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Civil Justice System (continued)

10. A study combining multiple methods (broad demographically represented survey, in-depth ethnographic data collection)

Previous research:

- a) poor use the civil justice system less because they have fewer legal needs defined legal need by looking at business of civil courts and asking if poor have such problems
- \ b) defined disputes in terms of cost-benefit analysis: when injuries, disputes occur individuals make economic calculation of the cost of pursuing; because issues/injuries/disputes for the poor involve lower amounts and costs of law high, they do not use the civil justice system because costs out weigh benefits; ignores cultural meanings of law
- c) ethnographic studies of disputing showed multiple interpretations/ cultural meanings of law:
 - (e.g. justice, retribution, ending a problem; threat to God, increased victimization)
 - conclusions: using the law is part of normative order, moral systems that vary across persons, places, groups
 - limitations of ethnographic studies (non random, not generalizable)

Methods:

legal needs broadly defined (over 100 problems);
broad random sample - four counties varying by "local cultures," racial and economic composition
long, intense one on one, in person interviews 1 1/2 to 5 hours

Results:

- a) average 14 problems reported per family
 - no race, ethnic, socio-economic variation in # of problems reported;
 - only significant variation in number by gender
- b) most common types of problems - noisy neighbors, consumer issues: race, socio-economic and gender variation in the types of problems
- c) legal action taken in 14% of problems
 - no race, ethnic or social class variation in legal action
- d) confirmed low rate of civil litigation, confirmed rate of minorities in civil courts