

**LEGAL SERVICES VERMONT
AND
VERMONT LEGAL AID**

**STATEWIDE LEGAL NEEDS
ASSESSMENT**

DECEMBER 6, 2019



**VERMONT
LEGAL
AID**



**LEGAL
SERVICES
VERMONT**

WORKING TOGETHER FOR JUSTICE

EXECUTIVE SUMMARY

Vermonters face broad and substantial unmet civil legal needs. These needs are present across the entire spectrum of civil legal subject areas. This statewide study of legal needs reviewed a broad range of objective and subjective data, including requests for help to the system, web analytics, court data, and input through public meetings and surveys, to determine the most persistent areas of unmet civil legal need. We collected over 330,000 data points across multiple sources to assess these needs.

- **Housing:** Legal assistance with housing cases is, by most measures, the most consistent and ongoing civil legal need for the VLA/LSV client base. While eviction tops the list of housing needs, there are also significant needs around habitability, foreclosure, and a wide range of landlord-tenant disputes.
- **Family:** Legal assistance with family law runs a close second to housing, and by some measures presents the greatest level of unmet need. People identified the difficulty of navigating the family court system, the need for advice about how to pursue legal issues, and the need for in-court representation in contested cases.
- **Healthcare:** Healthcare is a high and consistent area of demand for services to the system, in numbers approaching the totals for Housing and Family. While generally funded by sources independent from general legal services, this is a critical area of need.
- **Other Needs:** The study also showed smaller but significant areas of legal need in a range of other subject areas: consumer debt collection, bankruptcy, Social Security and other public benefits, health care, crime victim assistance, wills and probate, employee rights, taxes, special education, truancy, and criminal record expungement.
- **Outreach:** The study identified a need for more direct contact by Vermonters with legal service providers. Participants in the study, especially those in more rural areas, want to see regular in-person advice clinics for housing, family, and general legal issues, the ability to access simple advice, help with forms, and basic help negotiating the legal system. At a minimum, there is a great need to get current, regularly updated information about the legal services system to every part of the state, especially to the more rural and isolated areas.

Some of these legal needs may be able to be met by adjusting case priorities to more closely match the demands identified by this study. But any meaningful efforts to meet the broad and persistent legal needs of Vermonters will only be met by expanding resources beyond their current levels.

The state's legal services partners—Vermont Legal Aid, Legal Services Vermont, the South Royalton Legal Clinic, the Vermont Bar Association, the Vermont Bar Foundation, the Access to Justice Coalition, and the more subject-specific legal support agencies—should review the information in this report and use it to assess current case and intake strategies in light of available resources. This discussion can then lead to a coordinated review of the best ways to address these unmet needs, and to identify new resources to expand the current legal services system.

ACKNOWLEDGEMENTS

Staff at both Vermont Legal Aid and Legal Services Vermont contributed significant time and effort to creating this report. Sam Abel-Palmer, the Executive Director at LSV, coordinated the effort and drafted the report. David Koeninger, Deputy Director at VLA, coordinated the effort on the VLA side, and provided particular support and participation in the statewide public meetings. Eric Schultheis at VLA analyzed the intake data and organized it into a useable format for this study. Amelia Schlossberg at VLA coordinated public outreach for listening sessions and surveys, and reviewed procedures to encourage broad inclusiveness. Jenn Philo and Kelli Kazmarski at VLA were very helpful in setting up local listening sessions, and many VLA staff members—especially staff in the Springfield office—were very helpful in promoting these meetings and attending them. Kris Surette at LSV provided the web analytics data and provided great assistance in publicizing the meetings and surveys through social media. Betsy Whyte at VLA and Sara Zeno at LSV provided ongoing assistance and support. And thanks to everyone, internal and external, who participated in meetings and surveys to provide input into the study.

OVERVIEW

During the summer and fall of 2019, Legal Services Vermont (LSV) and Vermont Legal Aid (VLA) conducted a statewide legal needs assessment. The last such assessment in Vermont was conducted in 2015. Guidance from the Legal Services Corporation and the ABA Standards for the Provision of Civil Legal Services recommends conducting these assessments periodically to ensure that providers of legal services place their limited resources in the areas of greatest need, and to make sure that legal services agencies effectively identify unmet legal needs.

In order to ensure a reliable statewide survey, the assessment used a variety of different data sources. The assessment looked both at Vermonters who received legal services from the current system and those who did not, and employed methodologies designed to identify and measure the needs of populations who have not been able to access legal services.

In 2018, the Legal Services Corporation conducted a Performance Quality Visit at Legal Services Vermont, and examined some of the broad parameters around how well the agency is meeting the legal needs of the community. Specifically, the study looked at the demographic data of LSV's cases, and compared that information with the general demographic makeup of the state of Vermont. The report concluded that LSV cases are proportionately distributed across the state by county, and generally track the (very small) minority population of the state, with somewhat higher representation of African-American clients, equivalent representation of Hispanic clients, and under-representation of Asian clients. The report did not provide conclusions about representation of New Americans. The report did not make any specific recommendations for changing outreach methods or improving service to underserved populations.

This current assessment more specifically targets the legal needs of Vermonters, both those that are currently covered under VLA/LSV priorities and those that are not. Further, this report looks at the needs of underrepresented communities and whether those needs differ from those of the broader population. This study will be used by VLA and LSV to review the current intake and screening priorities, and to determine if there is a need to revise these priorities to better meet the legal needs of our client base. The report will be shared with our other partner agencies and with the Vermont Access to Justice Coalition to encourage further discussion about what resources can be developed to meet these needs. Obviously, decisions about priorities and use of resources are not controlled only by the public's demand for services. Priority decisions also depend on many other factors such as the severity of the legal need, the potential impact of certain types of casework, the potential consequences for clients who lack representation, the availability of private attorneys willing to take on cases, and the availability of specific grant funding to support a particular type of work. But an understanding of the current gaps in the system is a critical factor that informs how we can best use the available resources to meet the legal needs of Vermonters.

METHODOLOGY

This study collected and analyzed data from the following sources:

Intake and Helpline Data

We collected two years of data from the Legal Services Vermont intake and quick advice helpline, for the calendar years 2017 and 2018, as recorded in the Legal Ease case management system. Data included both “cases” (full intake records) and “calls” (records of requests for assistance that did not result in a full intake for legal assistance). These data represent the collected inquiries and requests for service made by the public for legal assistance from Vermont Legal Aid, Legal Services Vermont, and any of the partner agencies for whom Legal Services Vermont conducts intake. The information was analyzed primarily based on the subject matter of the inquiry, using the LSV case management system records of Problem Area, Problems Code (based on the Legal Services Corporation CSR—case service reporting—codes), and Problem Detail (an additional level of information about legal issue type), to determine the highest volume areas of demand for service from those who were able to access the intake system. We also reviewed the data to determine what level of service these areas received, to identify which high-demand areas received legal assistance and which did not.

Website Data

We collected two years of web site analytics from the Legal Services Vermont/Vermont Legal Aid legal help website, Vtlawhelp.org. We used the period October 1, 2017 through September 30, 2019, and filtered the data to include only in-state web traffic and to exclude traffic from internal VLA/LSV staff. We also excluded page hits to the home page and general information pages, and included only hits to pages that contained some substantive legal information on a specific subject matter. The data were then analyzed based on the subject matter of the pages. We looked both at the broad legal categories of the page hits and at the specific subject matters viewed by users, paralleling as much as possible the same problem areas used for the Intake and Helpline Data.

Vermont Judiciary Data

We drew two years of data, 2017 and 2018, from the Vermont Judiciary system, using annual reports of court statistics published on the Vermont Judiciary website. We focused on the reported data from the Civil, Family, and Probate Divisions, excluding data from the Criminal Division and other smaller court divisions (since these cases are generally beyond the permitted scope of work under current VLA/LSV grants). These data were aggregated to show the volume of cases filed in Vermont courts during those years. Again, the data were organized as much as possible to parallel the same problem areas used in other data collection areas. The data were analyzed for the total volume of cases filed, to reflect the types of cases where Vermonters most often face in-court litigation. While the court does not currently publish statistics about pro se litigants in the system, the Judiciary was also able to provide us with a snapshot of the number of pro se litigants in the system on one recent day, to get a broad sense of how many Vermonters come to court without a lawyer.

Vermont 211 Data

We collected a year of data (2018) from the Vermont 211 website annual report. While this information does not specifically reflect legal needs, it does reflect areas where Vermonters were looking for short-term help for difficult situations, often involving legal implications. This information was, to the extent possible, organized to mirror the subject matters used in the other data collection areas, and analyzed to determine areas of highest need.

General Community Listening Meetings

We conducted a series of open public meetings to solicit feedback about community legal needs and concerns about accessing the intake system. Seven meetings were held throughout the state in October and November 2019. Locations were targeted both to achieve geographic distribution, to reach areas of significant low-income population, and to reach some areas where VLA/LSV does not have an office or ongoing presence. Meetings were held in Newport, St. Albans, Bennington, Brattleboro, Rutland, Montpelier, and Burlington. Meetings were advertised through social media and on our websites, e-mail outreach to partner agencies throughout the state, and a press release, which was picked up by several local media outlets. VLA and LSV staff were also encouraged to reach out to local communities to advertise the meetings, and especially to reach out to segments of the community that do not normally access our services. Staff from both VLA and LSV attended the meetings and took notes. These notes were then reviewed to identify the topics raised by participants as areas of concern, and then analyzed to identify the subjects most commonly identified. Specific ideas and suggestions made by participants were also collated to include in the report.

Targeted Community Listening Meetings

In order to ensure that we received feedback from more marginalized populations, besides the general public meetings, we engaged in outreach to several targeted organizations that work with minority Vermont populations, especially racial minorities and New American communities. Staff met with community members and staff from these groups, using the same methodology as the public input meetings, and the results were analyzed in the same manner.

Public Legal Needs Survey

We solicited public input about legal needs of Vermonters and barriers to access to legal services by using a publicly available survey on Survey Monkey. We publicized the survey on social media and on our websites, and through a widely distributed e-mail to our partner agencies statewide, along with requests to distribute the information widely. We also had paper handouts with a link to the survey at all of the public listening sessions, and the handout was also included with materials at several public outreach and training events through the fall. The survey was built primarily with open-ended questions to allow a wide range of feedback, and included simple demographic identifying information to determine the audience responding to the survey. The survey was left open for public comment for a period of approximately two months, with periodic reminders on social media about its availability.

Internal Legal Needs Survey

We solicited input about legal needs and barriers to access to legal services from the staff at Vermont Legal Aid and Legal Services Vermont through a separate internal survey on Survey Monkey. All staff were encouraged to take the survey at least once. Staff who are members of a subject-matter task force were encouraged to also fill out the survey from the specific perspective of that legal subject area. Staff were asked for anonymous input to identify case priority areas and to identify barriers to access to legal services that they have observed.

INTAKE AND HELPLINE DATA

Findings:

Overall Demand

As a preliminary review of legal needs, we collected the total number of inquiries made to the VLA/LSV intake system, based on the broad Problem Areas utilized for case service reporting by the Legal Services Corporation, for the years 2017 and 2018.¹ The totals of those inquiries are summarized below:

Table 1: Intake Inquiries

Problem Area	2017 Cases	2017 Calls	2018 Cases	2018 Calls	Total Cases	Total Calls	Grand Total	% of total inquiries
Housing	1529	3470	1796	3108	3325	6578	9903	39%
Family	604	2309	604	1963	1208	4272	5480	22%
Consumer	571	783	607	734	1178	1517	2695	11%
Benefits	413	521	421	360	834	881	1715	7%
Miscellaneous	164	582	191	617	355	1199	1554	6%
Employment	126	557	156	440	282	997	1279	5%
Individual Rights	80	322	217	401	297	723	1020	4%
Health ²	215	263	212	262	427	525	952	3%
Education/Juvenile	173	207	195	219	368	426	794	3%
Total	3875	9014	4399	8104	8274	17118	25392	100%

There are several factors to note in the analysis of these numbers:

- The division between “Cases” and “Calls” is a function of the VLA/LSV case management system. “Calls” are, in general, records of a request for assistance by telephone or walk-in that did not result in a full case being opened. “Cases” are requests for assistance that either did result in a full case being opened, or requests that came in that resulted in written materials being sent out, or any inquiry that came into the system from a help request form on our statewide legal help website. For purposes of the overall assessment of legal needs, we are mostly viewing these numbers in the aggregate to determine overall level of demand for service, whether or not the request resulted in a case being opened.
- In collecting data about case and call inquiries, cases and calls coded with the Problem Code “Other Miscellaneous” have been factored out of the total. The great majority of these calls are inquiries about criminal defense representation, and so outside the scope of the survey of civil legal needs.

¹ For this study, the two LSC areas of Education and Juvenile have been combined. There are very few contacts solely in the Juvenile area, and the concerns in the two areas often overlap.

² This figure does not include intake for VLA’s Office of the Health Care Advocate—see note following the chart.

- The “Health” category data does not include inquiries made to the Office of the Health Care Advocate (HCA). This office is part of Vermont Legal Aid, but has its own intake system. These calls represent a significant part of the demand for legal services statewide. On average, during the period of this study, HCA received about 4000 inquiries for services each year. The data included in the chart above represent healthcare-related inquiries that are not generally handled by the HCA, such as long-term Medicaid eligibility or access to Assistive Technology. If the HCA intakes were included, healthcare would account for about 24% of the total, and would be in the second place in overall volume just below Housing and above Family.
- The “Miscellaneous” category covers several areas, but primarily represents requests for help with wills, estates, and other probate-related matters, along with requests for assistance with tort/personal injury cases and licensing matters (professional licenses and motor vehicle licenses).

In this two-year period, housing represents by far the highest demand area, almost 40% of total inquiries. Family issues are also a significant percentage of demand, at 22%. Consumer issues (primarily bankruptcy and debt collection) come in next, the only other area over 10% of the total. Of the remaining areas, Benefits is a smaller but significant area of demand, followed in decreasing order by Miscellaneous, Employment, Individual Rights, Health, and Education/Juvenile.

Specific Areas of Demand:

Within the general areas outlined above, the following are the highest areas of demand, as defined by specific legal issues within the broader problem area, for the period 2017-2018. The subject areas are followed by the percentage of total inquiries in that legal area; for example, non-payment evictions represent 18% of all housing inquiries.

Housing:³

- Eviction for Non-Payment (18%)
- General Landlord-Tenant Disputes/Rental Housing Advice (17%)
- Habitability (11%)
- Eviction for Cause/No Cause (10%)
- Mortgage Foreclosure (7%)
- Security Deposit Disputes (4%)
- Housing Discrimination (3%)

³ In general, these sub-areas reflect the LSC “Problem Codes” which are used for case reporting purposes by all LSC agencies. For Housing cases, we have not used the LSC codes, which mostly reflect housing type rather than legal issue; instead, we have used our own “Problem Detail” codes to identify the most common legal issues in housing cases. Housing cases cover a broad range of issues, and so there are many categories that individually represent only a small percentage of inquiries, but collectively represent a fairly large percentage of calls, such as various disputes around subsidized housing, home ownership, property taxes, etc. Since housing is by far the largest overall area of inquiry, even the smaller percentage areas represent a significant number of callers.

Family:

- Custody (33%)
- Divorce (24%)
- Domestic Abuse (20%)
- Child Support (6%)
- Adult Guardianship (4%)

Consumer:

- Debt Collection (35%)
- Bankruptcy (28%)
- Contracts/Warranties (18%)
- Unfair and Deceptive Trade Practices (9%)

Benefits

- Social Security (69%)
- Food Stamps/3SquaresVT (10%)
- Unemployment Compensation (8%)
- TANF/Reach Up (3%)

Miscellaneous:

- Wills and Estates (55%)
- Torts (24%)
- Advanced Directives and Powers of Attorney (14%)

Employment:

- Wage Claims and Employee Rights (28%)
- Employment Discrimination (23%)
- Taxes (19%)

Individual Rights:

- Crime Victim Assistance (48%)
- Disability Rights (19%)
- Criminal Record Expungement (9%)⁴

Health:⁵

- Long Term Care/Home Health Care (42%)
- Medicaid (37%)

⁴ Toward the end of the data collection period, VLA significantly expanded its program in criminal record expungement, and so this percentage has likely grown in 2019.

⁵ Again, these numbers do not reflect HCA areas of inquiry.

Education/Juvenile:

- Special Education (56%)
- Neglect/Abuse (11%)
- Minor Guardianship (8%)
- School Discipline (7%)

Level of Service:

In order to determine what percentage of the total inquiries resulted in full or partial representation by VLA/LSV staff under current intake priorities, we sorted the legal topics of inquiries for service by the disposition code attached to each inquiry (i.e., what level of service the caller received). The results are outlined in the following table:

Table 2: Level of Service by Problem Area

Problem Area	Some Direct Representation	Counsel and Advice Only	Information and Referral Only	Less than I&R ⁶
Housing	23%	12%	47%	18%
Family	8%	7%	65%	20%
Consumer	20%	13%	51%	16%
Benefits	42%	12%	33%	13%
Miscellaneous	6%	7%	63%	24%
Employment	20%	2%	62%	16%
Individual Rights	19%	3%	64%	14%
Health	39%	14%	42%	5%
Education/Juvenile	46%	2%	34%	18%

These figures show a wide disparity in the level of service based on problem area, especially in the number of cases that receive the highest level of representation. This highest level of service ranges from a high of 46% to a low of 8%. This difference can be attributed to current intake priorities. For example, virtually all special education cases are screened in for at least some significant level of advice, while for family cases, only cases involving domestic violence get a similar level of assistance.

Conclusions:

The intake data paint a clear picture of the basic demand for legal services that come into the VLA/LSV “front door.” Looking at the overall intake data, housing is the area that dominates inquiries, representing 39% of all requests for service. Family is the next most common area of inquiry; these two areas together account for over 60% of all requests for service. Money-related issues—consumer and public benefits—together add another 18% of all

⁶ This column represents a range of outcomes, but mostly callers who left a message and were not contacted after a first attempt. This data set frequently includes duplicates, e.g., when a caller was not initially contacted, but later completed an intake and received service. As a result, this figure over-represents the number of callers who did not receive service.

inquiries. These are the traditional “core” legal services areas of common need among low-income populations, and together they represent nearly 80% of all requests for service from Vermonters seeking legal help from our agencies. The remaining areas represent smaller demand levels, though often include pockets of specific legal interest (and targeted grant funding) such as the provision of wills for seniors, disability rights, long-term health care, special education, or criminal record expungements, which account for small but important intake streams.

Looking at the sub-topics within the broader legal needs, the patterns vary significantly. In housing, several sub-topics—evictions, habitability, and general landlord-tenant advice—rise to the surface, but the overall picture shows that the need is spread over a broad area of diverse housing-related problems. In other areas, the need is more clearly focused. For example, in family law, custody and divorce heavily dominate the inquiries, with a significant (and important) percentage of domestic violence cases. Bankruptcy and debt collection dominate consumer inquiries, and benefits inquiries are even more dominated by Social Security issues. Wage claims, currently not a priority area for either agency, is an area of moderately high demand. The areas of highest demand in health care and education likely reflect specialized funding that has been available to cover these areas, and thus the greater number of clients who are referred to our agencies in these areas.

Table 2, which looks at the level of service, provides some interesting reflections of the current VLA/LSV priorities, and where resources have been placed to meet demand. In housing, about one third of all callers get some level of advice or representation, but given the large number of inquiries in this area, a great many people still go without significant representation, and only get some level of information or referral. That situation is even more pronounced for family cases, where only 8% of inquiries get something approaching full representation, and only another 7% get basic advice. Given the high percentage of overall inquiries in the family area, this gap represents the highest area of unmet need. In other areas, such as benefits, health, and education, a relatively high percentage of callers get representation, often due to specialized programs and grants to cover these areas.

WEBSITE DATA

Findings:

Overall Website Traffic

Google Analytics data from the joint LSV/VLA legal information website, Vtlawhelp.org, provides a different window into the legal needs of Vermonters. The site gets a substantial amount of traffic. In the most recent calendar year, there were over 100,000 unique users and over 250,000 page hits. Not all of this traffic is relevant to the present study. The site gets significant traffic from out-of-state users, as well as substantial use internally by VLA and LSV staff. In order to focus the data to reflect current legal needs of Vermonters, we filtered the data to include only in-state users, and to exclude in-house staff use. We also filtered out traffic to the home page and general information and intake pages, as these do not provide information about user interest in specific legal areas. We used a slightly different time window here to get the most up-to-date information, drawing on a two year period from October 1, 2017 to September 30, 2019.

The resulting information draws on a different demographic than the intake data. First of all, this is a significantly larger data set. The intake data presented above encompasses a total of 25,392 data points over a two year period. The web data, even filtering out the non-relevant information, encompasses 218,862 data points over an equivalent time span, or 8.6 times the volume of information. While many of the web users are also people who contacted the agencies through the intake process (some using our online help request form), the web data necessarily represents a much larger sample of the Vermont public, and encompasses many people who are not current clients of the agencies. Because there is no income screening for use of the web site, the data presumably encompass users from a wide range of income levels, though the analytics do not collect this information. The usage also presumably encompasses both current and potential clients and service providers, as well as people who might not engage with the agencies at all. Obviously, the information here includes only Vermonters with internet access, which likely screens out a significant percentage of very low income and vulnerable Vermonters (though the site is available in public libraries and is also used by service providers giving assistance to people who may not have access on their own). Given the large volume of the data—the relevant page hits equal approximately one third of the population of the entire state—they represent a significant window into what kinds of legal problems Vermonters face, and where they need the most help.

The overall usage of the substantive pages of the web site, organized by the broad Problem Area codes, is as follows:

Table 3: Total Website Hits by Problem Area

Problem Area	Page views	% of page views	% of page views excluding Health
Family	61830	28%	36%
Housing	57456	26%	33%
Health	44700	20%	n/a

Consumer	20372	9%	12%
Individual Rights	12379	6%	8%
Miscellaneous	7666	4%	4%
Benefits	6709	3%	3%
Employment	5534	3%	3%
Education/Juvenile	2198	1%	1%
Total	218862	100%	100%

The data here are presented both with and without Health as an included topic. As noted in the previous section, Vermont Legal Aid’s Office of the Health Care Advocate operates its own intake system and receives independent funding, and so that information was not included in the prior analysis of intake data. The Vtlawhelp.org website includes a great deal of information about healthcare, and this traffic represents a significant portion of web traffic.⁷ Therefore, this area clearly represents a major area of legal need for the public, but a need that is, by and large, addressed independently in our current legal service delivery system.

Excluding healthcare data, the pattern of demand here is even more apparent than in the intake data. Family law and housing dominate the web traffic by a significant percentage, representing nearly 70% of all visits to pages with substantive legal information. Consumer and Individual Rights (including disability rights, many senior issues, general civil rights, and immigration) represent the next major areas, and all other areas come in far behind.

Specific Website Traffic

Within the broad categories above, the following are the pages with the heaviest traffic. These figures do not include general landing pages within the substantive areas. The listing includes the number of hits; the percentage indicates the percentage of web hits within that problem area; e.g., the divorce page represents 16% of the total hits on family law pages.⁸

Family:

- Divorce (general) (10064 page views, 16% of all family law page views)
- Custody/Visitation/Parental Rights and Responsibilities (7371, 12%)
- Starting a Divorce (3087, 5%)
- Child Visitation and Support (3038, 5%)
- Best Interests of the Child (2616, 4%)

Housing:

- Renter Rebate (4444, 8%)
- Eviction Process (4245, 7%)
- Notice Against Trespass (3135, 5%)

⁷ Interestingly, though not an exact parallel, the percent of web traffic for healthcare, 20%, is close to the percentage of HCA staff compared to the total advocacy staff in the two agencies, which is about 19%.

⁸ In areas with broad traffic, such as family and housing, traffic is spread across many sites, and so the total percentages of the highest traffic pages listed are well below 100%

- Reasons for Eviction (2338, 4%)
- Security Deposits (1875, 3%)
- Eviction Court Process (1845, 3%)

Health:

- Medicaid Income Limits (15462, 35%)
- Medicaid Covered Services (2218, 5%)
- Dental Services (2217, 5%)
- Vermont Choices for Care (2043, 5%)

Consumer:

- Small Claims Court (2555, 13%)
- Starting a Small Claims Case (2448, 12%)
- Bankruptcy (1074, 5%)

Individual Rights:

- Criminal Record Expungement (3346, 27%)
- Disability (1981, 16%)
- Seniors (1646, 13%)

Miscellaneous:

- Financial Power of Attorney (2890, 36%)
- Wills and Trusts (2617, 34%)
- Opening a Probate Estate (721, 9%)

Benefits:

- 3SquaresVT Income and Resources (1486, 22%)
- Social Security Benefits (1077, 16%)
- Energy Assistance Programs (637, 9%)

Employment:

- Worker's Rights (1238, 22%)
- Work/Employment General (993, 18%)

Education/Juvenile:

- Bullying/Harassment (1728, 48%)
- Special Education (787, 20%)
- School Attendance/Truancy (739, 18%)

As with the high-volume areas in the intake data, the two primary areas of website traffic, family and housing, encompass a broad range of different pages. In family, divorce and custody represent the largest areas of traffic, while the domestic abuse pages also get significant traffic.

In housing, the traffic is spread widely among many different pages, though collectively eviction is the most common area, followed by the “self-help” oriented pages such as renter rebate and notice against trespass. In health care, Medicaid financial eligibility represents a very high percentage of overall traffic, indicating high need around low-income health insurance. Consumer and benefits traffic is spread relatively evenly around several areas. In the smaller traffic topics, some specific areas stand out, especially criminal record expungement, wills, financial powers of attorney, worker’s rights (especially around hiring/firing), special education, and truancy.

Notably, several of the high-traffic web pages represent areas that do not currently fall within current VLA/LSV priorities. Besides the obvious areas of non-DV divorce and custody, these areas include renter’s rebate, notice against trespass, small claims, school bullying, worker’s rights, and truancy. While callers can get limited advice and legal information in these areas from the LSV helpline, there are currently no specific intake priorities for them.

Conclusions:

The Vtlawhelp.org website traffic data generally falls into a similar pattern as the intake data, with family and housing dominating the volume. In this dataset, family issues occupy first place, representing over a third of the total volume, with a specific focus on divorce and custody. Housing comes in a close second for overall traffic, also at about a third of total volume, with eviction being the most common area of interest, but with a wider spread of topic areas. Consumer traffic on the site mirrors the intake data, at about 11% of total volume. Other areas represent a much lower percentage of overall volume, though still represent significant volume of traffic, given the overall high volume on the site. As with intake data, some of the highest traffic areas in these smaller topics represent legal issues where VLA/LSV have placed intake priorities, such as special education and criminal record expungement. The data do not reflect whether there is a causal link here—that is, whether people come to these pages because the agencies provide service in these areas, or whether the agencies have correctly determined that these subjects should be intake priorities due to significant public interest. But within the broad analysis of demand, family and housing are the greatest areas of public interest.

VERMONT JUDICIARY DATA

Findings:

The Vermont Judiciary reports the following data for newly filed cases:

Table 4: Vermont Judiciary New Cases by Type (F=Family, C=Civil, P=Probate)

Case Type	2017	2018	Total	% of total cases
Child Support (F)	6954	6483	13437	17%
Domestic Post-Judgment (F)	3980	3704	7684	10%
Small Claims (C)	3112	4428	7540	10%
Administrative (P)	3406	3294	6700	9%
RFA (F)	3125	3380	6505	8%
Divorce (F)	2452	2369	4821	6%
Landlord/Tenant (C)	1783	1746	3529	4%
Estate—Testate (P)	1439	1448	2887	4%
CHINS (F)	1147	1352	2499	3%
Mental Health (F)	1104	1101	2205	3%
Collections (C)	1056	1100	2156	3%
Parentage (F)	1050	989	2039	3%
Foreclosure (C)	883	983	1866	2%
Estate—Intestate (P)	986	874	1860	2%
Civil Stalking	883	959	1842	2%
Delinquency (F)	857	913	1770	2%
Name Change (P)	635	645	1280	2%
Adult Guardianship (F)	508	491	999	1%
Tort (C)	497	447	944	1%
Prisoner (C)	451	390	841	1%
Adoption—Child (P)	416	371	787	1%
Guardianship—Minor	381	400	781	1%
Miscellaneous Civil (C)	368	293	661	1%
Domestic Relations—Other (F)	345	314	659	1%
Termination of Parental Rights (F)	310	293	603	1%
Contracts (C)	292	301	593	1%
Appeals (C)	130	119	249	<1%
Declaratory Relief (C)	93	105	198	<1%
Real Property (C)	68	77	145	<1%
Trusts (P)	64	57	121	<1%
Guardianship—Unknown (P)	59	57	116	<1%
Adoption—Adult (P)	48	54	102	<1%
Government Enforcement (C)	56	45	101	<1%
Government Claims (C)	35	42	77	<1%
Employment (C)	18	20	48	<1%
Emancipation (P)	10	10	20	<1%
Total	39001	39654	78655	100%

There are several preliminary things to note about these figures. First, they do not include new cases in the Criminal Division or Judicial Bureau, as these cases do not come within the scope of the provision of civil legal services. The figures from the Environmental Division are also not included, as these are largely out of the expertise of our system and reflect a small number of total cases (about 200 each year). The Probate administrative cases are included on the list above, but only for reference purposes, as these are largely non-adversarial and do not involve issues that clients tend to bring to the intake system. A number of case types represent significant need, but are already handled by another part of the justice system; for example, CHINS, delinquency and TPR cases are generally handled by public defenders, and mental health cases are handled by VLA through a contract with the state. Some cases types, however, heavily impact the intake system and represent significant legal needs of Vermonters. “Domestic Post Judgment” involves all divorce and custody enforcement and modification filings, and Small Claims primarily consists of debt collection cases under \$5000.

Adapting these numbers to the LSC case categories employed in the previous sections produces the following breakdown:

Table 5: Vermont Judiciary Cases by LSC Problem Area

Problem Area	2017	2018	Total	%
Family	21439	20901	42340	59%
Consumer	4921	6227	11148	15%
Miscellaneous ⁹	3810	3647	7457	10%
Housing	2734	2806	5540	8%
Individual Rights	1425	1406	2831	4%
Education/Juvenile	1248	1323	2571	4%
Employment	18	20	38	<1%
Health	0	0	0	0%
Benefits	0	0	0	0%
Total	35595	36330	71925	100%

Viewed in this way, the level of need is clear. Family cases dominate the non-criminal docket. Specifically, child support, post-judgment domestic cases, relief from abuse, divorce, and parentage all represent voluminous dockets. Consumer cases come in as the next highest volume docket, driven primarily by the high volume of small claims debt collection cases. The miscellaneous category primarily represents various probate issues, and then housing cases, consisting almost exclusively of eviction and foreclosure. Health and Benefits cases do not show up in this dataset at all, largely because legal challenges to denials of these services are heard in administrative proceedings, rather than in the courts; their absence here does not therefore indicate a lack of legal need.

⁹ The Probate administrative cases were excluded from this list, since they generally do not involve client litigation of any kind and do not represent requests for assistance to the intake system.

The current VLA/LSV intake numbers do not show an equivalent high volume of calls in child support cases. These are mostly cases filed by the Office of Child Support, and only secondarily involve potential client plaintiffs. Most of the other high-volume case types are of the type that often disproportionately impact low-income and vulnerable populations: custody disputes, domestic violence, debt collection, eviction and foreclosure. These numbers are consistent with the equivalent high volume of client requests for services in these areas.

We also looked at the number of litigants in Vermont Judiciary cases who appear pro se (without a lawyer). The Judiciary currently does not provide formal data on this statistic. The Judiciary was able to pull a snapshot of active cases in the system on a single day, November 1, 2019, thus providing some information about current trends regarding the types of cases where clients are unable to get in-court representation. The information provided is as follows:

Table 6: One-Day Snapshot of Pro Se Representation in Vermont Courts

Case Type	Number of pro se litigants in active cases on that day	% of total litigants in that case type appearing pro se on that day
Guardianship (proposed guardian)	79	96%
Landlord/Tenant (defendant)	528	91%
Collections (defendant)	416	89%
Foreclosure (defendant)	1160	80%
Parentage (either party)	690	80%
Divorce/Separation (either party)	1125	57%
Intestate estate (administrator)	435	56%
Landlord/Tenant (plaintiff)	97	22%
Collections (plaintiff)	3	1%

While only a snapshot, these figures show significant legal need within the system. In many cases of the type previously identified as high legal need areas, litigants come to court in very high numbers without representation.¹⁰ In the landlord/tenant docket—primarily eviction cases—91% of tenants appear pro se, while 78% of landlords have representation. The disparity is even wider in the collections docket, where 89% of defendants appear without an attorney, while 97% of plaintiffs are represented. Foreclosure also represents an area of high need, especially given the high stakes of losing one’s home. The 57% pro se rate in divorce cases is somewhat less stark, but given the very high numbers of family cases noted above, this percentage still represents a very large group of pro se litigants, and presumably includes a heavy representation of low-income litigants. The numbers of litigants listed here only accounts for open cases on one recent day in the system—played out over a year, the numbers of pro se litigants in these cases is significantly higher.

¹⁰ The highest area of pro se appearance—persons seeking to become guardian over another person, does not appear significantly in other measures, while guardianship respondents often have a court appointed attorney.

Conclusions:

The Judiciary data highlights the very high need across the state for legal assistance with family cases. Even excluding child support cases filed by the Office of Child Support, these cases represent approximately 40% of all civil cases filed in the state. Not all of these cases involve low-income litigants. But given the very high volume of these cases in general, it is likely that low-income family litigants represent a very high level of need, without an equivalent level of service currently available in the legal services system. While consumer and housing cases represent a smaller percentage of the overall docket, these two areas consist, to a very significant degree, of low-income litigants who are defendants in eviction, foreclosure, and debt collection actions. As shown by the snapshot of cases with pro se litigants, these same areas also represent large swaths of the population who face serious, often life-changing, litigation without representation. Based on the judiciary data, then, these three areas—family, housing, and consumer—constitute the highest level of need for Vermonters who are actively engaged with the courts.

VERMONT 211 DATA

Findings:

Vermont 211 keeps annual statistics on the calls coming into its statewide system, and where these calls were referred. Since 211 is primarily an information resource rather than a service provider, the referrals are the primary indicator of needs throughout the state. Notably, though, 211 also provides after-hours intake for emergency housing. In 2018, Vermont 211 reported a total of 41223 contacts. The highest volume of referrals resulting from those contacts is as follows; this list includes all areas with 100 or more referrals:

Table 7: 2018 Vermont 211 Contacts by Volume

Referral Type	Number of contacts
Housing/Shelter	9119
Information Services	3432
Tax Services	2330
Public Assistance Programs	2272
Temporary Financial Assistance	902
Utilities	773
Legal Assistance Modalities	714
Mental Health Assessment/Treatment	705
Older Adult Services	681
Health Support Services	638
Legal Services	626
Transportation	491
Youth Services	485
Material Goods	481
Government Offices	392
Family Support Services	369
Food	353
Disability Services	232
Consumer Protection	212
Substance Abuse Services	168
Consumer Regulation	164
Public Health Services	160
Public Works	156
Law Enforcement Services	150
Law Enforcement Agencies	106

These numbers represent yet another window into the needs of Vermonters. Because of the nature of the 211 system, these figures typically represent callers who need assistance accessing the social support system, and who may not know where to turn for help. The referrals are not specific to legal problems, but represent areas of social need, often on an emergency basis. The problems reflected here may or may not have a legal component, but track legal

needs in a variety of ways. For example, a significant number of 211 callers are seeking emergency temporary housing; if the caller is denied housing, this then generates a legal need to challenge the denial. Another way to look at this information is that the need for emergency housing is high because the rate of eviction and other housing problems is high. In certain cases, Vermont 211 refers the caller directly to VLA/LSV for assistance.¹¹

Within those parameters, the numbers indicate the demand for types of services, especially emergency services, Vermonters bring to the system. Requests for housing assistance clearly dominate the calls, though the high volume here is likely attributable to 211's specialized role in screening for emergency housing. A high number of callers contact 211 looking for assistance with taxes, followed by inquiries about other basic public assistance programs. Direct referrals for legal services make up a significant percentage of calls, followed by substantial traffic in referrals to a range of other support agencies.

Conclusions:

The 211 data present a somewhat less obvious look into specific legal needs, but it does provide general information about the highest levels of need for short-term assistance. Again, housing dominates this field, followed by the full range of other public assistance supports for financial help, utilities, food, and other basic needs. Help with taxes constitutes a high level of need not similarly seen in other data sets. While many of these referrals will not implicate any legal action, these data demonstrate the high level of need across Vermont for low-income support services, where the availability of legal representation can provide a further safety net for those who may be denied these services.

¹¹ LSV does periodic training for 211 staff to update them on the types of cases that are appropriate for referral within current priorities.

GENERAL COMMUNITY LISTENING MEETINGS

Findings:

In October and November 2019, LSV and VLA staff conducted a series of public listening sessions throughout the state. Meetings were held in Burlington, St. Albans, Newport, Rutland, Montpelier, Brattleboro and Bennington. The meetings were widely publicized through social media and regular media outlets, and through e-mails to partner agencies throughout the state.

Attendance varied significantly, from a high of 20 in one meeting to only one attendee in several locations. The meetings drew a mix of attendees. Most people attending were staff from various community support agencies, such as DCF case workers, staff at domestic violence support agencies, or staff working with youth support agencies. Other attendees included current or past VLA or LSV clients, a local state senator, several reporters, and other community members. For the general public meetings, no attendees identified as racial or ethnic minorities. Approximately 36 people in total attended these meetings.

During the meetings, attendees were asked several open-ended questions to identify unmet legal needs in their communities, and to identify any concerns or barriers to receiving service from our agencies. The VLA/LSV staff running the meetings generally avoided asking topic-specific questions, but tried to let individuals identify issues on their own. The staff took notes during the meetings, noting down all individual concerns raised by attendees. These notes were then collated and the comments sorted by topics to determine the range of issues identified by attendees. Specific ideas, requests and suggestions were also collected as part of the analysis.

General Pattern of Input:

To get a sense of the general legal topics of interest to attendees at the meetings, the collected comments were compiled in a uniform format. The comments were organized by the same legal problem areas employed in the statistical analyses above, along with several other areas of comments that were of a more general nature. As a rough measure of the volume of interest, the topic areas were sorted by the number of lines of uniformly formatted notes.

Table 8: Public Meeting Comments by Legal Problem Area

Problem Area	Number of lines	% of total lines
Housing	81	44%
Family	49	26%
Benefits	17	9%
Consumer	11	5%
Health	7	4%
Education/Juvenile	7	4%
Employment	5	3%
Miscellaneous	5	3%
Individual Rights	4	2%
Total	186	100%

Table 9: Public Meeting Comments by Other Areas

Topic	Number of lines	% of total lines
Contact/Access/Training	81	64%
Vulnerable Populations	31	25%
Community Resources	14	11%
Total	126	100%

In the Legal Problem area, the topics raised by attendees at the general public meetings closely track the legal issues identified in the statistical analyses discussed above. While not a statistically rigorous analysis, concerns about housing and family law clearly dominated the discussions, and represent the areas of highest need identified by attendees at virtually all of the meetings. Public benefits also represent a fairly high level of concern. Notably, though, participants who worked in the public benefits system, especially DCF staff, identified housing and family as areas of the greatest legal need for the people with whom they work. Many of the other identified topics resulted from specific issues that were raised at the meetings by client-eligible attendees, who frequently addressed issues related only to specific legal areas that they had confronted, such as special education, a tort claim against a home repair company, or a complaint against the public utility board.

The topics raised in the public meetings that are not specifically about legal case types represent an important source of information about legal need that is not reflected elsewhere in the statistical sources, and should be factored into the overall assessment of statewide legal needs. These are broad areas of concern about the condition of low-income Vermonters and the needs that they face, and how the system can better address these needs. Overwhelmingly, based on the volume of comments, attendees at the public meetings had concerns about the level of legal resources available across the state, especially in more remote areas. Almost two thirds of the comments in this area were about the need for more contact with, and service from, legal aid agencies. In total volume of comments, this area represents the same volume of comments as the highest legal topic area, housing. Comments encompassed a wide range of ideas (which will be discussed below), but in general the tenor of these issues was clear—people want to be able to get access to a lawyer more often, either for full representation or just for advice, people want educational resources to understand their rights, and people want the agencies to have a greater physical presence in their communities. Along with this area, participants raised a number of specific concerns about vulnerable populations—people with disabilities, the elderly, minority populations, and New Americans—and their ability to access the system. Finally, people expressed frustration at the overall lack of resources in the broader social system for low-income Vermonters, especially in more rural areas.

Specific Comments and Ideas:

Besides the general sense of need outlined in the comments of attendees, participants provided a wide range of specific ideas and thoughts of significance to the study. The following is a sample of important ideas and contributions from participants:

Housing:

- Landlords take advantage of tenants who do not understand the system. Non-legal advocates also don't understand enough about eviction to help clients.
- Tenants can't afford the rent, and are set up for eviction. There is not enough availability of affordable housing.
- Tenants are afraid of getting evicted and so don't complain about bad conditions.
- Housing is a constant issue for DCF clients.
- Landlords won't rent to at-risk tenants or people with poor rental histories.
- There is a lot of substandard housing—landlords don't make repairs, sometimes to avoid participating in Section 8.
- People with poor credit histories can't get housing—why should someone be homeless because they had a large medical bill? Subsidized housing rejects people for bad credit, but most poor people have bad credit.
- Housing instability is tied to many other problems.

Family:

- Women need help with divorce and custody.
- People sign away guardianship of their children just to access social services.
- There is a huge need for help in RFA cases and general family law cases.
- Lay advocates can't speak in court in Domestic Violence cases—people need lawyers.
- Even if people can't get representation, they need basic advice on family cases.
- Even in simple divorce there is a huge need—legal clinics for information and basic advice would be very helpful.
- People can sometimes get help short-term for an RFA, but not for an ongoing divorce or custody situation.
- There is a problem with volunteer attorneys getting conflicted out of family cases.

Benefits:

- People get multiple denials for disability benefits, and have no income while they wait.
- People get bounced from one agency to another looking for help.
- Parents are forced to quit jobs because local services are not available for their children.
- Most 211 calls are around benefits/basic needs.

Consumer:

- There are very vulnerable people getting sued for debt, but because they have so many other problems they don't pay attention to these cases.
- It would be helpful to have representation available in court on debt collection days—there is a huge docket.

Employment:

- Criminal record expungement is a huge help for people to get employment.

- People don't know their rights around wrongful job termination.

Other Legal Issues:

- Many low-income people need help with probate and other issues around the death of a family member. People also need help getting wills.
- There are schools that blatantly ignore special education law.

Vulnerable Populations:

- Vulnerable adults are taken advantage of by family members.
- Families of incarcerated people need a lot of support.
- Elders are often the victim of crimes and have few resources.
- Minority families get so consumed just with simple survival that they don't have the time or energy to pursue legal issues.
- Vulnerable adults rely on family members for support, and are left stranded when parents die.
- Vulnerable populations often are forced to live in very rural areas, far from services.

Lack of Resources:

- People are desperate for money and so unwisely bring people into their homes.
- Even in rural areas, lawyers ask for a retainer of \$3000-\$5000. No one can afford that.
- The biggest legal issue is poverty.
- Transportation is a huge issue, both to get to legal services and to get to other supports.
- People generally have a hard time navigating the social support system.

Need for More Contact:

- People who come to DCF/ESD offices should have more access to information about how to get legal help and what problems can be referred.
- There should be more Medical Legal Partnerships in rural areas.
- People in the community need more education about how to identify legal problems.
- More legal clinics would be great—there are not enough resources to meet the need in rural areas.
- VLA/LSV should do more trainings for service providers about how to help with legal issues.
- Pro bono lawyers may offer help, but then withdraw or only provided limited help.
- People get only limited assistance when they need full representation.
- Bennington is the “Forgotten Kingdom”—often the local service offices don't even get updated fliers and posters. We need to make sure information gets to all corners of the state.
- Phones and internet are barriers for many clients—in person assistance is better.
- Have more rural clinics with a set day on a regular basis so people know when it will be happening.

- Legal services could be co-located with state offices or other places people regularly go.
- We can do more partnering with local libraries, both for clinics and to train staff to assist people.
- Mobile courthouses, or a Justice Bus—bringing the services to where people are.
- The local OeO agencies or restorative justice centers could host legal services or clinics.
- It would help to have simple information sheets about the types of services that are provided.
- In the absence of full representation, clinics are helpful.

Conclusions:

The discussions at the general public input meetings largely confirm the broad trends seen in the more statistical analyses of legal need. Housing concerns consistently dominated the discussions, followed closely by concerns about family cases. People felt that these two areas were the ones that most consistently impacted their lives and the lives of the other community members they work with or encounter. The consensus was not only that these specific issues were the most important unmet needs, but that the lack of stable housing and stable families were often at the root of other legal problems facing low income Vermonters. Other issues were also raised as specific concerns, including debt collection and benefits issues.

Beyond the specific legal topic areas, by far the most consistent topic raised in these meetings was the desire to have more direct contact with the legal services system. While people were generally able to access services and get some assistance, what they really wanted was to have more in-person opportunities for intake, advice, and training. This concern was especially prevalent in the parts of the state where the agencies do not have a physical presence: Brattleboro and Bennington in the south, and Newport in the north. Training for both the general community and for service providers was noted as a high priority, along with having more consistent and more frequent in-person legal advice clinics.

TARGETED COMMUNITY LISTENING MEETINGS

Findings:

Given Vermont's very small minority population, we wanted to be sure to include members of more marginalized communities who might not have been able to come to the general meetings, or for whom language was a barrier. In spite of efforts to invite members of these groups to the general meetings, none of the participants in the general public meetings identified as members of racial or ethnic minority communities. When asked about the legal needs of these communities, participants in the general sessions noted some needs, mentioned above, but did not have a lot of direct experience with racial and ethnic minorities, especially given the even smaller size of these communities outside of the Burlington area. The one exception here is that the general meetings did involve specific participation around disability-related community issues. Several participants self-identified as persons with disabilities, and there were also a number of participants who identified as community support workers for persons with disabilities. Their input is factored into the results of the general meetings, who noted many of the barriers facing persons with disabilities to accessing help.

To ensure that we had direct input from communities of color and especially New American communities (a large portion of the minority population in the Burlington area), we held several targeted meetings with groups specific to these communities. We met with the staff of the Association of Africans Living in Vermont (AALV), an agency that actually works with a wide range of New American communities, not just those of African origin. We also met with a group from Parent University, a group sponsored by the Burlington School District to support New American families. We also visited the Family Room, a support center for these communities. About 24 people in total attended these meetings, almost all members of racial or ethnic minority groups. Some participants identified as general community members, others as service providers, and many as both. These meetings provided insights into the legal needs of these communities, and into the community-specific barriers that may prevent these individuals from accessing legal services.

General Pattern of Input

Input from the meetings was analyzed in the same manner as input from the general meetings.

Table 10: Targeted Meeting Comments by Legal Problem Area

Problem Area	Number of lines	% of total lines
Housing	44	69%
Family	5	7%
Benefits	1	2%
Consumer	1	2%
Health	2	3%
Education/Juvenile	10	15%
Employment	1	2%

Miscellaneous	0	0%
Individual Rights	0	0%
Total	64	100%

Table 11: Targeted Meeting Comments by Other Areas

Topic	Number of lines	% of total lines
Contact/Access/Training	16	59%
Vulnerable Populations	0	0%
Community Resources	11	41%
Total	27	100%

Even more than in the general public meetings, housing issues completely dominated the legal concerns of minority and New American communities. This trend is significant, though not surprising. Given the immediate need for family and community stability for this population, and the fact that these groups tend to be concentrated in low-income urban areas with a tight housing market and a high percentage of substandard housing, safe and stable housing is their most immediate concern. The other notable trend here, not seen to the same degree in the broad community, is an especially high concern with educational issues. Participant families found it particularly difficult to negotiate the school process, especially when layered with language barriers and a general lack of understanding of the rules and expectations of the system. Beyond these issues, family law matters showed up to a degree, but somewhat less of a broad concern than seen in other measures. All other legal areas received only brief mention.

In the non-legal topic areas, the greatest concern was about how to get minority community members connected more effectively to legal services. Both language barriers and more broad cultural barriers came up as concerns, along with a need for more active community education around legal issues. Participants also spent a significant time raising concerns about the general need for more resources, not just legal, to help minority and New American communities.

Specific Comments and Ideas:

The following is a sampling of some of the specific comments in the areas of concern raised at the targeted meetings.

Housing:

- Housing, housing, and more housing.
- No one ever gets their security deposit back.
- Tenants sometimes report maintenance problems, but either they are ignored or it takes a long time for anything to happen. Things may only get partially fixed. There is no coverage for repairs on the weekends.

- Tenants don't want to complain about maintenance problems too much, or they will get labeled as problem tenants and evicted. They are also afraid to complain about bad neighbors.
- Low quality apartments charge high rent, and there are lots of non-payment evictions.
- Landlords find ways to encourage minority tenants to leave to avoid going through a formal eviction.
- Tenants don't know enough about the system to protect their rights.
- Housing discrimination is an ongoing problem.

School:

- Issues with proof of residency for schools—the schools want birth certificates, but people usually don't have them.
- Parents are trying to get help with kids and schools. Minority kids are unfairly targeted for discipline, or they break rules because they don't understand the system.
- Families need more support in negotiating the system and accessing resources.

Family:

- Victims of domestic violence may not want to bring criminal charges because of immigration implications. They just want the violence to stop. DV is an ongoing problem.
- People have a hard time understanding the family court system.

Consumer:

- Bankruptcy would be helpful for people looking to get into subsidized housing.

Lack of Resources:

- People have a hard time getting and understanding services from DCF and other agencies.
- Seniors in the minority community especially have problems with the system and can't understand the paperwork needed.
- The DMV is especially hard to work with.

Need for More Contact:

- There should be more opportunities like the free Saturday walk-in clinic held weekly at LSV, especially for people with specific language limits.
- Court forms are difficult for people with limited English.
- People need more educational programs about legal rights, to prevent problems before they happen.
- Legal jargon is a barrier.

- New Americans don't have a good experience on the phone—it is difficult. In-person meetings are better.
- It would help to have more active case coordination with community advocates.

Conclusions:

The targeted meetings with minority and New American communities provided additional insights into the legal needs facing these groups. As with many other groups, housing is a primary concern, but one that is even more pronounced for this community. The concern about legal issues with the school system appears to be specific to this group, but one that is certainly of concern. The other most notable area of need is to ensure that these communities have effective access to the legal services system, especially through a greater number of community meetings, educational sessions, and in-person clinics and opportunities for intake, in order to bridge the barriers posed by limited English proficiency and unfamiliarity with the legal system.

PUBLIC LEGAL NEEDS SURVEY

Findings:

We conducted a public survey through Survey Monkey to get another window into the broad legal needs of Vermonters. The survey was open from September 6 through November 24, 2019. The survey was publicized on social media and on our websites, by e-mails to community partner agencies, and by handouts at various events and at the public listening sessions. A total of 38 people completed the survey. The results of the survey are as follows:

General/Demographic Questions:

We asked participants if they had ever used the services of VLA or LSV. 18 participants had used our services, and 20 participants had not. 17 had been involved in civil litigation in the last three years, and 21 had not. 6 of the people who had been involved in litigation (about a third) said they were able to find an attorney and the rest did not.

We asked participants to identify which county they live in. We received 11 surveys from Windham County, 5 each from Rutland and Windsor, 4 each from Chittenden and Orange, 3 from Washington, one each from Bennington, Caledonia, Essex, Lamoille, and Orleans, and none from Addison, Franklin or Grand Isle. This distribution does not at all mirror the state population, and shows a significantly higher percentage of participation in more rural counties. The high number from Windham County parallels the high turnout rate for the Brattleboro public listening session.

28 participants identified as female, 6 as male, and 4 skipped the question. 31 participants identified their race/ethnicity as White, 2 as Other, 1 as Native American, and 4 declined to answer.

Legal Needs Questions:

We asked participants to identify the one most important area of civil legal need facing Vermonters. Participants were given the option to include more than one area using the “other” option, so the total number of answers is greater than the number of participants.

Table 12: Area of Greatest Legal Need

Legal Area	Number of answers	% of total answers
Housing/Eviction	13	25%
Family/Divorce/Custody	11	21%
Disability Rights	5	10%
Employee Rights	4	7%
Money/Debt/Bankruptcy	3	6%
Health	3	6%
Victims of Crime	3	6%
All of the Above	3	6%
State Benefits/Social Security	2	3%
Education	1	2%

Taxes	1	2%
Civil Rights/Racism	1	2%
Immigration	1	2%
Religious Freedom	1	2%
Total	52	100%

Legal Needs Questions:

Participants were asked a series of open ended questions about legal needs. The following lists outline the questions that were asked, with a listing of the most frequent responses:

From your perspective, what are the most pressing civil (not criminal) legal needs you see in your community?

- Renters’ rights/Tenants’ rights
- Eviction and housing issues (multiple responses)
- Discrimination everywhere
- Housing/eviction, state benefits, health care collections
- Assistance for those of us who fall through the cracks
- Civil protection orders
- Benefits navigation and rights, overpayments, underpayments
- Religious exemptions to vaccinations
- Employee rights (multiple responses)
- Domestic violence/parenting orders/victims of sexual assault
- Custody issues and divorce, representation in family court (multiple responses)
- DCF and removing children from homes
- Fair housing
- Access to services/education/employment/insurance, Social Security
- Anything related to finances
- Mental health services and people with disabilities
- Wills and elder law
- Easily accessible dispute resolution
- Decriminalizing poverty
- People with no resources

From your perspective, what are the most pressing civil (not criminal) legal areas where people need help but can’t get it?

- Managing healthcare debt
- Discrimination/immigration
- Wills
- Healthcare assistance (multiple responses)
- Custody/Separation/Divorce (multiple responses)

- All listed areas, and lawsuits
- Access to legal advice/finding someone to represent you in court
- Employee rights
- Housing (multiple responses)
- Disability rights (multiple responses)
- Finances, family struggles, housing
- Everything related to the elderly
- Immigration
- Understanding legal rights and the court system
- Reentry from incarceration
- Small business startup
- Lawyers who refuse to challenge unethical laws

Legal Service Questions:

Participants were asked a series of open ended questions about barriers to receiving legal services. The following are the questions, with a sampling of the most frequent responses:

Are there barriers that prevent Vermonters from getting civil legal services? What are they?

- Can't afford a lawyer/cost (multiple responses)
- Income barriers to legal aid services/requirements are set too low (multiple responses)
- Attorney availability and conflict of interest
- People don't know free help is available
- Trouble getting through on the phone
- Knowing who can help and how to connect with them/lack of knowledge (multiple responses)
- Transportation access (multiple responses)
- Lack of time
- Having to miss work to deal with legal issues
- Lack of access to online resources (multiple responses)
- Learning disabilities that make access difficult
- People who are homebound
- Excess caseloads
- Lack of understanding about what Legal Aid does and how to access services (multiple responses)
- People are afraid to look for legal help, and don't understand the jargon
- Lack of knowledge of how to advocate for yourself
- Ability to read, access the phone or internet
- Navigating policies and procedures
- Being disabled

What can Vermont Legal Aid and Legal Services Vermont do to make it easier to access our services?

- Make it clear what types of services are available (multiple responses)
- Take more cases/increase capacity (multiple responses)
- Raise income barriers to let more people get help
- Spread the word
- Expand hours of operation and return phone calls
- Education and outreach—tell people what you do and how to access you (multiple responses)
- Help victims of crime
- Make the phone number easily available
- Travel to meet with people, including after hours
- Go to drop in centers, community meal locations, ESD offices
- Streamline the intake process
- More satellite offices and community presence (multiple answers)
- Family clinics across the state
- Don't make people leave messages
- Continue to expand the website
- Don't decline to take cases based on whether or not you can win
- Take more family cases

Website Questions:

We asked participants how many had used the Vtlawhelp.org website. 23 had used the site, and 14 had not. We also asked what resources would be useful to have on the site.

Responses included:

- Healthcare
- Legal forms (multiple responses)
- Clear descriptions of what to do in certain legal areas
- Better referrals to and lists of private attorneys (multiple responses)
- Information about legal rights in housing, family, employment, etc. (multiple responses)
- Local office location and contact information
- The actual laws and definitions of legal terms (multiple responses)
- A list of what services are available and who to call locally
- Improve public access to computers
- It's better to talk to a real person
- There seems to be a lot of info already on the site

General Questions:

We asked participants for other thoughts on how we can serve Vermonter better, and other thoughts or suggestions. Responses included:

- Explain Ombudsman services
- Voting rights
- More lawyers (multiple responses)
- Doing more outreach in communities (multiple responses)
- Have an office available for walk-ins
- Better marketing, PSAs and social media presence
- Local office contact information
- Get more legal information to local community support agencies
- More involvement with drug addiction and treatment
- More accessibility
- Legal clinics

Conclusions:

Not surprisingly, the public survey included a significantly broader range of responses than other data sources, in large part because the survey design included a large number of open-ended questions. Within those parameters, though, there were still clear trends in the types of responses. In the topic of greatest legal need, again housing and family clearly come to the top of the list. A significant percentage of those who participated in the study identified disability rights as a central concern, with other areas representing areas of lower interest. In the more open-ended questions on legal needs, housing and family were also raised with great frequency, along with healthcare, disability rights, and employment. In the areas of access, many participants emphasized that there were not nearly enough resources in the legal services system to meet the need for service, and that many people are unable to qualify for services but still cannot afford to hire a lawyer. People articulated a desire for the agencies to have more services, have a greater physical presence in their communities, conduct clinics and outreach, and be available for in-person consultation and representation. Lack of money, lack of transportation, limited phone and internet access, lack of in-person presence, difficulties in getting through the phone intake system, and limited information about the legal services system and insufficient outreach were all identified as access barriers for community members.

INTERNAL LEGAL NEEDS SURVEY

Findings:

VLA and LSV staff were asked to complete an anonymous on-line survey to provide input into what they have seen regarding statewide legal needs, especially from the perspective of the agencies' topic-specific task forces. Staff who are members of more than one task force could complete the survey more than once. The survey was left open for a period of 4 weeks in October and November 2019. A total of 8 internal surveys were completed.

5 members of the Housing Task Force completed the survey, and one each from Domestic Relations, Economic Justice and Health Care. The following questions were asked, with open-ended responses. The responses below are summarized from the submitted responses.

What are the most important legal issues the group is currently working on?

- Evictions, terminations/denials from subsidized housing.
- It doesn't feel like we're working on anything as a group—people take on issues on an ad hoc basis, but without an overall strategy or goal, and organizational support varies greatly.
- SSA issues around the state—local SSA offices have poor customer service. Our agencies need to pay attention to these problems.
- Evictions and unaffordable housing.
- Access to health care services, quality care, patient rights in health care settings, affordability of prescriptions and medical expenses, medical debt.
- Non-payment housing cases, reducing the harm, habitability, supported housing for people with mental illness and other barriers.
- RFAs, divorce/custody representation of survivors in criminal cases.

What are the most pressing legal needs you see from clients?

- Access to affordable housing, and the ability to respond meaningfully and effectively to eviction proceedings.
- I would like us to take on bigger systems work, since there is limited funding for individual cases. If we could move to some big policy changes, it would be more effective. Just cause, expungement of eviction records, better enforcement of security deposit and small claims.
- Our clients need more help in general to keep benefits, income and housing.
- There is a real lack of help now for foreclosures, credit card lawsuits, and court evictions.
- Housing is so scarce that people are willing to put up with substandard housing.
- Affordability of health care, medical debt, family law impacts on health care, low wages, access to transportation, corporate barriers.
- People who can't afford rent or can't conform their conduct to the lease terms—homelessness is not going to make things easier.

- Lack of representation for all clients in evictions for cause, subsidized and public housing, mobile home parks, and where reasonable accommodation is needed.
- Full representation in divorce and custody matters where the opposing party is using the court system to further abuse the client. There is also a great need for help with neighbor on neighbor disputes and landlord/tenant issues involving stalking and harassment.

What are the most pressing legal needs you see where clients are not getting significant legal assistance?

- Full representation in non-payment eviction cases.
- Housing generally does not have enough resources to scratch the surface of the need. Projects are setting priorities on their own, outside the context of the priorities of the organization as a whole. The grants are managed independently, without looking at the need across priority areas, so some types of cases get a lot more resources than others.
- Housing eviction cases, housing subsidy terminations, subsidized housing application denials, credit card lawsuits, foreclosure.
- Representation in court.
- Family law, health care appeals, hospital and related discharges, right to care coordination.
- Affirmative claims against slumlords and fraudulent practices by landlords.
- A wide range of cases where clients need an attorney because the pro se client cannot handle cases on their own, even with advice and coaching.
- Full representation in divorce and custody matters where domestic violence is a factor.

To what issues should VLA/LSV devote more resources?

- Helping clients access subsidized housing and more rent escrow work.
- Evictions, including in the private market, habitability, security deposit work. We are likely missing some big picture issues.
- The bread-and-butter legal services issues—maintain and preserve income for low-income Vermonters, housing work, and wider housing discrimination work.
- More resources for LSV to adequately provide coverage for intake that is broad and encompassing to community needs and to reduce LSV staff caseloads for housing, benefits and consumer law.
- We need to figure out how to effectively change affordability and habitability standards in Vermont.
- Investigation of excess health care agency budgets, more housing first, family law, preventing medical debt, LTC Medicaid eligibility.
- Affirmative claims against slumlords and fraudulent practices by landlords.
- Court representation of housing defendants.
- Full representation in divorce and custody where DV is a factor, and using a family law clinic system to reach a broader client base.

To what issues should VLA/LSV devote fewer resources?

- In housing, it's hard to imagine what fewer resources would look like. We should use funding from other current grants to do more eviction work. We should be more flexible about using grants to fund the areas of greatest need.
- There just seems to be less staff and more work.
- Defending for-cause eviction in subsidized housing where clients are refusing behavioral supports.
- Health insurance rate review.
- Subsidized housing.
- It is unclear what VLA is doing now organizationally in relation to any particular kind of housing cases.
- Representing clients in criminal cases may not be a good use of resources, but it is important to advocate for our clients in that context.

What barriers do people of color and communities of color (including New Americans) face in getting legal help?

- Discrimination and intimidation by landlords.
- Language is a barrier to access to justice for LEP clients.
- As agencies, we are sometimes not viewed as being on the side of people of color. We don't really show up as an organization for racial justice in the community or political world. We are not trusted in this area because we have not made a real outward effort.
- In Burlington the free legal walk-in clinics help—other locations need similar resources for New Americans.
- They are unaware of their rights, and fear agencies and the courts.
- Racism at every level—interpersonal discrimination, structural violence and exclusion in the health care system and in the dominant culture, isolation, micro-aggressions, affordability—all of the problems white people face, compounded by the barriers of race
- Not enough resources—if you can't advocate enough for yourself to get through intake, you're unlikely to get a lawyer and even if you get one, we don't have enough resources to help everyone who needs help.
- Sometimes the language barrier poses problems, especially when Language Line cannot provide the correct language for that call. There is systemic racism that makes it hard for clients to reach out and get help. Cultural barriers make it difficult for people to admit that they need help.

What barriers do vulnerable clients or communities (people with disabilities, elderly, etc.) face in getting legal help?

- They are unable to get landlords to listen to them.
- It is always helpful to have a face and a name that the client can see and call—more clinics and outreach to those communities and time for people to call in live specifically to disability advocates.

- It takes a great deal of time to provide vulnerable people with help—it takes time to get their story, to communicate the options, and to get direction from clients.
- Lack of enforcement of reasonable accommodation.
- Barriers to health care through paper applications, long wait times, harder criteria to meet
- Not enough resources—if you can't advocate enough for yourself to get through intake, you're unlikely to get a lawyer and even if you get one, we don't have enough resources to help everyone who needs help.
- With the new intake system it is harder for people with disabilities to reach us, and also for those facing a pressing VOCA need to reach us right away. Not everyone knows about our emergency e-mail contact. The distance to a legal aid office prevents people from accessing our services and spotty high speed internet in rural areas is also an issue. Travel to courts when courts are more than an hour from home makes it difficult to start the process of seeking justice.

What is the most important change VLA/LSV should make to intake priorities?

- VLA needs more housing advocates for Chittenden County.
- Expanding rent escrow work to under-served counties.
- The priorities setting project a few years ago did not work. No one could make hard decisions and there was no final product. We need to evaluate these questions from time to time, and be decisive and bold in making decisions. The whole structure of priorities needs an overhaul, with strong leadership about what we should do. We do amazing work on an ad hoc basis, with individuals championing causes, but we need a central vision of our work.
- Listen to clients and listen to the advocates and support staff who are on the front lines.
- Priorities should narrowly reflect strategies. We should have shorter-term strategies, not a “forever” priority.
- Having more clinics and more in-person ways to hear from folks.
- Outreach and communication as a full time staff role.
- Give only quick service or brief advice unless it is a case that will benefit people other than the client. Spend more time pushing for changes that will benefit all of our clients.
- It would be good if priorities in the screening guidelines actually reflect what cases are being taken, but that isn't a silver bullet.
- There are important collections and housing matters that arise in DV related and other cases and these should generally be an intake priority.

What should VLA/LSV do to improve staff input into the priority setting process?

- Processes like this survey to solicit ideas.
- Task forces should get input from other staff.
- A survey is a start. The process should be open to all who want to participate. Lots of meetings are too burdensome. The divisions between the programs should disappear, so

we don't have a feeling of us vs. them. We need to participate wholly in the work that is efficient, affirming and thoughtful.

- Two factors need to be made available—stats on what people are calling about, and stats on how effective is the service level we provide. These are necessary pieces of information, but we also need other information. We don't have an active way of listening to what staff know.
- There is no defined priority process currently.
- AU should visit other office building meetings.
- VLA attorneys should get to know the intake process better and to cross-training on intake to avoid burnout and provide support for LSV staff.
- Ineffective management and tangled and unclear lines of authority are massive morale busters and impede our ability to work as a team to set and achieve priorities.
- At the end of each month we should look at the call data to see where need is and determine if our intake priorities are matching the type of calls we are seeing for each month. We can set a staff-wide meeting each quarter to discuss if we are meeting the needs of the clients that are coming to us.

Conclusions:

The internal staff survey was not designed to collect statistical information to weigh the various types of legal needs throughout Vermont. Instead, this survey was more geared toward getting broad input and ideas about the “lay of the land” regarding legal needs, as well as about internal processes regarding priority setting. While the sample was not large, the survey results provided useful information to complement the data collected by other means. The survey also provided—not surprisingly—some very strong opinions from staff about the type of work that we should be doing (or not doing) and the complexities of making difficult choices about priorities.

In comments related to legal needs, similar themes of needs in housing and family are present in the responses. Notably, most of the people who chose to take the survey were on the housing task force, while family law was the only area that several participants identified as a legal need outside of their own task force area. Many of the answers highlighted the ongoing problem of finding enough resources to even begin to address the scope of the need observed by advocates, and the ongoing frustration of not being able to address larger-scale systemic issues. Participants identified external barriers for people trying to get assistance, especially poverty, language, and disability, along with internal barriers such as limits in the intake system and limited resources to get out into the community to do outreach and in-person intake. Participants also wanted to see more internal discussion and information sharing within the agencies to allow us to be more flexible and responsive to client needs, a desire to have case priorities be less tied to specific grant requirements, and stronger central leadership to coordinate case priorities across the agencies.

CONCLUSIONS

Vermonters, especially low-income and vulnerable Vermonters, face broad and substantial unmet civil legal needs. Based on the various measures encompassed by this study, Vermonters grapple on a daily basis with serious and life-changing legal challenges, and are often unable to get the legal assistance they need to negotiate the legal system. Substantial needs are present across the entire spectrum of civil legal subject areas, but several core areas persistently rise to the top of the legal needs list: housing and family.

Legal assistance with housing is, by most measures, the most consistent and ongoing civil legal need for the VLA/LSV client base. Housing is the highest area of demand in requests for service to the intake system, and was consistently the most frequently identified need by participants in public meetings and in surveys. Housing issues were especially noted as the primary concern for minority and New American communities in Vermont. Within the broad area of housing, specific legal concerns were spread among a broad range of related issues. Eviction certainly is a central concern, both for non-payment and for other reasons. But the study identified many other housing related issues, especially habitability, failure of landlords to make repairs, foreclosure, fair housing, failure to return security deposits, problems with renter rebates, and the need for tenants to understand their legal rights. Lack of in-person representation is an ongoing theme in housing cases.

Legal assistance with family law runs a close second to housing, and by some measures presents the greatest level of need. Within the context of current VLA/LSV case priorities, which heavily favor housing cases, family law represents the greatest area of legal need that is not being addressed by the current system. Unlike housing, family law issues are concentrated in several focused areas: divorce, post-divorce custody disputes, and domestic violence. Virtually every measure of legal need showed that Vermonters are facing an enormous volume of legal problems in these areas, with few resources to meet the demand. The study identified the difficulty of navigating the system, the need for advice about how to pursue legal issues, and the need for in-court representation in contested cases.

Healthcare is also an area of consistently high demand. The VLA Office of the Health Care Advocate receives a high volume of calls, and healthcare is also an area of high traffic on the web site. The legal framework for these issues is often different from housing and family cases, and involves different types of dispute resolution. However, the demand in this area ranks as high as housing and family by several measures.

The study also showed smaller but still significant areas of legal need in a range of other subject areas. The specific level of need in these areas varied more widely depending on the particular measure used. In general, the most persistently identified of these areas are in the income and financial areas: consumer debt collection (including medical debt), bankruptcy, and public benefits (especially Social Security). Other areas came up regularly in smaller but still significant numbers: crime victim assistance, wills and related probate matters, employee rights, taxes, special education, truancy, and criminal record expungement.

Beyond the specific needs by legal subject matter, the most important need identified by the study, especially in the more subjective measures, is the deep desire for more direct face-to-face contact with legal service providers. Not surprisingly, one persistent theme was the desire for more full representation by LSV and VLA staff. But barring this option, people throughout the state, and especially in more rural areas, want to see an ongoing and readily accessible presence in their communities. The study identified a need for regular in-person advice clinics for housing, family, and general legal issues, the ability to access simple advice, help with forms, and basic help negotiating the system, located in community venues where clients typically would go—social service offices, libraries, and similar venues. There is also a need for more legal education in the community, both for potential clients and for the service providers who work with them. At a minimum, there is a great need to get current, regularly updated information about the legal services system to every part of the state, especially the more rural and isolated areas.

Some of these identified legal needs may be able to be met by shifting some of the resources within the current service delivery system, by adjusting case priorities to more closely match the specific needs identified by these various measures. **But in many cases, any meaningful efforts to meet the broad and persistent legal needs of Vermonters will only be met by expanding resources beyond their current level.** The current system is able to meet some of the need in housing, but there are still many people facing housing issues who are not getting substantial help. The gap is significantly wider in family law, where only a small fraction of people looking for help in family court cases are able to get substantial legal assistance. Any shifting of current resources to meet these needs will result in new gaps in areas currently getting service. Current intake priorities such as Social Security overpayment cases and special education already are straining internal resources to cover intake, and there are few if any resources in the private bar to fill these gaps. There may be opportunities to develop expertise in the private bar to take on pro bono cases in some areas, though finding such help for family cases, which tend to be very time consuming, has been difficult. Many participants in this study asked for more short-term advice clinics, and this model may be one way to address some of the identified gaps without having to shift too many resources away from other current priorities. But even this kind of expansion would require a commitment of resources to manage and coordinate these efforts in an effective statewide manner. Participants also wanted to see more resources devoted to intake to make the legal services system more accessible.

Given this information, the next steps will be to review these findings in light of current resources. The state's legal services partners—Vermont Legal Aid, Legal Services Vermont, the South Royalton Legal Clinic, the Vermont Bar Association, the Vermont Bar Foundation, the Access to Justice Coalition, and the other more subject-specific legal support agencies—should review the information in this report and use it to assess current case and intake strategies in light of available resources. This discussion can then lead to a coordinated review of the best ways to address these unmet needs, and to identify new resources to expand the current legal services system in an effort to bridge the justice gap.