

Stanford Law School

Access to Justice Alaska Legal Services Practicum

Measuring and Improving Limited Legal Advice

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I. Executive Summary

Each year, Alaska Legal Services Corporation (“ALSC”) directly assists approximately 6,400 Alaskan residents annually on legal issues affecting their families, homes, incomes, jobs and access to vital services such as health care and utilities. Low-income Alaskans benefit from legal guidance from ALSC legal professionals and self-help resources which enable individuals to navigate the court system independently. Although ALSC receives funding from an array of government agencies, tribal organizations, and foundations, financial constraints prevent ALSC from offering full representation to every qualifying client. In an effort to serve as many people as possible, ALSC, like other legal aid organizations, offers limited legal advice to many individuals that it otherwise could not serve. However, although limited legal advice is an industry standard among legal aid organizations, little is known about the efficacy of such services. Data from limited legal advice is hindered by the transience of the relationships between the legal service provider and the client where relationships are often terminated prior to the resolution of the issue. These organizations also lack the resources to collect and analyze such data – although some empirical research exists on the efficacy of full representation and no assistance. In order to bridge this information gap, the Legal Services Corporation (“LSC”) and ALSC have partnered with Stanford Law School to collect and analyze data on the value of limited legal advice (“LLA”) to low-income communities.

This study focuses on 112 ALSC cases, gleaned from a broader pool of ALSC family law cases. The most common types of cases in this pool were divorce (27 percent) and custody (49 percent).¹ Statistical analysis through a Qualtrics platform yielded insight on differences among rural and non-rural populations, as well as between case types. The impact of limited legal advice programs on client satisfaction and outcomes has not been studied through an empirical lens, leaving legal services organizations without a clear understanding of how to use their limited human and monetary capital most effectively.

¹ ALSC designates custody cases as occurring outside a legal marriage relationship.

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To what degree should legal services organizations expand full representation for qualifying populations or enhance limited legal advice services for those they otherwise turn away? This briefing paper summarizes the results of our survey to address options and next steps for ALSC, specifically, with attention to broader implications for LSC and its member organizations.

FINDINGS:

General Experience of LLA

- LLA clients understood the advice they received from ALSC and were able to follow that advice;
- LLA clients strongly appreciated direct and concrete assistance, such as help completing and filing forms;
- Rural respondents indicated levels of comprehension of legal advice and ability to follow that advice similar to those of non-rural respondents;
- Rural respondents were more likely to receive assistance via a telephone consultation than were non-rural respondents, who typically received advice in person;
- There was no significant difference across ethnicities in understanding and following the advice from ALSC;
- The small pool of African American participants all felt poorly about the outcome of their cases;

Divorce Cases:

- Respondents with divorce cases who received LLA were subjectively more positive regarding what happened with their legal issues than were non-LLA divorce respondents.
- Respondents with divorce cases were more likely to report that they understood the advice they received and were more likely to describe ALSC advice as helpful.
- Native American respondents with divorce cases reported domestic violence issues at double the rate as the rest of the population.

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- Native American respondents reported slightly more negative subjective legal outcomes in divorce than did the rest of the population and were less likely to follow ALSC's advice, and less likely to seek outside help, than was the rest of the LLA client population;

Custody Cases:

- Clients who received LLA for custody cases generally understood the advice and followed it and most believed that some of the advice they received from ALSC helped;
- In custody cases, even when someone is able to characterize the assistance they received as helpful, they will often have ongoing legal problems or will have had to return to ALSC to modify their custody arrangements.

OPTIONS FOR ALSC:

The data show the value of advice that guides LLA clients on filling out court forms.

Thus, ALSC should:

- Consider expanding the use of self-directed or automated form completion tools.
- Consider expanding community workshops or clinical sessions focused on form completion and submission.
- The data indicate that there may be some qualitative differences in how the rural population seeks and receives legal services. Thus, ALSC should consider:
 - Conducting a follow-up study on rural LLA clients to better understand the factors contributing to their low response rate;
 - Conducting a follow-up study to assess the current use and effectiveness of telephone consultations in the rural Alaskan community and assess potential alternatives that leverage mobile technologies, as available, and in-person, community relationships.
 - Consider leveraging community relationships to advance legal understanding and intelligence through use of community-based liaisons who are able to provide basic legal information on key issues.

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- The data suggest that Native American women may be less likely to access any kind of legal advice on domestic violence and family law. Thus, ALSC should:
 - Consider outreach specific to Native American women through community-based organizations..
- The limited data available for ALSC's African-American LLA clients reveals a need for further research into their legal experiences and needs.

II. Problem Statement

Resource constraints prevent ALSC from offering full representation to every qualifying client. Although ALSC hosts a professional staff of 31 full-time attorneys and approximately 130 pro bono attorneys, as well as a number of paralegals, the demand from potential clients far outstrips the capacity of ALSC to offer representation. Moreover, some potential clients do not meet the income criteria that enables them access to ALSC representation. In an effort to serve as many people as possible, ALSC offers limited legal assistance in some cases, providing defined help on one or more discreet issues rather than full representation. Although such services are presumed useful to such individuals, ALSC has little other than anecdotal knowledge about the effectiveness of LLA in helping to resolve legal issues for denied clients. Data that tracks outcomes and the general effectiveness of full legal representation does not exist for LLA. Thus, ALSC seeks to examine the effectiveness of its LLA programs across a spectrum of cases involving family law, with particular attention to certain groups of people and categories of cases that, by their nature, are more complex and deserving of in-depth treatment. ALSC seeks this knowledge in order to better provide legal services to its clients and to better allocate the time, money, and human resources it expends on LLA programs.

Custody and divorce cases deserve close attention because they are among the most time-intensive matters handled by legal services organizations. Unlike eviction cases, custody and divorce cases often involve ongoing issues and disputes, including reconfiguring visitation rights, support payments and other joint parental decisions. Although these types of cases can be complex, the lack of empirical data tracking outcomes prevents ALSC from knowing whether their limited legal services have been effective.

III. Methodology and Survey Design

In order to assess the effectiveness of the limited legal services provided by ALSC, a team of students and faculty from Stanford Law School, the Access to Justice Law and Policy Lab Practicum (the “Practicum”), partnered with ALSC to conduct telephone surveys of individuals who approached ALSC for legal assistance on a variety of family law issues. In particular, surveyed individuals sought advice from ALSC on cases ranging from divorce and custody to child support and paternity disputes.

The Practicum project team received information about these potential respondents in the form of “intake sheets” provided by ALSC. ALSC provided the Stanford research team with intake sheets for 800 people who received LLA after being denied full representation and 1694 sheets for people who did not receive LLA. All of the cases originated in the years 2014 and early 2015. Each sheet corresponds to an entry in ALSC’s case management database. The intake sheets include information about the respondents’ cases and some basic demographic information, including factors relevant

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to ALSC's intake criteria such as age, gender, % of poverty, etc. Potential respondents were divided into two groups: people who had received limited legal services ("LLA respondents") after being turned down for full representation, and people who had received no services ("non-LLA respondents").

During the 2015-2016 academic year, the Practicum team contacted potential respondents by telephone to request their participation, then talked to participating respondents through a questionnaire linked to Qualtrics, an online survey platform. During each call, interviewers reduced each answer to a short written description and/or an appropriate checkbox in the Qualtrics survey. By giving respondents the opportunity to provide detailed answers in a structured format, the working group sought to reduce the risk that respondents would provide incomplete answers to individualized surveys.

After an initial period of interviews in Fall 2015, problems with the survey design necessitated revising the survey and retrofitting the data to optimize its usefulness to ALSC. The next section of this white paper explains what this study measures and how the survey was structured to ensure that the project team achieved its objectives. Moreover, Appendix A details the specific changes that were made to the survey as well as the rationale for a qualitative, rather than quantitative, approach.

Following the revision to the survey, the Practicum team conducted a second and more comprehensive round of interviews in Spring 2016. The combined 112 surveys entered into the Qualtrics platform yielded a robust dataset that the project team then analyzed using a combination of quantitative and qualitative tools. The results of this analysis are presented in the following sections of this paper.

A. Survey Design

The findings in this report are based on a survey of 112 individuals. 71 people received limited legal advice from ALSC in lieu of full legal representation. The survey allowed respondents to describe the quality and usefulness, in their view, of the advice they received. 41 people were rejected by ALSC and received no legal assistance from them.

1. What this report provides

The findings in this report are largely qualitative and exploratory. They relate the conversations with 112 people who agreed to share with us their experiences with Alaska Legal Services. Thus, the information provided in the analysis below will help ALSC understand how well the recipients understood the advice, whether they followed ALSC's recommendations, and whether they thought the services were helpful. In addition, the expansion of the number of demographic factors that were used in our cross-tabulations gave us the opportunity to drill down by certain demographic factors. Thus, the analysis allows us to determine whether the reported number of individuals who understood the advice or followed the advice they were given varied significantly by gender, rural location, income, age, or the presence of domestic violence, among other factors.

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Broadly speaking, the data gathered during this study allows ALSC to compare each of the metrics of interest (understand advice, follow advice, think advice helped) against the demographic factors to assess relationships between the measures. By using the cross-tabulation features of the Qualtrics software, this study goes into great depth on many of the most important relationships between these factors. Through additional outreach and data collection, ALSC can supplement the analysis provided in this study for a fuller understanding of the data. Furthermore, as ALSC revises the services they provide to the people of Alaska based on information in this study, the organization can institute data collection methods that allow more dexterity in changing and enhancing client services. Finally, this study enables follow-up on the status and outcomes of cases for individuals who received limited legal services, which ALSC would not otherwise have had an opportunity to observe.

2. What this report does not provide

This report describes the recollections and subjective assessments of individuals who turned to ALSC for legal advice. The data in this report cannot and should not provide the basis for firm conclusions about the effectiveness of ALSC's limited legal services. Ideally, ALSC and other legal service providers could compare case outcomes for similarly situated people who received LLA and those who did not, and against the cases fully represented by ALSC, then analyze the results to determine the degree to which LLA contributes to legal outcomes. Understanding correlations between LLA and case outcomes in ALSC's family law cases, however, would require a more in-depth study with design features analogous to the randomized controlled trials ("RCT") used to test pharmaceuticals and other medical interventions.²

Several important structural characteristics of the current project make it unwise to draw causal inferences like those provided by an RCT:

NON-RANDOMIZED GROUP ASSIGNMENTS AND REJECTION OF THE TREATMENT/CONTROL ANALOGY.

Although we conducted interviews with people who received LLA and others who did not, the two groups should *not* be thought of as "treatment" and "control" groups (as in a randomized controlled experiment), whose outcomes can be compared against one another. The most important structural reason not to consider such comparisons is that ALSC does not randomize decisions about whether or not to offer LLA to a client who requests help with a legal problem. Instead, assignment decisions are made according to ALSC's triage criteria.

² For details on why the project's design make it unsuitable for outcome comparisons, see D. James Greiner, Cassandra Wolos Pattanayak, *Randomized Evaluation in Legal Assistance: What Difference Does Representation (Offer and Actual Use) Make?*, 121 Yale L.J. 2118, 2183–84 (2012) (explaining that "observational studies . . . suffer from three sets of methodological problems: the failure to define an intervention being studied, the failure to account for selection effects (which come in multiple layers), and the failure to follow basic statistical principles to account for uncertainty.")

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Moreover, just as inter-group comparisons are problematic, so too are intra-group comparisons. First, it is inappropriate to speak of the limited legal advice provided by ALSC as a distinct ‘treatment’, applicable in equal portions to every survey participant who received limited legal advice. Unlike some of the most recognizable experimental designs—such as giving the treatment group a new drug while giving the control group a placebo—no one course of conduct was provided to those who received limited legal advice help from ALSC. While it is true that everyone in the limited legal advice group received assistance, this assistance ranged widely, including general legal advice, phone calls to help connect the client to legal resources, and help ‘finding, completing, and filing’ forms, as well as help that consisted of a mix of all of these.³ This multitude of ‘treatments’ necessitates a varied approach to measuring effectiveness and, in our opinion, renders the LLA group incapable of being considered a ‘treatment’ group. It is also improper, for similar reasons, to treat the non-LLA group as a ‘control’ group. Experimental design requires a static control group as the basis for comparison with a treatment group which is exposed to the variable under assessment. For the clients surveyed in this study, nothing about their situations was ‘controlled’ or ‘remained static’. Unlike those who take a placebo and carry on, many of the individuals in the non-LLA group did not simply take ALSC rejection and continue on. Rather, many of them pursued other avenues—including advice from family, the Internet, other legal service organizations, court personnel, etc.—to help resolve their cases, with some success. Therefore, the conceptualization of this study as an experiment would distort the true nature of the study. In essence, the project team spoke with two groups who are unlike each other, and comparing results across the groups will lead to results that are misleading, if not flatly incorrect.

NON-RANDOMIZED TARGETING OF RESPONDENTS; LOW RESPONSE RATE.

We surveyed the entire population set provided to us by ALSC, rather than a random sample, for two reasons. First, random sampling would do nothing to correct the selection bias introduced by clients’ non-random assignment to LLA and non-LLA groups. Second, in light of the tremendous difficulty in reaching respondents, we thought it best to place calls to as many people as possible, rather than restricting ourselves to a subset of the 825-member LLA population. While the **71** LLA interviews and **41** non-LLA interviews may provide valuable insights, they represent just **8.87%** and **2.42%** of their respective populations. These low effective response rates underscore the need to avoid generalizing these experiences to others who have or have not received LLA.

³ Thus, if we were analogizing to classic experimental designs, rather than receiving an identical treatment, it is more accurate to say that our LLA group more closely resembled either 1) people who received different new drugs or 2) people who all received the same new drug—but at different dosages. Clearly, neither of these would satisfy the typical qualities of a ‘treatment’ group—which helps demonstrate the inapplicability of principals of experimental design to our study.

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DIFFERENT CONDITIONS, DIFFERENT INTERVENTIONS.

The complexity and diversity of these family law cases make it impossible to identify broadly applicable procedural outcomes that can be coded as “good” or “bad.” Respondents in both groups called ALSC because they were seeking or opposing a broad range of court-granted remedies, from a temporary restraining order, to guardianship over a loved one, to modification of a pre-existing custody arrangement. Other clients merely sought advice about their options outside the context of litigation. Coding and quantifying these many outcomes into one measure of effectiveness would not reveal any generally applicable metrics that could be used to analyze the effectiveness of ALSC’s services. It would also obscure the impact of the different legal standards that apply for each of these issues, the broad variety of fact patterns in each case,⁴ and whether the client was movant or the non-movant in a given action.

Attempts to quantify measures of abstract or subjective outcomes—such as overall “effectiveness” or client satisfaction—and compare them across case-types would also yield unreliable results. Respondents described their cases as complex narratives, not a series of discrete interventions: Interviewers sought to elicit information about the help respondents received after contacting ALSC about a particular hearing or filing. In many cases, however, respondents described the relevant proceeding as a minor plot point in the larger narrative of a divorce or ongoing custody dispute. Gathering precise information was especially difficult in cases where a client sought help with one issue, and then returned to ALSC for help with a separate but related legal issue.

SELF-REPORTED DATA ARE IMPRECISE.

As with any study based on self-reported data, the surveys reflect inaccuracies in a respondent’s memory or perception of a case, and potential miscommunications between interviewers and respondents.⁵ These pitfalls may be especially relevant for this project, in which respondents were contacted without prior notice and asked to relate details of lengthy, stressful, and confusing proceedings. As a result, interviewers often noted a wide gulf between the client’s perception of the advice received and ALSC’s detailed notes on the case. Among those who received limited services, for instance, some respondents reported that they had not received any services, while the intake sheet documented multiple meetings with ALSC staff. Without access to the complete, up-to-date file that a full-service attorney would maintain in the course of representing a client, we could not examine judicial orders or legal correspondence that might help clarify what happened with the specific issue on which ALSC advised the respondent. This further complicates the task of distinguishing client satisfaction from the objective outcome in any given case.

⁴ For example, one male LLA respondent with several prior convictions for sexual abuse reported that he was unable to obtain custody of his child. It is possible that, given his criminal history, no amount of full-service legal assistance would have changed the outcome.

⁵ See, e.g., H. Russell Bernard et al., *The Problem of Informant Accuracy: The Validity of Retrospective Data*, 13 ANN. REV. ANTHROPOLOGY 495 (1984).

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In light of these issues, we sought to gather information that would be revealing and illustrative, through a survey design that would allow for flexible output and analysis. For example, the survey structure allows us to generate all respondents' answers to a particular question; those answers can be further segmented by legal issue or by demographic characteristics. In addition, the survey design employed in this study attempted to gather as much information as possible by giving the respondents as many chances as possible to provide qualitative, narrative answers. See Appendix A for a more detailed explanation of the second version of the survey and the ways in which it was an improvement over the initial survey.

IV. Findings Across the Dataset

This section highlights the most relevant demographic findings drawn from the dataset of 112 interviews. Of those, 71 were interviews with individuals who had received LLA and 41 were individuals who received no services at all from ALSC.

The demographics of the survey population were as follows:⁶

A. Gender:

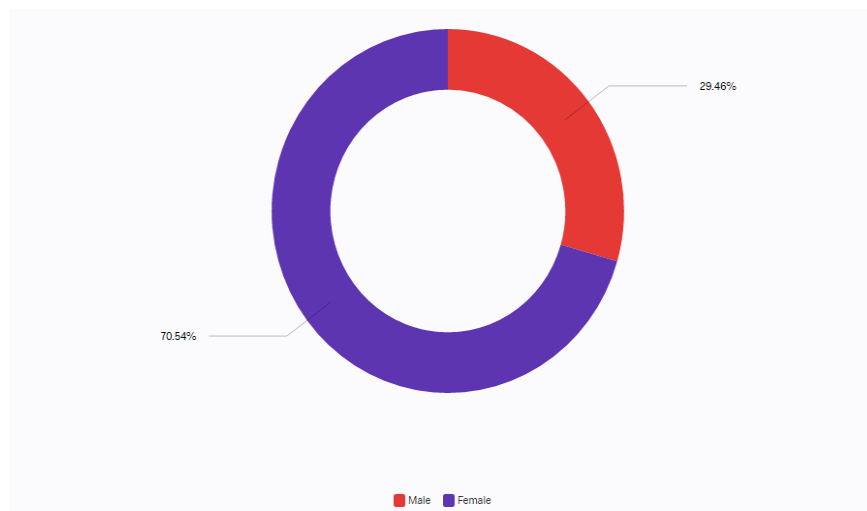


Figure 1: Breakdown of population by gender: Male (29%); Female (70%)

The 2010 Census shows that 48 percent of Alaskans are female.⁷ Women are represented much more heavily in ALSC's client population than in the Alaskan population at large.

⁶ Each of these demographic designations was pulled directly from the intake forms and was not asked as a question during the interview process. Therefore, these designation determinations were made by ALSC.

⁷ The 2010 Census data can be found at : <https://www.census.gov/quickfacts/table/PST045215/02>

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B. Age:

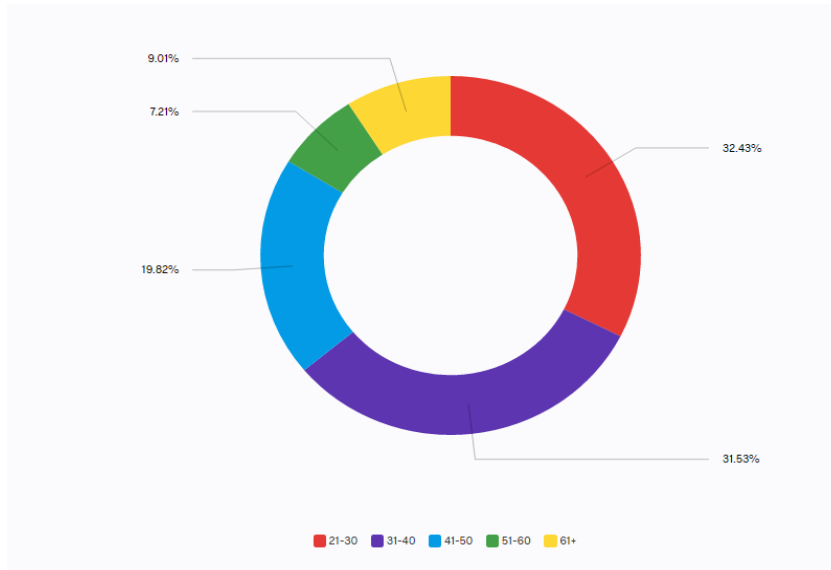
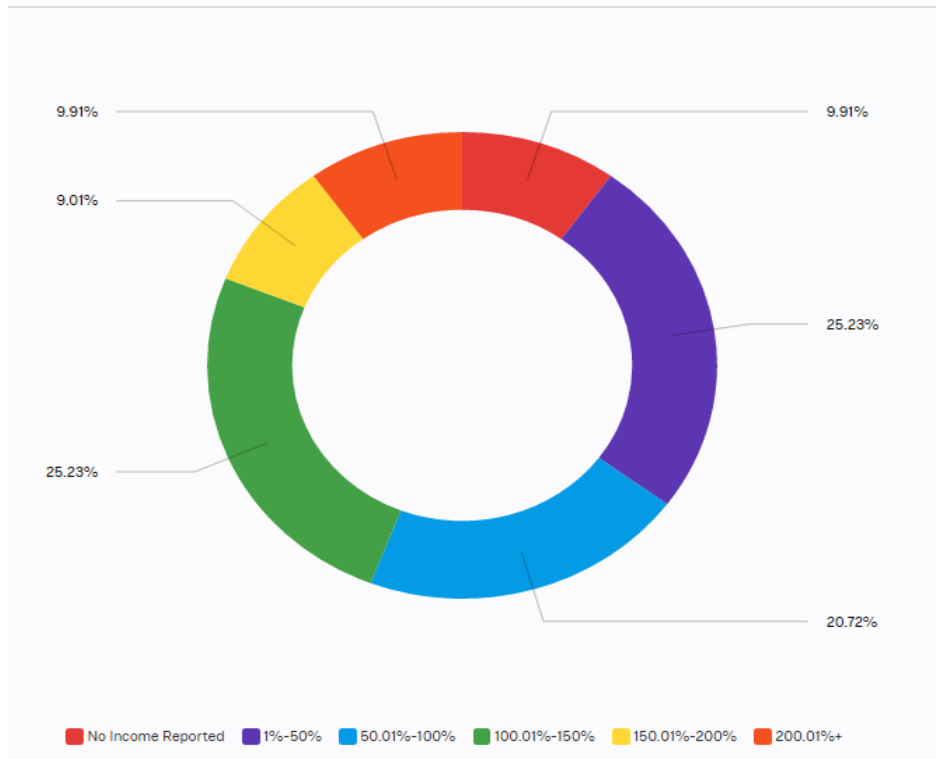


Figure 2:

Breakdown of population by age: 21-30 years (32%); 31-40 years (32%); 41-50 years (20%); 51-60 years (7%); 61+ years (9%).

C. Percent of Poverty:



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Figure 3: Percent of Federal Poverty Line: No income reported (10%); 1 percent to 50 percent (25%); 50.01 percent to 100 percent (21%); 100.01 percent to 150 percent (25%); 150.01 percent to 200 percent (9%); 200.01 percent + (10%).

The federal poverty guidelines are adjusted for Alaska's higher cost of living where the poverty line for a family of four is \$37, 975.⁸ 11.2 percent of Alaskans have incomes below the federal poverty line. Generally, an individual is ineligible for ALSC's services if their income is more than 125 percent of the adjusted federal poverty line. It is thus not surprising that the vast majority of ALSC's clients report incomes below 150 percent of the adjusted line.

D. Ethnicity:



Figure 4: Breakdown of ethnicity: Not reported (4%); Multiple (1%); White 47%); Hispanic (5%); African-American (8%); Native American (32%); Asian/Pacific Islander (4%).⁹

According to the 2010 United States census, the racial composition of Alaska generally was the following: White: 66.7% (Non-Hispanic White: 64.1%); Black 3.6%; Asian 5.4%; American Indian or Alaskan Native 14.8%; Pacific Islander: 1.0% (0.7% Samoan, 0.1% Hawaiian, 0.1% Tongan); Two or more races: 7.3%; Other races: 1.7%. Ethnically, the population was 5.5% of Hispanic or Latino (of any race) origin and 94.5% of Non-Hispanic and Latino (of any race) origin.

⁸ Alaska Legal Services Corporation, Eligibility, <http://www.alsc-law.org/eligibility/>.

⁹ Although Asian and Pacific Islander respondents, technically speaking, are two distinct sub-groups of individuals, we made the decision to combine the numbers for the purpose of these statistics and the cross-tabulations that are run later. This decision was made for two separate reasons: 1) Asian/Pacific Islander is a widely recognized and frequently employed category for the purposes of statistical analyses and surveys, and 2) results obtained by cross tabulation of relationships between variables is highly suspect where the cross tabulations are done on a small number of individual cases. Thus, where two groups share many relevant characteristics, it is acceptable to combine them for the purposes of running the analysis, of course with the caveat that there might be salient differences between the two groups, which should be kept in mind when interpreting the results. For instance, it would make little sense to treat 21 and 22 year olds as separate categories in a survey where respondents ranged from 21 to 60+. While the inclusion of 21 and 22 year olds within a larger category, just like the combination here of Asian and Pacific Islander respondents, is a methodological judgment call, it is a widely accepted practice in the field of survey administration and is replicated here to allow for more robust analysis of the reported data.

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Native Americans are more heavily represented in ALSC’s client population than in the general Alaska population, as are African-Americans.

E. Rural vs. Urban:¹⁰

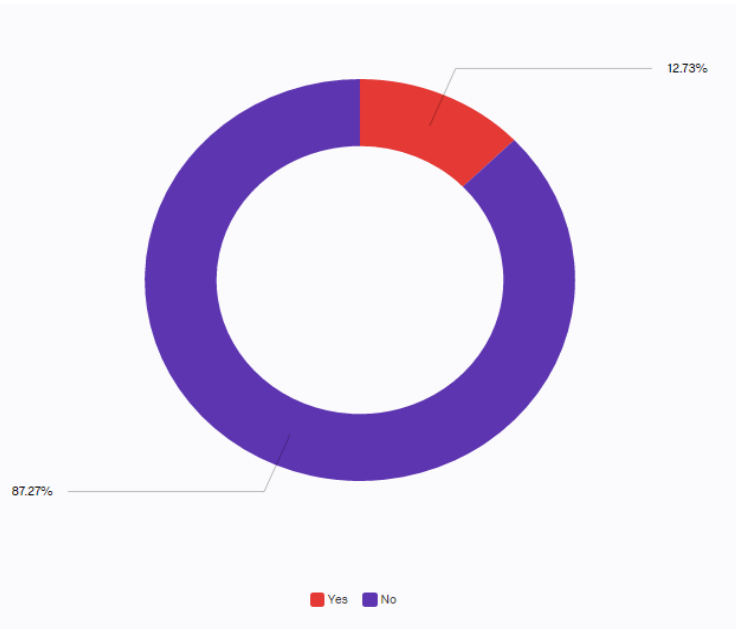


Figure 7: Breakdown of rural and urban designations: Urban (87%); Rural (13%).

ALSC asked us to assess the impact of their LLA services on the rural population and we have paid particular attention to this demographic variable throughout this study. Because such a small percentage of our respondents were identified as rural, the conclusions we can draw from this study are limited.

F. Initiate Legal Action:

The team decided to assess whether a client had initiated the legal action at issue as opposed to responding defensively to an action. We hypothesized that the variable of initiation might have some effect on the impact of certain types of LLA and that it would be valuable to understand this variable in the population generally. As the figure below indicates, a strong majority of LLA clients were the initiators of the legal action at issue.

¹⁰ The question was framed as “Was client from rural area (as indicated on intake form)?”

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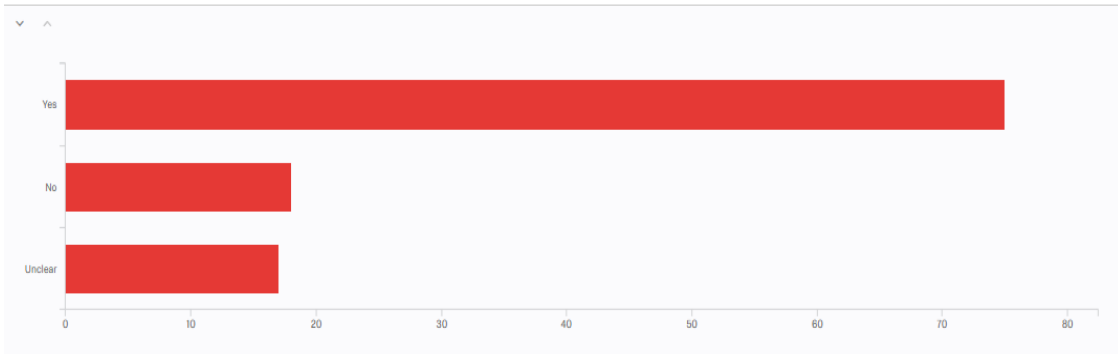


Figure 6: Breakdown of initiation of legal action: Initiated legal action (68%); Did not initiate legal action (16%); Unclear (17%).

G. Domestic Violence:

The team also coded for whether the ALSC intake form indicated that domestic violence was involved in the case.¹¹

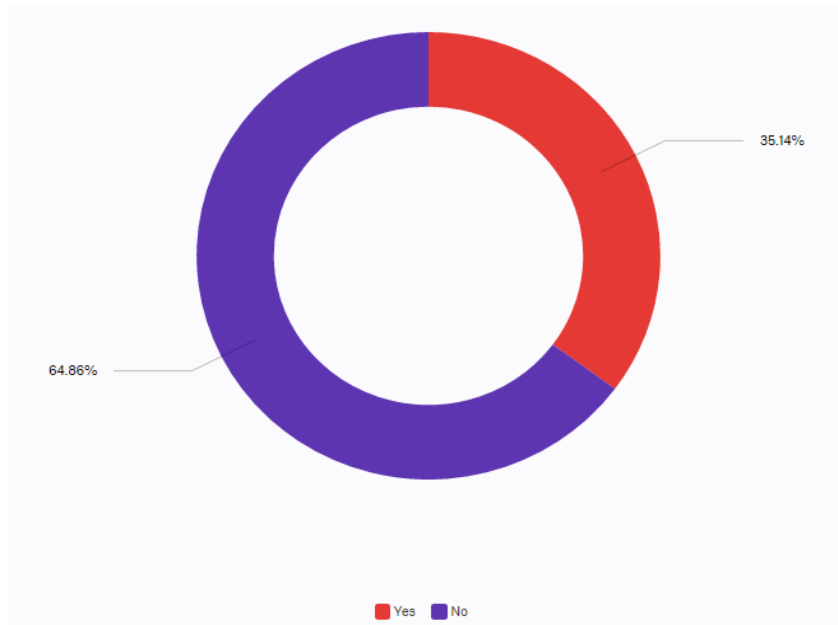


Figure 7: Breakdown of whether domestic violence was indicated in the case: DV present (35%); No DV present (65%).

It is, of course, difficult to assess the rate of domestic violence in the general population. However, a 2010 survey of adult women in the state of Alaska, conducted by the University of Alaska Anchorage Justice Center, indicated that 59 out of 100 Alaskan

¹¹ We used the intake sheet to determine whether or not the case involved domestic violence. For the sake of uniformity, we only listed the case as involving domestic violence if the intake form listed the case as such. We did not attempt to analyze the staff notes following the intake form to make a determination on our own.

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women experienced either intimate partner violence or sexual violence or both during their lifetime.¹²

H. Type of Case:

As noted above, the dominant types of cases were those of divorce (27 percent) and custody (49 percent). The figure below shows the breakdown of the dataset by type of case:

Q32 - Type of Case

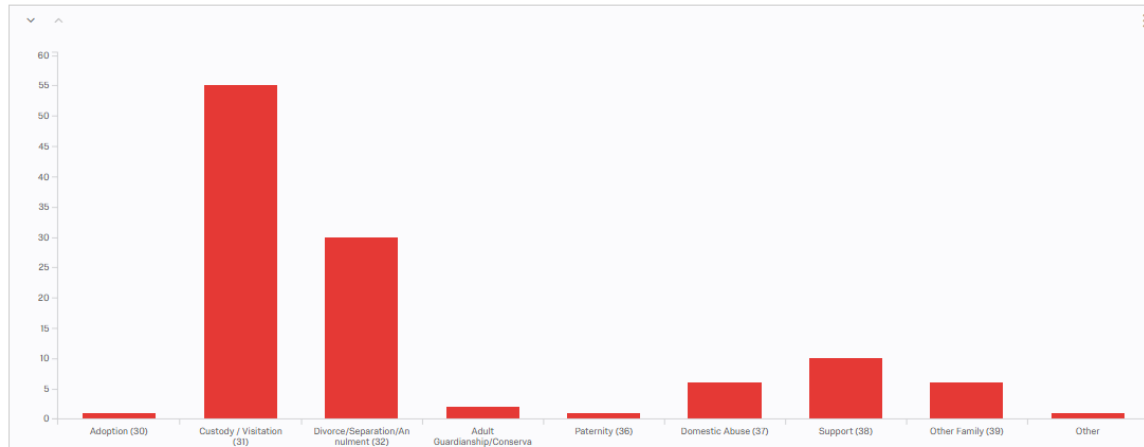


Figure 8: Breakdown by type of case: Adoption (1%); Custody/Visitation (49%); Divorce/Separation/Annulment (27%); Adult Guardianship/Conservatorship (2%); Paternity (1%); Domestic Abuse (5%); Support (9%); Other Family (5%); Other (1%).

I. Other Sources of Legal Information or Assistance:

We asked all respondents whether they had sought legal information or assistance from a range of other sources, including the Internet, family and friends, another legal service organization, or a private lawyer. A strong majority of respondents (34 percent or 31 of the 92 respondents) did not have any other source of legal help. The primary alternative source of help was the Internet, according to 21 percent or 19 out of 92 respondents. 19 percent (17 of 92) were able to get help at another legal services organization and, interestingly, 17 percent were able to get help from a private lawyer (16 of 92). Of those 16 who were able to get a private lawyer as an alternative to ALSC, 11 were recipients of LLA and 5 were rejected by ALSC for services. 7 percent of all respondents (6 of 92) received assistance from Alaska Family Law Self-Help Center.

¹² <http://justice.uaa.alaska.edu/avs/alaska.html>

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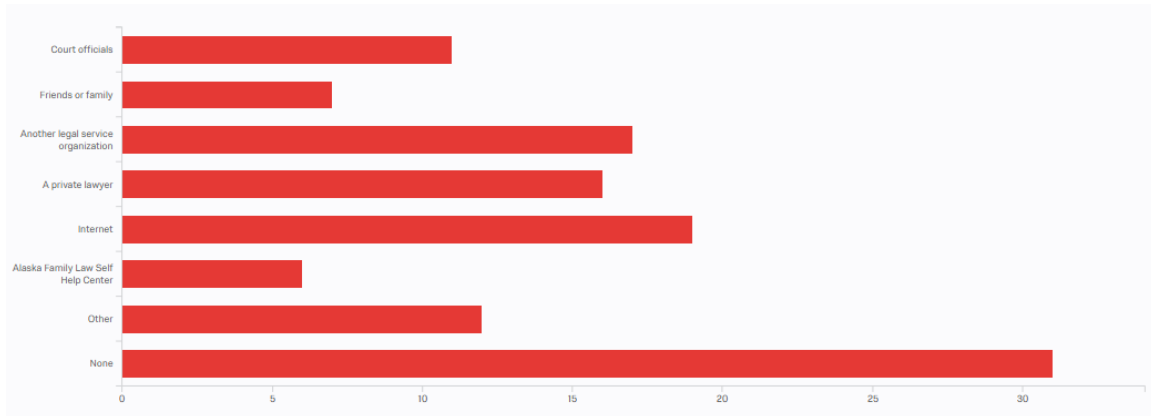


Figure 9: Breakdown of other sources of legal information or assistance across the dataset.

The data highlights an interesting discrepancy between rural and urban Alaskans in seeking alternative forms of legal assistance.

	Was client from rural area (as indicated on the intake form)?		Total	
	Yes	No		
Did you get legal help from any other person or organization (or the internet) for this problem?...	Court officials	2	9	11
	Friends or family	2	5	7
	Another legal service organization	2	14	16
	A private lawyer	1	15	16
	Internet	3	16	19
	Alaska Family Law Self Help Center	0	6	6
	Other	3	9	12
	None	5	26	31
	Total	11	80	91

Figure 10: Alternative sources of legal information/assistance for urban and rural populations.

As Figure 10 illustrates, there are obvious differences in the type(s) of additional assistance sought by rural and non-rural respondents. Most importantly for our purposes, almost half (46%) of rural respondents indicated that they received no additional help, while just under a third (33%) of non-rural respondents pursued no other source of assistance. Additionally, of those respondents from rural areas who received outside help, half of that help came through the Internet while a much lower percentage came through another legal services organization (33%) or a private lawyer (17%). The numbers for the urban respondents are almost inverted: a much lower percentage reported relying on the Internet (30%), and a comparatively higher percentage (54%) relied on either another legal services organization (26%) or a private lawyer (28%). While we must be careful before drawing too much from these numbers, the results we obtained do seem to confirm ALSA's concerns that rural respondents are more likely to forego legal help. Moreover, respondents indicated that when they do seek additional legal help that help is normally through telephone or the Internet, which can be accessed remotely. Thus, these results tend to indicate that rural clients need greater outreach in forms that can be accessed remotely.

V. Understanding the LLA Interaction

A. Types of LLA

In practice, limited legal assistance is actually an umbrella for many different types of interactions between legal aid lawyers and their clients. These interactions can be one-off events or can last over the course of weeks. They can involve a simple conversation or can encompass many different forms of assistance, including help completing forms, writing a letter, or making a phone call. With these variations in mind, we asked respondents to characterize the type of legal help they received from ALSC.¹³

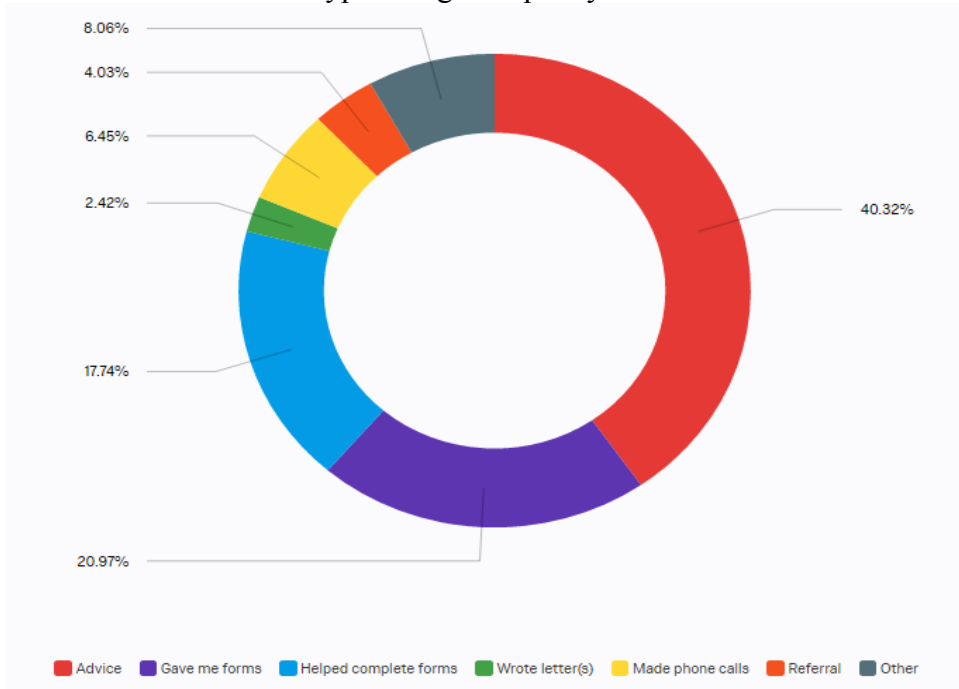


Figure 11: Breakdown of LLA data by types of legal assistance given.

As shown in Figure 11 above, the most common form of limited legal assistance provided by ALSC was legal advice. 71 percent, or fifty respondents out of the seventy for whom we recorded a response to this question indicated they received some form of advice.¹⁴ Help with forms – either through directing the client to the correct set of forms or through helping the client complete the forms – was also very common. 21 percent of interactions involved the client getting forms from the lawyer and an additional 18 percent involved the lawyer assisting the client in completing the forms.

¹³ The possible responses were not mutually exclusive as many interactions involve more than one type of legal help.

¹⁴ We did not define “legal advice” for the respondents.

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B. Outcome of LLA cases

We asked the respondents about the outcome of their cases in two ways. First we asked them an open-ended question, “What happened with the legal problem? What was the outcome?” We completed a text-based response for this question. We then attempted to quantify the response by saying, “It sounds to me from what you are saying that overall the outcome was... (1) positive; (2) negative; or (3) not much has changed.”

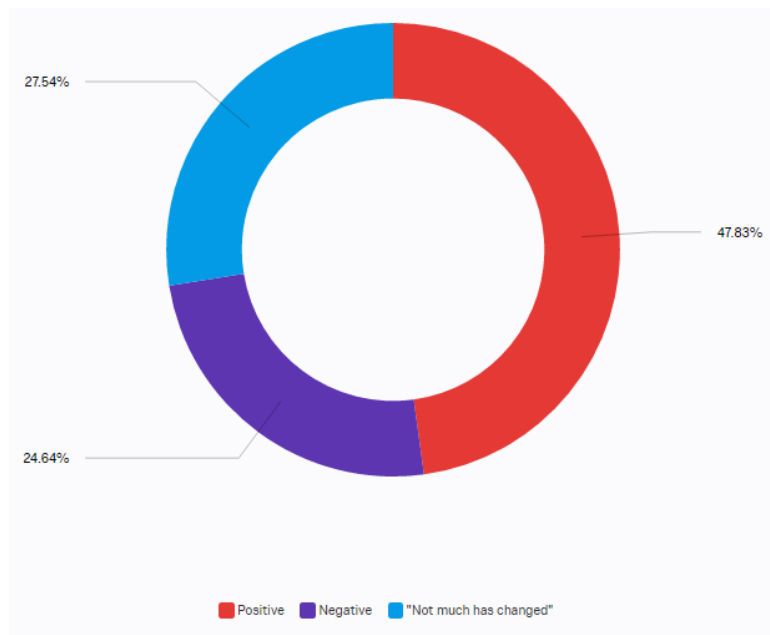


Figure 12: Client subjective characterization of outcomes in LLA cases.

Forty-eight percent of LLA clients described the outcome of their cases as positive. The responses to the more open-ended question on outcome revealed that they typically construed a positive outcome as a resolution, often in the respondents’ favor. Many of the responses state, “I got the divorce,” or “I got custody.” One respondent said that during the hearing on her case, the judge said several times that he couldn’t believe how well the client was doing in court. Another respondent said that she was able to get the fullest extent of custody available under Alaska law.

For the 27 percent who described the outcome of their case as negative, the reasons seem to be a combination of losing on the substantive legal issues (not getting the custody modification or child support order) and the ongoing nature of some of the legal issues. For the 28 percent who said not much had changed in their situation, one common reason was the ongoing nature of these issues but another common answer seemed to be that the respondent had either stopped pursuing the matter, either because of the overwhelming feeling of it or because circumstances had changed. For example, one woman went to ALSC for help with a divorce but later thought better of it and ended up moving back in with her husband. Another woman said she had decided not to pursue her issue.

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C. Most LLA Clients Say that They Understand and Follow ALSC’s Advice.

Over 85 percent, or 54 out of the 63 LLA respondents, understood the advice given to them. Further, 41 of 59 respondents, nearly 70 percent, stated that they followed the advice that they received. Survey findings reveal that the ability to understand the advice offered correlates according to such factors as the type of case and the age of the client. A p-value of 0.01 was found between the type of case and whether or not a client understood the advice, showing that some cases are likely inherently more difficult to understand than others.¹⁵

		Type of Case										Total
		Adoption (30)	Custody / Visitation (31)	Divorce/Separation/Annulment (32)	Adult Guardianship/Conservatorship (33)	Paternity (36)	Domestic Abuse (37)	Support (38)	Other Family (39)	Other		
Did you understand the advice you received?	Yes	0	27	18	2	1	3	1	2	1	55	
	No	1	4	0	0	0	0	2	2	0	9	
	Total	1	31	18	2	1	3	3	4	1	64	

Figure 13: Comprehension of advice as related to type of case.

As shown above, the areas of adoption, child support and “other family” cases all presented challenges to comprehension of the advice given. 13 percent of clients with custody cases (4 of 31) did not understand the legal advice they received. It is obviously challenging to draw any strong conclusions from these data because of the small size of the sample, but this highlights an area for further potential research.

Research Opportunity: Conduct a study by type of case analyzing ALSC clients’ comprehension of both their legal issues and the legal advice they receive.

Unsurprisingly, there was a relatively strong relationship between whether or not a respondent understood the advice that ALSC offered and how the respondent felt about

¹⁵ In cross tabulations, the p-value, which corresponds to the calculated Chi-Square statistic, is used to measure the inter-relatedness of two variables. Although a more detailed explanation of the statistics involved could be included here, it is sufficient for present purposes to note that a p-value that falls within a certain range (generally, a p-value of less than .05) indicates a statistically significant relationship between the two variables. The cross-tabulation above indicates that there is a significant relationship between the type of case (e.g. divorce, custody, etc.) and whether or not the client understood the advice they received. For example, the vast majority of the respondents who received advice on a custody or visitation case reported understanding the advice, while only a third of those respondents understood the advice they received on child support cases. This might indicate a number of things—including the possibility of deficiency in the current way that ALSC provides advice on child support cases and/or the underlying complexity of the cases themselves. As a result, we’ve flagged this as a possible area of future study.

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the outcome of their cases.¹⁶ Out of the 54 respondents who indicated that they understood the advice they received, 30 of them (or 55 percent) described a positive outcome to their case. Of the nine who indicated they did not understand the advice received, six described a negative outcome to their case.¹⁷ Sixteen of those who did understand the advice, 29 percent, reported no significant change, either positive or negative, in their case.

		Ask client: "It sounds to me from what you are saying that overall, the outcome was ..." [In...			Total
		Positive	Negative	"Not much has changed"	
Did you understand the advice you received?	Yes	30	8	16	54
	No	1	6	2	9
	Total	31	14	18	63

Figure 14: Comprehension of legal advice as related to characterization of case outcome.

There are some obvious qualifications to be made to these data. It is certainly possible that individuals who felt the outcome of their case was positive would be more likely say, in retrospect, that they understood the advice they received. However, the fact that a strong majority of those who said that "not much has changed" in their case also said they understood the advice given to them would seem to indicate that ALSC is communicating legal advice in a way that its clients are likely to understand.

The data also show that LLA clients were generally able to follow the advice they were given, even if they had some trouble understanding that advice. 71 percent of respondents to this question (43 out of 61) followed the advice they received. 30 percent (18 out of 61) did not follow the advice they received. Interestingly, of those 18 people, 13 did understand the advice but did not follow it.

		Did you follow the advice you received? Did you do what Alaska Legal Services suggested?		Total
		Yes	No	
Did you understand the advice you received?	Yes	42	13	55
	No	1	5	6
	Total	43	18	61

Figure 15: Comprehension of legal advice as related to ability to follow advice received.

There were multiple reasons people did not follow the advice (see *Figure 16* below). Several people indicated that they were not sure that they were ready to proceed with the legal proceeding, such as divorce. A couple of people indicated that they proceeded with the legal case despite ALSC advice not to. In two custody cases, for example, the respondents said that they went ahead to try to get custody even though ALSC had

¹⁶ In order to assess outcome, we asked an open ended question about what happened in the case. After listening to the response, we then said, "It sounds to me from what you are saying that overall, the outcome was ... (positive, negative, not much has changed)."

¹⁷ It should be noted that at least in some of those cases, the respondent indicate he or she did not actually received advice when answering this particular question.

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advised them not to for various reasons. Several people said that they had simply not completed the paperwork or had become too overwhelmed.

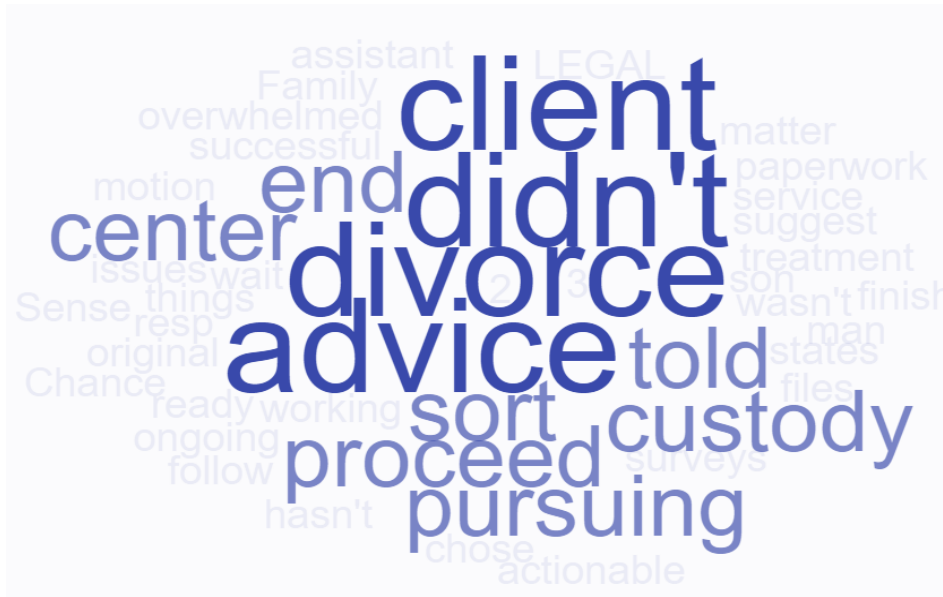


Figure 16: Word cloud representation of common responses as to why ALSC advice was not followed. This visual representation illuminates the frequency of certain responses. The more dominant the word appears in the visual, the more frequently it appears in the text responses.

D. Helpfulness of LLA

We asked respondents to characterize aspects of the LLA that were most and least helpful. We hoped to get a better understanding of the practices or processes respondents recalled as making the most difference in their navigation of their legal issue without full representation. It seems quite clear that respondents appreciated direct and specific help from ALSC, most particularly in completing and filing required forms.

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		Ask client: "It sounds to me from what you are saying that overall, the outcome was ..." [In...			Total
		Positive	Negative	"Not much has changed"	
What did happen when you contacted Alaska Legal Services?	Advice	24	10	15	49
	Gave me forms	16	6	4	26
	Helped complete forms	16	4	2	22
	Wrote letter(s)	2	1	0	3
	Made phone calls	5	2	1	8
	Referral	3	1	0	4
	Other	2	3	4	9
	Total	33	16	19	68

Figure 18: Correlation between type of LLA and outcome

Research Opportunity: Design and conduct a study focused on form-related assistance. Include stakeholders from client groups, court judges and staff, and legal aid organizations. Explore technology-based tools as well as other modes of assistance to increase the reach of form-related assistance.

Of course, not all of the comments we received regarding the advice that ALSC provided was positive. Because ALSC wants to improve the quality of their services in the future, it was important to allow respondents to share both helpful and unhelpful aspects of the help they were given from ALSC. The responses we received ran the gamut from those who were frustrated at the limited nature of the advice they received to those frustrated about the complexity of the problem they were facing. For instance, several respondents indicated that the limited help they received in filling out the forms did not ultimately help them with their problem because of intervening complications. These complications included pending medical issues, a move to another state, and confusion and memory issues that prevented respondents from knowing what the next steps were after ALSC helped them complete the forms. Moreover, even some respondents who seemed satisfied with the value of the advice they received from ALSC still characterized their help as unhelpful because of the complexity of the problem. One respondent in particular accurately summarized the feelings of many respondents when he said that although ALSC helped, their assistance only helped them with the “tip of the iceberg.”

Although it is understandable that many respondents would allow their overall evaluations of the advice given to them by ALSC to be colored in part by their ultimate outcomes in the case, many other respondents seemed to understand that limited legal assistance would in fact be limited and reported that ALSC did “the best they could” given the limited amount of resources available and the number of individuals seeking advice.

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E. Analysis of Rural Respondents

Only 14 of our 112 respondents were from rural areas, constraining the significance of our findings.¹⁸ There were barriers to getting responses from rural clients that we did not experience with the non-rural clients:

- Calls to rural respondents often could not be completed (wrong number, disconnected, out of network reach);
- Sometimes the only phone number listed in the intake form was for a local business – a general store, for example -- or a message center. Rural clients may give such numbers as a way of ameliorating limited cell service.
- Because of our general policy of not leaving messages for respondents, we did not leave messages for rural clients on non-private lines.

The findings drawn from the rural population are constrained by the few data points in our research pool.¹⁹ Because Alaska Legal Services is concerned about the service that it provides rural communities, however, we offer a limited analysis.

Research Opportunity: Conduct a follow-up study to better understand the reasons for the relatively low response rate among rural clients.

1. Rural and non-rural respondents equally satisfied with LLA

Except as noted in the following section, our data indicates few significant discrepancies in service or experience between rural and non-rural people who received LLA. Seven out of nine of the rural survey responders (78 percent) understood the advice given to them, and then six of them followed that advice. These percentages closely match the percentage of non-rural survey respondents who understood and followed the advice.²⁰ The only discernible difference in the responses from the rural and non-rural groups comes in their subjective evaluations of the helpfulness of the assistance they received from ALSC. Among the respondents from non-rural locations, 97 percent provided one or more reasons why the advice they received from ALSC was helpful while 85 percent of rural respondents did so. However, the percentage of rural respondents who also reported aspects of the advice they received as being unhelpful was higher (57 percent)

¹⁸ 10 of the 69 LLA clients (14.5 percent) were from rural areas.

¹⁹ Because we did not track demographic characteristics for all those we attempted to contact (776 people), we cannot say how these response percentages for rural people compare to the total rural population seeking help from ALSC. If rural clients only made up a small fraction of those who contacted ALSC, then these low percentages would be statistically insignificant. Going through the call logs to figure out how many rural people were contacted, and comparing their response rates to those who were contacted and didn't live in rural areas is an important area for further research which ALSC or future Stanford students should explore.

²⁰ 89% and 70%, respectively.

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than among the non-rural group (39 percent). Although these conclusions need to be viewed with some caution because of the small sample size, it does seem that there are many similarities between how clients receive and handle advice from ALSC, whether or not they live in rural or non-rural and urban areas. However, ALSC should keep in mind that, for reasons suggested below and elsewhere in this paper, rural respondents registered more difficulty in receiving, understanding, and appreciating the value of the advice.

2. Outreach Services for Rural Populations Mostly Limited to Phone Calls

There is a significant correlation between whether or not a client was from a rural area and the type of LLA that the client received.²¹ While advice was the primary form of legal assistance given by ALSC for both rural and non-rural respondents, the next most common forms of assistance differed.²² The non-rural group was likely to be given forms, which an ALSC lawyer helped to fill out. Rural respondents, on the other hand, indicated that they commonly received a phone call or other unnamed form of assistance rather than forms.²³

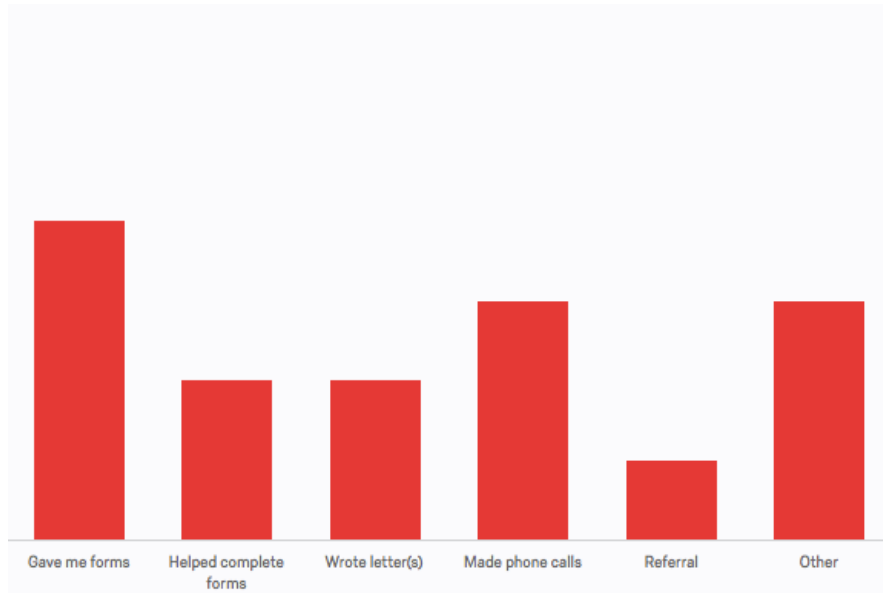


Figure 19: Type of help received by rural respondents.

²¹ P-value of 0.05.

²² 70% of the rural population received advice and 73% of the non-rural population received advice.

²³ Our data doesn't specify what these other forms of assistance consisted of.

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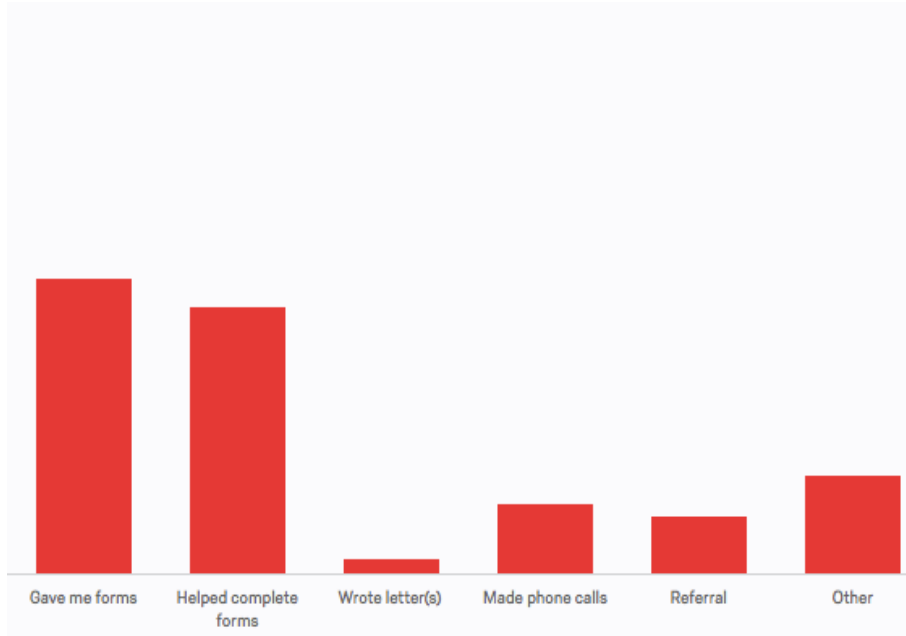


Figure 20: Type of help received by non-rural respondents.

This suggests that ALSC relies more on phone calls to help those living in rural areas. Rural residents may live too far away for someone from ALSC to be there in person to help them fill out legal documents. It is not possible to draw any strong conclusions from our survey information about the effectiveness of phone calls for the rural population, particularly in light of our challenges reaching a significant population. However, that challenge itself may indicate that reliance on telephone for complex and emotionally wrought family issues in small rural communities where individuals may not have private phone lines or space in which to take calls may not be the most effective tool. Further research devoted to this question would be of value for ALSC, and the assessment of the effectiveness of limited legal assistance in general.

Research Opportunity: Conduct follow up study to assess the current use and effectiveness of telephone consultations in the rural Alaskan community and assess potential alternatives.

F. Analysis of Outcomes by Ethnicity

1. **Client ethnicity not statistically significant except in regard to African-American respondents' subjective outcomes.**

Overall, we did not observe any significant differences between how ethnic groups experienced and understood LLA. As noted above, whites and Native Americans were the two dominant ethnic populations in the respondent base. 29 out of 32 whites (91

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percent) understood the advice given to them and 21 of 32 whites (66 percent) followed the advice. Similarly, 19 out of 23 Natives (83 percent) understood the advice and 16 of 23 (70 percent) followed it. Both whites and Natives indicated similar proportions of positive and negative assessments of ALSC assistance.

		Client Ethnicity [As indicated on the intake form]							Total
		Not Reported	Multiple	White	Hispanic	African American	Native American	Pacific Islander	
Did you understand the advice you received?	Yes	2	0	29	2	1	19	2	55
	No	0	0	3	0	1	4	0	8
	Total	2	0	32	2	2	23	2	63

Figure 21: Comprehension by ethnic group.

		Client Ethnicity [As indicated on the intake form]							Total
		Not Reported	Multiple	White	Hispanic	African American	Native American	Pacific Islander	
Did you follow the advice you received? Did you do what Alaska Legal Services suggested?	Yes	2	0	21	2	1	16	1	43
	No	0	0	11	0	0	6	1	18
	Total	2	0	32	2	1	22	2	61

Figure 22: Following advice by ethnic group.

We found a highly significant correlation between the subjective outcomes of a case and a client's ethnicity, especially when taking account of the few African-Americans who responded to the survey.²⁴ While whites noted both positive and negative outcomes (17 positive and 5 negative) and Natives noted both positive and negative outcomes (10 and 6, respectively), it is eye-opening that all four African-American participants reported negative subjective outcomes.²⁵

		Client Ethnicity [As indicated on the intake form]							Total
		Not Reported	Multiple	White	Hispanic	African American	Native American	Pacific Islander	
Ask client: "It sounds to me from what you are saying that overall, the outcome was ..." [In...]	Positive	3	0	17	2	0	10	1	33
	Negative	0	0	5	0	4	6	1	18
	"Not much has changed"	0	0	11	0	0	7	1	19
	Total	3	0	33	2	4	23	3	68

Figure 23: Subjective outcome by ethnicity.

Some insights from the text suggest that the legal issues for these few African-American clients were either unresolved or made worse. This includes modifications being denied by one client, and another client facing backlash of abuse for reaching out for help.

²⁴ P-value of 0.06.

²⁵ There were two Hispanic respondents to the survey. Both reported that they understood and followed the advice from ALSC and had positive outcomes.

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Because this is such a small sample, any conclusions must be taken with extreme caution.²⁶ However, this finding it raises questions, such as if blacks in Alaska are more likely to be involved with difficult, hard to resolve, or emotionally negative cases than other racial groups.

G. Summary of Overall Findings

- The most common form of LLA was legal advice, followed by assistance with completion and filing of forms.
- Most LLA clients understood the advice they received from ALSC and were able to follow that advice.
- Respondents expressed a strong appreciation for direct and concrete assistance, such as help completing and filing forms.
- Rural respondents indicated similar levels of comprehension of legal advice and ability to follow that advice as non-rural respondents.
- Rural respondents were slightly more likely than non-rural respondents to characterize aspects of ALSC advice as not helpful.
- Rural respondents were more likely to receive assistance via a telephone consultation than non-rural. Further research should be conducted to assess the efficacy of this form of LLA, particularly in light of the finding that respondents generally appreciated direct assistance with forms over other types of LLA.
- No significant difference across ethnicities when it comes to understanding and following the advice from ALSC
- All-African American participants felt poorly about the outcome of their cases

VI. Findings from Respondents with Divorce Cases

A. Overview of Divorce Caseload

This section addresses the findings of this study among ALSC clients with divorce cases. Specifically, this section identifies trends among the thirty so-categorized cases generally, with additional attention paid to the ten Native American respondents within this cohort. Of the thirty cases, 63 percent (19 out of 30) received LLA from ALSC; 37 percent were rejected for services by ALSC.

Among all LLA divorce cases, respondents were more likely to report understanding the advice ALSC provided and more likely to describe subjectively positive outcomes to their legal issues than the general population of those surveyed. Further, those who reported subjectively positive outcomes overwhelmingly focused on ALSC's helpfulness

²⁶ It should be noted that we have even less information on whether the African-American respondents understood and followed the advice given (*see* Figures 21 and 22).

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regarding completing the necessary forms, suggesting a connection between concrete, tangible advice and subjective legal outcomes. Among the subset of divorce cases belonging to Native Americans, respondents were less likely to seek help outside of that provided by ALSC, less likely to follow the advice provided by ALSC, and more likely report subjectively negative outcomes.²⁷

B. General Demographics of Divorce Cases

There are some notable peculiarities to the demographics of the divorce caseload relative to the entire body of survey respondents, particularly with respect to geography and gender.

The first significant difference is that respondents within the divorce caseload were more likely to live in urban centers (particularly Anchorage, Juneau, and Fairbanks) than the general pool of respondents.

A second trend is that, among those with whom ALSC interacted on divorce cases, the overwhelming majority of respondents were female. While roughly 70% of all respondents were female, nearly 87% of those within the divorce caseload were female (in only four of thirty divorce cases analyzed were the respondents male).

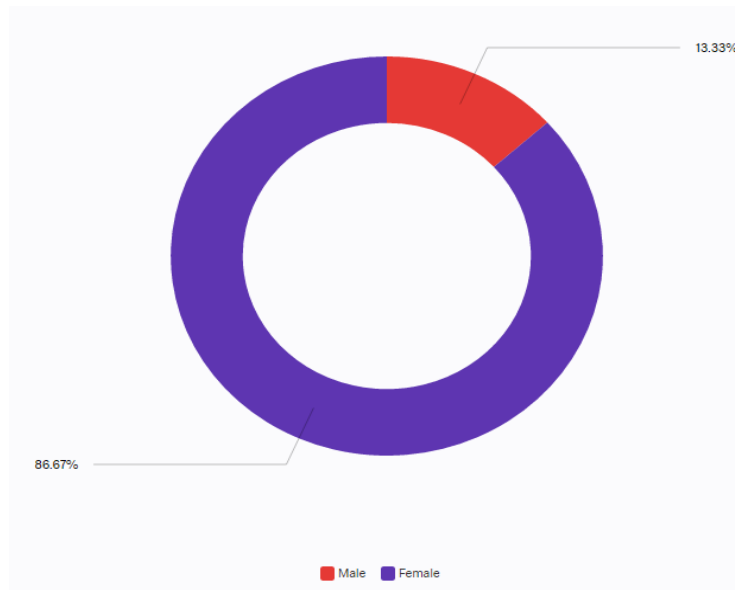


Figure 24: Divorce cases by gender.

Thirdly, the population of divorce cases reported representative income levels relative to the total body of respondents. Eighty percent of the divorce cases included income levels

²⁷ A subordinate issue that emerged for possible future research is the impact of limited tribal jurisdiction on domestic violence cases in Native American communities, although this issue is beyond the scope of this section and likely did not affect our mostly non-rural respondents.

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of less than 150 percent of the federal poverty line, as compared to 71 percent of all respondents. In both the smaller divorce subset and the larger pool, income levels were relatively evenly distributed among this range as well.²⁸ We offer this representative quality of the divorce caseload to refute income disparities upfront as a potential explanation for the peculiarities within the data noted below.

Finally, rates of reported domestic violence were similar within the divorce caseload (40%) as compared to all respondents (35 percent). This is relevant, as this trend did not hold true for Native American respondents within the divorce subset, where the reported rate of domestic violence was one and half times that of other divorce respondents (60 percent).

C. Findings within Divorce Cases

1. Respondents with divorce cases, and particularly LLA respondents, describe subjectively positive legal outcomes.

Those within the divorce caseload reported negative outcomes less often than the general population of respondents. Twenty-five percent of all respondents reported a “negative” outcome, only 11 percent did so among the divorce cases.²⁹ Much of this difference is accounted for by those who reported that “not much has changed,” as 41 percent of the divorce respondents fell into this category as compared to only 27 percent of all respondents. This category often included individuals who decided not to pursue a divorce for a variety of reasons.

²⁸ We offer this representative quality of the divorce caseload to refute income disparities upfront as a potential explanation for the peculiarities within the data noted below.

²⁹ Respondents were allowed to describe the outcome of their case as “positive,” “negative,” or “not much has changed.” As mentioned in the introduction, these percentages are intended to distill the data descriptively, rather than offer normative or predictive guides in thinking about future outcomes.

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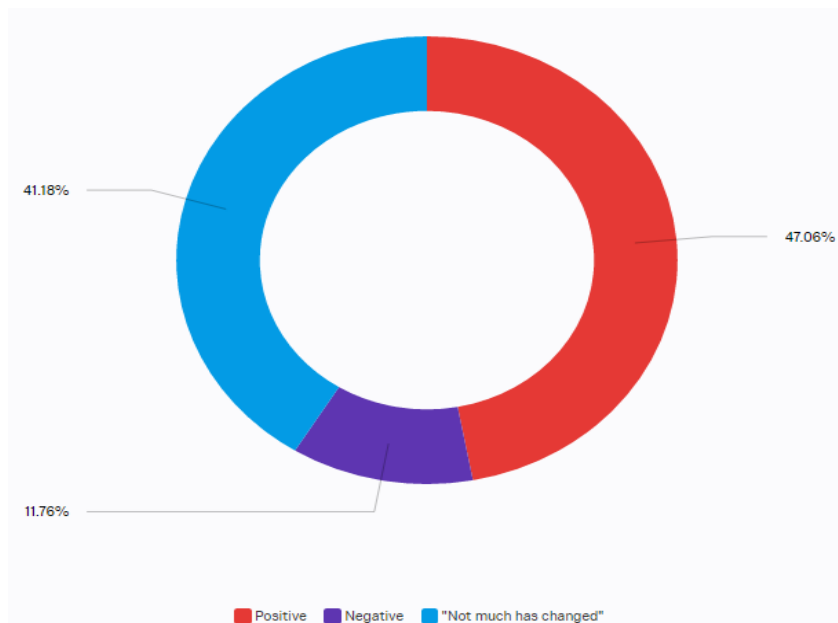


Figure 25: Divorce Cases Subjective Outcomes

Within the cases coded as divorce, those who received limited legal assistance (LLA) were significantly more positive regarding the outcome of their cases than those who did not receive services (non-LLA). When answering the open-ended question, “What happened with your legal problem?”, ten out of eighteen (56 percent) reported that the issue had been resolved “satisfactorily,” most often meaning that they had successfully obtained a divorce. Of the eight remaining respondents, four had decided not to follow through with the divorce and three reported the issue was pending.³⁰ The responses indicate that the majority of those who received advice in the divorce context and who went through with the divorce reported positive outcomes.

Of the eleven respondents who did not receive any legal assistance from ALSC, seven (64 percent) reported that their cases were either still pending or that they were unsuccessful in obtaining a divorce despite a continued desire to get one. One respondent explained that she tried to get help from ALSC a few times, but “they couldn’t help her and so eventually [she] gave up.” Three were able to secure a divorce, although one of these reported being “very unhappy” with his private attorney and felt that the only reason the divorce went through was that the other party did not contest the divorce. A second respondent in this category described using websites referred by ALSC as portals and tools to help her file her divorce. She complained that the process “took a long time.” Thus, unlike in the LLA group, a substantial number of individuals who pursued a divorce were ultimately unable to secure one. Even among those who were successful in

³⁰ Two of the pending cases coded as divorce cases included no mention of divorce issues in their responses to this question. Instead, answers focused solely custody disputes and so we have excluded them from my descriptive analysis here.

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securing their divorces, several also reported varying degrees of frustration with the process.

2. Respondents with divorce cases reported higher levels of understanding the advice received and were more likely to characterize the assistance received as helpful.

All eighteen individuals who received advice from ALSC in a divorce case reported understanding that advice. This contrasts with the larger LLA group in which 14 percent reported they did not understand the advice they received from ALSC. This data is consistent with the strong correlation seen among all respondents between the subjective outcome and whether they reported understanding their advice. Conversely, the high rate of reported understanding may, in part, explain the relatively more positive subjective outcomes within the divorce caseload as compared to all respondents.³¹ Cognitive bias may explain some of the results here, as it is certainly possible that respondents who experienced more positive outcomes would be more likely to characterize themselves as understanding ALSC's advice.

Of the entire body of respondents, the vast majority of respondents reported at least some aspects of the services provided by ALSC as being helpful to solving their legal problem, while a much lower percentage characterized aspects of the advice they received as unhelpful (we allowed respondents to choose both if applicable). While all thirty of respondents with divorce cases described some aspects of ALSC's assistance as helpful, more than half (64 percent) described some aspects of the assistance they received as "unhelpful". Because all respondents who approached ALSC for help in divorce cases indicated as helpful at least some of the services they received from ALSC, it appears that ALSC's advice in divorce cases is generally viewed as being more helpful than advice given in other types of cases. However, the high percentage of respondents who characterized aspects of ALSC's assistance as unhelpful could indicate that, in general and especially in comparison to other types of cases, divorce cases are complex (legally and personally). As a result, ALSC should pay attention to the full range of respondents' comments in this area to see if the problem was with ALSC's advice or, as we suggest, it is a combination of the legal complexity and personal decisions which are unique to divorce cases.

D. Analysis of Native American Divorce Cases

There were ten Native American respondents among the thirty cases coded as divorce. Seven of these ten received LLA from ALSC, while three did not. Although the sample size of Native American respondents is too small to generalize trends, certain areas

³¹ There is a highly insignificant relationship between the reported understanding of respondents in the divorce caseload and their subjective outcome (the p-value is 1.00). However, this data is skewed by the fact that no respondents in this category reported not understanding their advice. Thus, the discouraging p-value does not necessarily signify invalidity of the data.

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emerged that may be worthy of further attention from ALSC. This analysis responds to ALSC's expressed interest in their experiences.

1. General demographics of Native American divorce cases

While only six of twenty non-Native American divorce cases involved domestic violence, six of ten Native American divorce cases did.³² Thus, the rate of domestic violence within Native American divorce cases was exactly double that of non-Native American divorce cases (and, as pointed out earlier, nearly double that of the general population of respondents in the study).

2. Native American respondents with divorce cases reported somewhat subjectively worse legal outcomes compared to non-native respondents reports

We first examined the textual responses to the question "What happened with your legal problem?" Within the eight responses among the LLA group, four reported satisfactory outcomes in that they were ultimately able to get a divorce.³³ Of the eight, two mentioned further complications from custody battles for which they were unable to get help regarding and found more troubling than the divorce proceedings. One respondent called the divorce the "tip of the iceberg" and, although satisfied with ALSC's services regarding her divorce, nonetheless felt overwhelmed by the legal fights ahead. One respondent reported that she was continuing to pursue a restraining order which had been denied, despite her successfully obtaining a divorce. As with the overall population, among those who received LLA from ALSC and pursued their divorce according to that advice, the majority of those with unresolved cases -- two of the three -- were held up not by the divorce dispute but by custody issues.

Here, again, respondents with positive experience, tended more strongly to emphasize ASLC's helpfulness in identifying and filling out forms within the larger divorce caseload. Among Native American divorce cases, "forms," "filling," and "answered" were the most frequently seen words. This suggests there may be something concrete about the advice ALSC is providing in the divorce context, something which may explain the positive outcomes, relative to all those surveyed, seen in both the Native American divorce caseload and divorce cases as a whole.³⁴

³³ The issues for those with less positive outcomes varied. One respondent reported that she had reconciled with her husband and was no longer seeking a divorce. Another respondent described her legal dispute as ongoing, although she reported memory loss issues and indicated she was unsure of the advice she had received from ALSC, making us hesitate to rely too heavily on her responses. The third respondent who did not report a satisfactory outcome did not follow the advice, and the last such respondent reported that the dispute is ongoing and unresolved.

³⁴ Among the non-LLA group, there were only two responses. The first respondent reported that the issue was resolved satisfactorily after ALSC referred her to some websites and forms. The respondent was ultimately able to file for the divorce by using the websites to fill out the forms. The second respondent reported that her issue was unresolved. She had gone to ALSC



Figure 26: Descriptions on helpfulness by Native American clients in divorce cases.

3. Native American respondents less likely to seek outside help

The Native American population surveyed within this subset was less likely to seek outside help with divorce cases than were other respondents.

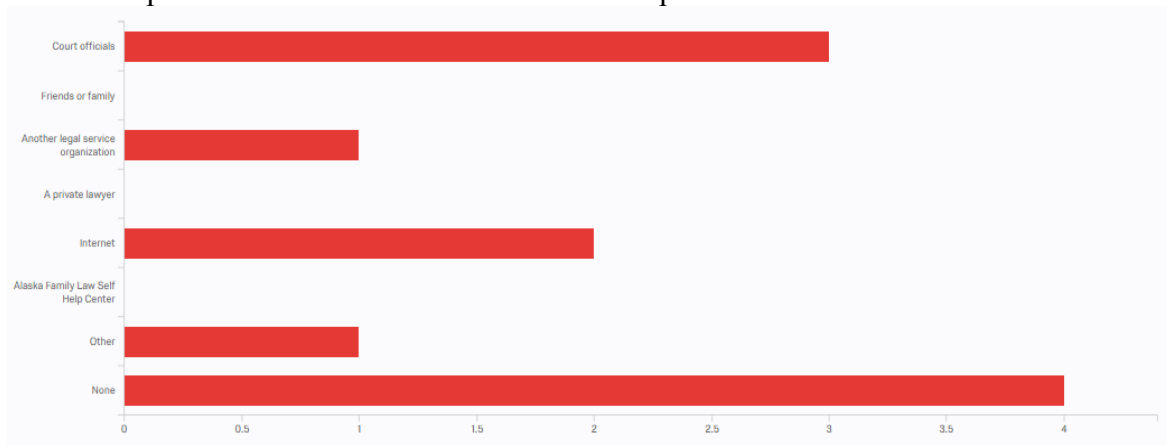


Figure 27: Native American divorce clients outside sources of help.

Of the twenty *non*-Native American divorce cases, four failed to get any help from any other source than ALSC. On the other hand, of the ten Native American cases within the

preemptively in fear that her husband would file for divorce. Because he had not done so, she remained in a “holding pattern,” although she felt that if he did move for a divorce “there is not much [she] can do” although she “wants to protect herself.” She too has been using online resources, particularly looking at information on alimony and keeping assets in a divorce proceeding.

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cohort of divorce cases, four did not get *any* outside help. Thus, within the divorce cases in our study, the Native American population was twice as likely not to receive any other legal assistance outside the services provided by ALSC.

4. Native American Clients Found ALSC’s Advice Helpful at a Similar Rate

Of the entire body of divorce cases, fourteen respondents labeled ALSC’s services “helpful” responses while eleven described them as “not helpful.” Six Native Americans in this category gave “helpful” descriptions while there were six “not helpful” responses.³⁵

Among the “helpful” responses, the overwhelming majority reported that the most helpful aspect of their services was assistance with the necessary forms. Of the six respondents who described the services as “unhelpful,” two explained that they had not gone through with the divorce and thus had not needed to use the advice ALSC provided.³⁶

5. Native American Clients Were Less Likely to Follow ALSC’s Advice

Among the Native American respondents, there was a lower proportion who reported following the advice provided by ALSC. Only four of the seven Native American respondents who received advice reported following the advice, as compared with twelve of the eighteen in the larger divorce cohort. Thus, it appears that this population was less likely to seek outside help and also less likely to follow the advice received from ALSC, perhaps explaining the slightly less positive subjective outcomes reported by Native Americans in divorce cases.

E. Summary of Findings in Divorce Cases

- Respondents with divorce cases were less likely to report negative legal outcomes than the general pool of respondents, and respondents with divorce cases who received LLA were subjectively more positive regarding what happened with

³⁵ Again, this question offered respondents the opportunity to select both “helpful” and “not helpful” if they found their experience included aspects of both. Thus, the numbers for this question will not necessarily add up to the total of divorce cases at large or the number of Native American divorce cases specifically.

³⁶ Another reported memory issues and did not remember the advice she received. Of the remaining three, one explained that her dissatisfaction stemmed from complications in resolving a related custody dispute. Two, then, found the advice itself to be insufficient. One explained that “the advice was just advice, and [she] was hoping for more hands-on help, like writing documents for [her],” although the interviewer notes a lack of clarity with regards to which documents the respondent was referring to.

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their legal issues than non-LLA divorce respondents.

- Respondents with divorce cases were more likely to report that they understood the advice they received than was the general pool of respondents.
- Respondents with divorce cases were more likely to describe ALSC’s advice as helpful.
- Among the Native American respondents with divorce cases, there was double the rate of domestic violence as the rest of the population.
- Native American respondents reported slightly more negative subjective legal outcomes than did the rest of the population.
- Native American respondents reported ALSC’s assistance helpful in the same proportion as the general population.
- Despite finding ALSC’s assistance helpful, Native American respondents were less likely to follow the advice, and less likely to seek outside help, than were the rest of the respondents, potentially explaining their slightly more negative perception of the legal outcomes in their cases.

VI. Findings from Respondents with Custody Cases

A. Overview of Custody Caseload

Custody disputes are among the more time-intensive cases handled by legal services organizations. Such cases often involve reconfiguring visitation rights, support payments, and other joint parental decisions throughout a child’s minor years. While parents may initially resolve their custody issues, such arrangements are rarely static. Within legal services organizations, these types of complicated, ongoing disputes are seldom managed by a consistent team of attorneys, and may also involve myriad outside counsel, making legal advice and outcomes difficult to track over time. The challenge of tracking data related to custody cases is further complicated by the dearth of empirical research on the general efficacy of limited legal assistance, as compared to full representation or no assistance.³⁷ Custody cases made up the majority of the ALSC family law cases we

³⁷ In survey conversations with respondents, researchers found it common for respondents to refer to a different point in their case than the point of intake. People still spoke of the same issue, but they also referred to subsequent actions in their custody cases. Some respondents said they had trouble getting advice from ALSC because they had an attorney on file in the past or because a

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studied, 55 out of 112 (49.1 percent). Sixty-one percent of those (34 of 55) received LLA. Thirty-eight percent (21 out of 55) were rejected for services from ALSC.

B. Analysis of Findings from Custody Cases

1. Outcomes of custody cases were split between positive and negative/nothing has changed.

Outcomes in custody cases generally tracked the overall LLA outcome data. Slightly more custody clients (50 percent) described the outcome of their cases as positive and, as with the general respondent population, the reasons for the positive outcome were primarily the fact of a resolution in itself and that the resolution was in the client's favor. Some had on-going issues with benefits or modifications, but were happy with what they initially obtained. Those who reported negative outcomes reported losing to the other parent and having unresolved cases.

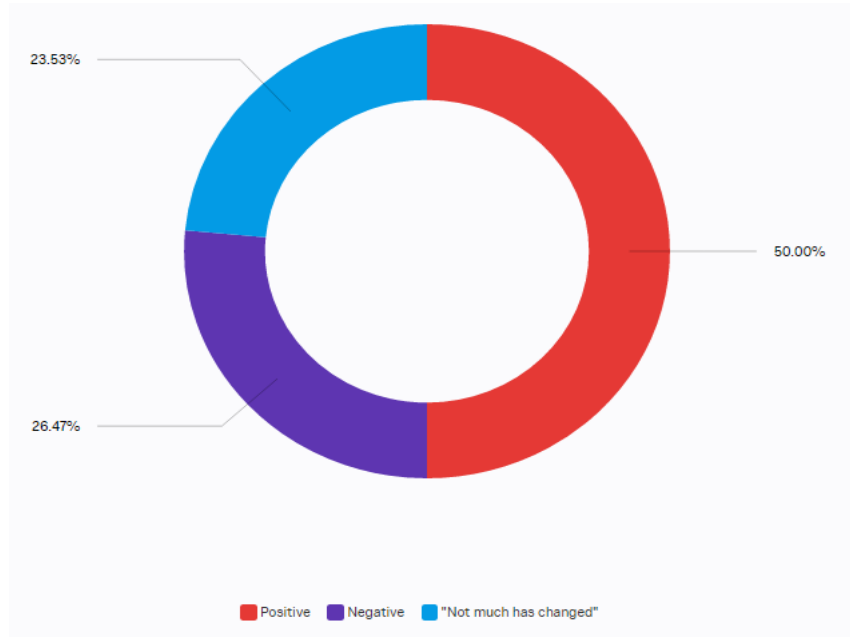


Figure 28: Outcomes in custody cases

2. Clients who received LLA for custody cases generally understood the advice and followed it.

In custody cases, as in the data at large, those who understood the advice they received were more likely to follow that advice. The level of advice comprehension in the custody

child services agency was involved. ALSC may want to reconsider whether it can help litigants despite these issues.

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sample was relatively strong with 87 percent (27 of 31 responding) saying that they understood the advice and only 13 percent (4 of 31) not understanding the advice.

Of those who said they did not understand the advice, two said they received no advice and so they could not have understood it. One person said the person helping her was rude and short with her and so she did not really understand what she was told. The final respondent did not explain why she did not understand the help she received. Three respondents who said that they understood the advice still had some lingering confusion. One client did not understand the difference between Alaska state law and Washington state law. Another client did not understand the purpose of each form, but still had a satisfactory outcome.

The custody clients also showed a strong ability to follow the advice they received. Seventy-two percent (21 out of 29 responding) said they followed the advice. All of these 21 people had also indicated they understood the advice, further supporting the logical assumption that those who understand legal advice are more likely to follow it.

Twenty-eight percent (8 of 29) did not follow the advice. Of those who did not follow the advice, half said that they did not end up pursuing the legal action for which they originally approached ALSC. The other half did not pursue the advice because they characterized their experience as not receiving advice. Overall, these findings suggest that ALSC is providing clear advice in custody cases and that people are able to then take action on their own. From a resource perspective, ALSC's unbundled service provides value because people not only follow the advice that they receive but they also find that advice useful in helping them resolve their legal issues.

3. Most custody respondents found at least some LLA helpful.

Understanding the complexity of custody cases, we gathered qualitative information on how respondents experienced the advice they received from ALSC. Respondents described both helpful and unhelpful aspects of ALSC's limited assistance. There is a significant relationship (p-value: 0.01) between helpful advice and positive outcomes. Those who characterized any of the advice they received from ALSC as helpful also characterized the outcomes in their cases as positive. There is also an inverse relationship between reports of negative case outcomes and descriptions of ALSC advice as not helpful. Those who characterized the outcomes in their cases as not changing were evenly divided in categorizing the help they received from Alaska Legal Services as helpful or not helpful.

A majority of respondents described ALSC advice as having some helpful aspect (*see* Figure 29).³⁸

³⁸ Only 5 of 21 who commented on what was helpful mentioned anything being unhelpful. These comments were about the limits of what ALSC and the law could provide in their case and the fact that they are now in a modification dispute.

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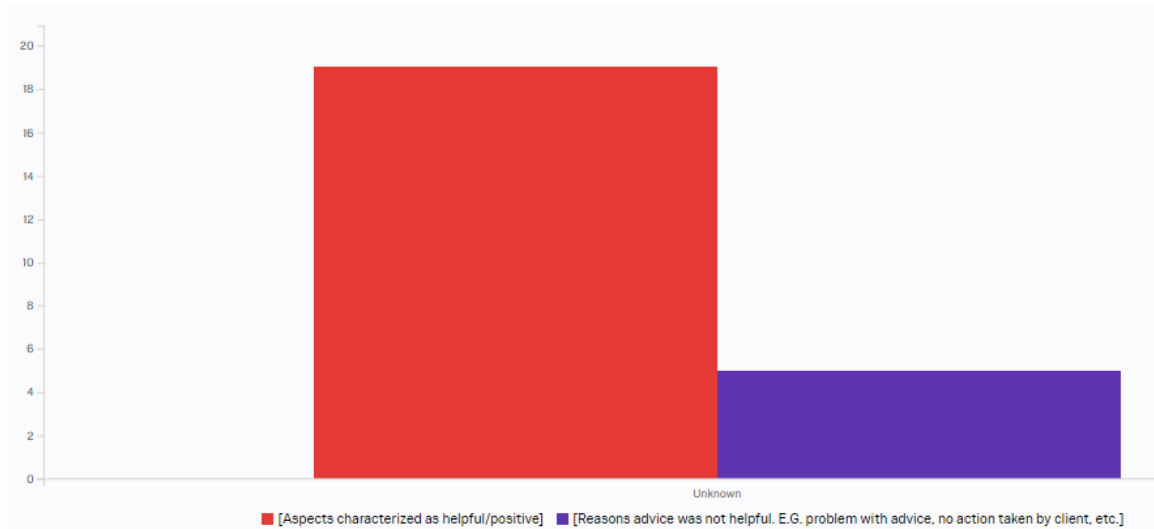


Figure 29: Breakdown of helpful vs. not helpful aspects of LLA in custody cases.

In custody cases, respondents agreed with the overall pool of respondents that assistance completing and filing forms was the most helpful aspect of ASLC’s LLA. Many respondents also commented that ASLC’s LLA helped them understand what was relevant or not in their cases and guided them with clear next steps. One respondent stated that she appreciated knowing what she could and could not do given her history of addiction. Some people also found it helpful to be able to confirm the information they already had from other sources. Some considered the advice they got from ASLC as helpful in directing them toward the level of legal assistance they would need.

Respondents in custody cases found the ASLC staff supportive, and helpful in providing useful advice and direction. One respondent commenting on her experience said, “I was able to be honest. I have a lot of flaws in my past and I could be honest.”

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they did not receive any advice. While the intakes often demonstrated that these respondents were given information about custody processes and law, many said that they wanted more help than that and thus described their experience as receiving no assistance.

- The findings from this research show that although respondents typically perceive LLA as helpful, they often have persistent legal problems that necessitate outside assistance or prompt them to return to ALSC later for help in modifying custody arrangements.

VII. Options and Next Steps

A. Introduction

This section describes options for how ALSC may use this study to improve their limited legal advice. The limited sample size of the study, however, may require ALSC to pursue further research ahead of implementing these options. Thus this section includes the next steps needed to assess the potential efficacy of the options.

B. Data Shows Value of Form-Focused Advice

Throughout the study, and especially in the divorce and custody cases, respondents consistently rated highly ALSC assistance with legal forms (selection, completion, and filing). Thus, ALSC should consider examining further how to enhance their capacity in guiding clients on filling out forms and the impact of that form-related advice on overall outcomes and client satisfaction.

1. **Develop more self-directed or automated form completion tools.**

One possible direction for development is increasing the use of self-directed or automated form completion tools. Such tools can be both paper-based (such as a divorce or custody kit with detailed instructions) or an online smart document-tree platform.³⁹ Both paper and web-based tools would guide individuals through the process of filling out the necessary forms, prompting them for relevant information, raising red flags as necessary, and providing helpful tips along the way.

³⁹ Such a platform currently exists for divorce cases in Texas. See *Interactive Forms - Texas Supreme Court Approved Divorce Form Kit*, LAWHELP.ORG, <http://texaslawhelp.org/resource/commonly-used-fill-in-forms-online> (last visited May 18, 2016), where individuals can use the Texas Supreme Court's instructions to start a divorce using an online E-filing system. For another example of an innovative platform providing legal services and enhancing efficiency for both lawyer and client, see a current project in the Stanford Legal Design Lab, the *Immigration Navigator Pilot*, NAVOCADO, <http://legaltechdesign.com/legalnavigators/> (last visited May 19, 2016).

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The strengths of this option lie in its potential for making ALSC's services more efficient and expanding the benefits of the concrete, tangible advice that ALSC provides to more people in need. ALSC should consider developing an online public platform that offers automated tools to fill out forms. Such automated tools would potentially aid not only those who ALSC rejects for LLA or full representation but also the public at large. For clients who are accepted for LLA or representation, automated tools and forms could enhance overall efficiency at intake and in the initial stages of client matters. ALSC's staff would not have to walk through each form with each client, thus optimizing ALSC's overall effectiveness by enabling the diversion of scarce resources to other areas of need. Further, an online platform could serve as a way of automating record-keeping for clients, again improving efficiency and freeing up ALSC staff to focus on other tasks. Such an option could also help address geographic and economic barriers that prevent many Alaskans from accessing legal aid. ALSC could reach residents across the vast expanse of the state, which would be particularly beneficial for rural Alaskans (many of whom are Native American), as well as for clients who reside outside Alaska. .

There are several weaknesses readily apparent in developing an automated platform for forms. To the extent that ALSC would like to use such tools to increase their reach beyond those with whom they form an attorney-client relationship (even if limited), there are potential concerns around the unauthorized practice of law.⁴⁰ Clients (and ALSC staff) may value face-to-face interactions, and the personalized advice that goes along with sitting down and walking through forms. In-person conversation provides clients an opportunity to ask questions in real time and to receive the assurance of direct access to a legal professional, and for attorneys to cater their advice to the specifics of the client's situation.⁴¹ An automated, click-through platform for legal forms may not allow real-time access to a legal adviser.

⁴⁰ ALSC should be aware of potential unauthorized practice of law (UPL) concerns related to guided form assistance kits or online tools. The general rule is that kits do not constitute the practice of law as long as they do not contain information or instructions particularly tailored to the issue of an identifiable person (though there are some courts which have held that kits are UPL). *See* Legal Ethics, Law Deskbk Prof. Resp. § 5.5-3 (2011-12 ed.). The status of online-based document preparation tools is somewhat in flux, as can be seen by following the litigation history of Legalzoom.com. *See* George L. Blum, 3 A.L.R.7th Art. 2, Liability of Providers of Electronic/Online Legal Document Preparation Services to Consumers and State Bar Associations (2015). Courts are somewhat divided in how to think about such tools, whether they should be considered simply as scribes or whether the software's impact on the document completion amounts to a form of legal practice. In the Ninth Circuit, *In re Reynoso*, 315 B.R. 544 (9th Cir. 2004), presents a negative reaction to the use of smart software to assist in (bankruptcy) form completion. But see *In re Boyce*, 317 B.R. 165 (D. Utah 2004) for an argument on the policy reasons for rethinking the use of technology and guided form completion assistance, particularly for low-income individuals.

⁴¹ Alaska has already created forms for use in custody cases and these forms could be used in automated form-filling software. *See* Forms, Instructions and Publications: By Topic & Number, Alaska Court System <http://www.courts.alaska.gov/forms/index.htm#custody> (last visited May 26, 2016). The automated form-filling software could use these forms in cases that do not require much specialization. JusticeCorps in Los Angeles already uses form generating software to fill out paternity and custody forms. *See* About JusticeCorps, California Courts,

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Limitations in rural communities' access to Internet and phoneservice may serve as barriers in the value of automated forms for rural communities.⁴² Further, in the short term, ALSC may have to direct staff support toward the automated system to acclimate clients and staff to the platform and to iron out the inevitable kinks in such a program. Such a transition can be difficult on staff and alienate some clientele, for whom in-person assurances and advice can be an extremely important and humanizing aspect of ALSC's services.

An additional barrier to implementing such a system is cost. It is unclear what it would cost, although a similar program to what we imagine here currently receives funding through Legal Service Corporation and the Technology Initiative (TIG) program.⁴³

An online platform provides an opportunity to capture the most effective aspects of ALSC's services and employ them in contexts where otherwise they are not available. As a result, this may enable ALSC to expand its reach to more Alaskans, into more rural portions of Alaska by minimizing travel requirements and to make its service to all clients more efficient by making clients more independent and effective in completing tasks that do not absolutely require in-person assistance.

2. Expand community workshops or clinical sessions.

Given the clear value of ALSC's form-based LLA in the family law context, ALSC should consider expanding its workshop or clinical sessions for custody cases. Such expanded informational sessions would enable more people to understand general information that could cue up issues that clients may later want to bring up in individual consultations. Such clinics would mirror those that ALSC already offers on landlord/tenant issues, thereby building on existing infrastructure.⁴⁴ ALSC should consider whether the family law clinics should be informational, with a focus on forms, or whether they would also provide the form-focused, unbundled LLA that this study

<http://www.courts.ca.gov/justicecorps-about.htm> (last visited May 26, 2016). One complication of using form software or of not interacting with attorneys directly is that there are particular jurisdictional issues that arise in the paternity context. Many of the respondents who could not resolve their custody problem could not do so because the child or other parent were in other states and Alaska courts could not get jurisdiction to issue custody orders. Alaska also has the additional variable of significant tribal jurisdiction which should be taken into account as well.

⁴² A 2010 study by the Federal Communications Commission suggests that even then telephone penetration was near complete. FED. COMM'NS COMM'N, INDUS. ANALYSIS & TECH. DIVISION, TRENDS IN TELEPHONE SERVICE tbl. 16.3, 16.4 2010. At least at that time, however, only 79% of Alaskans enjoyed hi-speed Internet access. *Id.* tbl. 2.7.

⁴³ The program, LawHelp Interactive, uses "technology to improve the legal form and document preparation process for low-income people and the attorneys who assist them." It is currently in use in 40 states. *Technology Initiative Grant Highlights and Impact*, LEGAL SERVICES CORP., <http://www.lsc.gov/grants-grantee-resources/our-grant-programs/technology-initiative-grant-program/technology> (last visited May 19, 2016).

⁴⁴ Additional Resources, Alaska Legal Services Corporation, <http://www.alsc-law.org/legal-clinics/> (last visited May 26, 2016).

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shows to be valuable. The clinic could provide LLA kits as well as access to the automated form tool.⁴⁵

A potential drawback of these workshops or clinics for ALSC is the additional planning needed to operationalize these sessions. It is also possible that some potential clients may need legal advice quickly to deal with custody issues thereby necessitating immediate personal consultations with ALSC staff.

C. Further Study Needed for Rural Populations

The key findings of our study show that generally, those who contacted ALSC were treated relatively similarly. The rural respondents, albeit a small portion of those who completed the survey, shows almost equal levels of understanding and following the legal advice given to them when compared with the rest of the Alaskan population. However, they were far more likely to be contacted via phone than the non-rural and urban populations. Rural people were also more likely to rely on the Internet for alternative legal help, rather than other organizations.

Although only 14 of 122 respondents were from rural areas, our research highlighted some issues with contacting rural populations by phone. It was common that calls made to rural respondents did not go through. We typically heard messages saying that the person is out of reach. It was also not unusual that the phone number listed in the intake form was for a local business or a message center. Likely rural clients use these kinds of numbers because they are not always reachable on their cell-phones. Due to privacy concerns, we did not leave messages for any of the respondents. Thus, it was difficult to reach rural clients directly.

Our findings bring forth multiple options and next steps for ALSC to pursue. ALSC should consider studying the legal needs of the rural population in more detail to enhance legal services that mediate the logistical challenges. While ALSC recognizes the value of in-person outreach to the rural population, the challenges of distance and the cost of air transportation to rural areas necessitate phone and, when possible, Internet communication. This study surfaces the effectiveness of phone-based legal interaction, which is ALSC's current outreach preference for the rural population. We suggest investigating how rural clients experience phone-based advice, and working with them as thought-partners in enhancing in person community liaisons who can help connect people in need to ALSC and other legal services.

Our study of urban respondents' revealed a high preference for in-person LLA. To extend in-person advice to rural communities, ALSC might consider developing a community liaison program. The existence of a layperson liaison in these areas as a community representative of ALSC would be more accessible to the rural community than the ALSC

⁴⁵ One potential model to look to is the California JusticeCorps program. The program is run through the Administrative Office of the Courts and provides information classes before guiding people in filling out their own forms. People can also fill out basic information before attending the class in fill in relevant information as they learn in the class. Because JusticeCorps is a self-help program, no advice can be given to litigants.

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lawyers, and could potentially help with the common family law issues which come forth on a regular basis. The community liaison need not be a lawyer but would be trained in informational resources related to family law. In particular, the community liaison should be expert in the information necessary for proper form completion. While not the perfect solution, having someone around who is knowledgeable about the specific legal issues in the rural communities can lead to some positive benefits, for having someone to air grievances and problems to leads to a higher perception of legitimacy and satisfaction with the legal system. Though the cost of training the liaisons must be taken into account, and if the money used to implement this strategy is more burdensome than the value of legal advice that he or she can afford, then other plans would need to be considered.⁴⁶

D. Importance of Outreach to Native American Women Based on the Prevalence of Domestic Violence in Their Divorce Cases

At the outset, we acknowledge ALSC is likely aware of the difficulties facing Native American populations in Alaska, and in particular Native American women suffering from domestic violence. The higher rates of domestic violence among Native American divorce cases in our study may confirm trends ALSC is already seeing anecdotally, even if our sample size is too small to be conclusive. At the same time, however, this trend did not manifest itself within the cases coded as custody cases. There, only two of eleven Native American respondents reported domestic violence, while eleven of twenty-two white respondents did. Thus, although there was a strikingly higher rate of reported domestic violence within the divorce caseload, this did not hold true across all categories of cases. With this caveat in mind, it is nonetheless worthwhile to consider specific options that provide support to Native American women seeking separation from abusive partners.

First, we recognize that discussion of violence against Native Americans in Alaska may raise the issue of tribal jurisdiction over non-native populations. This topic, while urgent, is not a primary focus of our analysis for two reasons. First, only two of ten Native American divorce cases within the study were from rural areas, meaning the issue of tribal jurisdiction likely is not a key factor within our body of research. Second, ALSC is almost certainly aware of this issue and we understand that it is doing what it can to

⁴⁶ The community liaison approach raises potential unauthorized practice of law (“UPL”) issues. It would likely defeat the utility of this approach to require the liaison to be a licensed attorney. Under the current law, any liaison would be very limited in the type of assistance they can provide. However, some states have begun to expand the ability of non-lawyers to offer legal assistance as a solution to the crisis in access to justice currently facing our country. For example, in 2014 the New York courts launched a legal navigator program in which non-lawyers trained with subject and process expertise are allowed to assist unrepresented litigants in housing and consumer debt court (<https://www.nycourts.gov/courts/nyc/housing/rap.shtml>). Washington State recently launched its Limited Legal License Technician (LLLT) in which trained (and certified) non-lawyers are able to offer certain kinds of assistance in certain kinds of cases. ALSC should consider its policy advocacy platform around the role of non-lawyers, particularly in increasing access to justice in rural populations.

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alleviate the effects of limits on tribal jurisdictions.⁴⁷ This section simply makes visible a problem that implicates the highest levels of the federal legislative process and the Supreme Court itself.⁴⁸

However, in making visible the issue of jurisdiction, this section develops an option that builds on ALSC's new liaison initiative with Native American tribes and demonstrates how an analogous program may be applicable in both rural and urban settings. Given that at least one of the women involved in this subset also received legal advice from a treatment center,⁴⁹ creating a similar liaison program with women's shelters and other facilities caring for women facing domestic violence may allow ALSC to more effectively reach Native American women. The benefits of such a plan would be that women who are in these facilities would be directed towards the most helpful legal resources, and that ALSC may be able to exercise some oversight over the quality and substance of the legal advice offered in these facilities. Further, ALSC may be able to promote crucial cultural sensitivity and trust in interactions with Native American women by ensuring that there are liaisons at these facilities who are either Native American or have robust cultural experience working with Alaska's Native American communities.

Nonetheless, there are serious questions regarding both the resources required for such a program and whether its implementation would violate clients' confidentiality. First, training, communication, and oversight over a team of liaisons with facilities across Alaska present a daunting, resource-intensive prospect. Given that one of the impetuses behind this study is the desire to efficiently allocate ALSC's limited resources, the high cost of this program seems less than ideal. Second, having non-lawyers and non-ALSC staff act as go-betweens in communication between women's shelters and ALSC could well compromise clients' confidentiality. Thus, while there may be an opportunity to expand ALSC's reach and promote Native American women's access to its much-needed legal services, it is not at all clear that such a program is fully implementable at this stage.

E. Further Research Steps Based on African-American Outcome Data

In our overall dataset, client ethnicity did not play a significant factor in the experience of LLA clients or in the outcomes of cases. The exception is that African-Americans all

⁴⁷ During Stanford's winter quarter of 2016, ALSC described a plan it was implementing to establish liaisons in Native American tribal communities to enhance communication and access between Native American individuals and ALSC.

⁴⁸ We thank Professor Gregory Ablavsky for helping us get our bearings in this unwieldy body of law, and for pointing us to many helpful resources, including Amnesty International's report on the issue of violence against indigenous and native women in the United States. MAZE OF INJUSTICE, AMNESTY INT'L (2007), <http://www.amnestyusa.org/our-work/issues/women-s-rights/violence-against-women/maze-of-injustice> (last visited May 19, 2016).

⁴⁹ This case is discussed in Section V., describing the findings within the divorce caseload.

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documented negative feelings toward the help received from ALSC and did not experience satisfying outcomes in their cases. As noted above, the tiny size of the sample (4 people) fundamentally limits the conclusions to be drawn. However, it is a point worth flagging and exploring through further research. The African-American population, which may be facing more troubles than other ethnic groups when getting limited representation. Having a larger sample size is the best way to assess the conclusions made here, but a quick solution that ALSC can implement is just being more conscious of race when dealing with clients. This may help lower the effects of implicit racial biases and therefore solve some of the issues for blacks in Alaska without spending much time and money on another comprehensive survey. But if more research is to be done, we suggest that ALSC use census data to decipher the low-income African-American Alaskan demographic and then analyze that population's most prevalent legal issues.

VII. Conclusion

A lack of resources—i.e. financial and professional capacities—is the most significant reason for the justice gap. Legal aid societies are tasked with mediating the often complicated needs of a population that cannot afford to pay market rates for the services they need. Without additional funding sources, legal aid societies will continue to face the challenge of finding lawyers and staff willing to work pro bono or at reduced wages. The positive result of these economic and labor pressures, however, are innovations in developing more efficient methods to reach and assist the surplus of clients who need their help.

When ALSC and other legal services organizations provide limited legal services, they make the intentional decision of not spending that time and those resources toward full representation and to focus, instead, on clients who qualify for full representation. One of the goals of our research was to assess the value of the “unbundled” representation that ALSC provided and to better understand the experience of ALSC LLA clients. Although our data was not conclusive enough to suggest an overarching policy recommendation, we found that the LLA provided by ALSC seems to benefit those who are qualified to receive it, and it helps those clients get on track toward solving their legal problems.

Despite the solid record of aid to communities in need, ALSC also denies service to a significant number of Alaskans. Although ALSC has good reasons for denying service, the survey data shows that many of these individuals share the common theme of giving up after ALSC could not help them, sometimes because these prospective clients do not have the resources to hire help elsewhere. Consequently, this unfortunate group harbored negative feelings towards ALSC and the legal system in general. ALSC may have an opportunity to develop methods of outreach and automated services that may help support those who are denied services. The efficacy of limited legal assistance cannot be determined without taking account of the negative externalities that may come with it. While many more questions still need to be answered, we are all one step closer to figuring out a way to close the justice gap.

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APPENDIX A: REDESIGN OF THE SURVEY

Our survey instrument was designed to quantify the effectiveness of Alaska’s limited legal assistance programs. As we conducted interviews and analyzed responses in the first phase of analysis, October–December 2015, we realized that many of our initial questions, and the potential answer choices, were either too specific or too imprecise to provide useful data. In addition, the first version of the survey was focused on comparing the LLA and non-LLA groups in ways that mis-represented the value of LLA. That first survey tool also emphasized quantitative data at the expense of valuable qualitative information from respondents. Finally, the first survey did not fully utilize the demographic information that Alaska Legal Services provided us.

These concerns led us to revise our survey to account for the ways that people tell their stories when asked about their cases. We reformulated several questions and answer choices and streamlined the structure of the survey instrument. Importantly, we also combined our two originally separated surveys into one combined survey. The new survey employs branched logic to offer different questions to respondents depending on whether or not they received limited services, and we recorded far more information about the experiences of LLA respondents than those of non-LLA respondents. The reasoning behind all of these changes is explained below.

Revisions to the Phase II Survey (Jan-March 2016) included the following:

FOCUS ON LLA RECIPIENTS INSTEAD OF COMPARISONS. As noted in the methodology section, the initial survey suffered from trying to impose an experimental design on a study that was not conducive to such a design. As a result, both LLA and non-LLA respondents initially were asked about the outcomes in their cases, and their level of satisfaction. As we analyzed the results, it became clear however that numerous reasons counseled against coding for case outcomes in non-LLA cases. First, as described more fully in the methodology section, non-random assignment to LLA and non-LLA groups means that comparing case outcomes would yield unreliable or flatly incorrect results. Second, the diversity of legal issues and the dynamic nature of family law cases create an irresolvable tension between the need to ask generally relevant questions while also recording precise, quantifiable answers. To a large degree, this required that we ask open-ended questions about LLA recipients’ experiences—questions that would be meaningless if put to respondents who did not receive LLA. This approach helps us avoid the pitfall of comparing unlike answers from two unlike groups. As a result, this report offers very little in the way of direct comparison between the LLA and non-LLA groups.

The rejection of an experimental survey design also helped clarify how the existing survey needed to be modified. First, because we were not treating the LLA group as a treatment group or the non-LLA group as the control group, it became much less important to structure the questions so as to yield a quantitative answer. For instance, the analysis done in the Fall quarter provided information that allowed us to say that a higher percentage of respondents in the LLA group answered “sort of” when asked whether the advice they received helped with their problem than did respondents in the non-LLA group. While that type of analysis does have some comparative utility, at the end of the day, Alaska Legal Services did not just want to reassure themselves that their limited assistance programs were working. They also wanted to obtain information that would

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help them identify problems with the limited legal services they were providing and develop solutions to rectify those issues. Quantitative data alone would not allow them to do both.

In other words, we needed to go a step further with the data—and switch from a quantitative focus to a more qualitative focus. It is fine to say that 47% of the respondents felt that the advice helped if you then figure out why that advice helped. The clients surveyed wanted to provide much more in the way of answers than simply a yes, no, or a sort of. But, when the question was inputted into Qualtrics and asked as a multiple-choice question with nothing else, we lost so much of the robustness of the responses. As a result, the new survey was designed specifically to accommodate our need to probe more deeply into the answers provided by our respondents and to capture the richness of the responses we received in the survey itself.

DESCRIBE COMPLEX CASE OUTCOMES. Initially, we attempted to code for whether a case had been “resolved satisfactorily,” “resolved unsatisfactorily,” “partially resolved,” or “unresolved.” These categories were intended to allow us to capture the complexity of potential outcomes in these cases. As we conducted interviews, however, we found that trying to taxonomize outcome categories at this level of specificity required making sometimes arbitrary choices about how to classify a given case. An “unresolved” case might signify a variety of outcomes: It could mean that proceedings were still ongoing, or that the respondent had not yet taken action for reasons unrelated to the substance of the advice, or that circumstances had changed, obviating the need for any legal relief. By the same token, we found that in some of the cases where LLA respondents replied that their issues had been “partially resolved,” detailed responses might indicate what seemed like a positive outcome even where clients had not received everything they desired.⁵⁰ In light of the indeterminate boundaries of these categories, quantifying the results would have yielded misleading conclusions. In the revised survey, we relate the respondent’s narrative description of the case outcome, followed by a simpler, coded measure of whether the results of the legal issue were generally *Positive* or *Negative*, or else *Unchanged* from the status quo. This allows us to group the responses based on how respondents described the outcomes, while keeping narrative description in the foreground.

CAPTURE CLIENT PERCEPTIONS OF WHETHER LLA WAS HELPFUL. During the initial interviews, respondents who received limited assistance were asked whether ALSC’s services had “helped with [their] problem[s].” Possible answers included *Yes*, *No*, and *Sort of*. These broad and indeterminate answers represented an attempt to log experiences in a way that could be coded and quantified—e.g., so that we could report on what percentage of respondents found the advice helpful. As we analyzed results, however, it became clear that most respondents gave ambivalent answers to this question. Instead of conveying the complexity of respondents’ experiences with LLA, this scheme created ambiguity. The “sort of” category ended up containing cases where the underlying facts

⁵⁰ One LLA respondent who said her issues were “partially resolved” had further stated that ALSC helped her with everything and filled out her paperwork, and that thanks to ALSC, she was able to get a divorce. Another noted that without ALS’s “tremendous” help, she would still be dragged through the mud on custody issues.

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were simply too complicated to allow for easy categorization, as well as those where the respondent expressed dissatisfaction. To address this, we revised the question, making the answers non-mutually exclusive. In the revised survey, interviewers may choose *either* or *both* of the two available answer choices: The survey records any aspects of LLA characterized by the respondent as helpful, as well as any factors that led respondents to answer that “no,” the advice had not been helpful. This allows us capture the nuances of respondents’ experiences, accounting for aspects described as helpful as well as those described as unhelpful.⁵¹ The table below indicates the changes from the original survey to the new and gives the reasoning that animated the decision to change the format of the question.

Initial Question	Issues	Revised Question
<p>Did you understand the advice you received?</p> <ul style="list-style-type: none"> ○ Yes - very well ○ Yes - but some confusion ○ No, not really ○ No, not at all 	<p>➤ Indeterminate nature of answer choices.</p>	<p>Did you understand the advice you received?</p> <ul style="list-style-type: none"> ○ Yes <i>[plus text input]</i> ○ No <i>[plus text input]</i>
<p>Did you follow the advice you received?</p> <ul style="list-style-type: none"> ○ Yes ○ No ○ Sort of 	<p>➤ Indeterminate nature of third answer choice. (Many answers coded as “sort of” better characterized as “yes” or “no” followed by textual elaboration.)</p>	<p>Did you follow the advice you received?</p> <ul style="list-style-type: none"> ○ Yes <i>[plus text input]</i> ○ No <i>[plus text input]</i>
<p>What was the outcome of your legal problem? <i>[Choose <u>one</u> & elaborate.]</i></p> <ul style="list-style-type: none"> ○ Resolved satisfactorily ○ Resolved unsatisfactorily 	<p>➤ Coded answers fail to distinguish between objective outcome and subjective impressions.</p> <p>➤ Ongoing, dynamic nature of family law makes it difficult to say if or when a case has been</p>	<p>What was the outcome with your legal problem? <i>[Enter detailed response; then ask client:]</i></p> <p>Overall, then, was the outcome:</p>

⁵¹ In one of the initial interviews, for instance, the respondent sought help from ALSC after running out of funds for the private attorney who initially represented her in a custody proceeding. ALSC reviewed the respondent’s documents and advised her during a fifteen-minute meeting. When asked if the advice had been helpful, the respondent initially said “No,” because ALSC “didn’t really tell [her] anything [she] hadn’t known before-hand.” However, after more discussion, she said the advice “did confirm for me that I was doing what I supposed to do, and it made me feel sure that I was prepared.” The revised survey separates and captures both the “positive” and “negative” or “null” elements of this response.

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- Resolved partially
- Unresolved
- “resolved.”
- Multiplicity of reasons a case might be “unresolved.” (See Table X.)
- Positive
- Negative
- Not much changed

Do you think the assistance helped you with your problem?
[Choose one & elaborate.]

- Yes
- No
- Sort of

➤ Coded answers fail to distinguish between objective outcome and subjective impressions.

Do you think the assistance you received from Alaska Legal Service helped you with your problem?

[Interviewers may record either or both of these options, as needed]

- [Aspects characterized as helpful/positive]
- [Reasons advice did not prove helpful or went unused]

BACKGROUND INFORMATION FROM ALSC CASE-FILES. Each survey also includes demographic and case information taken directly from the ALSC intake sheet. Initially, the Fall group only recorded the gender and geographical location of the client. While this allowed for some minimal ‘drilling down’ into the final aggregate data, it greatly minimized the ability to see variance in the measures of effectiveness across different demographic and case-specific categories and greatly increased the man-hours necessary to analyze the data. For instance, because the surveys in Qualtrics were not identified by specific case category (i.e. divorce cases) or by the presence or absence of domestic violence, it was up to the individual student in the Fall to go back through all of the surveys they had completed and try to do this sort of comparative analysis by creating their own individual ‘coding sheets’ to mine their results for general trends. This is clearly inefficient.

The new survey allowed us to expand our collected demographic data from two categories to nine. This information includes (1) case-type and numerical code, as noted on the intake sheet; (2) gender; (3) age; (4) income as percent of federal poverty level; (5) ethnicity; whether (6) “domestic violence” or (7) “rural” were listed among the eligibility factors; and (8) client’s geographic location. Finally, interviewers coded whether or not the respondent had been the moving party in the relevant legal matter based on the best information available. As noted previously, we did not want to completely eliminate the comparisons that could be made from the data we collected. But, by and large, those comparisons are not between the LLA and non-LLA groups. Rather, they are between

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clients of different genders, ages, ethnicities, % of income, etc. We believe that it is more effective, all things considered, to tell ALSC in our final analysis that our survey revealed that people of a lower income or people in more remote areas of the state have a much harder time following through on the advice they are given than it is to say to them that a person who did not receive Limited legal advice had a harder time succeeding in their case. While both have utility, the formulation of our new survey helps to analyze both and maximizes the information that we are able to provide to ALSC. The reason is because the new survey is specifically designed to maximize intra-group comparisons in an effort to help ALSC better coordinate the Limited legal advice they do provide. However, while allowing for this more advanced analysis, the new survey still allows for a limited comparison between the LLA and non-LLA groups.

THE RETROFITTING PROCESS

In order to maintain a consistent format between our initial group of interviews and our subsequent interviews, we exported the first 62 interviews from the original survey structure and manually input them into the revised survey instrument. It is important to note that this process introduces some level of distortion to the results, in that respondents were asked slightly different questions depending on when the interviews were conducted. Indeed, if we were conducting a quantitative study that required scientifically rigorous design, changing the definition of a key metric and keeping old data would invalidate the results of the entire study. In light of the qualitative nature of this report, however, and the careful thought that went into revising the survey by making the inquiry more general, we believe that the changes help clarify respondents' experiences without distorting them. (Again, it is important to note that this report relates the experience of a small subset of LLA recipients, who were asked targeted questions that yielded qualitative information about their cases.)

In order to retrofit the data, we first had to identify from the student contact logs the universe of cases that had already been inputted into Qualtrics. Thankfully, the students in the Fall group kept relatively good call logs and we were able to identify those cases—out of all of the client intake sheets in our possession—that had results that had been entered into the survey. Once we identified those cases, we assembled a spreadsheet that listed all of those cases and then had columns with entries for each of the new demographic/case information categories that we had added to the new survey.

Second, we had to have Qualtrics export as a spreadsheet all responses (from both the LLA and non-LLA surveys) so that we could begin to match the individual Qualtrics survey to the intake sheet. Without matching the Qualtrics survey to the client intake form, it would have been impossible to add the new seven categories—something that we desperately wanted. Ultimately, this process took longer than we wanted for several reasons including that:

- 1) the random, internal numbers that we had the students in the Fall assign to each case were not consistently entered into the Qualtrics survey and were only added in the middle of the Fall quarter, and
- 2) because we had only mined the intake sheets for two variables at the outset, we had to rely on other identifying information to match the survey output with the

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case (including everything from the details the interviewer noted in the survey to the day/time the survey was entered to the IP address and latitude and longitude coordinates that the Qualtrics system recorded when each survey was submitted).

However, once we finally matched each Qualtrics survey to the client intake sheet, we were able to complete our master spreadsheet by merging together the two spreadsheets we were working from (the first with the assembled demographic/case info data and the spreadsheet with the survey responses that Qualtrics exported for us). Only then could we move to step three, which was the actual re-entry of all of this information into the new version of the survey.

The re-entry itself, though still time-consuming, was much easier than either of the first two steps—mainly because the new, unified survey was extremely user-friendly and because we had formatted the questions in such a way that we could simply re-record all of the useful commentary that the client had provided (rather than making snap judgments about whether an answer qualified as yes or as a ‘sort of’).