
Do Rich and Poor Behave Similarly in Seeking Legal Advice? Lessons from Taiwan in Comparative Perspective

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A central concern of access-to-justice studies is whether the socioeconomically disadvantaged individuals can obtain effective assistance in dealing with their legal problems. Using the newly collected data from the 2011 Taiwan Survey, this article examines Taiwanese people's advice-seeking behavior in general and explores the effect of income in particular. This article finds that income had a significantly positive correlation with the likelihood of obtaining legal advice, but it has no impact on obtaining nonlegal advice. By contrast, education had little bearing on the decision to obtain legal advice, but it had a positive influence on seeking nonlegal advice. This article argues that although the gravity of problem was more influential than income on obtaining legal advice, the effect of income should not be easily dismissed. Moreover, the contrasting effect of education on obtaining nonlegal advice strongly suggests that its use was determined by people's knowledge of its existence and capability of accessing such service. To improve the disadvantaged's access to justice, care should be taken not only to increase publicly funded legal advice services but also to enhance the public's awareness of their availability.

Equal justice under law is not merely a caption on the façade of the Supreme Court building. It is perhaps the most inspiring ideal of our society . . . [I]t is fundamental that justice should be the same, in substance and availability, without regard to economic status.

(U.S. Supreme Court Justice Lewis Powell, Jr.¹)

Equal access to justice is a fundamental value underlying every modern society upholding the rule of law. Researchers and policy makers have devoted tireless attention to this subject. The literature

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¹ Lewis Powell, Jr., Address to the ABA Legal Services Program, ABA Annual Meeting (August 10, 1976) (speaking in the capacity of the President of the American Bar Association), cited in National Legal Aid and Defender Association (1995: 1).

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on access to justice places central concern on whether socioeconomically disadvantaged individuals can obtain effective assistance in dealing with their legal problems. As Cappelletti and Garth (1981) pointed out, the possession of rights is meaningless without mechanisms for their effective vindication. To the extent that people of limited means cannot vindicate their legal rights because they are not resourceful enough to mobilize legal processes, the ideal of equal access to justice for all is in serious jeopardy. Unequal access to justice resulting from the poor's low level of accessibility to legal advice likewise threatens to undermine the fundamental legitimacy of the legal system.

While common sense suggests that cost presents an obstacle to the socially disadvantaged in obtaining legal advice, the truth of this intuition awaits empirical testing. Existing data show a mixed picture, in which income significantly impacted people's advice-seeking behavior in some jurisdictions but did not in others. Drawing on data from seven jurisdictions, Kritzer (2008) even argued that income has little bearing on the decision to obtain legal help. Theoretically speaking, the influence of income on advice-seeking behavior largely depends on two key factors: first, whether such advice is costly, and, second, whether legal aid is comprehensive enough. If advice is free of charge, then income should not hinder the search for it. Other capabilities, such as knowledge about accessing freely provided advice, should play a greater role. However, where advice is costly, such as fee-based support from legal advisors, it can be expected that income will impact its accessibility. In this case, legal aid shoulders the function of leveling the playing field. This explains the general belief that the availability of legal aid facilitates the realization of equal access to justice. Surely, the extent to which an existing legal aid scheme achieves the goal of promoting better access to legal advice in practice varies by jurisdiction. Thus, empirical investigations of the effect of income on access to legal assistance in a given jurisdiction provide valuable insights that can improve the evaluation of not only the achievement of equal access to justice but also the adequacy of legal aid provisions.

This article presents new findings from the Disputing Behavior and Legal Consciousness Survey recently conducted in Taiwan in 2011 (hereafter 2011 Taiwan Survey). We explored, first, what factors influence the advice-seeking behavior of Taiwanese citizens in general and, second, the impact of income on seeking legal advice in particular. We hypothesized that income would have a significantly positive impact on obtaining costly legal service. We further hypothesized that whenever advice services are free of charge, income would not influence the chances of Taiwanese citizens seeking legal advice after their knowledge of accessing such

services has been controlled for. Our empirical investigations supported both hypotheses. We argued that the different advice-seeking behaviors induced by people's socioeconomic statuses have important implications for improving access to justice, and so their effects should not be overlooked. This study demonstrates for policy makers the inadequacy of the current legal aid scheme in Taiwan and suggests advisable paths for future improvement.

This article proceeds as follows. The second section reviews the findings from prior civil justice surveys. The third section introduces the legal environment in Taiwan, describes the data, and explains our methodology. The fourth section reports major findings. The fifth section discusses the results and their implications. The last section concludes.

Findings from Contemporary Civil Justice Surveys

Civil justice problems are ubiquitous, and civil lawsuits represent only the tip of an iceberg (Felstiner, Abel, & Sarat 1981; Galanter 1983; Genn 1999). How ordinary citizens deal with everyday problems out of court clearly has profound implications on the ideal of equal access to justice. Although there is too little research on this topic (Eisenberg 2010), a handful of civil justice studies do exist.

Earlier studies have focused on the use of lawyers and courts. Curran (1977) gathered information about the incidence and type of civil justice problems U.S. citizens encountered in their lives and examined the circumstances under which the public sought the help of lawyers. A similar study was conducted to explore the legal needs of low- and moderate-income households (American Bar Association 1994). These studies showed that even in the United States, a jurisdiction often described as litigious, very few disputes ended with court proceedings and most people did not consult lawyers. The 1994 ABA study also indicated that people living in moderate-income households were more likely to obtain legal advice for defined legal needs than low-income people (28 percent vs. 21 percent) (American Bar Association 1994: 26–27).

The understanding of the court's limited role in resolving civil justice problems has led a group of researchers to turn their attention to the earlier stage of disputes and place a heavier emphasis on people's advice-seeking behavior in dealing with their legal problems. Hazel Genn's *Paths to Justice* (1999), for example, explored the frequency with which citizens in England and Wales encountered justiciable problems and mapped their responses to them. She defined a justiciable problem as "a matter experienced by a respondent which raised legal issues, whether or not it was recognized by

the respondent as being legal and whether or not any action taken by the respondent to deal with the event involved the use of any part of the civil justice system” (Genn 1999: 12). Surprisingly, Genn reported that no significant difference existed in the extent to which people of different income levels sought advice from solicitors as opposed to other advice sources. A similar result was found in terms of the likelihood of obtaining advice from a solicitor when Genn, together with Paterson, repeated the *Paths to Justice* survey in Scotland (Genn & Paterson 2001: 105–07).

Subsequent studies have continued to show different results about how income level influences people’s advice-seeking behavior. Some studies did not find a significant impact of income on obtaining legal advice. For example, in finding that Japanese people consulted lawyers significantly less often than American and English citizens, the 2005 Japanese Disputing Behavior Survey revealed that Japanese people’s use of legal advice was mainly influenced by problem type, prior experience of using a lawyer, and personal connections with a lawyer (Murayama 2009a). More importantly, Murayama found that neither education nor income significantly influenced the decision to pursue legal advice (Murayama 2009b). Similarly, surveys from Australia also produced no evidence that income influences the decision to obtain legal advice (Coumeralos, Wei, & Zhou 2006; Coumeralos et al. 2012).

However, another strand of studies identified a U-shaped relationship between income and the search for legal advice. The best illustration is the English and Welsh Civil and Social Justice Panel Survey (Plesence 2006; Plesence & Balmer 2012; Plesence, Balmer, & Tam 2007; Plesence et al. 2004). Plesence and Balmer (2009, 2012) consistently found that low- and high-income people were more likely to consult a legal advisor than middle-income people. Moreover, they further showed that legal aid eligibility was related to a significant increase in lawyer use for the problems in which legal aid was most available, but not for other problems (Plesence & Balmer 2012: 47). Plesence and Balmer attributed this U-shaped effect to the availability of legal aid and argued that policy makers need to address the difficulties that middle-income people face in obtaining legal advice (Plesence & Balmer 2009: 246). Studies from New Zealand (Ignite Research 2006), the Netherlands (van Velthoven & ter Voert 2005), and Canada (Currie 2006) likewise found a U-shaped effect of income on obtaining legal advice.

While the above two strands of studies seemed to present conflicting results, they, as a whole, nevertheless highlighted the question of whether income affects the behavior of people seeking legal advice as well as the role played by legal aid. The contrasting

findings from the United States and Great Britain suggest that the legal aid program in the United States is far less effective than that in Great Britain (Donovan 2010; Johnson 1999). Moreover, as Pleasence and Balmer (2012: 49) observed, the pattern that the availability of legal aid interrupts the linear relationship between level of income and the rate of success in securing legal advice is most apparent in jurisdictions with extensive and established legal aid schemes, such as England and Wales, New Zealand, the Netherlands, and Canada. Although a detailed comparison of these legal aid systems exceeds the scope of this study, some comparative observations deserve mention.

First, England and Wales have long been identified as jurisdictions with the most extensive legal aid scheme. According to the European Commission for the Efficiency of Justice (CEPEJ 2010), legal aid expenditure in England and Wales was around USD 72 per person in 2008, much higher than any other European country, except for Northern Ireland, even after changes to eligibility rules had led to a sharp drop in civil legal aid the previous 15 years (Griffith 2008). Second, although legal aid systems in New Zealand and Canada are more restrictive than in England and Wales, their average legal aid expenditure per person, USD 28 in New Zealand (in 2010) and USD 19 in Canada (in 2008), respectively, is still higher than that of most European countries, such as USD 9 in France (Ministry of Justice in UK 2011). Third, while the Netherlands traditionally is deemed a civil law jurisdiction, its system has been described as “the closest of the EU civil code jurisdictions to the English legal aid model” (Bowles & Perry 2009: 12). The spending level per capita on legal aid in the Netherlands was the next highest among European Union members or other countries outside the United Kingdom (CEPEJ 2006). Findings like these underscore the point: that the availability of a well-established legal aid scheme helps people with low incomes to obtain legal advice and creates a U-shaped rather than linear relationship between levels of income and success in procuring legal advice.

Relying on essentially identical sources of data, however, Kritzer argued that income has little bearing on the decision to obtain legal help (Kritzer 2008). Comparing 10 studies from seven jurisdictions, Kritzer observed that income did not significantly influence the use of a lawyer in most studies after problem type was controlled for. He thus proposed that the choice of whether to seek legal assistance is mainly a cost–benefit calculation, and that even people with sufficient resources may choose not to hire a lawyer. Kritzer noted that prior studies failed to consider respondents’ assessment of the seriousness of the issue and the likely benefit that a lawyer might produce (Kritzer 2008: 902).

The 2011 Taiwan Survey

Legal Environments in Taiwan

The basic structure of Taiwan's modern legal system was transplanted from Germany through the influence of Japan, while many elements of the U.S. legal systems have been gradually incorporated into its legal order (Huang 2009). While it is difficult to characterize Taiwan's legal culture due to the absence of systematic empirical evidence, some assumptions exist. The most popular assumption is that Taiwanese people tend to avoid conflict as well as lawsuits to maintain harmony, reflecting its cultural ties with China and Japan. Most Taiwanese descend from Chinese immigrants. Various Chinese dynasties claimed sovereignty over the island until the first Sino-Japanese War, when the Qing dynasty ceded it to Japan in 1895. Accordingly, it is believed that the Taiwanese inherited the traditional Chinese value system of prioritizing human sentiments and interpersonal relationships over reason and the law in resolving disputes. As this value system is generally consistent with values found in Japanese culture, it was presumably strengthened by the Japanese colonization of Taiwan from 1895 to 1945.

However, after modernizing its legal system for more than five decades, Taiwan has not only become a fully democratic state but has also turned into a well-developed legal jurisdiction. The concept of the rule of law has grown deeply rooted in the minds of Taiwanese people, as have the standards by which the law determines rights and obligations. Moreover, after 1999, Taiwan established an independent judicial system, with major reforms both in civil litigations (Huang 2009) and in the criminal justice system (Huang, Chen, & Lin 2010). Taiwan has become a legalized society, its judicial system having reached the levels of leading Western countries, at least from a lawyer's perspective (Eisenberg & Huang 2012; Huang 2008, 2009; Huang, Chen, & Lin 2010).

Accordingly, to what extent the traditional tenet of avoiding conflicts and preserving harmony still distinguishes Taiwanese dispute behavior from that in other countries remains unclear and awaits empirical investigation. In this regard, Japan offers important insights. While Takeyoshi Kawashima's (1963) seminal work encouraged a popular belief that Japan's low litigation rate originated from a weak sense of legal consciousness, the 2005 Disputing Behavior Survey indicated otherwise. This study showed that Japanese did not behave differently than Americans when encountering justiciable problems insofar as asserting claims was concerned (Murayama 2009a). Murayama argued that the infrequent use of

lawyers by Japanese is due not to culture but to the limited number of lawyers in Japan and has nothing to do with culture (Murayama 2009a).

In Taiwan, litigation rate and number of lawyers per capita both are much lower than in the United States, but higher than in Japan. Ramseyer and Rasmusen report 5806 civil filings per 100,000 people in U.S. state courts in 2006 but only 1,773 civil filings per 100,000 people in Japan in 2008. As to the number of lawyers per 100,000 people, the figures were 380 in the United States in 2009 but merely 23 in Japan in 2010 (Ramseyer & Rasmusen 2010: 7–8). In Taiwan, official statistics indicate that there were 2,372 civil filings in 2008 and 45 lawyers per 100,000 people in 2010. This comparison suggests that Taiwan falls somewhere between the United States and Japan in terms of citizen litigiousness.

To provide indigent parties with legal services for both civil and criminal cases, the Taiwanese government established the Legal Aid Foundation in 2004. A party receiving legal aid will be provided with an attorney free of charge. The financial criteria for receiving legal aid include income and capital. In general, a single household qualifies if its annual income falls under USD 10,000 and its disposable capital is less than USD 16,000. In addition, applicant's claim or defense cannot be manifestly without merit. Besides legal aid, various governmental agencies also provide free legal advice services. Some of the services require such qualifications as having social benefits status, while others do not.² Most such services do not include legal representation before the court. Many law schools also offer legal advice services but these often involve merely answering legal questions.

Legal aid expenditure by the Legal Aid Foundation in Taiwan falls well below legal aid spending in most leading jurisdictions. Specifically, the foundation's average legal aid expenditure per person totaled a mere USD 0.92 in 2008.³ To account for economic development status, we used the legal aid expenditure per person as a proportion of per capita GDP as our basis for comparison. In 2008, Taiwan's figure of 0.005 was far below those of England and Wales (0.18), New Zealand (0.07), the Netherlands

² The qualifications for receiving social benefits vary with locality. For example, to receive social benefits in Taipei city, the capital of Taiwan, in 2010, one must live in a household whose member had an annual income of less than about USD 6,000 per person on average. The criterion for people living in Kaohsiung city is living in a household whose member had annual income of less than about USD 4,000 per person on average.

³ The Legal Aid Foundation spent 669,671,776 New Taiwan dollars (about USD 21,247,954) in 2008 (Taiwanese Legal Aid Foundation 2009: 108), divided by a population of 23,162,123, leading to USD 0.93 per person.

(0.06), Canada (0.04), and France (0.02) (Ministry of Justice in UK 2011: 3).

Methods and Data

The data in this study come from the 2011 Taiwan Survey, the first national civil justice survey conducted in Taiwan. A research team at Academia Sinica conducted a face-to-face survey, following the methodology developed in Genn's *Paths to Justice* study (Genn 1999), while incorporating improved methods developed for the English and Welsh Survey (Pleasant & Balmer, 2009) and the Japanese Survey (Maruyama 2007).

The screening section of the survey asked all respondents whether they had experienced any problems that might have potentially led to a dispute with others or raised some legal questions during the previous five years, irrespective of whether any action was taken or the problem was resolved. We provided a list of 10 broad types of civil justice problems with 69 subtypes for respondents to identify. Criminal cases were not included. To reduce the inherent limitations that arise from using a specified-list approach (Eisenberg 2010: 112), we included the open-ended catchall category of "other."

Respondents to the 2011 Taiwan Survey who reported experiencing at least one justiciable problem continued to answer the questions in the survey's main section about their most recent problem. With regard to their advice-seeking strategies, a list of 17 categories of advice sources was identified, which could be recategorized into nine major sources: lawyers, legal consultation services, administrative agencies, police, local politicians, non-governmental organizations, nonlegal professionals, insurance companies, and others. We also collected data on respondents' demographic background, socioeconomic status, prior experience with the law, and perception of the legal system.

The 2011 Taiwan Survey included 5601 adults, drawing from a group of 12,246 adults aged 20 years and over and registered with the National Census system. They were randomly selected, through a stratified three-stage probability-proportional-to-size sampling method. The response rate (RR1) was 48.2 percent (AAPOR 2011). Ninety-nine trained interviewers and seven professional survey supervisors completed the fieldwork between September and December 2011. Of the respondents, 3,169 (56.6 percent) reported experiencing at least one justiciable problem during the past five years.

A test of representativeness indicated that our sample was not representative of the population in terms of age, education, and urbanization. We thus adopted a stepwise procedure, known as

raking or sample-balancing, to adjust the sampling weights so that the adjusted sample distributions in these sociodemographic variables agree with the population distributions.⁴ The results of the original survey sample, the weighted sample, and their respective tests of representativeness are reported in Appendix A. For the purpose of this article, we used the weighted data to conduct our analyses. Consequently, 3,240 problems reported by 3,240 individuals were included. Supporting Information Appendix S1 reports the distribution of the problem types.

The Statistical Model and Hypotheses

Focusing on respondents' advice-seeking behavior, we divided their strategies into three categories: obtaining no advice, obtaining merely nonlegal advice, and obtaining legal advice. Obtaining legal advice referred to cases in which respondents sought advice from lawyers or other legal consultation services, irrespective of whether additional advice was obtained from other sources. Obtaining nonlegal advice included all cases in which respondents sought advice from sources other than lawyers and legal consultation services.

Given the three discrete outcomes, we followed Pleasence and Balmer (2009) to adopt a multinomial logistic model, thereby simultaneously calculating two equations using "obtaining no advice" as the reference group. On the basis of three sets of independent variables discussed below, "Equation 1" compared the likelihood of obtaining nonlegal advice with obtaining no advice and "Equation 2" compared the likelihood of obtaining legal advice with obtaining no advice. To make the comparison between obtaining legal advice and nonlegal advice easier to grasp, we also used "obtaining non-legal advice" as the reference group to compare with obtaining legal advice. In the application of these equations, a relative-risk ratio (RRR) estimate above 1 represents an increase in the likelihood of a given advice-seeking strategy in relation to the reference group, while a RRR estimate below 1 indicates a decrease in likelihood.

The first set of independent variables dealt with problem characteristics. While most prior studies controlled for only problem

⁴ Raking is an iterative process that uses the sample design weight as the starting weight until the convergence criterion is achieved. In our survey, we used a chi-squared test to detect the discrepancies between sample and population distributions at a 5 percent significance level and adjusted the weights iteratively according to gender, age, education, and urbanization. When an adjustment according to a characteristic was done, we tested for the difference between sample and population distributions in other characteristics at a 5 percent significance level. The procedure is iterative until the sample and population distributions agreed.

type, this study considered two additional dimensions. The first dimension was the severity of the problem, which was represented by a seriousness score.⁵ Respondents were asked to assign a score to the reported justiciable problem on a scale from 0 to 100 after being provided with two illustrative references. We assigned the upper-bound reference, a problem in which a person was hit by a car and had to rely on a wheelchair for life, a seriousness score of 90. The lower-bound reference, a problem in which a person spent 2,000 New Taiwan dollars (equivalent to about USD 70) to buy a defective cellphone, was assigned a score of 10. The second dimension was the importance of resolving the problem. We asked respondents to rate how important it was for them to resolve the justiciable problem under a Likert-type scale from “extremely important” (= 5) to “not important at all” (= 1). While one could expect a correlation between the importance of problem and its seriousness, these two dimensions nevertheless reflect different aspects of evaluating the gravity of a problem.⁶

We hypothesized that both the seriousness score and the importance of a problem would positively impact the respondents’ pursuit of both advice in general and legal advice in particular. We did not predict whether the problem type would affect respondents’ advice-seeking behavior after the above two factors had been controlled for.

The second set of independent variables considered respondents’ personal characteristics. We included gender, age, education, marital status, employment status, disability status, household income, and urbanization. Specifically, gender was considered through a dummy variable (male = 1; female = 0) and age through a continuous logarithmic variable. Employment and marital status were each divided into three categories, the former as employed, unemployed, and economically inactive; the latter as single, married, and formerly married (including divorced and widowed). The degree of urbanization of respondents’ residence was measured through an ordinal variable (from downtown = 1 to remote and rural area = 6). Disabled respondents were identified by a dummy variable (disabled = 1; otherwise = 0). Respondents’ educational attainment was considered through a categorical variable of college and above, high school, and junior high school and below. To evaluate the influence of household income, we used two variables—the logarithm of household income and the square of

⁵ The approach of adopting an index of seriousness was recommended by Pascoe Pleasence when the research team invited him to comment on the research design of the 2011 Taiwan Survey in a closed-door workshop held in January 2011.

⁶ Using the seriousness score as the dependent variable and the level of importance as the explanatory variable, a regression model showed that its R^2 value was 0.329, indicating that level of importance explains about 32 percent of variation of seriousness score.

this logarithm—to account for a possible nonlinear relation between this factor and advice-seeking behavior. Moreover, to address the problem that some respondents refused to disclose income information, we added a dummy variable of whether this information was missing.

In this aspect, we were mindful of the potential problem of collinearity. As income might be correlated with education and employment status, such collinearity would distort the estimated results and associated inference. Our decision to use household income instead of individual income offered an additional advantage by reducing the degree of collinearity. To further investigate, we regressed household income on other covariates relating to respondents' characteristics, including gender, age, employment status, marital status, education level, disability status, and urbanization. The R^2 value of this model, 0.198, indicates that these variables explain only about 20 percent of variation in household income. The collinearity problem between household income and the above other variables is thus not severe.

With regard to the second set of variables, we hypothesized that income would have no impact on whether respondents seek nonlegal advice, which is usually free of charge, but would have a significant impact on whether they sought legal advice. However, given that people at the lowest income level are more likely to be eligible for legal aid, they might pursue legal advice more frequently than people at the low- and medium-income level. We also hypothesized that education would have a positive impact on seeking nonlegal advice because higher education signifies a higher ability to mobilize available free services. In addition, because disability status has been considered to be strongly associated with socioeconomic disadvantage, we hypothesized that respondents with disability status would be less likely to obtain both legal and nonlegal advice. For similar reasons, we also hypothesized that urbanization would have a positive impact on seeking both legal and nonlegal advice as advice services seem to be more accessible in urban areas than in rural areas. We used other variables such as gender, age, marital status, and employment status, as controls and did not make specific predictions.

The third set of independent variables addressed respondents' prior experience with courts and lawyers. Analyses of the 2005 Japanese Survey data suggested that prior use of the courts and the experience of hiring a lawyer both increased the likelihood of seeking legal advice (Ageishi 2010: 156–60; Murayama 2009a: 289–93). The 2011 Taiwan Survey also collected data on respondents' prior use of the courts and lawyers and we tested the effects of both variables on facilitating subsequent advice for justiciable problems. We hypothesized that prior experience of appearance

before the court and employment of a lawyer would both increase the likelihood of seeking legal advice.

Supporting Information Appendix S2 summarizes the distribution of the variables in the 2011 Taiwan Survey data used in this study.

Findings

Overview of Advice-Seeking Behavior

Of the 3,240 respondents experiencing justiciable problems, 24.3 percent (787 respondents) had sought advice from various advice sources. This advice-seeking rate is relatively low in comparison with most surveys in other countries, while it is comparable to what was reported in the 2006 New Zealand survey in which 23.6 percent of respondents sought third-party advice.

People might intuitively develop strategies for dealing with problems that escalate incrementally. That is, they might attempt to resort to self-help first before seeking help from a third party. Where justiciable problems are concerned, people might seek nonlegal advice first and then legal advice. An examination of respondents' information-gathering activities revealed a strong gradational relationship between self-help and advice seeking. Specifically, 70.4 percent of all respondents reported that they had adopted some kind of self-help strategy, including looking up information in books, seeking information on the internet, and talking to family members, colleagues, or friends. Of these 787 respondents seeking advice, 88.2 percent had adopted such self-help strategies. Viewed from another perspective, 30.4 percent of respondents who had ever adopted self-help strategies sought advice from a formal institution or professional, while only 9.7 percent of respondents who had not adopted any self-help strategy did so. The positive relationship between self-help and advice seeking is strong. In contrast, no clear gradation was detected between seeking legal advice and nonlegal advice. Of those respondents who obtained advice, 72.7 percent sought only nonlegal advice, while 13.4 percent sought exclusively legal advice and 13.9 percent sought both legal and nonlegal advice. Accordingly, we followed Pleasence and Balmer (2009) to divide the advice-seeking behavior into legal and nonlegal categories. Moreover, we treated respondents who had sought legal advice as legal advice seekers without regard to whether nonlegal advice was also sought.

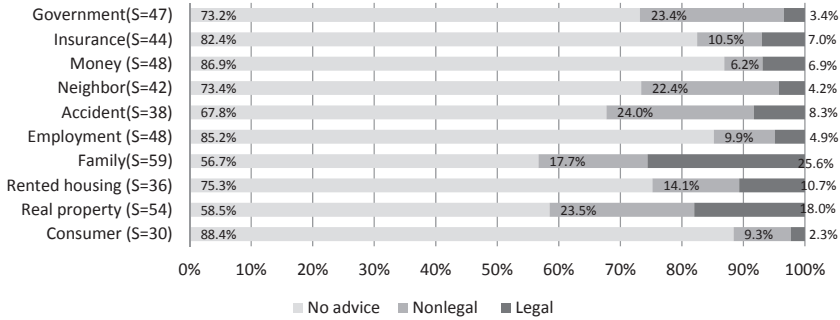
As such, 6.6 percent of the respondents who reported experiencing justiciable problems obtained advice from legal advisors and 17.7 percent obtained advice from other sources. Of the 215 respondents who obtained legal advice, 66.8 percent traveled to

their advisor, 25.9 percent obtained advice through the telephone or internet, and 5.5 percent had the advisor come to them (1.8 percent did not report a method of obtaining advice). Furthermore, of the 572 respondents who obtained merely nonlegal advice, 48.4 percent traveled to their advisor, 39.5 percent received advice through the telephone or internet, and 10.8 percent had the advisor come to them (1.3 percent did not report any method of contact). This comparison suggests that nonlegal advice was more easily accessed, while legal advice required travel to see counsel.

Respondents who were potential plaintiffs (i.e., the accusing party) would behave differently from respondents who were possible defendants (the accused party) when seeking advice. Genn (1999: 137) reported that people who were the subject of an action were about 15 percent less likely than the average respondent to obtain advice, although she also indicated that the correlation was weak. It is not always easy to define, of course, whether a respondent was an accusing or an accused party. For example, in a traffic accident, both parties might suffer damage and raise claims against each other. Nevertheless, we used the information of respondents' answers to the question of "who suffered a loss from the reported problem" to broadly define the potential position of respondents. Accordingly, 90 percent of respondents were categorized as accusing parties, whereas 10 percent of respondents were categorized as accused parties. A cross-tabulation indicates that a respondent's position did not significantly affect advice-seeking behavior. Specifically, of the accusing respondents, 17.4 percent sought nonlegal advice and 6.5 percent sought legal advice, whereas, of the accused respondents, 19.8 percent sought nonlegal advice and 7.4 percent obtained legal advice. A Pearson chi-square test indicated that respondents' potential position did not significantly impact their advice-seeking behavior (p value = 0.441).

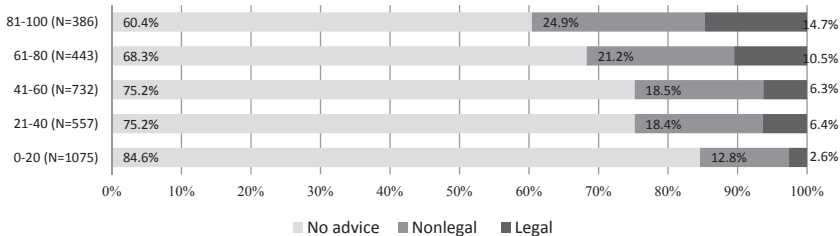
In contrast, as shown in Figure 1, Taiwanese people's advice-seeking behavior varied significantly by problem type. Results indicated that problems relating to family and real property most likely involved both third-party advice in general and legal advice in particular, consistent with findings from prior survey studies (see Kritzer 2008; Pleasence & Balmer 2009). Another consistent result indicated that consumer problems were least likely to involve legal advice. Interestingly, family and real property problem types earned the two highest mean scores of seriousness, 59 and 54, respectively, while consumer problems had the lowest mean score of seriousness, 30. It appears that the gravity of problem also affected various advice-seeking rates across problem type.

A close examination showed a more revealing picture of the effect of problem severity on advice-seeking behavior. Figure 2 reports the distribution of the three advice-seeking strategies by



Notes: The percentage indicates the distribution of respondents' advice-seeking strategies by problem type. The number in the parentheses indicates the mean score of seriousness within a specific type of problem. Source: The 2011 Taiwan Survey (weighted sample).

Figure 1. Advice-Seeking Behavior by Problem Type.

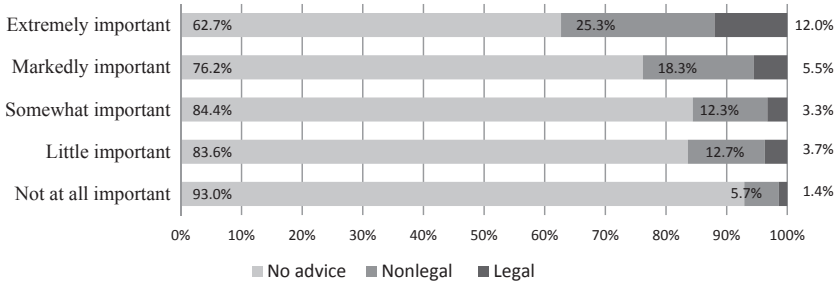


Notes: The percentage indicates the distribution of respondents' advice-seeking strategies in problems with different seriousness scores. The number in the parentheses indicates the number of observation. Source: The 2011 Taiwan Survey (weighted sample).

Figure 2. Advice-Seeking Behavior by Seriousness Score.

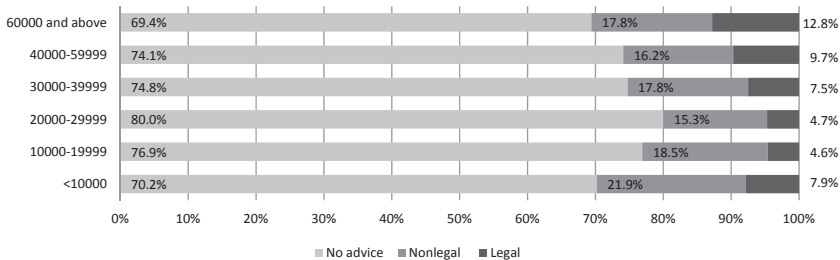
seriousness score. Evidently, the more serious a problem was, the more likely the strategy of seeking advice was adopted. More informatively, as the degree of seriousness increased, the ratio of obtaining legal advice to receiving nonlegal advice increased. Respondents appeared more likely to choose legal advice over nonlegal advice for more serious problems. For problems with a seriousness score of 0–20, only 2.6 percent of respondents sought legal advice and 12.8 percent obtained nonlegal advice. For problems with a seriousness score of 81–100, 14.7 percent obtained legal advice and 24.9 percent obtained nonlegal advice.

The same pattern appeared in the relationship between advice-seeking strategies adopted and the importance of resolving the problem. As shown in Figure 3, the more important that people thought it was to resolve a problem, the more likely they sought advice. Moreover, as the level of importance rose, so did the likelihood that respondents used legal advice rather than nonlegal advice. In other words, the greater the problem, the more likely respondents chose legal over nonlegal advice.



Notes: The percentage indicates the distribution of respondents' advice-seeking strategies in problems with different levels of importance.
 Source: The 2011 Taiwan Survey (weighted sample).

Figure 3. Advice-Seeking Behavior by Importance of Resolving Problem.



Notes: The percentage indicates the distribution of respondents' advice-seeking strategies among respondents of different income levels.
 Source: The 2011 Taiwan Survey (weighted sample).

Figure 4. Advice-Seeking Behavior by Income Level.

As for the relationship between personal characteristics and advice-seeking behavior, we first studied the key factor—income level. Figure 4 shows that the relationship between income level and obtaining advice in general produces a U-shaped effect. That is, people at both the high and the low ends of the income distribution were more likely to obtain advice than people at the middle-income level. Specifically, 69.4 percent of respondents whose annual household income was above USD 60,000 and 70.2 percent of respondents whose annual household income was below USD 10,000 did not obtain any kind of advice, while 80 percent of respondents whose annual household income ranged between USD 20,000 and USD 29,999 sought no advice.

Nevertheless, a closer look at the distribution of legal advice and nonlegal advice among people with different household incomes revealed another pattern. In the case of legal advice, the U-shaped distribution across income levels prevailed. Yet, the

pattern suggests a positive relationship between obtaining legal advice and household income, with the exception of people at the lowest income level. The likelihood of obtaining nonlegal advice, among people with different household incomes, seems to fluctuate around the mean without a consistent pattern.

While these descriptive statistics provide a useful overview of advice-seeking patterns, they cannot establish the relative influence of various demographic factors and problem characteristics on advice-seeking strategies. For example, the effect of income on legal advice seeking, shown in a simple cross-tabulation, may just be a function of problem severity distributed unevenly across people with different incomes. We therefore turn to the results of our statistical analyses.

Results of the Statistical Model

A multinomial logistic model was adopted to analyze the predictors of people's decisions (1) not to obtain advice, (2) to obtain nonlegal advice only, and (3) to obtain legal advice. This model simultaneously examined three sets of variables, including individual characteristics, problem characteristics, and prior experience with courts and attorneys.⁷ Table 1 reports the results, with the second and third columns using no-advice respondents as the reference group and the fourth column using nonlegal advice only as the reference group.

With regard to problem characteristics, both the seriousness score and the importance of the problem produced a significant positive impact on obtaining both legal advice and nonlegal advice. As the seriousness score became higher, the likelihood of obtaining both legal and nonlegal advice also increased. Specifically, when the seriousness score increased to 2.72 times,⁸ the odds that a respondent sought legal advice rather than to not seek it increased to

⁷ The multinomial logistic regression relies on the assumption of independence of irrelevant alternatives (IIAs), which implies that adding or deleting an outcome should not affect the odds among the remaining outcomes. In our analysis, the seemingly unrelated-estimation-based Hausman test has a p value of 0.671, 0.931, and 0.489 when the outcome of "not obtaining advice," "obtaining non-legal advice only," and "obtaining legal advice," is omitted, respectively. Analogously, Small-Haiso test has a p value of 0.965, 0.591, and 0.778, respectively. These test results indicate that the IIA assumption is not violated (Long & Freese 2006).

⁸ Logistic style regression, while straightforwardly obtaining odds ratio for categorical explanatory variables, needs transformation for continuous explanatory variables. Let OD_a denote odds for a respondent encountering a problem with a seriousness score of a and let OD_b denote odds for a respondent encountering a problem with a seriousness score of $2.72a$. Recall that we use log score as an explanatory variable in the regression. Also, note that we have $\ln(OD) = X\beta$ by the log-odds representation of the logistic type model. Other things being equal, we have $\ln(OR_{b,a}) = \ln(OD_b/OD_a) = (X_b - X_a)\beta = [\ln(2.72a) - \ln(a)]\beta = [\ln(2.72) + \ln(a) - \ln(a)]\beta = \beta$. Thus, in this case, $OR_{b,a} = \exp(\beta) = 1.611$.

Table 1. Results of the Multinomial Logit Model with Relative-Risk Ratio

Dependent Variables	Equation 1			No Advice as Reference			Equation 2			Nonlegal Advice as Reference		
	Nonlegal Advice			Relative-Risk Ratio			Legal Advice			Relative-Risk Ratio		
	Est.	Std	Relative-Risk Ratio	Est.	Std	Relative-Risk Ratio	Est.	Std	Relative-Risk Ratio	Est.	Std	Relative-Risk Ratio
Seriousness score (logarithm)	0.166 (0.074)**		1.181	0.477 (0.142)***		1.611	0.310 (0.152)**		1.364	0.078 (0.101)		1.081
Level of importance	0.284 (0.054)***		1.329	0.362 (0.093)***		1.436	0.078 (0.101)		1.081	0.190 (0.189)		1.209
Gender (male = 1)	-0.152 (0.105)		0.859	0.039 (0.177)		1.039	0.190 (0.189)		1.209	-0.680 (0.410)*		0.507
Age (logarithm)	0.905 (0.227)***		2.472	0.225 (0.381)		1.252	-0.680 (0.410)*		0.507			
Education (without high school as reference)												
High school	0.244 (0.147)*		1.277	0.030 (0.247)		1.031	-0.214 (0.262)		0.807	-0.214 (0.300)		0.880
College education	0.306 (0.172)*		1.358	0.178 (0.284)		1.195	-0.128 (0.300)		0.880			
Employment status (employed as reference)												
Unemployed	0.500 (0.261)*		1.649	0.133 (0.397)		1.143	-0.367 (0.421)		0.693	0.153 (0.243)		1.166
Economically inactive	0.170 (0.130)		1.185	0.323 (0.228)		1.382	0.153 (0.243)		1.166	-0.098 (0.071)		0.907
Urbanization (1 = high; 6 = low)	-0.012 (0.039)		0.988	-0.110 (0.066)*		0.896	-0.098 (0.071)		0.907			
Marital status (single as reference)												
Married	-0.283 (0.162)*		0.754	-0.043 (0.281)		0.958	0.239 (0.305)		1.270	0.239 (0.305)		1.270
Formerly married	-0.433 (0.239)*		0.649	-0.470 (0.372)		0.625	-0.037 (0.407)		0.964	-0.376 (0.177)**		0.687
Household income (logarithm)	-0.050 (0.112)		0.952	-0.425 (0.176)**		0.654	-0.376 (0.177)**		0.687	0.036 (0.013)***		1.037
Household income (square of logarithm)	0.005 (0.008)		1.005	0.041 (0.013)***		1.042	0.036 (0.013)***		1.037	-0.226 (0.741)		0.798
Household income (missing)	0.123 (0.436)		1.131	-0.103 (0.727)		0.903	-0.226 (0.741)		0.798	0.658 (0.399)*		1.931
Disabled (yes = 1; no = 0)	-0.061 (0.270)		0.941	0.597 (0.363)		1.816	0.658 (0.399)*		1.931			
Problem type (consumer as reference)												
Real property	0.913 (0.304)***		2.493	1.746 (0.439)***		5.733	0.833 (0.472)*		2.300	0.833 (0.472)*		2.300
Rented housing	0.415 (0.331)		1.514	1.102 (0.498)**		3.012	0.688 (0.547)		1.989	1.224 (0.447)***		3.400
Family	0.699 (0.300)**		2.012	1.923 (0.409)***		6.840	1.224 (0.447)***		3.400	0.655 (0.466)		1.926
Employment	-0.194 (0.253)		0.824	0.461 (0.415)		1.586	0.655 (0.466)		1.926	0.106 (0.367)		1.112
Accident	1.066 (0.175)***		2.905	1.173 (0.342)***		3.231	0.106 (0.367)		1.112	-0.575 (0.396)		0.563
Neighbor	0.739 (0.179)***		2.094	1.164 (0.370)		1.178	-0.575 (0.396)		0.563	1.108 (0.571)*		3.029
Money	-0.592 (0.376)		0.553	0.516 (0.464)		1.675	1.108 (0.571)*		3.029	0.614 (0.789)		1.849
Private insurance	-0.091 (0.491)		0.913	0.524 (0.688)		1.688	0.614 (0.789)		1.849	-0.828 (0.524)		0.437
Government	0.786 (0.217)***		2.194	-0.042 (0.504)		0.959	-0.828 (0.524)		0.437	0.784 (0.545)		2.191
Others	0.959 (0.380)**		2.609	1.743 (0.471)***		5.716	0.784 (0.545)		2.191	0.386 (0.237)		1.471
Court experience (yes = 1)	0.124 (0.140)		1.132	0.510 (0.219)**		1.665	0.386 (0.237)		1.471	1.741 (0.245)***		5.702
Lawyer experience (yes = 1)	0.216 (0.172)		1.241	1.957 (0.219)***		7.077	1.741 (0.245)***		5.702			
Constant	-6.771 (0.970)***		0.001	-7.194 (1.609)***		0.001	-0.423 (1.708)		0.655			
Observations	3,065											
Weighted observations	3,145.022											
<i>p</i> value	0.000											

Notes: The second and third columns report the results of the model on respondents' advice-seeking strategies, using "no-advice" as the reference group. The fourth column reports the results of using "non-legal advice only" as the reference group to be compared with "legal advice." Standard errors are reported in parentheses. *, **, and *** represent significance at the 10%, 5%, and 1% nominal levels, respectively. Relative-risk ratio denotes the odds ratio between the comparison and base groups.

Source: The 2011 Taiwan Survey (weighted sample).

1.611 times. To illustrate, the odds that a respondent whose problem had a seriousness score of 82 sought legal advice rather than no advice, compared to a respondent encountering a problem with a seriousness score of 30, increased to 1.611 times. The higher the seriousness score, the more likely respondents sought legal advice over nonlegal advice. In the previous illustration, which compares a respondent with a problem seriousness score of 30 and a respondent with a score of 82, the odds of seeking legal advice to seeking nonlegal advice increased to 1.364 times. Respondents were thus more likely to seek advice (legal and nonlegal) for problems of greater importance. However, as the RRR of 1.081 and its p value of 0.443 indicate, the importance of resolving the problem did not significantly affect respondents' choice between obtaining legal advice and obtaining nonlegal advice.

After controlling for the seriousness score and importance of the problem, advice-seeking strategies continued to differ by problem type. Family problems and real property problems were most likely to trigger legal advice seeking. Specifically, compared with respondents encountering consumer (goods/services) problems (the reference group in Table 1), the odds for respondents encountering family problems and respondents encountering real property problems to seek legal advice rather than to seek no advice increased to 6.840 times and 5.733 times, respectively. By comparison, government problems proved least likely to involve legal advice (as opposed to no advice), followed by consumer and neighbor problems. Using money (loan/credit) problems as a reference, the RRRs of government, consumer, and neighbor problems were less than 1—0.573, 0.597, and 0.703, respectively.⁹ Accident and real property problems were most likely to involved nonlegal advice (over no advice), followed by government and neighbor problems. However, money and employment problems were least likely to involve nonlegal advice (over none).

⁹ It should be noted that a regression model could have one reference group for each categorical variable to make a comparison. To make an overall comparison among all types of problems, one method is to run 10 regression models with each using one distinct problem type as the reference group. We conducted such an overall comparison but did not report the results here due to space limitations. We chose to report the result of using consumer (goods/services) problems as the reference group in Table 1. In this multinomial logistic model, the relative-risk ratio (RRR) of one strategy to another strategy between two types of problems, i and j , can be directly calculated by $RRR_{ij} = RRR_{ic}/RRR_{jc}$, where c denotes the reference group of consumer problems. For example, in the third column of Table 1, the RRR of seeking legal advice (vs. no advice) between government problems ($RRR_{ic} = 0.959$) and money problems ($RRR_{jc} = 1.675$) is $0.573 = 0.959/1.675$. Similarly, the RRR of seeking legal advice (vs. no advice) between neighbor problems ($RRR_{ic} = 1.178$) and money problems ($RRR_{jc} = 1.675$) is $0.703 = 1.178/1.675$. As to the RRR of seeking legal advice (vs. no advice) between consumer problems ($RRR_{ic} = 1.000$) and money problems ($RRR_{jc} = 1.675$) is $0.597 = 1.000/1.675$. As can be seen from Table 1, respondents encountering family (government) problems had the largest (smallest) likelihood to seek legal advice rather than to seek no advice among various problem types.

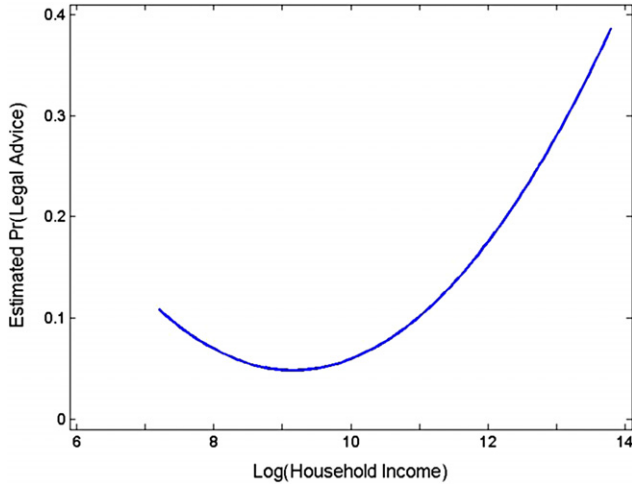
As to the demographic characteristics of respondents, gender and employment status did not have a significant impact. Single respondents were more likely to seek nonlegal advice, but not legal advice. This was the case for older respondents as well, and this effect extended to the comparison of respondents obtaining legal advice with respondents obtaining merely nonlegal advice. Among advice-seeking respondents, older respondents were more likely than younger respondents to acquire nonlegal advice over legal advice.

While urbanization did not affect respondents' likelihood of obtaining nonlegal advice, it showed a negative impact on obtaining legal advice. In contrast, people with disability were not less likely to obtain advice; instead, their disability status seemed to facilitate obtaining legal advice (significant at a 10 percent level).

More interestingly, although education level did not significantly influence the likelihood of obtaining legal advice, it had a positive impact on obtaining nonlegal advice. As Table 1 shows, the odds that those with a high school or college education sought nonlegal advice over no advice, compared with respondents who lacked a high school education, increased to 1.358 and 1.277 times, respectively (significant at a 10 percent level). The two variables reflecting respondents' prior experience with courts and lawyers did not influence nonlegal advice seeking; however, both had a significant effect on obtaining legal advice. Specifically, the odds that respondents with prior court experience sought legal advice rather than none were 1.665 times as high as the odds for respondents without such experience. More significantly, the odds that respondents who had experience consulting a lawyer sought legal advice rather than none at all, compared with respondents who had no experience consulting lawyers, increased to 7.077 times. The effect of prior experience in hiring a lawyer proved much stronger than the effect of prior court experience on increasing the likelihood that a respondent sought legal advice.

Finally, after controlling for all of the above factors, income showed different effects on obtaining both legal and nonlegal advice.¹⁰ In the case of nonlegal advice, income produced almost no effect. The two variables of the income logarithm and the squared logarithm were statistically insignificant. In fact, their estimated coefficients were so small as to be negligible. In contrast, income had a significantly positive impact on obtaining legal advice. When compared to not obtaining advice, people with higher household incomes were more likely to obtain legal advice. The correlation between income and obtaining legal advice, as shown in Figure 5-1, graphically resembled

¹⁰ It should be noted that the dummy variable of missing data on income did not significantly influence the dependent variable in our statistical model, suggesting that our findings were not biased by those respondents who refused to disclose their household income.



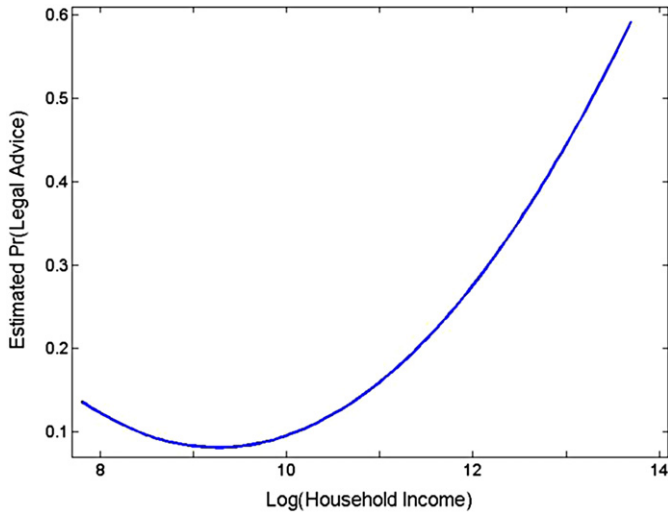
Notes: This line plots the fitted values from the regression of the predicted probability of seeking legal advice on logarithm of household income and its square for those obtaining no advice and those obtaining legal advices. The predicted probability is calculated based upon the results reported in Table 1. The fitted values take the following form: $\text{Prob}(\text{Legal Advice}) = 0.0157X^2 - 0.2876X + 1.3655$, where X denotes logarithm of household income. The minimum of the fitted curve is 0.045 ($= 0.0157Xm^2 - 0.2876Xm + 1.3655$) at $Xm = 0.2876/(2 \times 0.0157) = 9.1831$, which is equivalent to USD 9,731 [$= \exp(9.1831)$].
Source: The 2011 Taiwan Survey (weighted sample).

Figure 5-1. Correlation between Income and Legal Advice (vs. No Advice).

a gradual incline rather than a steep U-shaped line. Although people at the lowest income levels tended to obtain legal advice more frequently than people at the low-medium income level, the difference was not large. We could estimate that the lowest probability of seeking legal advice in Figure 5-1 falls on people with an annual household income of USD 9,731. People in low-income families still proved significantly less likely to obtain legal advice than people in medium- or high-income households.

The same pattern also appeared in the context of the comparison between obtaining legal and nonlegal advice. Among all the respondents who obtained advice, as household income rose, so did the likelihood that they sought legal over nonlegal advice. Figure 5-2 illustrates this correlation. We estimated that the lowest probability of obtaining legal advice would fall on people with an annual household income of USD 10,415. Such consistent results indicate that, except for those whose annual household income falls below USD 10,000, income and legal advice bore a significantly positive relationship in Taiwan.¹¹

¹¹ Although the effect of household income on the probability of seeking legal advice could not be directly learned from Table 1, we could calculate the odds of seeking legal



Notes: This line plots the fitted values from the regression of the predicted probability of seeking legal advice on logarithm of household income and its square for those obtaining nonlegal advice and those obtaining legal advice. The predicted probability is calculated based upon the results reported in Table 1. The fitted values take the following form: $\text{Prob}(\text{Legal Advice}) = 0.0259X^2 - 0.4796X + 2.3014$, where X denotes logarithm of household income. The minimum of the fitted curve is 0.083 ($= 0.0259Xm^2 - 0.4796Xm + 2.3014$) at $Xm = 0.4796/(2 \times 0.0259) = 9.2510$, which is equivalent to USD 10,415 [$= \exp(9.2510)$].
Source: The 2011 Taiwan Survey (weighted sample).

Figure 5-2. Correlation between Income and Legal Advice (vs. Nonlegal Advice).

Discussion

The thrust of our study is that both problem characteristics and individual differences influence people's advice-seeking behavior. While the nature of respondents' problems seems to best explain their decisions to pursue advice, several demographic factors significantly impact their choice of legal or nonlegal advice. Virtually all of our empirical investigations support our hypotheses, except for the expectation that respondents with disability status did not obtain legal advice less frequently. Most importantly, this study reveals a strong pattern that the rich are more likely to obtain legal advice than the poor. We now discuss this study's three major findings and their policy implications.

advice for respondents with different incomes based on our estimation as shown in Figures 5.1 and 5.2. To illustrate, compared to a respondent with a household income of USD 10,000, the odds for a respondent with a household income of USD 40,000 (60,000) to seek legal advice rather than to seek no advice increased to 1.750 (2.271) times. Similarly, compared to a respondent with a household income of USD 10,000, the odds for a respondent with a household income of USD 40,000 (60,000) to seek legal advice rather than to seek nonlegal advice increased to 1.647 (2.139) times.

Problem Severity, Problem Type and Advice-Seeking Patterns

Although the study's finding that people tend to seek advice for more severe and more important problems is hardly surprising, our analyses provide meaningful insights for contemporary civil justice studies. To begin with, most prior studies simply controlled for problem type and showed that, as Genn described, "problem type tends to swamp other considerations" (Genn 1999: 141).¹² These consistent findings tacitly imply that the gravity of a problem varies significantly across different types so that people behave differently. Our study makes the role of the severity of problem as well as importance of resolving the problem more explicit and transparent.

Moreover, observing the interrelationship between the gravity of problems and the decision to seek legal or nonlegal advice reveals that the choice between legal and nonlegal advice not only depends on the problem type, but also on the general tendency to favor legal over nonlegal advice for problems with greater gravity. While civil justice problems might require assistance beyond traditional legal advice, and the type of advice needed varies with the characteristics of the problem, as some studies have pointed out (e.g., Coumeralos, Wei, & Zhou 2006), our study shows that even after controlling for problem type, people facing justiciable problems with greater gravity displayed a stronger propensity to choose legal advice over nonlegal advice. Thus, from a policy point of view, it would be a mistake to assume that advice from other sources compares with advice from legal advisors helping to resolve justiciable problems.

Independent of the gravity of a problem, the nature of a problem, ostensibly involving different areas of law, has its own effect. Our finding that family and real property problems were the two types of problems most likely to involve legal advice is consistent with findings in prior studies (e.g., Kritzer 2008). Also consistent with what has been observed in England and Wales is our finding that people who encountered government and neighbor problems were more likely to seek nonlegal advice than legal advice (Pleasence & Balmer 2009: 243–44).

Observing advice-seeking behavior and problem type, Pleasence and Balmer (2012: 52) pointed out that some types of problems are

¹² While the 2006 Canadian Legal Needs Study (Currie 2006: 62–63) considered the seriousness of problems in analyzing people's responses to problems and the 2005 Northern Ireland Legal Needs Survey (Dignan 2006: 53–58) considered the importance of problems in examining people's problem-handling strategies, neither study seemed to simultaneously analyze the effect of income. Silberman (1985) considered seriousness of dispute but did not control for problem type. The only study we are aware of that explicitly controls for problem type, severity of problem, and income in a formal model is Pleasence and Balmer (2012).

inherently legal. Our study adds evidence to the plausibility of this assertion. For example, while accident and neighbor problems were both very likely to involve police as a third-party advisor, as reflected in their relatively high frequency of seeking nonlegal advice, the former obviously had greater need to involve legal advice than the latter. As a result, even after the severity of problems and importance of resolving the problems were controlled for, accident problems were still more likely to involve legal advice than neighbor problems.¹³ In contrast, although rental housing problems had the second lowest average score of seriousness, people who encountered this type of problem still tended to seek legal advice, which suggests that the laws regulating the relationship between landlord and tenant were too difficult for laypeople to handle on their own. However, the general nonseverity of this type of problem normally made consulting private lawyers an economically unviable option, especially for the tenants. Consequently, provision of better funded public legal service seems desirable.

Income and Education vis-à-vis Legal and Nonlegal Advice

The most informative finding in this study is the contrasting pattern whereby income had a significant positive effect on the likelihood of obtaining legal advice but no effect on the probability of obtaining nonlegal advice, while education influenced the likelihood of obtaining nonlegal advice but had no effect on the probability of obtaining legal advice. This finding reveals the mechanism of respondents' own resources and competencies in relation to the advice services available to them.

While people with the lowest incomes were more likely to obtain legal advice than people at the low-medium income level, the general pattern is, by and large, positively curved rather than U-shaped. This comparison implies that current publicly funded legal advice services and legal aid mechanisms in Taiwan have improved access to legal advice for the very poor; however, they are not as comprehensive and effective as their English and Scottish counterparts.

To be sure, as Kritzer (2008) cautioned, not all civil justice problems demand a lawyer's assistance, and the decision to seek legal advice involves a cost-benefit calculation. Prior empirical studies that weigh the impact of legal representation on litigation outcomes in Taiwan (Huang 2008) also support his points. Many people with sufficient financial resources simply choose not to

¹³ As explained in footnote 10, the RRR of seeking legal advice (vs. no advice) between accident problems ($RRR_c = 3.231$) and neighbor problems ($RRR_c = 1.178$) could be obtained by $3.231/1.178$, that is, 2.743.

retain an attorney when facing important legal disputes. However, cost–benefit analysis cannot fully explain the advice-seeking behavioral patterns identified in this study.

It has been suggested that not only are people with high incomes generally more likely to encounter justiciable problems (van Velthoven & ter Voert 2005), but, more importantly, people with different incomes tend to encounter distinct types of problems (Pleasence & Balmer 2012). While people with low incomes were found to have a higher incidence of social benefits and rental housing problems (American Bar Association 1994; Dignan 2006; Ignite Research 2006; Pleasence et al. 2004), people with high incomes encountered more problems relating to real property (Pleasence 2006). It is thus possible that the variable frequency of response among respondents with different income levels of seeking legal advice is simply the result of income levels affecting life experiences, which, in turn, leads to different types of problems. However, problem types could not fully account for the influence of income levels on seeking legal advice. After taking the severity of problems and problem types into consideration, our statistical model continued to establish that income affected advice-seeking behaviors. Furthermore, the distribution of problem types among people with different income levels does not show that the rich more frequently than the poor encountered the types of problems that were more likely to trigger legal advice. For example, family problems accounted for 6.65 percent of all problems under examination and their relative frequencies among respondents at different income levels fluctuated around the mean without a consistent pattern. Moreover, while respondents at the lowest income level tended to report more government problems (the type of problem least likely to involve legal advice) than respondents on higher income levels (14.01 percent as opposed to 8.31 percent on average), respondents on higher incomes reported more consumer problems (22.97 percent for those at the highest income level, above USD 60,000), the second least likely type of problem to involve legal advice, than respondents at lower income levels (13.40 percent for those at the lowest income level, below USD 10,000 per annum).

Income might potentially affect people's perceptions of a problem so that low-income people might perceive problems to be less serious and thus feel it less desirable—rather than less affordable—to seek legal advice. However, our data suggest the contrary. In fact, household income and the seriousness score of a reported problem bore an inverse relationship, which persisted even after controlling for problem type. More informatively, despite the tendency that people on low-income level perceived reported problems as being more serious more than people on

high-income level, the former was nevertheless less likely to seek legal advice than the latter.

Thus, lack of affordability, rather than desirability, resulted in less legal advice for people living on low-income level. For problems that respondents deemed “extremely important,” the disparity in the rate of obtaining legal advice between people of different financial resources remains significantly large. Specifically, 26.3 percent and 20.4 percent of respondents at the highest (USD 60,000 or above per annum) and second highest income levels (USD 40,000–59,999 per annum), respectively, obtained legal advice for problems with extreme importance, while 13.1 percent of respondents at the lowest income level (less than USD 10,000 per annum) and 8.3 percent of respondents at the second lowest income level (USD 10,000–19,999 per annum) did so. As to respondents with moderate incomes, 11.1 percent of respondents whose household income was USD 20,000–29,999 and 12.6 percent of respondents whose household income was USD 30,000–39,999 obtained legal advice for extremely important problems. Given the low likelihood that people on low-income level would systematically evaluate the potential benefits of legal advice more poorly than people on high-income level, the former most likely considered the issue of affordability in any decision about the search for legal advice.

A contrasting finding is that income did not influence the procurement of nonlegal advice. Since nonlegal advice was mostly provided free of charge, this result seems logical. Our study showed that people’s level of education positively influenced their procurement of nonlegal advice, indicating that personal knowledge matters in accessing advice services. It also reflects the well-recognized point that knowledge constitutes another important resource that closely relates to issues of social inequality and unequal access to justice (Sandefur 2007). The implication of our finding in this regard is clear. Besides the general effort to make advice services widely known and available to the public, special care should be taken to ensure that information on advice services is conveyed in a way that allows people with a low level of educational attainment to understand how to access services. For example, the 2011 Taiwan Survey data showed that people with a lower educational level proved less likely to seek information about their justiciable problems on the internet.¹⁴ Promoting information about advice services entirely through internet communications (Web site or

¹⁴ In response to the question of whether respondents had looked up information on the internet for dealing with a justiciable problem, 13.7 percent of respondents whose educational attainment is junior high school or below, 26.3 percent of respondents whose educational attainment is high school, and 33.6 percent of respondents who have college education or above answered yes in the 2011 Taiwan Survey.

e-mail) will most likely undermine the goal of increasing the awareness of less-educated people. Information should be spread and communicated in such a way that maximizes the likelihood of a positive reception.

Our findings demonstrate that inequality does exist before the law. How should we view this inequality? The cost–benefit approach suggests that access to legal service is simply one of many needs in an individual’s life and must therefore compete with other needs. However, this kind of thinking not only collides with the value of the rule of law, it also undermines the ideal of equal access to justice. This does not necessarily mean that the cost–benefit approach has no place in facilitating equal access to justice. Instead, it might best be utilized to maximize the distribution of limited resources on a broader level.

The implication of our findings for policy makers is clear insofar as they make a strong case for providing people at low- and lower middle-income level with easier access to free or low-cost legal advice in Taiwan. However, besides the obvious solution of investing more funding, the real challenge will be making the best use of available, limited resources to promote equal access to justice. It has been observed that the lower legal aid expenditures in civil law countries accompany higher investments in maintaining larger bodies of judicial officers than those in common law jurisdictions (Bowles & Perry 2009). While this contrast reflects different approaches adopted by these two systems to achieve justice, insofar as legal aid expenditure is concerned, both systems devote most of these designated resources to paying for legal representation before the court. In light of the fact that resolving a civil justice problem at an earlier stage of dispute is certainly more efficient than at a later stage, it seems advisable to consider investing more resources on providing accessible legal advice to people with low incomes so that they can resolve their justiciable problems at an earlier stage, rather than spending more money later to pay for legal representation in formal proceedings. To be sure, future empirical testing will show whether this approach will better serve the ideal of equal access to justice. Accordingly, in addition to assessing the impact of income on obtaining legal advice, further research should pay closer attention on how to maximize the efficacy of limited aid budgets.

Effect of Other Personal Characteristics on Obtaining Advice

In addition to income and education, other personal characteristics that affect obtaining advice merit discussion. First, the finding that people with disability not only obtained nonlegal advice as frequently as people without disability but also obtained

legal advice even more frequently indicates the effectiveness of Taiwan's social security system in providing advice services for people with disability. This result differs somewhat from the finding in the English and Welsh Survey, which states that little difference existed between people with disability and the general public in obtaining advice (O'Grady et al. 2004). While we were cautious about calling this finding from Taiwan a success, the possibility of extending these efforts to the problems of low- and moderate-income families certainly deserves the attention of policy makers.

Second, our finding that urbanization enhances chances of obtaining legal advice reflects the reality that legal advice services were relatively scarce in rural areas. In light of the continuing trend that more and more young and educated people move from rural villages to urban areas, it can be expected that rural conditions will deteriorate in the future. This finding highlights the importance of increasing legal advice services through publicly funded sources in rural areas.

Finally, our study echoes the 2005 Japanese survey, which finds that people with prior experience in court, or those who retain a lawyer, were more likely to seek legal advice than people without such experiences (Ageishi 2010: 156–60; Murayama 2009a: 289–93). Since we have controlled for income in our statistical model, this effect is unlikely to stem from the repeated influence of income—the rich were both more likely to retain a lawyer before and also more likely to obtain legal advice for a subsequent problem. A plausible explanation is that prior experiences in courts and retaining an attorney brought people's attention to the value and benefits of legal assistance and thus promoted the likelihood of seeking legal advice for dealing with a subsequent legal problem.

Conclusion

This study shows that income has a significant impact on obtaining legal advice in dealing with civil justice problems. The rich indeed have greater access to legal services than the poor. That justice should remain equal without regard to economic status remains an ideal rather than the reality in Taiwan. Yet, the 2011 Taiwan Survey also indicates that the currently existing legal aid mechanism positively affects accessibility of legal services to people with the lowest incomes. It thus highlights the importance of legal aid, and the fact that this effect is not yet sufficiently comprehensive and strong. To achieve the goal of equal justice for all, Taiwan still has a long way to go.

While our analyses generally confirm the consistent pattern emerging from prior civil justice surveys around the globe—that problem characteristics are the most significant predictor of advice-seeking behavior—we contribute to the literature by explicitly demonstrating the effect of a problem’s gravity. We further find that the differences caused by individual demographics and socioeconomic statuses should not be overlooked. The contrasting pattern of income and education vis-à-vis legal and nonlegal advice found in this study is particularly informative: income significantly and positively impacted obtaining legal advice, yet it had no effect on obtaining nonlegal advice, while education had an influence on obtaining nonlegal advice but no effect on obtaining legal advice. These findings not only better reveal the inadequacy of the current system but also inform policy makers of the shape of needed improvements.

Appendix A. Original Sample, Population, and Weighted Sample

		Original Sample		Population	Test	Weighted Sample		Test
		Freq.	Perce.			Freq.	Perce.	
Sex	1. Male	2,834	50.60	49.72	1.745 ($p > 0.05$)	2,785	49.72	0.000 ($p > 0.05$)
	2. Female	2,767	49.40	50.28		2,816	50.28	
Age	1. 20–29	954	17.03	19.72	87.865 ($p < 0.05$)	1,104	19.71	0.000 ($p > 0.05$)
	2. 30–39	1,103	19.69	21.32		1,194	21.32	
	3. 40–49	1,122	20.03	21.14		1,184	21.14	
	4. 50–59	1,102	19.68	18.54		1,039	18.55	
	5. 60 and above	1,320	23.57	19.28		1,080	19.28	
Education	1. Illiteracy	245	4.38	2.13	160.932 ($p < 0.05$)	115	2.06	1.051 ($p > 0.05$)
	2. Elementary school	924	16.51	15.93		869	15.53	
	3. Junior high school	664	11.87	13.99		778	13.91	
	4. Senior high school	1,538	27.49	29.43		1,653	29.54	
	5. College and above	2,224	39.75	38.52		2,180	38.96	
Urbanization	1. Downtown	1,107	19.76	21.98	70.750 ($p < 0.05$)	1,232	22.00	0.017 ($p > 0.05$)
	2. Metropolitan	1,375	24.55	26.60		1,489	26.59	
	3. Suburban	1,672	29.85	27.01		1,515	27.05	
	4. Town	569	10.16	8.20		459	8.20	
	5. Underdeveloped rural	603	10.77	11.71		654	11.68	
	6. Remote rural	275	4.91	4.50		251	4.48	

Source: The 2011 Taiwan Survey and Official Data of the Ministry of Interior of the Taiwan Government.

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Supporting Information

Additional Supporting Information may be found in the online version of this article at the publisher's Web site:

Appendix S1. Distribution and examples of problem types.

Appendix S2. Data description and key variables.