

GETTING HELP

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In half of U.S. households, at least one person faces a civil justice problem each year. These problems range from eviction to divorce, benefits denials to neighbor disputes, and medical debt to employment discrimination. Most will never reach a court or a lawyer. Indeed, most will never be solved at all. Unresolved civil legal problems cause financial instability, housing insecurity, and poor mental and physical health—burdens disproportionately borne by Black, Latinx, multiracial, and low-income Americans.

Although we know a great deal about the existence and distribution of civil justice problems, we know less about how to solve them. Doing so requires empirical research about help-seeking: where people go for assistance, why they pursue some resources but avoid others, and whether and how race and class shape patterns of help-seeking. We need solutions that align with everyday people's lived experiences.

This Article investigates help-seeking from the perspective of ordinary people. Its findings can better equip lawyers, justice innovators, and program designers to create novel access to justice solutions from the perspective of everyday people. Leveraging data from a nationally representative survey, this Article analyzes over 47,000 quantitative responses and 100,000 words of open-ended answers, unearthing powerful findings about how Americans think about getting help when they face a complex, early-stage problem with legal implications.

People gravitate towards sources they view as experienced and private, and those which offer advice, not information—a crucial distinction in light of legal regulatory regimes. They gravitate away from sources they view as bureaucratic, uncaring, or too extreme; these perceptions hinge on source type. Identities such as political affiliation and religiosity are crucial predictors of help-seeking behavior, denoting a need for diversified outreach strategies to polarized groups.

By focusing on help-seeking for early-stage problems, this Article shifts the conversation from the existence of legal needs to laying the empirical groundwork for interventions that center the perspective of ordinary

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Americans. Doing so will better equip us to forge tools that can stop the corrosive effects of unsolved civil legal problems.

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INTRODUCTION

In any given year, fifty percent of U.S. households face a civil legal problem.¹ Among low-income households, this number is seventy-one percent²—and one in four of these households face six or more civil legal problems each year.³ Many of these problems are straightforward, even rote. But they touch on core realms of everyday life, including landlord-tenant disputes, employment discrimination, wage theft, inheritance, child custody, and more. Most of these problems will never make it to a court or a lawyer.⁴ Some will resolve on their own. Others will be resolved by extralegal means. Millions will never see resolution.⁵ Instead, they will fester, worsen, and exact steep tolls, including financial instability, loss of housing or employment, unsafe living conditions, and poor physical and mental health.⁶

Civil legal problems deepen multiple forms of inequality. In addition to their disproportionate impact on people with low incomes, civil legal problems are more common for people who are Black, Latinx, or multiracial.⁷ Recent work has shown that civil justice disparities are

1. *Civil Justice Problems Are Common, Widespread, and Rarely Taken to a Lawyer*, AM. BAR FOUND. (Oct. 19, 2016), http://www.americanbarfoundation.org/uploads/cms/documents/abf_research_brief_access_to_justice_v3.pdf [<https://perma.cc/5N86-TJJN>] (citing and summarizing several pieces of research by Rebecca L. Sandefur).

2. LEGAL SERVS. CORP., *THE JUSTICE GAP: MEASURING THE UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS* 6 (2017) [hereinafter *THE JUSTICE GAP*], <https://lsc-live.app.box.com/s/6x4wbh5d2gqxwy0v094os1x2k6a39q74> [<https://perma.cc/3VWQ-U9FV>].

3. *Id.* at 7.

4. REBECCA L. SANDEFUR, *ACCESSING JUSTICE IN THE CONTEMPORARY USA: FINDINGS FROM THE COMMUNITY NEEDS AND SERVICES STUDY* 3 (2014) [hereinafter *SANDEFUR, CNSS*], https://www.americanbarfoundation.org/wp-content/uploads/2023/04/sandefur_accessing_justice_in_the_contemporary_usa_aug_2014.pdf [<https://perma.cc/7SFN-TSJQ>].

5. *See generally* Rebecca L. Sandefur & James Teufel, *Assessing America's Access to Civil Justice Crisis*, 11 UC IRVINE L. REV. 753 (2021).

6. *See* *THE JUSTICE GAP*, *supra* note 2, at 25; Erika Rickard, *Many U.S. Families Faced Civil Legal Issues in 2018*, PEW CHARITABLE TR. (Nov. 19, 2019), <https://www.pewtrusts.org/en/research-and-analysis/articles/2019/11/19/many-us-families-faced-civil-legal-issues-in-2018> [<https://perma.cc/L9NH-GBYH>]; *SANDEFUR, CNSS*, *supra* note 4, at 9–10; Kathryn M. Young & Katie R. Billings, *An Intersectional Examination of U.S. Civil Justice Problems*, 2023 UTAH L. REV. 487, 490–91.

7. THE HAGUE INST. FOR INNOVATION OF L. & INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., *JUSTICE NEEDS AND SATISFACTION IN THE UNITED STATES OF AMERICA* 36 (2021) [hereinafter *JUSTICE NEEDS*], <https://iaals.du.edu/sites/default/files/documents/publications/justice-needs-and-satisfaction-us.pdf> [<https://perma.cc/T6PD-2GKT>]; *SANDEFUR, ACCESSING JUSTICE*, *supra* note 4, at 8–9.

deeply intersectional. Race and class intersect with other identities and experiences—rurality, disability, queerness, parenting young children, past arrest, and surviving domestic violence and/or sexual assault.⁸ People at the intersection of multiple marginalized identities are extraordinarily vulnerable to civil legal problems and the hardships they beget.⁹ Thus, the U.S. access to justice crisis is not only dire¹⁰ but also deepens racial, socioeconomic, and other forms of inequality.¹¹

In recent years, the legal profession has taken increased notice of the access to justice crisis. Numerous states have launched or rejuvenated access to justice commissions,¹² and in 2021, Attorney General Merrick Garland restored the Department of Justice’s Office for Access to Justice.¹³ The following year, the American Law Institute—the organization responsible for publishing the Restatements, Principles of the Law, and Model Codes—announced a Principles of the Law project on “the adjudication of high-volume, high-stakes, low-dollar-value civil claims,”¹⁴ formally placing access to justice on the legal academy’s canonical map.

Although legal scholarship has documented civil justice needs and relevant actors are taking notice, at least two key barriers remain. First, there are not enough legal aid or pro bono lawyers to meet existing demand.¹⁵ The American Bar Association’s 2023 Profile of the Legal Profession documents a severe deficit, noting that legal help is inadequate or nonexistent for ninety-two percent of low-income Americans’ civil

8. Young & Billings, *supra* note 6, at 487–88.

9. *Id.* at 520–32.

10. *Id.* at 490.

11. See Hazel Genn, *When Law Is Good for Your Health: Mitigating the Social Determinants of Health Through Access to Justice*, 72 CURRENT LEGAL PROBS. 159, 201–02 (2019).

12. Tonya L. Brito, David J. Pate Jr., Daanika Gordon & Amanda Ward, *What We Know and Need To Know About Civil Gideon*, 67 S.C. L. REV. 223, 224 (2016).

13. Press Release, Off. of Pub. Affs., U.S. Dep’t of Just., Attorney General Merrick B. Garland Restores the Office for Access to Justice (Oct. 29, 2021), <https://www.justice.gov/opa/pr/attorney-general-merrick-b-garland-restores-office-accessjustice> [https://perma.cc/L8C7-P5KQ] (detailing Attorney General Garland’s plan to restore and expand access to justice using the DOJ and other federal agencies).

14. Press Release, Am. L. Inst., The American Law Institute Launches Principles Project on High-Volume, High-Stakes, Low-Dollar-Value Civil Claims (Oct. 21, 2022), <https://www.ali.org/news/articles/american-law-institute-launches-principles-project-high-volume-high-stakes-low-dollar-value-civil-claims/> [https://perma.cc/U47Y-J23A]. Although focused on state courts, not the resolution of civil justice problems more generally, this project is the closest the ALI has come to including access to civil justice among the topics it covers.

15. Even the Legal Services Corporation, the largest funder of civil legal aid for low-income Americans, turns away half of the people who seek its services. Katherine S. Wallat, *Reconceptualizing Access to Justice*, 103 MARQ. L. REV. 581, 585–87 (2019).

legal problems.¹⁶ In some regions, legal aid is virtually nonexistent, with only one or two legal aid lawyers for cities of over 100,000 people.¹⁷

An arguably steeper second obstacle compounds the first: People rarely take their civil legal problems to lawyers.¹⁸ Although axiomatic in the access to justice scholarship, this fact may surprise practitioners. After all, a lawyer's job is to solve problems—why don't people use the professionals trained to help them?

For one, lawyers can be prohibitively expensive.¹⁹ For another, most people do not intuitively recognize their civil legal problems as *legal*.²⁰ Instead, they are more likely to view them through other lenses;²¹ as a result, going to a lawyer may not even cross their minds. Rebecca Sandefur has famously characterized civil justice problems as a mostly submerged “iceberg” of which courts and lawyers see only the tip.²²

Apart from legal needs studies, legal scholarship tends to ignore activity below the tip of the iceberg. We know little about how ordinary people think about help-seeking.²³ We do not know where they turn, nor when. We do not know how race, age, gender, or other characteristics shape their behavior. And we know almost nothing about why people

16. Letter from ABA President Mary Smith (Nov. 2023), in AM. BAR ASS'N, PROFILE OF THE LEGAL PROFESSION 2023 (2023), <https://www.americanbar.org/content/dam/aba/administrative/news/2023/potlp-2023.pdf>.

17. AM. BAR ASS'N, *supra* note 16, § 1.

18. AM. BAR FOUND., *supra* note 1.

19. This is even true for middle-income people. See JUSTICE NEEDS, *supra* note 7, at 208–09.

20. Rebecca L. Sandefur, *Bridging the Gap: Rethinking Outreach for Greater Access to Justice*, 37 U. ARK. LITTLE ROCK L. REV. 721, 725 (2015) [hereinafter Sandefur, *Bridging the Gap*]; SANDEFUR, CNSS, *supra* note 4, at 14.

21. Sandefur found that people were more likely to see their legal problems as bad luck or “part of God’s plan” than as “legal.” SANDEFUR, CNSS, *supra* note 4, at 14. However, it is also important to note that Sandefur measured this using a multiple-choice item in which respondents could select answers. *Id.* We might imagine that some religious respondents would characterize *anything* that happened in their lives, legal or otherwise, as being “part of God’s plan.” Sandefur’s respondents were not forced to choose between “this is a legal problem” and “this is part of God’s plan.” Still, respondents’ comparative unlikelihood of labeling civil legal problems as “legal” is striking.

22. Rebecca L. Sandefur, *Access to What?*, DÆDALUS, Winter 2019, at 49, 50.

23. Although the research deficit is particularly serious for early-stage legal problems, data is lacking for later-stage civil justice problems as well—even the relatively small slice of problems that make it to courts. See generally Tanina Rostain & Amy O’Hara, *The Civil Justice Data Gap*, in LEGAL TECH AND THE FUTURE OF CIVIL JUSTICE 368 (David Freeman Engstrom ed., 2023) (ebook).

gravitate toward some sources of help, avoid other sources, or seek no help at all.²⁴

Understanding how ordinary people think about help-seeking is a crucial part of improving access to justice. As Catherine Albiston and Rebecca Sandefur have written, access to justice scholarship “must explore the dynamics of how people come to think about their justice problems and their options for responding to them.”²⁵ This Article provides empirical insight for the design of civil legal solutions that resonate with people’s lived experiences.

Part I of this Article details how legal scholarship has grappled with the access to justice crisis, with an emphasis on professional regulatory reform²⁶ and nonlawyer aid. It argues that despite a growing consensus that some form of regulatory reform is necessary, the precise form it should take remains divisive. Convincing state bar organizations and other regulatory bodies to implement changes is next to impossible without generalizable, large-scale data.

Part II explains this Article’s methodology. The Survey of Everyday American Legality (SEAL) is a nationally representative sample of 3,636 respondents. Each respondent answered questions about a complex, early-stage problem that had not yet evolved into a clear legal need but had legal implications. Respondents were presented with potential help sources and asked whether they were likely to use them. They were then asked to identify the best and worst sources on the list and to explain their selections. These answers, coupled with over 100,000 words’ worth of open-ended responses, create a rich and multifaceted data source about how ordinary Americans think about help-seeking.

Part III analyzes the quantitative results using frequencies, regression analyses, and predicted probabilities. Notably, the demographic characteristics associated with experiencing legal problems are mostly unassociated with help-seeking. Although race, income, and past trauma predict legal need, age and political affiliation are much more consistently correlated with help-seeking—showing that understanding legal *need* is not tantamount to knowing how to provide legal *help*. Moreover, there is huge variation in the sources people trust most and least, underscoring the case for a more nuanced analysis of help-seeking.

24. Often, people seek no formal advice because they believe they do not need advice or think advice would not make a difference. SANDEFUR, CNSS, *supra* note 4, at 12–14, 13 fig.6.

25. Catherine R. Albiston & Rebecca L. Sandefur, *Expanding the Empirical Study of Access to Justice*, 2013 WIS. L. REV. 101, 117.

26. The term “regulatory reform” is more apt than “deregulation,” since no new regulatory models *deregulate* legal services, but instead reshape *how* they are regulated. *See infra* Section I.A.

Parts IV, V, and VI analyze respondents' open-ended explanations about the best and worst help sources. The data represent new empirical findings about how people conceptualize help, which can serve as building blocks for targeted regulatory reform and strategic development of civil legal assistance. Part IV details what people *want* in a help source: someone who provides advice, not information; someone who acts as a guide and an information broker; and someone with a proven history of working on similar problems. Laypeople also value privacy, and if they are irreligious or politically conservative, eschew sources they perceive as anathema to those identities. Part V introduces a trio of characteristics people avoid—"hammers," "headaches," and "heartlessness"—and explains how legal resources can avoid these pitfalls. Part VI then describes the contours of the most polarized patterns from respondents' answers, such as why people gravitate toward or away from government programs and free help.

Part VII argues for a more expansive and empirically grounded view of legal help and offers suggestions for how the legal profession can provide more of it. For one, we need to understand that regulatory reform is not a threat to lawyers, but rather a tool the profession can use to help ordinary people access the systems, rules, and processes designed to facilitate their legal well-being. Lawyers may be the backbone of the legal system, but they are not its only component. Just as doctors are part of a medical ecosystem, attorneys are part of a legal ecosystem. Nor can technological platforms be an answer in and of themselves. Relying solely or primarily on technology leaves out large swaths of the population, including—perhaps counterintuitively—younger people. The Article concludes by offering new ways for empirical legal research to center ordinary people and build a robust knowledge base for designing new interventions.

I. ACCESS TO JUSTICE, LAWYERS, AND REGULATORY REFORM

To meet the enormous demand for free and low-cost legal help, legal aid advocates and access to justice researchers have proposed numerous reforms, including more funding for legal aid,²⁷ better legal assistance

27. Deborah L. Rhode, *Access to Justice: A Roadmap for Reform*, 41 *FORDHAM URB. L.J.* 1227 (2014); cf. J.J. Prescott, *The Challenges of Calculating the Benefits of Providing Access to Legal Services*, 37 *FORDHAM URB. L.J.* 303 (2010).

for rural communities,²⁸ expansion of pro bono services,²⁹ more support for public interest lawyers,³⁰ and a civil counterpart to *Gideon v. Wainwright*'s right to counsel for criminal defendants.³¹

But tackling the access to justice crisis through these lawyer-dependent solutions would require a professional overhaul. There are nowhere *near* enough lawyers to handle Americans' unmet legal needs.³²

28. Lisa R. Pruitt & Bradley E. Showman, *Law Stretched Thin: Access to Justice in Rural America*, 59 S.D. L. REV. 466 (2014); Lisa R. Pruitt, Amanda L. Kool, Lauren Sudeall, Michele Statz, Danielle M. Conway & Hannah Haksgaard, *Legal Deserts: A Multi-State Perspective on Rural Access to Justice*, 13 HARV. L. & POL'Y REV. 15 (2018); Michele Statz, Robert Friday & Jon Bredeson, "They Had Access, But They Didn't Get Justice": Why Prevailing Access to Justice Initiatives Fail Rural Americans, 28 GEO. J. ON POVERTY L. & POL'Y 321 (2021).

29. Martha F. Davis, *Access and Justice: The Transformation Potential of Pro Bono Work*, 73 FORDHAM L. REV. 903 (2004); cf. Scott L. Cummings, *The Politics of Pro Bono*, 52 UCLA L. REV. 1 (2004) (concluding ambivalently). It is also important to note that when private firms provide pro bono work, the attorneys providing the work may be reluctant to assert legal claims that run counter to private interests. Mark Kessler, *Legal Mobilization for Social Reform: Power and the Politics of Agenda Setting*, 24 L. & SOC'Y REV. 121, 138 (1990).

30. Catherine Albiston, Scott L. Cummings & Richard L. Abel, *Making Public Interest Lawyers in a Time of Crisis: An Evidence-Based Approach*, 34 GEO. J. LEGAL ETHICS 223 (2021).

31. E.g., Jess H. Dickinson, *A Look at Civil Gideon: Is There a Constitutional Right to Counsel in Certain Civil Cases?*, 37 U. ARK. LITTLE ROCK L. REV. 543 (2015); Bernice K. Leber, *The Time for Civil Gideon Is Now*, 25 TOURO L. REV. 23 (2009); Robert W. Sweet, *Civil Gideon and Confidence in a Just Society*, 17 YALE L. & POL'Y REV. 503 (1998); see also Brito, Pate Jr., Gordon & Ward, *supra* note 12 (discussing the movement). Courts have not proven amenable. For example, the U.S. Supreme Court has held that the Due Process Clause of the Fourteenth Amendment did not require the assistance of counsel when a mother lost custody of her child to the Department of Social Services. *Lassiter v. Dep't of Soc. Servs.*, 452 U.S. 18, 32–34 (1981). Nor has the Equal Protection Clause of the Fourteenth Amendment proven an effective route to a civil *Gideon*. Margaret Y.K. Woo, Connor Cox & Sarah Rosen, *Access to Civil Justice*, 70 AM. J. COMPAR. L. SUPP. i89, i92 (2022).

32. Legal aid funding for low-income Americans is woefully inadequate to meet even the legal needs of the comparatively small group that seeks formal legal help. Wallat, *supra* note 15, at 586–87. The Legal Services Corporation routinely turns away about half the people seek its services. Many middle-income people who do not qualify for free assistance are also unable to afford a lawyer. John M. Greacen, Amy Dunn Johnson & Vincent Morris, *From Market Failure to 100% Access: Towards a Civil Justice*, 37 U. ARK. LITTLE ROCK L. REV. 551, 552–53, 552 n.6 (2015). The deficit is particularly acute in rural areas. Daria Fisher Page & Brian R. Farrell, *One Crisis or Two Problems? Disentangling Rural Access to Justice and the Rural Attorney Shortage*, 98 WASH. L. REV. 849, 855–56 (2023); Lisa Pruitt & Andrew Davies, *Investigating Access to Justice, the Rural Lawyer Shortage, and Implications for Civil and Criminal Legal Systems*, in RESEARCH METHODS FOR RURAL CRIMINOLOGISTS 67, 70–71 (Ralph A. Weisheit, Jessica Rene Peterson & Artur Pytlarz eds., 2022); Hannah Haksgaard, *Court-Appointment Compensation and Rural Access to Justice*, 14 U. ST. THOMAS J.L. & PUB. POL'Y. 88, 89–91, 103 (2020).

Providing better loan forgiveness or debt-free incentive programs for law students, funding legal aid more robustly, and expanding pro bono would all supply more legal help. We *should* do these things. But even if we do, the United States will still face a massive legal aid shortfall.³³

Robust provision of traditional legal services is important, but alone it is insufficient.³⁴ The legal profession is coming to the collective realization³⁵ that meaningful access to justice hinges partly on creating new models.³⁶ It is still far from clear what those models should look like,³⁷ who should provide them, and how to entice people to use them.

33. See generally AM. BAR ASS'N, *supra* note 16, § 1 (noting extent of the problem); Cummings, *supra* note 29, at 101–21 (noting tensions and constraints of the pro bono approach).

34. The National Center for State Courts finds that three-quarters of state court civil cases involve at least one unrepresented party. PAULA HANNAFORD-AGOR, SCOTT GRAVES & SHELLEY SPACEK MILLER, NAT. CTR. FOR STATE CTS., *THE LANDSCAPE OF CIVIL LITIGATION IN STATE COURTS* 3 (2015), https://www.ncsc.org/_data/assets/pdf_file/0020/13376/civiljusticereport-2015.pdf [<https://perma.cc/Q4MZ-BV4C>]. And although individual civil legal needs are the focus of this Article, it is worth noting that small businesses and startups have many unmet legal needs as well. See, e.g., Alice Armitage, Evan Frondorf, Christopher Williams & Robin Feldman, *Startups and Unmet Legal Needs*, 2016 UTAH L. REV. 575, 584–85, 592 (evaluating a “Startup Legal Garage” that provided legal help to startups and finding that “the average startup received assistance with over three distinct legal matters over a thirteen-week academic semester”—matters with which they might not have otherwise received assistance).

35. See Press Release, Am. L. Inst., *supra* note 14.

36. Rebecca L. Sandefur & Emily Denne, *Access to Justice and Legal Services Regulatory Reform*, 18 ANN. REV. L. & SOC. SCI. 27, 31–36 (2022). A slightly different way of thinking about regulatory reform involves “delegalizing” certain civil justice matters and removing them from the province of the civil justice system. This approach would also involve reform, but it demonstrates the breadth of possible ways to decrease system overload and provide just results to more people. Lauren Sudeall, *Delegalization*, 75 STAN. L. REV. ONLINE 116 (2023). See also Colleen F. Shanahan, Jessica K. Steinberg, Alyx Mark & Anna E. Carpenter, *The Institutional Mismatch of State Civil Courts*, 122 COLUM. L. REV. 1471, 1474–75 (2022) (discussing the tension that results from the “institutional mismatch” between the problems that everyday people have and the capacity and institutional structure of state civil courts).

37. See THOMAS CLARKE & LUCY RICCA, *DESIGNING AND IMPLEMENTING LEGAL REGULATION* (2022), <https://law.stanford.edu/wp-content/uploads/2022/07/SLS-CLP-Regulatory-Reform-Full-Report-7.25-FINAL.pdf> [<https://perma.cc/K77X-8ZCZ>] (outlining the numerous decisions that any regulatory reform effort entails, including questions of scope, design, implementation, and oversight).

A. Why Regulatory Reform? Why Now?

Unauthorized practice of law (UPL) rules generally allow nonlawyers to provide legal information but not to give legal advice.³⁸ The Supreme Court makes this information/advice distinction as well.³⁹ In most states, it does not matter how well-trained or well-supervised a nonlawyer is; with few exceptions, they are barred from giving legal advice or representation⁴⁰ and can face penalties if they do.⁴¹ Nor is the threat of consequence idle. Bar associations and other state agencies have stopped self-help businesses and nonprofits from operating by alleging UPL violations.⁴²

38. John M. Greacen, *Legal Information vs. Legal Advice: A 25-Year Retrospective*, 106 JUDICATURE, no. 2, 2002, at 48, 49–50; Lauren Sudeall, *The Overreach of Limits on “Legal Advice,”* 131 YALE L.J. F. 637, 640–42 (2022) [hereinafter Sudeall, *Overreach*].

39. See *Turner v. Rogers*, 564 U.S. 431, 448 (2011) (holding that the Fourteenth Amendment’s Due Process Clause did not categorically require the provision of counsel in civil contempt proceedings over alleged failure to pay child support even when incarceration was possible, as long as “alternative procedural safeguards” were provided).

40. Jessica K. Steinberg, Anna E. Carpenter, Colleen F. Shanahan & Alyx Mark, *Judges and the Deregulation of the Lawyer’s Monopoly*, 89 FORDHAM L. REV. 1315, 1315, 1318–19 (2021); Benjamin H. Barton, *The Lawyer’s Monopoly—What Goes and What Stays*, 82 FORDHAM L. REV. 3067, 3081 (2014).

41. E.g., Wis. Stat. § 757.30 (2021–22); see also MODEL RULES OF PROFESSIONAL CONDUCT r. 5.5 (AM. BAR ASS’N 2019) (discussing unauthorized practice of law by lawyers not admitted to a particular jurisdiction). For an overview of what counts as “legal advice” and the restrictions in place in various jurisdictions, see Sudeall, *Overreach*, *supra* note 38, at 639–42.

42. One high-profile battle is the case of Upsolve, a nonprofit organization created to help low-income New Yorkers file bankruptcy for free. Upsolve alleges that New York’s rules against the unauthorized practice of law make it impossible for Upsolve to operate and sued the New York Attorney General for its prohibition on individualized legal advice by nonlawyers. James Barron, *A Legal Challenge to Rules Against Legal Advice from Nonlawyers*, N.Y. TIMES (Jan. 26, 2022), <https://www.nytimes.com/2022/01/26/nyregion/legal-advice-volunteers-consumer-debt.html>. LegalZoom, a for-profit company that helps nonlawyers complete legal documents, has been sued by various entities alleging the unauthorized practice of law. Caroline Shipman, *Unauthorized Practice of Law Claims Against LegalZoom—Who Do These Lawsuits Protect, and Is the Rule Outdated?*, 32 GEO. J. LEGAL ETHICS 939, 945–50 (2019). Despite these controversies, Steinberg et al. point out, state civil court judges have quietly been “playing [a role] in the de facto deregulation of the legal profession at the civil trial level” for years. Steinberg, Carpenter, Shanahan & Mark, *supra* note 40, at 1315–16.

Reform advocates face steep opposition.⁴³ Some of this opposition stems from professional protectionism,⁴⁴ but it is easy to imagine more legitimate reasons to blanch at reform. After all, lawyers have a collective stake in ensuring that people receive competent, accurate help. Lawyers are experts on the law, so the idea of nonlawyers taking on elements of legal practice without attending law school may seem dubious, even risky.⁴⁵

A few states have used reform to enable new kinds of legal services that are less reliant on attorneys. One is Utah’s regulatory “sandbox,” a creation of the Utah Supreme Court.⁴⁶ Utah’s Office of Legal Services Innovation allows for-profit and nonprofit organizations to apply to offer legal services, including services by trained nonlawyers⁴⁷ in high-needs categories, such as marriage and family law and end-of-life planning.⁴⁸ By its third year,⁴⁹ this state-level reform of Utah’s rules against the

43. See Jessica Bednarz, *A Closer Look: Three Common Arguments Against Regulatory Reform*, INST. FOR ADVANCEMENT AM. LEGAL SYS.: BLOG (June 13, 2023), <https://iaals.du.edu/blog/closer-look-three-common-arguments-against-regulatory-reform> [https://perma.cc/Q8N8-KA88].

44. See Deborah L. Rhode & Lucy Buford Ricca, *Protecting the Profession or the Public? Rethinking Unauthorized Practice Enforcement*, 82 FORDHAM L. REV. 2587, 2593 (2014) (noting seventy-eight percent of enforcement committee personnel surveyed identified UPL as a threat to lawyers).

45. Empirical evidence suggests that these fears may not be particularly well-founded. See RICHARD MOORHEAD, AVROM SHERR, LISA WEBLEY, SARAH ROGERS, LORRAINE SHERR, ALAN PATERSON & SIMON DOMBERGER, *QUALITY AND COST: FINAL REPORT ON THE CONTRACTING OF CIVIL, NON-FAMILY ADVICE AND ASSISTANCE PILOT* 212–14 (2001); Rebecca L. Sandefur, *Legal Advice from Nonlawyers: Consumer Demand, Provider Quality, and Public Harms*, 16 STAN. J. C.R. & C.L. 283, 297–308 (2020) [hereinafter Sandefur, *Legal Advice from Nonlawyers*].

46. *Our History*, UTAH OFF. LEGAL SERVS. INNOVATION, <https://utahinnovationoffice.org/our-history/> [https://perma.cc/W9XV-HNDV].

47. Rebecca L. Sandefur, Thomas M. Clarke & James Teufel, *Seconds to Impact?: Regulatory Reform, New Kinds of Legal Services, and Increased Access to Justice*, 84 L. & CONTEMP. PROBS. 69, 69–70, 74 (2021); Ellen Murphy, *Why We Should Embrace the Regulatory Sandbox*, GPSOLO, July/Aug. 2021, at 36, 38–39; McKay Mitchell, *Access to Justice Laboratories: Reregulating Legal Services with a Sandbox*, 96 CHI.-KENT L. REV. 431, 437 (2021). The Arizona Supreme Court has followed Utah’s lead. Maddie Hosack, *Arizona Carries Regulatory Reform Momentum Forward with Historic Vote*, INST. FOR ADVANCEMENT AM. L. SYS.: BLOG (Sept. 22, 2020), <https://iaals.du.edu/blog/arizona-carries-regulatory-reform-momentum-forward-historic-vote> [https://perma.cc/DH5S-9K94].

48. See *Authorized Entities*, UTAH OFF. LEGAL SERVS. INNOVATION, <https://utahinnovationoffice.org/authorized-entities/> [https://perma.cc/Q8DT-4WT6].

49. *Our History*, UTAH OFF. LEGAL SERVS. INNOVATION, *supra* note 46.

unauthorized practice of law⁵⁰ had proven so successful that it received an extension to seven years.⁵¹

Other models include conferring limited practice licenses to allow nonlawyers to offer circumscribed types of legal help or lifting regulations for certain categories of practice.⁵² The community justice worker model⁵³ relaxes rules against the unauthorized practice of law to allow trained nonlawyers to help people with specific civil justice matters.⁵⁴ This approach is promising and empirically grounded.⁵⁵ For uncomplicated legal problems, the most important help that lawyers provide is not substantive expertise, but familiarity navigating simple procedural matters.⁵⁶ No longer a niche idea, the community justice

50. Specifically, the Utah Supreme Court relaxed Rule 504 under the Utah Rules of Evidence and Rule 14-802 of the Utah Code of Judicial Administration. UTAH R. EVID. 504 note; UTAH CODE JUD. ADMIN. 14-802 note.

51. *Utah Supreme Court To Extend Regulatory Sandbox to Seven Years*, UTAH CTS. (May 3, 2021), <https://legacy.utcourts.gov/utc/news/2021/05/03/utah-supreme-court-to-extend-regulatory-sandbox-to-seven-years/> [<https://perma.cc/EJ3H-FV9W>].

52. See THOMAS M. CLARKE & REBECCA L. SANDEFUR, PRELIMINARY EVALUATION OF THE WASHINGTON STATE LIMITED LICENSE LEGAL TECHNICIAN PROGRAM 5 (2017), <https://ncsc.contentdm.oclc.org/digital/collection/accessfair/id/405/>; see also Gregory M. Zlotnick, *Inviting the People into People's Court: Embracing Non-Attorney Representation in Eviction Proceedings*, 25 MARQ. BENEFITS & SOC. WELFARE L. REV. 83, 101–06 (2023). Although many of these programs are recent, ideas for nonlawyer models have been in the literature for much longer. Alex J. Hurder, *Nonlawyer Legal Assistance and Access to Justice*, 67 FORDHAM L. REV. 2241, 2241–43 (1999).

53. Frontline Justice is a nonprofit organization founded “[a]s a center of gravity for the emerging ‘justice worker’ movement,” and it defines “justice worker” as “a new category of legal helper specifically trained to help people resolve their civil legal issues.” *Initiative*, FRONTLINE JUST., <https://www.frontlinejustice.org/#initiative> [<https://perma.cc/GDF5-68JL>]. Another example is Legal Link, a California nonprofit founded in 2015 that provides “legal first aid on the frontlines” by training nonlawyers to provide specific types of legal assistance. See *Home*, LEGAL LINK, <https://legallink.org> [<https://perma.cc/7FB8-AHKD>]; see also *Legal Link*, JUST. POWER, <https://justicepower.org/project/legal-link/> [<https://perma.cc/DXB6-2NEK>].

54. In the Community Justice Workers program run by the Alaska Legal Services Corporation, nonlawyers are trained and supervised by lawyers to provide help for many civil justice problems, including will preparation and Indian Child Welfare Act matters. *Community Justice Worker Program*, ALASKA LEGAL SERVS. CORP., <https://www.alsc-law.org/cjw/> [<https://perma.cc/GFG5-WAKK>]; see also *CJW Project Brochure*, ALASKA LEGAL SERVS. CORP., (2022), <https://www.alsc-law.org/wp-content/uploads/2022/02/Advocate-Training-Brochure.pdf> [<https://perma.cc/33JY-KSJR>].

55. Sandefur & Denne, *supra* note 36, at 35.

56. Rebecca L. Sandefur, *Elements of Professional Expertise: Understanding Relational and Substantive Expertise Through Lawyers' Impact*, 80 AM. SOCIO. REV. 909, 924–25 (2015); Colleen F. Shanahan, Anna E. Carpenter & Alyx Mark, *Lawyers, Power, and Strategic Expertise*, 93 DENV. L. REV. 469, 507–12 (2016) [hereinafter Sandefur, *Elements of Professional Expertise*].

worker model is supported by bipartisan leaders in the legal profession.⁵⁷ But despite growing enthusiasm, these models remain stymied by regulations that govern the definition and provision of legal advice and representation. In most states, virtually any nonlawyer solution, from sandboxes to community justice workers, require some degree of regulatory reform.⁵⁸

The stakes of regulatory reform are high. Reform must uphold core professional goals while enabling new programs tailored to meet crucial needs. Overly narrow regulation will hinder innovation and creativity; overly broad regulation risks green-lighting models that provide ineffective or inaccurate help. Thus, bolstering our knowledge about how people think about getting help is useful not only to traditional lawyering models, but to regulatory reform as well. As more states look to reform, they need evidence from which to craft effective, scalable models.⁵⁹

B. Beyond Legal Needs

Most data about U.S. access to justice comes from legal needs surveys. Generally, these studies contain many questions phrased in lay language that address areas of legal need. For example: “My landlord has refused to make basic repairs when I have requested them, such as fixing the heat or hot water.”⁶⁰ Legal needs studies measure the frequency of common civil justice problems. Virtually every segment of the United States has a striking number of these problems,⁶¹ but as detailed above, low-income, Black, Latinx, and multiracial Americans have more than average.⁶² Legal needs studies are useful, but necessarily limited: They tell us who has which problems, but not what they do about them.

57. Supporters range from Harriet Miers, former White House Counsel under George W. Bush, to the Chief Justice of the Supreme Court of Texas, to Joseph Kennedy III. *Team*, FRONTLINE JUST., <https://www.frontlinejustice.org/#team> [<https://perma.cc/9P3R-ZL7L>].

58. Sandefur & Denne, *supra* note 36, at 29–33.

59. Where to use regulatory reform, how to use regulatory reform, and where and how to implement, measure, and market services remain largely open questions. *See, e.g.*, CLARKE & RICCA, *supra* note 37 (discussing the manifold decisions that must be made about any regulatory reform initiative).

60. Some of the best-known and most recent examples of legal needs surveys include: THE JUSTICE GAP, *supra* note 2; WORLD JUST. PROJECT, MEASURING THE JUSTICE GAP (2019), https://worldjusticeproject.org/sites/default/files/documents/WJP_Measuring%20the%20Justice%20Gap_final_20Jun2019_0.pdf [<https://perma.cc/G6VC-SN42>]; SANDEFUR, CNSS, *supra* note 4; JUSTICE NEEDS, *supra* note 7.

61. SANDEFUR, CNSS, *supra* note 4, at 4–9.

62. *See* sources cited *supra* note 7 and accompanying text.

In response to the growing awareness of legal needs, countless programs have been created, from legal aid clinics to free legal information websites. Most of these innovations are created in direct response to need, but without empirical knowledge regarding how laypeople think about help-seeking.⁶³ This is problematic, because knowing a group *has* a need is different from knowing how to meet this need.⁶⁴ Evaluation takes place on the back end⁶⁵ and includes questions such as: How many people were served? What percentage of problems were solved? Would clients use the service again?

But back-end evaluations are not optimal. For one, they omit people who *could* have benefitted from the service but did not use it. Additionally, communities are idiosyncratic. A consumer debt clinic that thrives in Ithaca might flounder in Charlottesville. A deficit of nationally representative data makes it impossible to ground innovation in an overarching understanding of how ordinary people think about help-seeking. Most critically, by focusing only on people who *seek* a service, back-end evaluations ignore the submerged iceberg of legal problems for which people seek no formal legal help at all.

Nor have all innovations intended to advance access to justice proven successful. Arguably, most that have fallen flat have done so because the designers had an insufficient understanding of how prospective users would respond to the service.⁶⁶ It is not just important

63. The study of how everyday people think about, understand, and experience the law is known as “legal consciousness.” Key works include PATRICIA EWICK & SUSAN S. SILBEY, *THE COMMON PLACE OF LAW: STORIES FROM EVERYDAY LIFE* (1998); Susan S. Silbey, *After Legal Consciousness*, 1 ANN. REV. L. & SOC. SCI. 323 (2005); LAURA BETH NIELSEN, *LICENSE TO HARASS: LAW, HIERARCHY, AND OFFENSIVE PUBLIC SPEECH* (2004).

64. U.S. civil legal need is so dire that even if they could be improved, these programs still do enormous good. Also, sometimes triage is necessary to address immediate ills, like the eviction crisis after the COVID-19 moratorium was lifted. See Emily A. Benfer, David Vlahov, Marissa Y. Long, Evan Walker-Wells, J. L. Pottenger Jr., Gregg Gonsalves & Danya E. Keene, *Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy*, 98 J. URB. HEALTH 1, 6–8 (2021); JIM PARROTT & MARK ZANDI, URB. INST., *AVERTING AN EVICTION CRISIS* (2021), <https://www.urban.org/sites/default/files/publication/103532/averting-an-eviction-crisis.pdf> [<https://perma.cc/F4X3-WRZU>]; H. Shellae Versey, *The Impending Eviction Cliff: Housing Insecurity During COVID-19*, 111 AM. J. PUB. HEALTH 1423 (2021).

65. Important guidance has begun to emerge that offers ideas for assessing these kinds of programs. Rebecca L. Sandefur & Matthew Burnett, *All Together Now: Building a Shared Access to Justice Research Framework for Theoretical Insight and Actionable Intelligence*, 13 OÑATI SOCIO-LEGAL SERIES 1330, 1337–38 (2023).

66. For example, “the Dutch online dispute resolution platform Rechtwijzer that closed for lack of users.” Daniel W. Bernal & Margaret D. Hagan, *Redesigning Justice Innovation: A Standardized Methodology*, 16 STAN. J. C.R. & C.L. 335, 338 (2020).

to understand legal needs; it is important to understand how people respond to them.

C. What We Know and Don't Know About Help-Seeking

Most of the empirical work on legal help-seeking has been done abroad. Pascoe Pleasance, Nigel Balmer, and their collaborators analyzed the English and Welsh Civil and Social Justice Survey⁶⁷ and found that people seek formal help for only half of “justiciable” problems—problems that are legally actionable and/or raise legal issues.⁶⁸ Legal consultation is sought only thirteen percent of the time, and a range of other formal sources are consulted as well, including police, social workers, medical workers, and employers.⁶⁹ In Japan, Masayuki Murayama has found that lawyer use correlates with social networks and familiarity, making social class an important predictor of who seeks legal help.⁷⁰ In the few studies that examine how demographic characteristics correlate with help-seeking behavior, “patterns have not been consistently revealed.”⁷¹

The Community Needs and Services Study (CNSS) is another important foundation. Rebecca Sandefur surveyed 668 American adults in a mid-sized Midwestern city in 2013.⁷² In describing their ideal assistance, people valued qualities Sandefur terms the “three T’s”: timely (“appearing at a moment when the person recognizes . . . a problem”), targeted (“specific to the person’s actual, concrete needs”), and trustworthy (“coming from a source that the person trusts and believes is working in her good interests”).⁷³ This trifecta is a useful lodestar and

67. PASCOE PLEASANCE, NIGEL BALMER, ASH PATEL, ANDREW CLEARY, TOM HUSKINSON & TOBY COTTON, UK DATA SERV., LEGAL SERVS. COMM’N & IPSOS MORI, ENGLISH AND WELSH CIVIL AND SOCIAL JUSTICE PANEL SURVEY: WAVE I (2011), https://doc.ukdataservice.ac.uk/doc/7643/mrdoc/pdf/7643_csjps_wave_one_report.pdf [<https://perma.cc/G9GZ-8HXX>].

68. Pascoe Pleasance, Nigel J. Balmer & Stian Reimers, *What Really Drives Advice Seeking Behaviour? Looking Beyond the Subject of Legal Disputes*, 1 OÑATI SOCIO-LEGAL SERIES, no. 6, 2011, at 1, 3.

69. *Id.*

70. Masayuki Murayama, *Japanese Disputing Behavior Reconsidered*, in EMPIRICAL STUDIES OF JUDICIAL SYSTEMS 261, 290–91 (Kuo-Chang Huang ed., 2009); see also Masayuki Murayama, *Experiences of Problems and Disputing Behaviour in Japan*, 14 MEIJI L.J. 1 (2007).

71. Pleasance, Balmer & Reimers, *supra* note 68, at 4–6 (discussing advice-seeking patterns in various countries, noting the absence of strong patterns, and explaining that some findings were not replicated in the legal context).

72. SANDEFUR, CNSS, *supra* note 4, at 3–4.

73. Sandefur, *Bridging the Gap*, *supra* note 20, at 729. See also Geoff Mulherin, *Foreword* to PASCOE PLEASANCE, CHRISTINE COUMARELOS, SUZIE FORELL &

raises key questions, particularly about trustworthiness. What factors lead people to believe a resource is working in their “good interests?” Are government agencies, nonprofit organizations, or attorneys seen as more trustworthy? Is trustworthiness assessed the same way across all resources? By all groups?

An empirical understanding of help-seeking also requires figuring out what people do *not* want. Do people avoid, fear, or resist certain resources? Why? Can these inclinations be overcome? How? Are people concerned about getting erroneous information? Wasting time? Being defrauded? Which sources prompt which fears? Understanding these patterns is crucial to avoid pitfalls in creating new solutions.

II. EMPIRICAL APPROACH

A. Study Design

A scenario appropriate to investigate early-stage help-seeking⁷⁴ needed to meet several criteria. First, the problem needed to be common enough to have broad application. Second, it needed to raise a tangle of potential issues, both legal and non-legal, such as medical or financial concerns. Third, the problem needed to be complex, ambiguous, and liminal enough that it was not yet a legal “need,” but could realistically evolve into one.⁷⁵

Pre-testing revealed that a carefully crafted elder care problem met all three criteria. Elder care is a complex⁷⁶ and increasingly prevalent issue in the United States.⁷⁷ It raises legal matters such as guardianship

HUGH M. McDONALD, L. & JUST. FOUND. OF NEW S. WALES, *RESHAPING LEGAL ASSISTANCE SERVICES: BUILDING ON THE EVIDENCE BASE*, at iii, iii (2014), https://lawfoundation.net.au/wp-content/uploads/2023/11/25PJR_Reshaping-legal-assistance-services.-building-on-the-evidence-base.-a-discussion-paper_2014.pdf [<https://perma.cc/3N6V-UR7Z>].

74. The large quantity of qualitative data necessary to discover patterns in help-seeking made it advisable to choose *one* problem and a range of possible solutions for an in-depth investigation.

75. See Sandefur & Teufel, *supra* note 5, at 759–63 (discussing the complexity of defining and measuring “legal need”).

76. Susan C. Eaton, *Eldercare in the United States: Inadequate, Inequitable, but Not a Lost Cause*, 11 FEMINIST ECON., no. 2, 2005, at 37, 39; Katherine Swartz, Naoko Miake & Nadine Farag, *Long-Term Care: Common Issues and Unknowns*, 31 J. POL’Y ANALYSIS & MGMT. 139, 139 (2012); Leif Jensen, Shannon Monnat, John J. Green, Lori M. Hunter & Martin J. Sliwinski, *Rural Population Health and Aging: Toward a Multilevel and Multidimensional Research Agenda for the 2020s*, 110 AM. J. PUB. HEALTH 1328, 1328–30 (2020).

77. Rosemarie Tong, *Long-Term Care for the Elderly Worldwide: Whose Responsibility Is It?*, INT’L J. FEMINIST APPROACHES TO BIOETHICS, Fall 2009, at 5, 7–

and wills, touches on familial and emotional matters, and raises questions that may or may not have legal implications, such as medical care or financial decisions.

The survey item framed the problem simply,⁷⁸ contextualized it socially, and situated it within potential legal and non-legal issues.⁷⁹ In addition to complexity and liminality, the problem needed to be presented at an early enough stage that people would not generally perceive a legal issue. As a problem becomes more severe, people are more likely to characterize it as legal,⁸⁰ and this survey item's purpose was to understand how people think about help-seeking at early stages in a problem's development.⁸¹ Yet, the problem also needed to be sufficiently acute that most people would begin thinking about getting help.⁸² *Not* framing the question as a clearly cognizable legal issue was deliberate, and central to testing a complex, early-stage problem with potential legal implications.

11; Ann Bookman & Delia Kimbrel, *Families and Elder Care in the Twenty-First Century*, FUTURE CHILD., Fall 2011, no. 2, at 117, 117–18; Deborah Carr & Rebecca L. Utz, *Families in Later Life: A Decade in Review*, 82 J. MARRIAGE & FAM. 346, 346 (2020) (“[P]opulation aging has intensified concerns regarding the capacities of families to care for older adults and the adequacy of public pension systems to provide an acceptable standard of living.”). On average, the U.S. population is aging. *See The US Population Is Aging*, URB. INST. (Dec. 16, 2014), (“The number of Americans ages 65 and older will more than double over the next 40 years The number of adults ages 85 and older . . . will nearly quadruple between 2000 and 2040.”), <https://www.urban.org/policy-centers/cross-center-initiatives/program-retirement-policy/projects/data-warehouse/what-future-holds/us-population-aging>.

78. According to the Flesch-Kincaid Grade Level, the text is written at grade level 7.1, with a Flesch Reading Ease Score of 67. This is considered “plain English,” and easily readable by someone with an eighth-grade education. *See* GOOD CALCULATORS, <https://goodcalculators.com/flesch-kincaid-calculator/> (last visited Sept. 14, 2024).

79. For a methodological explanation of this practice, see Silbey, *supra* note 63, at 338–40.

80. Pleasence, Balmer & Reimers, *supra* note 68, at 17.

81. Albiston & Sandefur, *supra* note 25, at 115 (noting the importance of “[s]wift intervention” in situations that can develop into more serious and acute legal needs).

82. Here, if a respondent would seek no help, they could choose “unlikely” for all sources presented. Only 19 of 3,636 respondents did so, which suggests that the problem was presented at a “timely” stage. *See* Sandefur, *Bridging the Gap*, *supra* note 20, at 729 (defining “timely”).

B. Quantitative Methodology

Respondents were given the following survey item:⁸³

You have an elderly relative who lives alone. You and other family members are worried they cannot take care of themselves any longer. Their driving seems unsafe, and you do not think they can make good financial decisions.

The sample was representative of the U.S. population along lines of gender, race, income, age, and other variables of interest.⁸⁴ The question was followed by instructions:⁸⁵

Listed below are some places you might go to help you decide what to do. You may not know what all of them are, and it is okay to guess. Please mark how likely you would be to seek information from each place.

Respondents were presented with eleven sources and asked whether they would be “likely” or “unlikely” to turn to each one for help. “Unsure” was presented as a third option.⁸⁶ The choices⁸⁷ were:

- A free phone app called “Elder Care Q&A.”
- A friend who just placed an elderly parent in a nursing home.
- A medical doctor.
- A lawyer (your own if you have one).
- A nursing home.

83. A professional survey company, InnovateMR, was employed to ensure a representative panel. InnovateMR is well established in the market research space. The Qualtrics platform was used for survey distribution, and the survey was programmed by the author and a graduate research assistant.

84. Sampling goals were derived from the 2019 U.S. Census and the 2019 American Community Survey. Nonwhite groups were oversampled. For a detailed demographic breakdown of respondents, see Young & Billings, *supra* note 6, at 507 tbl.1. Details on file with the author.

85. These instructions are written at a simpler level: a fifth-grade reading level on the Flesch-Kincaid Grade Level. GOOD CALCULATORS, *supra* note 78.

86. “Unsure” was presented so that respondents were not forced to decide about a source if they were unfamiliar with it or agnostic about it.

87. Prior to the survey launch, over 100 pilot respondents answered a version of the question that asked them to list places they might go for help. The most popular sources were included. Additional sources were selected for their relevance to the legal aid community and/or legal scholars. After the first 100 responses, one choice, “the Department of Motor Vehicles,” was eliminated because no one had chosen it as the best source.

- An information session at a church or place of worship (your own if you have one).
- An information session at a local public library.
- Department of Social/Human Services [(DHS)].
- AARP.
- An “Elder Law Clinic” at a local law school.
- A website called “When an Elderly Relative Needs Help.”

Item order was separately randomized for each respondent. Once respondents had chosen “likely,” “unsure,” or “unlikely” for each source, they were asked: “Of the places listed in the previous question, which one do you think would be the **best** place to get the information you need?” They were required to select one resource. Then they were asked: “And which would be the **worst** place to get the information you need?” Again, only one resource could be selected.

The answers to these closed-ended questions were downloaded from Qualtrics into Excel, and frequencies were calculated in that format.

C. Qualitative Methodology

Following the closed-ended questions, respondents were presented with two open-ended questions. This survey design allows a fuller understanding of people’s cognition, which is crucial to creating real-world interventions.⁸⁸ The survey was programmed to populate the questions with the source each respondent had chosen. For example, a respondent who chose the Elder Law Clinic as best would receive the question: “Why does an Elder Law Clinic at a local law school seem like the **best** place to get the information you need?” A respondent who chose “church or place of worship” would receive: “Why does an information session at a church or place of worship seem like the **best** place to get the information you need?” The same was done for the “worst” selection.

The qualitative data were coded in two rounds. The answers comprised 7,272 responses, totaling over 105,000 words. In the first round, answers were separated into 22 groups, comprising the “best” and “worst” explanations for all 11 sources.⁸⁹ Within each group,

88. For example, a person might select an app as the worst source for a number of reasons: distrust of technology, dislike of apps, not having a smart phone, or wanting to speak to a live person. These results would each point to a different kind of intervention.

89. A handful of respondents listed an “other” source as best or worst, but these were too few to code.

responses were open coded using a modified grounded theory approach.⁹⁰ Themes were compared across all 22 groups, and several emerged as salient.⁹¹ The second round delved more deeply into these themes. “Best” and “worst” responses were imported into the first column of a spreadsheet, with themes listed along the top row. Each of the 7,272 responses was then re-coded (binary) as to whether it embodied each theme. This second round of coding enhanced reliability by blinding the author to interpretive explanations that could be unconsciously linked to sources.⁹²

Mixed-methods research is ideal for investigating complex problems from multiple perspectives.⁹³ Quantitative analyses reveal distributions and associations (for example, how frequently something happens, or for whom), and qualitative analyses are apt for studying social processes and causality—understanding not just *what* happens, but *why*. A mixed-methods design can capitalize on the strengths of both forms.

D. But Is This Really a “Legal” Problem?

The scenario was not selected to present a cognizable legal issue. It was written to present a realistic problem, rooted in complexities of everyday life, which could evolve into a justiciable problem, and for which legal knowledge or advice could be helpful. Respondents’ open-ended answers pointed to many ways legal advice might be helpful at this juncture. They mentioned, for example: not knowing whether they were allowed to prevent someone from driving; wondering whether the government could force someone into state care; not knowing how to make a will; wondering how to seek power of attorney; and not being

90. See generally BARNEY GLASER & ANSELM STRAUSS, *THE DISCOVERY OF GROUNDED THEORY: STRATEGIES FOR QUALITATIVE RESEARCH* (1999). For an example of work that embodies the modified grounded theory approach employed here, see MONICA McDERMOTT, *WORKING-CLASS WHITE: THE MAKING AND UNMAKING OF RACE RELATIONS* (2006).

91. Any theme might manifest many ways, depending on the source. For example, one theme that emerged as prominent across sources was “trustworthiness/untrustworthiness.” A respondent who selected AARP as best might write: “AARP has good information that is up to date.” A respondent who selected a website as the worst source might write something along the lines of: “You can’t rely on things that you read on the internet.” Both responses would be coded for untrustworthiness/trustworthiness.

92. For example, this second round of coding ensured that a response like, “I couldn’t trust them because I don’t like them” would be applied equally to a doctor, a lawyer, or an app, because the author did not know which source was being referenced.

93. See ASHLEY RUBIN, *ROCKING QUALITATIVE SOCIAL SCIENCE* 64–67 (2023). See also Uwe Flick, *Triangulation Revisited: Strategy of Validation or Alternative?*, 22 J. FOR THEORY SOC. BEHAV. 175, 175–76 (1992).

sure what they could legally do to help with someone else's finances. These are "legal" problems for the respondent because they are wondering about these things; actual legal cognizability is beside the point.⁹⁴ This is the stage where we need to learn how to embed help: where most people would begin thinking about seeking help, but the problem is not yet wreaking havoc or being forced into court. The approach builds on the observation that "[w]aiting for a case to come in the door is essentially an emergency room model that provides representation at the point a legal crisis comes to a head."⁹⁵

III. BY THE NUMBERS: BEST AND WORST SOURCES

Respondents' preferences do not coalesce around one or two sources of help, but a handful of demographic patterns point to more nuanced preferences in help-seeking.

A. Overall Reactions

Recall that people were asked whether they were "likely," "unsure," or "unlikely" to seek help from each source. The source with the most "likely" responses was a doctor (76.99%). After this, preferences were fragmented. No other source garnered even a two-thirds majority of "likely" responses. Talking to a friend who had recently placed a parent into a nursing home came closest (65.88%), followed by a website (61.62%), then DHS (57.49%). For the remaining sources, fewer than 50% chose "likely."

94. The scenario was written to present a situation where legal assistance could be useful and might prevent the problem from evolving into an acute need. It is useful in designing new upstream solutions partly *because* it has not yet developed into a clear legal need. Definitions like "legal need" are slippery. Some justiciable problems are not legal "needs" in the sense that the problem *could* be solved without a lawyer. And some problems that are not legal "needs" could nonetheless benefit from a lawyer's intervention. Sometimes legal *or* nonlegal advice would help.

95. Albiston & Sandefur, *supra* note 25, at 114. Future work can, and should, also look at problems further "downstream" in their severity. But understanding how we can interrupt civil legal issues at an earlier stage required beginning here with a complex, liminal, relatively "upstream" problem.

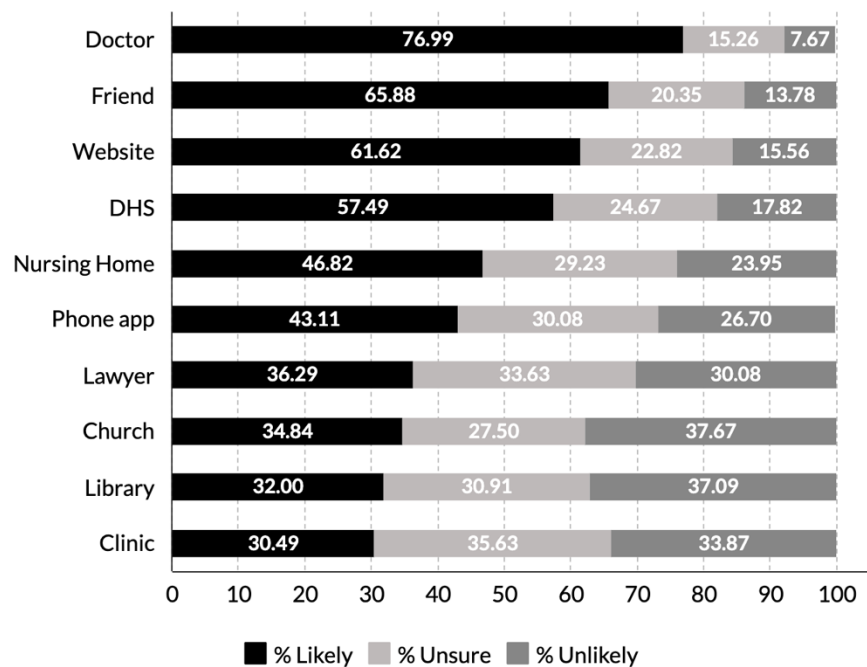


Figure 1. Percentage of Respondents Indicating that They Were “Likely,” “Unsure,” or “Unlikely” To Seek Help from Each Source

Figure 1 reveals these mixed reactions and shows the percentage of respondents who indicated each answer. One in three was unsure about turning to a lawyer, phone app, legal clinic, or library session. For nearly all sources—ten out of eleven—at least one in five respondents was unsure. And for many sources, including a law school clinic, church, library, lawyer, and app, there is a near-even split between likely, unsure, and unlikely.⁹⁶

B. Best and Worst Sources

The variation in respondents’ assessments of different sources’ helpfulness is further underscored by their selection of best and worst sources. There was slight agreement about the best source, but almost none about the worst. Doctors were favored, but not overwhelmingly;

96. One important question is how much people’s responses conflate desire to use a source with the source’s perceived accessibility. A person who says they are “unlikely” to use a lawyer might dislike lawyers or might want to consult a lawyer but believes it will be too expensive. Although not crucial for the conclusions herein, the distinction is an important empirical question.

more than three quarters of respondents said they would be likely to seek help from a doctor, but only a quarter (26.11 %) named it the best source.

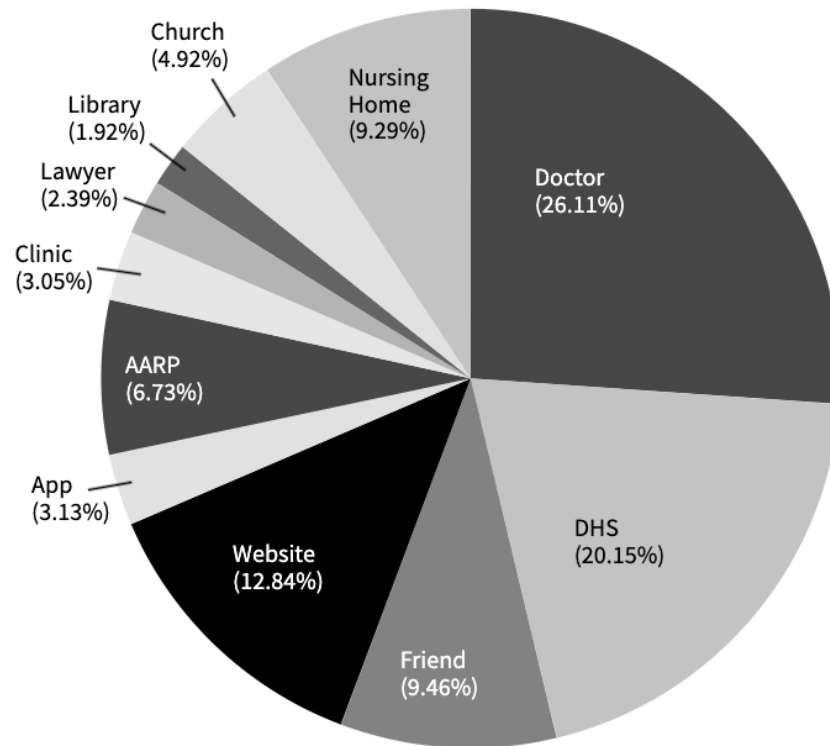


Figure 2. Sources Chosen as Best for Getting Help

DHS ranked fourth in the proportion of respondents who would seek help there but was the second-ranked “best” source, chosen by one in five (20.15 %). As Figure 2 shows, apart from a doctor and DHS, there was no agreement about which source was best. The third most popular source was a website (12.84 %). No other source garnered more than 10 %.⁹⁷

97. Less than one percent chose an “other” source they had listed as best or worst. These are omitted here.

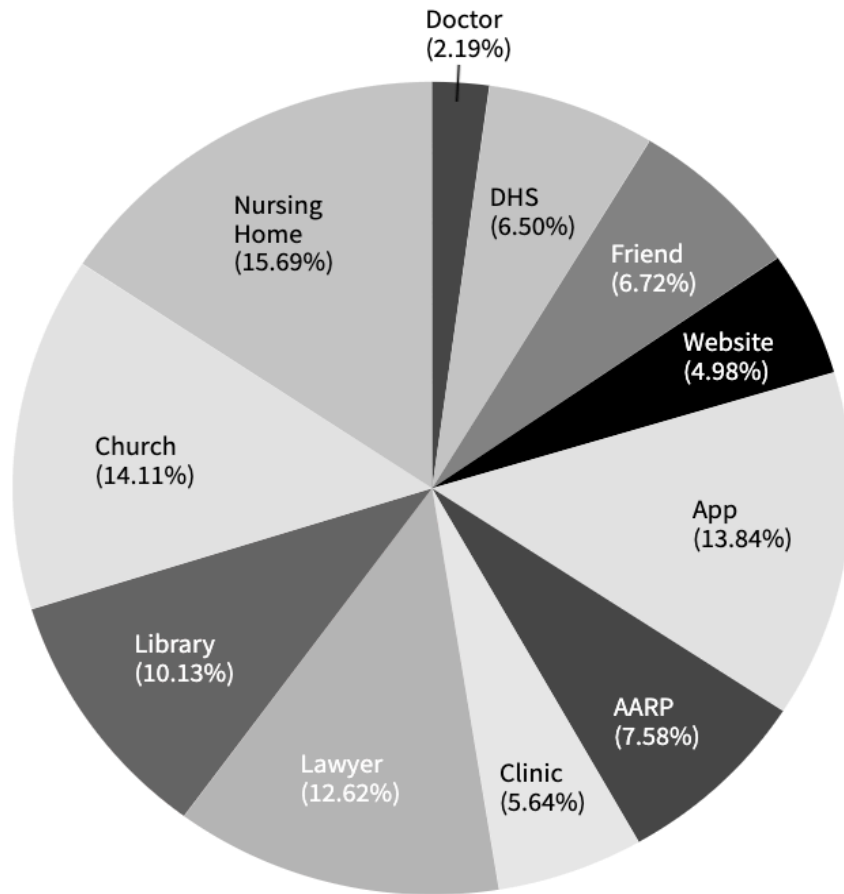


Figure 3. Sources Chosen as Worst for Getting Help

Respondents showed even *less* agreement about the “worst” source. The “likely” and “unlikely” responses suggested that the most disfavored source would be an information session at a church or a library, since these were the sources the most respondents indicated they were “unlikely” to use.⁹⁸ However, the first-place worst source was a nursing home. Even so, the proportion was small, at 15.69%. The next worst source was an information session at a church (14.11%), followed by a phone app (13.84%), then a lawyer (12.62%). Doctor and website were the only sources chosen as “worst” by less than 5% of respondents. This enormous variation suggests a great deal of disagreement around ordinary people’s perception of different resources’ helpfulness.

98. *Supra* fig.1.

Above, Figure 3 shows the percentage of respondents who chose each source as worst.⁹⁹ Note that the “worst” selections are not simply the inverse of the “best.” For example, although few people chose a library information session as best (1.92%), only about one in ten chose it as worst.

Another way to visualize the data in Figures 2 and 3 is to express “best” versus “worst” as a ratio. Figure 4 does so, depicting the fragmentation both generally and over the most extreme reactions to sources.

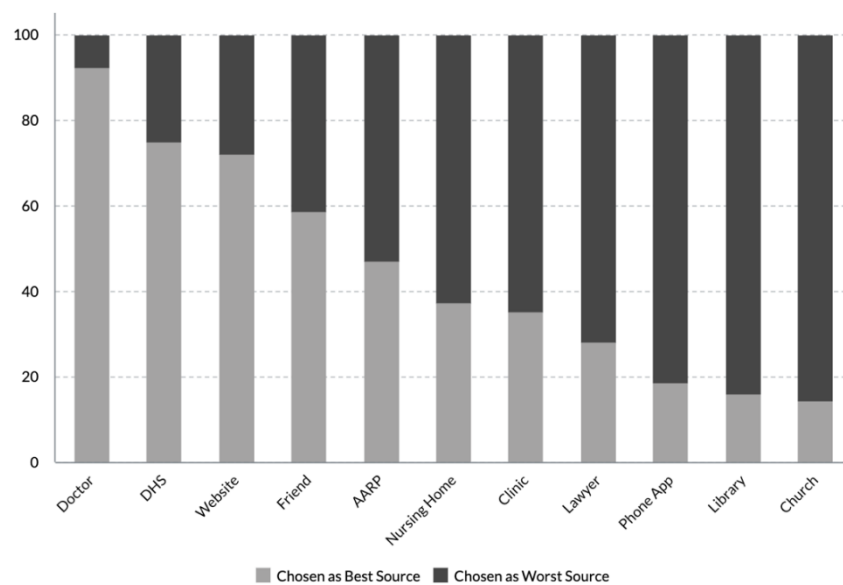


Figure 4. Percentage of People Who Identified a Source as the “Best” Versus Percentage of People Who Identified It as the “Worst”

The bottom bar indicates the number of people who named a source as best, displayed as a ratio to the number of people who named it as worst, indicated by the top bar. Sources are arranged from left to right from largest to smallest best:worst ratio on the horizontal axis. As this chart shows, some sources garner more widespread agreement than others, whether about their usefulness or lack of usefulness. Respondents agreed most about going to a medical doctor and going to an information session at a church. Most people who named “doctor” (far left) as the best or worst source named it as best; most people who chose “church” (far

99. Again, less than one percent chose an “other” source. These are omitted.

right) as best or worst named it as worst. For other sources, agreement was not widespread. For a friend, AARP, a nursing home, and a law school clinic, people were roughly as likely to name it the best source as the worst.

C. For Whom?

We might imagine that race, gender, or other socially important characteristics shape how people think about help-seeking. Before running logistic regressions, chi-square tests were used to explore these associations¹⁰⁰ for three categories: gender (women versus men), race (white respondents versus respondents of color), and political leanings (conservative or extremely conservative respondents versus liberal or extremely liberal respondents¹⁰¹). The only consistently significant differences were along political lines.

Below, Figure 5 compares the percentage of conservatives (n=981) to liberals (n=1005) who named a source as worst.¹⁰² Nursing Homes, AARP, DHS, and law school clinics were significantly more likely to be chosen as worst by conservative respondents compared to liberal respondents ($p < .001$; $p < .001$; $p < .01$; $p < .05$). Conservatives are less inclined to go to these sources for help and may be less likely to trust the help provided there.¹⁰³ In contrast, a phone app and an information session at a church were significantly more likely to be chosen as the worst source by liberal respondents compared to conservative respondents ($p < .05$ and $p < .001$, respectively).

Political differences in people's choice of the best source were slightly less pronounced. AARP and nursing homes were significantly more likely to be chosen as the best source by liberal respondents compared to conservative respondents ($p < .01$ and $p < .05$, respectively), and church information sessions were significantly more likely to be chosen as the best source by conservative respondents compared to liberal respondents ($p < .05$).

100. Chi-square tests indicate whether a difference between two populations is statistically significant.

101. Respondents who identified as neither liberal nor conservative are excluded from this calculation.

102. Significance levels are indicated as follows: * = $p < .05$; ** = $p < .01$; *** = $p < .001$.

103. Qualitative work is better for understanding *why* this is so. *Supra* Section IV.E.

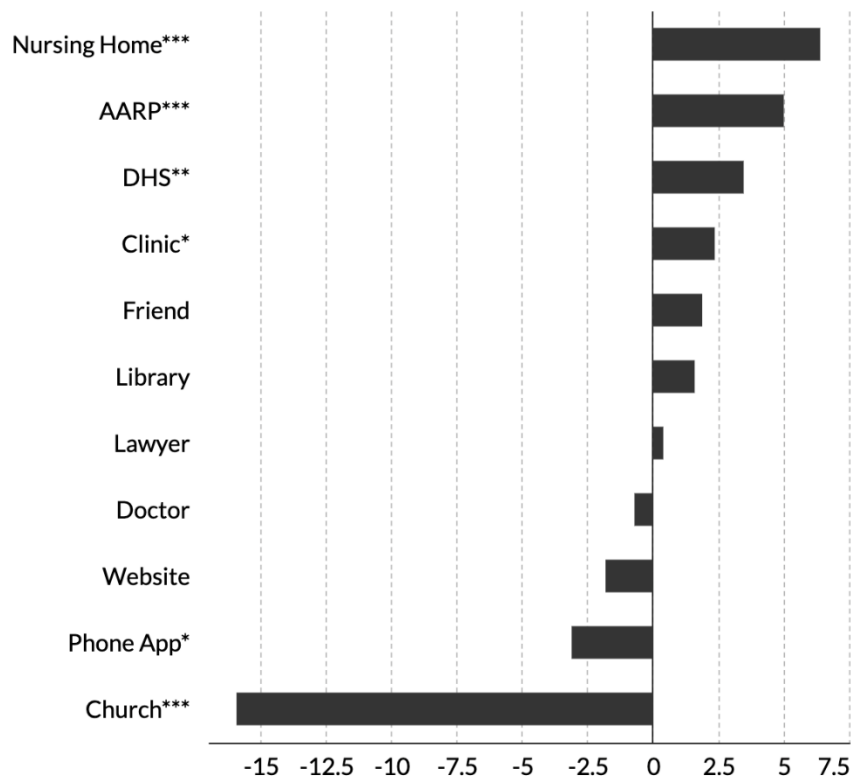


Figure 5. Choice of a Source as "Worst," Conservatives Versus Liberals

Logistic regressions were used to predict whether a respondent chose each source as best, and whether a respondent chose each source as worst.¹⁰⁴ Logistic regressions estimate the strength of an association between an independent variable (here, respondent characteristics) and a dependent variable (here, whether a respondent chose a particular source as best/worst). This technique allows examination of whether a characteristic is associated with an outcome, independent of other variables.

Because binary logistic regressions require a separate regression for each possible outcome, twenty-two binary logistic regressions were run (two for each source) to examine each source’s likelihood of being chosen as best, and as worst. Explanatory variables included: race, gender, age,

104. Binary logistic regressions were run using the logit command in STATA. Missing cases for all variables in the model were dropped using listwise deletion, and missing values were not imputed because missingness was minimal (approximately two percent).

age squared,¹⁰⁵ income,¹⁰⁶ political affiliation, rurality, LGBTQ+ identity, and physical disability.¹⁰⁷ An additional variable indicated whether a respondent had ever made decisions for an elderly relative. This variable accounts for the possibility that responses are shaped by experience with the problem. Complete results of the estimated logistic regressions are shown in Tables 1 through 4 (Appendices A through D). The most noteworthy results are discussed in the text, with details footnoted.

Table 1 (Appendix A) shows results of estimated logistic regressions for choosing a lawyer, elder law clinic, and doctor as the best source, and as the worst source, of help. Asian respondents¹⁰⁸ tend to disfavor both legal sources (the lawyer and the law school clinic).¹⁰⁹ Latinx respondents also disfavor lawyers, but not law school clinics. In addition, Latinx respondents disfavor doctors.¹¹⁰

105. Age squared was included to test the linearity of the relationship between age and a dependent variable. For example, if results showed a significant relationship between age and choosing a lawyer as the best source, *and* age squared was significant and positive, this would show that the association between age and choosing lawyer as the best source is not linear but becomes stronger as people age. If the same result occurred for the age variable, but age squared was negative, it would indicate that the association between age and choosing a lawyer as the best source is *not* linear but becomes weaker with increased age.

106. Income data was appended to the sample by InnovateMR. Their panelists' incomes are updated every six months. Respondents are asked: "What is your current annual household income before taxes?" Income was coded into an ordinal variable: \$0 to \$19,999; \$20,000 to \$39,999; \$40,000 to \$59,999; \$60,000 to \$79,999; \$80,000 to \$99,999; \$100,000 to \$124,999; \$125,000 to \$149,999; and \$150,000 and above. Income information was missing for eighty-three respondents (2.3%).

107. Prior work shows that, although rarely examined in the access to justice context, these characteristics shape a person's chance of facing a justiciable problem. Young & Billings, *supra* note 6, at 505–15; SANDEFUR, CNSS, *supra* note 4, at 16; JUSTICE NEEDS, *supra* note 7, at 29.

Reference groups are as follows: for race, white; for gender, women; for rural, non-rural; for politics, liberal (including very liberal and moderately liberal); for LGBTQ+, non-LGBTQ+ (that is, people who identify as both straight and cisgendered); for physical disability, people who do not identify as having a physical disability; for arrest, people who have never been arrested; for past DV/SA, people who have never experienced domestic violence or sexual assault; for past elder care decision, people who have never had to make decisions for an elderly relative.

108. Results reported in the text compare each group to its reference group. That is, "Asian respondents tend to disfavor both legal sources" means they do so *in comparison to* white respondents, since white is the reference group.

109. Compared to white respondents, Asian respondents are 98.2% more likely to name a lawyer as worst and 2.65 times more likely to name a law school clinic as worst ($p < .001$ for each).

110. Latinx respondents are 62.9% more likely than white respondents to select a lawyer as worst ($p < .001$) and over two times more likely to select a doctor as worst ($p < .05$).

In contrast, lawyers were favored by a diverse set of groups: higher-income respondents,¹¹¹ rural respondents,¹¹² and LGBTQ+ respondents. In addition to favoring lawyers, LGBTQ+ respondents were more positively disposed toward law school clinics.¹¹³

Table 2 (Appendix B) shows results of the estimated logistic regressions for choosing a nursing home, AARP, or DHS as the best source, and worst source, of help for the problem. As in Table 1, the only significant racial differences are between Asian and white, and Latinx and white, respondents. Compared to white respondents, Asian and Latinx respondents are more positively inclined toward nursing homes as a source of help.¹¹⁴

Age is significantly associated with reactions to all three sources in Table 2. As age increases, respondents react more negatively to nursing homes.¹¹⁵ Increased age is also significantly associated with a disinclination to turn to AARP.¹¹⁶ This result may be surprising, since AARP's mission is to help older people. On the other hand, increased age is positively associated with DHS, and older respondents are more likely to name it as the best source.¹¹⁷

Table 2 also shows significant associations between political identification and outcome variables, with conservatives disfavoring both AARP and DHS.¹¹⁸ It is impossible to determine causal mechanisms from

111. Respondents with higher incomes also show an increased likelihood of selecting a lawyer as the best source, compared to respondents with lower incomes: each one-step increase in income corresponds to a 10.4% increase in likelihood to name a lawyer as the best source ($p < .05$), as well as a 4.4% decrease in likelihood to name a lawyer as the worst source (approaching significance, $p < .10$).

112. Compared to non-rural respondents, rural respondents are 51.2% more likely to name lawyers as best ($p < .05$), and 21.1% less likely to name lawyers as worst (approaching significance, $p < .10$).

113. LGBTQ+ respondents are approximately fifty percent less likely than their straight, cisgender counterparts to name a lawyer or law school clinic as the worst source ($p < .01$ and $p < .05$, respectively).

114. Asian respondents and Latinx respondents are both significantly more likely than white respondents (78.9% more likely and 73.7% more likely, respectively, and $p < .01$ and $p < .001$, respectively) to choose a nursing home as the best source.

115. Increased age was significantly associated with both a decreased likelihood of naming a nursing home as the best source ($p < .001$) and a greater likelihood of naming a nursing home as the worst ($p < .05$).

116. $p < .001$. Age squared is also significant, so the association between age and likelihood of naming AARP as the worst source is nonlinear. Predicted probabilities parsing these results are available upon request.

117. $p < .01$.

118. Compared to liberals, conservatives are 45.5% less likely to name AARP as best ($p < .01$) and 76.7% more likely to name it as worst ($p < .01$). Conservatives are also 92% less likely than liberals to name DHS as best (approaching significance, $p < .01$) and 75.7% more likely than liberals to name it as worst ($p < .01$).

these analyses alone, but the qualitative analyses in Parts IV, V, and VI will shed light on reasons for these patterns.

Table 3 (Appendix C) shows results of the estimated logistic regressions for choosing a friend, an information session at a library, and an information session at a church as the best source, and worst source, of help. Results regarding a library are scattered. While no group is significantly more likely than any other group to name a library as the best source, it is more likely to be named worst by men,¹¹⁹ rural respondents,¹²⁰ respondents with physical disabilities,¹²¹ and respondents who have experienced domestic violence and/or sexual assault.¹²² The reasons for these patterns are not obvious, though we might imagine possibilities (*e.g.*, that libraries may not be easily accessible for people with physical disabilities, or that rural respondents may live farther from libraries and/or have libraries with sparser resources). Reactions to help from friends were surprising as well: Black respondents¹²³ and respondents with physical disabilities¹²⁴ are less likely to favor seeking help from a friend who had gone through a similar experience.

Outcomes related to information sessions at churches and other places of worship are more intuitive, given the distribution of religiosity in the United States. Black respondents¹²⁵ and rural respondents¹²⁶ are unlikely to choose a church as the worst source of help, suggesting a lack of *distrust*, though not necessarily indicating trust.¹²⁷ Conservative

119. Men are 36.9% more likely than women to name a library as the worst source ($p < .05$).

120. Rural respondents are 30.2% more likely than non-rural respondents to name a library as the worst source ($p < .05$).

121. Respondents with physical disabilities are 41.7% more likely than those without physical disabilities to name a library information session as the worst source ($p < .05$).

122. Respondents who had experienced at least one of these forms of trauma are 52.8% more likely than those who had experienced neither form of trauma to name a library information session as the worst source ($p < .05$).

123. Compared to white respondents, Black respondents are 58.8% more likely to choose a friend as the worst source of information ($p < .05$).

124. Compared to respondents without a physical disability, respondents with a physical disability are 48.9% less likely to name a friend as the best source ($p < .001$) and 56.9% more likely to name a friend as worst ($p < .05$).

125. Compared to white respondents, Black respondents were 55.6% less likely to choose a church information session as the worst source ($p < .001$).

126. Compared to non-rural respondents, rural respondents were 27.9% less likely to name a church information session as the worst source ($p < .01$).

127. It can be difficult to discern the relationship between a source and a demographic group when only “worst” is significant. For example, it is possible that compared to white respondents, Black respondents have greater affinity for churches. It is also possible that Black respondents are less likely to think a church is an extremely poor resource. The observed pattern could evince affinity *or* neutrality.

respondents express strong favor for church information sessions.¹²⁸ In contrast, LGBTQ+ respondents are more likely to express disfavor for an information session at a church.¹²⁹

Table 4 (Appendix D) shows results of the estimated logistic regressions for choosing a tech-based source of help, an app or a website, as best or worst. The most noteworthy patterns relate to income and age. Compared to low-income respondents, high-income respondents are more likely to eschew tech-based solutions.¹³⁰ This result is striking since high income is correlated with smartphone ownership and internet access.¹³¹ Access to technology does not seem to be correlated with a propensity for using it for problem-solving; the trends run in the opposite direction.

Finally, age is the characteristic most consistently associated with preferences for or against the app and website. When age and age squared are both significant, as in Table 4, it means the relationship between age and the dependent variable is nonlinear, and it is necessary to examine predicted probabilities to show more detailed patterns. Below, Figure 6 graphs these predicted probabilities for selecting a website as best, by age:

128. Conservatives are 2.69 times more likely than liberals to name a church information session as best ($p < .01$) and seventy percent less likely than liberals to name it as worst ($p < .001$). This combination—a result that manifests as significant in both the “best” and “worst” results—suggests a strong affinity for or against a resource among respondents from a particular group.

129. Compared to straight, cisgendered respondents, LGBTQ+ respondents were 44.4% more likely to name a church information session as the worst source ($p < .01$).

130. For every one-step increase on the income scale, a respondent is 5.7% more likely to name an app as the worst source ($p < .05$) and 8.2% more likely to name a website as worst ($p < .05$). For every one-step increase on the income scale, a respondent is 8.9% less likely to name an app as the best source (approaching significance, $p < .10$).

131. Emily A. Vogels, *Digital Divide Persists Even as Americans with Lower Income Make Gains in Tech Adoption*, PEW RSCH. CTR. (June 22, 2021), <https://www.pewresearch.org/short-reads/2021/06/22/digital-divide-persists-even-as-americans-with-lower-incomes-make-gains-in-tech-adoption/> [https://perma.cc/XX82-YC4K].

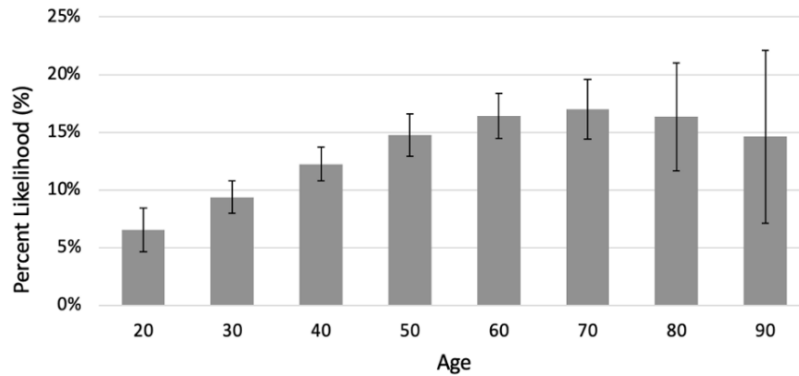


Figure 6. Predicted Probabilities for Selecting Website as Best Source by Age, with 95% Confidence Intervals

The youngest and oldest respondents are the least likely to consider a website the best source. By contrast, people in older middle age and late adulthood are most likely to consider a website the best source.¹³²

Figure 7 shows predicted probabilities for selecting a website and an app as the worst source, by age:

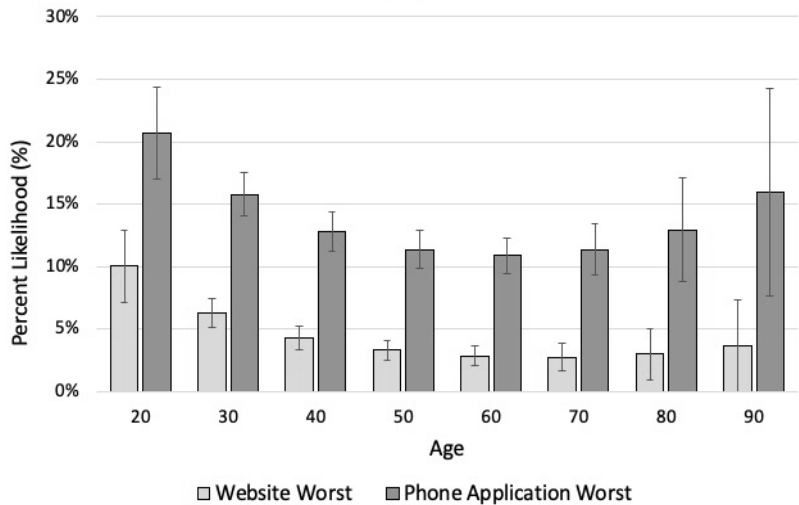


Figure 7. Predicted Probabilities for Selecting App as Worst Source by Age, with 95% Confidence Intervals

132. As Figure 6 shows, the probability of selecting a website as best is lowest at age 20, then rises consistently until age 60–70, where it levels, then drops. Confidence intervals are large for ages in the 80s and 90s due to fewer people in these groups.

Both trends in Figure 7 are roughly the reverse distribution from Figure 6. The oldest and youngest respondents are most likely to choose both tech-based sources as worst, while respondents in the middle of the age distribution are the least likely to consider these the worst sources.

Although the quantitative analyses reveal patterns in people's affinity for, or aversion to, sources, these correlations cannot tell us *why* the patterns exist. Without knowing more about respondents' reasoning, it is difficult to design policies or programs that respond to them. Qualitative research is better suited to these inquiries.

IV. WHAT PEOPLE WANT

The access to justice literature defines trustworthiness as “coming from a source that the person trusts and believes is working in her good interests.”¹³³ This is helpful, but also vague. What factors make people believe that a resource *is* working in their good interests? How do they decide? Which factors matter most? The analyses of respondents' open-ended answers speak to these questions.

A. Advice, Not Information

Recall that respondents were asked, “how likely would [you] be to seek information from each place,” then asked the best and worst place to get the “information [they] need.”¹³⁴ This prompt asked people about *information*. Yet, their answers made it clear they wanted *advice*. Words like “guidance,” “advice,” and “direction” arose repeatedly, and versions of “advice” or “advise” were used in over 150 responses. Echoing this, many “worst” answers explained that a source would provide information with no direction about how to use it. Explaining why a library was the worst source, respondents said: “I need direction and not just information” and “[There was] too much information to weed through.” People disinclined to visit AARP or DHS said these sources had information but not *advice*—for example, that AARP had resources about a huge number of topics, but “doesn't really give me enough direction.”¹³⁵

Other research has pointed to people's desire for advice when they seek legal help.¹³⁶ The Legally Empowering Technologies Project

133. Sandefur, *Bridging the Gap*, *supra* note 20, at 729.

134. *Supra* Section II.B.

135. Space constraints make it impracticable to include every response. Here, as in the rest of this Article, I share representative and partial responses, indicating exact quotes.

136. Sandefur, *Legal Advice from Nonlawyers*, *supra* note 45, at 291–93.

analyzed online legal aid chat sessions and found that people sought advice, not information.¹³⁷ Results from the instant study broaden that study's findings in two ways. First, people want advice not just when they think they have a *legal* problem (as would be the case if they visit a legal help chat site), but even when the legal implications are less clear. Second, the desire for advice is so strong that even if they are asked where they would seek "information," people made it clear they sought *advice*.¹³⁸

These findings highlight a mechanism through which regulatory constraints block people from getting the help they want at the early stages of a complex problem. Most states' regulatory regimes allow trained laypeople to offer *nonlegal* problem-solving advice, but if that advice becomes "legal," a boundary is crossed and only "information" may be given.¹³⁹ Yet, when it comes to solving their problems, people do not seem to want information *without* advice—and in most jurisdictions, lawyers have a monopoly on legal advice.¹⁴⁰ Although a person who faces a complex early-stage problem might turn to any number of places, the one type of advice these places¹⁴¹ are usually not supposed to give is *legal*. Thus, when it comes to understanding, interpreting, and using the law, people cannot always get advice from the sources to which they naturally turn. Ironically, this means that while people may freely seek guidance about most other aspects of their problem, the legal aspects are left to fester and worsen—often with tragic results.¹⁴²

137. *Id.* at 291 & n.36.

138. *See also id.* at 292–93 (describing results from the CNSS). In recent years, some jurisdictions have tried to make legal information more accessible by creating legal information websites. The sites are well-intentioned, but their effectiveness is likely to be limited. This study's results make it clear that most people do not find it useful or empowering to be directed to a large chunk of information and given no personalized, interactive direction about how to use it.

139. For discussion of an experiment that tests whether and how the provision of legal information shapes help-seeking behavior in the context of worker misclassification, see Heidi H. Liu & Kathryn M. Young, *Generating Legal Demand* (draft on file with author).

140. Steinberg, Carpenter, Shanahan & Mark, *supra* note 40, at 1315, 1318–19; *see* Barton, *supra* note 40; MODEL RULES OF PRO. CONDUCT r. 5.5 (AM. BAR ASS'N 2019); Sudeall, *Overreach*, *supra* note 38, at 640–42.

141. Recall that only 5.44% of respondents named a legal source: 2.39% named a lawyer as the best source and 3.05% named a law school clinic as the best source. Even when they didn't have to name a legal source as "best," but merely indicate that it was a source they would likely turn for help, only about one third said that they were likely to seek help from a lawyer or a legal clinic. *Supra* fig.2.

142. JUSTICE NEEDS, *supra* note 7, at 84.

B. A Broker and a Guide

Legal problems rarely emerge fully formed, the way they do in law school casebooks. Instead, they are embedded in people's messy lives and entangled with other challenges. Most people understand this. They know that any single source is unlikely to solve a thorny problem. They also understand that the vastness of the physical and virtual worlds makes it impossible for them to parse every resource. They acutely grasp the problem's complexity and their own lack of expertise, and the combination can overwhelm them. Across the sources they selected as best, people favored sources they believed would act in two ways: as a *broker* and as a *guide*.

The core of the broker role was a source's ability to point them to other trusted sources. This pattern spanned source type. Some people wrote that doctors are the best source because they "know local places to go for help" or "refer you to other people to talk to." Others wrote that a lawyer "will be able to direct you for other needs" and "would be able to refer me to other sources." AARP was deemed best because it has "a ton o[f] resources and can direct you on best practices" and "can refer me to specific agencies or charities for more assistance." DHS was best because it has "an enormous amount of contacts" and "can direct me to whomever is best to consult." Respondents understood that no source was comprehensive, but they wanted to be connected to additional, pre-vetted sources to address other aspects of the problem.

A broker is necessary, but not sufficient. People also want a *guide*: someone who helps them, generally in real time, select and use resources.¹⁴³ Again, this was true across all source types. There was little agreement about which source made the *best* guide, but a great deal of agreement that guidance was essential. Below are representative descriptions of the guidance respondents believed they would find at each source they chose as "best":

- A free phone app called "Elder Care Q&A":
 - *[T]hey would . . . give you an advice what to do or perhaps give you an advice who better to call.*
 - *[The company would know] what the next best step would be in decision making for their care.*

143. This accords with Tanina Rostain's argument that technological interventions are of limited usefulness unless paired with real-time assistance. Tanina Rostain, *Techno-Optimism & Access to the Legal System*, DÆDALUS, Winter 2019, at 93.

- A friend who just placed an elderly parent in a nursing home:
 - *[T]hey could tell me the pros and cons from their experience and help me determine how to move forward.*
 - *They may also have direction as to what might be a good next step.*
- A medical doctor:
 - *Because they would be familiar with the patient, and could offer solid advice.*
 - *They can check them out give you advice on what they find and guide you to where you need to go.*
- A lawyer (your own if you have one):
 - *[C]an recommend the right path to take.*
 - *They would be able to inform me on what steps I would need to take.*
 - *[W]ould most likely give me the best advice.*
- A nursing home:
 - *[C]an give you advice since they work with elderly people.*
 - *They would, in my opinion, be best on advising what needs to be done if anything.*
- An information session at a church or place of worship (your own if you have one):
 - *They will let us know what is the best choice with faith.*
 - *Those who attend church with you know you and your needs. They understand what might fit your needs best.*
- An information session at a local public library:
 - *I feel like they would be able to help me locally to find the best programs.*
- Department of Social/Human Services:
 - *They would have the most information & ability to direct me in the right direction.*
 - *They could lend some insight/ direction/ recommendations for our family.*
 - *They can give legal and social advice.*
- AARP:
 - *[C]an direct you on best practices.*
- An “Elder Law Clinic” at a local law school:
 - *They will provide guidance.*
 - *They would have the best advice and suggestions for action.*

- A website called “When an Elderly Relative Needs Help”:
 - *[C]ould help guide me, in an independent way.*
 - *It would probably contain useful advice.*

On their face, an app, a church information session, and a lawyer are very different. Yet in terms of what “targeted” help means to people, the answers are similar.

No matter where people turn, they want *guided* help¹⁴⁴—someone with a perspective and a subjectivity who can identify key aspects of a problem, explain pros and cons of specific paths, and offer an opinion about what they should do.¹⁴⁵

C. Experience

Unsurprisingly, people prefer to get advice and guidance from sources with experience handling similar situations. Respondents especially used the descriptor “experienced” to talk about nursing homes¹⁴⁶ and doctors.¹⁴⁷ Experience also came up in discussions of lawyers and legal clinics, but respondents’ assumptions were mixed.¹⁴⁸

144. More empirical work is needed to know how important repeat contact is. We might imagine that in some situations, the most effective guide could be a person with whom someone can develop a relationship over time: a person to whom they can return as different aspects of the problem become more salient. Work in Canada finds that “many people, especially people who are vulnerable or have low incomes, will not receive help with their legal problems without intervention from a trusted intermediary in a community organization.” JULIE MATHEWS & DAVID WISEMAN, CMTY. LEGAL EDUC. TORONTO, COMMUNITY JUSTICE HELP: ADVANCING COMMUNITY-BASED ACCESS TO JUSTICE 16 (2020), https://cleoconnect.ca/wp-content/uploads/2021/05/Community-Justice-Help-Advancing-Community-Based-Access-to-Justice_discussion-paper-July-2020.pdf [<https://perma.cc/L875-E65Y>] (citing KAREN COHL, JULIE LASSONDE, JULIE MATHEWS, CAROL LEE SMITH & GEORGE THOMSON, LAW FOUND. ONT., TRUSTED HELP: THE ROLE OF COMMUNITY WORKERS AS TRUSTED INTERMEDIARIES WHO HELP PEOPLE WITH LEGAL PROBLEMS 27 (2018), https://www.srln.org/system/files/attachments/LFO_TrustedHelpReport_Part2_EN.pdf [<https://perma.cc/QFZ3-GNZA>]).

145. As we will see, people do not want to be forced into a course of action, but they do want recommendations. Note, too, that the roles of “broker” and “guide” are similar to the help offered in some state courts by nonlawyer advocates. *See, e.g.*, Steinberg, Carpenter, Shanahan & Mark, *supra* note 42, at 1341–46 (using data to create a detailed picture of the manifold roles played officially and unofficially by nonlawyer advocates in state courts).

146. For example: “They have years of experience dealing with the elderly.”

147. For example: “They have experience dealing with the elderly usually.”

148. Similarly, respondents wrote positive explanations about experience in explaining why they would seek help at a law school clinic, such as: “They would . . . have a fair deal of experience and expertise about the issue I am facing” and “These lawyers have experience and can tell me what to look out for, since there are many issues with this type of situation.” But other respondents wrote negative statements, including:

Some people made positive assumptions about lawyers' experience ("They have extensive experience in aiding adults in various life areas" and "lawyer's experience and knowledge"), and others made negative assumptions ("They don't have the experience I would seek in this topic" and "No knowledge and experience with the elderly"). Information sessions at libraries and churches were discussed in terms of experience as well, usually critiqued for having too little.

Respondents also wanted to ensure that information was current, particularly for sources that did not offer in-person help. For example, respondents worried an app would be out of date¹⁴⁹ (e.g., "A free app couldn't possibly have the most up to date information" and "It sounds too simple, like . . . the information may be over-generalized or out of date"). Additionally, some respondents assumed an information session at a library would be "out of date" because they believed libraries themselves are outdated. Live-help sources, like DHS and AARP, avoided this critique.

It is not surprising that people prefer up-to-date, experienced sources. These results, however, show that absent more information about a resource, people make patterned assumptions that hinge on resource type. These patterns offer empirically grounded means of improving these resources.

D. Data Privacy and Social Privacy

Although less prevalent than the above themes, privacy was mentioned by several dozen respondents as the main reason a source was best or worst. Online sources and legal sources were seen as the most private. For example, people chose a website as best because: "When I have a family problem that I want to keep as private as possible . . . I feel safer because it has a higher probability of keeping private," and "[T]his gives me the privacy to check into the situation myself." Comments about phone apps were similar.¹⁵⁰ A few people gave privacy-related justifications for selecting a lawyer or law school clinic, citing attorney-client confidentiality. No other sources were selected for their privacy. A perceived *lack* of privacy deterred respondents from other sources, particularly an app, DHS, churches, and libraries.

"They are just do not have enough experience" and "Just seems like there would be too many young and unexperienced people handling the case."

149. A few respondents endorsed apps as being up to date, but many more were critical.

150. For example: "Because you can privately review the information and determine whether or not its [sic] relevant, without involving anyone else"; "It is private and does not know anybody involved. I would feel free to ask questions."

Respondents' discussion about privacy took two forms, here termed *data privacy* and *social privacy*. Some respondents were concerned about data theft. They worried that an app (and occasionally a website or DHS) was "unsafe for security reasons," "does not seem secure or trustworthy," "will just open me up to unwanted communication," or "would end up giving my information to companies who bombard me with marketing emails." A breach of data privacy, respondents said, could lead to spam or identity theft. The distinction between social privacy and data privacy also explains why some respondents saw an app as the most private source, while others saw it as the least private. The latter group was worried about the unauthorized use of their data, while the former liked that using an app did not require them to disclose personal information to people they might know.

The sources that prompted the most concerns about social privacy were DHS, a library, and a church. Respondents who discussed social privacy did not want people in their communities to find out about their problems. At a library, the risk of social privacy violations came from the venue's public nature—for example: "[M]y family is private and do not like group settings," and "Because I don't feel it is discreet enough or a good place to have such discussions or sought such information." At a church, the risk of social privacy violations came from the church's social structure. People worried their problems could become fodder for gossip. For example: "I do not want my business spreaded [sic] around the whole church"; "This is not a place to go to talk about your parents because of the gossip that spread around the church"; and "Other people . . . would know your problem and some may blab to other people."

The desire for social privacy may also shed light on the findings that some groups of respondents are less inclined to name a friend as the worst source of help. People in close-knit communities may be judicious about sharing personal details because their abundance of mutual acquaintances may raise the risk of disclosure.

E. (Ir)Religiosity and (Conservative) Political Leanings

If people saw a source as misaligned with their personal identity, they were unlikely to trust it even if they believed it had useful information. Across sources, one or two people said they would receive poor help because of their race, age, or another characteristic.¹⁵¹ But

151. For example, one respondent wrote that AARP was "okay for the younger elderly but not the old elderly." Another respondent said that they would not use DHS as a resource because: "[T]hey don't want to help anyone [e]specially [B]lacks."

overwhelmingly, when respondents mentioned an identity that mattered to their help-seeking decision, it had to do with religion or politics.

Respondents who self-identified as religious did not always see a church information session as the best source—although some did¹⁵²—but many *non*-religious people were unwilling to step into a church even if they assumed the information session would not be religiously affiliated. For example, they wrote: “I’m not religious and I would never seek information here,” and “[N]ot a religious person so it is the last place I would go.” Only a few people expressed hostility to religion; most simply said they would not seek help at a church because religion was not part of their life. Places of worship were antithetical to their identities, and as they saw it, did not exist *for* them. As the quantitative results also show,¹⁵³ church information sessions were particularly unappealing to LGBTQ+ respondents. Here, reasons were slightly different: People feared they might not be welcomed or treated well by a religious institution.¹⁵⁴

Politics were the form of identity respondents mentioned most. Recall that the regression analyses found a correlation as well.¹⁵⁵ The open-ended responses shed light on why.

Political beliefs are at the forefront of many people’s minds even when they navigate an early-stage legal problem that seems to lack any political valence. This was not consistent across the political spectrum. In their open-ended answers, conservative respondents frequently mentioned that they would choose a resource as best or worst because of their political beliefs. Liberals and moderates almost never mentioned politics in their answers. This finding suggests that, like irreligiosity, political conservatism can be a powerful deterrent to seeking help from a source a person sees as inconsistent with that identity.¹⁵⁶

152. These responses included: “I’m a Christian, and I believe I can turn to the Lord for most answer I seek,” and “I’ve a real relationship with Jesus Christ, I know He guides me and helps me with all life’s struggles, if you don’t know Him or believe in Him you couldn’t possibly understand.”

153. See *supra* note 129 and accompanying text.

154. For example: “Sometimes people of a religion can have a bias, much like how some communities view the lgbt or other races” and “I do not trust the church at all as a queer person.”

155. See *supra* note 116 and accompanying text.

156. It is possible that the listed sources simply did not include any that might alienate people who identify as liberal. Future research, for example, could include examples such as “a nonpartisan information session at your local Republican women’s club.”

Conservative respondents articulated distrust (often of AARP,¹⁵⁷ but sometimes of DHS or a law school clinic) in terms of an identity or belief conflict, not in terms of a source's helpfulness. Excerpts from conservatives' explanations of why AARP was the worst source included: "I just do not like AARP because they are against the 2nd amendment"; "They are way too liberal for me to consider"; "They are very liberal I hate them"; and "I also don't like AARP because they are a bunch of liberals." In these answers, conservative respondents eschew a resource because of what the resource represents, not because of what it offers.¹⁵⁸ Conservatism emerges as a social identity¹⁵⁹ that powerfully shapes help-seeking. Like irreligiosity, it deters people from using resources at sites they perceive as antithetical to that identity.

V. WHAT PEOPLE DO NOT WANT

Understanding what people do *not* want when seeking help for a problem is nearly as important as understanding what they *do* want. What factors deter them from walking into offices or logging onto websites? What negative experiences do they anticipate? Three themes emerged from the qualitative analysis, here termed "hammers," "headaches," and "heartlessness."¹⁶⁰

157. Although AARP is officially non-partisan and does not donate to political parties or political candidates, it has come under fire from conservative groups by taking positions perceived as liberal, including opposing former President George W. Bush's efforts to privatize Social Security and supporting the Affordable Care Act. Mara Liasson, *Conservative Groups Attack AARP*, NPR, at 1:54 (Mar. 31, 2005, 12:00 AM), <https://www.npr.org/templates/story/story.php?storyId=4568788> [<https://perma.cc/3CB7-9W4L>]; Avik Roy, *How the AARP Made \$2.8 Billion by Supporting Obamacare's Cuts to Medicare*, FORBES (Sept. 22, 2012, 12:13 AM), <https://www.forbes.com/sites/theapothecary/2012/09/22/the-aarps-2-8-billion-reasons-for-supporting-obamacares-cuts-to-medicare/?sh=7387ed6e5935>.

158. Recent psychological research has found, similarly, that political beliefs shape consumer ideology and consumer decision-making in previously unprecedented ways. John T. Jost, *The Marketplace of Ideology: "Elective Affinities" in Political Psychology and Their Implications for Consumer Behavior*, 27 J. CONSUMER PSYCH. 502, 513–14 (2017).

159. See, e.g., Anthony Nadler, *Political Identity and the Therapeutic Work of U.S. Conservative Media*, 16 INT'L J. COMMUN. 2621 (2022) (discussing the emotional tenor of modern U.S. conservatism).

160. In homage to Sandefur's alliterative timely/targeted/trustworthy trifecta. See *supra* note 73 and accompanying text.

A. Hammers

Despite Americans' (largely unjustified)¹⁶¹ reputation for litigiousness and adversarial problem-solving, respondents eschewed solutions they saw as “hammers”—approaches that were too aggressive, too extreme, or might commit them to a course of action too early. This theme arose most frequently with legal sources (lawyer or law school clinic), the governmental source (DHS), and a nursing home.

Respondents described legal sources as “rash,” “jumping the gun[],” “scary,” “too extreme,” and “a harsh move.” They feared that lawyers might strongarm them into a particular path, as opposed to explaining options (*e.g.*, “Lawyers tend to be very pushy and suggest you do things that you may not need to do”). Not every respondent viewed lawyers as hammers, but those who did said lawyers were too extreme for the problem. One respondent explained: “[Y]ou don’t need the lawyer as the first step; you will need him down the road to draw up the legal papers as you family member gets worse and you will need to take over the decisions.” In answers like this, respondents characterize lawyers as adversarial problem-solvers: people with power to make others act, not people who provide gentle counsel.¹⁶² As they saw it, there was no reason to call a lawyer “unless you are going to take things away from the person” or “if you want to legally have them considered incompetent or tak[e] their rights away from them.” This impression of lawyers deterred people from seeking legal advice.

Several respondents were concerned that other people, especially the elderly relative, might view them as aggressive if they pursued legal help. Many respondents would avoid lawyers and legal clinics because of the message it could send. Talking to a lawyer might make the relative “get defens[ive] and think I’m trying to take control by force” or “give the impression” that the respondent wanted “to get the person out of their home or take away their license.” Another said: “[T]his could open up a whole myriad of problems among family members—you need to tread lightly initially.” Thus, many people avoid legal sources not because they

161. DAVID M. ENGEL, *THE MYTH OF THE LITIGIOUS SOCIETY: WHY WE DON'T SUE* 1 (2016); J. Mark Ramseyer & Eric B. Rasmusen, *Are Americans More Litigious? Some Quantitative Evidence*, in *THE AMERICAN ILLNESS: ESSAYS ON THE RULE OF LAW: ESSAYS ON THE RULE OF LAW* 69 (F.H. Buckley ed., 2013).

162. Nursing homes were sometimes perceived as potential “overkill” too, albeit not as frequently as legal sources. Respondents called a nursing home a “d[ra]stic measure” and a “hasty move.”

do not want legal help, but because seeking it might convey something socially undesirable.¹⁶³

Respondents also disfavored sources they believed could result in a loss of autonomy for themselves or their relative. They wanted to maintain control, and worried that a source (particularly DHS, but also lawyers or nursing homes) would try to take over. Nor did respondents want to cede control over the speed at which the situation evolved. They cautioned, for example, that a nursing home “could possibly interject and take the choice out of your hands.” Some respondents who deemed DHS worst feared the government could do the same:

- *I would be afraid that then the government would think they would need to step in and take over and would just take my relative out of their house and put them somewhere.*
- *They might step in and take the person away from us.*
- *I’m afraid they may try to control the situation and take away my input.*
- *They may want to act immediately with or without my consent.*

These respondents see government involvement as risky. If DHS has the power to separate people from their families, the safe route is to avoid DHS.

At the extreme end of aversion to legal or governmental help, respondents feared criminal prosecution or administrative punishment if a lawyer or DHS deemed them bad caretakers: DHS “might step in and . . . get us charged with improper care.” Others feared punishment for the elderly relative, including “administrative sanctions” for poor driving.

Fears about government involvement leading to unwanted consequences are not ill-founded. As Dorothy Roberts details, the “family policing system” has harmed communities, with devastating effects on Black children and families.¹⁶⁴ Family services can prompt surveillance and other forms of control, and this factor is on some

163. These are examples of relational legal consciousness: how a person’s relationship to law is shaped by their social context. Kathryn M. Young & Hannah Chimowitz, *How Parole Boards Judge Remorse: Relational Legal Consciousness and the Reproduction of Carceral Logic*, 56 L. & Soc’y REV. 237, 241 (2022).

164. DOROTHY ROBERTS, *TORN APART: HOW THE CHILD WELFARE SYSTEM DESTROYS BLACK FAMILIES—AND HOW ABOLITION CAN BUILD A SAFER WORLD* 39 (2022) [hereinafter ROBERTS, *TORN APART*]; see also Dorothy Roberts, *Why Abolition*, 61 FAM. CT. REV. 229 (2023) (arguing that family safety requires abolition of the child welfare system).

respondents' minds as they think through whether and where to seek help.¹⁶⁵

B. Headaches

"Administrative burden" refers to the encumbrances on people's time and capacities that are required to navigate bureaucracies.¹⁶⁶ Often, much of the effort required to address a problem could be internalized by a government agency but is instead offloaded onto the people who are trying to use the agency,¹⁶⁷ or even onto third parties who are trying to help people.¹⁶⁸ The onerousness of administrative burden is well-documented, especially for people with lower incomes.¹⁶⁹ Whether filing taxes or applying for benefits, people are saddled with so much administrative burden that it can prevent them from solving problems.¹⁷⁰

165. ROBERTS, TORN APART, *supra* note 164, at 163; *see also* Charlotte Baughman, Tehra Coles, Jennifer Feinberg & Hope Newton, *The Surveillance Tentacles of the Child Welfare System*, 11 COLUM. J. RACE & L. 501 (2021). Nor does harm stem only from encounters with government institutions, since many providers are required to share information with government agencies. *See, e.g.*, Clara Presler, *Mutual Deference Between Hospitals and Courts: How Mandated Reporting from Medical Providers Harms Families*, 11 COLUM. J. RACE & L. 733 (2021) (arguing that mandated information-sharing between medical providers and courts can harm family welfare); *see also* Brianna Harvey, Josh Gupta-Kagan & Christopher Church, *Reimagining Schools' Role Outside the Family Regulation System*, 11 COLUM. J. RACE & L. 575, 575 (2021) ("Educational personnel serve as the leading driver of child maltreatment allegations, yet decades worth of data reveal educator reports of maltreatment are the least likely to be screened-in and the least likely to be substantiated or confirmed.").

166. PAMELA HERD & DONALD P. MOYNIHAN, ADMINISTRATIVE BURDEN 22 (2018).

167. Donald Moynihan, Pamela Herd & Hope Harvey, *Administrative Burden: Learning, Psychological, and Compliance Costs in Citizen-State Interactions*, 25 J. PUB. ADMIN. RSCH. & THEORY 43 (2014). The offloading of administrative burden is often "a function of deliberate political choice rather than simply a product of historical accident or neglect." *Id.* at 43. *See also* Elizabeth F. Emens, *Admin*, 103 GEO. L.J. 1409 (2015) (discussing the disparate distributional burdens of administrative labor and arguing that the government should be responsible for a greater portion of life administration).

168. Lilly Yu, *Third-Party Brokers: How Administrative Burden on Nonprofit Attorneys Worsen Immigrant Legal Inequality*, 9 RSF: RUSSELL SAGE FOUND. J. SOC. SCIS., no. 4, 2023, at 133.

169. For one example, *see* Adam Goldstein, Charlie Eaton, Amber Villalobos, Parijat Chakrabarti, Jeremy Cohen & Katie Donnelly, *Administrative Burden in Federal Student Loan Repayment, and Socially Stratified Access to Income-Driven Repayment Plans*, 9 RSF: RUSSELL SAGE FOUND. J. SOC. SCIS., no. 4, 2023, at 86, 100 (finding that people living in lower-income census blocks are less likely to be enrolled in income-driven loan repayment programs, largely for reasons related to administrative burden).

170. Leslie Book, T. Keith Fogg & Nina E. Olsen, *Reducing Administrative Burdens To Protect Taxpayer Rights*, 74 OKLA. L. REV. 527 (2022); Carolyn Y. Barnes,

Less obvious is that the mere *anticipation* of administrative burden, whether a burden exists, is an impediment. Respondents said they would avoid even a promising resource if they anticipated “headaches”—excessive paperwork, information overload, or entry into a time-consuming, complicated network of systems, deadlines, and offices. People are not used to getting good help from formal sources. They are accustomed to impersonal treatment, long lines, and tedious forms. Overcoming these expectations is a major part of getting people to use help. Put differently, it is important that services not *cause* headaches, and also that they not *seem* like they will cause headaches. For example, wait times should not simply *be* short; short wait times should be advertised.

Nine of the eleven sources were described in “headache” terms (the exceptions were a friend and a church information session). An app, a library, and DHS prompted the most headache responses, but respondents anticipated bureaucratic hassle from most sources. A lawyer would “make things to[o] complicated,” an “Elder Law Clinic doesn’t pick up their lines,” a doctor is “too overburdened,” and AARP “can’t [even] pay your medical bills right when you have them as your health insurance[, so] [h]ow can they be trusted with your senior family?” The most frequent and colorful headaches were anticipated from DHS, which respondents said had “too much paperwork,” “too many redtapes,” and “will end up becoming much more of a headache than the elderly person.” Responses detailed the circular frustration of navigating bureaucracy:

- *You always reach the wrong person, it takes forever to be sent to the right person, you may need to go through several people trying to get information and then usually that information is conflicting.*
- *There is so much paper work. I move fast and if I get to the part where I need their help I will show up with all my documents ready to go and whatever I need from them will still take months.*
- *They’re just bureaucrats with too much to do already, I’d have to hound the hell out of them to even get them to answer my phone calls, then have them give me some*

“It Takes a While To Get Used to”: The Costs of Redeeming Public Benefits, 31 J. PUB. ADMIN. RSCH. & THEORY 295 (2021); Carolyn Barnes, Sarah Halpern-Meekin & Jill Hoiting, *“I Used to Get WIC . . . but Then I Stopped”: How WIC Participants Perceive the Value and Burdens of Maintaining Benefits*, 9 RSF: RUSSELL SAGE FOUND. J. SOC. SCIS., no. 5, 2023, at 32.

mealy-mouthed “We’ll get to it when we can’ type of answer.”

- *Because you would probably get the run around by press 4 for so and so press 2 for so and so, would take a good while to get the information you’re looking for.*

Most of these respondents framed the problem as systemic, writing: “They have too many clients per worker and will not be able to put the best time and effort into helping you make the best decision,” and “They have too many other people to care for.” Respondents generally perceived that administrative systems are inadequate and overburdened, and answers were often tinged with resignation.¹⁷¹ Again, these deterrents make people less likely to seek help. Again, their problems fester and worsen.

Closely related to the anticipation of bureaucratic hassle is the anticipation of information overload. People avoided sources that might present overabundant information they would need to parse or whose reliability they would need to assess. When explaining why an app would be the worst source, some respondents sounded exasperated, saying they already had too many apps, or that apps were hard to use, too specific, or unreliable. They wrote: “I don’t like downloading narrowly useful apps,” “would have to waste time verifying the info,” and “Another ‘free app’ is NOT going to be the most informative AND I would prob not use it enough to make it beneficial.” Library information sessions were viewed as too information-heavy as well. Respondents did not want to be pointed toward resources they would have to navigate by themselves, which they said would be time-consuming and tiring (“They would provide information that’s too general and too much is left for me to do on my end” and “[T]oo much research would take forever to get the information you need”).¹⁷²

In a world rife with reliable and unreliable information about millions of topics, people cannot bear the thought of investigating sources’ reliability on their own. This finding highlights the importance

171. Their past experiences with help-seeking may contribute to this sense of resignation. Rebecca L. Sandefur, *The Importance of Doing Nothing: Everyday Problems and Responses of Inaction*, in TRANSFORMING LIVES: LAW AND SOCIAL PROCESS 112, 124–26 (Pascoe Pleasence, Alexy Buck & Nigel J. Balmer eds., 2007).

172. Other sources sometimes prompted these responses. For example, a respondent who chose the website as the worst source explained: “I’m sure if I google that example [I would get] 1000 articles . . . It’s way to[sic] much thinking, I don’t think it[s] for me.” Another respondent explained that a nursing home was the worst source because checking multiple nursing homes and comparing all the information they provided would take an inordinate amount of time.

of a “broker” and “guide.”¹⁷³ Respondents wanted information curated by an expert. They preferred sources that would give them streamlined access to pertinent information—for example, stating that a lawyer will “get you where you need to be faster,” and that DHS will “help navigate the maze of options and rules.” These explanations not only underscore the diversity of ways each source was received, but the limitations of legal information sites and resource centers that provide no real-time guidance or personalized advice.

C. Heartlessness

Given that respondents were discussing a hypothetical vignette, the emotional tenor of their answers was striking. People experienced the scenario as deeply personal. They took its emotional aspects seriously and wanted the sources from which they sought help to engage with the emotional aspects too.¹⁷⁴

The most common form of “heartlessness” respondents bemoaned was a simple lack of caring. The word “care” came up frequently. Nearly every source was critiqued as uncaring by some portion of respondents:

- Legal clinic:
 - *Doesn’t feel right or caring.*
 - *Sound[s] so cold and sterile.*
- Lawyer:
 - *Lawyers aren’t really the “caring” type.*
 - *They don’t seem they like would actually care about what’s best, but instead legal rights and responsibilities only.*
- AARP:
 - *Not caring enough.*
 - *Political organization that is a business. Do you really think they care?*
- DHS:
 - *Not warm or caring.*
 - *I feel like they don’t care about anyone’s well being.*
- Church:

173. *Supra* Section IV.B.

174. Relatedly, scholars have explained the role of emotion in shaping the effectiveness of online dispute resolution. See Amy J. Schmitz, *Measuring “Access to Justice” in the Rush To Digitize*, 88 FORDHAM L. REV. 2381, 2403 (2020); Youyang Hou, Cliff Lampe, Maximilian Bulinski & J. J. Prescott, *Factors in Fairness and Emotion in Online Case Resolution Systems*, in CHI’17: PROCEEDINGS OF THE 2017 AMC SIGCHI CONFERENCE ON HUMAN FACTORS IN COMPUTING SYSTEMS 2511, 2519–20 (2017).

- *I don't think that they'd care too much about the human aspect.*
- *They do not have my best interest at heart.*
- Doctor:
 - *They seem not to care.*
 - *They don't give a damn about our personal issues.*
- Nursing home:
 - *[N]ot warm and friendly.*
 - *Its [sic] mechanical. They are dealing with many old people so they have no feelings.*
- Phone app:
 - *[N]ot personalized and no invested interest; Seems to have the least personal connection... no emotion behind it.*

The personal connection respondents crave is more important than legal scholarship often acknowledges.¹⁷⁵ One notable exception is Michele Statz's work on active judging. She details the powerful role of shared attachment to place in achieving access to justice in rural legal deserts¹⁷⁶ and casts judging as a relational process that is especially effective for unrepresented rural litigants when rooted in caring, not impartiality.¹⁷⁷ Sam Kirwin explores a similar idea in discussing the "relational legal labour" involved in working for the U.K.'s Citizens Advice Bureau, which includes understanding and managing the emotional components of clients' legal problems while translating legal knowledge and helping clients feel a sense of agency over the situation.¹⁷⁸

Respondents believed that legal sources were ill-equipped to navigate the emotional aspects of a problem. These were not just

175. This is distinct from the procedural justice research, which finds that people value fair-feeling procedures, sometimes more than substantive outcome. See Tom R. Tyler, *The Role of Perceived Injustice in Defendants' Evaluations of Their Courtroom Experience*, 18 L. & SOC'Y REV. 51, 68–71 (1984); Jonathan D. Casper, Tom Tyler & Bonnie Fisher, *Procedural Justice in Felony Cases*, 22 L. & SOC'Y REV. 483 (1988). The responses here are not about fair treatment; they are about whether a source has positive and altruistic motives. For a discussion about the application of procedural justice theory to access to justice, see Laura Klaming & Ivo Giesen, *Access to Justice: The Quality of the Procedure* (TISCO Working Paper Series on Civ. L. & Conflict Resol. Sys., No. 002/20008), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1091105 [<https://perma.cc/6AX5-BUWM>].

176. See generally Pruitt, Kool, Sudeall, Statz, Conway & Haksgaard, *supra* note 28.

177. Michele Statz, "It Is Here that We Are Loved": *Rural Place Attachment in Active Judging and Access to Justice*, 49 L. & SOC. INQUIRY 247 (2024).

178. Samuel Kirwan, *The UK Citizens Advice Service and the Plurality of Actors and Practices that Shape "Legal Consciousness,"* 48 J. LEGAL PLURALISM & UNOFF. L. 461, 463 (2016).

responses that lambasted lawyers as “sharks” or “callous, billable hours types.”¹⁷⁹ Instead, they explained that they wanted a source of help that could acknowledge and address the situation’s emotional nuances:

- *Lawyers look at things from a legal point of view and don’t always take in the needs of the individual or have the proper empathy.*
- *I find lawyers to lack a broad perspective and understanding of the emotions involved. They tend to be inflexible.*
- *Not sure [a legal clinic] would know the emotional aspect of doing this sort of thing.*
- *Lawyers practice law. There is no empathy pertaining to this. They may have knowledge about estate planning, finances, etc, but not experience of what a person goes through dealing with a loved one.*

That is, in addition to potentially uncaring, legal sources were perceived as lacking the requisite emotional literacy to navigate a multifaceted problem. In contrast, other sources were sometimes deemed best because respondents believed they were skilled at navigating complex emotional terrain. For example, a friend “would understand the emotional aspect as well as the logical part,” and AARP would “understand(s) the legal and medical issues that elders face but . . . [also] the emotional complications that come with it.”

These results underscore the importance of emotion’s role in access to justice. All eleven sources provoked discussion about caring or emotions.¹⁸⁰ All respondents who described a negative past experience when a source showed a lack of caring (e.g., one described being lied to by a doctor; another’s mother received abusive treatment from a nursing home; one had been treated poorly by a DHS office) said they would never seek help from that type of source again.

Every interaction people have with a help source is high stakes because it has the potential to shape future problem-solving behavior. People do not just want accuracy and efficiency. They want to be cared about.

179. These negative responses were occasionally applied to legal sources and more frequently to nursing homes. Some respondents attributed nefarious motives to nursing homes, writing: “They just want money to mistreat your loved ones” and “They let old people lie in a bed all day and don’t have any compassion for them.”

180. This was even true for sources that, on their faces, do not seem emotionally salient. For example, one respondent explained that the website creators’ motives must be altruistic, since “they took time to create a site to help people who have elderly relatives.”

VI. OTHER PATTERNS IN HELP-SEEKING

Other patterns in respondents' discussion of help-seeking pointed in two directions: The same characteristic that made some respondents trust a source made other respondents *distrust* it. These divisive themes emerged distinctly in answers about government sources and free sources. This section details these responses, then discusses patterns in how respondents named and categorized the problem.

A. Government Trust and Distrust

Trust and distrust of the government both arose frequently in respondents' answers. Given the quantitative findings associating political conservatism with naming DHS as the worst source, it seemed likely that statements about distrusting the government would be an extension of this theme. However, a more detailed examination showed this was not so. Statements about government distrust were slightly more prevalent among white respondents and conservative respondents, but chi-square tests showed that the differences in these populations' expressions of this theme were not statistically significant. Nor, with a few exceptions, did the tenor of distrust vary based on respondent age, race, or other characteristics. Representative examples illustrate the diversity of responses:

- *Government departments are usually the worst.*
 - Asian man, age 18, liberal.
- *You cannot trust the Government.*
 - Multiracial man, age 72, extremely conservative.
- *Just like child welfare I['d be afraid they would step in an[d] place my loved one in a nursing home right away.*
 - White woman, age 52, conservative.
- *Who trust[s] the government?*
 - Latina woman, age 25, moderate.
- *You kind of don't want the government involved in any aspects of your life*
 - Black man, age 35, moderate.
- *Distrust of the government is the largest part.*
 - White man, age 26, extremely liberal.
- *The government just creates more problems than it solves.*
 - Asian man, age 57, conservative.

Statements evincing trust in the government, as opposed to distrust, were similarly diverse¹⁸¹:

- *I trust government agencies more than any regular private place [f]or particular advice.*
 - Multiracial man, age 30, conservative.
- *The government is here to help.*
 - White man, age 70, extremely conservative.
- *Because it's a government department that deals specifically with these types of situations.*
 - White woman, age 72, liberal.
- *It's an entire governmental department about services for people in need [so] I feel like it would be a very fine choice.*
 - Latino man, age 22, moderate.

Some people trust the government simply because it is the government. Other people *distrust* the government for precisely the same reason. The prevalence of both themes suggests that although governmental solutions can be one component of a palette of civil justice interventions, they cannot be the only solution.

The absence of significant relationships between demographic characteristics and expressions of government trust/distrust is distinct from extant findings about trust and distrust of police,¹⁸² and about political trust and distrust more generally.¹⁸³ The latter vein of work focuses on attitudes about government institutions, parties, and

181. These statements were often, but not always, about DHS. Other sources that prompted people to talk about government trust included an app, AARP, and a lawyer.

182. Tracey L. Meares, *Trust & Models of Policing*, DÆDALUS, Fall 2022, at 161, 163 fig.1; see also Lorraine Mazerolle, Emma Antrobus, Sarah Bennett & Tom R. Tyler, *Shaping Citizen Perceptions of Police Legitimacy: A Randomized Field Trial of Procedural Justice*, 51 CRIMINOLOGY 33 (2013).

183. Timothy E. Cook & Paul Gronke, *The Skeptical American: Revisiting the Meanings of Trust in Government and Confidence in Institutions*, 67 J. POL. 784 (2005) (comparing operationalizations of trust and distrust, and highlighting the complications of measuring these concepts).

processes,¹⁸⁴ as well as political polarization,¹⁸⁵ obedience to law,¹⁸⁶ and adherence to governmental recommendations.¹⁸⁷ Trust, manifested through help-seeking, may be qualitatively different.¹⁸⁸ The instant findings point to a need for more research about how government-based civil justice interventions can avoid people's deepest concerns.

B. Free Versus Paid Sources of Help

Many respondents were skeptical of sources they believed had a profit motive or benefitted financially from recommending a course of action. Nefarious profit-driven motives were usually attributed to nursing homes (*e.g.*, "The nursing home would just be trying to sell a bed in their facility" and "[T]hey just want money"); lawyers (*e.g.*, "All lawyers want is money" and "I would fear their motivation was earning money, not caring for my loved one"); or apps (*e.g.*, "Most apps are just cash grabs" and "Probably just a sale point"). But virtually all sources were seen by some portion of respondents as financially motivated. Even medical doctors, the most popular source, were critiqued (*e.g.*, "They are all about the money"; "They are bought and paid for by big pharma"; and "They are in the pockets of companies").¹⁸⁹

184. Jack Citrin & Laura Stoker, *Political Trust in a Cynical Age*, 21 ANN. REV. POL. SCI. 49 (2018) (reviewing decades of U.S. survey research about factors that affect trust in government).

185. *See, e.g.*, Elad Klein & Joshua Robison, *Like, Post, and Distrust? How Social Media Use Affects Trust in Government*, 37 POL. COMM'N 46 (2020) (finding that a voter's political environment affects the degree to which social media use affects political polarization); Jennifer Wolak, *Why Do People Trust Their State Government?*, 20 STATE POL. & POL'Y Q. 313 (2020) (examining how numerous factors, including economic conditions and state character, affect trust in state governments).

186. *See* TOM R. TYLER, *WHY PEOPLE OBEY THE LAW* (1990).

187. Since the COVID-19 pandemic, work on trust and distrust regarding adherence to government health guidelines has proliferated. *See, e.g.*, Will Jennings, Gerry Stoker, Viktor Valgarðsson, Daniel Devine & Jennifer Gaskell, *How Trust, Mistrust and Distrust Shape the Governance of the COVID-19 Crisis*, 28 J. EUR. PUB. POL'Y. 1174 (2021); Fanny Lalot, Maria S. Heering, Marika Rullo, Giovanni A. Travaglino & Dominic Abrams, *The Dangers of Distrustful Complacency: Low Concern and Low Political Trust Combine To Undermine Compliance with Governmental Restrictions in the Emerging Covid-19 Pandemic*, 25 GRP. PROCESSES & INTERGRP. RELS. 106 (2022).

188. Extant trust literature does not discuss people's willingness to use governmental organizations for non-emergency help with law-related problems.

189. Similar motives were attributed to websites and occasionally to church and library information sessions. Nor were respondents' beliefs about profit motives always correct. For example, although AARP is a nonprofit 501(c)(4) organization, *see IRS Definition*, AARP, <https://www.aarp.org/about-aarp/info-03-2011/irs-definition.html> [<https://perma.cc/28J4-XP9A>], multiple respondents stated that it is a for-profit company

Free services, however, were a double-edged sword. People mistrusted profit motives but also doubted free information's reliability. For example, respondents wrote: "The phone app is free, therefore either the information being given isn't trustworthy o[r] the app is going to ask for payment of some kind to get the kind of information you really need," and "It's free and that means it may not be accurate." Others believed that sources like lawyers or AARP charged for "information freely available elsewhere." The same respondents who expressed distrust about profit-motivated organizations sometimes *also* distrusted free information.

The commonality across these sub-themes is that pecuniary motives matter, especially for unfamiliar sources. In designing justice interventions, transparency is key. Organizations' nonprofit status should be prominent, and any financial motives should be disclosed. Since many people assume free services are inferior, it is important to be clear about other indicia of trustworthiness, such as expertise, when offering them.

C. Naming the Problem

As the quantitative data showed, there was considerable disagreement about which source fit the problem best. In part, this was because respondents all emphasized different aspects of it. Some viewed the problem as fundamentally legal. They explained that the key issue was whether the relative's "rights" could be removed, and they believed "a legal perspective should be your first priority." They usually selected a lawyer or legal clinic as best because "they will provide guidance to ensure their rights are protected," and "[i]t's more of a legal matter and not necessarily a health concern." Others viewed the issue as medical, choosing a doctor as best since it was "a medically-based situation," and the first priority was learning "the health issues [the elder] has." Some respondents saw it as an emotional quandary. For them, preserving the relative's sense of agency and autonomy was paramount.¹⁹⁰ Still others saw the problem through a financial lens and said the first order of

(*e.g.*, "I don't trust for profit organizations" and "[They are only interested in] making money for profit"). Some people assumed law school clinics had profit motives as well (*e.g.*, "An Elder Law Clinic is interested only in making money").

190. Respondents who prioritized emotional well-being tended to choose sources for the emotional support they believed it would provide (often DHS, a church, or a friend, and occasionally a doctor). Sometimes they believed a doctor would be the least jarring because they presumed that the elderly relative already had a relationship with the doctor.

business was to be sure their relative's accounts were in order.¹⁹¹ And respondents favored sources whose core purpose matched their characterization.

For the app and the website (which were both fictional), respondents' perception of the name was crucial. People who liked these sources wrote: "The name makes me think it might be the best place to start"; "Name seems to address the situation well"; and "Well if the title is correct it is the only place to go!" But other respondents' instincts led to the opposite conclusion (e.g., "It seems like the name of a poorly made app"; "[T]oo rinky dink and Mickey Mouse sounding"). This divergence underscores the importance of market testing.¹⁹² If a source's name or reputation does not immediately resonate with a potential user, they may not give it a second look.¹⁹³

This diversity of responses to a complex problem is not surprising; the access to justice literature has long found diversity in people's interpretive frameworks.¹⁹⁴ But it raises an important challenge: If everyone sees civil justice problems differently and responds to sources idiosyncratically, how can any solution have broad appeal? The penultimate section draws together some common principles.

VII. TOWARD A MORE EXPANSIVE VIEW OF LEGAL HELP

Conventional approaches to civil justice reform cannot reach the eighty percent of problems that never make it to a court or a lawyer,¹⁹⁵ because they depend on people's willingness and ability to seek legal help. Providing access to justice means finding new approaches. The results in Parts III–VI show that changing the subject of empirical inquiry from legal needs to people's experiences yields significant insights. Part VII suggests principles for designing civil legal help that builds on these findings.

191. Respondents who viewed this as a financial problem often said they would pursue a legal source. However, note that they were not given "accountant" or "financial professional" as an option.

192. As Sandefur points out, there is plenty of room for additional research on the efficacy of advertising strategies or justice services. Sandefur, *Bridging the Gap*, *supra* note 20, at 734–36.

193. Relatedly, a source's reputation for handling eldercare matters was the most significant factor for some respondents. They often selected AARP or DHS because "[t]hey have a longstanding reputation for dealing with . . . elder care"; "They specialize in [s]enior [c]itizens"; and "It's a government department that deals specifically with these kinds of situations."

194. SANDEFUR, CNSS, *supra* note 4, at 14.

195. *Id.* at 11–13.

A. Overtly Centering Law Has Drawbacks

Words like “justice” and “legal aid” may mean “help” to a lawyer, but to ordinary people they signify bureaucratic complexity. People associate law, lawyers, and legality with “hammers,” a key deterrent to help-seeking. People tend not to perceive their problems as legal,¹⁹⁶ but even when they do—or when we make them aware of problems’ legal aspects—they perceive legal help as a last resort, to use only when other possibilities are exhausted.

This aversion to legal solutions presents an obvious obstacle for legal aid providers. But it creates a larger structural problem as well. Ideally, people would seek help before a problem becomes acute or irreversible. They would use legal information and advice to inform their decisions and anticipate consequences. But this rarely occurs. And in addition to seeing law as a last resort, they fear that pursuing legal help will convey undesirable social meanings. Even worse, some populations may be unlikely to gravitate toward law-based solutions.¹⁹⁷

How, then, can we provide early-stage legal help in ways that avoid triggering the negative characteristics people associate with legal help? One answer lies in nonlawyer models, which may not prompt the same negative reactions. Offering help-seeking generally, rather than *legal* help-seeking, may be attractive, especially in situations where help-seekers want to “tread lightly” to preserve relationships.¹⁹⁸

If a source telegraphs legality, it can deter people from seeking help, making them more likely to wait until a problem is severe and they have no other alternative. More general monikers, like Britain’s “Citizen’s Advice Bureau,”¹⁹⁹ may be preferable. It is an empirical question how people react to “legal navigator” versus “problem navigator,” or “community justice worker” versus “community ombudsperson” or “community advice center.”

196. *Id.* at 14.

197. Recall that the quantitative results suggested that race may affect people’s inclinations to pursue legal help, and that compared to white respondents, Asian and Latinx respondents tended to disfavor legal sources. *See supra* notes 109–10 and accompanying text. Though it is beyond the scope of this Article to discuss extant research about the complex ways race affects people’s use of legal help, a small but rich body of scholarship exists on this point. *E.g.*, Sarah Sternberg Greene, *Race, Class, and Access to Civil Justice*, 101 IOWA L. REV. 1263 (2016); MATTHEW CLAIR, *PRIVILEGE AND PUNISHMENT: HOW RACE AND CLASS MATTER IN CRIMINAL COURT* (2020); Brian Libgober, *Getting a Lawyer While Black: A Field Experiment*, 24 LEWIS & CLARK L. REV. 1 (2020).

198. This is an empirical question, but we might imagine several legal areas in which this is especially true, including family matters and landlord-tenant issues.

199. CITIZENS ADVICE, <https://www.citizensadvice.org.uk/> [https://perma.cc/DH6F-J6SB].

B. Lawyers Are Part of a Justice Ecosystem

Brenda Hale writes: “Lawyers, and especially those who spend their time in and around courts, tend to think that their world is at the centre of the universe.”²⁰⁰ Ordinary people shy away from legal solutions partly because they perceive their problems as complicated and legal help as one-dimensional. Practicing lawyers know, on an intellectual level, that each cognizable legal issue stems from a hyphae of complexities. But they may not believe that these complexities have much to do with their work for a client, and they may not know that addressing them can prevent future problems.²⁰¹

Understanding that lawyers are part of a justice ecosystem, as opposed to gatekeepers of legal process, means that instead of asking, “How can we match a lawyer to every person with a legal need?” we should ask, “As lawyers, how can we help people live their lives less encumbered by problems for which legal assistance could be useful?”²⁰² Some scholars have drawn an analogy to doctors:²⁰³ If an M.D. was required for professional treatment of minor illnesses and simple procedures, medical care would be even more difficult and expensive to obtain.²⁰⁴ The health ecosystem contains workers who perform different services and have various levels of training, from orderlies to physicians’ assistants. An M.D. is required to perform many high-level tasks, but not to draw blood or give injections. In the legal system, if we see our goal as “better justice,” in the same way that the goal of the medical system is “better health,” we can see how perplexing it is that a law degree would be required to provide virtually *any* kind of legal advice.

Nor, empirically speaking, does formal legal training always make a substantive difference. Sometimes it helps, sometimes not.²⁰⁵ Lawyers are excellent at helping people navigate procedures and at holding courts

200. Brenda Hale, *Foreword* to HAZEL GENN, *PATHS TO JUSTICE: WHAT PEOPLE DO AND THINK ABOUT GOING TO LAW*, at v, v (1999).

201. For further discussion of the ecosystem of justiciable problems, see Kathryn M. Young, *What the Access to Justice Crisis Means for Legal Education*, 11 UC IRVINE L. REV. 811, 831–38 (2021).

202. This is a version of a question I have asked before, in the context of legal education. *Id.* at 833.

203. Stephen Daniels & James Bowers, *Alternative Legal Professionals and Access to Justice: Failure, Success, and the Evolving Influence of the Washington State LLLT Program (The Genie Is out of the Bottle)*, 71 DEPAUL L. REV. 227, 241–42 (2022).

204. Indeed, we might even imagine that people could be socialized into *not* thinking of their more minor problems as real “medical” ones. We might imagine that they would see medical treatment as a last resort—something to turn to only in grave need.

205. Sandefur, *Elements of Professional Expertise*, *supra* note 56, at 926.

accountable for following rules. In other situations, a law degree makes no real difference.²⁰⁶

Lawyers' work can be enhanced by other actors in the legal system. These include paralegals, "navigators" who help unrepresented litigants,²⁰⁷ limited license legal technicians,²⁰⁸ and other nonlawyer justice workers.²⁰⁹ It is incumbent on lawyers to know how these actors can be partners in legal problem-solving. Yet law students receive little or no training about how to work with these diverse actors.²¹⁰ Professional responsibility, legal ethics, and legal profession courses lag when it comes to teaching students about nonlawyers, alternative legal service models, and regulatory reform,²¹¹ leaving them ill-equipped to help build a more robust justice ecosystem.

C. Regulatory Reform Is Vital to the Profession's Purpose

Law exists, in large part, to help people. Ideally, it ensures that employers are not abusive and that landlords provide habitable living spaces. It facilitates daily life: forming families, having jobs, buying and selling things. But practically speaking, when bad things happen, complexity and cost keep people from using the systems set up to help them. They avoid law and assume that interacting with it will be unpleasant and time-consuming. Often, as they navigate their problems, consulting a lawyer does not occur to them. If it does, they deem it too complex or expensive.

This state of affairs is alarming. Lawyers' core role is to provide "counsel": to help people access the legal structures created for their well-being and to offer guidance and advice. But for most of the civil justice problems people have, this is not happening. Our most pressing professional question should be what we can do to reverse this trend—to figure out how to help people live their lives unburdened by civil justice problems.

Economists Camille Chaserant and Sophie Harnay explain that legal services are best understood as "credence goods," which means that consumers who are not repeat players in a particular marketplace (as is

206. *Id.* at 910.

207. MARY E. MCCLYMONT, JUST. LAB GEO. L. CTR., NONLAWYER NAVIGATORS IN STATE COURTS: AN EMERGING CONSENSUS (2019), https://www.ncsc.org/_data/assets/pdf_file/0024/53691/Justice-Lab-Navigator-Report-6.11.19.pdf [<https://perma.cc/L289-TUHP>].

208. Daniels & Bowers, *supra* note 203, at 246–48.

209. *See supra* notes 52–58 and accompanying text.

210. Young, *supra* note 201, at 816.

211. Elizabeth Chambliss, *Evidence-Based Lawyer Regulation*, 97 WASH. U. L. REV. 297, 341–43 (2019).

true for most would-be litigants in civil justice matters) have difficulty getting reliable information about “the quality of available goods or services either before or after those services have been selected.”²¹² Credence goods, they argue, are particularly susceptible to problems of insufficient availability (not enough legal services) and overcharging (legal services that cost too much).²¹³ Thinking about legal services in this way, they argue, suggests that regulatory reform should not be the same for all providers of all legal services, but should be tailored appropriately based on the type of service provided, in order to maximize the information available to prospective clients and minimize problems such as overcharging.²¹⁴

It is incumbent on our profession to consider regulatory reform not from a gatekeeping posture, but from a posture of connecting ordinary people to legal solutions. But the regulatory regime has evolved in most states such that the legal profession is more gatekeeper than guide: It does not supply affordable lawyers to low- and middle-income people, and it simultaneously prevents them from getting legal advice through other avenues.²¹⁵ Inflexible constraints on the provision of legal advice in the face of an out-and-out crisis are antithetical to the legal profession’s purpose.

This Article has provided empirical evidence to argue that broadening access to justice for early-stage problems means broadening access to legal *advice*, not just information. Doing so will require thoughtful regulatory reform. Continuing to prohibit all nonlawyer sources from giving legal advice is professionally irresponsible because we know it ensures that most people will receive no legal advice at all. It is tantamount to withholding vaccines because the medical profession decided that only doctors may give shots and there are not enough doctors to administer them.

Sometimes meaningful access to justice requires lawyers. For these situations, we need to provide more lawyers at affordable rates. But the research is unequivocal that at other times, lawyers are unnecessary.²¹⁶

212. Andrew Pilliar, Understanding the Market for Personal Legal Services To Improve Access to Civil Justice in Canada 67–68 (Oct. 2020) (Ph.D. dissertation, University of British Columbia), <https://open.library.ubc.ca/media/stream/pdf/24/1.0394721/4> [<https://perma.cc/98AZ-2AT8>].

213. *Id.*

214. *Id.* at 69–70 (citing Camille Chaserant & Sophie Harnay, *The Regulation of Quality in the Market for Legal Services: Taking the Heterogeneity of Legal Services Seriously*, 10 EUR. J. COMPAR. ECON. 267, 279–85 (2013)).

215. Barton, *supra* note 40, at 3080–82.

216. Empirical studies that compare the accuracy and efficacy of trained nonlawyers’ work to lawyers’ work suggest that nonlawyers can provide high-quality

We should focus lawyers' talents and training where their skills matter most. Implemented properly, nonlawyers can provide a different genre of service—one which complements lawyers' services rather than competing with them.²¹⁷

Regulatory reform is not an all-or-nothing proposition. Allowing nonlawyers to give legal advice within specific parameters, requiring that nonlawyers be trained and supervised by lawyers,²¹⁸ and narrowing the definition of legal advice²¹⁹ are all viable approaches. But *some* regulatory reform is necessary to achieve access to civil justice, and lawyers should be at the helm of figuring out how to make it happen in a way that optimizes their expertise and creates a healthy justice ecosystem. Refusing to consider regulatory reform while stubbornly pointing to pro bono and legal aid—both of which plainly lack the capacity to meet Americans' civil justice needs—is unethical for a profession dedicated to justice and the rule of law.

D. Technology Itself Is Not an Answer

Tech-based civil justice interventions are proliferating.²²⁰ Fellowships at the intersection of access to justice and technology have sprung up at law schools,²²¹ along with apps, self-help websites,²²² and

legal advice. *See, e.g.*, Sandefur, *Legal Advice from Nonlawyers*, *supra* note 45, at 298–308 (reviewing the literature that evaluates nonlawyers' provision of legal advice and legal services from a variety of perspectives, including consumer satisfaction, case outcomes, and audits by experts). Indeed, sometimes nonlawyers outperform lawyers, particularly on simple tasks where lawyers tend to overcomplicate matters. *Id.* at 307.

217. Consumer demand exists for nonlawyer legal advice when it is offered. Sandefur, *Legal Advice from Nonlawyers*, *supra* note 45, at 289–93.

218. Julie C. Fischer, *Policing the Self-Help Legal Market: Consumer Protection or Protection of the Legal Cartel?*, 34 *IND. L. REV.* 121, 150 (2000); Rhode & Ricca, *supra* note 44, at 2608–09; Gillian K. Hadfield & Deborah L. Rhode, *How To Regulate Legal Services To Promote Access, Innovation, and the Quality of Lawyering*, 67 *HASTINGS L.J.* 1191, 1206–10 (2016); Steinberg, Carpenter, Shanahan & Mark, *supra* note 42, at 1321 (“The regulatory structure of the profession exacts a significant human toll and plays a role in perpetuating economic hardship and racial injustice.”); Bruce A. Green, *Civil Justice at the Crossroads: Should Courts Authorize Nonlawyers To Practice Law?*, 75 *STAN. L. REV. ONLINE* 104, 112–15 (2023).

219. Sudeall, *Overreach*, *supra* note 38, at 651–55.

220. *See* Sandefur, *Bridging the Gap*, *supra* note 20, at 736–40.

221. Miguel Willis, *Law Students Create National Technology Fellowship To Address Civil Justice Crisis*, *LEGAL FOUND. WASH.* (Dec. 16, 2016), <https://legalfoundation.org/law-students-create-national-technology-fellowship-to-address-civil-justice-crisis/> [<https://perma.cc/5JGZ-6XD5>].

222. James E. Cabral, Abhijeet Chavan, Thomas M. Clarke, John Greacen, Bonnie Rose Hough, Linda Rexer, Jane Ribadeneyra & Richard Zorza, *Using Technology To Enhance Access to Justice*, 26 *HARV. J.L. & TECH.* 241, 247–56 (2012); KANAN

contests for technological innovations that advance access to justice.²²³ The instant study suggests that technological sources are attractive to people who value social privacy and who appreciate that online resources can be accessed any time and allow them to proceed at their own pace.²²⁴ But even though many tech solutions are promising,²²⁵ these findings point to several cautions.

First, it is tempting to assume that familiarity with technology makes people more likely to use tech solutions. This did not bear out in the data. People at the ends of the age distribution were the most reluctant to turn to technology for help, which accords with findings from other countries.²²⁶ Middle-aged adults were the most likely to name websites

DHRU, MANASI NIKAM & MAURITS BARENDRECHT, THE HAGUE INST. FOR INNOVATION OF L., *USER-FRIENDLY JUSTICE: USE OF DIGITAL TECHNOLOGIES IN JUDICIAL REFORM AND ACCESS TO JUSTICE COOPERATION* 11–12 (2021), <https://www.hiil.org/wp-content/uploads/2021/11/Hiil-Use-of-digital-technologies-in-judicial-reform-and-access-to-justice-cooperation.pdf> [<https://perma.cc/S2TS-W2M6>]; Felicity Bell, *Family Law, Access to Justice, and Automation*, 19 MACQUARIE L.J. 103, 114–23 (2019); TANIA SOURDIN, JACQUELINE MEREDITH & BIN LI, *DIGITAL TECHNOLOGY AND JUSTICE: JUSTICE APPS* (2020); REBECCA L. SANDEFUR, *LEGAL TECH FOR NON-LAWYERS: REPORT OF THE SURVEY OF US LEGAL TECHNOLOGIES* (2019) (survey of available technologies designed to improve access to justice), https://www.americanbarfoundation.org/wp-content/uploads/2023/04/report_us_digital_legal_tech_for_nonlawyers.pdf [<https://perma.cc/D74G-RCSN>].

223. *E.g.*, *Just Tech Fellowship*, SOC. SCI. RSCH. COUNCIL, <https://www.ssrc.org/programs/just-tech/just-tech-fellowship/> [<https://perma.cc/AH4J-YPGN>].

224. *See supra* Section IV.D.

225. Michael J. Wolf, *Collaborative Technology Improves Access to Justice*, 15 N.Y.U. J. LEGIS. & PUB. POL’Y 759, 762 (2012); J.J. Prescott, *Improving Access to Justice in State Courts with Platform Technology*, 70 VAND. L. REV. 1993, 1999–2000 (2017). *But cf.* Rostain, *supra* note 143 (arguing that access to justice technologies will have limited effectiveness if they do not incorporate human assistance).

226. Rebecca Sandefur discusses misconceptions about age in *Bridging the Gap*, citing research in England and Wales finding that when facing a justice problem, people aged 18–24 were less likely than those aged 25–59 to turn to the internet: “[S]trikingly, their use patterns of the internet for this purpose looked more like those of people over sixty.” Sandefur, *Bridging the Gap*, *supra* note 20, at 738. *See also* Catrina Denvir & Nigel Balmer, *Digitally (De)Faulted? How Do Young People Use the Internet To Acquire Knowledge of Their Rights?*, L. FOR LIFE, <http://www.lawforlife.org.uk/wp-content/uploads/Cat-Denvir-YP-article.pdf> [<https://perma.cc/NP7Z-RB4S>]; Catrina Denvir, Nigel J. Balmer & Pascoe Pleasence, *Surfing the Web – Recreation or Resource? Exploring How Young People in the UK Use the Internet as an Advice Portal for Problems with a Legal Dimension*, 23 INTERACTING WITH COMPUTS. (2011) (highlighting the difficulty younger people had in finding reliable information); Pauline Hope Cheong, *The Young and Techless? Investigating Internet Use and Problem-Solving Behaviors of Young Adults in Singapore*, 10 NEW MEDIA & SOC’Y 771, 771 (2008) (“Contrary to popular conceptualizations of youths as a cohort of technically-savvy experts, the findings showed considerable variance in their internet expertise and problem-solving behaviors, with some demonstrating limited knowledge of internet use and awareness of troubleshooting strategies.”).

and apps as the best sources, but older adults *and* younger adults were least likely to do so.²²⁷ These data provide a snapshot; it is impossible to know whether the observed effects are due to age or generation. In thirty years, will today's twenty- and thirty-somethings' responses look more like those of today's fifty- and sixty-somethings? Or will the pattern carry forward as people age?²²⁸ It is also unknown whether reactions to AI²²⁹ and other forms of automation²³⁰ will be similar. At the very least, digital natives are not per se positively inclined toward tech solutions, and we need strategies to appeal to users of different ages.²³¹

A clearer shortcoming of tech interventions is that in the United States, not everyone can access the internet. Disparities exist in internet access, technology ownership, and broadband adoption between rural and urban Americans,²³² Black, white, and Latinx Americans,²³³ and at different income levels.²³⁴ Seven percent—including one in four Americans over age sixty-five—report never using the internet.²³⁵ These inequalities were highlighted during the early years of COVID-19, when

227. *Supra* fig.6.

228. The patterns highlighted in the instant analyses echo the findings of Denvir, Balmer, and Pleasance as well as Cheong, *see supra* note 226, even though both sets of data were collected about a decade earlier than the data used here and took place outside the United States.

229. For a primer on AI's permeation of governmental legal institutions, see generally David Freeman Engstrom & Amit Haim, *Regulating Government AI and the Challenge of Sociotechnical Design*, 19 ANN. REV. L. & SOC. SCI. 277 (2023).

230. *See generally* Emily S. Taylor Poppe, *The Future Is Bright Complicated: AI, Apps & Access to Justice*, 72 OKLA. L. REV. 185 (2019); Raymond H. Brescia, Walter Alan McCarthy, Ashley McDonald, Kellan Potts & Cassandra Riva, *Embracing Disruption: How Technological Change in the Delivery of Legal Services Can Improve Access to Justice*, 78 ALB. L. REV. 553 (2014–15).

231. Intersectional factors are important as well. For example, research has found considerable variation among internet skills in older adults, particularly along socioeconomic lines. *See* Eszter Hargittai, Anne Marie Piper & Meredith Ringel Morris, *From Internet Access to Internet Skills: Digital Inequality Among Older Adults*, 18 UNIVERSAL ACCESS INFO. SOC'Y 881 (2018).

232. Emily A. Vogels, *Some Digital Divides Persist Between Rural, Urban and Suburban America*, PEW RSCH. CTR. (Aug. 19, 2021), <https://www.pewresearch.org/short-reads/2021/08/19/some-digital-divides-persist-between-rural-urban-and-suburban-america/> [https://perma.cc/SC7K-5A32].

233. Sara Atske & Andrew Perrin, *Home Broadband Adoption, Computer Ownership Vary by Race, Ethnicity in the U.S.*, PEW RSCH. CTR. (July 16, 2021), <https://www.pewresearch.org/short-reads/2021/07/16/home-broadband-adoption-computer-ownership-vary-by-race-ethnicity-in-the-u-s/> [https://perma.cc/3YS7-VLEW].

234. Vogels, *supra* note 129.

235. Andrew Perrin & Sara Atske, *7% of Americans Don't Use the Internet. Who Are They?*, PEW RSCH. CTR. (Apr. 2, 2021), <https://www.pewresearch.org/short-reads/2021/04/02/7-of-americans-dont-use-the-internet-who-are-they/> [https://perma.cc/DWE2-SQPT].

“Zoom court” further underscored digital divides.²³⁶ And although tech tools might seem poised to democratize access to legal help, early analyses suggest that they can create further advantages for wealthier litigants.²³⁷

Results of the instant study point to other cautions around tech-based solutions. Free online sources were viewed with skepticism.²³⁸ Many respondents assumed that a site or app was created to steal their data or sell them something. Online sources, particularly the help website, also risked information overload. Combing through information and trying to assess its relevance and credibility was a task many respondents said was too daunting. Additionally, a large subgroup of respondents simply found tech-based solutions cold or impersonal.

Three principles are important in creating tech solutions to shrink the justice gap. First, some people will never be served well by an online solution, and we must create parallel ways to reach them. Second, some pitfalls of tech solutions can be solved by hybrid approaches. We might imagine an online, AI-powered chat that allowed a user to answer a series of questions and then, if they wished, make a Zoom appointment with an appropriate professional for personalized guidance. This approach incorporates other findings, such as the need for a broker and a guide. Third, tech solutions must be transparent about their creators’ experience and the sources of the information and advice they provide. Respondents wondered whether websites and apps were up to date, and some assumed they were not. Endorsements from known organizations might be helpful, as would disclosure of financial interests. Greater transparency would not convince every potential user, but it would allay many people’s biggest concerns.

E. We Need New Designs for Holistic Help

We are not stuck with existing models. Research has detailed the gravity of civil legal need. Now our empirical sights should be set on how to use lawyers and other actors in the justice ecosystem to reach the submerged iceberg of unresolved civil legal problems. Ordinary people’s relationships with law should be the cornerstone of these conversations. We need evidence-based models that address problems at early stages.

236. See generally Victor D. Quintanilla, Kurt Hugenberg, Margaret Hagan, Amy Gonzales, Ryan Hutchings, & Nedim Yel, *Digital Inequalities and Access to Justice: Dialing into Zoom Court Unrepresented*, in *LEGAL TECH AND THE FUTURE OF CIVIL JUSTICE*, *supra* note 23.

237. See generally David Freeman Engstrom & Nora Freeman Engstrom, *Legal Tech and the Litigation Playing Field*, in *LEGAL TECH AND THE FUTURE OF CIVIL JUSTICE*, *supra* note 23, at 133.

238. See *supra* Section VI.B.

We need to answer key questions: How can we overcome aversion to legal solutions? How can we make sure people receive effective traditional legal help while enabling other models? Which problems are best solved outside formal legal processes? What are the patterns in how people think about legal problems, including patterns related to race, class, gender, and other characteristics?

Regulatory reform can enable solutions that incorporate legal help alongside other kinds of help (financial, medical, emotional, and so on). But most states' regulatory regimes impede holistic approaches by partitioning even run-of-the-mill legal advice from all other advice.²³⁹ These prohibitions restrict,²⁴⁰ for example, models that train subject-matter experts to integrate legal advice. They prevent ombudspeople, social workers, and community leaders from advising people about common legal problems.

Citizens Advice's services²⁴¹ offer a useful model. They offers advice about any aspect of a problem—including legal advice, which is allowed in places with fewer UPL restrictions.²⁴² And in Canada, a variety of “frontline workers” have been providing various types of legal help for years, from providing people basic information about their legal rights to attending court and tribunal hearings with people who want their help.²⁴³ There are a growing number of alternative models in the United States as well, from Utah's “sandbox” to community justice workers and limited-license legal technicians.²⁴⁴ Many of the most promising solutions hinge on state-level regulatory reform.²⁴⁵

Another approach, co-location models, site legal assistance in locations where people already go for various kinds of community or help, such as places of worship²⁴⁶ or doctor's offices.²⁴⁷ But as effective as these solutions are, they will inevitably miss some people. Using church space for an information session is likely to deter LGBTQ+ people—a group that experiences a disproportionate amount of civil legal

239. See *supra* Section IV.A.

240. A body of UPL doctrine allows nonlawyer professionals to give legal advice ancillary to the practice of their own profession. See Sandefur, *Legal Advice from Nonlawyers*, *supra* note 45, at 289–91.

241. See *supra* notes 178, 199.

242. Rebecca L. Sandefur, *The Fulcrum Point of Equal Access to Justice: Legal and Nonlegal Institutions of Remedy*, 42 LOY. L.A. L. REV. 949, 963–64 (2009).

243. See COHL, LASSONDE, MATHEWS, SMITH & THOMSON, *supra* note 144, at 15–16.

244. See *supra* Section I.A.

245. See Sandefur & Denne, *supra* note 36, at 33–36.

246. See Sandefur, *Bridging the Gap*, *supra* note 20, at 731–32.

247. See generally Yael Cannon, *A Mental Health Checkup for Children at the Doctor's Office: Lessons from the Medical-Legal Partnership Movement To Fulfill Medicaid's Promise*, 17 YALE J. HEALTH POL'Y L. & ETHICS 253 (2017).

problems.²⁴⁸ Seeking help from a doctor may be less attractive to Hispanic/Latinx Americans²⁴⁹—another group that experiences more than its share of civil legal problems.²⁵⁰ This does not mean that churches or doctors’ offices are bad places to site legal help, but we need a *diversity* of co-locations. We might even imagine a roving co-location: a church on Sundays, a community college on Tuesdays, a public park on Wednesdays, a brewery on Fridays.

Lawyers should also consider how infrastructure and government assistance is required to facilitate different models, and how they can leverage their skills to establish structures that make these models work. For example, many people at or near poverty cannot access the internet at home. If a state or local bar association was launching a free online help service, they might also advocate for free broadband or for a private space in a local public library. If a county launched a community ombuds center, they might coordinate free transportation for people without access to transit. Providing holistic help for civil justice problems means thinking critically about how to maximize the number of people who can use them.²⁵¹

The results also bespeak a need for outreach to, and trust-building with, certain communities. Asian and Hispanic/Latinx respondents were significantly more likely than white respondents to name lawyers as the worst resource, and Asian respondents were significantly more likely than white respondents to name law school clinics as the worst.²⁵² Other

248. See Young & Billings, *supra* note 6, at 526–28.

249. *Infra* app. C, tbl.3.

250. SANDEFUR, CNSS, *supra* note 4, at 3, 8; JUSTICE NEEDS, *supra* note 7, at 223. Beyond that, some demographic groups are less likely than others to go to the doctor. See, e.g., Abigail K. Mansfield, Michael E. Addis & James R. Mahalik, “Why Won’t He Go to the Doctor?”: The Psychology of Men’s Help-Seeking, 2 INT’L J. MEN’S HEALTH 93, 94 (2003); Yolanda R. Davila, Elizabeth Reifsnider & Irma Pecina, *Familismo: Influence on Hispanic Health Behaviors*, 24 APPLIED NURSING RSCH. e67, e70 (2011); Samantha Brener, Stephanie Jiang, Emma Hazenberg & Daniel Herrera, *A Cyclical Model of Barriers to Healthcare for the Hispanic/Latinx Population*, 11 J. RACIAL & ETHNIC HEALTH DISPARITIES 1077, 1080 (2024).

251. As Colleen Shanahan and Anna Carpenter write, teaching lawyers and law students about courts’ inability to solve civil justice problems may energize the legal profession’s inclination “to hold government actors accountable for lapses in social safety nets that have caused the proliferation of justice problems.” See Young, *supra* note 201, at 835 (citing Colleen F. Shanahan & Anna E. Carpenter, *Simplified Courts Can’t Solve Inequality*, DÆDALUS, Winter 2019, at 128, 133–34).

252. *Infra* app. A, tbl.1. These patterns may also depend on problem type. The problem presented was related to family. As one example of how problem type may affect help-seeking, Latinx families that contain immigrants may be resistant to use sources that risk exposing them to even more of the surveillance around which they are forced to navigate. See generally ASAD L. ASAD, ENGAGE AND EVADE: HOW LATINO IMMIGRANT FAMILIES MANAGE SURVEILLANCE IN EVERYDAY LIFE (2023).

demographic patterns emerged as well. Conservative respondents named government and nonprofit organizations (DHS, AARP, a law school clinic) as the worst sources, and/or were less likely to name them as best. And certain identities—like irreligiosity and political conservatism—steer people away from help sources they view as incompatible with these identities.

Justice innovation need not depend on post-hoc evaluations of localized programs. We can draw on front-end empirical research, like the data presented here, to design programs that match the way ordinary people think about problems. Before we launch a program, we can know who it is likely to leave out, and we can develop a plan for reaching those populations. Pre-testing, piloting, and calibration are important.²⁵³ One size will not fit all. Because help-seeking preferences are diverse,²⁵⁴ justice solutions must be diverse. But the justice gap will not be narrowed if the legal profession refuses to consider new models.

CONCLUSION

This Article presents a new way to approach the empirical study of access to justice. It shows that studying help-seeking from the perspective of ordinary people can equip lawyers, justice innovators, and program designers with empirical knowledge to ground novel solutions. By shifting the conversation from legal needs to laypeople's experiences, we can forge tools to stop the corrosive effects of unsolved civil legal problems.

This study offers a preliminary empirical base of knowledge from which to create meaningful solutions for unsolved civil legal problems. As regulatory reform gains popularity, building this base is essential—not just documenting the problems people face, but understanding how they think about problems, so we can design solutions that map onto their realities.

One theme was markedly absent: a sense of entitlement to help. No respondents wrote answers like: “Since I pay taxes, DHS is supposed to help me,” or “This is the kind of help to which everyone is entitled.” There were no glimmers of deservingness, no whiffs of entitlement, and no assertions that there should be a social safety net for challenges like the one presented. Like many other kinds of social help in the United States, including financial literacy and mental health services, legal help

253. In addition to a better understanding of legal consciousness, we can draw on expertise from advertising, marketing, and design. For a discussion of how systemic research on advertising civil justice service provision could be useful to access to justice, see Sandefur, *Bridging the Gap*, *supra* note 20, at 734–36.

254. *Supra* fig.1.

is not broadly viewed as a social entitlement. There is no popular movement clamoring for a civil *Gideon*. State bar association offices are not swarmed with picketers demanding an end to lawyers' monopoly on legal services. And although access to justice is not just a problem for low-income Americans,²⁵⁵ it is too often viewed as one, even within the legal profession, which makes it hard to cultivate a sense of entitlement among middle-income earners.

The United States suffers from two related problems: the lack of infrastructure to provide civil legal help, and the lack of a broad sense that meaningful civil legal help is part and parcel with *having* a civil legal system. The legal profession should see this lack of entitlement not as a lack of desire for help but as the result of decades-long socialization that has accustomed people to a largely inaccessible system.

As a profession, we can do better. The severity of the justice gap, the American Law Institute's new interest in "high-volume, high-stakes, low-dollar-value civil claims,"²⁵⁶ the launch of the Frontline Justice initiative to create a system of community justice workers,²⁵⁷ and states' newly piqued interest in regulatory reform, present a moment when the legal profession can clear the way for equitable access to the system that upholds our commitment to the rule of law.

255. See generally MIDDLE INCOME ACCESS TO JUSTICE (Michael Trebilcock, Anthony Duggan & Lorne Sossin eds., 2012).

256. Am. L. Inst., *supra* note 14.

257. FRONTLINE JUSTICE, *supra* note 53.

APPENDIX A

	LAWYER		CLINIC		DOCTOR	
	<u>Best**</u>	<u>Worst***</u>	<u>Best</u>	<u>Worst***</u>	<u>Best***</u>	<u>Worst</u>
Race						
Asian	.463 (.220)	1.982*** (.375)	.378 (.229)	2.645*** (.659)	.750+ (.129)	.975 (.539)
Black	.769 (.213)	1.140 (.192)	.865 (.286)	1.319 (.310)	.830 (.106)	1.467 (.541)
Hispanic/Latinx	1.155 (.260)	1.629*** (.242)	.757 (.239)	1.365 (.304)	.812+ (.095)	2.068* (.669)
Multiracial	.797 (.232)	1.305 (.252)	.959 (.336)	1.138 (.337)	.913 (.128)	1.863 (.727)
Other race	1.334 (.588)	.941 (.342)	1.685 (.819)	.718 (.431)	1.060 (.258)	.729 (.748)
Gender (men)	.912 (.157)	1.237+ (.138)	1.682* (.371)	.939 (.148)	.867+ (.073)	1.164 (.292)
Age	.996 (.028)	1.045* (.020)	1.022 (.037)	1.024 (.027)	.962** (.013)	1.001 (.041)
Age squared	1.000 (.000)	1.000* (.000)	1.000 (.000)	1.000 (.000)	1.000* (.000)	1.000 (.000)
Income (ordinal)	1.104* (.042)	.956+ (.025)	1.065 (.052)	.939 (.036)	.979 (.020)	1.017 (.058)
Rural	1.512* (.253)	.789+ (.099)	1.085 (.243)	1.093 (.185)	1.091 (.096)	.966 (.263)
Politics						
Conservative	.972 (.209)	1.110 (.165)	1.121 (.297)	1.579* (.334)	1.034 (.115)	.911 (.302)
Other/moderate	.842 (.160)	1.236+ (.156)	.797 (.196)	1.315 (.252)	1.140 (.107)	.986 (.269)
LGBTQ+	1.300 (.296)	.534** (.109)	1.167 (.355)	.512* (.166)	1.047 (.128)	1.121 (.394)
Physical disability	1.262 (.261)	.719* (.116)	1.447 (.374)	.990 (.211)	1.388** (.148)	.603 (.236)
Past DV/SA	1.414+ (.275)	.931 (.137)	1.436 (.372)	.628* (.142)	1.002 (.103)	.978 (.312)
Past arrest	1.329 (.241)	.973 (.126)	.716 (.179)	.873 (.169)	.942 (.091)	1.174 (.326)
Past elder care decision	1.225 (.193)	.866 (.093)	1.234 (.248)	1.202 (.179)	1.115 (.089)	1.410 (.330)
Constant	.029*** (.020)	.053*** (.024)	.013*** (.011)	.028*** (.017)	1.061 (.338)	.012*** (.011)
Pseudo r-squared	.025	.024	.024	.027	.012	.018

+ $p < .10$, * $p < .05$, ** $p < .01$, *** $p < .001$

Table 1. Logit Models of Choosing Lawyer, Law School Clinic, and Doctor as Best and as Worst Sources of Help

APPENDIX B

	NURSING HOME		AARP		DHS	
	<u>Best***</u>	<u>Worst***</u>	<u>Best**</u>	<u>Worst***</u>	<u>Best***</u>	<u>Worst*</u>
Race						
Asian	1.789** (.398)	.548* (.134)	.945 (.286)	.461* (.174)	.843 (.162)	.963 (.276)
Black	1.360 (.270)	1.115 (.162)	1.345 (.273)	.915 (.191)	1.079 (.144)	.883 (.200)
Hispanic/Latinx	1.737*** (.288)	.877 (.131)	1.061 (.226)	.688 + (.151)	1.000 (.134)	.714 (.155)
Multiracial	1.392 (.296)	.979 (.172)	1.584* (.357)	1.064 (.249)	1.166 (.182)	1.013 (.245)
Other race	1.919 + (.649)	1.389 (.383)	1.142 (.500)	1.141 (.440)	.643 (.206)	.802 (.379)
Gender (men)	1.230 (.158)	.988 (.101)	1.268 (.188)	.927 (.130)	.961 (.089)	.775 + (.115)
Age	.929*** (.020)	1.039* (.018)	1.024 (.025)	1.129*** (.031)	1.044** (.016)	1.052 + (.028)
Age squared	1.000 + (.000)	1.000 (.000)	1.000 (.000)	.999*** (.000)	1.000 (.000)	.999* (.000)
Income (ordinal)	1.002 (.030)	.987 (.024)	1.071* (.036)	.987 (.033)	.985 (.021)	1.029 (.035)
Rural	1.273 + (.173)	.890 (.096)	.994 (.158)	1.166 (.165)	.815* (.082)	.865 (.138)
Politics						
Conservative	1.127 (.199)	1.233 (.161)	.545** (.112)	1.767** (.322)	.0802 + (.095)	1.757** (.325)
Other/moderate	1.106 (.154)	1.126 (.132)	1.009 (.157)	1.256 (.217)	.928 (.095)	.948 (.169)
LGBTQ+	1.066 (.184)	.985 (.157)	.905 (.201)	1.399 (.295)	1.026 (.146)	.948 (.223)
Physical disability	.587* (.133)	.974 (.125)	1.306 (.236)	1.042 (.176)	.920 (.109)	1.079 (.205)
Past DV/SA	.743 + (.124)	1.265 + (.156)	.911 (.172)	.867 (.153)	.920 (.108)	.903 (.167)
Past arrest	1.044 (.156)	.829 (.098)	1.169 (.189)	.933 (.148)	1.085 (.114)	1.142 (.190)
Past elder care decision	.931 (.115)	1.114 (.106)	.864 (.121)	1.042 (.137)	.817* (.072)	1.051 (.147)
Constant	.635 (.294)	.054*** (.023)	.025*** (.015)	.004*** (.002)	.076*** (.029)	.028*** (.017)
Pseudo r-squared	.086	.021	.020	.037	.026	.019

+ $p < .10$, * $p < .05$, ** $p < .01$, *** $p < .001$

Table 2. Logit Models of Nursing Home, AARP, and DHS as
Best and Worst Sources of Help

APPENDIX C

	FRIEND		LIBRARY		CHURCH	
	<u>Best**</u>	<u>Worst*</u>	<u>Best</u>	<u>Worst**</u>	<u>Best**</u>	<u>Worst***</u>
Race						
Asian	1.241 (.272)	.992 (.314)	.572 (.358)	.960 (.257)	.693 (.376)	.914 (.181)
Black	.685 + (.141)	1.588* (.326)	.953 (.377)	1.403 + (.245)	1.162 (.412)	.444*** (.081)
Hispanic/Latinx	.842 (.146)	1.269 (.263)	.898 (.319)	1.266 (.221)	1.040 (.343)	.794 (.115)
Multiracial	.760 (.174)	1.263 (.312)	1.253 (.486)	1.127 (.238)	.853 (.389)	.768 (.137)
Other race	.919 (.352)	1.309 (.539)	.512 (.526)	1.072 (.391)	2.095 (1.142)	.809 (.264)
Gender (men)	.995 (.125)	1.346* (.202)	1.224 (.333)	1.369* (.172)	1.166 (.280)	.878 (.094)
Age	1.029 (.022)	.960 + (.023)	1.045 (.051)	.992 (.020)	1.126** (.051)	.970 + (.017)
Age squared	1.000 + (.000)	1.000 (.000)	.999 (.001)	1.000 (.000)	.999** (.000)	1.000 (.000)
Income (ordinal)	1.029 (.029)	.990 (.036)	.979 (.063)	1.025 (.030)	.930 (.054)	.974 (.024)
Rural	1.096 (.147)	1.466* (.221)	1.096 (.309)	1.302* (.164)	.848 (.219)	.721** (.087)
Politics						
Conservative	1.194 (.190)	.827 (.168)	.696 (.262)	1.218 (.196)	2.688** (.877)	.300*** (.046)
Other/moderate	.897 (.129)	1.053 (.172)	.933 (.265)	1.107 (.158)	1.482 (.472)	.546*** (.060)
LGBTQ+	1.069 (.203)	1.001 (.213)	1.015 (.363)	.700 + (.142)	1.250 (.468)	1.444** (.203)
Physical disability	.511*** (.105)	1.569* (.284)	.982 (.362)	1.417* (.211)	.680 (.233)	.917 (.134)
Past DV/SA	.733 + (.124)	1.016 (.284)	1.541 (.471)	1.528** (.226)	.920 (.287)	.802 (.109)
Past arrest	1.120 (.172)	.843 (.145)	.766 (.236)	.993 (.137)	.568 + (.173)	1.162 (.143)
Past elder care decision	.968 (.116)	.835 (.120)	.809 (.214)	1.123 (.130)	1.961** (.445)	.755** (.079)
Constant	.072*** (.036)	.125*** (.069)	.016*** (.017)	.055*** (.027)	.001*** (.001)	.941 (.372)
Pseudo r-squared	.019	.018	.030	.016	.044	.050

+ $p < .10$, * $p < .05$, ** $p < .01$, *** $p < .001$

Table 3. Logit Models of Friend, Library, and Church as Best and Worst Sources of Help

APPENDIX D

	APP		WEBSITE	
	<u>Best</u>	<u>Worst***</u>	<u>Best***</u>	<u>Worst***</u>
Race				
Asian	1.390 (.515)	.592* (.135)	1.590* (.315)	1.573 (.462)
Black	1.248 (.367)	.927 (.146)	1.142 (.182)	1.178 (.310)
Hispanic/Latinx	.910 (.279)	.638** (.098)	1.055 (.169)	1.467+ (.322)
Multiracial	.876 (.346)	.823 (.146)	.738 (.160)	.821 (.258)
Other race	.345 (.351)	.873 (.282)	.626 (.253)	1.032 (.552)
Gender (men)	1.117 (.237)	.850 (.092)	.866 (.097)	.934 (.161)
Age	1.047 (.039)	.943** (.016)	1.063** (.021)	.921** (.026)
Age squared	.999 (.000)	1.000** (.000)	1.000* (.000)	1.001* (.000)
Income (ordinal)	.911+ (.048)	1.057* (.026)	.980 (.026)	1.082* (.042)
Rural	.881 (.202)	1.143 (.128)	.750* (.093)	1.105 (.204)
Politics				
Conservative	1.617+ (.456)	.912 (.134)	1.046 (.146)	1.056 (.234)
Other/moderate	1.327 (.343)	1.234+ (.147)	.894 (.112)	.786 (.147)
LGBTQ+	.311* (.163)	1.366* (.198)	.801 (.150)	.839 (.205)
Physical disability	1.096 (.295)	.797 (.121)	.850 (.123)	.761 (.212)
Past DV/SA	1.010 (.272)	1.035 (.135)	1.290+ (.176)	.996 (.213)
Past arrest	.783 (.197)	1.066 (.131)	.926 (.121)	1.311 (.255)
Past elder care decision	1.278 (.253)	1.109 (.112)	.908 (.096)	.896 (.148)
Constant	.014*** (.012)	.586 (.231)	.032*** (.015)	.344+ (.210)
Pseudo r-squared	.024	.022	.026	.044

+ $p < .10$, * $p < .05$, ** $p < .01$, *** $p < .001$

Table 4. Logit Models of App and Website as Best and Worst Sources of Help