

## Self-Helpers Need Help Too

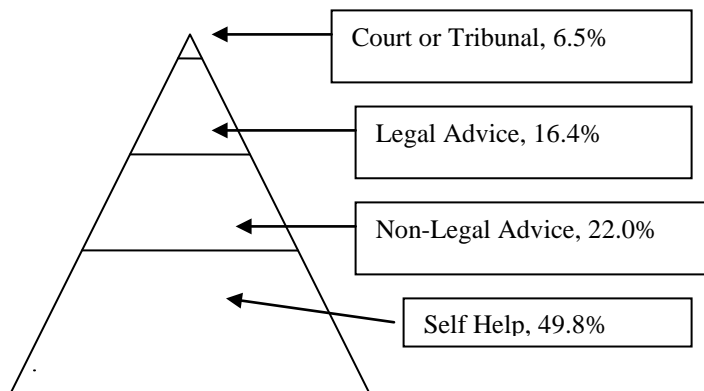
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### Introduction: The Significance of Self-Help

Figure I is a Canadian disputing pyramid based on the 2008 national survey of legal problems. It represents the actions taken to resolve legal problems and disputes reported by a national sample of adult Canadians (see the methodology section below). At the apex of the pyramid are about 6.5% of all problems that people went to the formal justice system to resolve, including courts and tribunals. The next layer of the pyramid includes about 16.4% of all problems for which Canadians obtained legal advice but attempted to resolve their problems or disputes without resorting to the formal justice system. In the third layer are the 22% of problems for which people obtained advice or assistance from non-legal sources in an effort to resolve problems. The bottom layer, making up the largest percentage of problems, represents 49.8% of all problems for which people resorted to a self-help strategy; that is, they attempt to resolve problems without resorting to any legal or authoritative non-legal assistance. Self-help was the option followed by respondents more than twice as frequently as either legal or non-legal assistance. This figure is similar to the results of the 2006 national survey in which respondents employed self-help in 44% of all problems.<sup>1</sup> By a margin of more than two to one over other basic paths to justice, Canadians attempt to “handle it by themselves”.

Figure I: The Disputing Pyramid in Canada, 2008<sup>2</sup>



Applying weights to the sample data to produce estimates for the population, about 4.4 million Canadians experience roughly 14 million self-reported legal problems in a year. Out of this total,

<sup>1</sup> Currie, A. (2009) “The Legal Problems of Everyday Life” in Rebecca L. Sandefur (ed.), *The Sociology of Law Crime and Deviance*, Volume 21, Emerald, pp. 1 – 42

<sup>2</sup> People took no action to resolve 5.3% of all problems

self-help strategies were employed in an estimated 6.6 million legal problems by about 2.1 million people. Because of the significant proportion of problems for which a self-help strategy is used to resolve problems and disputes, this paper examines the experiences of that broad base of the disputing pyramid, problems for which people who choose self-help to deal with them.

### Methodology and Data Source

The data for the analysis presented in this paper are from the 2008 National Survey of Legal Problems. This was a random survey of 7002 Canadians 18 years of age and older conducted by telephone in January and February 2008. The questionnaire consisted of several parts. A problem identification section asked respondents if, during the previous three years, they had experienced any of 83 specific problems that could be characterized as “serious” and “difficult to resolve”. The problems were carefully worded so that they involved a legal issue, and thus had a potential legal solution. Following problem identification, subsequent sections asked about problem resolution, problem consequences and connections between problems.

Overall, 54% of the sample reported having experienced one or more justiciable problems within the three-year period. The results of a nearly identical survey<sup>3</sup> carried out in 2006, estimated that 44.6% of adult Canadians had experienced one or more problems within the three-year period preceding the interview date. The increase reflects the addition in the 2008 survey of a section on neighbourhood problems. Neighbourhood problems, including excessive noise from neighbours, threats or harassment by neighbours or strangers passing through the neighbourhood and vandalism were experienced by 20.6% of respondents. Excluding neighbourhood problems, 48.6% of respondents in the 2008 survey experienced one or more problems.<sup>4</sup> This is similar to the estimate of 47.7% of respondents experiencing one or more problems from another similar survey carried out in 2004.<sup>5</sup>

The 83 separate problems were grouped into 16 problem types for purposes of analysis. Table I shows the percentage of respondents experiencing at least one problem in each problem category.

Table I: Percentage of Respondents Reporting One or More Problems by Problem Type

Problem Type	Percent Among the total Sample with One or More Problems
Consumer	29.4% (2062)
Neighbourhood Problems	20.6% (1443)
Debt	19.8% (1337)
Employment	16.6% (1161)
Wills & Powers of Attorney	6.3% (441)
Relationship Breakdown	4.1% (285)
Threat of Legal Action	2.9% (201)
Personal Injury	2.7% (189)
Discrimination	2.1% (150)
Housing	2.0% (138)
Police Action	1.8% (129)
Hospital Treatment & Conditions	1.8% (126)

<sup>3</sup> A telephone survey, n = 6665; see Currie, A., supra footnote 3

<sup>4</sup> The margin of error for both surveys was +/- 1.3%. Thus the confidence intervals do not overlap suggesting a statistically significant difference (44.6% + 1.3% = 45.9% and 48.6% - 1.3% = 47.3%, leaving a 2.7% gap between the upper limit of the 2006 estimate and the lower limit of the 2008 estimate.

<sup>5</sup> Currie, A. (2006) A National Survey of the Civil Justice Problems of Low and Moderate Income Canadians: Incidence and Patterns, International Journal of the Legal profession, Vol. 13, No. 3

of Release	
Immigration	1.4% (76)
Other Family Law Problems	1.3% (93)
Social Assistance	1.1% (78)
Disability Pensions	1.0% (72)
	n = 7002

### Definition of Self-help

For purposes of this analysis self-helpers attempted to resolve their problems on their own, without resorting to either legal or non-legal advice or assistance. Self-help could not be combined with any other course of action. However, self-helpers could resort to a number of individual strategies such as approaching the other party directly, searching the internet, talking over the problem with friends or relatives or accessing printed material and video information.

### Self-Help and Problem Types

Self-help as a problem-solving strategy was used in people's attempts to deal with all problem types, although in varying degrees. Table II shows the percentage of problems for which respondents chose self-help. The first column is based on all problems. The second is based on problems that had been resolved at the time of the interview. The distribution based on resolved problems is provided to reflect problems for which no other form of action could have been taken following the survey before the problem was finally resolved. However, the rank ordering and the percentages of problems for which self-help were employed between all problems and resolved problems are nearly identical, suggesting that once respondents settle on a self-help strategy they persevere.

For purposes of comparison, column three shows the percentage of problems for which people obtained legal assistance. The highest percentage of problems for which people resorted to self-help was in the consumer and debt categories. Family law relationship breakdown problems were the problem type with the lowest percentage of self-helpers and the highest percentage resorting to legal advice.

Table II: Percent of Problems for Which Respondents Used Self-Help Strategies

Problem Type	Self-Help: All Problems	Self-Help: Resolved Problems	Legal Assistance: All Problems
Consumer	70.2% (432)	73.5% (947)	13.2% (269)
Debt	63.4% (759)	72.4% (509)	19.4% (232)
Hospital Treatment & Conditions of Release	48.9% (45)	45.5% (25)	15.2% (14)
Employment	44.0% (472)	49.2% (312)	18.4% (197)
Social Assistance	42.9% (12)	44.4% (8)	17.9% (5)
Discrimination	42.6% (26)	56.5% (13)	18.0% (11)
Police Action	42.0% (426)	43.8% (21)	33.3% (23)
Neighbourhood Problems	38.8% (466)	42.5% (342)	8.8% (105)
Housing	28.6% (26)	29.2% (14)	28.6% (26)
Personal Injury	28.5% (43)	29.0% (18)	37.7% (57)
Personal/Financial Power for Care of Relative	27.9% (105)	30.6% (71)	41.4% (156)
Other Family Law	18.3% (11)	23.5% (8)	66.7% (40)

Problems			
Threat of Legal Action	16.1% (9)	16.7% (6)	71.4% (40)
Disability Pensions	13.2% (5)	16.7% (2)	31.6% (12)
Relationship Breakdown	11.9% (30)	11.0% (16)	82.9% (209)
Immigration	9.8% (4)	14.3% (3)	48.8% (20)
	n = 3521	n = 2341	N = 1495

Respondents employed self-help for legal problems that are important for their physical and emotional well-being and that of their families such as employment, housing, social assistance and disability pensions. Depending on the circumstances debt can also be a threat to the well-being of individuals and families. Respondents used self-help to resolve almost three quarters of debt problems, 72.4% of resolved problems and 63.4% of problems that remained unresolved at the time of the survey. Self-help was used by respondents in a large percentage of other safety and security type problems; in 44.0% of resolved problems related to social assistance, 49.2% related to employment and 29.2% related to housing. Respondents resorted to the use of self-help even for family law problems; 23.5% of all resolved problems in the other family law category<sup>6</sup> and 11.0% of relationship breakdown problems<sup>7</sup>. It is a little surprising that respondents resorted to self-help strategies when they received a threatening letter from a lawyer or a court summons, reporting using self-help for 16.7% of resolved problems of this type.

### The Relative Importance of Problems for which Self-Help Was Employed

The fact that people attempt to deal with the problem on their own, and successfully resolve many of them raises the question of the importance of problems for which self-help is employed compared with problems for which other types of action are chosen. Table III compares respondent's assessments<sup>8</sup> of two characteristics of problems for which they took action by employing self-help compared with problems for which respondents obtained legal advice;<sup>9</sup> the importance of resolving the problem and the seriousness of the problem, using as an indicator of seriousness the degree of disruption to people's daily lives caused by the problem.

Table III: Comparison of Importance to resolve and Disruption to Daily Lives, Resolved Problems

	Disruptive to Daily Life				Importance to Resolve			
	Self-Help		Legal Advice		Self-Help		Legal Advice	
	%	Cum %	%	Cum %	%	Cum %	%	Cum %
Extremely	4.0	--	19.6	--	21.5	--	46.9	--
Very	7.9	11.9	32.9	52.5	32.5	54.0	35.8	82.7
Somewhat	28.8	40.7	19.9	72.4	31.9	85.9	13.0	95.7
Not Very	24.7	65.4	10.8	83.2	9.3	95.2	3.1	98.8
Not at All	34.6	100.0	11.6	100.0	4.8	100.0	1.2	100.0

<sup>6</sup> This category includes becoming the guardian of a child, child apprehension, obtaining legal representation of a child involved in a dispute, child abduction or apprehended child abduction, child unfairly suspended from school

<sup>7</sup> Relationship breakdown problems include divorce, separation, applying or changing child support arrangements, child custody, spousal support, obtaining or enforcing a restraining order.

<sup>8</sup> A limitation of self-reported legal problems in surveys is that it is not possible to assess the legal complexity of the problem. Some problems of roughly equal value might be simpler to resolve than others.

<sup>9</sup> One comparison is used for judging the relative level of characteristics related to self-help. Legal advice was chosen under the assumption that people would tend to seek legal advice for the most serious problems. Problems for which people went to a court or a tribunal were not used for several reasons. The numbers are very small. People did not report going to court or a tribunal at all for some problem types. Finally, going to court or a tribunal is a smaller sub-set of legal advice.

	n=2510	n=845	n = 2513	n = 847
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Respondents did not feel that the problems for which they employed a self-help strategy to resolve them were as disruptive to their daily lives compared with problems for which legal advice was obtained. Respondents said that problems for which legal advice was obtained were extremely disruptive 19.6% of the time compared with 4.0% of problems for which self-help was employed. Looking at the cumulative percent column, self-helpers indicated that the problem was disruptive to some extent in 40.7% of all cases. This compares with 72.4% of problems for which respondents used a self-help strategy. About 40% is not an insignificant proportion of problems that people felt were disruptive to their daily lives, but considerably less than problems for which people obtained legal advice.

The numbers are somewhat closer with respect to respondent's feelings about importance to resolve the problem. Among self-helpers, respondents said it was extremely important to resolve the problem 21.5% of the time. In comparison, respondents who obtained legal advice said it was extremely important to resolve 46.9% of problems. However, the cumulative percent of problems in which a self-help strategy was judged to be at least somewhat important to resolve was 85.9% compared with 95.7% for the problems for which respondents obtained legal advice. The 85.9% figure is sufficiently high to conclude that from the point of view of the people experiencing them, the problems for which respondents chose self-help are important. Of course, the problems for which people followed a self-help strategy would be considered important simply by virtue of the fact that people attempted to do something about them. From the perspective of the cumulative percentage who felt it was at least somewhat important to resolve the problem the problems people attempted to resolve using self-help were nearly as important as problems that motivated people to obtain legal advice. They were not as important, but they were not unimportant.<sup>10</sup>

A monetary value can be attached to consumer and debt problems as a proxy measure for the seriousness of the problem. Table IV shows the percentage of problems by the monetary value comparing two types of action to resolve the problem, self-help and legal advice. The data show that problems for which respondents chose self-help as an option tended to have lower monetary value compared with those for which respondents obtained advice. However, the consumer and debt problems for which respondents took the self-help option were far from minor in terms of monetary value, again suggesting that problems for which respondents resort to self-help are not trivial matters.

Table IV. Percent of Problems for Which Respondents Chose Different Problem Solving Options by Monetary Value of the Problem

Consumer	Legal Advice		Self-Help	
	Percent	Cumulative Percent	Percent	Cumulative Percent
Under \$1000	27.4%	--	41.7%	--
\$1000 to \$4999	28.9%	56.3%	31.1%	72.8%
\$5000 to \$24,999	23.9%	80.2%	18.6%	91.4%
Over \$25,000	19.8%	100.0%	8.6%	100.0%
$\chi^2 = 142.4, p = .0001, n = 3962$				
Debt	Percent	Cumulative Percent	Percent	Cumulative Percent
Under	18.7%	--	31.3%	--

<sup>10</sup> A similar analysis of unresolved problems produced nearly identical results.

\$1000				
\$1000 to \$4999	18.9%	37.6%	31.0%	62.3%
\$5000 to \$24,999	34.0%	71.6%	24.4%	86.7%
Over \$25,000	28.4%	100.0%	24.4%	100.0%
$\chi^2 = 13.9, p = .0001, n = 1785$				

### Problems that are Triggers for Other Legal Problems

The degree to which certain legal problems trigger others is an indication of the tendency to generate clusters of interdependent problems. Clustering is a indicator of potential seriousness because the trigger and cascade effect may signal a process by which intractable clusters of interdependent problems develop. Because the triggering effect can in this sense be an indication of seriousness, the variations in the degree to which the legal problems experienced by people take different action to resolve problems trigger other legal problems is of interest.

Overall, respondents reported that 33.6% of problems triggered other legal problems. Triggering occurred for less than the average percentage of problems for self-helpers, 30.4%. This compares with 52.3% of problems experienced by respondents who obtained legal advice, 37.5% of respondents who took no action because they thought the problems was not important enough, 34.0% of the problems experienced by people who obtained advice or assistance from a non-legal source and 27.9% of respondents who took no action because of some perceived barrier.<sup>11</sup> The legal problems that self-helpers experience do not trigger other legal problems to the same extent as problems experienced by people who obtain legal advice. However, the percentage is near the average for all types of action and indicates a significant degree of potential seriousness.

### Problems that are Triggers for Non-Legal Problems

Self-helpers said that well over one third, 38.7%, of the legal problems they experienced triggered a health or social problem. In most cases respondents reported more than one health or social problem triggered by a legal problem. Extreme stress was the most frequently reported non-legal problem triggered by a legal one. Respondents said that 86.9% of these problems triggered emotional problems or extreme stress, followed by a physical health problem, 65.2%, and a social problem, 51.2%. The social problems were predominately family related: problems between spouses or partners, 20.4%, with parents or grandparents, 8.4%, with other family members, 20.3% were the most frequently mentioned. These problems were the most serious as well as the most frequently occurring. When asked which problems they considered the most serious, problems between spouses or partners was mentioned by the largest percentage of respondents, 32.8%, with problems while problems with parents or grandparents and problems with other family members were each considered most serious by 16.8% of respondents.

Comparing self-help and other actions in response to problems, extreme stress was mentioned by self-helpers as a problem that had been triggered by a legal problem at about the same frequency as by respondents who had taken other types of action to resolve the problems. Self-helpers mentioned extreme stress in relation to 86.9 % of problems triggered by a legal problem, compared with the overall average of 88.8%. Higher percentages occurred for respondents who obtained non-legal advice, 90.9% and legal advice, 90.3%.<sup>12</sup>

<sup>11</sup>  $\chi^2 = 96.1, p = .0001, n = 919$

<sup>12</sup>  $\chi^2 = 20.5, p = .0001, n = 2466$

Similarly, a physical health problem was mentioned as a consequence of a legal problem with about the same frequency for self-helpers as for respondents taking other types of action. The overall percent of problems that triggered a physical health problem was 67.8%. The percentage for self-helpers was 65.2%. This compares very closely with respondents following other types of action to resolve problems: legal action, 71.4%, non-legal action, 65.2%, no action because of some barrier, 69% and no action because the problem was not important enough, 66.7%.<sup>13</sup>

The percentage of problems experienced by self-helpers that triggered a social (mainly family) problem was 51.2%. This compares with 57.5% of problems experienced by respondents who obtained legal advice, 50.4% of respondents who obtained non-legal advice, 40.0% of problems for which respondents took no action because of some perceived barrier and, finally, 44.4% of problems for which respondents took no action because the problems was not sufficiently important.<sup>14</sup>

### Self-Help Strategies

In this research, people who chose the self-help option did not use any other problem resolution strategy in combination with self-help. They did not obtain any form of legal advice, nor did they contact any non-legal source for assistance. The self-helpers could have pursued any one of four self-help strategies: 1) approaching the other party on their own, 2) turning to friends or relatives for advice, 3) searching the internet or 4) accessing information in video or paper formats. Self-helpers could have used multiple strategies among these options.

When self-helpers were asked, unprompted: "What actions did you take to try to resolve this problem"? 56.6% of problems said they approached the other party to the dispute. Surprisingly only 0.4% volunteered that they had searched the internet<sup>15</sup>, only 2.2% said they talked to friends or relatives about the problem and in only 0.1% of all cases said they accessed information in either video or print form. For 39.8% of problems, respondents said they undertook a variety of actions. About 25 distinct actions were recorded, many of which seemed to be quite specific to the problem. These included, for example: upgraded security equipment, contacted my insurance company, paid the money, corrected the error, threatened the other party and changed jobs. All of these suggest concrete actions very specific to particular problems.

If respondents did not mention general options that might have been expected based on other research, talking to friends or relatives, searching the internet or accessing information in video or in print form they were asked specifically if they had done so as part of their problem-solving strategy. When prompted, 16.8% of self-helpers said they had used the internet to search for information that might help, 9.1% had looked for information in video and print formats and, as one might expect, a large percentage, 43.1%, said they talked to friends and relatives about the problem.

The reasons for the differences between prompted and unprompted responses are not readily apparent. What does it mean if using a particular problem-solving strategy does not occur to respondents "top of mind" when asked what strategies they used to resolve the problem, but when asked specifically if they used it they answer "yes"? Perhaps this raises some very interesting questions about how people perceive the process of dispute resolution and problem solving, and how they go about resolving problems. It is possible that self-helpers have a very concrete, outcome-focused idea of problem solving. They may do things such as checking for information in pamphlets or brochures, or may surf the net to look for relevant information.

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<sup>13</sup>  $\chi^2 = 9.6$ ,  $p = .05$ ,  $n = 1825$

<sup>14</sup>  $\chi^2 = 21.7$ ,  $p = .0001$ ,  $n = 1375$

<sup>15</sup> This result is surprisingly low. A recent Statistics Canada survey of internet use reported that 80 of adult Canadians used the internet for personal reasons and 75% said they were on-line every single day. The Daily, Statistics Canada, May 10, 2010, Cat. No. 11-001-XIE

However, they may not necessarily be a part of their deliberate repertoire of problem solving strategies or people may not view them as such if they are not related to a successful outcome.

Web-based approaches are increasingly viewed as cost-effective ways of delivering PLEI. This finding raises very interesting questions about employing internet-based PLEI, insofar as it is intended to assist people in solving legal problems and resolving disputes. If people don't *think of it* as a tool, they may use it casually rather than purposively. If people tend not to use these strategies purposively, their potential value in the access to justice toolbox may be diminished. Organizations that to assist people with problems using web-based approaches may have a lot of work to do to condition people to use the internet searches purposively, before having them use the information itself in a focused manner. If people do not readily find information they perceive as relevant, they may disregard it and, as well, the strategy as a problem-solving tool, considering it as irrelevant. This is quite plausible in what is often characterized as the internet age of instant information in which the use of the internet is ubiquitous. This would be a troubling implication for anyone attempting to assist people with legal problems by means of these approaches. If this is the case, the ultimate problem might be rooted in behaviour adversely conditioned by the web itself, the very medium on which much hope is placed. Data analysis examining the reported use of the internet in relation to whether the problem was resolved or not, whether the outcome was perceived as satisfactory and whether the information was considered helpful did not suggest or support any particular explanation. To the extent that these results can be replicated in other research, they have important implications for public legal education and information (PLEI) as a problem-solving or dispute resolution strategy.

### **Who Are the Self-Helpers?**

Self-help is by far the most frequently used strategy for dealing with the legal problems of everyday life. However, taking the self-help option is not characteristic of any social/economic category of respondents. In statistical terms, the relationship between the action taken to resolve problems and most socio-economic characteristics is statistically significant but extremely weak.<sup>16</sup> There appears to be a slight tendency for self-helpers to be older, to have higher incomes, to be somewhat better educated and to be single or married or a couple with no children. Respondents who are self-helpers were less likely to report that they have a physical or mental health problem.

Problem type is more strongly associated with using a self-help strategy compared with all other actions. A binary logistic regression produced only two statistically significant independent predictors of choosing self-help. These were debt problems and disability pension problems.<sup>17</sup>

### **Success of Self-Helpers**

Another interesting question is whether self-helpers from different social groups have different levels of success dealing with problems. Overall, combining all problems types and actions to resolve problems, respondents reported that 63.8% of all problems had been resolved at the time of the interview. Problems that respondents attempt to deal with using self-help strategies were most likely to have been resolved at the time of the interview, 69.7%, compared with problems for

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<sup>16</sup>  $\chi^2 = 84.4$ ,  $p = .0001$ , R square = 0.15 (Cox and Snell) and 0.20 (Nagelkerke), Debt problems – Beta = 1.19, Sig. = .004, Disability Pension problems – Beta = 1.20, Sig. = .006. A multinomial regression (assuming that all variables represented an underlying ordinal character) produced a similar result. However, consumer problems replaced disability pension problems as a statistically significant predictor.  $\chi^2 = 122.96$ ,  $p = .0001$ , R square = 0.21 (Cox and Snell) and 0.28 (Nagelkerke), Debt problems – Beta = 1.16, Sig. = .01, SE = 6.369, Consumer problems – Beta = 1.21, Sig. = .005, SE = 7.746

<sup>17</sup> Disability status has been linked to experiencing a variety of legal problems. See Currie, Ab (2007) Civil Justice Problems and the Disability and Health Status of Canadians, in Pascoe Pleasence, Alexy Buck And Nigel Balmer (eds.), *Transforming Lives: Law and Social Process*, Legal Services Commission, London, pp. 44 - 66



which respondents obtained legal assistance, 54.3%, or non-legal assistance, 61.9%.<sup>18</sup> It is possible that the larger percentage of resolved problems for self-helpers may reflect the level of seriousness of the problem.

There was virtually no difference in the extent to which respondents said the outcome was satisfactory comparing problems for which self-help was the option for resolving them, 62.4%; compared with legal advice, 62.1%; for non-legal advice, 61.2%; 45.0% for respondents who took no action because they felt the problem was not important enough and 34.0% or respondents who took no action because of some perceived barrier. Overall, respondents said that the outcome was satisfactory for 60.8% of problems that had been resolved.<sup>19</sup>

Women were slightly more likely than men to report that problems for which self-help was the option had been resolved, and were more likely to say that the outcome of resolved problems was satisfactory.<sup>20</sup> Francophones were more likely to report problems had been resolved and outcomes were more satisfactory than English speakers. Respondents who were foreign-born and who chose a self-help strategy to resolve problems were more likely to report problems were resolved, but were less likely to say the outcome was satisfactory for problems that had been resolved. Respondents who self-identified as visible minorities, and as Aboriginal people, and who were self-helpers, were less likely to say problems had been resolved but more likely to say that the outcome of problems that had been resolved was satisfactory. Respondents with lower incomes who were self-helpers were less likely to say that problems they were experiencing had been resolved, and were less likely to be satisfied with the outcomes of problems.

On the other hand, respondents with higher levels of education were less likely to say problems had been resolved and that the outcomes of problems had been satisfactory. In terms of employment status, respondents who used a self-help strategy and were unemployed were more likely than all others to report that problems had not been resolved and were most likely to say that the outcomes of resolved problems had been unsatisfactory. People reporting their marital status as single and who had chosen to deal with the problem on their own were more likely to say that problems had been resolved and respondents who were separated were most likely to say that outcomes were not satisfactory. Finally, respondents who were self-helpers and who were receiving social assistance at the time of the survey were more likely to report that problems were unresolved and, for problems that were resolved, outcomes were unsatisfactory.

Self-helpers who said they experienced a physical health problem that frequently impaired their normal daily activities were more likely than those with no physical health problems, or with physical health problems that only occasionally were limiting, to say that the problems they had experienced remained unresolved and that the outcomes of resolved problems were unsatisfactory. Similarly, respondents with self-reported mental health problems that often limited their normal activities were more likely to have had their problems resolved and also more likely to have had an unsatisfactory outcome to the problems that had already been resolved.

### **What Self-Helpers Would Have Done**

Another way to view the success of self-help as a problem-solving strategy is to look at what people who “took care of it on their own” would have done in retrospect. Respondents who had chosen the self-help option with problems that had been resolved at the time of the interview were asked if they thought, in retrospect, that their outcome would have been better if they had obtained some assistance. Respondents felt that some assistance would have produced a better outcome for 38.7% of all problems.

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<sup>18</sup>  $\chi^2 = 232.1$ ,  $p = .0001$ ,  $n = 7142$

<sup>19</sup>  $\chi^2 = 59.8$ ,  $p = .0001$ ,  $n = 4777$

<sup>20</sup> Only results that were statistically significant are summarized in this section.

Respondents were then asked what type of assistance they thought would have been helpful. Responses were unprompted and respondents were permitted to make as many separate responses as they wished. The most frequent first response was additional or better information, 30.4%, followed by a lawyer to deal with the problem using the legal system, 28.9%, someone such as a mediator or an advocate to deal with or intervene with the other party, 24.4%, and someone to explain the legal aspects and help with forms, letters or documents, 16.3%.<sup>21</sup> There were a small number of second responses falling within the same categories.<sup>22</sup> The most frequent second response was; someone to deal with or intervene with the other party, 44.5%. In order of frequency, the other second responses were; a lawyer to deal with the problem using the legal system, 25.3%, additional or better information, 19.0%, and someone to explain the legal aspects and help with forms, letters or documents, 11.4%.

Respondents volunteered a large number of “other” responses (n=648) they thought would have improved the outcome. These fell roughly into 17 groupings. Many were specific to particular problems. Five response categories made up half (49.2%) of all the residual response categories. Better regulations, 11.4%, and government assistance, 10.2%, indicate that people look to government to some extent for assistance. The third most frequently mentioned form of assistance was advice or professional assistance of a general nature, 10.0%, followed by police assistance, 9.9%,<sup>23</sup> and telephone help lines, 7.7%.

## Conclusions

For the person with limited resources trying to obtain access to justice the first, and sometimes the only, option is to decide what she can do herself. A person's time can be less scarce than money, especially when the cost of legal services is high.<sup>24</sup> Many people try to resolve problems on their own and, therefore, supporting self-help strategies is important for achieving access to justice. Self help is by far the most frequent response to legal problems in Canada. The problems for which people choose a self-help option appear to be not quite as serious as problems for which people obtain legal advice. However, while less serious, they are not so far below the expressed levels of seriousness and importance for the main comparison group, problems for which people obtain legal advice to be considered trivial. Further, although self help is more frequent for consumer and debt problems, people use self-help in attempts to deal with all types of problems.

Self-helpers are not strongly represented by any particular demographic group. Not only is self-help the most frequent response to legal problems, it is, perhaps as one might expect, a response that is broadly diffused among the population.

The fact that legal problems trigger other legal, health and social problems is a signal that the experience of those problems can lead to clusters of interdependent problems that may become all the more difficult to resolve because of their interdependencies. The problems experienced by people who employ self-help strategies trigger other problems slightly less frequently than problems for which people obtain legal advice. However, the frequency of the triggering effect in problems for which people use a self-help strategy is sufficiently frequent in relative terms to be of concern.

For more than one third of resolved problems self-helpers felt that, in retrospect, some form of assistance would have improved the outcome for them. The types of assistance that respondents suggested would have been useful in a large percentage of problems suggest that public legal

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<sup>21</sup> n = 734

<sup>22</sup> n = 79

<sup>23</sup> Related to the large number of neighbourhood problems.

<sup>24</sup> Making the Law Work for Everyone, Commission on the legal Empowerment of the Poor and the United Nations Development programme, New York, 2008, p. 12

information might have been helpful in resolving the problem. There is a need for further research about the ways in which, and the success with which, people use PLEI as a part of problem-solving strategies. The differences in volunteered and prompted responses about problem self-help strategies raises interesting questions about the particular actions that people consider as aspects of deliberate problem solving strategies. It is possible that public legal information should not only provide information and the material problems or where assistance might be found but, as well, about how to construct effective problem-solving strategies.

It has long been recognized that the volume of legal problems for which people require assistance far outpaces the number of professional legal advisors that one could reasonably be available. A much wider and more varied mix of access to justice services has to be available to adequately meet the needs. Although the present analysis focuses on all social strata, what Gary Bellow wrote about the legal problems of the poor decades ago remains applicable today.

Even a cursory glance at the numbers makes the ideal of *enough* lawyers for poor people a chimera. On the other hand there are literally thousands of poor people whose lives would be made somewhat easier and less vulnerable if they had a clearer sense of what were legally protected grievances, more knowledge of ways of pursuing them, higher expectations about what was possible to achieve through asserting claims in the existing system, and the availability of responsive forums and competent representation if they needed them.<sup>25</sup>

This analysis leaves a number of interesting questions unanswered. The data from the survey on which this analysis is based cannot provide insights about why people pursue self-help strategies; whether barriers such as the perceived cost of alternatives or insufficient knowledge to properly assess the complexity of the problems and the best options for resolving it. We do not know if the large numbers of people who follow self-help strategies indicates an ethic of self-reliance which, properly supported by public legal information, advice or assistance in resolving problems and disputes, would enable people to resolve legal problems more effectively. The answers to these questions require more research.

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<sup>25</sup> Gary Bellow (1981) “Legal Services to the Poor: An American Report” in Cappelletti, Mauro and Bryant Garth, *Access to Justice and the Welfare State: An Introduction*, European University Institute, p. 66