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Howard K. Holme

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## Paralegals and Sublegals: Aids to the Legal Profession

# PARALEGALS AND SUBLEGALS: AIDS TO THE LEGAL PROFESSION

BY HOWARD K. HOLME\*

*In order to meet the rapidly growing need for legal services, the author thinks lawyers must analyze and standardize routine legal functions. Non-lawyers should be hired and trained as "sub-legals" to perform these routine jobs that lawyers now perform. Lawyers and law schools should also help train "paralegal" personnel who, like welfare workers and claims adjusters, are not under the direct supervision of attorneys, but need legal knowledge in addition to their other skills. A comparison of the legal and medical professions demonstrates the wisdom of recognizing and regulating nonprofessionals rather than forcing the marketplace to provide undertrained and unregulated competing occupations. Much research and development is needed to upgrade the subordinate and complementary occupations to the law.*

## INTRODUCTION

MANY of the problems plaguing the legal profession today — high cost, long delays, some lawyers going without work, while, at the same time, many people who need legal services are unable to obtain them<sup>1</sup> — have existed, and have remained unsolved, for over 50 years. But if the legal profession has been under fire for not providing legal services to those in need, it had better prepare for a far greater onslaught in the future. The growth of legal need, far faster than the growth of population, is due both to the changing society and a changing perception of the law. Increasing education, income, and accumulated wealth of Americans are leading to greater demands for legal services. Perhaps more important is society's changing perception of legal services not as a privilege, but as a right.<sup>2</sup>

The thesis of this article is that the legal profession can best respond to the increasing demand for legal services by providing some legal services through "paralegal" or "sublegal" personnel. The increasing need for legal services, the differing ways the legal and medical professions have met the need for new services in

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\* Staff Member, Administration of Justice Program, University of Denver College of Law; A.B., Stanford, 1967.

<sup>1</sup> E.g., R. SMITH, *JUSTICE AND THE POOR* (1919). The detailed table of contents would be entirely suitable for a book describing the inefficient American administration of justice today — 50 years later.

<sup>2</sup> Numerous Legal Aid and Public Defender programs are examples of this trend. Mandatory representation of welfare recipients by lawyers at administrative proceedings is additional evidence of this change. See Robb, *HEW Legal Services: Beauty or Beast?*, 55 A.B.A.J. 346, 347 (1969).

their respective fields, and the current paralegal training efforts and areas of utilization of paralegals are the subjects discussed.

Because the concept of non-lawyers providing legal services is new, there is little established nomenclature. Such terms as "trained, non-lawyer assistants," "lay assistants for lawyers," "legal assistants," "legal technicians," and "legal subprofessionals," are used to describe what are here called the "sublegals" and "paralegals." "Sublegal" and "paralegal" are used here because the terms are more precise and concise than, for instance, "paraprofessional."

The "sublegal," for the purposes of this article, is the person who works under the supervision of a lawyer, usually in a law office. He performs some of the routine work which does not require full legal training. An obvious example of a sublegal is an experienced legal secretary. The "paralegal" is one who is not a lawyer, nor under direct supervision of a lawyer, but who needs some legal training to do his job well. Examples of paralegals are welfare workers, insurance adjusters, and probation officers. Similar *work* might be described as sublegal or paralegal, depending upon the supervisor. For instance, a housing specialist working with zoning, housing code enforcement, or racial discrimination might be called sublegal if he was supervised by a lawyer, or paralegal if his work was not examined by a lawyer.

Lawyers can have a major role to play, if they choose, in the initiation and implementation of plans concerning the distribution of legal "know-how." Lawyers can have a dominant voice in determining how their legal secretaries and clerks are trained before beginning work, as well as how they are trained on-the-job. Lawyers can also contribute to occupations not controlled by themselves. By providing legal training for paralegals, attorneys can serve the public by providing competent personnel who can do less complex work, at less expense, in more available settings.

If lawyers do not choose to shape their own destiny, the marketplace will do it for them. Karl Llewellyn recognized that despite unauthorized practice committees and licensing of attorneys, the marketplace was already at work.<sup>3</sup> As Llewellyn looked at claims that "encroachers" were engaged in the unauthorized practice of law, he concluded that: (1) "Old lines of business are certainly drifting or being sucked into non-bar hands, but with real probability that this is because they are being done more adequately or more cheaply or both by outside agencies, first; and second, because

<sup>3</sup> Llewellyn, *The Bar's Troubles and Poulitices — and Cures?*, 5 LAW & CONTEMP. PROB. 104, 107 (1938).

those outside agencies are making their serviceability *known . . .*";<sup>4</sup> (2) "much business which has never reached lawyers at all . . . much business which has only in the last decades come into existence at all . . . has been *discovered* and has been *elicited* from 'the public' by these other agencies";<sup>5</sup> and (3) "[encroachers] are specialists; each has worked out machinery for handling with maximum use of pattern, forms, routine, and concentration of expensive executive decision, a *semi-mass production of legal transactions or legal services in a very limited field.*"<sup>6</sup>

## I. BACKGROUND AND RATIONALE

There are several factors that help to explain the need for and the potential success of sublegal and paralegal training now being considered by bar groups. The growth and urban concentration of the population, increased education and income, and the growing complexity of the law create an increased need for legal services. The relative lack of technological progress in the law, increased competition among firms in an urban environment, and the increased role of the government in the average person's life indicate a need for cheaper and more accessible legal services. Also, occupational trends indicate the increased availability of qualified personnel needed for the sublegal and paralegal jobs. These trends include a greater percentage of women working, a greater percentage of white collar workers, and rapid growth in professional, technical clerical, and various subprofessional occupations.

### A. *Endorsement of the Concept*

Only in the last two or three years have leading groups in the profession begun thinking about the basic concept of training individuals, who are neither lawyers nor law students, to handle some legal problems. In August, 1968, the House of Delegates of the American Bar Association endorsed attorney use of non-lawyer assistants by resolving:

- (1) That the legal profession recognize that there are many tasks in serving a client's needs which can be performed by a trained, non-lawyer assistant working under the direction and supervision of a lawyer;
- (2) That the profession encourage the training and employment of such assistants. . . .<sup>7</sup>

<sup>4</sup> *Id.* at 112.

<sup>5</sup> *Id.* at 113.

<sup>6</sup> *Id.*

<sup>7</sup> *Proceedings of the House of Delegates: Philadelphia, Pennsylvania, August 5-8, 54 A.B.A.J. 1017, 1021 (1968).*

At the same meeting, the A.B.A. set up the special committee on Lay Assistants for Lawyers.<sup>8</sup>

A report by the American Assembly on Law and the Changing Society stated:

Law Schools, in co-operation with the organized bar, should consider the development of education and training programs for subprofessional personnel. People have needs for domestic relations counseling, consumer advice, small accident reparations, and small claims settlements which the organized bar is not able to provide sufficiently under the present structure of legal practice.<sup>9</sup>

The *Report of the Chairman of the Committee on Curriculum* of a conference of the Association of American Law Schools, held at the University of Denver in 1968, recognized that "the need for highly professional lawyers and the lack of an adequate supply raises the question of increased reliance by the profession on para-professional (sometimes called sub-professional) personnel to perform less demanding tasks now undertaken by licensed attorneys."<sup>10</sup>

The belief that paralegal and sublegal occupations should be developed is not confined to the legal profession. The Federal Government, through the National Commission on Technology, Automation, and Economic Progress, has called for the designing of more than 5 million socially useful subprofessional jobs in a wide variety of fields. In sympathy with these needs, the United States Congress passed the Scheuer-Nelson Act<sup>11</sup> which provided \$70 million for the development of this goal.<sup>12</sup> These occupations promise to employ some relatively undereducated and unskilled persons in needed and personally rewarding jobs.

### B. *Need for More Legal Services*

Population growth and urban concentration are two of the factors that must be considered in the increasing demand for legal services. Table 1 shows that between 1950 and 1960 the nation's

<sup>8</sup> *Id.*

<sup>9</sup> THE AMERICAN ASSEMBLY ON LAW AND THE CHANGING SOCIETY, REPORT OF THE AMERICAN ASSEMBLY ON LAW AND THE CHANGING SOCIETY 7 (1968).

<sup>10</sup> C. Meyers, Association of American Law Schools, Report of the Chairman of the Committee on Curriculum 1, Nov. 1968 (on file at the University of Denver College of Law, Administrative of Justice Program). See also UNIVERSITY RESEARCH CORP., PARAPROFESSIONALS IN LEGAL SERVICES PROGRAMS: A FEASIBILITY STUDY 14-19 (1968) [hereinafter cited as PARAPROFESSIONALS], for others who have called for thought and action on this subject.

<sup>11</sup> Economic Opportunity Amendments of 1967, Pub. L. No. 90-222, 81 Stat. 672 (codified in scattered sections of 42 U.S.C.).

<sup>12</sup> Harrington, *Introduction* to F. RIESSMAN, NEW CAREERS: A BASIC STRATEGY AGAINST POVERTY 3 (undated) (A. Philip Randolph Educational Fund, New York, N.Y.). See also *Id.* at 7.

population increased by 19 percent<sup>13</sup> and changed from 64 percent urban to 70 percent urban.<sup>14</sup> Colorado's population increased 32 percent from 1950 to 1960<sup>15</sup> and changed from 63 percent urban to 74 percent urban.<sup>16</sup> The population of the Denver metropolitan area increased by 52 percent from 1950 to 1960.<sup>17</sup>

TABLE 1<sup>18</sup>  
Population Increase and Urban Concentration

Population x 1000	1950	1960	% Increase	% Urban	
				1950	1960
U.S.	152,271	180,684	19	64	70
Colorado	1,325	1,754	32	63	74
Denver	612	929	52	100	100

The additional population necessitates at least a proportionate growth in the need for governmental regulation and for legal services. Urban concentration leads to more laws and ordinances with which to comply, and more legal problems resulting from increased personal and business relationships. Government on all levels and the legal system have grown enormously, attempting to provide social stability in a society where more people with more power for destruction and more property to destroy are crowded together in increasingly tense and densely populated cities.

One governmental means of social control has been to define, to a large extent, economic and social values. This process can be seen in the granting or withholding of a license to practice a regulated occupation, or in the placement of the "poverty line," which determines whether one is eligible for welfare assistance. Professor Charles Reich, in his brilliant article, "The New Property,"<sup>19</sup> points out the many forms of "government largess," and indicates that the local, state, and federal "largess" now constitute 40 percent of the total personal income in the United States.<sup>20</sup> Inevitably, as government control is extended over an area, laws or administrative regulations are instituted, and lawyers are summoned to interpret and

<sup>13</sup> UNITED STATES BUREAU OF THE CENSUS, DEPARTMENT OF COMMERCE, STATISTICAL ABSTRACT OF THE UNITED STATES: 1967 at 5 [hereinafter cited as ABSTRACT].

<sup>14</sup> *Id.* at 17.

<sup>15</sup> *Id.* at 14.

<sup>16</sup> *Id.* at 17.

<sup>17</sup> COLORADO STATE PLANNING DIVISION, COLORADO YEAR BOOK 1962-64, at 378 (1965).

<sup>18</sup> Table 1 is compiled from ABSTRACT, *supra* note 13, at 5, 14, 17 and COLORADO STATE PLANNING DIVISION, COLORADO YEAR BOOK 1962-64, at 378 (1965).

<sup>19</sup> Reich, *The New Property*, 73 YALE L.J. 733 (1964).

<sup>20</sup> *Id.* at 737. Reich notes the 1961 total governmental expenditures as \$164,875,000,000 into which is divided total personal income of \$416,432,000,000.

dispute the decisions of governmental authorities; the need for legal counsel multiplies.

Social welfare payments are one example of "government largess." Payments are up from \$8.9 billion in 1945 to an estimated \$88 billion in 1966,<sup>21</sup> a ten-fold increase. Two recent decisions, however, will further increase both the number of people on welfare (now 8,000,000<sup>22</sup>) and the lawyers' role in welfare. First, the Supreme Court struck down residency requirements for welfare recipients as unconstitutional.<sup>23</sup> Second, recipients or potential recipients have the right to counsel at "administrative fair hearings."<sup>24</sup>

Though it may seem paradoxical, especially to those aware of the crushing legal problems of the poor and the ignorant, there are indications that increased education<sup>25</sup> and income<sup>26</sup> lead to more legal problems. In Gresham Sykes' study, *Legal Needs of the Poor in the City of Denver*, researchers found positive correlations between income, education, and the number of legal problems.<sup>27</sup> In Sykes' sample, half of which fell below the poverty line, 60 percent of those households with no income and 51 percent of those with \$1 to \$25 weekly income had no legal problems. A smaller percentage of the households with greater income had no legal problems — only 23 percent of households with weekly incomes of \$100 to

<sup>21</sup> ABSTRACT, *supra* note 13, at 283.

<sup>22</sup> Robb, *supra* note 2, at 347.

<sup>23</sup> *Shapiro v. Thompson*, 394 U.S. 618 (1969).

<sup>24</sup> Robb, *supra* note 2, at 347, *citing* 45 C.F.R. § 205.10, Fed. Reg. 1144 (1969).

25 YEARS OF SCHOOL COMPLETED BY COLOR AND SEX  
1950-66

		% Completed Four Years of High School or More	% Completed Four Years of College or More	Median School Years Completed
1950	White	35.4	6.4	9.7
(age 25 or older)	Non-white	13.2	2.2	6.8
1960	White	43.2	8.1	10.9
(age 25 or older)	Non-white	21.7	3.5	8.2
1966	White	52.2	10.4	12.1
(age 25 or older)	Negro	27.8	3.8	9.1
1966	White	71.0	14.0	12.5
(persons 25-29 years old)	Non-white	50.4	8.3	12.0

(The median years of education of the entire United States population increased from 8.6 in 1940 to 12.0 in 1966.) ABSTRACT, *supra* note 13 at 114, 116.

<sup>26</sup> Increased American affluence is evident. Per capita disposable personal income, measured in constant 1958 dollars, increased from \$1,646 in 1950 to \$1,883 in 1960 and to an estimated \$2,294 in 1966, an increase of almost 22 percent from 1960 to 1966. ABSTRACT, *supra* note 13, at 321.

<sup>27</sup> G. Sykes, *Legal Needs of the Poor in the City of Denver* 33-34, 1968; (mimeographed report at the University of Denver College of Law, Administration of Justice Program); to be published in 4 *LAW AND SOCIETY REV.* no. 2 (1969).



\$150, and only 17 percent of those with over \$150 weekly income had no legal problems.<sup>28</sup> As to education, 54 percent of those with eight years of schooling or less had one or more legal problems while 69 percent of those with nine or more years of school had one or more legal problems.<sup>29</sup>

Better educated and more affluent people not only have more legal problems, they are better able to recognize which problems can be resolved by a lawyer. Sykes' study indicated that poor people often did not recognize that problems with workmen's compensation, unemployment benefits, and welfare benefits might be alleviated with the help of a lawyer. In fact, Sykes found that over two-thirds of the legal needs of the poor in Denver were both untreated and unrecognized.<sup>30</sup> However, Sykes found that when a problem was recognized as having legal implications, 78 percent of those interviewed went to consult a lawyer.<sup>31</sup>

One final factor to consider in the need for increased legal services is the growing complexity of the law. Much creative talent is needed to solve our present and future legal problems. Using scarce professional talent will be increasingly unfeasible for routine or simple jobs; instead, the use of sublegals should free attorneys to focus their attention on more difficult problems.

### C. *The Need for Less Expensive and More Available Legal Services*

Even though the United States is comparatively wealthy and urban, relatively inexpensive and more efficient legal services are needed. The legal profession especially needs efficiency, because it depends so much on creative thinking and so little on capital investment and mechanization. Sublegal training seeks to lower costs by training a larger number of lower-paid workers, who specialize in a very small area of the law, using standardized procedures and forms. Can anyone doubt that the labor cost of a routine legal service

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<sup>28</sup> *Id.* at 34. Sykes hypothesized that one reason for the positive correlation between income and legal problems is that money leads to greater participation in society, which leads to more legal problems. See also Schwartz, *Foreword: Group Legal Services in Perspective*, 12 U.C.L.A.L. REV. 279, 286 (1965). Obviously, the money, if not the personage, of a Rockefeller is inevitably involved in many enterprises and many conflicts. Another possible reason for the positive correlation is that society has identified and legitimized the complaints and conflicts of the rich, but not the poor. It has been difficult for poor people to establish any new "rights" to anything. Until a person has the right to something, the denial of that something is not usually recognized as a legal problem. Thus, the poor may be denied legal problems by definition.

<sup>29</sup> *Id.* at 33.

<sup>30</sup> Sykes, *supra* note 27 at 28.

<sup>31</sup> *Id.* at 25.

has the potential for being low in an office where three attorneys have twenty or more non-lawyer aides?<sup>32</sup>

Another compelling reason for the legal profession to strive for efficiency is its moral duty to provide services to all people having legal needs, at a fee they can pay. In 1963, Legal Aid and Legal Services received only 0.2 percent of the money spent for all legal services.<sup>33</sup> The great extension of legal services to the poor funded by the Federal Government has meant that a growing number of lawyers have been devoting their time to the poor, but this group is still very small. In early 1969 there were 645 legal service centers and 315 defender offices.<sup>34</sup> However, of the almost 320,000 lawyers in the United States,<sup>35</sup> 2,300, or less than 1 percent, are devoting their full time to the civil problems of the poor.<sup>36</sup>

A very direct measure of the need for more and less expensive legal services is the attorney's income. The poor and many others simply cannot afford to pay what most lawyers charge. Fees are rising, as is indicated by increased earnings by lawyers. In 1959, the median earnings of lawyers and judges was \$10,587.<sup>37</sup> From 1961 to 1966 (a period during which the Consumer Price Index rose 7 percent),<sup>38</sup> the average attorney's earnings increased by 20.8 percent; New York City serves as an extreme example,<sup>39</sup> by 1969 some starting salaries exceeded \$15,000. Wall Street firms could not pay these wages and serve the poor. In fact, few firms in New York City do. Seventy percent of the New York lawyers in one survey said the median income of their clients was over \$10,000, while only 10 percent of the city population had income over \$10,000.<sup>40</sup> In contrast, only 5 percent of the attorneys served clients with median income under \$5,000.<sup>41</sup>

Law offices, as well as the client, need efficiency in legal services. An increase in the number of lawyers means a greater selection for

<sup>32</sup> PARAPROFESSIONALS, *supra* note 10, at 71 *et seq.*

<sup>33</sup> Carlin and Howard, *Legal Representation and Class Justice*, 12 U.C.L.A.L. REV. 381, 410 (1965) [hereinafter cited as *Legal Services*].

<sup>34</sup> Toll and Allison, *Advocates for the Poor*, 46 DENVER L.J. 85 (1969).

<sup>35</sup> AMERICAN BAR FOUNDATION, THE 1967 LAWYER STATISTICAL REPORT 12 (F. Weil, ed. 1968) [hereinafter cited as *STATISTICAL REPORT*].

<sup>36</sup> Robb, *supra* note 2, at 346.

<sup>37</sup> ABSTRACT, *supra* note 13, at 232.

<sup>38</sup> *Id.* at 355.

<sup>39</sup> *Id.* at 240. In 1953, the starting salary for attorneys on Wall Street was \$4,000. Smigel, *The Impact of Recruitment on the Organization of the Large Law Firm*, 25 AM. SOCIOLOGICAL REV. 56, 61 (1960).

<sup>40</sup> *Legal Services*, *supra* note 33, at 382.

<sup>41</sup> G. BRAGER & F. PURCELL, COMMUNITY ACTION AGAINST POVERTY 293 (1967).

the client. The resulting competition demands efficiency. Larger law firms develop and specialize, and lawyers within firms specialize even more. Fewer single practitioners are able to succeed and more non-lawyers and associates are used in law offices. The trends can be seen in Table 2.

TABLE 2<sup>42</sup>  
National Distribution of Attorneys by Percent

	Total Priv. Prac.	Individual Practice	Partners	Associates
National 1954	85.5	57.5	23.3	4.7
1966	73.5	39.1	27.1	7.2
Colorado 1966	74.6	39.2	27.9	7.4
Denver 1966	73.0	37.1	27.1	8.8

## II. OCCUPATIONAL AND PROFESSIONAL TRENDS

### A. General Occupational Trends

Various occupational trends are relevant to a consideration of sublegal or paralegal training. Rising white collar employment is part of the general shift of our economy from a production orientation toward a service orientation. While nonwhites still face many barriers to gaining white collar jobs, Table 3 demonstrates that the percentage of nonwhite workers holding white collar jobs doubled from 1950 through 1966.

TABLE 3<sup>43</sup>  
Employed Persons by Occupation and Color

	% White			% Nonwhite		
	1950	1960	1966	1950	1960	1966
White-collar	40.3	46.4	47.9	10.2	16.0	20.8
Professional & Technical	8.0	12.0	13.3	3.0	4.7	6.9
Clerical	13.8	15.6	16.8	3.5	7.2	9.4

The number of professional workers has grown even faster than the number of white-collar workers. As shown by Table 4, the experienced male labor force grew 6.9 percent from 1950 to 1960 while the number of experienced male "professional, technical, and kindred" workers grew 50.2 percent. The very rapid growth of particular occupations especially suitable for paralegal or sublegal training, including social workers, real estate and insurance salesmen, and law enforcement personnel, is also notable.

<sup>42</sup> STATISTICAL REPORT, *supra* note 35, at 18, 48, 88.

<sup>43</sup> ABSTRACT, *supra* note 13, at 231.

TABLE 4<sup>44</sup>  
 Experienced Civilian Labor Force, by Sex and Occupation  
 1950 and 1960, and by Selected Characteristics, 1960  
 (Persons 14 years old and over.)

SEX AND OCCUPATION	1950	1960 Total	% Inc. 1950-60	1960 Nonwhite Percent	Median Earnings 1959
Male and Female	59,229,531	67,990,078	14.8	10.6	3,845
MALE	42,722,297	45,686,330	6.9	9.6	4,621
Professional, technical, and kindred workers	3,024,631	4,542,702	50.2	3.5	6,619
Accountants and auditors	328,420	396,343	20.7	1.4	6,611
Lawyers and judges	176,063	205,515	16.7	1.3	10,587
Physicians and surgeons	181,069	213,918	18.1	4.0	14,561
Social, welfare, and recreation workers	33,556	58,347	73.9	11.1	4,961
Technicians	46,180	141,653	206.7	5.7	5,449
Medical and dental	34,231	52,892	54.5	10.0	4,503
Officials and inspectors, state and local administration	112,539	135,816	20.7	2.0	5,554
Other clerical and kindred workers (excluding book- keepers and mail carriers)	2,388,183	2,769,774	16.0	6.8	4,736
Insurance agents, brokers, underwriters	250,755	333,126	32.8	1.9	6,173
Real estate agents and brokers	122,319	148,957	21.8	2.1	5,978
Policemen, sheriffs, and marshals	216,176	276,976	28.1	3.9	5,210
FEMALE	16,507,234	22,303,748	35.1	12.8	2,257
Professional, technical, and kindred workers	1,975,847	2,792,997	41.4	7.2	3,625
Accountants and auditors	56,884	80,483	41.4	2.5	4,209
Lawyers and judges	6,348	7,543	18.8	2.6	5,199
Nurses, professional	395,638	577,038	45.8	6.5	3,186
Social, welfare, and recreation workers	60,291	78,017	29.4	12.4	4,074
Technicians, medical and dental	44,154	87,944	99.2	7.8	3,180
Clerical and kindred workers	4,408,498	6,497,350	47.4	3.6	3,017
Office-machine operators	120,348	236,413	96.4	5.0	3,242
Secretaries	781,324	1,451,639	85.8	2.0	3,368
Stenographers	416,844	264,157	-36.6	2.8	3,340
Typists	339,875	516,844	52.1	6.7	2,801
Other clerical and kindred workers	1,640,844	2,501,968	52.5	4.8	2,852
Insurance and real estate agents and brokers	45,979	82,889	80.3	4.4	3,018

Projections from 1965-1975 show a continuation of the trends indicated by Table 4. Total employment is expected to rise by 22.8 percent, while employment in specific occupational groups will rise as follows: professional, technical, and kindred — up 45.2 percent; clerical and kindred — up 30.8 percent; all service producing in-

<sup>44</sup> *Id.* at 232-35.

dustries — up 31.9 percent; total government — up 39.1 percent; Federal Government — up only 10.8 percent.<sup>45</sup>

The rapid growth in participation of women, especially white women, in the labor force indicates there will be many people suitable for sublegal or paralegal training. As indicated in Table 5, for instance, in 1960, 35 percent of white women over 14 worked. The projection for 1980 is that 40 percent will be working, an increase of 11 million workers.

TABLE 5<sup>46</sup>  
Labor Force — Total, and Participation Rates by Color and Sex:  
1960 and Projections, 1970 and 1980

COLOR AND SEX	TOTAL LABOR FORCE (In thousands of persons 14 years old and over)			PARTICIPATION RATES (percent)		
	1960	1970	1980	1960	1970	1980
TOTAL	73,081	85,999	101,408	57.4	57.5	58.3
MALE	49,563	55,844	64,981	79.7	77.0	77.2
White	44,666	50,027	57,596	80.0	77.3	77.5
Nonwhite	4,897	5,815	7,387	77.0	74.3	75.0
FEMALE	23,518	30,155	36,427	36.1	39.1	40.6
White	20,391	26,245	31,541	35.0	38.3	40.0
Nonwhite	3,127	3,910	4,886	45.5	45.4	45.0

### B. *Medicine and Law*

A number of trends in the professions are very important to subprofessional and paraprofessional training and occupations. One is the general growth in expenditures and technology. Another is the increasing specialization, whether formal or informal, by the professionals themselves. The use of subprofessionals, is obviously vital, as is the process by which paraprofessionals assume jobs which formerly were performed by professionals.

#### 1. General Growth

The improvement of health services has been a high national priority during the last 20 years. The \$40,751,000,000 health expenditures of 1965 showed an increase of 217 percent from 1950.<sup>47</sup> Medical care expenses represented 6.5 percent of the national personal consumption for 1965, up from 4.6 percent in 1950.<sup>48</sup> In another mode of comparison, national income by industrial origin, medical and other health expenditures rose from \$4.4 billion in 1950 to \$17.5 billion in 1966 (up 298 percent), while legal services rose

<sup>45</sup> H. Sheppard, *The Nature of the Job Problem and the Role of New Public Service Employment*, Jan. 14, 1969 (W. E. Upjohn Institute for Employment Research, Kalamazoo, Mich.).

<sup>47</sup> *Id.* at 70.

<sup>48</sup> *Id.* at 323.

from \$1.3 billion to \$4.3 billion (up 231 percent).<sup>49</sup> Thus medical expenses grew substantially faster than legal expenses, even when starting from a much larger base.

Tremendous amounts of money have been expended for the research, construction, and machines of medical science. Medical research expenditures increased 1174 percent from 1950-65, and as of 1967 were \$1.5 billion.<sup>50</sup> In 1965 nearly \$2 billion was spent for construction of medical facilities.<sup>51</sup> Much of this money went for computers and other complex machinery. Few people need to be reminded of medicine's technological progress in these days of artificial hearts and organ transplants. In the law, a computerized index to briefs<sup>52</sup> is still a dream and it is an unusual law office that even uses a magnetic tape typewriter.

## 2. Specialization

Specialization has occurred in the law,<sup>53</sup> but it is generally informal. The 1967 *Economic Survey of the Colorado Bar* showed that approximately 59 percent of Colorado lawyers in private practice who answered the questionnaire are highly specialized — 50 percent or more of the lawyer's time is devoted to one field of law. The degree of specialization, furthermore, seems to have increased markedly since the last survey in 1961.<sup>54</sup> The extent and speed of specialization is somewhat difficult to determine, partially because the American Bar Association and other groups have been so slow to recognize or regulate the trend.<sup>55</sup>

In contrast to the legal profession, the medical profession started certifying specialists in about 1920. Now there are at least 19 certified medical specialties, many of which are dividing into subspecialties.<sup>56</sup> Specialization in medicine occurs only after the four-year, regular course and one-year internship. Residencies leading to specialization are very rigorous, often requiring several more years of study.

<sup>49</sup> *Id.* at 325.

<sup>50</sup> *Id.* at 70.

<sup>51</sup> *Id.*

<sup>52</sup> C. Decker, *Institutionalization of Defender Services* 6, undated (on file at National Legal Aid and Defender Ass'n, Washington, D.C.).

<sup>53</sup> See generally Greenwood and Frederickson, *Specialization in the Medical and Legal Professions*, 5 L. OFFICE ECON. & MAN. 175 (1964).

<sup>54</sup> THE ECONOMICS OF LAW PRACTICE COMMITTEE OF THE COLORADO BAR ASSOCIATION, REPORT ON THE 1967 ECONOMIC SURVEY OF THE COLORADO BAR 4 (1968) [hereinafter cited as ECONOMIC SURVEY].

<sup>55</sup> See C. Smith, *Specialization in the Law* in PROCEEDINGS OF THE THIRD NATIONAL CONFERENCE ON LAW OFFICE ECONOMICS AND MANAGEMENT 9 (prepared by the Standing Committee on Economics of Law Practice of the American Bar Ass'n, 1969).

<sup>56</sup> Cheatham, *The Growing Need for Specialized Legal Services*, 16 VAND. L. REV. 497, 502 (1963).

Formal specialization may cause increased acceptance of subprofessionals and paraprofessionals. Medicine is formally specialized and uses many subprofessionals, while law is not formally specialized and does not use many subprofessionals. Furthermore, the man who is secure in the status of his job may be more willing to hire subprofessionals than a man with less prestige, who may feel threatened by the presence and competence of a subprofessional. It may be that the specialists in medicine brought in the technicians and paramedicals, while the general practitioners objected. In the American Bar Association, the General Practice Section was the group most resistant to the formation of the Lay Assistants Committee.<sup>57</sup> The widespread use of sublegals may not occur until the movement toward formal legal specialization is further advanced.

### 3. Subprofessionals

While in recent years, the number of lawyers has grown faster than the number of doctors, medicine has had a much faster growth in the number of recognized and trained subprofessionals. The number of doctors increased 31 percent from 233,000 in 1950 to 305,000 in 1965,<sup>58</sup> while lawyers increased 43 percent from 222,000 in 1951 to 317,000 in 1966.<sup>59</sup> From 1950 to 1965, the number of nurses was growing twice as fast as that of doctors, and by 1965 there were twice as many nurses as doctors.<sup>60</sup> Projections from 1965-1975, when the number of doctors will probably grow less than 20 percent, suggested that other groups will grow as follows: nurses up 42 percent, rehabilitative and other technicians up 54 percent, medical laboratory personnel up 60 percent, and X-ray technologists up 73 percent.<sup>61</sup>

In 1965 doctors constituted approximately 10 percent of those employed in health services,<sup>62</sup> while lawyers probably constitute over 50 percent of the legal profession. The 1967 *Economic Survey of the Colorado Bar* indicates that a very large majority of Colorado law offices have a ratio of one secretary or less per lawyer.<sup>63</sup>

### 4. Paraprofessionals

In general, the medical profession has accepted, trained, and supervised its subprofessionals or "paramedicals." One need only

<sup>57</sup> Conversation with Kline Strong of the A.B.A. Special Committee on Lay Assistants for Lawyers, in Denver, Colorado, Mar. 1969.

<sup>58</sup> ABSTRACT, *supra* note 13, at 66.

<sup>59</sup> STATISTICAL REPORT, *supra* note 35, at 12.

<sup>60</sup> ABSTRACT, *supra* note 13, at 66.

<sup>61</sup> *Id.* at 67.

<sup>62</sup> *Id.* at 66, 67.

<sup>63</sup> ECONOMIC SURVEY, *supra* note 54, at 14.

consider the lengthy training of nurses or pharmacists, which leads to degrees and state licenses, to see the extent to which the entire medical profession is trained and regulated. An example of medical regulation is the bill passed in Colorado for "child health associates," who could handle up to 80 percent of the routine medical cases involving children. The associates would work in doctors' offices after five years of post-high school training and would be appropriately licensed.<sup>64</sup>

The attitude of the legal profession toward paraprofessionals is very different from that of the medical profession and is exemplified by the unauthorized practice of law committees. Rather than training non-lawyers to deal with legal matters, the profession has tried to prevent all non-lawyers from performing this type of work. Campaigns have been waged by bar association committees to prevent real estate brokers from filling in the blanks on a form contract, and to prevent insurance company adjusters from settling some claims.

The unauthorized practice committees were formed in the depression of the 1930's. The zealotry of the committees in bringing suits against "encroachers" has been less in prosperous times than in lean, as might be expected of groups which are protecting their economic livelihood as well as the public interest.<sup>65</sup> The committees have been influential enough, for over 30 years, to discourage the consideration of paralegals as an integral part of the profession, and have been a major factor in the dichotomy between paralegals and sublegals.

### C. *Sublegal and Paralegal Occupations*

At this point, a discussion of a number of jobs — some sublegal, some paralegal — performed in connection with law offices, courts, the executive and legislative branches of the government, financial institutions, real estate offices, insurance companies, tax specialists, and other businesses is in order.

The law office is the logical place to find the sublegal — the legal secretary probably being the first known to the profession. Yet to be meaningfully classified as sublegal, the secretary should do more than take dictation and type. To be classified as sublegal, one should be a person with some training, as well as supervision, who helps the lawyer by actually performing some of his tasks.

Several factors characterize the jobs which can be successfully accomplished by sublegals. These jobs are high volume, and amenable to standardization of forms, and routinization of procedures.

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<sup>64</sup> Child Health Associate Act, Colo. H.R. Bill no. 1169. Signed into law July 14, 1969, effective date Sept. 1, 1969.

<sup>65</sup> Llewellyn, *supra* note 3, at 109.



They are broken down into separate steps, which are often listed on checklists used by the sublegal.<sup>66</sup> One firm, with three attorneys and 23 lay personnel, has developed procedures and checklists for 33 different office and legal functions.<sup>67</sup>

Many tasks such as those described in Jerome Carlin's book, *Lawyers on Their Own*,<sup>68</sup> are capable of being performed by secretaries in most law offices, yet single practitioners are doing these tasks. It might even be argued that some law schools really offer paralegal training, because the men who graduate from those schools do routine and simple work, not needing a complete legal education. In this context, Carlin mentions corporate jobs such as establishing or dissolving corporations and preparing and filing routine papers.<sup>69</sup> He also includes real estate jobs, including work on purchase agreements, applications for mortgages, title guarantee policies, escrow accounts, leases, landlord tenant squabbles, rent collections, and evictions.<sup>70</sup> Personal injury work, which in some cases could be handled by subprofessionals, includes building the file, preparing and explaining the retainer contract, interviewing, factual investigating, and gathering the proof of special damages.<sup>71</sup> Other similar work involves negotiating with a claims adjuster (a paralegal), and preparing and filing court papers to bring suit.<sup>72</sup> Estate planning, drafting of trusts, and preparation of wills also may involve much work capable of being performed by a subprofessional. Carlin noted that Chicago banks often do the preparation and drafting of wills in return for an agreement that the bank be the executor.<sup>73</sup> Probate clerk sublegals may prepare and file an inventory of assets, prepare estate tax returns, make status of accounts reports, and transfer securities to beneficiaries.<sup>74</sup>

Carlin's study concerns the single practitioner rather than the sublegal, but the individuals he studied were forced to do jobs that

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<sup>66</sup> PARAPROFESSIONALS, *supra* note 10, at 73.

<sup>67</sup> PARAPROFESSIONALS, *supra* note 10, at 99 n.26 lists these functions as: accounting, appeals to Supreme Court, appointments, billings, brief files, calendar, corporations, corporation dissolution, depositions, distribution of incoming mail, Federal Court removals, filing and out cards, friendly hearings, insurance-liability defenses, interrogatories-incoming, interrogatories-outgoing, library, office procedure memo, payroll, pleadings, real estate specialists, subrogation, supplies, telephone ticklers, trainer of new personnel, transcription, trials, workmen's compensation-defense, workmen's compensation-claimant.

<sup>68</sup> J. CARLIN, *LAWYERS ON THEIR OWN* (1962).

<sup>69</sup> *Id.* at 43 *et seq.*

<sup>70</sup> *Id.* at 52 *et seq.*

<sup>71</sup> *Id.* at 71, 72.

<sup>72</sup> *Id.* at 72 *et seq.*

<sup>73</sup> *Id.* at 102. In Denver, "Statement of Principles and Canons of Conduct between the Denver Bar Association and the Trust Departments of the Denver Clearing House Banks," signed in 1936, sets standards for bankers and lawyers.

<sup>74</sup> PARAPROFESSIONALS, *supra* note 10, at 72.

might often be done by sublegals. Carlin, recognizing that these lawyers' jobs are often threatened by lay competition,<sup>75</sup> points out some of the reasons for successful lay competition: (1) convenience and efficiency — lay groups have standardized and simplified the work and are often more accessible to the community; (2) balance of skills and power — lay specialists may often become more skilled in a given area than a general practitioner, and may belong to economically strong groups; (3) visibility in the community — enhanced by advertising restrictions imposed by the canon of ethics; and (4) lower prices charged by the layman.<sup>76</sup> If single practitioners are able to employ sublegals, they may be able to escape both the threat of losing their source of income, and the task of having to do routine and undesirable jobs.

Some legal services programs have explored the possible utilization of sublegals.<sup>77</sup> Sublegals can alleviate two of legal aid's greatest problems, the overwhelming caseload and the isolation of the profession from many poor people in the community.

Uncontested divorce cases provide an outstanding example of the usefulness of sublegals. Such cases provide about 50 percent of the work load of a typical legal aid office.<sup>78</sup> Legal aid lawyers become frustrated and bored because they spend so much of their time doing routine interviewing and form filling. These mechanical tasks pre-empt the time which would otherwise be available for the difficult and innovative cases which might have far reaching results. The divorce client may just need someone to talk to and may ramble while taking up a lawyer's precious time. The paralegal, with counseling training, could be far more sensitive than the average lawyer in this situation.

Several legal services programs have turned over nearly all divorce work to sublegals.<sup>79</sup> Sublegals can interview the client, using a questionnaire to get all relevant information. Sublegals, with some community experience and a reference list, can refer the client for marriage counseling or advise other steps short of divorce. Sublegals, with a minimum of supervision, can oversee the typing and filing of the complaint and summons, preliminary motions, and all other documents. Any special problems that arise for the sublegal in the divorce action can be referred to the supervising attorney for consultation. Lawyers, of course, retain the ultimate responsi-

<sup>75</sup> CARLIN, *supra* note 68, at 142 *et seq.*

<sup>76</sup> *Id.* at 143, 144.

<sup>77</sup> *Id.* at 70, 71.

<sup>78</sup> *Id.* at 87. See generally Sykes, *supra* note 27, at 46, 47.

<sup>79</sup> PARAPROFESSIONALS, *supra* note 10, at 65.

bility for actual trial proceedings. The savings in time for the lawyers are tremendous.

Another example of the kind of work sublegals can do is the preparation of bankruptcy papers in routine cases. Personal bankruptcy has grown tremendously in the United States, from 33,392 petitions filed in 1950 to 192,354 in 1966.<sup>80</sup> This volume would make it practical for nearly every legal aid office to train a sub-professional to spend much of his time with bankruptcies. Since bankruptcy is a federal procedure, the forms and procedures applicable to one state are applicable elsewhere.

Garnishments are another common legal aid problem. In the Chicago area alone, garnishments have increased from 59,000 in 1962 to 73,000 in 1966.<sup>81</sup> Legal aid offices can often negotiate to prevent garnishments, if they learn of the debt soon enough, and in some cases, overthrow the judgment on which the garnishment is based, because of lack of service of process or other technical defects. Sublegals can help obtain the facts and information, and could negotiate some of the claims. In a Denver neighborhood law office, debt cases made up about 20 percent of the caseload.<sup>82</sup>

Sublegals in legal service programs could also help serve a longtime goal of "preventive law." It has been suggested that sublegals do preliminary interviews or "legal checkups" with clients, using a questionnaire to determine whether the client has unsolved legal problems, some of them perhaps unrecognized.<sup>83</sup> The need for this service was clearly shown in Professor Gresham Sykes' study.<sup>84</sup> This study indicated that a "legal checkup" questionnaire (see appendix) often uncovered more legal problems than did the usual interview with an attorney.<sup>85</sup> The number of unrecognized legal problems among the urban poor was found to be well over twice the number of recognized legal problems.<sup>86</sup>

Sykes' work in Denver showed the need for a bridge between the legal aid offices and the community.<sup>87</sup> Increasing office hours to nights and weekends brought few new clients, but two VISTA lawyers, through their daily contacts with the community, were very helpful in referring individuals with problems to the office.<sup>88</sup> These community contacts were helpful, probably because, while

<sup>80</sup> ABSTRACT, *supra* note 13, at 499.

<sup>81</sup> D. CAPLOVITZ, *THE POOR PAY MORE* xviii (1967).

<sup>82</sup> Sykes, *supra* note 27, at 47.

<sup>83</sup> PARAPROFESSIONALS, *supra* note 10, at 87.

<sup>84</sup> Sykes, *supra* note 27.

<sup>85</sup> *Id.* at 23.

<sup>86</sup> *Id.* at 28.

<sup>87</sup> *Id.* at 56; see also BRAGER & PURCELL, *supra* note 41, at 200.

<sup>88</sup> Sykes, *supra* note 27, at 51.

the Denver Legal Aid Society has existed for 50 years, only 33 percent of the poor people interviewed knew it existed, and less than 20 percent of these knew even the approximate location.<sup>89</sup> Sublegals could be utilized to acquaint the community with legal aid services.

Intimate knowledge of the community can enable a sublegal to point out particular problems to attorneys.<sup>90</sup> The Dixwell Legal Rights Association (D.L.R.A.) of New Haven, Connecticut, has trained individuals, half of whom have less than a high school education, for this function.<sup>91</sup> During D.L.R.A.'s 3-month training course, about 45 percent of a trainee's time is spent canvassing and serving poor neighborhoods—finding residents who are either inadequately served by various agencies or who qualify for more benefits.<sup>92</sup> The Legal Assistance Association of New Haven has hired many of the trainees.<sup>93</sup>

The sublegal can also be valuable as a "legman," factual investigator, or "guide to the government bureaucracy."<sup>94</sup> Britain's Citizen's Advice Bureaus use sublegals to advise laymen about legal aid (which grew out of the Advice Bureaus), to refer people to other useful agencies, and to perform some of the functions of an ombudsman.<sup>95</sup>

Community knowledge of Legal Aid, its effectiveness, and its use of sublegals are all directly related. An increase in any factor should bring increases in the others. Some legal aid programs have been reluctant to use sublegals, partially because of past experience with local and state bar resistance even to the expansion of Legal Aid use of federal money.<sup>96</sup> In the suburban metropolitan Denver counties, until recently, many lawyers resisted any federal funding of legal aid. A Denver Model Cities program proposing an office staffed primarily with paralegally trained personnel found stiff resistance from the board of directors of the Denver Legal Aid Society before it was approved.

<sup>89</sup> *Id.* at 39; see also BRAGER & PURCELL, *supra* note 41, at 200.

<sup>90</sup> A. PEARL & F. RIESSMAN, *NEW CAREERS FOR THE POOR* 258 (1968).

<sup>91</sup> D. Hunter, Research Report on Dixwell Legal Rights Association, New Haven, Connecticut, 5, Summer, 1967. (A condensed version of this report may be found in F. RIESSMAN & H. POPPER, *UP FROM POVERTY*, 1968).

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

<sup>94</sup> THE CENTER FOR YOUTH AND COMMUNITY STUDIES, HOWARD UNIVERSITY, *TRAINING FOR NEW CAREERS* 99 (1965).

<sup>95</sup> Address by Professor Monrad G. Paulsen, *The Law Schools and the War on Poverty*, in CONFERENCE PROCEEDINGS: NATIONAL CONFERENCE ON LAW AND POVERTY 77, 81 (1965).

<sup>96</sup> Address by Charles J. Parker, *The Relations of Legal Services Programs with Local Bar Associations*, in CONFERENCE PROCEEDINGS: NATIONAL CONFERENCE ON LAW AND POVERTY 126 (1965).

Without sublegals, the effectiveness of legal aid has been lower. Legal aid has been afraid to make its presence widely known in the community for fear of swamping itself with work. Yet where offices have been swamped with work, some have responded by using sublegals — *e.g.*, the California programs which use sublegals in divorce cases.<sup>97</sup>

Of course, it is not only the private lawyer and the legal aid office that employ sublegals, although these groups may have the greatest potential for using them. The judicial, legislative and executive branches of government also use some sublegals, and many paralegals.

Courts use a number of sublegals and paralegals. Some municipal court judges, county court judges, juvenile court judges, and justices of the peace are not lawyers, although they obviously need legal training.<sup>98</sup>

One new "parajudicial" occupation, which demonstrates the potential for improving the legal profession through the recombination of skills in new occupations, is the "law clerk-bailiff." The job of law clerk-bailiff will be filled by a night law student, who would serve as bailiff, and also as the judge's law clerk, doing legal research for the judge.

"Parajudicial" might also be used to describe referees, masters, and arbitrators. Referees may often be used instead of judges. For example, referees are used exclusively in bankruptcy court. Colorado has passed legislation for the appointment of several water referees to decide water law disputes.<sup>99</sup> Also, in Denver, non-lawyer referees are used in juvenile court to lessen the court's load. These referees have much the same function as judges. Masters may be used by judges to hear and evaluate complicated or time consuming factual information.

The formation of neighborhood courts, having jurisdiction over many minor offenses and juvenile offenses, has been suggested. These courts could help reduce court congestion and would be staffed by paralegally trained neighborhood residents.<sup>100</sup>

One consequence of overcrowded courts and long delays before trials has been the increased use of arbitrators to help alleviate this situation.<sup>101</sup> In complex or technical cases, three arbitrators are

<sup>97</sup> PARAPROFESSIONALS, *supra* note 10, at 66.

<sup>98</sup> Ronayne *Law School Training for Non-lawyer Judges*, 17 J. LEGAL ED. 197 (1964).

<sup>99</sup> COLO. REV. STAT. ANN. § 148-9-4 (1963).

<sup>100</sup> See remarks of Dr. Edgar J. Cahn in PROCEEDINGS OF THE HARVARD CONFERENCE ON LAW AND POVERTY 55-57 (1967).

<sup>101</sup> Merson, *Closing the Confidence Gap: Legal Education's Role*, 46 DENVER L.J. 97, 100 (1969).

often appointed — at least one lawyer and at least one expert from the field in which the dispute arose. It obviously helps if the lawyer also knows the technical field and the expert knows some law.<sup>102</sup>

In the criminal field, subprofessionals may do much of the factual investigation and interviewing of potential witnesses, as well as the preparation for depositions and interrogatories. The police force does the great part of the factual investigation and preparation for the prosecutor, even when he has his own sublegal investigation staff. Presently, only the richer defendants can afford the extensive factual investigation that the prosecution has at its disposal. However, there is a growing recognition of the need for a factual investigation staff for the Public Defender.<sup>103</sup> When the courts have been presented alternatives to sentencing the offender to prison, they have often — about one-third of the time — chosen programs diverting the defendant from prosecution or at least deferring it.<sup>104</sup> The new occupations developed by the project include "program developers" and "follow-up counselors."<sup>105</sup>

Other paralegal occupations supervise the convicted defendant. Probation and parole officers have the difficult job of trying to help the convict rehabilitate himself, as well as to supervise the person and keep him out of trouble. The occupation already combines the difficult roles of social worker and policeman. A knowledge of the criminal law and the criminal justice system is needed in both capacities. Parole board officers must balance the welfare and rights of society and the individual in deciding whether or when to release the convict from prison before the end of his maximum sentence.

The executive branch of the government employs nearly 10 percent of all United States' attorneys.<sup>106</sup> In addition, many of its non-lawyer employees need to know the law governing their particular specialty. Again, the criminal justice system provides an obvious example. Policemen are the front line administrators of the criminal law, yet their training in law most frequently is fairly scanty. One of the best municipal police training academies allots only 20 hours of training in the law out of 480 hours in the recruit

<sup>102</sup> American Arbitration Association, *The Lawyer and Arbitration*, Brochure, June 1967.

<sup>103</sup> C. Decker, *Streamlining the Administration of Criminal Justice* 12, undated (on file at National Legal Aid and Defender Ass'n, Washington, D.C.).

<sup>104</sup> Legal Aid Agency for the District of Columbia, *Offender Rehabilitation Project of the Legal Aid Agency for the District of Columbia 6* (unpublished: Second Grant Application, Submitted to the Office of Economic Opportunity, July 1, 1968 through June 30, 1969).

<sup>105</sup> *Id.* at 19, 21.

<sup>106</sup> STATISTICAL REPORT, *supra* note 35. The executive and legislative branches together employed 10.8 percent of United States' attorneys in 1966. *Id.* at 21.

training course.<sup>107</sup> In Denver, new patrolmen receive 56 hours of training in criminal law and evidence out of a total of 492 hours in their training course.<sup>108</sup> Prison officials and personnel also need to have an overview of the whole criminal justice system as well as detailed knowledge of the law relating to imprisonment.

The general area of social welfare encompasses many occupational groups which must deal with the law. Welfare, social security, and unemployment compensation are obvious examples. For example, few lawyers have examined the badly organized, badly indexed, multi-volume sets of statutes, regulations, and guidelines governing welfare, let alone become as expert as the experienced welfare worker. Generally, welfare workers and administrators have governed the system, with little guidance, or counsel within the agency. Welfare clients have generally been incapable of challenging either the procedure or substance of decisions affecting them. However, in the last few years, some clients have formed local groups of the National Welfare Rights Organization (N.W.R.O.). These groups have studied the regulations and trained welfare clients to represent other clients at administrative fair hearings. In many cases, these paralegal advocates have been embarrassingly successful from the point of view of welfare departments.<sup>109</sup> Perhaps because of a realization that clients were not getting all they deserved under the law, perhaps partially because of the demonstration of inequity by advocates in the N.W.R.O., the Department of Health, Education and Welfare has promulgated requirements that clients be afforded free representation by counsel at administrative fair hearings beginning October 1, 1969.<sup>110</sup> The H.E.W. program will also increase funding to legal aid to provide services for former, present, and potential welfare recipients.<sup>111</sup>

In the legislative branch of the government, the need for paralegals, expert in the drafting of legislation and doing research in the content and effect of past legislation, is imperative. Lawmakers simply do not have time to do the extensive research needed to do a thorough job and cannot rely on their own knowledge, even though many of them are lawyers. States such as California lead in providing assistants for each state legislator.

<sup>107</sup> Decker, *supra* note 103, at 9.

<sup>108</sup> Conversation with Lt. E.T. Ruby, Denver Police Academy, in Denver, Colorado, May, 1969.

<sup>109</sup> Interview with Alfred A. Fothergill, Institute for Regional Development, Ohio University, Athens, Ohio, in Denver, Colorado, April, 1969.

<sup>110</sup> Robb, *supra* note 2, at 347, citing 45 C.F.R. § 205.10 (1969).

<sup>111</sup> Robb, *supra* note 2, at 347.

One of the greatest needs of the poor may be to gain access to, and representation in, the decision making processes of legislative and administrative bodies.<sup>112</sup> Those agencies are responsive to the persuasion of well-documented arguments prepared with the assistance of well-financed groups, and to pressure from large voting blocs. The poor have little access to money, but they have sufficient numbers to form a potentially potent voting force. Legal aid offices will often use neighborhood representatives and paralegals to organize the poor community into a cohesive political bloc which can demand and receive in the legislative processes.

Abstracting and title insurance companies are other outstanding examples of how laymen can sometimes do as good a legal job as lawyers.<sup>113</sup> The TransAmerica Company in Denver employs about ten non-lawyers to each lawyer, abstracting and searching titles in real estate transactions. Law school dropouts have been a large source of abstracters, but now demand is exceeding supply even for the dropouts. The title examiner or abstracter has an important and difficult job, but few lawyers engage in this task because the big plant insurers are able to do it as efficiently and with less expense by using non-lawyers.<sup>114</sup>

Real estate brokers have established the right in Colorado to practice law in a narrowly confined area relevant to real estate transactions. The Colorado Supreme Court has held that "*the preparation of receipts and options, deeds, promissory notes, deeds of trust, mortgages, releases of encumbrances, leases, notice terminating tenancies, demands to pay rent or vacate by completing standard and approved printed forms, coupled with the giving of explanation or advice as to the legal effect thereof*"<sup>115</sup> does constitute the practice of law, but permitted real estate brokers to prepare these documents "*in the regular course of their business . . . at the requests of their customers and only in connection with transactions involving sales of real estate, loans on real estate or the leasing of real estate which transactions are being handled by them.*"<sup>116</sup>

Insurance salesmen and claim adjusters are two examples of the paralegal in the insurance business. Insurance salesmen attend extensive conferences and participate in courses scheduled by the

<sup>112</sup> See Bonfield, *Representation for the Poor in Federal Rulemaking*, 67 MICH. L. REV. 511 (1969). See also C. HORSKY, *THE WASHINGTON LAWYER* (1952).

<sup>113</sup> See Q. JOHNSTONE & D. HOPSON, JR., *LAWYERS AND THEIR WORK*, 273-314 (1967) for description of Chicago Title and Trust Co.

<sup>114</sup> The bar has attempted to limit this work to attorneys. See e.g., *Title Guarantee Co. v. Denver Bar Ass'n*, 135 Colo. 423, 312 P.2d 1011 (1957).

<sup>115</sup> *Conway-Bogue Realty Investment Co. v. Denver Bar Ass'n*, 135 Colo. 398, 411, 312 P.2d 998, 1004 (1957).

<sup>116</sup> *Id.* at 413, 312 P.2d at 1006.



Chartered Life Underwriters.<sup>117</sup> Instructors for these courses have insurance or other business training and experience and often have law degrees. The courses are taught on a college level and the C.L.U. degree is granted upon the successful completion of the 5-part program and examinations. Undoubtedly, some of those working in life insurance and taking these courses are as well qualified to advise on certain aspects of the law concerning their specialty as is the average lawyer.

Adjusters settle far more insurance claims than do lawyers. They investigate, evaluate, and negotiate the vast bulk of bodily injury claims, and virtually all property damage claims.<sup>118</sup> Adjusters' personal and job characteristics show some common differences between paralegals and lawyers. Adjusters are generally from a lower socio-economic class; have lower academic standing, although most finish college; and tend to fall into the job rather than plan and prepare for it for many years. They are involved in a role conflict because they must obtain releases for their employers, while at the same time, they seek the independent status of professionals who feel ethical restrictions against being unfair to the client.<sup>119</sup> Thus, while the lawyer is a full advocate avoiding all conflicts of interest, the adjuster must balance his company's interest in profit against his conscience and the interest of the insured. While lawyers have a formal code of ethics and disciplinary procedures, the paralegal must operate under far more ambiguous guidelines and conditions.

These differences provide a genuine cause of concern, and the unauthorized practice of law committees have tried to cope with the problems. One of the major questions in paralegal and sublegal training must be how to formulate and enforce ethical rules and disciplinary controls for these occupations. Lawyers are subject to some control from the court and the bar. To whom must the paralegal answer? Some ethical training should be given during their regular training and "treaties" between the bar and some paralegal groups<sup>120</sup> have been fairly successful, but additional solutions must be sought.

<sup>117</sup> Central administrative offices and the campus of the American College of Life Underwriters are at Bryn Mawr, Pennsylvania; but courses are offered throughout the country. In 1968-1969, at the Colorado University Denver Center, courses were offered on Group Insurance, Health Insurance, and Pensions I; Group Insurance, Health Insurance and Pensions II; Law, Trusts, and Taxation; Business Insurance and Estate Planning; and Estate Planning.

<sup>118</sup> H. ROSS. SETTLED OUT OF COURT, ch. 2. *Insurance Adjusters* (to be published by Aldine Pub. Co. in 1970).

<sup>119</sup> *Id.*

<sup>120</sup> See MARTINDALE-HUBBELL, 3 MARTINDALE-HUBBELL LAW DIRECTORY, 215A (1969).

Tax law is lucrative both for the lawyer and for the non-lawyer. The median income of highly specialized tax lawyers in Colorado in 1967 was \$16,000.<sup>121</sup> Yet the vast bulk of tax filings and returns are prepared by non-lawyers. Certified public accountants are often more qualified than the nontax lawyer, and can more easily prepare the returns than an attorney. One need only look in the Yellow Pages of the telephone book to find a great many commercial enterprises willing to aid individuals or businesses in preparing tax returns.

The above elaboration of occupations is by no means all inclusive. Yet it does show that no law school will be able to teach members of all occupational groups who need legal training. The question is whether law schools or lawyers will teach *anyone* other than law students and lawyers.

### III. PAST PARALEGAL TRAINING AT THE UNIVERSITY OF DENVER

The concern of the University of Denver College of Law with paralegal and sublegal training grew out of a 1966 conference of leading legal and social educators and administrators concerning "Various Legal Roles." The participants concluded, in part, that "the law has taken the path of ignoring, to a large extent, the problems of training and qualifying people for occupations auxiliary to the law, in spite of overwhelming evidence of the interdependence and co-operation necessary for efficient operation in any profession."<sup>122</sup> This conference was the beginning of an extensive program at the University of Denver College of Law to provide paralegals with a basic knowledge of our system of law and to encourage more extensive use of paralegal services. An ultimate goal was established to train paralegal personnel to function in co-operation with legal specialists, forming legal teams after the long-established practice of specialty teams in the medical profession.

The law school in conjunction with the University of Denver Department of Political Science, prepared a training institute for command officers of the Denver Police Department during the summer of 1968. Senior police officers were given training in the legal and sociological context of their work.

In the fall of 1968, law students were called upon to teach a 20-hour paralegal course to 20 housing specialists at the Metro Denver Fair Housing Center. The participants in the class were of varied educational backgrounds; most had completed high school

<sup>121</sup> ECONOMIC SURVEY, *supra* note 54, at 5.

<sup>122</sup> Summary paper on Paralegal Programs of the University of Denver College of Law, fall 1968 (unpublished paper on file with University of Denver College of Law, Administration of Justice Program).

and a few had some college education. The housing workers were instructed in those areas of the law having the most immediate impact upon their clients, including housing, consumer problems, welfare, employment, domestic relations, and criminal law. The evaluative comments of the observing attorney are revealing.

The goals of the course as designed seemed to be threefold; (1) provide the class with an overview of the areas of the law with which they were most likely to be concerned, (2) create an awareness on the part of the class of potential legal problems, and (3) equip the class with enough understanding of the law in their special area of interest that they could render advice to their clients. This third goal was not designed to encourage the unauthorized practice of law. It was designed to train those working directly with the poor to help the poor understand their rights and duties under the law to the same degree most middle class laymen understand their rights and duties.

One of the age-old fears of lawyers about teaching bits of law to laymen is that the layman will suddenly imagine himself competent to render legal advice. The subject questionnaire confirms my belief that this fear is unfounded. When the class was asked how they saw themselves using their new knowledge of the law, the most common response was that the law seems more complex than they had realized. They indicated that the use of their knowledge would probably be in identifying legal problems and advising people to consult a lawyer. The paralegal students repeatedly described their role as a "liaison between lawyer and client."<sup>123</sup>

The College of Law has become deeply involved in the Denver Model City Program. Beginning with the planning year when residents formed committees to outline different problems and possible solutions to those problems, the College of Law, under the direction of Professor Alan Merson, assigned law students as advisors to each of the resident committees. Over the year, these students have given the residents a substantial amount of "on-the-job" paralegal training. The passage of the Community Development Consortium<sup>124</sup> means that the College of Law will be involved in extensive and formal paralegal training for the staff and residents of the Denver Model Neighborhoods.

The College of Law, in May 1969, offered a 25-hour paralegal course to 20 caseworkers from the Denver Department of Welfare. An 80-page curriculum outline of the law in relevant areas was prepared.<sup>125</sup> Law students, law professors, and local attorneys taught the course and a local VISTA lawyer sat in on all classes in order to

<sup>123</sup> J. Houtchens, *Paralegal Training for Metro Denver Fair Housing*, Dec. 11, 1968 (unpublished memorandum on file at University of Denver College of Law, Administration of Justice Program).

<sup>124</sup> DENVER, COLO., ORDINANCES §§ 178, 358, series of 1969.

<sup>125</sup> *Paralegal Training in Poverty Law*, Mar. 1969 (unpublished paper on file at University of Denver College of Law).

evaluate the course and to ask and stimulate questions. Television equipment was used to video-tape the class session as an aid for the improvement of teaching techniques. The course goal was to provide caseworkers with the legal background necessary for more expert guidance of their clients.

#### IV. RESEARCH TO IMPROVE FUTURE SUBLEGAL AND PARALEGAL TRAINING

##### A. *Priorities: What and Why*

Research must center on the problems of the poor. The College of Law's ties to the Model City Program, and the lack of resources of the poor to solve their own problems provide incentives for a concentration of effort on behalf of the poor. For this purpose, the poor need not be defined in the same way as legal aid defines the term. Indeed, those who are just above the income eligibility limits for legal aid are certainly "poorer" when considering their ability to obtain legal services than are those just below those limits; those just below the poverty line are completely subsidized while those just above receive no subsidy. It might be argued that the "all or nothing" formulation of legal aid is unfair and should be changed.

##### B. *Research Concerning Sublegals*

The success of sublegal training depends upon a correct definition of the scope of legal tasks or operations that can be performed by the sublegal, and which will provide incentive for the lawyer to hire him. It may be that the training should be directed primarily at those already employed by the profession, for example, upgrading the training of the present legal secretaries. Perhaps then, the routine tasks presently performed by the legal secretary could be accomplished by the presently unemployable, after a minimum amount of training.

Thus, one of the most important projects will be to study individuals already working under lawyers' direction. The sublegal's general educational background must be known, as well as the quantity and quality of his legal training. Of importance are the specific tasks he presently performs, whether he is given work primarily as a clerk and typist, or whether he is given work that requires legal thinking and legal training. A time study has been published on legal aid attorneys.<sup>126</sup> However, sublegal help was not directly studied.

The feasibility of employing sublegals depends not only upon the quality and quantity of those competing for the jobs, but also

<sup>126</sup> PARAPROFESSIONALS, *supra* note 10, at 37.

upon economic factors within the legal profession. For sublegals to be used, even after ethical problems have been resolved, a lawyer must have enough business to make it profitable to hire a sublegal. The advent of an effective plan to settle automobile claims without attorneys, as is visualized in the Keeton-O'Connell plan,<sup>127</sup> could lead to more effective use of a lawyer's time or could result in unemployment of many lawyers. The resulting economic pressure on lawyers, and the pressure on law schools to retrain the lawyers rather than training paralegals and sublegals could postpone the implementation of the paralegal and sublegal concepts for many years. It is possible that a prerequisite to successful entry of sublegals into law offices is a change in the lawyers' availability to the public. A more efficient lawyer referral service, increased efforts to educate individuals as to their needs and of the ability of lawyers to serve them, or further modifications of the ethical prohibitions against solicitation and corporate practice, may be prerequisites to lawyers' hiring sublegals.<sup>128</sup>

If, as we expect, there is enough demand for legal help to create the need for sublegals, then, analysis of the nature of these jobs is necessary in order to create and define *occupations* for the sublegals. An example of a sublegal job and its development might be as follows: a researcher and a number of lawyers specializing in personal injury would discuss the procedures for developing personal injury files. The researcher would become familiar with, collect samples of, and possibly standardize the contracts for contingency fees, the form letters used in getting copies of the records and bills necessary for special damages claims, and the preferred formats for complaints. He would also gather information about interviewing and investigation techniques. After his investigation, the researcher would train students in this particular area of the law. The training would emphasize work as performed in law offices. The texts would include copies and explanations of the forms used in the various offices. Training would include a detailed study of the concept of negligence and its application, and possibly, a study of civil procedure.

At some early stage, perhaps as soon as the student begins his sublegal training, he would start to work for his post-training employer, starting, perhaps, as a file clerk and typist. As the student gained competence, he could do preliminary interviews, gather information for the file, and write drafts of letters and complaints. As part of his further training, the student might be taught tech-

<sup>127</sup> R. KEETON & J. O'CONNELL, BASIC PROTECTION FOR THE TRAFFIC VICTIM; A BLUEPRINT FOR REFORMING AUTOMOBILE INSURANCE (1965).

<sup>128</sup> See generally Llewellyn, *supra* note 3.

niques of negotiation, and informed about the recoveries one might expect from certain sets of factual situations. At this stage, the student could begin to work more closely with the attorney, handling the major part of most cases which might be settled out of court. The attorney could thus devote his time either to trying cases, diversifying his practice into other areas, or supervising a number of sublegals.

The work inspired by Frank Reissman and Arthur Pearl, generally known as "New Careers,"<sup>129</sup> is instructive; those interested in sublegal training, like those implementing the concept of New Careers, are interested in training undereducated and underemployed people to perform socially useful, semi-professional work. Hopefully, following the pattern established by New Careers, at the same time the training for sublegal careers is begun, career advancement "ladders" will be established which will eventually enable trainees to become full-fledged professionals. However, the training for lawyers is so long and rigorous, and the structure of the profession is such that building a career ladder all the way up to full attorney status can only be a long-range goal.

To the extent that New Careers is a success, it should be adopted by those working in sublegal and paralegal areas. Those who have worked with New Careers should possess an experienced knowledge base of how to teach the underemployed and poorly educated. They should have information on the ability of the students to learn new skills, and also on the job market for trainees. To the extent that New Careers training has failed it should signal problem areas that must be examined.

### C. *Research Concerning Paralegals*

Paralegal occupations must be studied in much the same fashion that sublegal occupations have been studied. Those nonlegal fields which are particularly relevant to the environment of the poor, or are particularly susceptible to occupational entry by the poor, must be discovered and defined. More knowledge must be gathered about the person who is presently performing the paralegal function. What is his general and legal training? How much of his day does he spend doing legal work? What areas of the law does he need to know in order to do that work? What qualifications are needed to enter that job? What on-the-job training is given now?

Another series of questions relates to the quality of the work presently being accomplished by paralegal personnel. Is the paralegal satisfied with his work? Is the supervisor satisfied with the

<sup>129</sup> PEARL & REISSMAN, *supra* note 90.

quality of the work? What does the supervisor, the paralegal, or the client want the paralegal to know more about?

Of course, the need for workers in the particular paralegal area is vital. Is the pay high? Is the turnover high? Does the agency or company have to advertise and give special benefits to those who begin work? Would the agency or company be willing to pay to have their present or future workers trained in the law?

We might find, for example, that there was a great need for Negro and Mexican-American insurance claims adjusters to work in their respective communities. If a sublegal personal injury course and a paralegal insurance adjusters course were both developed, much of the training would be applicable to both. Interviewing and investigative techniques would be taught. There would be instruction in the methods of negotiation and the amount of damages payable under certain circumstances. The focus of the training would be on the concept of negligence, especially as applied to automobile, property, and personal injury litigation and negotiation.

#### *D. Teaching Techniques*

A final area of our study must be concerned with the methods of teaching. Law schools have typically avoided using teaching assistants, even at the cost of having classes of 100 or more students. But for paralegal training, team-teaching by a number of advanced law students may be more effective than traditional law teaching. Students may be perfectly competent to teach the basic elements of a small area of law. The law student may be a more motivated teacher and engender more enthusiasm in his class. In other cases, it may be lawyers from the community who would be the best teachers, especially for the sublegals. In any event, an evaluation is necessary to decide who would make the best teacher in each particular set of circumstances.

Typical classroom techniques may not always be the best approach for all areas of legal training. For example, civil procedure might be taught by presenting a mock trial, in which students would interrupt to ask questions. Probably much or most of the training should take place on the job. Many of the necessary skills could be taught by practice in the environment where peculiarities of the procedures and personalities within the office can be assimilated. The variety of the post-training jobs is likely to be so great that classes will not be able to cover all the skills needed on any particular job. Research should indicate the amount and type of on-the-job training required.

Programmed teaching may be especially effective with under-educated students, who too seldom receive positive reinforcement

for their efforts in school. The students may be more easily motivated by a text which gives them encouragement as they answer questions correctly. Also, this may be a possible entry for programmed teaching into the general law curriculum. The basis of programmed teaching is the same as the traditional Socratic method, and it may be that in teaching only the more elementary concepts of a field of law, there is an advantage over the much larger task of writing programmed texts for a whole area of law.<sup>130</sup>

#### SUMMARY

One way to meet the increasing demand for legal services is through increased sublegal and paralegal training within law schools. Research indicates the continuing growth of a demand for legal services at a faster rate than the profession, as presently structured, can accommodate. Population growth, urban concentration, and increased education and wealth all put great pressure on the legal profession. Because most legal work must be performed by people rather than machines, the profession must search for cheaper labor. There are many potential trainees, if the legal profession will train and rely on sublegals and paralegals.

In many ways the medical profession has responded more wisely than the law to increased needs. Medicine has provided for extensive training and certification of aides and allied professionals. The legal profession has attempted to monopolize the provision of legal services through the concept of unauthorized practice of law. The law has been slower to adopt new technology, supervised specialization, or subprofessionals. As a result, paralegal jobs have developed with largely unsupervised, and sometimes unprincipled, non-lawyers doing legal work.

A great many sublegal and paralegal jobs are being performed. A few of them have been very efficiently organized while many are probably haphazardly organized. Clearly the field is too large for any one university to organize. More research is needed. The present structure and content of sublegal and paralegal occupations must be determined. Jobs must be subdivided, standardized, specialized, and performed on a mass production basis. Procedures, forms, and checklists must be prepared for curricula designed to teach non-lawyers how to do the greater part of many legal tasks. Research should indicate how long training will have to be, and how it should be distributed between classroom, or similar training, and on-the-job

<sup>130</sup> Healy, Freeman & Hartley, *Programmed Instruction, Teaching Machines and Their Possible Uses in Teaching Law*, 8 J. THE SOC'Y OF PUB. TEACHERS OF L. 275 (1965).



training. Especially, insofar as we are involved in teaching under-educated people, research is needed to devise and choose the most effective teaching methods.

## APPENDIX

### WARNING

INTERVIEWERS MAY NOT GIVE ANY LEGAL ADVICE

### LEGAL NEEDS OF POOR STUDY

UNIVERSITY OF DENVER COLLEGE OF LAW<sup>131</sup>

HELLO, I'M \_\_\_\_\_ . THE LAW SCHOOL AT THE UNIVERSITY OF DENVER IS TRYING TO FIND OUT ABOUT THE LEGAL NEEDS OF PEOPLE LIVING IN THIS CITY. WE'D APPRECIATE IT VERY MUCH IF YOU WOULD ANSWER A FEW QUESTIONS. THE INFORMATION YOU GIVE WILL BE KEPT COMPLETELY SECRET: THE POLICE, THE WELFARE PEOPLE—NOBODY CAN SEE ANY OF THIS INFORMATION EXCEPT SOME PEOPLE AT THE UNIVERSITY OF DENVER. WE DO NOT EVEN WANT TO KNOW YOUR NAME. ALL WE WOULD LIKE TO KNOW IS SOMETHING ABOUT YOU AND ANY LEGAL PROBLEMS YOU MIGHT HAVE RUN INTO SO THAT WE CAN FIND THE BEST WAY OF GETTING LEGAL HELP TO PEOPLE IN DENVER WHEN THEY NEED IT.

\*(If respondent asks why he was chosen)

YOUR HOUSEHOLD WAS JUST PICKED OUT OF A HAT. WE HAVE TO TAKE ADDRESSES THAT WAY SO WE CAN SEE WHAT A WHOLE NEIGHBORHOOD IS LIKE. YOUR HOUSE CAME UP JUST BY CHANCE.

WE WOULD APPRECIATE IT IF WE COULD SPEAK WITH THE HEAD OF YOUR HOUSEHOLD.

- (1) FIRST, I WOULD LIKE TO ASK YOU IF YOU FEEL THAT YOU OR ANY MEMBER OF YOUR FAMILY HAS NEEDED LEGAL ADVICE OR A LAWYER IN THE LAST FIVE YEARS?  
 \_\_\_\_\_Yes \_\_\_\_\_No

\*(If respondent answers "yes," ask)

- (2) WHAT WAS THAT ABOUT? Person \_\_\_\_\_ Issue \_\_\_\_\_

\*(Persons: e.g., respondent, spouse, father, mother, etc.)

- (3) ARE YOU OR ANY MEMBERS OF YOUR FAMILY DEALING WITH A LAWYER NOW? \_\_\_\_\_Yes \_\_\_\_\_No  
 Person \_\_\_\_\_ Issue \_\_\_\_\_

- (4) HAVE YOU, OR ANY MEMBERS OF YOUR FAMILY, TALKED WITH A LAWYER IN THE LAST FIVE YEARS?  
 \_\_\_\_\_Yes \_\_\_\_\_No

\*(If "yes," ask)

- (5) WHICH MEMBERS OF YOUR FAMILY TALKED TO A LAWYER? Person \_\_\_\_\_

<sup>131</sup>The questionnaire was the basic instrument used in Professor Sykes' study. Legal problems were identified by submitting the answered questionnaire forms to a panel of qualified attorneys. As a possible format for a legal checkup, it is an illustration of a legal service which is not presently provided for within the resources of the legal profession. Although the questionnaire has been renumbered and changed slightly as to form, all of the questions are reproduced.

(6) WHY DID YOU (or he, she) GO TO THE LAWYER?

(7) DID YOU GET A FAIR DEAL FROM THE LAWYER?

\_\_\_\_\_Yes \_\_\_\_\_No

\* (If "no," ask)

(8) WHAT HAPPENED? (Probes: cost too much, no results, he didn't care, didn't try).

(9) HOW DID THE PROBLEM TURN OUT?

(10) WHAT MONTH DID YOU (or he, she) FIRST GO SEE THE LAWYER? Month\_\_\_\_\_ Year\_\_\_\_\_

(11) HOW MUCH DID IT COST ALTOGETHER TO HAVE THE LAWYER? \$\_\_\_\_\_

\* (If respondent replied "no" to question 4 (i.e., did not have lawyer), but replied "yes" to question 1 (i.e., felt they needed a lawyer or legal advice) ask)

(12) YOU SAID BEFORE YOU THOUGHT YOU NEEDED LEGAL ADVICE, BUT YOU DIDN'T GO TO A LAWYER — WHY IS THAT? (Probes: cost, didn't think it would help, don't trust them, etc.).

(13) DID YOU OR ANYONE ELSE IN YOUR FAMILY SEE ANYBODY ELSE ABOUT A LEGAL PROBLEM IN THE LAST FIVE YEARS? \_\_\_\_\_Yes \_\_\_\_\_No

\* (If "yes," specify below)

(14) WHAT MEMBER OF YOUR FAMILY? Family member\_\_\_\_\_ saw\_\_\_\_\_

(15) WHO DID YOU (or he, she) SEE? Family member\_\_\_\_\_ saw\_\_\_\_\_

NOW I WOULD LIKE TO ASK YOU SOME QUESTIONS ABOUT THINGS YOU MAY OR MAY NOT HAVE BOUGHT IN DENVER IN THE LAST FIVE YEARS. SOMETIMES THERE ARE LEGAL PROBLEMS ABOUT THE THINGS PEOPLE BUY AND THAT IS WHY I WANT TO ASK THESE QUESTIONS.

(16) HAVE YOU OR ANY MEMBER OF YOUR FAMILY BOUGHT SOMETHING IN DENVER AND GOTTEN GYPED IN THE LAST FIVE YEARS? \_\_\_\_\_Yes \_\_\_\_\_No

\* (If "yes," ask the following)

(17) WHICH FAMILY MEMBER?

(18) WHAT DID YOU (or he, she) BUY?

(19) HOW MUCH DID IT COST ALTOGETHER? (Total) \$\_\_\_\_\_

(20) WHO DID YOU (or he, she) BUY IT FROM?

\_\_\_\_\_Peddler (door-to-door)

\_\_\_\_\_Friend, acquaintance

\_\_\_\_\_Neighborhood store

\_\_\_\_\_Downtown store

\_\_\_\_\_Discount store (neighborhood)

\_\_\_\_\_Discount store not in neighborhood

\_\_\_\_\_Chain store (neighborhood)

\_\_\_\_\_Chain store not in neighborhood

\_\_\_\_\_Other (specify)

(21) WHAT WAS WRONG WITH IT?

(22) DID YOU TRY TO GET YOUR MONEY BACK? \_\_\_Yes \_\_\_No

(23) (If "yes") WHAT DID YOU DO?

(24) THEN WHAT HAPPENED?

- (25) HAVE YOU OR ANYONE IN YOUR FAMILY BOUGHT SOMETHING ON CREDIT IN THE LAST FIVE YEARS, HERE IN DENVER, AND THEN LOST IT BECAUSE YOU COULDN'T MAKE THE PAYMENTS? \_\_\_\_ Yes \_\_\_\_ No
- \* (If "yes," ask the following)
- (26) WHAT FAMILY MEMBER BOUGHT IT?  
Family member \_\_\_\_\_ Item \_\_\_\_\_
- (27) WHAT DID YOU (or he, she) BUY?
- (28) DID YOU (or he, she) PAY ANYTHING DOWN?
- (29) HOW MUCH WERE THE PAYMENTS EACH MONTH?
- (30) HOW MANY PAYMENTS HAD YOU MADE WHEN THEY CAME AND GOT IT? (Record below)
- |              |               |               |
|--------------|---------------|---------------|
| Down _____   | Amt. of _____ | No. of _____  |
| Paym't _____ | Monthly _____ | Paym'ts _____ |
| Amount _____ | Payment _____ | Made _____    |
- (31) WHO CAME AND GOT IT?
- (32) DID THEY TAKE ANYTHING ELSE? \_\_\_\_ Yes \_\_\_\_ No  
(If yes, specify)
- (33) DID YOU STILL HAVE TO PAY MORE MONEY AFTER THEY TOOK IT BACK? \_\_\_\_ Yes \_\_\_\_ No
- \* (If "yes," ask) HOW MUCH DID YOU STILL HAVE TO PAY ALTOGETHER?
- (34) (Total Amount, *after* repossession) \$ \_\_\_\_\_.
- (35) DID YOU GET A PAPER TO GO TO COURT ABOUT THIS EXTRA MONEY? \_\_\_\_ Yes \_\_\_\_ No
- (36) DID YOU TALK TO A LAWYER ABOUT THE COURT PAPERS? \_\_\_\_ Yes \_\_\_\_ No
- (37) DID YOU TALK TO ANYBODY ELSE ABOUT THE COURT PAPERS? \_\_\_\_ Yes \_\_\_\_ No
- (38) DID YOU GO TO COURT? \_\_\_\_ Yes \_\_\_\_ No
- \* (If respondent answers "yes," ask)
- (39) WHAT HAPPENED IN COURT?
- (40) HAVE YOU, OR ANY MEMBERS OF YOUR FAMILY, LOANED MONEY TO SOMEONE IN DENVER IN THE LAST FIVE YEARS, AND THEN NOT BEEN ABLE TO GET IT BACK?  
\_\_\_\_ Yes \_\_\_\_ No
- (41) WHICH MEMBERS DID? Family member \_\_\_\_\_  
Total Amt. \_\_\_\_\_
- (42) HOW MUCH WAS LOANED? Family member \_\_\_\_\_  
Total Amt. \_\_\_\_\_
- (43) WHO WAS THE MONEY LOANED TO?  
(Check one) \_\_\_\_ Friend \_\_\_\_ Relative \_\_\_\_ Other (specify)
- (44) DID YOU GET ANYTHING IN WRITING ABOUT THE MONEY? \_\_\_\_ Yes \_\_\_\_ No
- (45) DID YOU TRY TO SUE TO GET THE MONEY BACK?  
\_\_\_\_ Yes \_\_\_\_ No
- \* (If "yes")
- (46) THEN WHAT HAPPENED?
- (47) HAVE YOU OR ANY MEMBERS OF YOUR FAMILY BORROWED MONEY FROM SOMEONE IN THE LAST FIVE YEARS AND NOT BEEN ABLE TO PAY IT BACK? IN THIS QUES-

TION WE JUST WANT TO KNOW ABOUT MONEY, NOT CREDIT OR MORTGAGES — JUST MONEY. \_\_\_\_Yes \_\_\_\_No

\*(If "yes," ask: If "no," skip to question 54)

(48) WHICH MEMBER OF YOUR FAMILY BORROWED MONEY?

(49) HOW MUCH MONEY WAS BORROWED?

(50) WHO DID YOU (or he, she) BORROW THE MONEY FROM?

Family Member \_\_\_\_\_ Amount \$ \_\_\_\_\_

Borrowed From \_\_\_\_\_

(51) DID YOU (or he, she) SIGN ANY PAPERS WHEN YOU BORROWED THE MONEY? \_\_\_\_Yes \_\_\_\_No

(52) DID THE OTHER GUY TRY TO SUE YOU? \_\_\_\_Yes \_\_\_\_No

\*(If "yes," ask)

(53) THEN WHAT HAPPENED?

THERE ARE A LOT OF LEGAL PROBLEMS THAT PEOPLE CAN HAVE IN CONNECTION WITH THEIR JOBS. I WOULD LIKE TO ASK YOU ABOUT YOUR JOBS HERE IN DENVER IN THE LAST FIVE YEARS.

(54) DID YOU GET HURT ON A JOB HERE IN DENVER IN THE LAST FIVE YEARS? \_\_\_\_Yes \_\_\_\_No

\*(If respondent says "no," skip to question 64)

(55) WHICH MEMBER OF YOUR FAMILY WAS HURT? (Specify)

(56) WHAT KIND OF INJURY OR SICKNESS DID YOU (or he, she) GET ON THE JOB?

(57) DID YOU GO TO THE DOCTOR BECAUSE OF IT?  
\_\_\_\_Yes \_\_\_\_No

(58) DID YOU FILE A CLAIM WITH ANYBODY? \_\_\_\_Yes \_\_\_\_No

\*(If "yes," ask)

(59) WHO DID YOU FILE THE CLAIM WITH? (Specify)

(60) DID YOUR BOSS TAKE CARE OF THE DOCTOR'S EXPENSES?  
\_\_\_\_Yes \_\_\_\_No

\*(If "no," ask)

(61) WHO DID PAY THE DOCTOR'S EXPENSES? (Specify)

(62) DID YOU LOSE A JOB IN THE LAST FIVE YEARS BECAUSE YOU WERE HURT, OR DID ANYONE IN YOUR FAMILY?  
\_\_\_\_Yes \_\_\_\_No

\*(If "yes")

(63) WHICH FAMILY MEMBER DID? (Specify)

(64) DID YOU OR ANY MEMBERS OF YOUR FAMILY HAVE A BOSS WHO DIDN'T PAY THE WAGES YOU HAD COMING IN THE LAST FIVE YEARS HERE IN DENVER?  
\_\_\_\_Yes \_\_\_\_No

\*(If "no," skip to question 70)

(65) WHICH MEMBER OF YOUR FAMILY WAS THIS? (Specify)

(66) DID HE EXPLAIN WHY HE WASN'T PAYING THE WAGES?  
\_\_\_\_Yes \_\_\_\_No (Specify)

(67) WERE THE WAGES GARNISHED? \_\_\_\_Yes \_\_\_\_No

(68) DID YOU OR ANYONE IN YOUR FAMILY LOSE A JOB BECAUSE OF GARNISHED WAGES IN DENVER IN THE LAST FIVE YEARS? \_\_\_\_Yes \_\_\_\_No

\*(If "yes," ask)

(69) WHICH MEMBER OF YOUR FAMILY WAS THAT? (Specify)

- (70) DID ANYONE IN YOUR FAMILY FILE BANKRUPTCY IN THE LAST FIVE YEARS IN DENVER? \_\_\_\_Yes \_\_\_\_No
- (71) WHO WAS THAT? (Specify)
- (72) WHY DID YOU (or he, she) DECIDE TO FILE BANKRUPTCY (Probes: garnishment, heavy debts)
- (73) HAVE YOU OR ANY MEMBERS OF YOUR FAMILY ASKED FOR UNEMPLOYMENT MONEY IN DENVER DURING THE LAST FIVE YEARS HERE IN DENVER? \_\_\_\_Yes \_\_\_\_No
- \* (If "no," skip to question 77)
- (74) WHO ASKED FOR THEM? (Specify)
- (75) DID YOU (or he, she) GET THE UNEMPLOYMENT BENEFITS YOU ASKED FOR? \_\_\_\_Yes \_\_\_\_No
- \* (If "no," ask)
- (76) WHY DIDN'T YOU GET THEM?
- (77) NOW I WOULD LIKE TO ASK YOU A FEW QUESTIONS ABOUT YOUR INCOME TAX. WHO MADE OUT YOUR INCOME TAX LAST YEAR? (Check one)
- |                                       |                     |
|---------------------------------------|---------------------|
| ____Respondent                        | ____A friend        |
| ____Accountant, tax adviser (private) | ____Social Worker   |
| ____IRS accountant                    | ____Other (Specify) |
- (78) (If respondent did not file an income tax return, check here\_\_\_\_)
- \* (If someone other than respondent made out income tax, ask)
- (79) DID THEY CHARGE YOU FOR IT? \_\_\_\_Yes \_\_\_\_No
- \* (If "yes," ask)
- (80) HOW MUCH DID THEY CHARGE YOU FOR IT?  
(Total charge) \$\_\_\_\_\_

MANY PEOPLE IN DENVER HAVE HAD SOME CONTACT WITH POLICE ABOUT DIFFERENT THINGS DURING THE LAST FIVE YEARS. I WOULD LIKE TO ASK YOU A FEW QUESTIONS ABOUT THE KINDS OF CONTACT THAT YOU MAY HAVE HAD WITH THE DENVER POLICE DEPARTMENT IN THE LAST FIVE YEARS.

- (81) HAVE YOU OR ANYONE IN YOUR FAMILY CALLED THE POLICE TO ASK THEM FOR HELP DURING THE LAST FIVE YEARS? \_\_\_\_Yes \_\_\_\_No
- (82) WHICH FAMILY MEMBER WAS THAT? (Specify)
- (83) WHAT DID YOU WANT THE POLICE TO DO?
- (84) DID THE POLICE DO WHAT YOU WANTED THEM TO DO? \_\_\_\_Yes \_\_\_\_No
- \* (If respondent says "no," ask)
- (85) DID THEY EXPLAIN WHY THEY WOULDN'T DO WHAT WANTED? \_\_\_\_Yes \_\_\_\_No
- (86) WHAT DID THEY SAY?
- (87) HOW DID THE POLICE TREAT AND TALK TO YOU OR YOUR FAMILY WHEN THEY CAME?
- (88) HAVE THE POLICE GIVEN YOU OR ANY MEMBERS OF YOUR FAMILY A TICKET OR A SUMMONS IN THE LAST FIVE YEARS IN DENVER? (Check one)
- |                          |
|--------------------------|
| ____Ticket               |
| ____Summons              |
| ____NO ticket OR summons |
- \* (If respondent replies "yes," ask, if "no," skip to question 95)

- (89) **WHAT WAS THE TICKET FOR?** Ticket \_\_\_\_\_  
Fair \_\_\_\_\_ Not Fair \_\_\_\_\_
- (90) **DO YOU THINK IT WAS FAIR OR NOT?** Ticket \_\_\_\_\_  
Fair \_\_\_\_\_ Not Fair \_\_\_\_\_

\*(If respondent says ticket was not fair, ask)

**WHY DO YOU THINK THE TICKET WAS NOT FAIR?**

- (91) **DID YOU TAKE THE TICKET (or summons) TO COURT AND FIGHT IT?** \_\_\_\_ Yes \_\_\_\_ No

\*(If respondent thought ticket wasn't fair, but didn't take it to court, ask)

- (92) **WHY DIDN'T YOU TRY TO FIGHT IT IF YOU THOUGHT IT WAS NOT FAIR?**

(Probes: cost too much; wouldn't do any good; didn't know I could)

- (93) **DID YOU GET A LAWYER ABOUT THE TICKET?**  
\_\_\_\_ Yes \_\_\_\_ No

- (94) **HOW DID YOU COME OUT IN COURT?**  
\_\_\_\_ Acquitted                      \_\_\_\_ Jail  
\_\_\_\_ Fine                                      \_\_\_\_ Probation  
\_\_\_\_ Other (Specify)

- (95) **HAVE YOU OR ANY MEMBERS OF YOUR HOUSEHOLD BEEN PICKED UP BY THE POLICE IN THE LAST FIVE YEARS IN DENVER?** \_\_\_\_ Yes \_\_\_\_ No

\*(If respondent says "yes," ask, if "no," skip to question 100)

- (96) **WHICH MEMBER OF YOUR FAMILY WAS PICKED UP?**  
(Record below)

- (97) **DID THEY GO TO COURT?** (Record below) ("yes" or "no")
- (98) **DID THEY HAVE A LAWYER?** (Record below) ("yes" or "no")
- (99) **WAS IT FAIR TO HAVE BEEN PICKED UP, OR NOT FAIR?**  
(Record below) ("yes" or "no")

Family Member	Had	Went to	Fair
Picked Up	Lawyer	Court	

- (100) **HAVE ANY MEMBERS OF YOUR HOUSEHOLD BEEN IN JAIL IN THE LAST FIVE YEARS IN DENVER?** \_\_\_\_ Yes \_\_\_\_ No

\*(If "yes," ask, if "no," skip to question 106)

- (101) **WHICH MEMBERS OF YOUR FAMILY WERE IN JAIL?**  
(Record below)

- (102) **DID THEY GO TO JAIL BEFORE OR AFTER THEY SAW A JUDGE OR DID THEY SEE A JUDGE AT ALL?**  
(Record below, with "before" or "after")  
Family Member              Before, After Judge              Did Not See Judge

- (103) **DID YOU (or he, she) HAVE A TRIAL OR NOT?** (Record below)

- (104) **WAS THE TRIAL FAIR OR NOT?** (Record below)  
Family Member              Trial (yes, no)              Fair (yes, no)

\*(If respondent says the trial was not fair, ask)

- (105) **WHY DO YOU FEEL THAT THE TRIAL WAS NOT FAIR?**

**NOW I WOULD LIKE TO ASK YOU SOME QUESTIONS ABOUT CARS AND DRIVING.**

- (106) **HAVE YOU OR ANY MEMBER OF YOUR FAMILY BEEN IN A CAR ACCIDENT DURING THE LAST FIVE YEARS?**

\*(If "yes," ask, if "no," skip to question 121)

- (107) **DID A POLICEMAN COME AND CHECK THE DAMAGE AT THE TIME OF THE WRECK?** \_\_\_\_ Yes \_\_\_\_ No

- (108) WHICH MEMBER OF YOUR FAMILY WAS DRIVING? (Specify)
- (109) WHO WAS AT FAULT?  
 Respondent  
 Other driver  
 Other family member (Specify)  
 Person driving other guy's car  
 Other (Specify)
- (110) WHO GOT THE TICKET? (Specify)
- (111) DID YOU HAVE INSURANCE AT THE TIME OF THE ACCIDENT?  Yes  No  Don't Remember  Other (Specify)
- (112) DID THE OTHER GUY HAVE INSURANCE AT THE TIME OF THE ACCIDENT?  Yes  No  I don't know
- (113) DID YOU GET YOUR CAR FIXED AFTER THE ACCIDENT?  
 Yes  No
- (114) WHO PAID FOR GETTING YOUR CAR FIXED? (Check one)  
 Respondent  Other guy  
 Respondent's ins. co.  Other guy's ins. co.  
 Other (Specify)
- (115) DID YOU GO TO A LAWYER ABOUT THE ACCIDENT?  
 Yes  No
- (116) WHAT DID HE SAY ABOUT THE ACCIDENT?
- (117) DID YOU SUE THE OTHER GUY TO GET YOUR MONEY?  
 Yes  No
- \*(If respondent says "yes," ask)
- (118) HOW DID THAT COME OUT?
- (119) DID THE OTHER GUY SUE YOU?  Yes  No
- \*(If respondent answers "yes," ask)
- (120) HOW DID THAT COME OUT?
- (121) HAVE YOU OR ANY MEMBERS OF YOUR FAMILY BEEN HURT IN A CAR ACCIDENT IN ANY WAY IN THE LAST FIVE YEARS?  Yes  No
- \*(If "yes," ask, if "no," skip to question 132)
- (122) WHICH MEMBERS OF YOUR FAMILY WERE HURT? (Specify)
- (123) WHAT HAPPENED?
- (124) WERE YOU DRIVING?  Yes  No
- (125) DID YOU OR ANY MEMBERS OF YOUR FAMILY GO TO THE DOCTOR OR TO THE HOSPITAL BECAUSE OF THE ACCIDENT?  Yes  No
- (126) WHO WAS AT FAULT IN THE ACCIDENT?  
 Respondent  Other guy
- (127) WHO PAID THE MEDICAL EXPENSES YOU HAD? (Check one, if necessary make comments)  
 Respondent  
 Other guy  
 Other (Specify)
- (128) HOW MUCH WERE THE MEDICAL EXPENSES IN ALL?  
 (Total Amount) \$ \_\_\_\_\_
- (129) WERE THERE ANY LAW SUITS BECAUSE OF THE ACCIDENT?  Yes  No
- \*(If "yes," ask)
- (130) WHAT HAPPENED BECAUSE OF THE LAW SUITS?  
 (Probes: who were parties? Outcome, esp. for respondent)

- (131) DID YOU SUE THE OTHER GUY? \_\_\_\_Yes \_\_\_\_No  
 (132) HAVE YOU OR ANYONE IN YOUR FAMILY HAD YOUR  
 (or their) DRIVER'S LICENSE SUSPENDED OR TAKEN AWAY  
 IN DENVER IN THE LAST FIVE YEARS? \_\_\_\_Yes \_\_\_\_No

\*(If "no," skip to question 136)

- (133) WHICH PERSON IN YOUR FAMILY WAS THAT? (Specify)  
 (134) WHY WAS IT TAKEN AWAY?  
 (135) DID YOU HAVE A LAWYER WITH YOU IN COURT WHEN  
 THE DECISION TO TAKE AWAY YOUR LICENSE WAS  
 MADE? \_\_\_\_Yes \_\_\_\_No \_\_\_\_Did not go to court

ANOTHER PLACE WHERE PEOPLE RUN INTO LEGAL PROBLEMS IS IN THEIR FAMILIES, WITH THINGS LIKE DIVORCE. I WOULD LIKE TO KNOW IF YOU MIGHT HAVE HAD ANY LEGAL PROBLEMS OF THIS KIND DURING THE LAST FIVE YEARS.

- (136) ARE YOU?: (Check appropriate items)  
 \_\_\_\_Married \_\_\_\_Divorced \_\_\_\_Remarried  
 \_\_\_\_Single \_\_\_\_Separated \_\_\_\_Widowed  
 (137) DO YOU HAVE CHILDREN LIVING WITH YOU?  
 \_\_\_\_Yes \_\_\_\_No  
 (138) HOW MANY BOYS DO YOU HAVE? (Total)\_\_\_\_\_  
 Age\_\_\_\_ Working\_\_\_\_ In school\_\_\_\_ In school and working\_\_\_\_  
 (139) HOW MANY GIRLS DO YOU HAVE? (Total)\_\_\_\_\_  
 Age\_\_\_\_ Working\_\_\_\_ In school\_\_\_\_ In school and working\_\_\_\_

\*(If respondent is a *WOMAN* and is divorced, separated, or widowed, ask the following question, if a *MAN*, skip to question 146)

- (140) ARE YOU SUPPOSED TO GET SUPPORT MONEY FOR *YOURSELF OR CHILDREN*? (Check proper items)  
 \_\_\_\_Yes, self \_\_\_\_Yes, children \_\_\_\_No, not for self or children  
 (141) DO YOU GET YOUR PAYMENTS?  
 \_\_\_\_Always \_\_\_\_Sometimes \_\_\_\_Never  
 \_\_\_\_Usually \_\_\_\_Not very often  
 (142) IS THE AMOUNT OF YOUR PAYMENTS FAIR?  
 \_\_\_\_Yes \_\_\_\_No \_\_\_\_Ambivalent

\*(If respondent replies "no," ask)

- (143) WHY DO YOU THINK THE AMOUNT IS NOT FAIR?  
 (144) CAN YOU DO SOMETHING ABOUT GETTING THE PAYMENTS MORE REGULARLY? \_\_Yes \_\_No \_\_I don't know  
 (145) HAVE YOU SEEN A LAWYER OR SOME OTHER AUTHORITIES ABOUT GETTING YOUR PAYMENTS MORE REGULARLY? \_\_\_\_Yes \_\_\_\_No

\*(If someone other than a lawyer, specify who)

\*(If respondent is a *MAN* and divorced or separated, ask the following)

- (146) ARE YOU PAYING SUPPORT FOR A WIFE OR CHILDREN FROM A PREVIOUS MARRIAGE? \_\_\_\_Yes \_\_\_\_No  
 (147) DID YOU GET A COURT ORDER TO DO THIS?  
 \_\_\_\_Yes \_\_\_\_No  
 (148) DO YOU THINK THE AMOUNT IS FAIR? \_\_\_\_Yes \_\_\_\_No

\*(If respondent answers "no," ask)

- (149) DO YOU THINK YOU MIGHT BE ABLE TO GET THEM CHANGED IF YOU SAW A LAWYER AND WENT TO COURT?  
 \_\_\_\_Yes \_\_\_\_No \_\_\_\_I don't know \_\_\_\_I doubt it



- (150) HAVE YOU TALKED TO A LAWYER OR SOMEONE ABOUT GETTING THEM CHANGED?  
 \_\_\_\_ Yes \_\_\_\_ No (If other person, specify)
- (151) AT THE TIME OF THE DIVORCE (separation) PROCEEDINGS DID YOU HAVE A LAWYER? \_\_\_\_ Yes \_\_\_\_ No
- (152) WHO TAKES CARE OF THE CHILDREN?
- | Person               | Number Caring For |
|----------------------|-------------------|
| ____ Respondent      | _____             |
| ____ Spouse          | _____             |
| ____ Friend          | _____             |
| ____ Relative        | _____             |
| ____ Foster Home     | _____             |
| ____ Other (Specify) | _____             |
- (153) DID A COURT MAKE THIS DECISION, OR WAS IT SOMETHING THAT YOU DECIDED? \_\_\_\_ Yes \_\_\_\_ No
- (154) DO YOU THINK THIS IS A FAIR ARRANGEMENT?  
 \_\_\_\_ Yes \_\_\_\_ No    Comments

ANOTHER PLACE WHERE PEOPLE SOMETIMES HAVE LEGAL PROBLEMS IS WITH THEIR HOUSING. I'D LIKE TO ASK YOU SOME QUESTIONS ABOUT HOUSING AND THE PLACES YOU'VE LIVED DURING THE LAST FIVE YEARS.

- (155) DO YOU OWN THE PLACE WHERE YOU LIVE OR DO YOU RENT? \_\_\_\_ Own \_\_\_\_ Rent
- (156) DID YOU BUY A HOME IN THE LAST FIVE YEARS?  
 \_\_\_\_ Yes \_\_\_\_ No
- (157) WHEN YOU BOUGHT YOUR HOME, WHO DREW UP THE PAPERS? \_\_\_\_ Lawyer \_\_\_\_ Real Estate Man \_\_\_\_ Other (Specify)
- (158) HAVE YOU HAD ANY SERIOUS ARGUMENTS WITH YOUR LANDLORD IN THE LAST FIVE YEARS? \_\_\_\_ Yes \_\_\_\_ No

\*(If "yes," ask, if "no," skip to question 172)

- (159) WHAT WAS THE ARGUMENT ABOUT?
- (160) HAVE YOU MOVED IN THE LAST FIVE YEARS BECAUSE OF AN ARGUMENT WITH THE LANDLORD?  
 \_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ Partly for that reason

\*(If respondent did move because of an argument, ask the following questions)

- (161) DID YOU GET ALL OF YOUR STUFF OUT WHEN YOU MOVED? \_\_\_\_ Yes \_\_\_\_ No
- (162) WHAT DIDN'T YOU GET, AND WHY:
- (163) DID YOU GET BACK ANY DEPOSITS THAT YOU HAD MADE? \_\_\_\_ Yes \_\_\_\_ Some money back \_\_\_\_ Got none back  
 \_\_\_\_ Didn't make any.
- (164) WHY DIDN'T THE LANDLORD GIVE IT BACK?
- (165) DID YOU TRY TO GET THE DEPOSITS BACK?  
 \_\_\_\_ Yes \_\_\_\_ No

\*(If "yes," ask)

- (166) WHAT DID YOU DO?
- (167) HOW MUCH DID YOU LOSE IN DEPOSIT MONEY?  
 (Total) \$ \_\_\_\_\_
- (168) DID YOU TRY TO GET YOUR STUFF BACK? \_\_\_\_ Yes \_\_\_\_ No
- (169) WHAT DID YOU DO TO TRY TO GET IT BACK?

(170) DID ANYTHING ELSE HAPPEN AFTER THE ARGUMENT?  
(If "yes," specify)

(171) HOW WAS THE ARGUMENT FINALLY ENDED?

NEXT I WOULD LIKE TO ASK YOU SOME QUESTIONS ABOUT  
DISCRIMINATION WHICH YOU MIGHT HAVE RUN INTO.

(172) DO YOU FEEL THAT YOU HAVE BEEN DISCRIMINATED  
AGAINST WHEN YOU TRIED TO BUY OR RENT A HOUSE  
IN DENVER IN THE LAST FIVE YEARS? \_\_\_\_Yes \_\_\_\_No

\*(If respondent answers "yes," ask)

(173) WHAT HAPPENED?

(174) DO YOU THINK YOU OR ANY MEMBERS OF YOUR FAMILY  
HAVE BEEN DISCRIMINATED AGAINST TRYING TO GET  
OR KEEP A JOB IN DENVER IN THE LAST FIVE YEARS?  
\_\_\_\_Yes \_\_\_\_No

\*(If "yes," ask)

(175) WHAT HAPPENED?

(176) ARE THERE PLACES IN DENVER YOU STAY AWAY FROM  
BECAUSE YOU THINK YOU WOULD BE DISCRIMINATED  
AGAINST? \_\_\_\_Yes \_\_\_\_No

\*(If "yes," ask)

(177) WOULD YOU NAME A FEW OF THEM FOR ME?

(178) HAVE YOU TRIED TO VOTE AND NOT BEEN ALLOWED TO  
IN THE LAST FIVE YEARS, OR HAS ANYONE IN YOUR  
FAMILY NOT BEEN ALLOWED TO? \_\_\_\_Yes \_\_\_\_No

\*(If respondent answers "yes," ask)

(179) WHY WERE YOU NOT ALLOWED TO VOTE?

(180) DID YOU VOTE IN THE LAST ELECTION FOR PRESIDENT?  
\_\_\_\_Yes \_\_\_\_No

(181) HAVE YOU VOTED SINCE THEN? \_\_\_\_Yes \_\_\_\_No

(182) HAVE YOU BEEN DISCRIMINATED AGAINST IN ANY WAY  
WHICH WE HAVE NOT COVERED? \_\_\_\_Yes \_\_\_\_No  
Comments

(183) HAVE YOU OR ANY MEMBERS OF YOUR FAMILY COM-  
PLAINED ABOUT DISCRIMINATION TO ANYONE IN DEN-  
VER IN THE LAST FIVE YEARS? \_\_\_\_Yes \_\_\_\_No

\*(If "yes," ask)

(184) WHOM DID YOU COMPLAIN TO?

(185) WHAT HAPPENED THEN?

(186) HAVE YOU OR ANY MEMBERS OF YOUR FAMILY ASKED  
FOR ANY KIND OF CITY, STATE, OR FEDERAL WELFARE  
HELP WHILE YOU WERE LIVING IN DENVER DURING  
THE LAST FIVE YEARS? \_\_\_\_Yes \_\_\_\_No

(187) (Specify answer given about not receiving welfare benefits)

(188) DID YOU GET THE HELP YOU ASKED FOR? \_\_\_\_Yes \_\_\_\_No

\*(If "no," ask)

(189) WERE YOU TOLD WHY YOU DIDN'T GET THE HELP YOU  
ASKED FOR?

(190) WHICH FAMILY MEMBER ASKED FOR THESE BENEFITS?  
(Specify)

(191) WHAT KIND OF HELP WERE YOU ASKING FOR? (Or he, she)  
Person\_\_\_\_\_Type of Help\_\_\_\_\_

- (192) HOW WERE YOU TREATED BY THE PEOPLE WHERE YOU APPLIED FOR THE MONEY? (Verbatim)
- (193) DO YOU THINK YOU HAVE GOTTEN LESS WELFARE MONEY THAN YOU HAD COMING? \_\_\_\_ Yes \_\_\_\_ No
- \* (If "yes," ask)
- (194) DO YOU FEEL THAT YOU OR ANY MEMBER OF YOUR FAMILY HAS BEEN TREATED BADLY IN A DENVER HOSPITAL IN THE LAST FIVE YEARS? \_\_\_\_ Yes \_\_\_\_ No
- (195) WOULD YOU TELL ME WHAT HAPPENED?  
(Probes: social *and* medical aspects)
- (196) HAS A CHILD OF YOURS BEEN EXPELLED FROM A DENVER SCHOOL DURING THE LAST FIVE YEARS? \_\_\_\_ Yes \_\_\_\_ No
- \* (If respondent answers "yes," ask, if "no," skip to question 202)
- (197) WHAT WAS HE (or she) EXPELLED FOR?
- (198) HOW LONG WAS HE (or she) EXPELLED FOR?  
(Months) \_\_\_\_\_ (Weeks) \_\_\_\_\_ (Days) \_\_\_\_\_
- (199) DID HE (or she) GO BACK TO SCHOOL? \_\_\_\_ Yes \_\_\_\_ No
- (200) WAS THE SCHOOL WHICH EXPELLED YOUR CHILD A DENVER PUBLIC SCHOOL OR WAS IT A PAROCHIAL SCHOOL? \_\_\_\_ Denver Public \_\_\_\_ Parochial School
- (201) HOW OLD WAS YOUR CHILD? Years \_\_\_\_\_

I KNOW THIS HAS TAKEN QUITE A BIT OF TIME AND THERE ARE JUST A FEW MORE QUESTIONS I WOULD LIKE TO ASK YOU. I WOULD LIKE TO KNOW SOME THINGS ABOUT YOU AND YOUR FAMILY AND WHAT YOU THINK ABOUT LEGAL PROBLEMS.

- (202) (Check sex of respondent: \_\_\_\_ Male \_\_\_\_ Female)
- (203) HOW LONG HAVE YOU LIVED IN DENVER?  
\_\_\_\_ Years \_\_\_\_ Months
- (204) ARE YOU WORKING AT THE PRESENT TIME?  
\_\_\_\_ Yes \_\_\_\_ No

\* (If respondent says "yes," ask)

- (205) WHAT DO YOU DO?

\* (If respondent says "no," ask)

- (206) HOW LONG HAS IT BEEN SINCE YOU HAVE WORKED?  
\_\_\_\_ Years \_\_\_\_ Months \_\_\_\_ Weeks \_\_\_\_ Days
- (207) WHAT KIND OF JOB DID YOU USED TO HAVE?
- (208) BESIDES YOURSELF AND YOUR CHILDREN, HOW MANY PEOPLE LIVE IN YOUR HOUSE (apartment) WITH YOU?  
Males \_\_\_\_ Age \_\_\_\_ Females \_\_\_\_ Age \_\_\_\_  
Total \_\_\_\_ Total \_\_\_\_
- (209) HOW FAR DID YOU GO IN SCHOOL?
- | Grammar School | High School | College |
|----------------|-------------|---------|
| ____1 ____5    | ____1       | ____1   |
| ____2 ____6    | ____2       | ____2   |
| ____3 ____7    | ____3       | ____3   |
| ____4 ____8    | ____4       | ____4   |

- (210) DID YOU GO TO ANY TYPE OF TRADE SCHOOL OR PROFESSIONAL SCHOOL? \_\_\_\_ Yes \_\_\_\_ No

- (211) WHAT KIND OF SCHOOL WAS THAT?  
Type \_\_\_\_\_ Years \_\_\_\_\_ Months \_\_\_\_\_

(212) HOW OLD ARE YOU? \_\_\_\_ Years \_\_\_\_ Months

\*(If respondent is married)

(213) WHEN YOU WERE MARRIED DID A MINISTER MARRY YOU, DID A JUDGE MARRY YOU, OR NEITHER?

(214) (Check one) \_\_\_\_ Judge \_\_\_\_ Minister \_\_\_\_ Neither (first time)

(215) \_\_\_\_ Judge \_\_\_\_ Minister \_\_\_\_ Neither (second time)

(216) \*(Interviewer, check appropriate ethnic-color group)

\_\_\_\_ Negro \_\_\_\_ White \_\_\_\_ Oriental

(217) I SAID BEFORE THAT WE DON'T NEED TO KNOW YOUR NAME, AND WE DON'T. BUT I WOULD LIKE TO KNOW IF YOU HAVE A SPANISH-AMERICAN NAME? JUST SAY YES OR NO. \_\_\_\_ Yes \_\_\_\_ No

(218) IT WOULD BE A GREAT HELP TO US TO KNOW HOW MUCH INCOME YOU HAVE EACH WEEK. WOULD YOU PLEASE TELL US ABOUT HOW MUCH MONEY COMES INTO YOUR HOUSEHOLD EACH WEEK, AND WHO BRINGS IT IN.

Respondent \_\_\_\_ Amount \$ \_\_\_\_ (per week)

Spouse \_\_\_\_ Amount \$ \_\_\_\_ (per week)

Child \_\_\_\_ Amount \$ \_\_\_\_ (per week)

Total \$ per week \$ \_\_\_\_\_

Welfare \_\_\_\_ Amount \$ \_\_\_\_ (per week)

Pensions \_\_\_\_ Amount \$ \_\_\_\_ (per week)

(219) NEXT I AM GOING TO READ OFF SOME THINGS YOU MAY OR MAY NOT OWN. IF YOU OWN THEM PLEASE SAY YES WHEN I READ THEM OFF TO YOU. DO YOU OWN:

\_\_\_\_ a car

\_\_\_\_ a dishwasher

\_\_\_\_ a refrigerator

\_\_\_\_ a washing machine

\_\_\_\_ a TV set

\_\_\_\_ a clothes drier

\_\_\_\_ a radio

\_\_\_\_ a sewing machine

\_\_\_\_ a vacuum cleaner

\_\_\_\_ a phonograph

(220) NOW I WOULD LIKE TO KNOW HOW MANY TIMES YOU AND MEMBERS OF YOUR FAMILY HAVE SEEN A DOCTOR AND DENTIST.

Doctor

Dentist

Respondent \_\_\_\_\_

\_\_\_\_\_

Spouse \_\_\_\_\_

\_\_\_\_\_

Child \_\_\_\_\_

\_\_\_\_\_

NOW WE WOULD LIKE TO KNOW THE BEST WAY OF GETTING INFORMATION ABOUT LEGAL HELP OUT TO PEOPLE. I WOULD LIKE TO KNOW ABOUT THE TV YOU WATCH, THE RADIO STATIONS YOU LISTEN TO, THE NEWSPAPERS YOU READ AND SO ON.

(221) ABOUT HOW MANY HOURS DO YOU AND YOUR FAMILY WATCH TELEVISION PER DAY? (Interviewer, convert this to amount watched per week) \_\_\_\_ Respondent \_\_\_\_ Spouse  
\_\_\_\_ Children

(222) ABOUT HOW MANY HOURS DO YOU LISTEN TO THE RADIO PER DAY? \_\_\_\_ Respondent \_\_\_\_ Spouse \_\_\_\_ Children

(223) ABOUT HOW MANY TIMES DO YOU READ A NEWSPAPER EACH WEEK?

(224) WHICH NEWSPAPER DO YOU LIKE BEST? (Specify)

(225) WHAT PART OF THE PAPER IS MOST INTERESTING TO YOU?

(226) WHAT CLUBS OR ORGANIZATIONS DO YOU BELONG TO?

Church  PTA  
 Social Club  Other (Specify)  
 Labor Union  Other (Specify)

(227) ABOUT HOW OFTEN DO YOU GO TO CHURCH A MONTH?

(228) WHAT CHURCH IS THAT?

(229) WHERE IS IT LOCATED?

(230) I AM GOING TO READ YOU A SHORT LIST OF PLACES WHERE PEOPLE MIGHT GO IF THEY NEEDED LEGAL ADVICE. WOULD YOU TELL ME IF YOU WOULD GO THERE WHEN I READ THE PERSON. SAY YES, NO, OR MAYBE

\*(Interviewer, record answer: Y—Yes, N—No, M—Maybe)

A minister  A doctor  
 A friend  A lawyer  
 A politician  A relative  
 A social worker

(231) WHICH OF THOSE PEOPLE WOULD YOU GO TO FIRST?  
 \_\_\_\_\_

(232) DO YOU KNOW IF DENVER HAS A LEGAL AID SOCIETY OR NOT?  Yes  No  Maybe, I'm not sure  I don't know

\*(If respondent answers "yes," on last question, ask)

(233) CAN YOU TELL ME WHERE THAT IS?

(If not exactly, approximately)  
 Respondent located exactly  Respondent located approximately  
 Respondent did not locate it

(234) DO YOU KNOW IF DENVER HAS ANY OTHER WAYS OF GIVING FREE LEGAL HELP TO PEOPLE?  Yes  No

\*(If respondent says "yes," ask)

(235) WHAT ARE THEY?

(236) WHERE ARE THEY?

(237) HAVE YOU USED ANY OF THOSE PLACES?  Yes  No

(238) WHICH ONES DID YOU USE?

(239) WHEN DID YOU USE THEM?

(240) I WOULD LIKE TO ASK ONE MORE QUESTION ABOUT FINANCES. DO YOU OWE MONEY TO ANYBODY NOW FOR THINGS YOU HAVE BOUGHT OR FOR ANY OTHER REASON, LIKE MEDICAL EXPENSES OR SOMETHING LIKE THAT?  Yes  No

Item \_\_\_\_\_ Amount Owed \$ \_\_\_\_\_  
 Money owed to \_\_\_\_\_ Total Owed \$ \_\_\_\_\_

THIS IS THE LAST GROUP OF QUESTIONS I WOULD LIKE TO ASK AND THEY WILL TAKE JUST A FEW MINUTES. WE ARE INTERESTED IN KNOWING HOW YOU FEEL ABOUT CERTAIN THINGS PEOPLE THINK ABOUT AND SAY IN A CITY LIKE DENVER. THERE ARE NO RIGHT OR WRONG ANSWERS: THESE ARE STATEMENTS THAT OTHER PEOPLE HAVE MADE AT ONE TIME OR ANOTHER, AND WE WOULD JUST LIKE TO KNOW WHAT YOU THINK, ABOUT THAT KIND OF STATEMENT.

(241) "WHEN I MAKE PLANS HERE IN \_\_\_\_\_ Definitely  Definitely  
 DENVER, I AM FAIRLY SURE I  Agree  Disagree  
 CAN MAKE THEM WORK."  Don't know  Don't care

- (242) "THE AVERAGE PERSON CAN INFLUENCE THE WAY THE GOVERNMENT OF DENVER IS RUN."  Definitely  Definitely  
 Agree  Disagree  
 Don't know  Don't care
- (243) "SOMETIMES I FEEL VERY MUCH ALONE IN MY NEIGHBORHOOD, HERE IN DENVER."  Definitely  Definitely  
 Agree  Disagree  
 Don't know  Don't care
- (244) "THE WAY THINGS ARE IN A CITY LIKE DENVER TODAY, PEOPLE CAN'T COUNT ON REALLY GETTING TO KNOW EACH OTHER VERY WELL."  Definitely  Definitely  
 Agree  Disagree  
 Don't know  Don't care
- (245) "BECOMING A SUCCESS HERE IN DENVER IS PRETTY MUCH A MATTER OF HARD WORK: LUCK HAS LITTLE OR NOTHING TO DO WITH IT."  Definitely  Definitely  
 Agree  Disagree  
 Don't know  Don't care
- (246) "GETTING A GOOD JOB HERE IN DENVER DEPENDS ON BEING IN THE RIGHT PLACE AT THE RIGHT TIME."  Definitely  Definitely  
 Agree  Disagree  
 Don't know  Don't care
- (247) "PEOPLE LIKE ME CAN'T DO MUCH TO PROTECT OURSELVES AGAINST SOME OF THE BIG ORGANIZATIONS IN DENVER."  Definitely  Definitely  
 Agree  Disagree  
 Don't know  Don't care
- (248) "WHETHER YOU LIKE IT OR NOT, WHAT GOES ON IN DENVER OR ANY PLACE ELSE IS MOSTLY A MATTER OF LUCK."  Definitely  Definitely  
 Agree  Disagree  
 Don't know  Don't care

JUST ANSWER THESE FOUR QUESTIONS BY SAYING "YES," "NO," OR "UNDECIDED."

- (249) IF A MEMBER OF YOUR FAMILY HAD COMMITTED A SERIOUS CRIME, WOULD YOU HELP HIM KEEP FROM GETTING CAUGHT?  
 Yes  No  Undecided
- (250) DO YOU KNOW OF A JUDGE WHO IN YOUR OPINION SHOULD BE REMOVED FROM OFFICE?  
 Yes  No  Undecided
- (251) IF YOU RECEIVED A LETTER TELLING YOU THAT YOUR REFRIGERATOR WAS ABOUT TO BE REPOSSESSED, WOULD YOU CALL A LAWYER?  
 Yes  No  Undecided
- (252) IF YOU KNEW SOMEONE WAS GAMBLING NEXT DOOR AND YOU SAW A POLICEMAN COMING, WOULD YOU WARN YOUR NEIGHBOR?  
 Yes  No  Undecided

THIS IS THE END OF THE INTERVIEW. THANK YOU VERY MUCH FOR YOUR TIME AND HELP. WE BELIEVE THAT THIS WILL BE OF A GREAT DEAL OF HELP IN KNOWING WAYS TO GET THE RIGHT KIND OF LEGAL INFORMATION TO PEOPLE IN DENVER WHO NEED IT. THANK YOU AGAIN VERY MUCH, YOU HAVE BEEN A VERY BIG HELP.

Name of interviewer \_\_\_\_\_  
Address of respondent \_\_\_\_\_  
Time of visit \_\_\_\_\_  
Date of visit \_\_\_\_\_

## STATUS OF INTERVIEW

- Complete  
 Incomplete  
 Refusal  
 No Contact

Length of Interview \_\_\_\_\_

ADDITIONAL COMMENTS: