Focus group research conducted last week in Atlanta, GA provided a great deal of insight into the myriad challenges Americans face in their daily lives and the reluctance many feel toward using legal services and the court system to address those challenges. Cost clearly emerges as the primary obstacle, as it has in previous research, but it would be a mistake to ignore the many other factors that also stand between the public and the legal system. Some of these factors are based on stereotypes and biases about the legal system, but many are based on personal experience and cannot be easily overcome. The best path forward clearly points to new means of delivering legal services, with technology playing a critical role in breaking down barriers and making Americans feel more empowered when dealing with the legal system.

For more than an hour at the beginning of each group, we had an open-ended and wide-ranging conversation about the challenges facing participants in their personal lives and their local communities. We heard about many issues we anticipated, as well as some we did not; topics covered in this discussion included finding and maintaining affordable housing, the quality of public schools, the cost of higher education, aging, planning for retirement, caring for aging parents, identity theft, starting a small business, and dealing with poor customer service from impersonal institutions such as government and large corporations. What was most striking about the discussion across this wide variety of challenges was not the variety of challenges they faced but two common themes that emerged.

The first common element across groups and different types of challenges was the primary role that technology plays for virtually all individuals – regardless of age, race, education, or profession – in addressing these challenges. Regardless of the issue, the internet or Google was consistently cited as the first place participants would turn when facing a challenge. The internet has clearly empowered individuals to seek out answers on their own (‘I’m a smarter guy because of the internet’). Some would seek to deal directly with an institution online, while others would seek recommendations from trusted websites or simply gather information from a variety of sources so they feel better versed in the issue before deciding on next steps. The key

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1 GBA Strategies conducted two focus groups on April 16, 2015 in Atlanta, GA. The first group consisted of college graduates who closely follow current events, while the second group consisted of non-college residents with an annual household income of less than $70,000. Both groups were mixed race and mixed gender.
lesson for our purposes is that the Internet is the first recourse for virtually any challenge, and if we want to make legal services a more accessible solution for Americans facing any range of issues, we must be able to capture them at this initial point of information gathering and decision-making.

The second common theme that emerged from all of these varied challenges and narratives was the failure to identify legal services or the court system as a valuable or desirable means of tackling any of these problems. Virtually no one volunteered legal services of any kind, and when it did finally come up, it was only as a highly undesirable final option when all other possible solutions have been exhausted. Previous research led us to expect this from the lower income participants, but even in the opinion former group, where more than half of the participants reported household incomes well into six figures, we saw the same reluctance to access the legal system.

The reasons for this reluctance were numerous, but cost is clearly the most common and the most consistent factor. Financial concerns about legal services, however, are not as simple as ‘lawyers cost a lot of money.’ While this is certainly a widely accepted belief and a major concern, there is a deeper sense that most lawyers, and the larger justice system in which they operate, only care about these individuals as vehicles for generating revenue. There is a shared belief that the court system has little respect for the people it is supposed to serve and instead is designed to force them to suffer personal indignities and expend maximum resources without any concern for achieving a ‘just’ outcome. Financial cost was the single most common factor cited for not seeking legal services when facing a challenge, but the cost in time, especially when forced to miss work or make child care arrangements, was also a consistent theme. The discussion about a slow-moving legal process and inexplicable delays was not just about time but also the sense of disrespect that participants felt it reflected for them as supposed customers of the legal system.

They see a legal system focused more on process than outcomes and worried more about its own procedures and ‘taking care of their own’ than serving its customers. Stories abounded of lawyers who refused work that they did not believe would be lucrative enough, of judges who catered to specific lawyers’ clients or rescheduled proceedings on a whim, and of court employees who made visitors to the courthouse feel like criminals, whether they were there to serve on a jury, contest a ticket, or simply seek answers to legal questions they did not understand.

These perceptions of the legal system create an interesting dilemma for participants that contribute to their view of legal services as a last resort. On the one hand, lawyers are seen as prohibitively expensive and part of a system that is working against their best interests. But because the system is so inefficient and self-reinforcing in their eyes, they are loath to engage the court system without one. There was a clear belief that judges will not treat an individual with respect unless they have an attorney by their side (‘the judge won’t even look at you without a lawyer’) and that the court system is filled with loopholes or alternative sets of rules that only an attorney will be able to find for you. Two analogies from this discussion were particularly noteworthy:
• **The single woman and the mechanic** – In the low-income group, one woman likened an individual appearing before a judge without a lawyer to a single woman taking her car to a dishonest mechanic. The implication was that the single woman, presumably ignorant of a car’s internal workings, would be identified as an easy target and upsold a series of unnecessary repairs. Several participants agreed with and extended the analogy, arguing that if she went to the mechanic with a man – any man from the group would do – the mechanic would not see her as an easy mark any longer, and she would be treated more fairly just for having a man by her side. In the same way, they felt that simply retaining any lawyer would force a judge to treat them with greater respect and get them a more fair hearing than if they sought to represent themselves.

• **Lawyer = Doctor** – In the higher education group, a young woman said she thinks of lawyers in much the same way she thinks of doctors, explaining that she would only consider consulting either once she had exhausted all other options on her own, but there was a point where it would become necessary. A man then followed up on her point, saying he won’t go see a doctor at the first sign of a cough, but he also won’t perform surgery on himself. For both of them, there was an imprecise cost-benefit equation when considering consulting an attorney, and when the potential costs of a negative outcome outweigh the financial and logistical costs of seeking help from an attorney, they will avail themselves of that last resort.

We believe it is particularly important to underscore the belief – stronger in the low-income group but clearly present in both groups – that these problems are willful and systemic in nature. That is, respondents consistently expressed a belief that the entire legal system is designed to benefit itself, rather than the people it serves, and views poor customer service as a strategic imperative. Court systems are intentionally intimidating and inaccessible so that you are forced to hire a lawyer. Traffic courts are intentionally slow and disrespectful so that you will just pay your fine rather than fight it. Court websites are purposely designed to provide no information that would allow you to help yourself (‘It seems to be by design that they have no design’). The inefficiency and lack of transparency they see across the entire system is perceived as an intentional ploy to discourage use of the system (‘It’s so slow so that it makes you want to give up’).

This research paints a sobering picture of the relationship between the legal system and the people it is designed to serve. At a time when advancing technology has made Americans expect solutions that are faster, cheaper, more personalized, and more accessible than ever before, the legal system is seen as time consuming, prohibitively expensive, impersonal, inefficient, and intimidating. It can be no wonder that these Americans feel such a large disconnect, and it clearly puts the burden on the legal community to not only change opinions about the legal system but to find new ways of delivering legal services that match their customers’ expectations.
Making Legal Services More Accessible and Rebuilding Public Trust

The flip side of participants’ belief that most of the issues they raised with the legal system are part of an intentional design to frustrate and obfuscate is the implicit belief that it doesn’t have to be this way. If the problems they see are intentional, rather than endemic to the system, then this should mean that they believe there could be a better way. And our conversation at the end of each of these groups reinforced this assumption.

Despite their frustrations with its functionality, we know from other research that Americans still highly value the legal system on a macro level, in large part because it is the last resort for so many issues of concern for them. They would certainly not want to envision a society without a vital legal system, and they prioritize protecting it from partisan political influence or special interests that could compromise its independence in any way. Popular culture and personal experience often lead them to initially associate the legal system with either crime and punishment or parking and traffic citations, but on a deeper level, we know that they harbor deep appreciation for the legal system as the final guarantor of their constitutional rights and a critical check and balance on a partisan political system that is seen more negatively now than at any point in our lifetimes.

While there was much to cause concern in this research about the relationship between Americans and the legal system, there are also reasons for optimism. Given their propensity to turn first and foremost to technology to find answers and their growing demand for self-service solutions, we are confident that many Americans are ready to help themselves to a greater degree than ever before in the legal system. We believe their expectation of self-service and confidence in their own abilities to navigate technology-based solutions trumps their reticence to engage legal services as anything more than a last resort. Reactions to the legal services alternatives offered at the end of our discussion reinforced this belief, as they were largely enthusiastic about most of the ideas offered and even volunteered several of these concepts (‘there should be a FaceTime court’ or ‘we have scanners and bar codes on everything except in the court’) before we introduced them into the discussion.

Some of the steps they would like to see taken to make the legal system more accessible and customer-friendly are relatively intuitive, such as making it easier for those who wish to simply pay a fine do so at the time and in the manner of their choosing, rather than forcing them to come to the courthouse and clog up the whole system. Similarly, they would like to see much more information made available on court websites, which they currently see as impossible to navigate and intentionally confusing. And several indicated they had already used websites such as Legal Zoom to draft wills or other documents and participated in non-law third party dispute resolution on eBay and PayPal, all with generally favorable experiences. But there are limits to how far they feel they can confidently venture into the legal system without seeking some sort of professional help. Ideas that we introduced at the end of these discussions that participants felt would make them more likely to seek out legal services include:
- **Virtual courts** – This was an idea that a member of the first group offered on her own and that several participants enthusiastically embraced. It was most appealing for its convenience, and there were no major concerns expressed, as long as it was a choice and not the only option.

- **Online Q&A with court employees** – Again, convenience was the primary attraction of this option, cutting down not only on time spent commuting and waiting in the courthouse, but also hopefully eliminating the sense of disrespect so many participants felt when dealing with courthouse employees in person.

- **Tele-law** – Attitudes were more mixed on this option, but those who liked it were enthusiastic, especially in the high education group. They saw it as more efficient and cost-effective and felt it would make sharing documents and focusing the conversation with a lawyer much easier. It made them feel they could ‘have an attorney’ on call when needed, but at a fraction of the cost they now imagine it would require.

- **Limited license legal technicians** – Participants were largely confused by this option as presented but embraced it when explained in greater detail. Because they see themselves only needing legal services in very limited and well-defined circumstances, they would appreciate the ability to work with a specialist in that area at a fraction of the price. However, there was an initial concern that these professionals would be lower quality or have lesser credentials than ‘real’ attorneys.

The discussion of these legal services alternatives was very preliminary, and further quantitative research will be important to better understand their relative appeal. But the initial reactions to the concepts above, as well as others tested in these groups, underscores the hunger for alternative approaches. Americans intuitively believe that, when it comes to legal services, there should be a better way, and technology clearly plays a central role in their thinking. But technology has proven to be a disruptive force in many fields, and it raises the question of how an increased reliance on technology to provide legal services might impact the broader legal system.

Continuing the doctor-lawyer analogy detailed earlier from the first focus group, legal professionals can look to the medical field for some precedent of how increasing use of technology can impact them. In the first half of the last decade, websites like WebMD proliferated, with unprecedented amounts of medical information suddenly available to the public as never before. Instead of decreasing actual visits to the doctor, these sites were seen as a prime driver of the record levels of ‘unnecessary care’ recorded by the end of the decade. Telemedicine and other further efforts to combine technology and medical science then grew as the demand for professionally curated and managed information led to a focus on quality over quantity, an evolution that continues to this day. While an increased reliance on technology in the legal services field would obviously play out differently, it is safe to say that it is unlikely to be a zero sum equation in which greater use of ‘new’ legal services directly takes away from or replaces more traditional legal services and those who provide them.