



Class and Advice-Seeking: Comparative Insights

Rebecca L. Sandefur

Department of Sociology and (by courtesy) School of Law
Stanford University

Jeanne Charn

Bellow-Sacks Access to Legal Service Project
Harvard Law School



- Policy goal

- Equalizing public experience with civil justice problems
 - Recognizing that most publics are already unequal


- Approach

- Step back from law, specifically, to think of institutions of remedy broadly construed, and how these increase or moderate inequality.



Institutions of remedy for civil justice problems

- Formal institutions of remedy: Empowered to produce authoritative resolution to civil justice problems.
 - Legal
 - Courts, tribunals, lawsuits, litigation
 - Assisted by lawyers, both market-rationed and legal aid-rationed
 - Non-legal
 - Government ombudsmen
 - Public compensation corporations
 - Administrative agencies
- Auxiliaries
 - Information, advice, referrals
- Societies can and do design these institutions in a variety of ways. Some designs moderate inequality in justice problems' consequences and outcomes, others generate or increase such inequality.



Public Experience with Routine Money and Housing Problems

- Problems with livelihood, bills, debts and credit, taxes, housing security (eviction, foreclosure), and housing conditions.
- Widespread, experienced by all segments of the populations of all studied societies.

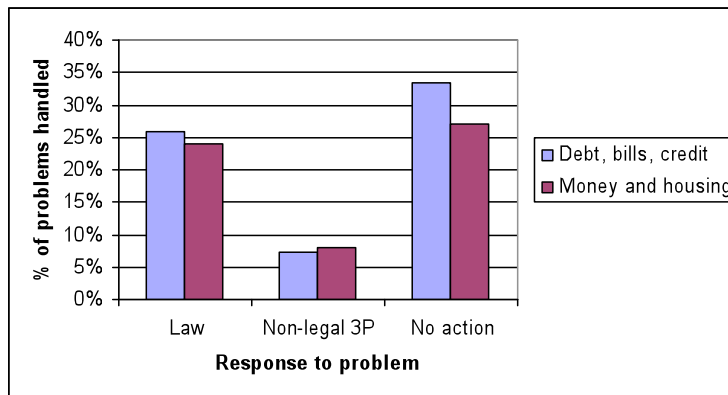


Comparative institutional design

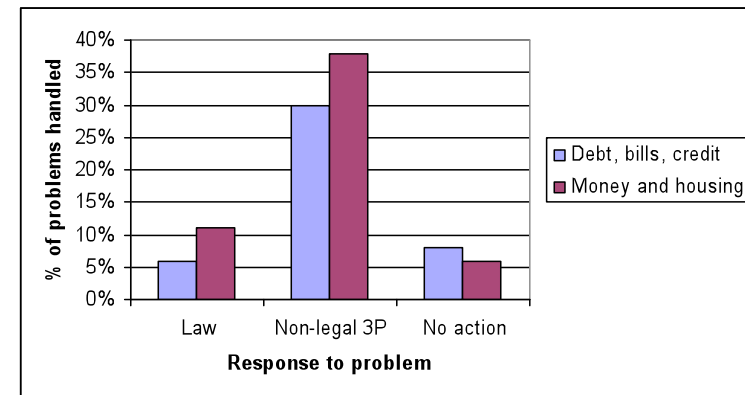
Institutional component	United Kingdom:2004	United States:1992
Formal Institutions of Remedy		
Legal	Courts, tribunals, lawsuits, litigation Legal aid extends subsidy to 41-46% of the population ^a	Courts, tribunals, lawsuits, litigation Legal aid extends subsidy to 19.7% of the population ^b
Non-legal	Government ombudsmen, administrative agencies at the local and national level	Administrative agencies at the local, state and national level
Auxiliaries	Can dispense legal advice Well-established, well-known, nationally present advice and referral providers (e.g., CABx) Local resources also available, including community organizations, elected representatives, and Local Council advice services Additional nationally available resources include trade organizations and professional bodies	Cannot dispense legal advice Most auxiliaries are local, and not available in all localities (e.g., city landlord-tenant resource centers, community mediation centers, local media action lines, one's city, state or federal elected representatives) Nationally available resources include the Better Business Bureau and other trade organizations and professional bodies

Institutions, by providing routes to solution, encourage people to use them.

Responses to Money and Housing Problems and to Debt, Credit and Bills Problems. Percent of Problems Taken to Law, to Non-Legal Third Parties, and about which No Action Was Taken.



USA: 1992



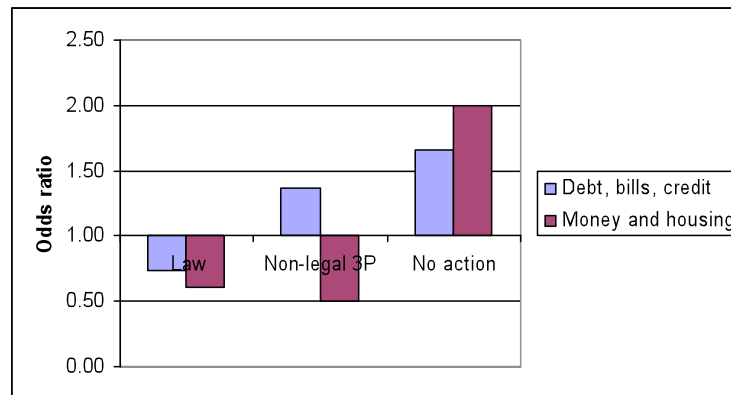
England and Wales: 2004

Source: Calculations from the ABA report and the England and Wales Civil and Social Justice Survey.

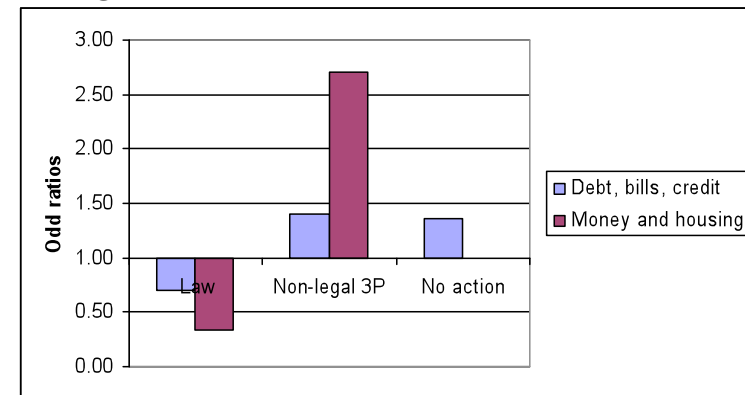
Institutions, by defining access routes, can moderate or generate inequality in patterns of help-seeking.

Social class differences in how people respond to justice problems involving money and housing

USA: 1992



England and Wales: 2004



Source: Calculations from the ABA report and the England and Wales Civil and Social Justice Survey.



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- Institutions of remedy and their auxiliaries not only serve a clientele, they create it.
 - They shape who seeks what help from where.
 - By shaping who gets what kinds of treatment, institutions of remedy shape inequality in the *consequences* of justice problems for the people who experience them.
 - Institutional re-design can change who seeks help, from what sources, and with what results.