



A Comment on Professor Paterson's Speech

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1. The Importance of Knowing People's Experiences of and Responses to Daily Troubles

- Prof. Paterson stresses the importance of legal needs studies as a starting point for improving people's access to justice.



- A group of Japanese socio-legal scholars conducted a national survey on disputing behavior in 2017.
 - Sample: Japanese People over 20 Years Old (12,000 People Randomly Selected from the Basic Resident Register)
 - Mode: Mixed (The questionnaires were mailed, and respondents answered either by mail or online.)
 - Collected Questionnaire: 4,693 (Response Rate = 39.1%)



- The findings from this national survey have some important implications related to Professor Paterson's speech.

2. What are the Most Common Troubles in Contemporary Japan?

- 5 Types of Troubles Respondents and Their Family Members Have Experienced Most Frequently in the Last 5 Years (among 14 Large Categories)

Types of Troubles	N	%
Workplace and Work Style	865	18.4
Relations with Neighbors	807	17.2
Purchase of or Contracts for Goods and Services	673	14.3
Unique Problems in an Aging Society	622	13.3
Relationships with Family Members and Relatives	446	9.5

- Frequent Occurrence of Troubles Related to Continuous Relationships in the Workplace, Neighborhood, and Home.
⇒ It is necessary to consider and institutionalize the intervention of third parties suitable for such troubles.

3. The Existence of Vulnerable Groups

□ Number of Troubles Experienced by Respondents and Their Families within the Past 5 Years

	N	%
0	1,791	42.8
1	647	15.5
2	573	13.7
3 ~ 5	803	19.2
6 ~ 9	261	6.2
10 ~	107	2.6

- Respondents were shown 73 trouble categories and asked to select all of those that they or their family had experienced in the last 5 years.

◆ Some people experience a lot of troubles. Those people may belong to what Prof. Paterson calls vulnerable groups.

4. Who are Vulnerable in Japan?

□ Vulnerability of Isolated People

	Total number of troubles that a respondent and his / her family have experienced in the last 5 years		Number of troubles per family member in the last 5 years	
	Mean	S.D.	Mean	S.D.
Respondents living alone (N = 428)	2.00	2.97	2.00	2.97
Respondents living with their families (N = 3,701)	1.89	2.70	0.63	0.97

- ◆ People living alone are more likely to experience troubles.
⇒ This fact implies the vulnerability of isolated people.

5. Troubles That Elderly People Tend to Encounter

- The “Most Serious Trouble” Respondents and Their Family Members Have Experienced in the Last 5 Years by Age Group of the Main Parties on the Respondent Side

	Under 65		65 Years and Over	
	N	%	N	%
Workplace and Work Style	315	32.6	10	6.2
Relations with Neighbors	137	14.2	37	23.0
Purchase of or Contacts for Goods and Services	81	8.4	21	13.0
Unique Problems in an Aging Society	25	2.6	12	7.5
Relations with Family or Relatives	88	9.1	12	7.5
Hospitals and Medical Care	43	4.4	18	11.2

- Elderly people are more likely to encounter troubles in the neighborhood, troubles related to purchasing or contracting products and services, and troubles related to hospitals and medical care.
 ⇒ Those troubles are expected to increase as the number of elderly people increase.

6. Responses to the Most Serious Trouble

	N	%
Consultation with Family Members or Relatives	1,239	59.7
Consultation with Friends or Acquaintances	77	34.0
Consultation with Co-workers or Superiors at Workplace	460	22.1
Consultation with Neighbors	162	7.8
Inquiry Using Printed Publications	349	16.8
<u>Inquiry Using Internet</u>	<u>843</u>	<u>40.6</u>
Consultation with Professional Advice Providers	543	26.1
None of the Above	132	6.4

(MA)

- ◆ Importance of the Internet as a route for obtaining trouble-related information
⇒ Is this technology problematic as Prof. Paterson pointed out?

7. What's Wrong, If Any, with the Internet? (1)

□ Digital Divide

		Using Internet for obtaining trouble-related information	
		Yes	No
Age of the Respondents at the Time When the Most Serious Trouble Occurred	Under 65	52.4%	45.6%
	65 to 75 years old	26.5%	73.5%
	75 years and over	20.4%	79.6%

- ◆ Elderly people may be not accustomed to using the Internet. In addition, some young people may be in a similar situation for some reason

8. What's Wrong, If Any, with the Internet? (2)

□ Mixture of Good and Bad Information

- Some websites, such as the website of Japan Legal Support Center, provide useful legal information.



- Some of the information distributed on the internet is incorrect, however.



- Those unfamiliar with the internet may be misled by incorrect information distributed on it.

- ◆ Preventing the realization of Gresham's law that "bad money drives out good money" is an important issue related to the internet.

9. The Importance of Intimate Persons

□ Intimate Persons as Intermediaries

		Consultation with Professional Advice Providers			
		Yes		No	
		N	%	N	%
Consultation with Family Members, Relatives, Friends, Acquaintances, Co-workers or Superiors at Workplace, or Neighbors	Yes	468	32.0	993	68.0
	No	44	16.7	220	83.3

- Those respondents who consulted with intimate persons are more likely to consult with professional advice providers than those who did not consult with intimate persons.
 - ⇒ Intimate persons may encourage consultation with professional advice providers.
 - ⇒ This means that **isolated people** are less likely to consult with professional advice providers than others.

10. Barriers to Access to Justice (1)

- The Reason Why Respondents Who Had Thought to Consult with a Lawyer did not Consult with a Lawyer in the End

	N	%
I didn't think it was a serious problem	84	19.0
I didn't think it was a legal problem	58	13.1
It would have cost too much money.	121	27.4
It would have cost too much time	42	9.5
Family and friends were against it	8	1.8
I couldn't trust a lawyer.	9	2.0
It would harm our reputation	12	2.7
I didn't know how to consult one	42	9.5
Others	66	14.9

- Do those who get into trouble correctly evaluate both the troubles they are facing and lawyers in general?
 ⇒ Necessity of providing correct information about the availability of lawyers.

1 1. Barriers to Access to Justice (2)

□ Professional Advice Providers Consulted by Those Who Were Harassed at Workplace

	N	%
Comprehensive Labor Consultation Provided by Labor Bureau or Labor Standards Supervision Office	7	4.6
Hospital / Physician	6	3.9
Labor Union	4	2.6
Local Government Bodies Providing Legal Advice	3	2.0

- Total number of respondents who answered that “the most serious trouble” had been concerning harassment at workplace was 153.

- ◆ There may be a lot of people who don't recognize harassment at workplace as a justiciable problem.
⇒ Importance of the cognitive dimension or subjective meaning of a trouble.

12. Barriers to Access to Justice (3-a)

- Relationship between Whether Respondents Had Known a Particular Lawyer with Whom They could Consult and Whether They Consulted with a Lawyer in Order to Deal with the Most Serious Trouble They or Their Family Members Have Experienced in the Last 5 Years

	Those Who Consulted with a Lawyer in Order to Deal with the Most Serious Trouble	
	N	%
Respondents Who Had Known a Particular Lawyer (N = 210)	45	21.4
Respondents Who Hadn't Known a Particular Lawyer (N = 1,477)	64	4.3

13. Barriers to Access to Justice (3-b)

- Relationship between Respondents' Prior Experience of Consultation with Lawyers and Whether They Consulted with a Lawyer in Order to Deal with the Most Serious Trouble They or Their Family Members Have Experienced in the Last 5 Years

	Those Who Consulted with a Lawyer in Order to Deal with the Most Serious Trouble	
	N	%
Respondents Who Had Prior Experience of Consultation with Lawyers (N = 171)	49	28.7
Respondents Who Didn't Have Prior Experience of Consultation with Lawyers (N = 1,516)	60	4.0

- ◆ Can this disparities in disputing behavior caused by differences in connection with a lawyer be eliminated?



Thank you very much

