

FOREWORD

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Within the past decade, government funded civil legal services, the more recent group and prepaid legal services programs, and the ongoing ABA-ABF Survey of Legal Needs have raised significant concern about the extent of unmet legal need among the low and middle income population. Few studies in this area have adequately focused on the role of law, lawyers and the legal system, on the definition and measure of "legal need," and on the delivery of legal services. Moreover, there has been little coordination of those research efforts. The proliferation of separate studies is not simply uneconomic and inefficient but potentially counterproductive. Communication among the various agencies, research organizations, and interests is being threatened by a "hardening of the categories"—by the development of inconsistent nomenclature and noncomparable data. One difficulty with much of the existing and planned research is that a great variety of terms is being applied to similar concepts. In addition, small differences in methodology hinder comparative analysis.

Equally important and equally distressing is the fact that no sense of priorities has developed. Limited funds are being spent on a variety of undertakings designed to improve the delivery of legal services without any clear conception of which areas merit the greatest research efforts. The result is duplication of effort and serious gaps in our knowledge. Little research has been or is being undertaken on such critical issues as devising theories, concepts, and measures to: (1) evaluate the quality of legal services; (2) determine consumer satisfaction with legal services; (3) educate consumers about their legal needs and how to select lawyers; (4) determine the effects and costs of bar-imposed impediments to the widening of access to legal services; (5) determine the effects and costs of employing nonlawyers to perform traditional legal functions; and (6) simplify, or eliminate the need for, formal judicial proceedings and lawyers.

To begin to remedy these defects in approach, coordination, and coverage and thereby to improve the delivery of legal services, funds were sought from the RANN Division of the National Science Foundation in an application prepared under the direction of the project manager, Lester Brickman, and submitted by the Resource Center for Consumers of Legal Services. The purposes of the grant

were to: (1) ascertain which research and demonstration projects have been undertaken; (2) assemble the data thus far generated into the form in which they could most readily be assimilated; (3) identify those areas which have not been adequately studied; (4) establish priorities for further research; and (5) explore how coordination of the research and data gathering activities of various agencies and instrumentalities delivering or involved with the delivery of legal services could be undertaken.

It was determined that these research objectives could best be attained by exploring alternative hypotheses regarding the funding, costs, organization, delivery, and evaluation of the means and systems for the delivery of legal services. A number of research hypotheses concerning the provision of high quality, low cost legal services, were postulated in the proposal.

Once these provisional assumptions and hypotheses were specified and the requisite funds received, consultants were secured to prepare research papers to identify data sources and research projects to confirm or reject the hypotheses. In addition, a social scientist, Richard Lempert, joined with the project manager in formulating research proposals and editing the papers and conference proceedings, and prepared an introductory essay.

The papers commissioned were to constitute an information base for a planned conference by describing the research that had been done and suggesting ideas for future research. The conference was designed to provide information and suggest ideas to a group of knowledgeable individuals whose reactions could be expected to refine those ideas and indicate promising directions for future research. The group of 41 individuals gathered for the conference was intentionally diverse. It included law professors, legal researchers, sociologists, psychologists, and representatives of the following foundations, government agencies, and groups that fund or implement legal research: the Legal Services Corporation, the American Bar Association, the American Bar Foundation, group and prepaid legal services programs, the private bar, and consumer organizations. This conference was held in December 1975. The participants reacted to the hypotheses advanced by the consultants with a series of recommendations and cautions about the kinds of research that will best advance our knowledge of the need for, availability of, and quality of legal services. The research papers and conference proceedings have been edited and revised for publication (in this volume) in order to facilitate the undertaking of research projects identified as promising or needed. Also included in this volume is a paper by Ralph Nader, which was delivered as a luncheon address on the first day of the conference.

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(RANN) division of the National Science Foundation to the Resource Center for Consumers of Legal Services, at the request of its Executive Director, Charles H. Baron. Any opinions, findings, conclusions, or recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the National Science Foundation. Special recognition should be accorded to Arthur Konopka, program officer in the RANN division of NSF. His aid, enthusiasm, tolerance, and active assistance contributed in many different ways to the success of this effort.



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THE RESOURCE CENTER FOR CONSUMERS OF LEGAL SERVICES is a nonprofit corporation established in August 1975 as the research and education arm of the consumer movement in legal services. The Center's primary function is to maintain an overview of developments in the effort to meet the legal service needs of the estimated 140 million Americans who have been described as "legally disadvantaged." The Center serves as a clearinghouse for information regarding such efforts, publishing booklets and a monthly journal—"New Directions in Legal Services"—sponsoring and participating in conferences and seminars, and responding to specific requests for information.

In addition to gathering and sharing information, the Center is concerned with stimulating its development in maximally useful form. In this connection, it is engaged in a program to encourage the collection of uniform data by legal services delivery programs. It is also attempting to generate coordinated research in the field through efforts which include the sponsorship of the conference which produced this volume.

The ultimate goal of the Center is facilitating the development of mechanisms for reducing the extent of unmet legal service needs through improving the delivery of such services or, where feasible, by eliminating the situations that create such needs. It is concerned with supporting experimentation with new programs for delivering legal services such as group and prepaid legal services programs and legal clinics. But it is also concerned with supporting development of structures and programs which enable citizens to function as better informed consumers of legal services—capable of dealing with some legal situations without lawyers, knowing in others when and how best to find and use legal services, and capable of assisting in regulating the delivery mechanism.

General guidance is provided to the Center by a board of directors which comprises distinguished representatives from all dimensions of the legal services field—consumer groups, provider groups, and the research and education communities. In addition to the grant for this conference from the National Science Foundation, funding has been provided by the Ford, Carnegie and Clark foundations and by contributions from the labor movement.