legal need over housing issues. The most common complaints were problems with vermin (16%), having someone living with them who was evicted or couldn’t afford housing (12%) and, at about 10% each, poor security, major repairs not done and denial of housing because they had children.

Public Benefits Households

Fully 56% of low-income households say they received some sort of public assistance during the previous year. Thirty percent of these households had legal needs related to public benefits, including unfair cuts or denial of benefits (17%), unreasonable requirements to get benefits (14%), being discouraged from applying for benefits (10%) and being told to repay benefits they already received (11%).

African-Americans

African-Americans and other black residents account for 11% of low-income Massachusetts residents. While low-income blacks shared similar problems with other low-income residents, the survey confirms they experienced a disproportionate amount of discrimination. Fully 42% of low-income blacks reported that their households experienced discrimination during the previous year (compared with 27% of all respondents). Discrimination in health care was reported by 23% of blacks (compared with 16% of all respondents). Fully 23% of blacks reported that their household had suffered discrimination in housing (compared with 16%). And 9% of blacks reported that a member of their household had experienced job discrimination (compared with 6%).

Hispanics

Census figures and data from this survey confirm a significant rise in the number of Hispanics in Massachusetts and an increasing proportion of Hispanics in the state's low-income population. Nearly three in ten (29%) low-income respondents said there was a Hispanic member of their household, and more than 20% opted to take the survey in Spanish. In addition, 18% reported there is an immigrant in their household.

Hispanics reported that a member of their household experienced discrimination somewhat more often than all low-income respondents (33% versus 27%). Discrimination in housing appears to be the biggest discrimination problem for Hispanics (22%), including 8% of households reporting being denied housing because they had children.

Serious difficulties due to language problems were reported by a significant number of Hispanics: 17% reported that a member of their household was unable to defend their rights due to language problems, 10% reported difficulty getting work, housing or education due to language problems, 8% reported not being allowed to speak the native language and 7% reported difficulty interacting with government agencies.