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FULL REPORT



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# THE JUSTICE GAP

Addressing the Unmet Legal Needs of Lower-Income Utahns



This report was commissioned  
by the Utah Bar Foundation.

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### Research Report 776

### About Utah Foundation

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150 S. State St., Ste. 444  
Salt Lake City, Utah 84111  
utahfoundation.org

## INTRODUCTION

Numerous organizations support lower-income Utahns with their civil legal needs. Funding from numerous sources helps pay for these services, but does it represent the full support that these Utah households need?

Recognizing that critical civil legal needs of low-income Utahns were left unmet, the Utah State Bar, pursuant to an order of the Utah Supreme Court, formed an Access to Justice Task Force in 1996 to make recommendations to address gaps in services. These efforts have led to significantly more Utahns receiving legal help to resolve their legal problems. Even after much progress, however, Utah still has tremendous unmet legal needs.

This report focuses on the legal needs of lower-income Utahns – or the roughly 26% of Utah’s population living at or below 200% of the federal poverty line. The purpose is to inform the public of Utahns’ civil legal needs and provide research to help stakeholders with informed decision-making on the future allocation of funding for legal resources. Utah Foundation undertook this project at the request of the Utah Bar Foundation.

The data in this report were collected between November 2019 and February 2020. Please note that as a result of the COVID-19 pandemic, certain types of the legal needs estimated in the report have or will likely become much more prevalent and more acute, such as civil legal needs issues related to finances, employment, public benefits, landlord/tenant, domestic violence and others.



### KEY FINDINGS OF THIS REPORT

- Most people do not have representation in civil legal cases in Utah; for the 62,000 debt collection cases, nearly 100% of petitioners (plaintiffs) have lawyers, compared with only 2% of respondents (defendants); for the 14,000 eviction cases, 90% of petitioners have lawyers, compared with only 5% of respondents.
- More than two-thirds of Utah’s lower-income survey respondents indicated that they could not afford a lawyer if they needed one.
- While the median hourly fee for a Utah lawyer is between \$150 and \$250, fewer than one-in-five Utah lawyers offer “discounted fees and rates for persons of modest means” or a “sliding scale based on income.”
- Rural counties tend to have relatively low availability of local legal representation.
- Most lower-income Utahns try to solve their legal problems on their own.
- When asked if the respondents tried to get help with the problems indicated in the survey, three-in-five said they did.
- Half of the respondents that sought help were successful; about one-in-five found assistance from a social or human service agency, one-in-five found help online, and another one-in-five hired a paid attorney. Only about one third used free legal help.
- Over half of all services provided for lower-income Utahns’ legal needs are for family law and immigration issues.
- Financial legal needs topped the list of legal-need types with 26% of households, followed by employment (21%), health law (19%) and public benefits (16%).
- Domestic violence was the least reported legal issue of the 19 types of legal needs in the survey at just 4% of households; however, it had the highest rating for severity for victims and their households.
- The most common employment law issues were that employees were forced to work overtime or “the bad shifts” and that employers “did not pay wages, overtime or benefits, or did not pay them on time.”

## METHODOLOGY

This report uses data from several main sources: 2018 five-year survey data from the U.S. Census Bureau’s American Community Survey; 2017 one-year survey data from the U.S. Census Bureau’s American Community Survey via IPUMS; 2019 calendar year data from the United Way of Salt Lake’s 2-1-1 information and referral service (2-1-1) provided to Utah Foundation on January 3, 2020; legal aid data from organizations around the state as gathered by Kai Wilson; legal data collected and analyzed by David McNeill; short stories about legal needs provided by legal services organizations; and a statewide survey created by Utah Foundation that asked respondents about a range of problems that often have legal resolutions “in the last 12 months” that relate to “you or anyone in your household.”

Lighthouse Research administered the Utah Foundation survey to a random sample of 900 lower-income Utahns by telephone (584) – both land-line and cell phone – and by email (316). The phone and online surveys were similar, but the online survey provided more detail on several of the legal-issue questions and included additional follow-up questions related to each of the legal needs, as well as additional questions related to any help that respondents may have sought.

Utah Foundation also administered an online-only survey with the help of 2-1-1. This 2-1-1 survey garnered 832 additional responses. The survey was offered in English (754 responses) and in Spanish (78 responses). These responses included many lower-income respondents (703 responses), but also included higher-income respondents (129 responses), which provides detail as to the differences in legal needs by income group.

Surveys often report common demographic characteristics such as gender and age. Since this survey is focused on the household and not any specific householder, we do not report such demographics.

### 200% of poverty is the common threshold under which Utahns can seek civil legal needs assistance.

Figure 1: Federal Poverty Level, Poverty Guidelines for the 48 Continuous States, 2020

Persons in family/ household	Poverty guideline or “Federal Poverty Line”	200% of the Federal Poverty Line
1	\$12,760	\$25,520
2	17,240	34,480
3	21,720	43,440
4	26,200	52,400
5	30,680	61,360
6	35,160	70,320
7	39,640	79,280
8	44,120	88,240

Note: For families/households with more than 8 persons, add \$4,480 for each additional person for the poverty guideline.

Source: U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation.

The term “lower-income” has a wide range of definitions. For the purposes of this report, the term refers to those households earning below 200% of the federal poverty line. The poverty line is based upon the spending for one-third of a family’s income on an “economy food plan” as defined by the Agriculture Department in 1963 – as updated annually by the Consumer Price Index ever since.<sup>1</sup> This equation is then used to set poverty thresholds for income (which is pretax income without non-cash amounts) based upon household size.<sup>2</sup>

Utah’s median household income in 2018 was \$71,414,<sup>3</sup> with an average household size of 3.1 people.<sup>4</sup> The 200% of poverty level for a three-person household equates to approximately 60% of the median income for roughly the same-sized household. As a side note, the median respondent to the random-sample survey had a three-person household.

An estimated 800,687 Utahns – or 26% of the population – lived at or below 200% of poverty in 2018.<sup>5</sup> That is about 5% lower than the national rate.

This report focuses mainly on civil needs cases that appear in the Utah State Court system – such as the District, Justice and Juvenile Courts – as well as the U.S. Bankruptcy Court, Federal Court, Immigration Court, and others. This report does not examine criminal defense needs because a defendant is entitled to a court-appointed lawyer in a criminal case if unable to afford one. However, except in very rare instances, the respondent (or defendant) and the petitioner (plaintiff) must provide for their own attorneys in Utah’s civil cases.

## THE NEED

Civil legal needs are a large problem nationally. Legal Services Corporation reports that “86% of the civil legal problems reported by low-income Americans in the past year received inadequate or no legal help.”<sup>6</sup> It also reports that most lower-income households have at least one civil legal problem, and a quarter of those households have six or more problems. Health care legal needs topped the list nationally, followed by consumer and finance issues, and rental housing problems.

The legal community has stepped up to this challenge individually, organizationally and collectively to increase access to justice for low-income Utahns. It is investing in new programs, increasing investments, expanding services, adopting new technologies and increasing efficiencies to secure justice for thousands of additional Utahns each year. In 2019, the three largest legal aid organizations in Utah assisted over 12,000 more individuals than 20 years before. And newer nonprofit legal aid programs are assisting thousands more. In addition, the Utah State Bar has established an Access to Justice Commission that recruits pro-bono attorneys and created a roster of attorneys who provide low-cost services to individuals of modest means. The Utah State Court system has implemented the Online Court Assistance Program, opened a self-help center for pro se litigants, adopted rule changes that allow attorneys to provide “unbundled services” and allow some legal help to be provided by Licensed Paralegal Practitioners. Law schools are partnering with practicing attorneys to increase help to those in need while providing hands-on experiences for students. Lastly, the State of Utah has begun investing in efforts to expand access to justice.

Even with all these efforts, the need for legal assistance remains. This is due in part to the cost of legal services. Cost is far and away the biggest barrier for hiring a lawyer, according to a 2017 Lighthouse Research statewide phone survey of more than 1,000 respondents.<sup>7</sup> These responses came from businesses and a random sample of Utahns – not necessarily lower-income populations. Cost is bound to be an even greater barrier for lower-income Utahns.

When looking at the 920 Utah lawyers who reported their billing rates for their LicensedLawyer.org profiles, the median cost for an attorney in Utah is between \$151 and \$250 dollars per hour.<sup>8</sup> (See Figure 2.) At that rate, one day’s billing could cost a client as much as \$2,000.

Pro-bono and low-cost attorney services can help defray these costs – when they are available. Of 1,377 Utah lawyers who completed their LicensedLawyer.org profiles, 236 (or 17%) indicated that they offered “discounted fees and rates for persons of modest means” and/or “sliding scale based on income.”<sup>9</sup>

### Most Utah lawyers charge more than \$150 per hour.

Figure 2: Hourly Billing Rates for Utah Attorneys

Rate	Percent
Less than \$150/hour	6%
\$151-250/hour	43%
\$251/hour or more	22%
Varies by case	28%
<b>Total</b>	<b>100%</b>

Source: David McNeill, analysis for this report from License-Lawyer.org data using the Utah State Bar’s membership directory data, January 2020.

### Most lower-income Utahns believe they could not afford a lawyer if they needed one.

Figure 3: “If you needed a lawyer now, could you afford one?” – Utah Foundation’s Phone and Online Random-Sample Survey

	Percent
No	69%
Yes	16%
It depends on circumstances	5%
Don't know	10%

Source: Utah Foundation.

### Most defendants (respondents) in Utah are self-represented in civil cases.

Figure 4: Percentage of Self-Represented Litigants in Utah Court Civil Disposed Cases, FY 2019

	Percentage of all civil cases	Self-represented petitioner	Self-represented respondent
Debt collection	62%	0%	98%
Divorce/annulment	14%	46%	81%
Eviction	6%	10%	95%
Protective orders	5%	53%	70%

Note: Other cases are 2% or less of total cases, consisting mostly of contracts, estates, custody and support, adoption, civil stalking, name changes, and guardianships. The case is considered “disposed” upon dismissal or judgement.

Source: From the Utah Courts, Court Data Request received by David McNeill on January 9, 2020.

### Most lower-income Utahns would try to solve their legal problems themselves.

Figure 5: If you needed a lawyer “would you hire a lawyer or try to solve the problem yourself?” – Utah Foundation’s Phone and Online Random-Sample Survey

	Percent
Try to solve the problem myself	52%
It depends on circumstances	20%
Hire a lawyer	17%
Don't know	11%

Source: Utah Foundation.

Still, most of Utah Foundation’s random-sample survey respondents answered “no” when asked, “If you needed a lawyer now, could you afford one?” (See Figure 3.) They may not know that pro-bono or low-cost services are available, or they may perceive that even with such assistance legal help is out of reach.

In addition to issues with affordability, there is simply an under-representation of litigants with civil issues.

For certain legal needs, Utahns almost always hire lawyers; for instance, this is true of adoption and guardianship cases. But for most civil cases, respondents (or defendants) have no legal representation, and in many civil cases, the petitioners (or plaintiffs) often did not have representation either.

In 2019, there were just over 100,000 civil cases in the Utah State Court system.<sup>10</sup> The majority of them were for debt collection. Of the 62,436 debt collection cases, nearly all of the petitioners or plaintiffs were represented by attorneys, but only 2% of the respondents or defendants were represented by attorneys. (See Figure 4.) A slightly less lopsided ratio occurred with the 14,182 landlord/tenant eviction cases, where 90% of petitioners had legal representation, but only 5% of respondents had attorneys. For divorce and annulment filings, by contrast, the petitioner engages a lawyer only about half of the time, while the respondent engages a lawyer nearly one-fifth of the time.

In Utah Foundation’s random-sample survey of lower-income Utahns, most respondents indicated that if they needed a lawyer, they would still try to solve the problem themselves (though for one-in-five respondents, it would depend upon the situation). For many, if the problem were severe enough, they would hire a lawyer. Many would hire one if they could afford one. And many would try to solve the problem themselves first, and then hire a lawyer if the problem was severe and they could afford one.

As found in the responses to the Utah Foundation random-sample survey, about half of

lower-income Utahns with a legal need sought some type of assistance. More than half of those who sought help were successful – 53% of respondents got some type of help. Of those, most received help from a social or human service agency, online resource or from a paid attorney. Additional respondents received help from volunteers or unpaid attorneys, at a courthouse, or from a legal aid organization.

The Futures Commission of the Utah State Bar found that price is not necessarily the only factor Utahns consider when deciding whether to hire a lawyer. Many people “do not sense the need to involve a lawyer or do not understand that using lawyers early in their problem-solving would benefit them.”<sup>11</sup> The Commission goes on to note that many potential clients may not know how to connect with lawyers and instead turn to information that is immediately accessible online.

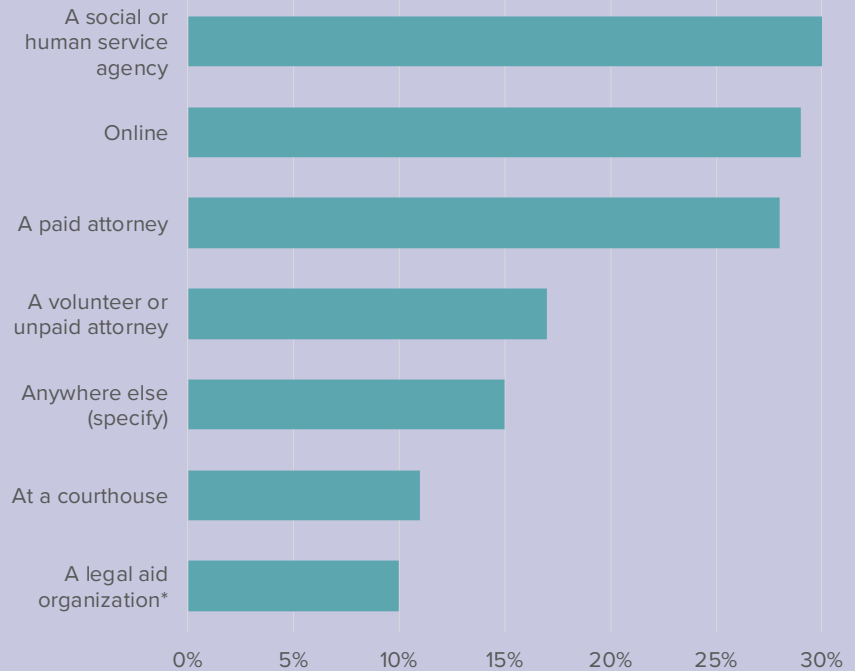
Language barriers can also pose a challenge.<sup>12</sup> While most Utahns speak English “very well” or “well,” 2% of lower-income Utahns struggle with English, and another 1% do not speak English at all.<sup>13</sup> (See Figure 7.)

Courts provide interpreters, but only for hearings and proceedings, not for private consultation preparations.

Lastly, there is a shortage of attorneys in certain parts of the state, particularly in rural areas. While there are more than 7,000 attorneys along the Wasatch Front, there are no attorneys in Piute County, and only 28 in its neighboring counties of Beaver, Garfield, Sevier and Wayne. Another 10 of Utah’s 29 counties have fewer than 20 lawyers: Daggett, Duchesne, Emery, Grand, Juab, Kane, Millard, Morgan, Rich, San Juan and Sanpete.<sup>14</sup> (See Appendix A for attorneys per county.) This shortage results in a local lack of exper-

### Lower-income Utahns get legal help from a range of sources.

Figure 6: “Did you get legal help with the problem(s) from any of the following?” – Utah Foundation Phone and Online Random-Sample Survey of Respondents that Sought Help with a Legal Need



\* The percentage for this option may be low, as there are numerous circumstances when people may not know that they are getting help from a legal aid organization; the full survey question was “A legal aid organization, such as Utah Legal Services or Legal Aid Society.”

Note: The percentages above are of those who were successful in getting help; they total greater than 100% since nearly half of respondents used more than one source of help.

Source: Utah Foundation Legal Needs Survey, phone and online responses.

### Lower-income Utahns are more likely than higher-income Utahns to face language barriers in court.

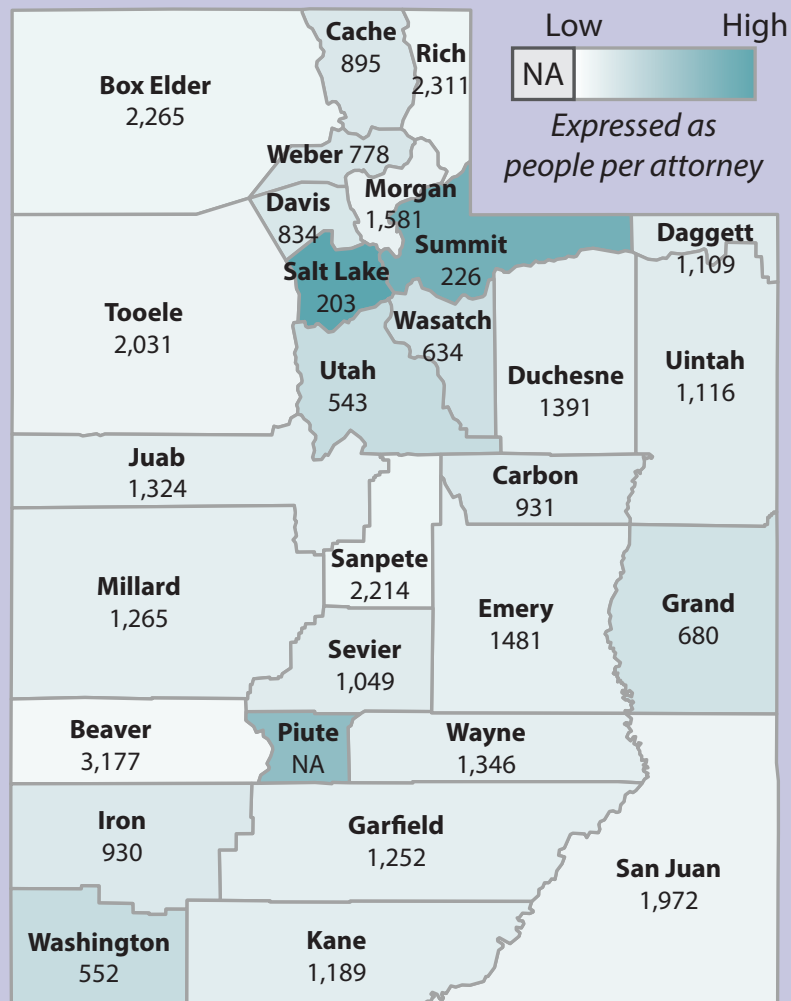
Figure 7: English Language Ability by Income Group, 2017

	Under 200%	Over 200%
Speaks only English	69%	81%
Speaks English “very well” or “well”	17%	10%
Speaks English but not well	2%	1%
Does not speak English	1%	0%
n/a (blank)	11%	7%

Source: IPUMS USA, University of Minnesota, www.ipums.org.

**There is a wide range of attorneys availability among Utah counties, due in large part to rurality.**

Figure 8: Density of Attorneys in Utah by County, 2017



Source: David McNeill, *Measuring the Legal Services Market in Utah*, *Utah Bar Journal*, Vol. 30, No. 5, Sep/Oct 2017.

tise for certain needs, which then leads to an increase in hours billed. In addition, attorneys might be willing to practice anywhere, but there is a cost associated with that, particularly due to transportation. Further, rural communities may be more likely to have overburdened attorneys, few lower-income legal assistance services and lawyers with conflicts of interest.<sup>15</sup>

When looking at the number of people per attorney, portions of the Wasatch Front and Washington County are highly represented, while several rural counties are not.<sup>16</sup> In looking at the extremes, there is one attorney for every 203 people in Salt Lake County, but only one for every 3,177 people in Beaver County.

In addition, Utah has large geographic differences in its proportion of lower-income population. As few as 15% of people in Daggett County are lower income,



compared to nearly 50% in San Juan County.<sup>17</sup> While a few rural counties are below the state’s average in their proportion of lower-income Utahns, almost all rural counties have a large proportion of lower-income Utahns.

## TYPES OF SUPPORT

People with legal needs may seek three types of assistance:

- Representation
- Legal Advice and Brief Service
- Information and Referral

Representation comes at the hands of licensed attorneys. This might be with a full-cost attorney, at a low-cost rate or pro-bono. When seeking legal assistance at a discounted rate, many services are offered for those earning under 200% of the federal poverty line. However, there are some exemptions. Older Utahns might find help even if their income is above the 200% line. Immigration services are often provided on a sliding scale basis. Services for protective orders in domestic violence cases are not limited to lower-income petitioners or plaintiffs, nor are most disability services.

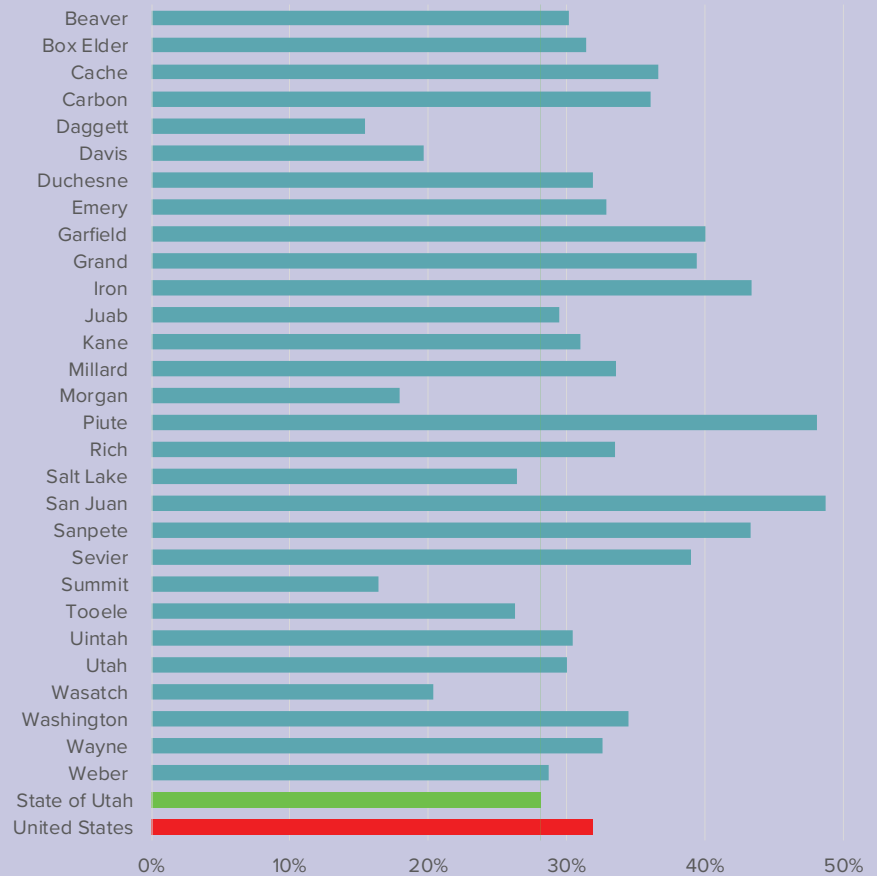
Legal advice and brief service may come from attorneys or from law students under the supervision of licensed attorneys. Additionally, in response to a needed market-based solution for the unmet needs of litigants, a task force created by the Utah Supreme Court in May 2015 recommended the creation of a new program called the Licensed Paralegal Practitioner (LPP). Through this program started in November 2018, LPPs are allowed to obtain licensure to assist clients with limited matters in practice areas that include: specific family law matters, such as temporary separation, divorce, paternity, cohabitant abuse, civil stalking, custody and support, or name change; limited landlord-tenant disputes, and; debt collection matters in small claims cases.

Information and referral can come from legal aid organizations, from nonprofits that specialize in specific issues, or from organizations that specialize in information and referral services.

Additionally, legal forms are available from the Utah Courts website and from the Online Court Assistance Program.<sup>18</sup> However, people may not have the expertise to fill out the forms appropriately, particularly when special or unusual situations apply to them.<sup>19</sup>

## Utah counties vary widely by their proportions of lower-income residents.

Figure 9: Percent of Individuals Under 200% of the Federal Poverty Line



Source: U.S. Census Bureau, American Community Survey. Utah Foundation calculations.

## Legal Services Currently Provided

This report analyzes the legal needs for lower-income Utahns in 19 types of issue areas. Listed below are the issue areas and examples of each. They are further defined in the *Legal Needs* section of this report.

- **Employment:** Trouble with an employer, such as not being paid, being forced to work overtime, being fired unfairly, being in unsafe situations, being sexually harassed, etc.
- **Housing:**
  - **Rental housing:** Serious problem with a landlord, unfairly asked to move out, or not provided a safe, clean place to live.
  - **Housing ownership:** Problem with the lender or had the inability to pay property taxes.
  - **Mobile and manufactured homes:** Problem like being kicked out of a mobile home park, or a large increase in lot rent or park fees.
  - **Homelessness:** Turned away from a shelter or temporary housing, arrested, given a ticket, or stopped by police when homeless.
- **Financial issues:** Problem being harassed by a debt collection agency or with some type of scam or fraud, such as identity theft.
- **Public assistance:** Had lost or been denied governmental benefits such as Social Security, disability income, food, housing assistance or Medicaid.
- **Health law:** Overcharged on a medical bill, had trouble keeping insurance, or turned away and not treated by a doctor or hospital.
- **Public service legal issues:** Problem with public services, such as having serious problems accessing or been afraid to call the police, verbally or physically threatened by police, or needed to have something removed from a criminal record.
- **Family law:** Needed a divorce or legal separation, or had child custody or child support issues.
- **Domestic violence:** Physically, sexually or mentally abused by another household member, or had been stalked.
- **Discrimination:** Denied services, harassed, abused or unfairly treated because of race, ethnicity, religion, gender, sexual orientation, age or for other characteristics.
- **Disability rights:** Unfair treatment or discrimination related to that disability, such as not being given reasonable access to programs, services, activities or public places.
- **Adult care:** Trouble with a nursing home or other caretaker.
- **Immigration:** Problem getting residency, citizenship or work permits; receiving bad legal advice; afraid of calling the police; reporting discrimination or harassment; or applying for benefits because of immigration status.

- **Education legal issues:** Problems related to education, such as getting kicked out of school, or needed but could not get an Individualized Education Program.
- **Native American / American Indian tribal issues:** Legal problems related to tribal membership, such as their tribal affiliation or enrollment, a tribal dispute, living off the reservation, tribal recognition, or use of tribal or trust lands.
- **Military legal issues:** Problems related to that status, such as VA benefits, military discharge status, or problems getting an old job back after military discharge or returning from deployment.
- **Other legal issues:** Wills, guardianship, or powers of attorney.

Legal aid organizations provide services for these issues. During fiscal 2019, Utah organizations (see the note in Figure 10 for an organizations list) provided 43,525 Utah clients with legal service assistance. Another 21,881 “secondary” clients who are family members and householders also benefited from the primary clients’ assistance.<sup>20</sup>

Family issues are the top-assisted form of legal aid provided in Utah. Immigration and domestic violence services were clearly second and third on the list of available legal services. Noticeably missing from the list are financial issues, particularly given that they comprise 62% of all cases that go to court. However, it is important to consider that many of the financial issues cases might involve small amounts due and which are heard in small claims court, or may simply be amounts due that have no other legal ramifications.

The areas of assistance do not necessarily show the breadth of the assistance available in each category. For instance, while clients with employment issues constitute only 2% of all legal aid organizations’ clients, there are other supports for people dealing with employment issues, such as the Utah Labor Commission.<sup>21</sup>

**Legal aid groups provide the most assistance in family law cases, followed by immigration cases.**

Figure 10: Legal Services Provided in Utah, by Type, 2019

	Clients	Secondary
Family law	31%	29%
Immigration	26%	20%
Domestic violence	13%	27%
Other legal services	12%	9%
Housing	9%	10%
Public benefits	4%	3%

*Note: Figure includes issues with 3% or more of the proportion of services. These calculations include the services provided by the “legal-aid focused organizations” (except Nonprofit Legal Services) and “non-profits with legal aid programs” listed in Figure 13.*

*Source: Gathered from legal aid organizations around the state by Kai Wilson.*

**The issue areas of civil legal services vary by type of service: representation, legal advice & brief service, and information & referral.**

**Figure 11: Top Legal Services Provided in Utah, by Type of Support, 2019**

*Note: Figure includes issues with 3% or more of the proportion of services. These calculations include the services provided by the “legal-aid focused organizations” (except Nonprofit Legal Services) and “non-profits with legal aid programs” listed in Figure 13.*

*Source: Gathered from legal aid organizations around the state by Kai Wilson.*

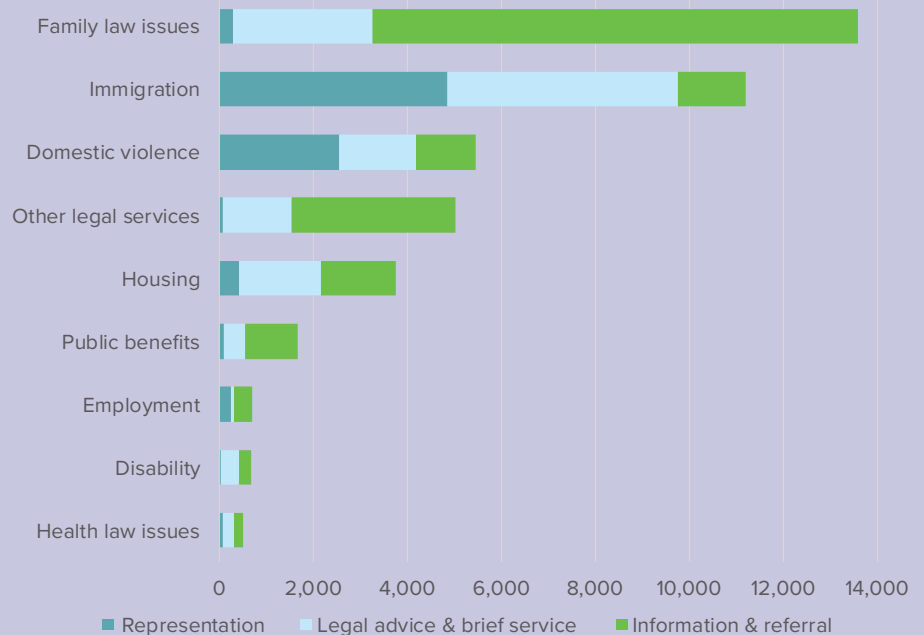
Representation	Clients
Immigration	56%
Domestic violence	30%
Housing	5%
Family law	3%
Employment	3%
Legal advice & brief service	
Immigration	35%
Family law	21%
Housing	12%
Domestic violence	12%
Other legal services	11%
Public benefits	3%
Information & referral services	
Family law	49%
Other legal services	17%
Housing	8%
Immigration	7%
Domestic violence	6%
Public benefits	5%

**Legal services vary widely by number and type of support.**

**Figure 12: Number of Legal Services Provided in Utah, by Type of Support, 2019**

*Note: These calculations include the services provided by the “legal-aid focused organizations” (except Nonprofit Legal Services) and “non-profits with legal aid programs” listed in Figure 13.*

*Source: Kai Wilson.*



When looking more closely at the three types of assistance, immigration and domestic violence top the list for legal representation from lower-income service providers. Immigration is also at the top for legal advice and brief service, followed by family law issues (such as divorce, custody and alimony). And nearly half of all information and referral services are for family law issues. (See Figures 11 and 12.)

## SERVICE PROVIDERS

Utah civil legal services are provided from numerous organizations and locations throughout Utah. While only the top four metro areas have legal aid offices, most rural parts of Utah have access via toll-free numbers, clinics and circuit-riding attorneys who travel to a regular set of locations for court proceedings.

Organizations can include those that focus primarily on providing legal aid, nonprofit organizations that provide legal aid as part of their mission, and clinics and other resources that provide information, forms and referrals. (See Figure 13 for a list of organization by categorization.)

### Legal Aid Only – Lower-Income Utahns

**Utah Legal Services** has been providing free legal help since 1976.<sup>22</sup> There are offices in Salt Lake City, Ogden, Provo and St. George, with an outreach program that covers the whole state. To qualify for assistance, Utahns must be U.S. citizens, except for domestic violence victims. The program serves individuals earning under 200% of the federal poverty line, though in some cases a person can qualify without regard to the household’s financial circumstances, such as in protective order cases. Utah Legal Services focuses on cases of family problems, public benefits assistance, housing and consumer issues. Specialized units also serve groups with special legal needs, including farm workers, Native Americans/American Indians and older Utahns.

## A wide range of legal aid services and organizations exist to assist lower-income Utahns.

Figure 13: Services and Organizations Providing Legal Help in Utah

### Legal-aid focused organizations

#### – Lower-income Utahns

Utah Legal Services

Legal Aid Society of Salt Lake

Disability Law Center

Timpanogos Legal Center

DNA People’s Legal Services

#### – Any income level, sliding scale

Nonprofit Legal Services of Utah

Immigrant Legal Services

### Nonprofits with legal aid immigration programs

Catholic Community Services

Holy Cross Ministries

International Rescue Committee

Comunidades Unidas

Moab Valley Multicultural Center

### Clinics providing free brief legal advice

#### Information and referral agencies

2-1-1

Utah Community Action

Utah Courts Self Help Center

Utah State Law Library



### UTAH LEGAL SERVICES – HOUSING CASE

Kristine, a single-mother diagnosed with multiple sclerosis who has an eight-year-old child diagnosed with neurofibromatosis, faced the looming threat of homelessness when a housing authority rescinded the family’s Section 8 housing funding.

Kristine had moved into an accessible apartment with her landlord’s approval. The housing authority did not authorize the move and as a result terminated her housing funds. Utah Legal Services was notified of the case when the pair were “literally a week away from going into a shelter.”

Utah Legal Services was able to settle a third-party lawsuit against the housing authority, as well as a countersuit against the landlord, to ensure that Kristine was not forced to pay past-due rent charges.



### UTAH LEGAL SERVICES – HOUSING CASE

David, a 62-year-old man with a disability, approached Utah Legal Services when he was served eviction papers from the mobile-home park he had lived in for 11 years. With no warning, management had decided that his home was a “recreational vehicle” instead of a “mobile home.” Because of this, he was told he was no longer eligible to stay in the park. After litigation, the court ruled the 41-foot home was by definition a mobile home and subject to the Mobile Home Park Residency Act, which requires good cause to terminate a lease. The case was dismissed, court fees were awarded, and David was allowed to stay in the park.

**Legal Aid Society of Salt Lake** has been providing free legal help since 1922. It provides services to lower-income families and individuals. Legal Aid Society assists adults and children who are victims of domestic violence to obtain protective orders and civil stalking injunctions from the court, regardless of their income or citizenship status.<sup>23</sup> Legal Aid Society provides full-service representation and limited representation during hearings in family law cases. In addition, it provides “pro se” clinics for litigants who are representing themselves. These limited assistance services are offered at the Matheson and West Jordan Courthouses. Legal Aid Society also provides “pro se” limited-representation services to clients in several counties during special self-represented hearing times.



### LEGAL AID SOCIETY OF SALT LAKE – DOMESTIC CASE

Mary was a 22-year-old Utahn who had a two-year-old son and was six months pregnant when she sought legal aid. Her husband had been keeping her isolated in their apartment for three years. He would not let her drive, have a cell phone or go to prenatal checkups. He even controlled what – and if – she ate.

Mary contacted Legal Aid Society of Salt Lake for help. The divorce case that followed lasted almost two years and was peppered with incidents of threatening behavior on the part of Mary’s husband. The police recommended that Mary go into hiding, which she did for some time.

Mary’s Legal Aid attorney represented her through the whole ordeal, and in the end secured her divorce and full custody of her children. Since then, Mary has earned a paraprofessional degree. She now works at a firm in Salt Lake City and has an apartment for herself and her two children.



### DISABILITY LAW CENTER – EMPLOYER ACCOMMODATION CASE

Disability Law Center had a client with significant PTSD from a violent crime. The client discussed scheduling accommodations with her employer under the Americans with Disabilities Act, but the employer told her that there were no part-time positions available. When the client missed an assigned shift of which she was unaware, the employer terminated her. The client was concerned about applying for any other jobs with a termination on her employment record.

After filing a complaint with the Equal Employment Opportunity Commission and alleging a failure to engage in the interactive process and failure to provide reasonable accommodations, Disability Law Center was able to review the employer's position statement and arrange for informal settlement negotiations. Disability Law Center secured the client a settlement agreement with a guarantee for a neutral reference from her former employer, to have her employment record reflect a resignation instead of an involuntary termination, and to have the company guarantee that she would be eligible to reapply for other positions at the company.

**Disability Law Center** has been providing services since 1978. Its legal services are available to people across the state. Services include help with abuse and neglect, access and rights, community integration, employment, and short-term assistance. It focuses on helping inmates, advocacy and making sure that all Utahns can have access to facilities and institutions.<sup>24</sup>



### DISABILITY LAW CENTER – EMPLOYER ACCOMMODATION CASE

Disability Law Center had a client who worked as a construction company flagger for approximately five months. The company had a practice of hiring employees during the busy season for construction and then laying them off each year. One December, the client tore her rotator cuff and fractured her collar bone. The employee made several requests to the company's HR manager for long-term disability benefits paperwork and an explanation of her benefits, but her requests were ignored. When she scheduled a meeting with HR to obtain the paperwork to request medical leave as well as short-term and long-term disability benefits, the HR professional did not arrive for the meeting. The client subsequently received a phone call from her manager, informing her that HR had instructed them to terminate her employment.

Disability Law Center filed a claim for wrongful termination and failure to provide reasonable accommodations. The company denied any discrimination, stating that the client was simply laid off in compliance with their typical procedures. With further discussion, however, the company's attorney acknowledged that the client should have been provided with access to disability benefits. Disability Law Center worked with the company's attorney to apply for these benefits retroactively. The client received full payment for all of her short-term disability benefits, backdated long-term disability benefits, continuing long-term disability benefits, as well as a modest amount of damages to cure the company's failure to provide the client with a reasonable accommodation and wrongful termination. The client has since been able to undergo surgery for her rotator cuff and collar bone with the necessary time and money to recover from these procedures.



### **DISABILITY LAW CENTER – EDUCATION / DISABILITY CASE**

The parent of a 15-year-old student with intellectual disabilities attending school in a rural county contacted Disability Law Center because she had concerns regarding her son’s Individualized Education Program (IEP) and special education services. When Disability Law Center reviewed his records, they discovered that his IEP included statements like “great kid,” “loves Disney” and “likes to dance,” but failed to provide any valuable information about the student. The student also had a completely blank transition plan, and his IEP stated that he would be retained at the middle school for two years rather than moving to high school alongside his peers. Disability Law Center assisted the parent in filing a state complaint. The Utah State Board of Education found against the district and ordered corrective action, including a full re-evaluation, training for the district on a variety of topics, and more than 40 hours of compensatory education.



### **DISABILITY LAW CENTER – ELDER NEGLECT / NURSING HOME / DISABILITY CASE**

Disability Law Center had a client in a nursing home who suffered numerous strokes, was diagnosed with dementia, and had very limited mobility. The nursing home issued the client a discharge notice alleging that she was a safety threat to staff and other residents. The nursing home further alleged that the client hit, kicked and pinched others – all allegations the client denied. Disability Law Center staff met with the client and agreed to file a Medicaid appeal on her behalf. After reviewing numerous records, it became clear that the client’s condition would not have allowed her to hit, kick and pinch as the nursing home alleged. Further, the records demonstrated that she had several needs that were not being addressed through proper care planning by the facility. After an extended exchange with the nursing home’s counsel, it became clear that Disability Law Center would be able to effectively demonstrate during a Medicaid hearing that the facility’s reasons for discharge were frivolous. The nursing home withdrew the discharge notice before the hearing date and engaged in care planning with the client to fully address her needs.

**Timpanogos Legal Center** is a newer organization that provides legal services to lower-income Utahns. It is a small group of four full-time staff attorneys and other attorneys who provide volunteer pro-bono services.<sup>25</sup> The Center provides walk-in services in Utah County as well as online assistance across the state. It provides unbundled legal services, often handling just a portion of people’s needs, but its attorneys meet with clients to provide representation in court where and when possible.

**DNA People’s Legal Services** has been providing free, civil legal services since 1967. It supports cases in tribal, state and federal courts to qualifying low-income residents living in geographically isolated portions of Arizona, New Mexico and Utah of various tribes, including the Navajo Nation. DNA focuses on helping low-income families, elders, and victims of abuse, exploitation and discrimination,





## **DNA PEOPLE'S LEGAL SERVICES – PUBLIC SERVICES / NATIVE AMERICAN CASE**

An elderly Navajo woman needed to renew her driver's license. She learned in the process that the federal government and the state motor vehicle department had three different birth years for her. With no way to prove her birth year, she feared losing her driver's license. This was of particular concern as she needs to drive to purchase groceries and take herself and her husband to medical appointments; he can no longer drive and is dependent on her for transportation. DNA was able to help the woman secure a correct birth certificate, which allowed her to renew her driver's license.

and especially people in these groups who do not speak English well. Most clients live below the federal poverty level, although DNA assists victims of domestic violence regardless of income.<sup>26</sup>

### **Legal Aid Only – Any Income Level, Sliding Scale**

**Nonprofit Legal Services of Utah** provides counsel and representation to the nonprofit community in Utah, as well as to individuals with small claims, employment law issues, landlord-tenant disputes, contract disputes, debt collection problems and family law issues. Rates are based upon clients' ability to be able to pay, charging on a sliding scale from \$75 per hour for clients under 200% of the federal poverty line, up to \$150 an hour for those above 400%. Nonprofit Legal Services requires clients to pay a retainer equal to 15 hours of work or 50% of the flat fee agreement at the time the engagement begins.

**Immigrant Legal Services** was created in 2016 to help immigrants by providing pro-bono or low-cost legal services with the help of donations and grants "based on each immigrant's economic situation and type of case."<sup>27</sup> It handles a wide variety of immigration cases, including services for victims of violent crimes, asylum seekers and families seeking unity. It served 1,160 people in 2018, during which about two-thirds of its revenue came from client fees, with the remainder from grants and donations.

### **Nonprofits with Legal Aid Programs**

**Catholic Community Services Utah (CCS)** has been providing services to people along the Wasatch Front since 1945. The purpose of its legal program is to provide full legal representation to immigrants and refugees when they submit immigration applications or upgrade immigration status. CCS also provides individual consultations to immigrants, refugees, and U.S. citizens who have questions about immigration laws, procedures and basic eligibility. CCS employs immigration attorneys, legal representatives and an immigration case manager who file more than 1,000 immigration applications every year for permanent residency (green cards), U.S. citizenship, reuniting close family members, and replacing or renewing identity documents issued by immigration.<sup>28</sup> The CCS legal staff is also available to consult refugees and immigrants who are placed in deportation proceedings. CCS uses about 5% of its total budget for legal representation.



## CATHOLIC COMMUNITY SERVICES – IMMIGRATION CASES

CCS collaborates with the Utah Division of Child and Family Services (DCFS) by assisting kids in custody who need immigration assistance. In 2018, a DCFS staff member contacted Catholic Community Services about a young woman, “Pilar,” who was turning 18 but could not communicate due to developmental disabilities. CCS worked closely with DCFS to apply for an immigration benefit on the client’s behalf. Pilar was able to avoid potential deportation.

CCS also helped a woman, “Lupe,” who was caring for a mother suffering from dementia. Lupe’s mother was able to sign her own immigration application, but Lupe feared that the dementia would progress, especially since she had recently lost her spouse. CCS helped Lupe learn how to collect the medical waiver needed to be sure the client would not have to take the citizenship test. CCS also educated Lupe about the adult guardianship process and how to petition for guardianship if the dementia did get worse. Lupe was able to contact the CCS attorney for guidance during the guardianship process and then secure the letters of guardianship once necessary.

In August 2019, CCS was able to represent both Pilar and Lupe before Immigration Court and effectively advocate for them to make sure that U.S. Citizenship and Immigration Services waived both the test and the oath so that the appointed guardians for both clients could obtain the citizenship certificate the clients needed for benefits without delay.

**Holy Cross Ministries** has been providing community services since 1875. It now provides legal immigration assistance to clients across Utah, focusing on low-income families that are seeking help with legal immigration (primarily immigrant victims of crime).<sup>29</sup> The services offered are consultations, legal support for immigrant victims of violence, support for humanitarian and temporary status applicants, family reunification assistance, and citizenship services. Holy Cross also covers fees associated with naturalization.

**International Rescue Committee of Utah** helps resettle refugees fleeing persecution and war. In addition, the Utah chapter provides low-cost immigration legal services and citizenship assistance.<sup>30</sup> Services include: help in obtaining Lawful Permanent Resident Status (or “green cards”); help for Lawful Permanent Residents to apply for citizenship; help reuniting refugee and asylum families; assistance with Deferred Action for Childhood Arrivals and Unlawful Presence Waivers. These services are often provided by non-attorney “Accredited Representatives.”<sup>31</sup>

**Comunidades Unidas** is a nonprofit organization that has been serving Utahns since 1999. It provides direct services to more than 5,000 individuals per year. Its legal clinic offers a range of low-cost legal services for those looking to apply for, renew or update their legal status. The organization serves people across the state.<sup>32</sup> These services are provided by non-attorney Bureau of Immigration Accredited Representatives.

**The Moab Valley Multicultural Center** works in Moab and its surrounding rural areas, focusing on immigrant, minority, indigenous and vulnerable populations of all ages. It advocates, educates and collaborates with its community to remove cultural, language or economic barriers. As part of this, it provides immigration-related legal needs services. These services are provided by non-attorney Bureau of Immigration Accredited Representatives.

## Clinics Providing Free Brief Legal Advice

A number of organizations provide free, brief advice for the legal needs of lower-income Utahns. These services are typically available for one to two hours between one and three times per month. They are often staffed by volunteer lawyers and/or students with volunteer lawyer supervisors. In some cases, they are staffed by paralegal professionals who do not give “legal advice” per se, but provide assistance in legal matters. The S.J. Quinney College of Law at the University of Utah, the J. Reuben Clark Law School at Brigham Young University and others support these services. This report does not include any estimate of the number of people helped through such programs.

## Information and Referral

**Utah Court’s Self-Help Center** provides free legal information on rights and responsibilities and to help people resolve their legal problems on their own. This includes information on legal processes, forms and referrals to legal aid organizations. Self-Help Center staff attorneys do not give legal advice or represent people in court, but they can:

- Answer questions about the law, court process and options.
- Provide court forms and instructions and help completing forms.
- Provide information about cases.
- Provide information about mediation services, legal advice and representation through pro-bono and low-cost legal services, legal aid programs and lawyer referral services.
- Provide information about resources provided by law libraries.<sup>33</sup>

**The Utah State Law Library** has existed in some form since the Utah Territory was established. It serves the legal information needs of Utah’s courts, executive agencies, legislature, attorneys and the public. The library collection is located in Salt Lake City, but library services are available to everyone.<sup>34</sup>

**United Way of Salt Lake’s 2-1-1** information and referral service operates 24 hours per day to provide information and referrals to all Utahns.

**Utah Community Action** is part of the Community Action network that operates across the U.S. Over the past year it provided information and referral to 809 lower-income individuals.

Many other organizations also provide some limited information and referral services.

## Mediation

Many Utahns seek out mediation as an alternative to legal services. There is one large mediation firm in the state and numerous smaller ones.

**Utah Dispute Resolution** is the state’s largest mediation provider, with services to lower-income Utahns for small claims and family cases, in addition to providing information and referral services. It provided 673 domestic law mediations in fiscal 2019.



## 2-1-1 INFORMATION AND REFERRAL

In addition to the 2-1-1 survey, Utah Foundation analyzed information and referral data provided by 2-1-1. During calendar year 2019, 2-1-1 received a total of 2,003 legal-needs calls that led to a total of 4,630 referrals.\* Well over half of the calls were from people in Salt Lake County (1,221), followed by Utah County (211), Weber County (210), Davis County (166) and Washington County (52). Collectively, these counties accounted for 93% of the calls, while accounting for 81% of the state’s population. Women made more than three-quarters of the calls (76%). The vast majority of the calls (85%) were with English speakers, with another 11% with Spanish speakers, and the remainder in other languages.

Taking a look at the top five of referrals based on their 2-1-1 need codes: 389 referrals were for legal counseling (19% of total calls), 372 referrals were for landlord/tenant dispute resolution; 329 referrals were for legal representation; 122 referrals were for child custody/visitation assistance; and 121 referrals were for advocacy-related issues. Collectively, the number of calls for the top five need code referrals accounted for 67% of all legal needs calls – 1,333 calls in all.

When excluding referrals for general legal services such as legal counseling, representation and advocacy, the top issues were landlord/tenant dispute resolution and family law. (See Figure 14.)

### Renter and family legal needs are the top legal information & referral issues for the largest information & referral organization in the state.

Figure 14: Referrals by Civil Legal Issue Type, 2019

Source: Utah Foundation analysis of 2-1-1 referral data.

Civil Law Issue	Count	Percent
Landlord/tenant dispute resolution	372	34%
Family (child custody, divorce, child support, etc.)	294	27%
Immigration	99	9%
Domestic violence (including protective orders)	59	5%
Employment discrimination assistance	41	4%
Veteran benefits assistance	38	3%
General legal aid	36	3%
Elder law	26	2%
Housing discrimination assistance	20	2%
Protection and advocacy for individuals with disabilities	11	1%
Other	96	9%

**Utah Community Action Program** provided lower-income mediation in 225 landlord tenant/housing cases.

**Mountain Mediation** provides mediation services for small claims and family cases, in addition to providing information and referral services. Most of its services are provided in Summit and Wasatch counties.

**Utah Court’s Self-Help Center** staff attorneys can provide information about mediation services – in addition to aid discussed previously.

In addition, there are numerous mediation clinics at locations around the state.

## FUNDING

Utah Legal Services accounts for nearly half of the total spending for legal aid in Utah, and Utah Legal Services, Disability Law Center and Legal Aid Services together account for 85%.<sup>35</sup> The three main funding sources are the Legal Services Corporation, U.S. Department of Justice funding and the State of Utah, followed by private funds, earned revenue and the Utah Bar Foundation.

The Legal Services Corporation “is an independent nonprofit established by Congress in 1974 to provide financial support for civil legal aid to low-income Americans.” It distributes grants to nonprofits delivering civil legal aid. The grants are based on poverty population data provided by the U.S. Census Bureau. The funds target lower-income Americans under 125% of the federal poverty line.

The Legal Services Corporation estimates that more than 60 million Americans are eligible for legal aid under its guidelines. It reports that its \$385 million in 2016 funding assisted 1.8 million people nationwide. This, it concludes, shows that the “gap between the number of people who need legal services and the resources available to meet their needs is enormous.”<sup>36</sup>

According to Congressional Research Services, the Legal Services Corporation is the largest funder in the United States, funding approximately 38% of civil cases for lower-income Americans.<sup>37</sup> Congressional Research Services estimates that Utah is one of 12 states where LSC funds more than half of all civil legal services. (Four of Utah’s neighboring states – Arizona, Idaho, Nevada and New Mexico – receive a similarly high percentage of funding from LSC.)

In addition, the U.S. Department of Justice provides grants through the Victims of Crime Act fund.

## LOWER-INCOME UTAHNS

In Utah, many civil legal aid organizations support households beyond the 125% of the federal poverty line maximum supported by funding from the LSC, to 200% of the line. In 2017, about 27% of Utah residents earned below 200% of the federal poverty line, compared to over 32% nationally.<sup>38</sup> (See Figure 15.)

Utah’s lower-income residents are different in many ways than Utah’s higher-income residents. Utah’s racial and ethnic make-up is one difference. When looking at ethnicity, nearly 23% of people under 200% of poverty identify as Hispanic/Latino, two-thirds of whom

### Utah has a smaller proportion of lower-income residents than does the nation as a whole.

Figure 15: Population Under and Over 200% of Poverty, Utah and U.S., 2017

	Number	Percent
<b>United States</b>		
Under 200%	105,440,763	32%
Over 200%	221,726,676	68%
<b>Utah</b>		
Under 200%	853,437	27%
Over 200%	2,307,668	73%

Source: IPUMS USA, University of Minnesota, [www.ipums.org](http://www.ipums.org).

### Utah's lower-income population is more diverse racially and ethnically than its higher-income population.

Figure 16: Race and Ethnicity of Population, by Income (separated by 200% of poverty level), Utah, 2017

	Under 200%	Over 200%
<b>Race</b>		
White	79.7%	88.1%
Black/African American	2.4%	0.9%
American Indian	2.1%	0.9%
Asian or Pacific Islander	3.3%	3.1%
Other	8.7%	3.7%
More than one major race	3.8%	3.3%
<b>Ethnicity</b>		
Non-Hispanic/Latino	77.5%	88.8%
Hispanic/Latino	22.5%	11.2%

Source: IPUMS USA, University of Minnesota, [www.ipums.org](http://www.ipums.org).

originate from Mexico.<sup>39</sup> (See Figures 16.)

Further, lower-income Utahns have far less education than their higher-income peers. Half of those under 200% of poverty max out with a high school diploma, while only a third of those over 200% of poverty have only a high school diploma. Higher-income Utahns are nearly twice as likely to have completed four years of college.

This report includes many examples of these differences throughout the document in relevant sections when the data are available.

### Utah's lower-income population is less educated than its higher-income population.

Figure 17: Educational Attainment, Age 25 and Over, by Income (separated by 200% of poverty level), Utah, 2017

	Under 200%	Over 200%
No schooling	1.7%	0.5%
Grade 12 or less	49.9%	33.9%
1-2 years of college	26.8%	26.9%
Bachelor's degree	15.5%	24.9%
Graduate degree	6.1%	13.8%

Source: IPUMS USA, University of Minnesota, [www.ipums.org](http://www.ipums.org).

## LEGAL NEEDS

For the Utah Foundation legal needs survey of a random sample of 900 lower-income Utahns, households experienced a total of 1,322 legal issues for an average of nearly one and one-half legal issue types per household. Nearly 43% of households reported no legal issue, while nearly 23% reported one issue type. (See Figure 18.)

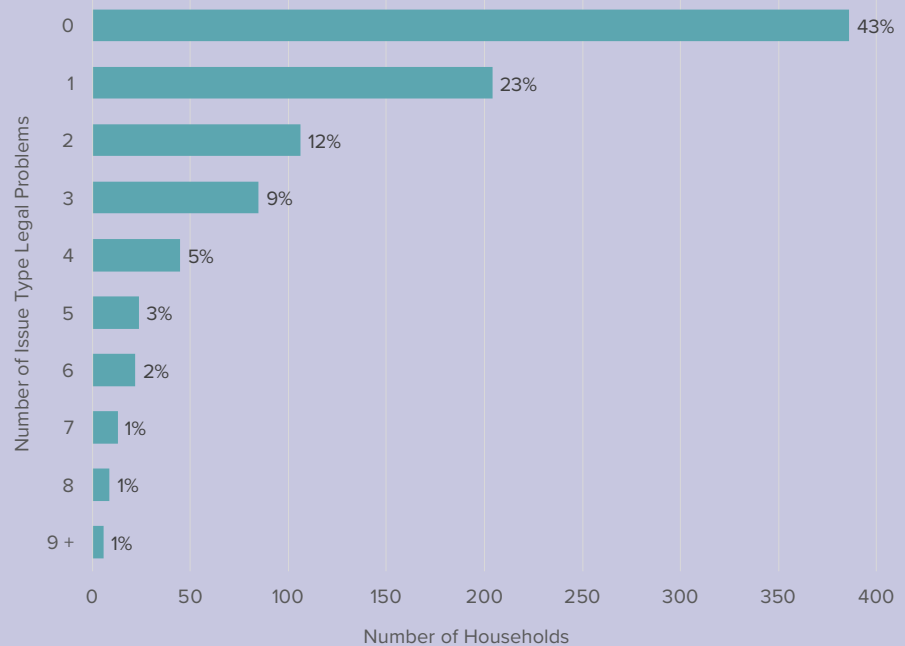
Because of time constraints in administering the phone survey, the online portion of the random-sample survey provided more examples to respondents of potential legal needs. Accordingly, they were more likely to indicate that they had legal issue types. In fact, phone respondents were twice as likely as online respondents to indicate that they had no legal needs whatsoever. (See Figure 19.) Online respondents were much more likely than phone respondents to indicate that their households had two or more legal issue types. On average, online random-sample respondents had 2.4 legal issue types, compared to just one for phone respondents.

Many respondents had several legal issues within the 19 issue types. For instance, a person might have trouble with an employer scheduling too many overtime shifts, with another person in the household having the same problem – or a different problem – with an employer. While these are categorized as one issue type, they are multiple legal issues within the same household. Like with legal issues types, online random-sample survey respondents had more than twice as many legal issues per household than did phone respondents.

The 2-1-1 survey provides additional data not available from the statewide random-sample survey since it was administered in Spanish and English to people above and below 200% of poverty. (However, the sample of Spanish survey respondents is too small to analyze

### Most lower-income households have at least one civil legal needs issue type – and nearly a quarter have three or more issues.

Figure 18: Number of Issue Types per Household, Random-Sample Survey

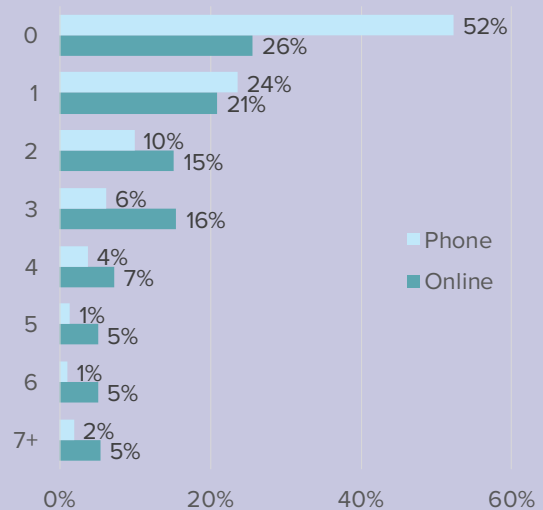


Note: Survey questions asked about 19 issues types.

Source: Utah Foundation.

### Households that took the random online survey were more likely than random phone respondents to indicate that they had two or more issue types.

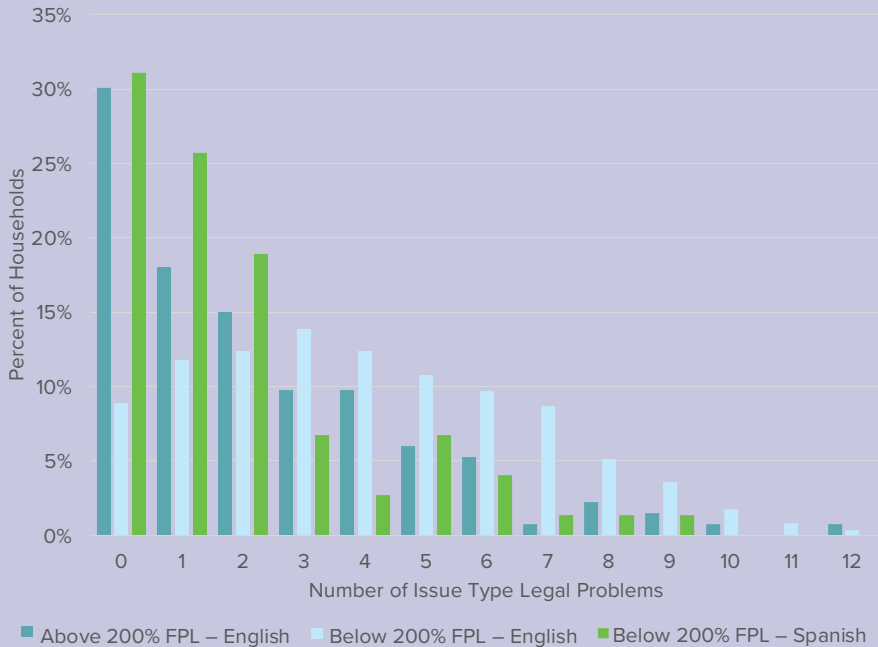
Figure 19: Number of Issue Types per Household, Random-Sample Survey



Source: Utah Foundation.

**In terms of legal needs per households, Spanish-survey takers look more like English-survey takers that are from higher-income households than they do English-survey takers that are from lower-income households.**

Figure 20: Number of Issue Types per Household, Online 2-1-1 Survey Sample



Note: "FPL" is the federal poverty line.

Source: Utah Foundation.

on its own.) These data show that while only 9% of the English survey respondents under 200% of poverty had no legal needs, nearly one-third of people above 200% of poverty had no legal needs. Additionally, nearly one-third of Spanish-survey respondents indicated that they had no problems.

When analyzing the 19 total issue types by their overall likelihood of legal needs, financial legal issues tops the list for the random-survey sample. Figure 21 shows the percentages of legal needs per respondent household by issue type.

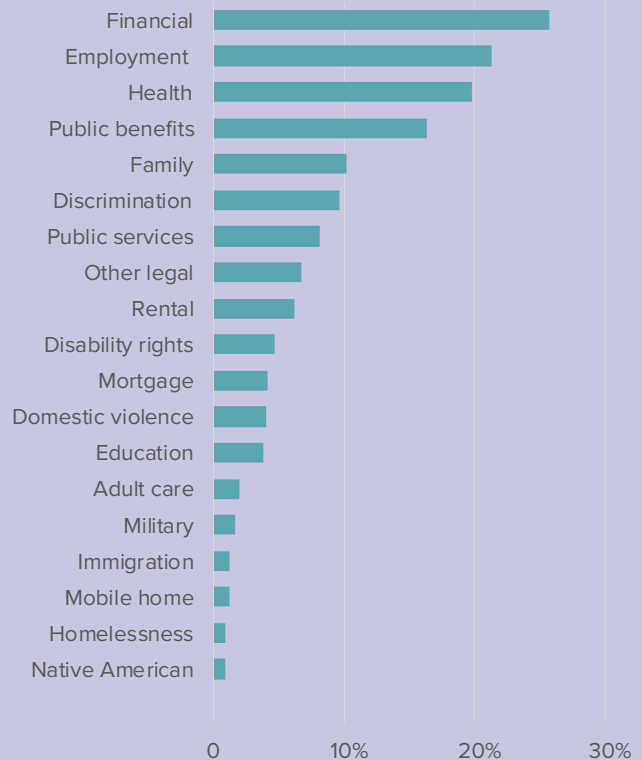
It is important to note that of the 19 legal needs categories, 10 questions

**Financial legal needs are clearly the biggest issues for lower-income households, followed by employment and health care legal needs.**

Figure 21: Percent of Respondents' Households with a Specific Need, all Random Sample Survey Responses

Note: Legal issues are divided by the total number of survey respondents, except the "Homelessness" and "Native American" bars, which are online-only responses weighted to be comparable to the other 17 issue types.

Source: Utah Foundation.





were not asked of all respondents. For instance, if a householder had not lived in a rented apartment or home in the previous 12 months, the respondent was not asked about rental issues. Approximately 39% of respondents were renters. Nearly half had mortgages. Only 5% of respondents had resided in manufactured housing during the preceding 12 months. So while just over 1% of all households had manufactured housing legal needs issues, 27% of households in manufactured housing had manufactured housing-related legal needs. (See Appendix B for more details.)

In addition, approximately one-third of respondents' households included a person with disabilities and one-third included an older Utahn (sixty-five years of age or older). Smaller proportions have served in the military or were born outside of the U.S. Lastly, only online respondents answered questions about homelessness issues and Native American or American Indian tribal issues. Of the random-sample online respondents, 11% of households had someone that has been homeless in the preceding 12 months, and 6% had someone that identified as Native American or American Indian.

## LEGAL NEEDS GAP

While existing legal services provide support for lower-income Utahns, analysis of Utah's civil legal system shows a large unmet need. In 2019, just over 40,000 lower-income Utahns received some type of legal aid. Utah Foundation's survey suggests that lower-income Utahns' legal problems might total over 240,000. This leaves an enormous legal needs gap. As a result, the 26% of Utahns living at or below 200% of the federal poverty line may find their legal needs insurmountable. (See Figure 22.)

### Large legal needs gaps exist between the services provided and the number of problems households experience.

Figure 22: Civil Legal Assistance (2019), Problems (2019), and Needs Gap, Households

	Assistance provided to clients*	Number of problem areas, households†	Legal needs gap
Financial	n/a	42,570	42,570
Employment	694	35,145	34,451
Health law	n/a	32,670	32,670
Public benefits	2,171	27,060	24,889
Discrimination	247	16,005	15,758
Public services	n/a	13,365	13,365
Housing	3,759	16,500	12,741
Disability rights	426	7,755	7,329
Education	153	6,270	6,117
Other legal	5,023	11,055	6,032
Adult care	n/a	3,290	3,290
Family	13,584	16,830	3,246
Military	n/a	2,805	2,805
Native American	14	1,410	1,396
Domestic violence	5,456	6,600	1,144‡
Immigration	11,193	1,980	(9,213)‡
<b>Total</b>	<b>42,720</b>	<b>241,310</b>	<b>198,590</b>

\* 49% of "assistance provided in 2019" was in the form of information and referral services. Please note that some assistance may be duplicated; clients may be counted more than once if referred to other clients. See pages 9 and 10 for more details. Note that this is clients only, not secondary clients, which are typically in the same household as the client.

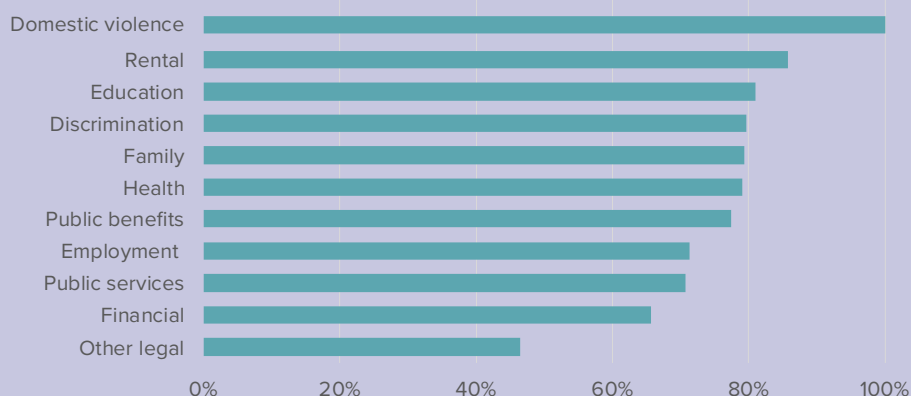
† The number of problem areas is an estimate of the percentage of random-sample survey respondents with a problem area type multiplied by the estimated number of households, multiplied by 66% – the survey respondents who perceived that their legal need "wasn't a big enough problem" or that they "didn't need help." See page 36 for more details.

‡ Some households may not respond that they need immigration help for fear of a lack of anonymity in the survey.

Source: Kai Wilson data and Utah Foundation random-sample survey. Utah Foundation calculations.

## Domestic violence is – as expected – at the top of the list of civil legal needs by how much they affect the household.

Figure 23: Severity of the Legal Needs: “How much did the problem affect you or anyone in your household? Not at all, a little, somewhat, a lot,” showing that issue affected household “somewhat” or “a lot,” Online Random Survey Responses



Note: Figure does not include issues with a small sample size.

Source: Utah Foundation.

## Legal Need Severity

The survey asked respondents with legal issues how much the issue affected the household, from “not at all” to “a lot.” When analyzing the issue by whether there was “somewhat” or “a lot” of effect, domestic violence and four other questions with smaller sample sizes (since only a portion of respondents answered these questions) rose to the top.

Only “other legal” issues and two other questions with smaller sample sizes were below 50% in terms of severity.

## Legal Needs by Type

**Employment.** Employment is often directly related to poverty status. Unless households have other sources of income, such as assistance from parents, public benefits or retirement savings, the lack of employment can put a household below 200% of the poverty line. Those not in the labor force and unemployed are far more likely to be lower income. However, for those lower-income people between 18 and 64 years of age, well over half are employed (compared to about four-in-five of those higher-income Utahns).

The survey asked whether respondents had trouble with an employer, such as not being paid, being

## Lower-income Utahns are more likely to be unemployed and out of the labor force altogether.

Figure 24: Employment Status by Age and Income (separated by 200% of poverty level), Utah, 2017

	Employed	Unemployed	Not in labor force
<b>18-24</b>			
Under 200%	66%	6%	28%
Over 200%	79%	4%	17%
<b>25-64</b>			
Under 200%	58%	4%	38%
Over 200%	83%	1%	16%
<b>65+</b>			
Under 200%	7%	1%	93%
Over 200%	22%	0%	78%

Source: IPUMS USA, University of Minnesota, [www.ipums.org](http://www.ipums.org).

forced to work overtime, being fired unfairly, being in unsafe situations, being sexually harassed, or something similar to these problems. Approximately 21% of households experienced some type of employment issue in the previous 12 months.

Among the responses from the more detailed online random-sample survey, the most common issue was that employees were forced to work overtime or “the bad shifts,” followed by the issue that an employer “did not pay wages, overtime or benefits, or did not pay them on time.” (See Figure 25.)

### Housing

As noted, the survey divided the housing issue into four separate questions: rental, ownership, manufactured housing and homelessness. Respondents only answered questions related to their own households’ living situations in the past 12 months.

In Utah, about 30% of households are renters.<sup>40</sup> Their median gross rent is about \$1,043. About 44% of Utah households that are renting spend more than 30% of their income on housing costs.<sup>41</sup>

Of the 70% of households that own their home, more than two-thirds had a mortgage.<sup>42</sup> Of the nearly half of Utahns with a mortgage, their median “selected monthly owner costs”<sup>43</sup> total \$1,531, while those without a mortgage pay less than one-third of that amount (\$491), mostly on taxes and utilities.<sup>44</sup> Among those spending more than 30% of their income on housing costs, 23% of owners with a mortgage do, compared to 8% without a mortgage.

### In terms of employment-related legal issues, being forced to work overtime and bad shifts is the most common complaint.

Figure 25: Employment Legal Issues, Online Responses

	Random sample	2-1-1 sample
Were forced to work <b>overtime</b> or the <b>bad shifts</b>	29%	19%
An employer <b>did not pay</b> wages, overtime or benefits or did not pay them on time	22%	20%
Experienced working conditions that were <b>unsafe or unhealthy</b>	16%	18%
Were sexually <b>harassed</b> , discriminated against or frightened by a supervisor or coworker	15%	12%
Were <b>unfairly fired</b> from a job	11%	18%
Were <b>injured</b> on the job because an unsafe or unhealthy condition	5%	7%
Were not given <b>worker compensation</b> benefits	1%	6%
Total respondents with an issue	36	483

Note: There are a total of 316 random-sample online survey responses and 832 2-1-1 online survey responses.

Source: Utah Foundation.

### Renters spend less than those with a mortgage on monthly housing costs, but are more likely to spend more than 30% of their incomes on housing.

Figure 26: Housing Tenure, Costs and Percent of Income Spent on Housing Costs, Utah, 2018

	Number	Percent	Monthly housing costs	Spend 30% or more on costs
Renter occupied	294,908	30%	\$1,043†	44%
Owner occupied	703,983	70%	n/a	n/a
with mortgage	491,897	49%	\$1,531*	23%
w/out mortgage	212,086	21%	\$491*	8%

\* Gross rent – median.

† Selected monthly owner costs – median (see endnote 43 for a definition).

Note: There were 998,891 “occupied units” in 2018 in Utah.

Source: U.S. Census Bureau, American Community Survey, 2018, one-year data, S2501 Occupancy Characteristics, DP04 Selected Housing Characteristics. Utah Foundation calculations.

## Lower-income Utahns at all income levels are (as expected) far more likely to rent their housing.

Figure 27: Ownership of Dwelling, by Age and Income (separated by 200% of poverty level), Utah, 2017

	18-24		25-64		65+		All*	
	Under 200%	Over 200%	Under 200%	Over 200%	Under 200%	Over 200%	Under 200%	Over 200%
Rented	64.7%	28.5%	46.8%	19.6%	22.0%	8.3%	47.8%	17.8%
Owned	22.6%	71.4%	47.2%	80.3%	71.3%	91.6%	46.7%	82.2%
N/A	12.7%	0.0%	6.0%	0.1%	6.8%	0.1%	5.5%	0.1%

\*Includes children 17 and under.

Source: IPUMS USA, University of Minnesota, [www.ipums.org](http://www.ipums.org)

## Lower-income Utahns tend to spend more than \$1,000 per month on rent.

Figure 28: Monthly Gross Rent by Income (separated by 200% of poverty level), Utah, 2017

	Under 200%	Over 200%
\$1-\$500	8%	1%
\$501-\$1,000	37%	28%
\$1,001-\$1,500	38%	41%
\$1,501+	17%	30%

Source: IPUMS USA, University of Minnesota, [www.ipums.org](http://www.ipums.org).

Lower-income households are much more likely to be renters than their higher-income counterparts. This holds true across age categories.

As noted, median rent is just above \$1,000 for Utahns. Rent tends to be less expensive for lower-income households than for higher-income ones. However, 55% of those lower-income households are still spending more than \$1,000 on rent per month.

Owner costs average just above \$1,500 in Utah. While costs tend to be higher for higher-income earners, nearly 30% of those lower income earners spend more than \$1,500 per month on owner costs.<sup>45</sup> (See Figure 28.)

## Survey respondents were more likely to be homeowners.

Figure 29: Housing Situation; “In the past 12 months, has anyone in your household...”  
Random-Sample Survey Respondents

	Percent
<b>Rented</b> a house, apartment, or room	48%
<b>Owned a home</b> or had a mortgage	59%
Owned, purchased, or rented a <b>mobile or manufactured home</b>	6%
<b>Homeless</b> or needed to temporarily stay with friends due to lack of housing	5%*

\* This question was only asked of the 312 online respondents.

Note: This exceeds 100% because about one in five households had householders living in different situations in the preceding year, such as owning and renting, owning and homeless, or renting and homeless, and a few respondents had people in three different situations.

Source: Utah Foundation.

Of the random-sample survey respondents, a majority were or had been homeowners (59%), while nearly half were or had been renting in the preceding year (48%). Another 6% were or had been living in mobile or manufactured homes. Lastly, of those 312 online respondents, 5% had been “homeless or needed to temporarily stay with friends due to lack of housing.” This exceeds 100% because about one in five households had householders living in different situations in the preceding year, such as owning and renting, owning and homeless, or renting and homeless, and a few respondents had people in three different situations.

**Rental Housing Issues.** The survey asked whether respondents had a serious problem with a landlord, were unfairly asked to move out, or were not provided a safe, clean place to live where everything worked. Approximately 16% of renters had at least one such issue.

Of the more detailed online random-sample survey, half of renters with an issue “had a landlord that didn’t provide a safe, clean place to live where everything worked.” Over a third of those with an issue responded that they had been unfairly asked or threatened with eviction. (See Figure 30.)

Rental housing issues were far more likely to be a problem for the 2-1-1 survey respondents than for the random-sample survey respondents. When looking only at the renter respondents from each group, 26% of random-sample survey renters had rental housing legal problems, compared to 60% of 2-1-1 renters.<sup>46</sup>

**Housing Ownership Issues.** The survey asked whether respondents had a problem with the lender or had the inability to pay property taxes. Approximately 9% of mortgage-paying homeowners had such an issue. Among the 2-1-1 survey respondents, 16% of mortgage-payers has such an issue.

**Mobile Homes and Manufactured Housing Issues.** The survey asked whether respondents experienced any “problems like being kicked out of the mobile home park, or a large increase in lot rent or park fees.” Approximately 27% of respondents who lived in mobile or manufactured housing had such an issue. For the 61 respondents who lived in mobile or manufactured housing that took the 2-1-1 survey, 30% experienced such problems.

**Homelessness.** The homelessness question and its supplemental questions were not included in the phone survey due to time constraints and the unlikelihood of garnering many results by phone. The question asked whether anyone in the household has been “homeless or needed to temporarily stay with friends due to lack of housing.” Over 11% of the online random-sample survey respondents answered yes. Since Utah Foundation received fewer than 10 responses of problems for the online random-sample survey, results are not reported. However, for the 2-1-1 survey respondents who indicated that someone in the household had experienced homelessness in the preceding 12 months, they were asked if anyone had “been turned away from a shelter or temporary housing” or “been arrested, given a ticket or stopped by police when you were homeless.” They most often reported being turned away from shelters and temporary housing. (See Figure 31.)

**Most renters with a housing problem had an issue with the landlord not providing a safe, clean place to live where everything worked.**

Figure 30: Renters with Housing Issues, Online Survey Respondents

	Random sample	2-1-1 sample*
Had a landlord that didn’t provide a safe, clean place to live where everything worked	50%	40%
Been unfairly asked to move out or been threatened with being kicked out	36%	38%
Had a landlord threaten or act aggressively	14%	21%
Total respondents with an issue	36	322

\* Total doesn’t add to 100% due to rounding.

Note: There are a total of 316 random-sample online survey responses and 832 2-1-1 online survey responses.

Source: Utah Foundation.

**Most households with someone experiencing homelessness reported that the person had “been turned away from a shelter or temporary housing.”**

Figure 31: Homelessness Issues, Online Survey Respondents

	Random sample	2-1-1 sample
Been turned away from a shelter or temporary housing.	*	61%
Been arrested, given a ticket or stopped by police when you were homeless.	*	39%
Total respondents with an issue		58

\* Since Utah Foundation received fewer than 10 responses of problems for the online random-sample survey, results are not reported.

Note: There are a total of 316 random-sample online survey responses and 832 2-1-1 online survey responses.

Source: Utah Foundation.

## Most Utahns with a financial legal issue had problems with a collections agency or with fraud.

Figure 32: Financial Legal Needs, Online Survey Respondents with Financial Issues

	Random sample	2-1-1 sample
Had problems with a collections agency harassing you	31%	29%
Experienced a scam or other type of fraud, such as identity theft	29%	19%
Had someone you owe money to take money from your bank or paycheck	11%	10%
Filed for or needed to file for bankruptcy	10%	11%
Had utilities such as water or electricity shut off	7%	14%
Had serious problem with a payday loan	7%	12%
Had a car taken back by the seller	5%	6%
Total respondents with an issue	193	960

Note: There are a total of 316 random-sample online survey responses and 832 2-1-1 online survey responses.

Source: Utah Foundation.

## Financial Needs

Of the 900 random-sample survey respondents, 26% experienced a financial problem. It is the issue type with the largest number of people reporting a problem.<sup>47</sup>

Of the more detailed online survey, the greatest percentage of people had problems being harassed by a debt collection agency (31%) or with some type of scam or fraud, such as identity theft (29%).

Well over half of the cases in Utah small claims court are brought by high-cost lenders, and 91% of the arrest warrants issued in small claims court were issued in cases filed by high-interest lenders. As reported by Pro Publica and reprinted in the Salt Lake Tribune, Utah has 417 payday and title loan stores, “more than the number of McDonald’s, 7-Eleven, Burger King and Subway stores combined.”<sup>48</sup> The average annual interest rate for payday loans in Utah is 652%.

In 2014, Utah passed a law allowing bail money to be turned over to high-interest lenders. As a result, debtors’ only options are to pay money toward their debt or go to jail. An owner of a payday lending company told Pro Publica that using these tactics in small claims court is an integral part of his business model.

## Public Assistance

Public assistance generally refers to cash and non-cash benefits to people from governmental entities. The two major kinds of assistance are social welfare programs that are usually provided to lower-income people and social insurance programs that are provided based upon age, or other qualifications. These social welfare programs include public assistance, Supplemental Security Income and the Supplemental Nutrition Assistance Program.

## Few Utahns receive public assistance income regardless of poverty status.

Figure 33: Public Assistance Income, by Age and Income (separated by 200% of poverty level), Utah, 2017

	18-24		25-64		65+	
	Under 200%	Over 200%	Under 200%	Over 200%	Under 200%	Over 200%
\$1-\$5,000	0.1%	0.3%	1.6%	0.4%	0.3%	0.1%
\$5,001+	0.0%	0.1%	0.5%	0.0%	0.0%	0.1%
Non-recipients	99.9%	99.6%	98.0%	99.6%	99.7%	99.8%

Source: IPUMS USA, University of Minnesota, [www.ipums.org](http://www.ipums.org)

## Few Utahns receive Supplemental Security Income.

Figure 34: Supplemental Security Income by Age and Income (separated by 200% of poverty level), Utah, 2017

	18-24		25-64		65+	
	Under 200%	Over 200%	Under 200%	Over 200%	Under 200%	Over 200%
\$1-\$10,000	0.9%	1.0%	2.8%	0.6%	3.3%	1.5%
\$10,001+	0.0%	0.0%	1.4%	0.4%	0.8%	1.4%
Non-recipients	99.1%	99.0%	95.8%	99.0%	96.0%	97.2%

Source: IPUMS USA, University of Minnesota, [www.ipums.org](http://www.ipums.org)

Public assistance includes the General Assistance program administered by the Department of Workforce Services. The proportion of Utahns receiving any public assistance income is very low – less than 1%. The benefits are typically less than \$5,000 per year. (See Figure 33.)

Supplemental Security Income is a federal program directed toward people with little or no income who are older, blind or have disabilities.<sup>49</sup> The benefits are typically less than \$10,000 per year. This differs from Social Security Disability Insurance, which can provide payments to people who are under 65 that become disabled after working at least half-time in the previous 10 years; these income data are unavailable by poverty level. (See Figure 34.)

The Supplemental Nutrition Assistance Program, also known as SNAP and colloquially referred to as food stamps, is the most common type of social welfare type program. More than a quarter of Utahns 17 and younger and more than one-in-five Utahns between 25 and 64 receive SNAP benefits. (See Figure 35.)

With regard to public benefits, the survey asked households whether they had lost or been denied governmental benefits such as Social Security, disability income, food, housing assistance or Medicaid in the previous 12 months. Approximately 16% of households had been.

Of the more detailed online random-sample survey, the benefit most often lost or denied was health insurance coverage from Medicaid or the Children’s Health Insurance Program (CHIP) – nearly half of households with a public benefit issue.

## Since lower-income Utahns are more likely to receive food stamps, they are more likely to have related legal issues.

Figure 35: Lower-income Utahns are much more likely than their higher-income peers to receive food stamps.

	0-17		18-24		25-64		65+	
	Under 200%	Over 200%	Under 200%	Over 200%	Under 200%	Over 200%	Under 200%	Over 200%
	25.4%	3.3%	7.6%	2.4%	21.8%	3.5%	12.3%	3.6%

Source: IPUMS USA, University of Minnesota, [www.ipums.org](http://www.ipums.org)

**While Medicaid and CHIP are the most common legal-related issues for random-sample survey households, other governmental assistance tops the list for 2-1-1 respondents.**

Figure 36: “Has your Household Lost or Been Denied any of the Following Benefits,” Online Survey Respondents Who Had Been Denied Benefits

	Random sample	2-1-1 sample
Medicaid or CHIP	48%	30%
Income, food, housing or other governmental assistance	37%	47%
Social Security or disability income	15%	23%
Total respondents with an issue	100	466

Note: There are a total of 316 random-sample online survey responses and 832 2-1-1 online survey responses.

Source: Utah Foundation.

Over one-third of households with a public benefits issue had lost or been denied income, food, housing or other governmental assistance.

The picture looks quite different for 2-1-1 survey respondents, where nearly half of those with public benefits issue had lost or been denied income, food, housing or other governmental assistance. (See Figure 36.)

**Health Legal Issues**

As noted, health care legal needs top the list of needs nationally. In Utah, it seems to be much less of an overall legal need issue. This could be due in part to the fact that Utahns spend less per capita on health care than the people of any other state in the U.S.<sup>50</sup>

Regardless, a far greater proportion of higher-income Utahns have insurance than lower-income Utahns. (See Figure 37.) In fact, the uninsured rate is two to three times higher for lower-income Utahns in each age category.

Less than half of Utahns under 200% of the federal poverty line with insurance receive that insurance from employers, compared to over three-quarters of those over 200% of the federal poverty line.<sup>51</sup>

The survey asked whether anyone in the respondents’ households had been overcharged on a medical bill, had trouble keeping your insurance, been turned away and not treated by a doctor or hospital, or a similar health related problem. One-in-five households had.

**Respondents under 200% of poverty are less likely to be insured, particularly in the 25 to 64 age group.**

Figure 37: Health Insurance Coverage, by Age and Income (separated by 200% of poverty level), Utah, 2017

	0-17		18-24		25-64		65+	
	Under 200%	Over 200%	Under 200%	Over 200%	Under 200%	Over 200%	Under 200%	Over 200%
Insured	87.6%	95.7%	82.0%	90.9%	73.9%	92.1%	98.6%	99.5%
Not insured	12.4%	4.3%	18.0%	9.1%	26.1%	7.9%	1.4%	0.5%

Source: IPUMS USA, University of Minnesota, www.ipums.org.



Of the more detailed online random-sample survey, the top issue was being charged too much for medical services. In addition, about one-fifth of those with an issue indicated that it was related to health insurance company unfairly declining coverage and nearly another fifth said they had trouble keeping governmental insurance, such as Medicaid and CHIP.

### Public Service Issues

The survey asked whether anyone in respondents' households experienced "a problem with public services, such as having serious problems accessing or been afraid to call the police, been verbally or physically threatened by police, or needed to have something removed from a criminal record." Approximately 8% had.

Of the more detailed online random-sample survey, the top issues were "slow or insufficient police services" and being "stopped by the police without a good reason, or unfairly arrested."

In addition, many people indicated that they needed to have something removed from a criminal record. When asked whether someone in the household has a juvenile or criminal record, 98 respondents or 11% of the random-sample survey respondents indicated that they did.<sup>52</sup>

### Most respondents with a health-related legal issues indicated that they had been charged too much for medical services.

Figure 38: Health-related Legal Issues, Online Survey Respondents Who Had an Issue

	Random sample	2-1-1 sample
Was charged too much for medical services	50%	39%
Had a health insurance company unfairly decline coverage	22%	17%
Had trouble keeping your insurance from the government	17%	20%
Had trouble keeping your insurance from a private company	6%	9%
Was turned away and not treated by a doctor or hospital	6%	15%
Total respondents with an issue	109	415

Note: There are a total of 316 random-sample online survey responses and 832 2-1-1 online survey responses.

Source: Utah Foundation.

### Over half of respondents with public service legal issues indicated that they experienced slow or insufficient police services or that they had been stopped or arrested without a good reason.

Figure 39: Public Service Issues, Online Survey Respondents Who Had an Issue

	Random sample	2-1-1 sample
Slow or insufficient police services	26%	20%
Been stopped by the police without a good reason, or unfairly arrested	25%	22%
Needed to have something removed from a criminal record	22%	23%
Been afraid to call the police after experiencing a crime	15%	22%
Been verbally or physically threatened or treated roughly by police	11%	13%
Total respondents with an issue	72	371

Note: There are a total of 316 random-sample online survey responses and 832 2-1-1 online survey responses.

Source: Utah Foundation.

## People under 200% of poverty are much more likely to have been divorced or never married.

Figure 40: Marital Status, by Age and Income (separated by 200% of poverty level), Utah, 2017

	18-24		25-64		65+	
	Under 200%	Over 200%	Under 200%	Over 200%	Under 200%	Over 200%
Married; spouse present	17.5%	18.1%	45.7%	71.7%	38.2%	69.5%
Married; spouse absent	1.4%	0.8%	3.4%	1.6%	2.7%	1.1%
Separated	0.2%	0.1%	4.3%	1.3%	1.2%	0.8%
Divorced	0.8%	0.5%	18.1%	9.2%	19.2%	10.8%
Widowed	0.0%	0.0%	1.8%	1.1%	31.3%	15.1%
Single / never married	80.2%	80.5%	26.6%	15.2%	7.4%	2.6%

Source: IPUMS USA, University of Minnesota, [www.ipums.org](http://www.ipums.org).

### Family Law

Lower-income households are far less likely than their higher-income peers to be married. Much of that difference has to do with the fact that lower-income Utahns are more likely to be divorced – nearly twice as likely. (See Figure 40.)

The survey asked whether anyone in the household experienced a family-related legal issue such as needing a divorce or legal separation, child custody or child support issues, or establishing paternity. Approximately 10% of respondents indicated that they had one of these family law issues.

#### The most common family-law legal issue is related to problems collecting child support or alimony.

Figure 41: Family Law Issues, Online Survey Respondents Who Had an Issue

	Random sample	2-1-1 sample
Had problems collecting child support or alimony	39%	27%
Had child custody problems	29%	30%
Had or needed a divorce or legal separation	26%	27%
Had difficulties paying child support	7%	13%
Had trouble figuring out who the parent of a child was (establishing paternity)	0%	3%
Total respondents with an issue	70	335

Note: There are a total of 316 random-sample online survey responses and 832 2-1-1 online survey responses.

Source: Utah Foundation.

Of the more detailed online random-sample survey, collecting child support or alimony topped the list. Many households also had problems with child custody or needed a divorce or legal separation. None of the random-sample respondents had paternity issues.

### Domestic Violence

The survey asked whether anyone in respondents' households had been physically, sexually or mentally abused by another household member, or had been stalked. This was the lowest of the 19 types of legal needs in the survey, at 4% of households. However, as noted, it had the highest rating for severity of the questions that were asked all respondents.

The rate was higher for online survey respondents. For those responding to the online random-sample survey, over 7% of households reported that someone in the home had been physically, sexually or mentally abused by another household member, or had been stalked.

The rate was even higher (nearly 14%) for the 2-1-1 survey respondents.

## Discrimination

The survey looked to see whether people in households were denied services, harassed, abused or unfairly treated because of race, ethnicity, religion, gender, sexual orientation, age or for other characteristics. One-in-10 households saw some type of discrimination.

Of the more detailed online random-sample survey, the most cited discrimination was for credit history (and it was even more significant for the 2-1-1 survey respondents). This is likely related to loan applications and to renters being overlooked by landlords during tight rental markets because of poor credit. Disability, gender, having a criminal or juvenile record, and age each accounted for over 10% of the discrimination reported from the online random-sample survey respondents. (See Figure 42.)

For those online survey respondents who experienced some type of discrimination, it most often occurred in terms of employment. Banking was next, followed by housing. (See Figure 43.)

### The most common type of discrimination is related to credit history.

Figure 42: Discrimination Type, Online Survey Respondents Who Had an Issue

	Random sample	2-1-1 sample
Credit history	22%	29%
A disability	14%	16%
Gender	12%	6%
A criminal or juvenile record	12%	12%
Age	11%	8%
Religion	9%	5%
Having young children	8%	6%
Race or ethnicity	6%	10%
Sexual orientation	6%	3%
Spoken or written language	1%	4%
Immigration status	1%	3%
Total respondents with an issue	103	552

Note: There are a total of 316 random-sample online survey responses and 832 2-1-1 online survey responses.

Source: Utah Foundation.

### Most often, respondents experienced discrimination related to their employment.

Figure 43: Discrimination Location, Online Random-Sample Survey Respondents

	Percent
Employment	40%
Banking	16%
Housing	14%
Any other business or government office	12%
Health care	10%
Law enforcement	8%

Source: Utah Foundation.

## Respondents are much more likely to have difficulty living independently when they are under 200% of poverty.

Figure 44: Independent Living Difficulty, by Age and Income (separated by 200% of poverty level), Utah, 2017

	18-24		25-64		65+	
	Under 200%	Over 200%	Under 200%	Over 200%	Under 200%	Over 200%
No difficulty	97.3%	97.8%	93.0%	97.8%	76.9%	89.7%
Has difficulty	2.7%	2.2%	7.0%	2.2%	23.1%	10.3%

Source: IPUMS USA, University of Minnesota, [www.ipums.org](http://www.ipums.org).

## Disability Rights and Adult Care Issues

The vast majority of Utahns 18 and over have no difficulty living independently. However, for those Utahns under 200% of the federal poverty line, independence is much more of an issue, particularly for those 25 and older. Nearly one-quarter of lower-income people 65 and older have difficulty living independently, compared to only one-in-ten of higher-income Utahns.

### Most households with someone experiencing adult care problems reported that they had concerns such as being left alone or being forced to move without wanting to.

Figure 45: Adult Care Issues, Online Survey Respondents

	Random sample	2-1-1 sample
Experienced other problems, such as being left alone, not having anything to do, or being forced to move without wanting to.	*	55%
Been living in a nursing home or other long-term care facility, but they preferred to live elsewhere.	*	17%
Been taken advantage of or abused by a caretaker.	*	16%
Had problems with the care provided by a nursing home or other long-term care facility.	*	12%
<b>Total respondents with an issue</b>		<b>58</b>

\* Since Utah Foundation received fewer than 10 responses of problems for the online random-sample survey, results are not reported.

Note: There are a total of 316 random-sample online survey responses and 832 2-1-1 online survey responses.

Source: Utah Foundation.

As with independent living difficulty, those under 200% of poverty are more likely to have cognitive difficulty, ambulatory difficulty, and self-care difficulty.<sup>53</sup> For instance, only 2.8% of working-age Utahns over 200% of poverty have cognitive difficulty, compared to 10.2% of Utahns under 200% of poverty, and for ambulatory difficulty it is 3.0% compared to 8.8%

Over one-third (311) of respondents indicated that someone in their household had a disability.

Our random-sample survey question of those 311 households asked whether anyone in the household experienced “any unfair treatment or discrimination related to that disability, such as not been given reasonable access to programs, services, activities or public places.” Of the 311 households that had someone with a disability, 14% reported a disability-related legal issue. That is nearly 5% of all 900 households from the random-sample survey. The rate was higher for the 2-1-1 survey respondents: 11%.

Nearly one-third (276) of respondents indicated that someone in their household was 65 years old or older.

Our random-sample survey question asked whether anyone in the household that had disabilities or that were 65 or older had “trouble with a nursing home or other caretaker.” Of the

## Those under 200% of poverty are more likely not to be citizens.

Figure 46: Citizenship Status, by Age and Income (separated by 200% of poverty level), Utah, 2017

	0-17		18-24		25-64		65+	
	Under 200%	Over 200%	Under 200%	Over 200%	Under 200%	Over 200%	Under 200%	Over 200%
Citizen	95.3%	97.6%	88.5%	94.1%	79.8%	88.2%	87.7%	94.0%
Born abroad of American parents	0.2%	0.8%	1.2%	0.8%	0.8%	1.1%	0.0%	0.4%
Naturalized citizen	0.6%	0.4%	1.9%	1.4%	4.9%	4.7%	10.3%	4.3%
Not a citizen	3.9%	1.2%	8.4%	3.6%	14.5%	6.0%	2.0%	1.3%

Source: IPUMS USA, University of Minnesota, [www.ipums.org](http://www.ipums.org).

276 households that had an older Utah and the 311 households that had someone with a disability, 7% reported a legal issue, or just over 2% of all households.

Our online survey asked more detailed questions related to adult care, as well as for people with disabilities. Since Utah Foundation received fewer than 10 responses of problems for the online random-sample survey, results are not reported. However, for the 2-1-1 survey respondents, the most commonly reported issues had to do with being social isolated, not having anything to do, or being forced to move without wanting to.

### Immigration

Only about one-in-ten Utah residents were born outside of the U.S., and only about one-in-20 Utah residents are not U.S. citizens. Lower-income Utahns are more likely than their higher-income peers to be in both groups. In fact, lower-income people are more than twice as likely to not be U.S. citizens.

Under one-in-10 of the survey respondents (75) indicated that someone in their household was born outside of the U.S.

Our random-sample survey question of all those 75 households asked whether anyone in the household faced issues “such as: getting residency, citizenship or work permits; receiving bad legal advice; afraid of calling the police; reporting discrimination or harassment; or applying for benefits because of immigration status.” Approximately 15% of the households had faced such issues, which is only about 1% of all 900 respondents.

Our online survey asked more-detailed questions. (See Figure 47.) By far the most common issue was that people “needed help with becoming a citizen, legally living or working in the U.S., DACA status, or bringing a family member to the U.S.”

## Respondents with immigration issues are most likely to need help with obtaining citizenship or legal status.

Figure 47: Immigration Issues, Online Survey Respondents

	Random sample	2-1-1 sample
Needed help with becoming a citizen, legally living or working in the U.S., DACA status, or bringing a family member to the U.S.	63%	63%
Needed to plan for the care of children or family members due to fear of being held or deported by Immigration and Customs Enforcement (ICE).	13%	3%
Had problems related to not having a driver’s license.	13%	19%
Were afraid of calling the police, reporting discrimination or harassment, or applying for benefits because of immigration status.	13%	13%
Were detained or deported by immigration.	0%	3%
Received bad information from a notario.*	0%	0%
Total respondents with an issue.	11	32

\* Or anyone who represents themselves as being qualified to offer immigration-related legal advice or services, but who have no such qualifications.

Note: There are a total of 316 random-sample online survey responses and 832 2-1-1 online survey responses.

Source: Utah Foundation.

ing a citizen, legally living or working in the U.S., DACA status, or bringing a family member to the U.S.”

There are about 250,000 immigrants in Utah, which equates to roughly one in 12 Utahns. In addition, another one in 12 were born in the U.S., but have at least one parent that is an immigrant. Of these immigrants, about 100,000 are undocumented. An estimated 9,000 of those immigrants are DACA or Deferred Action for Childhood Arrivals recipients.<sup>54</sup>

### Education Legal Issues

Lower-income households are less likely than higher-income households to have children present. However, those lower-income households with children are likely to have a greater number of children. For those age 25 through 64, 28% of lower-income households have three or more children present in the household, compared to 18% of higher-income households.

Lower-income households are more likely than their peers to have young children in the household. This can put extra pressure on families to either keep one potential-wage-earner at home or bear the burden of the cost of childcare.

When asked how many children 17 years of age or younger live with them, nearly 50% of respondents said none. The range was zero to “five or more.” The median household had one child.

More than three-in-five survey respondents (550) indicated that someone in their household did attend school, including preschool, kindergarten through 12th grade, community college, college, or university.

Our random-sample survey question of all those 550 households asked whether anyone in the household experienced any “problems related to education, such as getting kicked out of school, or needed but couldn’t get an Individualized Education Program.” Approximately 6% of the 550 households had faced such issues, which is about 4% of all 900 respondents. Just over 6% of the 2-1-1 survey respondents faced such issues.

### Native American / American Indian Issues

Native American / American Indian legal issue questions were not asked on the phone survey due to time constraints and the unlikelihood of garnering many results by phone.

Our online random-survey sample of 316 people found that 19 households or about 6% had someone that identified as Native American or American Indian.

#### Utah families under 200% of poverty tend to have more children present in the household.

Figure 48: Number of Children Present in Household, by Age of Householder and Income (separated by 200% of poverty level), Utah, 2017

	18-24		25-64	
	Under 200%	Over 200%	Under 200%	Over 200%
0	89.6%	93.5%	42.9%	43.3%
1	7.6%	5.4%	12.5%	18.9%
2	1.9%	1.0%	16.2%	19.3%
3	0.6%	0.2%	13.5%	10.2%
4 or 5	0.4%	0.0%	12.4%	7.7%
6 or more	0.0%	0.0%	2.4%	0.6%

Source: IPUMS USA, University of Minnesota, www.ipums.org.

#### Utah families under 200% of poverty are more likely to have more children under five years of age.

Figure 49: Number of Children Present Under Age Five, by Age of Householder and Income (separated by 200% of poverty level), Utah, 2017

	18-24		25-64	
	Under 200%	Over 200%	Under 200%	Over 200%
0	89.8%	93.7%	72.9%	82.7%
1	7.6%	5.4%	15.9%	11.8%
2	2.1%	0.8%	9.3%	5.0%
3	0.2%	0.1%	1.6%	0.5%
4 or 5	0.2%	0.0%	0.3%	0.0%

Source: IPUMS USA, University of Minnesota, www.ipums.org.

Our random-sample survey question of all those 19 households asked whether anyone in the household experienced any “legal problems related to their tribal membership, such as their tribal affiliation or enrollment, a tribal dispute, living off the reservation, tribal recognition, or use of tribal or trust lands.” Three of the households had faced such issues, as well as five of the 2-1-1 survey respondents (or 8% of the 63 households with someone that identified as Native American or American Indian).

### Military Legal Issues

The vast majority of Utahns are not military veterans. And military veterans tend to earn more than 200% of poverty.

Over one-in-five of the survey respondents (189) indicated that someone in their household had served in the military or military reserves.

Our random-sample survey question of those 189 households asked whether anyone in the household experienced any “problems related to that status, such as VA benefits, military discharge status, or problems getting an old job back after military discharge or returning from deployment.” Approximately 8% of the 189 households had faced such issues, which is about 2% of all 900 respondents. Similarly, about 2% of 2-1-1 survey respondents faced such issues.

### Other Legal Issues

The survey asked whether anyone in respondents’ households require help with wills, guardianship or powers of attorney. About 7% of random-sample survey respondents said they did, and just under 12% of 2-1-1 survey respondents said they did.

In terms of severity, these legal issues tended to have a small effect on the households of respondents compared to most other issues.

#### People under 200% of poverty are slightly less likely to be veterans.

Figure 50: Veteran Status, by Age of Householder and Income (separated by 200% of poverty level), Utah, 2017

	18-24		25-64		65+	
	Under 200%	Over 200%	Under 200%	Over 200%	Under 200%	Over 200%
Not a veteran	99.8%	99.6%	96.9%	95.5%	86.0%	82.1%
Veteran	0.2%	0.4%	3.1%	4.5%	14.0%	17.9%

Source: IPUMS USA, University of Minnesota, [www.ipums.org](http://www.ipums.org).

## GETTING HELP

### Random-sample survey respondents who got legal help were most likely to get it from a social or human service agency, online, or through a paid attorney.

Figure 51: “Did you get legal help from any of the following?” Random-Sample Survey Respondents

	Percent
A social or human service agency	21%
Online	20%
A paid attorney	19%
A volunteer or unpaid attorney	12%
Anywhere else (specify)	11%
At a courthouse	9%
A legal aid organization, such as Utah Legal Services or Legal Aid Society	8%

Source: Utah Foundation.

When asked if the respondents tried to get help with the problems indicated in the survey, three-in-five (305) said they did, while the remaining did not (202 said no and seven wouldn’t say).

Of the 305 that said they tried to get help, half (157) were successful. (One respondent wouldn’t say.) Of those that did get help, about one-in-five found assistance from a social or human service agency and another one-in-five found help online. Yet another one-in-five hired a paid attorney. (See Figure 51.)

### Online random-sample survey respondents who got legal help, by the type of legal need.

Figure 52: “Did you get legal help...?” Online Random-Sample Survey Respondents

	Percent
Other Legal Services	39%
Native American	33%*
Domestic Violence	32%
Family Issues	25%
Disability	20%*
Immigration	20%*
Public Services	16%
Discrimination	13%
Financial Issues	12%
Renter	11%
Employment	8%
Public Benefits	8%
Education	5%
Health Law Issues	2%
Own	0%*
Mobile Home	0%*
Homelessness	0%*
Older Utahns	0%*
Military	0%*

\* Fewer than 20 respondents; use with caution.

Source: Utah Foundation.

Random-sample respondents to the online survey got the help they needed at differing levels, depending upon the type of issue. Those with legal needs such as guardianships and wills topped the list. It was also more common for people with domestic violence issues and family-law issues to get help – at about 32% and 25% respectively. However, for those households with financial issues – the most common type of issue for survey respondents – only about one in 12 people got help. (See Figure 52.)

When the 202 respondents who did not get legal help were asked why not, 43% said they didn’t think they needed it. (See Figure 53.)

Lastly, respondents were asked how often the legal system can help them solve the type of problems identified



in the survey. Only 18% responded “most” or “all of the time,” while 23% responded “not at all” or “rarely.” (See Figure 54.)

## CONCLUSION

For the quarter of Utahns living at or below 200% of the federal poverty line, legal needs can be a pressing problem. While legal service agencies provide support, analysis of Utah’s civil legal system shows a large unmet need. Indeed, Utah Foundation research shows that gap is an estimated 200,000 legal issues, from financial and employment law to legal health care and public benefits need.

The need is most clear when looking at people who are not represented in civil legal cases. With the 62,000 debt collection cases, almost none of the defendants have representation, and most do not have representation for eviction cases. This is vastly unbalanced when considering that almost all of the petitioners are represented. This provides an uneven playing field in court.

Why are respondents underrepresented? In part because two-thirds of Utah’s lower-income survey respondents indicated that they could not afford a lawyer if they needed one – particularly in the face of \$200 per hour legal fees. The situation is even more dire in rural communities. As a result, most lower-income Utahns try to solve their legal problems on their own. This often takes the form of reaching out online. But many people also reach out to social services agencies and elsewhere, including information and referral services, particularly for landlord/tenant disputes and family law issues.

Of those lower-income households who are successful in procuring representation, half are getting help for their family law and immigration issues. Though well over half of the cases that go to court are for financial issues – and those Utahns do not have legal representation. Financial legal needs topped the list of legal-need types with over one-quarter of households, followed by employment, health law and public benefits. But some needs may be affecting households disproportionately. In fact, while domestic violence was among the least reported legal issue of the 19 types of legal needs, it had the highest rating for severity for victims and their households.

Helping overcome the gap will take more funding for legal aid agencies (either from private or public sources), more social and and human service agency support, and more low-cost and pro-bono work by attorneys. While the call to close the legal needs gap has been sounded, there is still a long way to go.

### One-fifth of random-sample survey respondents who didn’t get help simply perceived that it was not a big enough problem.

Figure 53: “Why did you NOT try to get outside help?” Random-Sample Survey Respondents

	Percent
It wasn’t a big enough problem / Didn’t need help / Dealt with it myself	43%
Other	17%
I didn’t think that anything could be done about it	12%
Don’t know	12%
I didn’t think I could afford it	6%
I didn’t know who to call	4%
Wouldn’t say	3%
It was too difficult or complicated	3%
I didn’t think it was a legal problem	1%

Note: This figure includes those 161 respondents of the random-sample survey that had problems but didn’t get help.

Source: Utah Foundation.

### Many survey respondents do not have faith that the law can help them and their acquaintances with legal problems.

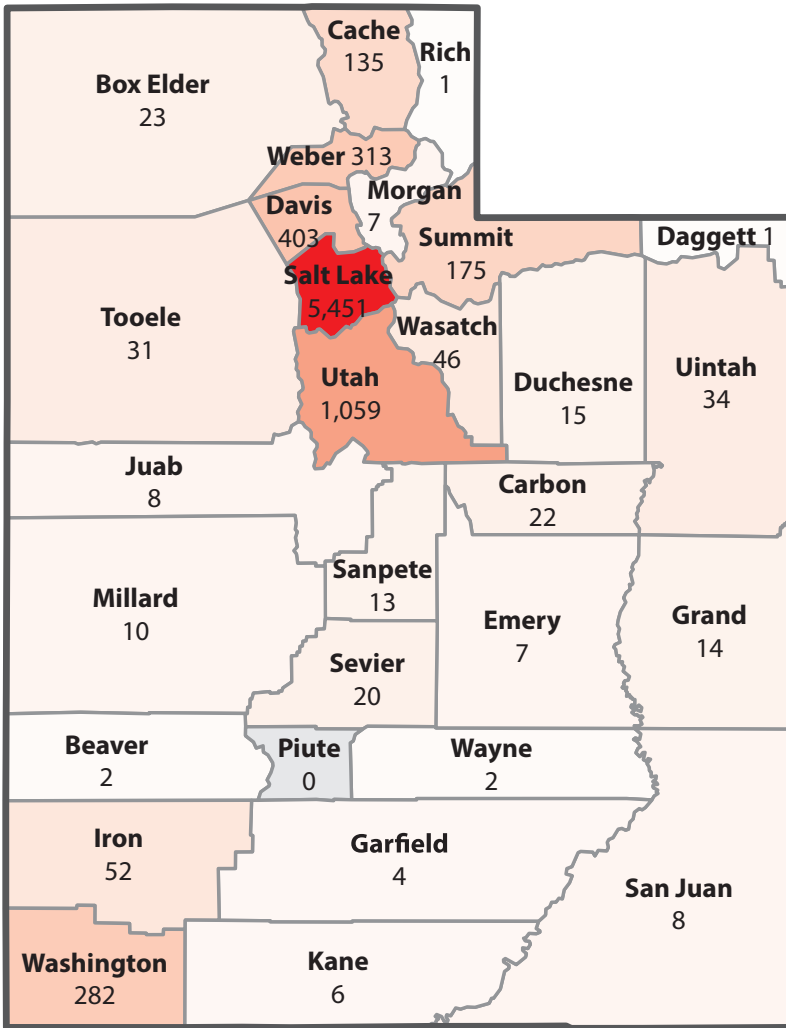
Figure 54: “How often do you think a lawyer, the court, or a mediator can help you and your family, friends, and neighbors solve important problems such as those you identified in this survey?” Random-Sample Survey Respondents

	Number	Percent
Not at all	191	21%
Rarely	194	22%
Some of the time	260	29%
Most of the time	126	14%
All of the time	32	4%
Don’t know	88	10%

Source: Utah Foundation.

APPENDIX A

Figure A: Number of Attorneys in Utah by County, 2017



Source: David McNeill, *Measuring the Legal Services Market in Utah*, *Utah Bar Journal*, Vol. 30, No. 5, Sep/Oct 2017.

## APPENDIX B

**Figure B-1: List of Partial Random-Sample Survey Responses by Percentage of All Households**

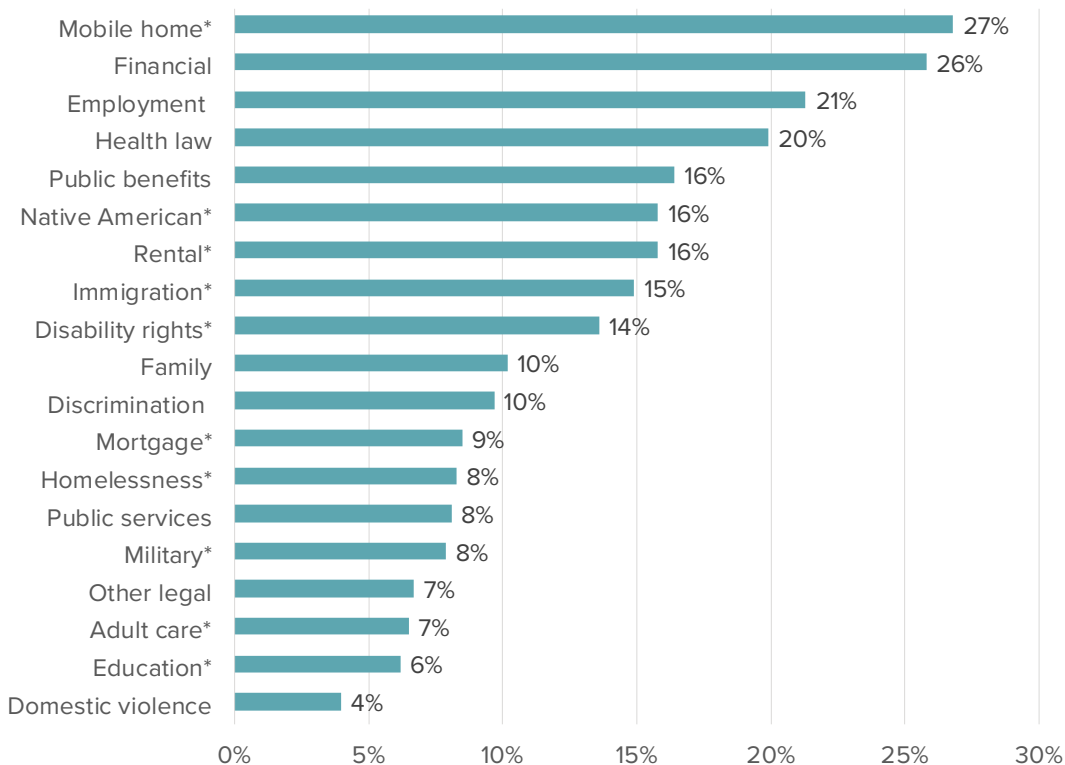
	Number	Percent
<b>Housing</b>		
Mortgage	438	49%
Renter	355	39%
Manufactured home	42	5%
Homeless	36*	11%*
In education	550	61%
Individuals with disabilities	311	35%
65+	276	31%
Military	189	21%
Born outside US	75	8%
Native American	19*	6%*

\* Online responses only (316).

Note: These categories are related to the survey legal issues, not a breakdown of the limited household demographics question responses.

Source: Utah Foundation.

**Figure B-2: Percent of Respondents' Households with a Specific Need, By Number of Responses in Each of the 19 Issue Types, Random-Sample Survey Respondents**



Note: Light bars show questions that are not asked of all respondents; these legal issues are divided by the number of issue respondents.

Source: Utah Foundation.

## ENDNOTES

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- 7 John R. Lund, Meeting the Market for Legal Services The Jury is In: Legal Services are a Tough Sell, Volume 31 No. 3 May/June 2018, [www.utahbar.org/wp-content/uploads/2018/05/May\\_June\\_2018\\_FINAL.pdf](http://www.utahbar.org/wp-content/uploads/2018/05/May_June_2018_FINAL.pdf).
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- 21 See the Utah Labor Commission webpage, <https://laborcommission.utah.gov/>, whose mission is to “achieve safety in Utah’s workplaces and fairness in employment and housing,” thereby easing the burden on legal services organizations.
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- 24 Disability Law Center website, <http://disabilitylawcenter.org>.
- 25 Timpanogos Legal Center website, <https://timlegal.com/>.
- 26 DNA People’s Legal Services website, [www.tribaljustice.org](http://www.tribaljustice.org).
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- 41 U.S. Census Bureau, American Community Survey, 2018, one-year data, Selected Housing Characteristics, table DP04. Utah Foundation calculations.
- 42 U.S. Census Bureau, American Community Survey, 2018, one-year data, Occupancy Characteristics, table S2501. Utah Foundation calculations.
- 43 Selected monthly owner costs are the sum of payments for mortgages, deeds of trust, contracts to purchase, or similar debts on the property; real estate taxes; fire, hazard, and flood insurance on the property; utilities; fuels; and, where appropriate, the monthly condominium fee for condominiums and mobile home costs.
- 44 U.S. Census Bureau, American Community Survey, 2018, one-year data, Selected Housing Characteristics, table DP04. Utah Foundation calculations.
- 45 Selected monthly owner costs are the sum of payments for mortgages, deeds of trust, contracts to purchase, or similar debts on the property; real estate taxes; fire, hazard, and flood insurance on the property; utilities; fuels; and, where appropriate, the monthly condominium fee for condominiums and mobile home costs.
- 46 Some local governments in the U.S. have started providing legal representation for renters. New York City’s 2017 “right to counsel” law helps low-income renters in the 15 zip codes with the most evictions. Renter representation went from 1% to 56% in one year, and evictions dropped by 27%. Washington D.C. and Philadelphia also provide some renter representation, the latter of which estimates that providing representation can save the city money when taking into account shelter costs and other social services.
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