



Civil Legal Needs of Low Income New Mexicans

Prepared by:
Kristine Denman, M.A.
Lisa Broidy, Ph.D.

Assistance provided by:
Linda Freeman, M.A.
Karin Thomas, B.A.
Sonya Ibarra
Alex Adams, M.A.
Amir Chapel, B.A.

New Mexico Statistical Analysis Center
Kristine Denman, Director



October 2013
Rev. 11/18/13

Contents

Section I: Introduction	1
Literature review	3
Methodology	4
Volunteer preparation and data integrity	4
Focus group and data procedures	5
Coding of focus group data	5
Sample	7
Description of focus group participants	9
Report layout	12
Section II: Legal and non-legal needs of low income individuals	13
Benefits and entitlements	13
Civil rights	17
Education	17
Immigration	19
Perceived unfair treatment by criminal justice agents	20
Access for those with disabilities	22
Family problems	22
Guardianship	22
Divorce, custody and child support	23
Domestic violence	24
Other family issues	25
Housing	25
Landlord/tenant	25
Affordable, accessible and quality housing	26
Utility bills, taxes and foreclosures	27
Lack of shelters and transitional housing	28
Health	28
Employment	31
Unfair/illegal employment practices	31
Lack of employment	32

Consumer	33
Debt collection, predatory loans and need for consumer education.....	33
Other problems	34
Problems conclusion	36
Section III: Accessing Legal Services.....	37
Knowledge of legal rights.....	37
Knowledge of legal services.....	38
How people learn about legal services	38
Where and how people seek legal services.....	39
When do people seek help for legal services	40
Resolution of legal needs.....	41
Section IV: Barriers to service.....	44
Vulnerability.....	44
Fear of reprisal/consequences.....	44
Distrust of the system	46
Disabilities interfere with access	46
Ways to overcome barriers due to vulnerability	47
Systemic barriers.....	47
Specialization of services and siloed systems	48
Solutions for specialization and silo barriers	49
Limited resources to provide services	50
Suggestions to overcome resource limitations.....	53
Pro se forms	54
Suggestions to improve pro se forms	55
Understanding the law and navigating the legal system	55
Suggestions to overcome difficulties with navigation and understanding the system	63
Practical barriers to services	65
Office hours.....	65
Telecommunication and mail barriers	66
Cost prohibitive.....	67
Time	68

Transportation	69
How to overcome practical barriers	69
Summary of barriers	70
Section V: Summary and conclusions	71
Legal and non-legal problems	71
Housing	71
Benefits and entitlements.....	71
Civil rights.....	72
Family problems.....	72
Health.....	73
Employment.....	73
Consumer	73
Other	73
Underlying problems	73
Accessing legal services	74
Barriers to accessing the legal system and the suggestions for improvement	75
Vulnerability.....	75
Systemic barriers.....	75
Practical barriers	77
Appendix A: Focus group interview guides	79
Appendix B: Community partners	83
Appendix C: Recruitment materials	84
Appendix D: Agencies represented in focus groups	88

Section I: Introduction

In recent years, the New Mexico Commission on Access to Justice and New Mexico Legal Aid completed two separate studies of the legal needs of low income New Mexicans. The New Mexico Commission on Access to Justice completed their study in 2006; it involved several components. First, they surveyed legal aid providers. Respondents provided information about their funding sources, the clients they serve, the types of support they provide, and the types of legal matters they address. All respondent organizations indicated they had at least one paid attorney on staff and most also had paralegal support and volunteers. Most providers had staff proficient in a language other than English, most often Spanish. The types of legal problems identified by providers centered around five areas: family law, consumer issues, housing, income maintenance, and healthcare, with the largest percent of their resources devoted to family law.

Second, they reviewed the findings from legal needs studies conducted in other states. These studies identified unmet legal needs in the areas of family law, domestic violence, consumer problems, health access, housing, benefits, education and employment. The studies also indicate that despite the broad range of civil legal needs low-income populations experience, they receive assistance for a small proportion of those needs. The Access to Justice Report suggests that poor New Mexicans likely experience similar unmet needs. Indeed, they examined the number of eligible applicants who sought legal assistance but were turned away; this assessment led them to project that over 18,000 people do not receive the help they seek.

Finally, they held public hearings throughout the State to allow low-income community members, social service providers, legal providers and judges an opportunity to speak. They addressed the civil legal problems low income New Mexicans face, how they respond to those problems, utilization of legal services, barriers to accessing services, outcomes and suggestions for improvement. They found that people do not get the legal help they need because they do not know they have a legal problem, they do not know what services are available, they do not understand how the system works, and do not know which services are appropriate to meet their needs. They also discussed the various legal needs low income people have (such as help with payday loans and domestic violence), and the barriers that prevent them from accessing services including language barriers, transportation, limited education and others.

In 2008, the New Mexico Legal Aid (NMLA) surveyed low income individuals, community providers, private attorneys and judges in New Mexico. The assessment identified the types of legal needs that clients, the legal community and providers perceive as most common among New Mexico's low-income populations. The survey included a list of 42 items; each group was asked to identify the five most "important" legal needs. They found that overall, respondents identified the following as the most important needs: domestic violence, child support, lack of affordable housing, social security disability and SSI, and Medicaid. In addition, respondents from the low-income population were asked to identify which problems they had experienced in the last two years. The most frequent problems experienced by the low-income respondents were housing, family violence, child support, Medicaid, food stamps,

unfair debt collection, utilities, social security disability and SSI, employment discrimination, access to health care, and police misconduct (in Bernalillo county). However, they also reported that the types of problems people experienced varied by region and by respondent group. For example, Spanish speakers were two times more likely to report being discriminated against than English speakers.

Combined, these studies provide important information about what each group (community members, providers, attorneys and judges) considers important legal needs, how well those needs are being met, and the range of barriers that complicate access to legal help and create unmet legal needs among New Mexico's poor. However, it has been several years since these studies were conducted. It is not clear whether the legal needs of New Mexico's low-income population have since changed, particularly in response to the information these studies revealed. Moreover, though these studies identified a broad range of legal needs, they did not explicitly collect information about the specific nature of those legal needs, the precursors to those needs or systemic gaps in meeting those needs. There were also some important groups whose concerns were not well documented in the NMLA survey. Specifically, the report notes that, among the agencies surveyed, none provide services to undocumented immigrants, a group that likely has extensive and unique legal needs.

In 2011, the New Mexico Commission on Access to Justice tasked its Systems Planning Working Group (SPWG) with revising the 2007 State Plan for the Provision of Civil Legal Services to Low-Income New Mexicans. As part of the revision, the SPWG identified the need for a new legal assessment. Thus, in the summer of 2012, the New Mexico State Bar (on behalf of the New Mexico Commission on Access to Justice) contracted with the Institute for Social Research (ISR) to help develop and administer a legal needs study. ISR worked with representatives from the Commission on Access to Justice, New Mexico Legal Aid, Pegasus Legal Services for Children, Senior Citizens Law Office, Disability Rights New Mexico, New Mexico Center on Law & Poverty, Lawyer Referral for the Elderly, Law Access New Mexico, United South Broadway Corporation, Equal Access to Justice Campaign, Advocacy Inc., Southwest Women's Law Center and the New Mexico State Bar Foundation to complete the project. This group of legal and service providers spearheading the study is referred to as the Systems Planning Working Group (SPWG). The SPWG identified a volunteer to coordinate the SPWG tasks.

ISR staff and the SPWG met numerous times between July 2012 and February 2013. The initial meetings focused on defining the study questions, identifying an appropriate methodology, and distributing the workload across ISR and the partner agencies. These initial meetings identified a number of key study questions including:

- What are legal and non-legal needs of New Mexico's low-income population?
- What are the precursors to these needs?
- What sort of legal services does this population typically access?
- How does this population access legal services?
- How well is this population served by the legal help they access?
- What are the typical unmet legal needs among this group?
- What are the barriers that complicate access to legal services among this population?

Given the detailed nature of these questions, the SPWG in conjunction with input from the ISR settled on focus groups as the most appropriate methodology for collecting information relevant to these questions. Specifically, the group decided to hold a series of focus group discussions targeting three specific populations: low income community members, community service providers and legal service providers. These were to be conducted throughout the State to capture any notable regional differences in legal needs. Additionally, within each group, recruitment efforts aimed to involve a range of respondents. So, community member focus groups aimed to include individuals with varied experiences based on gender, age, race/ethnicity, immigration status, urban/rural locations, veteran status, homeless status, and family status. Similarly, the community and legal service provider groups aimed to include providers who serve a range of different clients and address a diverse set of client needs. The goal (as is the case with focus group methods more broadly) was not to develop a representative sample, but a diverse one that would help to identify the full range of legal needs and provide depth regarding how these needs and related issues unfold among this population.

In distributing the workload, ISR was tasked with completing focus group interview guides, conducting initial focus groups, training volunteers to conduct focus groups, analyzing data and reporting results. The SPWG was tasked with finding locations for the focus groups, recruiting participants, and conducting the majority of the focus group discussions, which was completed by volunteers from specific legal service providers. In addition, Law Access New Mexico staff translated consent forms and other documents from English to Spanish. Various legal providers reviewed the final report and provided valuable feedback and suggestions for revisions.

Literature review

In addition to the New Mexico specific studies referenced above, numerous legal needs studies have been conducted both at the state level and nationally. These studies have employed a variety of methodologies, driven in part by the expense of conducting such studies. The methods used include telephone and/or in-person interviews of households living in poverty, paper self-administered surveys, online surveys and focus groups. Some studies used multiple methods (e.g., Access to Justice Hui, 2007; Hannah Lieberman Consulting, LLC/John A. Tull & Associates, 2011).

The target population of the studies has also varied. Some studies have targeted low and or moderate income households (e.g., A.L. Burruss Institute of Public Service and Research, 2009; American Bar Association, 1994; Legal Services Corporation, 2009), individuals in low income areas (Hannah Lieberman Consulting, LLC/John A. Tull & Associates, 2011) past legal aid clients or clients at particular service providers (e.g., Colorado Legal Services, 2011), or particular subgroups such as senior citizens (A.L. Burruss Institute of Public Service and Research, 2009) or those with disabilities (Gray, 2009). Surveys of or interviews with services providers, attorneys and judges have also been used to augment information collected in surveys (e.g., Land of Lincoln Legal Assistance Foundation, Inc. 2011).

Findings from the studies are similar. The general conclusion of all of these studies is that the civil legal needs of low-income individuals are not being met. For example, the Legal Services Corporation (2009) reports the average number of legal needs in the preceding year per household ranged from 1.1

(Vermont) to over three in Oregon, Tennessee, Montana, and Georgia. Most of these individuals did not get assistance, with the percentage of those receiving assistance varying from 9% to 27%.

Across studies, the most common areas of unmet legal need are consumer, employment, family, health, housing, and access to government benefits. However, studies that focus on particular subpopulations yield different results. For example, the unmet needs of senior citizens in Utah include telemarketing and other consumer issues, health care issues, and estate planning (Gunther and Ormsby, nd). In contrast, Gray found that cognitively impaired individuals often have needs in personal injury claims and employment discrimination (2009).

Many of these studies have explored the barriers to meeting legal needs. Those in need of services can and do encounter barriers at all points in the process, from initial access to problem resolution. For example, many people do not seek legal assistance because they do not think anything can be done or do not see the issue as a legal problem (Gray, 2009; Legal Services of New Jersey, 2009). Further reasons include concerns about the expense, and not knowing where to go to get help (Colorado Legal Services, 2011). Other barriers may inhibit people from seeking help initially, or prohibit them from resolving their legal problems. Barriers noted in the literature include transportation, English literacy, mental disability, culture, and distrust of the legal system (Hannah Lieberman Consulting, LLC/John A. Tull & Associates, 2011). The findings noted from these studies largely reflect the findings of the two New Mexico specific studies cited at the beginning of this section.

Methodology

Volunteer preparation and data integrity

ISR prepared volunteer interviewers from the legal provider community to conduct focus groups in a competent and impartial manner. This preparation included several components. First, volunteers were required to complete a research ethics course both to learn about the important principles of conducting research as well as to comply with UNM's IRB requirements. In addition, all volunteers completed a three-hour training on conducting focus groups led by Dr. Lisa Broidy, held on February 22, 2013. This training included an overview of what focus groups are, why the current study uses a focus group methodology, how to run focus groups and a review of the interview guides. In addition, volunteers were taught about the consent forms and the importance of informed consent. Finally, volunteers were asked to observe the initial focus groups conducted by Dr. Broidy for this study so that they could observe how the focus groups are run and ask any questions.

Besides the initial training, additional safeguards were implemented to ensure data quality and integrity. ISR staff listened to the audio tape of each focus group interview for leading or otherwise unacceptable questions, and to ensure that all interview protocols were followed. In addition, volunteers were asked to communicate with ISR staff immediately following each focus group to debrief and share any concerns. After the first few focus group discussions, it was clear that the volunteers were more than competent at facilitating the focus groups. At this point, rather than call in to ISR, they simply provided

to ISR a written document summarizing the focus group structure and key discussion points as a debriefing exercise.

Focus group and data procedures

Each focus group followed the same structure. The first 15-20 minutes were dedicated to paperwork. This included allowing participants time to read, review and sign consent forms as well as having them complete a brief survey to gather demographic information. The moderator then introduced him/herself, the purpose of the study and ground rules. Participants were asked to introduce themselves (first names only). The moderator then asked questions, following the appropriate semi-structured interview guide (see Appendix A). In addition to the moderator, a note taker was present at most of the focus groups. The note taker listed key ideas that participants discussed throughout the focus group on large sheets of paper visible to all participants. At the three focus groups where a note taker was not present, the moderator also served as the note taker.

All focus groups were recorded. Generally, two tape recorders were used for each session. This was done to ensure that the interview would be recorded in case one of the recorders failed or did not capture all of the discussion. After the session was complete, the focus group leader submitted recordings to the transcriptionist through a secure FTP site. The transcriptionist then returned the transcribed focus group data to SAC staff as soon as it was complete. No names were transcribed. SAC staff listened to each interview to ensure transcription accuracy and to better understand the flow of the conversation. Transcribed data were then uploaded into Atlis.TI for analysis.

Coding of focus group data

Once data were uploaded into Atlis.TI, we began coding within the framework of the broad categories of questions asked: legal and non-legal problems experienced by the low income population, legal services accessed, barriers to accessing legal services, unmet legal needs, and suggestions for improvement. While the information we gathered from focus groups reflects the perspective of individual participants or the broad sentiment of the particular group, we looked for information common across most or all of the discussions to identify key themes. We then grouped this information into themes under each of the broad discussion categories. Discussions revealed a number of clear patterns and shared experiences (themes) but also revealed some unique ones that contradict these themes in important and notable ways. We include these “negative cases” in the analysis and note their implications with respect to the themes. It is important to note that in some cases, participants discussed not only civil legal needs, but also criminal legal needs. While the criminal legal needs are important, the focus of this report is on civil legal services. Thus, comments or discussion regarding criminal legal needs are generally not included in the results unless they speak to concomitant civil legal needs or problems more generally.

Throughout the report we include direct quotes from the interviews. This is common in qualitative work and is done to enhance understanding of a particular idea. These quotes are carefully chosen to either reflect the general theme or exemplify a negative case.

Qualitative research of this type allows us to explore issues in depth, often providing a much richer understanding of a problem than would be possible with quantitative research. With any qualitative study, certain criteria should be met in order to ensure that the research is sound. We have paid careful attention to these criteria and have used appropriate methods to ensure the trustworthiness of our analysis. One method used to ensure accuracy and credibility in qualitative research is triangulation, which refers to the use of multiple sources of corroborating data (Lincoln and Guba, 1985). In addition to these two previous New Mexico studies discussed above, another survey, conducted by the New Mexico Commission on Access to Justice, occurred contemporaneously with the current project. This survey targeted the private bar and members of the judiciary throughout the State. The questions garnered respondents' opinions regarding the types of legal cases they serve, the most serious legal problems people have, which types of cases are not being served adequately, and the types of barriers people encounter when accessing services. While we were not involved in the construction, distribution or analysis of that survey, we do compare some of the results from that survey to the results found here as well as data from the prior NM legal needs surveys discussed above to verify the findings here. Besides using other data to verify the data here, using more than one focus group moderator to conduct interviews reduced the potential influence of researcher-induced bias, which can occur when one facilitator with a particular understanding of the problem, does all of the questioning. These methods help to ensure credibility of the data and analysis.

As is the case with all studies, the current study has some limitations that we note here. First, while the volunteers were diligent about ensuring geographic representation by holding focus groups in various locations throughout the State, it was not possible to reach every location in New Mexico. It is possible, then, that there are some experiences unique to particular locations in New Mexico that are not captured in the data. However, for nearly all of the themes, we reached saturation, meaning that we heard the same information repeated across a number of focus groups, and no new themes were added as we continued to collect additional focus group data.

Second, in some cases, we noted that the focus group moderator asked somewhat leading questions that identified legal needs or related problems for the participants rather than letting the participants identify the needs or problems themselves. Examples include "have you experienced (X) problem?" or "What about (X problem)?" rather than "what kinds of problems have you experienced?" As another example, a facilitator indicated that "It's okay to you know talk freely in here if you are having problems with (X)" rather than simply remind participants that the discussions are confidential and they should feel free to talk about whatever problems they might be having. In at least one focus group, this was necessary because the focus group participants were not answering questions posed more broadly. Generally, when analyzing the data, the ISR staff made note of responses made to questions of this sort and looked for other discussions of the topic within the focus group to determine if it also came up without facilitator prompting. We found only one instance where the participants agreed with the moderator that the prompted issue was a problem, but did not discuss it in any detail or at any other point in the focus group. In this instance, we could not definitively treat this issue as one of great concern for that particular group.

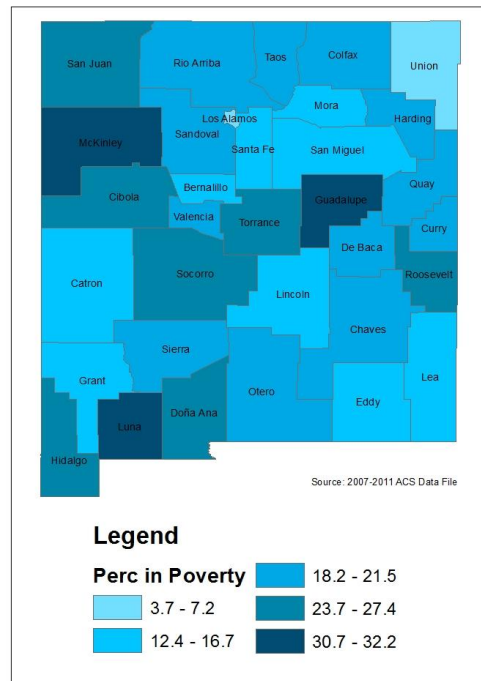
Third, while the focus group data allows us to understand civil legal needs of low income, underserved New Mexicans in more depth than other methods such as a randomly administered survey, like any other focus group data, it is not representative of the population. In other words, we cannot make any claims about these data being representative of the types of problems and civil legal needs of all low-income individuals in New Mexico. However, given the results of surveys that have been conducted in the past and the more recent one, it seems reasonable that the problems discussed in these focus groups are common to many low income New Mexicans.

Sample

Focus groups were held between March 6, 2013 and August 15, 2013. The first four focus groups were held in Albuquerque and were led by Dr. Lisa Broidy between March 6 and April 26, 2013. The remaining focus groups were each led by a two-person team of volunteers between May 21 and August 15, 2013. The data from 20 focus groups in which all protocols were followed are included in this report. In addition, a few people provided written comments to the volunteer coordinator either as a follow up to a focus group they attended or in lieu of one. Those comments are also incorporated in the findings presented here.

Focus groups were held throughout the state to ensure representation of rural, urban and other geographically specific needs. These focus groups were held in Roswell, Clovis, Hobbs, Santa Fe, Las Cruces, Farmington, Gallup, Santa Ana Pueblo and Albuquerque. It is important to note that New Mexico has one of the highest rates of poverty in the nation. Indeed, recent media reports rank New Mexico as second only behind Mississippi (Santa Fe New Mexican, September 19, 2013). The map below presents the percentage of the population in poverty by New Mexico county according to the 2007-2011 American Community Survey census data. Notably, many of the focus groups were either held in areas with the greatest percentage of poverty or included representatives from those areas.

Figure 1: Percent poverty by county



Besides ensuring sufficient geographic representation, within each target group, the aim was to include a range of individuals representing diverse populations. There were three focus groups with legal service providers. This group included representatives from both legal advocacy groups as well as legal service providers targeting a range of needs including legal needs related to family, domestic violence, immigrations, housing, healthcare, aging, finances, and tribal law. The number of participants in these three focus groups ranged from six to ten. There were seven focus groups with a similarly broad range of non-legal community service providers. The number of participants in the community service provider focus groups ranged from 3 to 22. The remaining ten focus groups with community members represented a broad range of low-income, underserved groups including homelessness, immigrants, parents, veterans, minorities, people with mental illness, the elderly, young adults and members of the LGBTQ community. The number of participants in these groups ranged from 3 to 23. Some focus groups were comprised only of individuals who had particular characteristics, such as one group that was held with just homeless individuals, while others included a mix of people in a particular area.

While the intent was to group participants according to their roles (community member, community provider or legal provider), there was sometimes overlap. For example, one focus group targeted community members from a particular area in Albuquerque. That focus group included not only low income community members, but also individuals who provide advocacy for low income individuals as well as one person who self-identified as a lawyer. However, they all had ties to the neighborhood. Similarly, another focus group included a mix of legal and community providers, but all focused on domestic violence.

Volunteers recruited participants using a number of methods. ISR helped to identify the types of populations and participants to include in the focus groups, but was not involved in the actual recruitment process. The following description of the recruitment process was relayed to us by the SPWG coordinator, who served as our contact person within the SPWG.

First, a “point person” was assigned. That person was responsible for ensuring that the focus groups in each region were completed and oversaw recruitment of participants. It was agreed that the best way to recruit participants would be to partner with community agencies in each area that were connected to the target populations. Thus, the SPWG partnered with agencies such as United Way, food banks, shelters, mental health providers and others to recruit participants. Community partner sites also served as the location for the focus groups. A list of the community partners who assisted in recruitment and hosting focus groups is available in Appendix B.

The community partners were given guidelines for recruiting focus group participants. Generally, they were told to aim for a diverse group on the basis of gender, age, race and ethnicity, background and employment status. However, there were some unifying characteristics for many of the focus groups. For example, one partner was instructed to specifically identify immigrants who are members of the organization. In another, the partner was asked to target a particular racial group, but all other demographics were to be as diverse as possible (age, gender, etc.).

Community partners used a variety of methods to recruit potential focus group participants. Most frequently, they contacted potential participants by phone or email, followed by a phone call to confirm focus group participation. Phone calls and e-mails were used to recruit for all three types of focus groups- legal providers, community service providers and community members. In addition, flyers were posted at community partners’ offices to recruit for community member focus groups; typically these were posted in the common area. This method, though, was not an effective way to recruit community members and resulted in only one or two inquiries. Most participants were recruited via personal phone calls and emails. Samples of the recruitment emails and flyers are available in Appendix C.

Description of focus group participants

Participants were asked to complete a brief survey before beginning the focus group. All focus group participants were asked to provide basic demographic information (age, sex, race/ethnicity). In addition, legal and community service providers were asked to report how long they had been working with the low income population, how long they had worked at their current agency, and to specify their agency’s target population. In addition, legal service providers were asked to describe their position. Community members were also asked to provide income information, but so many chose not to respond that the data are not reliable and therefore are not reported here. Note, though, that the income listed for the community members who did respond varied widely. Some earning nothing, while others reported substantial incomes suggesting that they were not low income. Indeed, in one focus group, it was revealed that at least some of the members were not low income community members, but fit the other criteria for that group. While the surveys were distributed at most of the focus groups, they were not distributed at three community service provider focus groups. Thus, some of the data for

some of those individuals are missing. However, using transcripts from the focus groups, we were able to deduce the sex of most of these participants for whom the surveys were missing.

The demographic portion of the survey is summarized in Table 1 below. The focus groups included participants from all ages, though there were fewer less than 29 or greater than 69. While both males and females participated, female participants were more common. Generally, legal and service providers were more likely to describe themselves as White Non-Hispanic while the most common ethnicity reported among community members was Hispanic, Latino, or Mexican followed by African American. However, nearly 20% of community members chose not to report their ethnic background, and 53% of ethnicity was missing for community service providers.

Table I.1. Demographics of participants

	Legal service providers (N=23)	Non-legal service providers (N=85)	Community members (N=87)	Overall (N=195)
Age				
20-29	2 (8.7%)	4 (4.7%)	9 (10.3%)	15 (7.7%)
30-39	5 (21.7%)	6 (7.1%)	10 (11.5%)	21 (10.8%)
40-49	6 (26.1%)	7 (8.2%)	15 (17.2%)	28 (14.4%)
50-59	4 (17.4%)	12 (14.1%)	15 (17.2%)	31 (15.9%)
60-69	4 (17.4%)	11 (12.9%)	15 (17.2%)	30 (15.4%)
70 or older	0	1 (1.2%)	5 (5.7%)	6 (3%)
Missing	2 (8.7%)	44 (51.8%)	18 (20.7%)	64 (32.8%)
Gender				
Male	6 (26.1%)	13 (15.3%)	28 (32.2%)	47 (24.1%)
Female	16 (69.5%)	66 (77.6%)	55 (63.2%)	137 (70.3%)
Missing	1 (4.3%)	6 (7.1%)	4 (4.6%)	11 (5.6%)
Race				
White Non-Hispanic	16 (70%)	24 (28.2%)	13 (14.9%)	53 (27.2%)
Hispanic/Latino/Mexican	3 (13%)	1 (1.2%)	29 (33.3%)	33 (16.9%)
Native American/Indigenous	2 (8.5%)	12 (14.1%)	7 (8%)	21 (10.8%)
African American	0	0	17 (19.5%)	17 (8.7%)
Asian/Pacific Islander	0	3 (3.5%)	2 (2.3%)	5 (2.6%)
Other (please specify)	0	0	2 (2.3%)	2 (1.0%)
Missing	2 (8.5%)	45 (52.9%)	17 (19.5%)	64 (32.8%)

On average, legal service providers reported they had been working with low income individuals for 12 years, with a range of 0 to 32 years. Community service providers reported working with the low income population for a slightly longer period of time (12.7 years), with a range of 0 to 40. Legal service providers had been working at their agencies for an average of 7.9 years, and community providers for an average of 7 years. Nearly all of the legal providers indicated that they were attorneys.

There were 22 legal service providers at the three focus groups that targeted them. Among those who reported the focus of the agencies for whom they work, most indicated that they target services to low income New Mexicans. The next most common response was that their agency serves Native Americans. One or more target services to other specific minority groups, immigrants, senior citizens, victims of domestic violence, and disabled individuals. Among the community service providers who reported the targeted population of their agency, the most frequent response was children, followed by low income individuals generally. Community service providers reported a more diverse target population. In addition to those populations served by legal provider participants, they noted homeless, families/parents, individuals in treatment, and incarcerated individuals as their service targets. Some legal and community service agencies have multiple targets. A list of the agencies represented in these focus groups is attached in Appendix D.

Report layout

The remaining sections of this report address the questions presented at the beginning of this section. The second section addresses the legal and non-legal needs of low income New Mexicans. Throughout this discussion, we identify the precursors to those problems as they were relayed in the focus groups. The third section focuses on low income New Mexicans' knowledge and utilization of legal services. This includes a discussion of how people learn about services and the extent to which focus group participants' felt those legal services met the needs of low income New Mexicans, as well as the unmet legal needs. The fourth section details the barriers to accessing legal services as well as suggestions to overcome those barriers as expressed by focus group participants. The final section summarizes the findings from each of the previous sections, and highlights the suggestions for improvement as articulated in the focus groups and in the literature.

Section II: Legal and non-legal needs of low income individuals

Facilitators began each focus group by asking participants to describe the types of problems---legal and non-legal---that low income individuals frequently face. The purpose of asking this question was to get a sense of what the most pressing problems are and how these problems impact the lives of low income New Mexicans. By design, participants were not initially asked to distinguish between legal and non-legal needs. Not only is it difficult for individuals who are experiencing problems to determine whether their needs are “legal” needs, it is also difficult for community service providers and legal providers to agree on the point at which a problem becomes a legal need.

We summarize the problems into eight broad categories following the groups in the 2006 report by the New Mexico Commission on Access to Justice. The categories include: benefits/entitlements, civil rights, family law, housing, health, employment, consumer and “other” problems. In each section below, we describe the types of problems that were discussed and the nature of those problems. Some of the problems participants discussed are universal, and are not limited to those facing poverty. Others are more specific to the low income community, yet others are specific to a particular segment of the low income population (e.g., low income immigrants or LGBTQ). We did not try to separate those problems that are likely to affect a community broadly from those that impact only low income individuals, since in many instances this is a judgment call. Instead, we report here on the broad range of problems discussed by focus group participants.

Benefits and entitlements

Participants discussed the successes and difficulties they had with obtaining and maintaining benefits. The types of benefits people discussed in some detail include: SSI disability (SSDI), HUD/Section 8 housing and food stamps. Respondents also mentioned that Medicaid/Medicare and Social Security benefits can be problematic for low income people, but were not discussed as extensively as other types of benefits.

The issue of access to benefits was of key concern. Participants said that it was difficult to get certain types of benefits; particularly SSI and HUD/Section 8 housing. Participants in many focus groups described long waits to get these benefits, though the reasons for the delay seem to vary with the benefit.

One reason that it can take so long to obtain benefits is that people have to show that they qualify. In several focus groups, participants explained why it is difficult to qualify for SSDI. Individuals applying for SSDI must have their disability, whether physical or mental, documented. However, they may not have the means to go to a doctor. Many are unemployed and those who are employed may not have insurance. Thus, as these legal providers explain:

Participant 1: "They can't get the assessments that they need, the diagnoses that they need."

Participant 2: "Yea or any kind of treatment that they, they need to prove their case."

Among those who have a mental health issue, one option is to go to a core service agency, but participants said that these operate on a first come first serve basis, so getting in may be difficult. Compounding the problem, especially for those in rural areas, is that people have to travel great distances to access these services. They use all their money to pay for gas, and may or may not be seen.

Some low income people do not qualify for the benefits they are applying for. This is particularly acute for "in between" groups. For example, in one provider focus group a participant explained that:

"We see, frequently get, we get calls from people who are younger than 60 seeking help because they've, they've not been able to successfully apply for disability and yet they're too ill to work, and they're not old enough yet for Medicaid, I mean Medicare rather, and maybe have also been denied Medicaid, so we um, we find that, we feel as if there's, there's a very vulnerable period of time in peoples' lives, from maybe 50 to 65, where they're not eligible for some government programs and, and there's really nothing, unless they can get disability and Medicaid."

Individuals in other focus groups identified other groups that need benefits but do not qualify. For example, while there are benefits for the mentally ill and other mental disabilities, some people cannot tap into those resources because they do not meet the criteria for a certain label, such as "emotionally disturbed" or "developmentally delayed." In other words, in order to find the benefits that are needed, people have to determine which, if any, category they fit. Further, even when they do qualify, participants indicated that it is somewhat common to be denied benefits, drawing out the process.

These qualification problems are not limited to disability benefits. For example, one participant explained that she did not qualify for Social Security survivor benefits due to income limits, but was not able to make ends meet. Note, though, that there are no income limits for survivor benefits, so perhaps this community member misunderstood the eligibility requirements or meant a different type of benefit. Participants in another focus group noted that minors who are not living with their parents, but are not emancipated may not qualify for benefits they need. While the parents can receive the benefits such as food stamps, the child cannot and is in need of assistance. Finally, one community member described the following situation, which is somewhat unique:

"If you try to receive Cash assistance and you had either Invitro or artificial insemination, then there's a really hard time around understanding that because what they wanna do is they want there to be an identified man to go after for support."

While applying for and obtaining SSDI is a complicated and cumbersome process due to the rules set in place to qualify, applying for Section 8 housing is a long process for a different reason. Primarily, people explained that the demand for Section 8 housing is much greater than what is available. People in many focus groups discussed the long wait for Section 8 housing, ranging from six months to two years. Some

of the reasons given for the delays are Section 8 housing shortages, restrictions placed by HUD, and the impact of sequestration.

Conversely, food stamps are relatively easy to obtain and the wait time is significantly less. However, some participants explained that even that wait can be too long, especially if they cannot qualify for emergency assistance. In the meantime, the person applying may not have money for food. For example, as this community member explained:

"Yea, it takes 30 to 45 days for you to get approved for your food stamp case. And during that time what are you supposed to do? You can go through an emergency but if you got \$100 in your bank or \$50 in your bank you're not getting anything. It's not an emergency basis. You have to have zero."

Some participants felt that people are discriminated against by benefits workers, some of whom do not apply the rules evenly. For example, one community member explained that when applying for Section 8 housing, the representative would not provide the forms in Spanish nor read them to her, and instead, just told her where to initial and where to respond yes or no. Further:

"When she asked for the form in Spanish they told her she's in America, she has to learn English."

Members in other focus groups felt that they were discriminated against based on sex or ethnicity. For example, in two focus groups, the participants felt that men were less likely to receive assistance than women.

Others expressed concerns that the caseworkers are not "on the same page." While not being discriminatory based on sex or ethnicity, depending on who you see, your benefits could be denied or terminated. One focus group participant explained that when working with agencies like the Navajo Housing Authority, there is not a procedure in place to file a grievance when someone is denied a home or is discriminated against reinforcing the inconsistent practices across caseworkers.

Some people will go to great lengths to try to obtain the benefits they need. For example, one focus group member explained that due to the shortage of Section 8 housing in Gallup, an individual travelled to Shiprock to try to access housing there even after being told there was nothing. Others simply give up.

Once people receive benefits, though, there still may be problems. For example, in one community member focus group, participants explained that the amount of assistance they get from food stamps is not sufficient:

Participant 1: "...I have seen, I've heard the lady, the seniors here, that they had gone to ask for food stamps, and they got, I think, was it nine or twelve?"

Participant 2: "Nine, ten dollars."

Participant 3: "My son gets \$25."

Participant 2: "You know, that is a slap on the face. For these seniors that are really, really struggling. You gave us a, um, certificate for ten

dollars. You know, we appreciate it because we have this time here, but ten dollars for a month?"

Besides getting benefits that are not sufficient to meet their needs, people may lose their eligibility for assistance even though they need it. In some cases, people are able to get those benefits back. But in others, they lose benefits and they do not know what to do next. In one focus group, a community member explained that her food stamps benefits had been terminated; when queried about it, she indicated that she did not know that she could appeal the decision.

"...people are not knowing what they can and can't do as far as unemployment and a lot of people, I'm watching a lot of people lose their benefits, because they don't know what the next step is and the system won't tell them. Because then they want to it to hit the papers that unemployment has gone down, but they're not saying because most of the people that got kicked off. And then you have a appeal and then they go to appeal talking to the adjudicator judge and they are sitting here in a cubicle by themselves not knowing what to do or say. So they are talking to the person who oversees the one who already denied them."

Lack of education can also play a role in people losing their benefits. Specifically, some people are not educated well enough to be able to read a contract. Further, even if they are able to read it, they may not fully understand what it means and all of the implications. This can leave people open to losing benefits, as exemplified in this community provider focus group exchange:

Participant 1: "I think that's pretty huge for our clients too because they don't understand, right? So, how many times have we had clients that have jeopardized their Section 8 housing because they didn't know that they had to give a 30 day, whatever the rules are, that they had to give 30 day notice before they moved, that they had to you know um, right?"

Participant 2: "Yea, just following a certain rule that they have in Section 8, so."

Participant 3: "Just because they signed something does not mean they understand what they signed."

However, some people are able to successfully get their benefits back. A participant in one focus group explained that he had temporarily lost benefits but was able to get them back without any problems. Another participant knew how to fight for her benefits when they were cut off because she had read the paperwork that came with the notification. In one focus group with community providers, participants explained that some of their clients know they can appeal, but others do not.

Some people do not pursue benefits even though they need the assistance and could qualify. One reason is because the process is cumbersome and confusing for applicants. As these community service providers explain:

Participant 1: "...it's intimidating because you have to fill out an application, you have to provide this information, you have to come back tomorrow with some more information and some people just give up and walk away and as a consequence a lot of people get left out there too."

Participant 2: "Or they get a notice that provides no real information about why their application was denied."

Others, though, are not aware of their rights regarding benefits. For example, in one focus group participants mentioned that undocumented workers may be able to access food stamps but are unaware they are eligible for this benefit. In another, a participant explained that some people are misinformed about their ability to access benefits and therefore do not even try.

In summary, participants in numerous focus groups described problems with obtaining benefits, especially SSDI and Section 8 housing though other benefits can be problematic as well. The length of time it takes to obtain benefits, proving disability, unfair treatment, the complicated and cumbersome system, and frequent denials are all problems. Notably, veterans' benefits were not discussed in any detail in the focus groups. In one legal providers' focus group, the moderator specifically asked about veterans' benefits. A participant said that they provide legal help with that, but did not discuss it in any depth. None of the focus groups targeted veterans, so this may be why the topic was not discussed although in at least one of the focus groups, there were veterans present and did discuss some issues related to veterans (e.g., losing homes).

Civil rights

Participants discussed three types of civil rights issues during the focus groups. These included issues related to education, immigration, and criminal justice misconduct.

Education

The most commonly discussed education related needs centered on special education, but participants also discussed barriers to higher education, bullying and cost.

Special education

Discussions in seven of the focus groups raised issues related to special education needs. Most of the focus groups that discussed special education needs were held in rural areas, though these issues also came up in Albuquerque and Las Cruces. Participant discussions centered on two broad problems. First is access to special education; this is the most common problem. Second are the problems children encounter once receiving services.

There are a number of reasons that children who need special education services do not receive it. In several focus groups, participants explained that the onus is on the parents. For example, parents may resist the special education label or move so frequently that the child is not identified as a special education student. One legal provider explained how important it is that the child be identified and receive services early on:

"Educational rights advocacy work is really extremely important because...you get the educational rights and needs that they need whether it's mental health or, or special educational needs that they get at that earlier stages and build a foundation. You build a foundation for them to carry on for the

rest of their lives hopefully and they, they're better, you know better equipped to deal with those issues later."

However, even when parents or other caregivers do pursue special education services, they may not be successful. In one focus group, a participant reported that a youth was unable to get special education services due to the child's ethnicity. The parent did not pursue it because the parent believed that the legislature mandated special education be delivered according to ethnicity. He reported he was provided this information by the school district. In another focus group, a participant explained how a youth with whom he was working had not been able to get special education services. He described it as a lengthy, "convoluted and mind numbing" process.

Participants commonly noted that if a child is not identified early on, it can become even more difficult to obtain special education services later. This may be in part due to moving from school to school, but there can be other confounding issues. In one focus group, a service provider explained how children in the juvenile justice system who had not been identified as needing services when they were young have an especially difficult time. In the example below, an advocate described a situation in which she urged special education testing for youth in the juvenile justice system, but experienced resistance from the school system. The school system argued that the real issue is not learning disabilities but general issues around access to education. She explained:

"So you're caught, the kid is in a bind when, when we go back and if we could pull records from a child at age six years old we could have seen, even at that point in time, that child is struggling and should have been tested. You know but now we go through the SAT process, and you know they come in with the new SAT process, well so, so we get a kid here and I call the schools ...and I say you know I think this child should be tested and I think this child is demonstrating a learning disability or they can't read, they can't write, and they'll say 'well [name] you know how many times he been to jail?' Well you know he's been to jail, ... I want the testing."

Participants in two focus groups indicated that even when children receive special education services, their needs are not always met. One participant explained that the special education system did not know how to meet the needs of the student in question. Another participant described abuse of a child in a special education setting:

"We actually had a good case a while back where a little Down Syndrome girl, basically five years old, was strapped to her chair for a couple of hours and she was in a time out room."

Other K-12 issues

Another problem noted in two different focus groups relates to enrollment practices. In one, participants said that schools deliberately wait until the 180 day mark has passed, and once that occurs, children that the school system does not want there are suspended for very minor violations.

Participant 1: "I was just saying it was all on the same subject. When she was saying when the 180 days hit, it's like they, then they start suspending

them and it's true, like just this year, we had several kids that would be home for something small like they didn't wear their belt or you know they didn't shave."

Participant 2: "They didn't shave." [talking over one another]

Moderator: "Why are they suspending them because they didn't shave every little...?"

Participant 3: "Because they're kids on probation and..."

Participant 4: "Because they don't want them there."

Participant 3: "Because they're kids that are on probation or that have been in the system or things like that because..."

Participants 1: "And they just don't want them in school."

On the flip side, a participant in a different focus group reported that the school would not allow a child to withdraw prior to 180 days into the school year. The reason given was because the school did not want to lose the funding the child's enrollment brought.

Members of two focus groups discussed issues surrounding bullying, with one explaining that the problem can be so severe that it leads to suicide. Among low income children, bullying can be especially problematic because their parents have so many other stressors that they may not realize the existence or extent of the bullying problem.

Finally, in one focus group, a participant expressed frustration with the demands by the school to provide school supplies for the group when the parent is on a low budget. The participant explained that it is not reasonable to ask parents to bring in supplies that will benefit the entire group rather than just their child.

Higher education

In two focus groups, participants described problems with accessing higher education. One problem is that students who do not have legal status have been denied admission to the University. A second problem noted is that it is very difficult to attend community college when you have children. This is especially problematic for low income people as they may not have the money to pay for childcare, so cannot afford to go to college.

Immigration

A second civil rights problem discussed by participants is immigration, especially citizenship and issues regarding documents. First, a number of participants described concerns about obtaining legal citizenship for both those individuals who are here legally and those who are not. The biggest barrier to becoming a citizen is cost, with one participant describing it as costing "thousands of dollars, tens of thousands of dollars."

Participants were particularly concerned with avoiding deportation while seeking legal citizenship. While this was a concern for immigrants of all ages, participants were often acutely concerned about this risk when helping children obtain citizenship. A community service provider explains :

"I deal with a young man, he's 17. ..greatest kid in the world... and he is not a citizen, and he's scared to death that he's going to turn 18 and he's going

to be deported. And he hasn't been in Mexico since he was - he doesn't even remember -- two or three years old? But he's not a citizen. And he lives with his aunt and uncle, and they've been trying to get him to be a citizen, but he cannot get help to become a citizen, and I don't know how to help him."

Participants also expressed concerns about obtaining legal residence for victims of domestic violence. Often, victims are not in a position to pursue legal citizenship because they are financially as well as physically abused. Further, victims of domestic violence may be eligible for a U Visa but may not know about it or cannot afford an attorney to assist them.

Besides concerns with becoming a legal citizen, participants explained that fears of deportation inhibit some individuals from fully participating in school, calling police when they need help, seeking medical help or seeking benefits. This is important because it means they are less likely to be connected to the agencies and groups that can help them, and more vulnerable to those who may be out to exploit them. They may also be less likely to know about changes to immigration policy and law, which, as one participant pointed out, is important for them to know.

Documents

Besides getting help with citizenship or Visas, participants also discussed concerns about other forms of documentation and identification. In two focus groups, participants described the difficulty of replacing permanent residency documents due to the cost. In one focus group, a participant explained that she had encountered problems when she and other family members tried to obtain driver's licenses. In this case, several family members obtained their temporary licenses at the same time. Before getting the permanent license, they were flagged for fraud. They were required to show up in court to present all of their documentation to prove that the license applications were legitimate.

Perceived unfair treatment by criminal justice agents

A third area of civil rights discussed in the focus groups is unfair treatment by criminal justice agents. Participants in seven focus groups expressed concerns about unfair treatment by criminal justice agents. Most frequently, they felt there was some unfair treatment by police; this was addressed in five focus groups. The types of complaints varied. For example, in Albuquerque, homeless individuals explained that the police sometimes target areas where the homeless are likely to be, and they issue tickets for relatively minor offenses such as jay walking. In addition, they explain that when they are arrested, their belongings, particularly backpacks, are left behind unsecured. Not only do they lose all that they have, their identification and other documents are lost. They are not able to easily replace those items.

Participants in other focus groups describe being targeted by race or ethnicity. In particular, people reported that African Americans and Hispanics were racially profiled. Participants explained that police target particular individuals, groups or neighborhoods based on racial or ethnic composition. These complaints occurred in both rural and urban areas. One community member said:

"I just want to say, I want to go back to this racial profiling and African American young males being stopped for nothing and then they are thrown in jail. They have no legal... They may not have someone to help them or tell them how they can get a public defender and then they go down."

While African Americans are targeted for arrest, Hispanics are targeted to check immigration status, as a community member explains:

Participant: "There's a lot of racial profiling, too."

Moderator: "By the police?"

Participant: "Yea, by the police. People just walking on the street and just saying stop and ask for an ID. Them wanting their names. Just going, well, for example, like somebody being at a location and getting approached by a police officer asking for their ID, you know, just to see if they're an American citizen."

A participant in another community member focus group described excessive aggression by police:

"One, one person was arrested by lots of police, lots of police cars arrested him and his daughter and those who were in the car, and as a result it gave a little girl a lot of anxiety and things because they get were apprehended and handcuffed. And then it turns out that they told them 'you can leave, no we're just seeing if your car was stolen'. But it is an injustice in the sense that they did not investigate more before they did something like that involving guns and everything, and they could not do anything better about it. Sometimes the police act with too much power, with arrogance towards people."

The community member participants' perceptions of disproportionate minority contact extend to the jails and prisons as well. One participant wrote:

"Having black skin means, NO MATTER WHAT YOU HAVE DONE FOR THIS COUNTRY, means you are just another nigger in this state, in this country. There are a disproportionate (sic) amount of blacks in jail, because we don't have bail money, because Atterny's (sic) lie, and because judges are for the most part racists."

Besides complaints that focus on targeting certain individuals for citations and arrests, in another focus group, the participants explained that the police need to be educated on how to deal with mentally ill individuals. This is exemplified by this exchange between the moderator and a community member:

Participant: "I think the police ought to be more informed about mentally ill... the mental illness, whenever they pick up a person, and they always think they're on drugs and alcohol, when actually it's their illness and the cops don't know anything about it because... I had to go to the emergency room one night and there was a guy in there and he was having an episode with his illness, and the cops they, they tied his arms down and they were standing outside his door laughing and making jokes about it. So I think that police ought to be notified about all this. I think they need more information."

Moderator: "They need to be educated?"

Participant: "Yes, thank you."

However, another individual in the same focus group indicated that the police interaction with mentally ill individuals had improved in that area.

Unfair treatment by judges

Some participants described bias on the part of judges. Besides racial biases, participants felt judges were unfair in other ways. Participants in two focus groups felt that judges favor mothers in child support matters. In addition, participants in several focus groups explained that judges have familial ties, political ties, or connections to others in the community that impede their ability to be fair. This problem was largely noted in rural areas and in Indian Country. Other community members felt the judges in their area were unethical:

Participant 1: "I don't know if you all know about this or not but we have some pretty shifty judges, too. They've been, I'll do you this favor, you do me this favor type deal. It goes on around here. A lot of people don't see it."

Participant 2: "I agree with him."

Participant 1: "A lot of people don't see it."

Participant 3: "Yea. I've heard that."

Participant 4: "I agree with him."

Access for those with disabilities

Another civil rights issue, access for those with disabilities, was raised in one of the focus groups. A participant explained that in Indian Country, the Americans with Disabilities Act does not apply. Thus, there is a lack of access to buildings in Indian Country. Participants explain that this includes public buildings where they lack appropriate signage to direct people to existing wheelchair ramps; wheelchair ramps that are dilapidated; and parking lots that are only gravel, making it difficult for individuals in wheelchairs to maneuver. This can impact things like the ability to get services or to vote. They explained that even homes are not always wheelchair accessible.

Family problems

Family problems were one of the most common problems discussed at the focus groups. Included here are such issues as guardianship, child support and visitation, divorce, and domestic violence. Every one of the focus groups noted one or more of these family issues as a concern.

Guardianship

Participants in thirteen focus groups discussed issues ranging from power of attorney to adoption issues. Most commonly, people had concerns regarding guardianship by grandparents raising grandchildren. A service provider provides an example:

"I have several families that the children are placed with grandparents and then they're needing to gain guardianship over the children, that's a big problem I have, a lot of them can't afford attorneys."

However, guardianship and adoption issues occur in other familial relationships as well. For example, participants in two different focus groups explained that is not uncommon among the Native American community for extended family members to take in a child. However, these arrangements are typically not formal. Like in other guardianship situations, this can cause problems if they need to seek medical treatment, counseling or other services since they do not have legal guardianship.

One of the underlying factors in guardianship is child abuse and/or abandonment. Participants across focus groups described scenarios where grandparents or others took in children because the parents were abusing them, often fueled by substance abuse issues. The guardians then find that in order to get help (e.g., medical or psychological) for the children in their care, they have to seek legal guardianship. Moreover, they may also be plummeted into poverty. They are now caring for, feeding and clothing children they may not have anticipated caring for.

Guardianship issues were also associated with immigration. Participants described guardianship concerns for undocumented children who are left with either friends or family members. Conversely, in another case, a child who is a citizen was left with family friends after the parents were deported. The family was left struggling to find a way to become the legal guardians of this child.

Finally, a participant in one focus group described the difficulties encountered for same sex couples. When a same sex couple adopts a child only one parent can adopt the child because same sex unions are not recognized (or were not at the time of the focus group). In addition, when a child is conceived through artificial insemination, only the biological parent is allowed to have his or her name on the birth certificate and the other parent must adopt the child.

Lack of legal guardianship, particularly in cases where neither of the caretakers has legal custody, can be very problematic for the children. Participants explained that lack of legal guardianship impedes their ability to get services for the children, such as medical or mental health, or enroll in day care. Further, adults who do not have legal custody of the children in their care cannot enter a shelter with those children. While some people may not need permanent guardianship, they may need power of attorney to get services for children while the children are in the guardian's care.

Divorce, custody and child support

Second, participants described problems with divorce, custody and child support. Participants explain that when these issues are contested, the process can be extremely long and costly, making it difficult to obtain legal representation. Moreover, some people have circumstances that add to the complication such as immigration status.

Participants frequently spoke of needing to obtain child support. However, low income New Mexicans often cannot afford to pay the child support ordered. The homeless may be at particular risk for not paying child support. In two focus groups, participants explained that homeless parents often accrue excessive child support debt that they cannot pay back. Further, the actions taken by the State can exacerbate the problem. When someone fails to pay child support, the state may suspend or revoke the parent's driver's license. This may make it impossible for the parent to get to work, causing him or her

to lose their job. Thus, while many low income New Mexicans need child support, some of those who are required to pay may not be able to do so. This then impacts the caregiver, who is destitute because he or she is not receiving the child support.

Individuals in two focus groups described problems with unmarried parents and paternity. One issue raised was paternity testing. Both described the difficulties of handling child custody and support issues when the parents are in different jurisdictions, whether it be different counties, State versus Indian Country or different tribal entities.

Domestic violence

Many participants explained that child custody, child support and divorce often occur in conjunction with domestic violence. People may get divorced because of domestic violence, but disputes over custody can also cause domestic violence situations or exacerbate existing domestic violence situations. In some cases, victims may not attempt to seek child support because they fear what their ex-spouse will do.

As noted previously, victims of domestic violence often suffer financially at the hands of their abusers. This can spill over into the divorce proceedings. Participants explained that when victims seek a divorce, the abuser is able to afford an attorney while the victim must try to find a lawyer on limited or no income. One focus group participant explained how this puts the victim at a disadvantage. She described a situation where a woman was victimized by her husband; the husband was able to retain an attorney right away. She had to seek an attorney from a legal services provider, but was unable to get one right away. In the meantime, her husband was able to gain custody of the children:

"But in reality they go to the organization and the organization says 'we will call you and goodbye.' And there is where time is lost to seek a lawyer for that woman with few resources .. It puts restrictions on them or do something ...the husband already paid [another] lawyer...The husband takes [custody of]the children. 'But how? If my husband hit me? My husband did this.' 'Sorry the husband stays with the kids.'"

Domestic violence, though, is not limited to divorce and child custody situations. Indeed, it was an issue commonly raised across focus groups, as were orders or protection to prevent abuse. Jurisdictional problems may impede the issuance of protection orders. For example, in one focus group participants explained that tribal courts must first determine where the parties live (on or off the reservation) before they issue a protection order and that can complicate the process of obtaining the order.

Participants in the focus groups explained that abuse is a factor that creates other legal problems. For example, people facing domestic violence often have to deal with other legal issues such as employment discrimination as well as non-legal issues such as finding safe shelter for them and their children. If the victim is undocumented, that adds another layer of difficulty in that undocumented individuals cannot access public housing.

Other types of familial abuse, including child abuse and abuse of the elderly were also issues raised during the focus groups. These other types of familial abuse are often associated with substance abuse as well.

Other family issues

Finally, participants also spoke of other family related issues. Lack of affordable day care was raised in two focus groups, as was the need for family stability/support. A participant in one focus group noted that parents need education regarding resources available for young children. In another focus group, a service provider explained that single parenthood, particularly among teenage mothers, was very high.

Housing

Problems surrounding housing came up in nearly all of the focus group discussions and participants detailed numerous housing related issues and needs. The types of housing problems discussed include: landlord/tenant issues, lack of affordable housing, lack of accessible housing, lack of quality housing, lack of shelters/transitional housing, problems paying utility or tax bills and general housing issues.

Landlord/tenant

Landlord tenant disputes were the most frequently discussed housing problem, with participants in fourteen focus groups either noting it or discussing it in detail. Some of the landlord/tenant problems discussed includes landlords who refuse to fix items in the home such as heaters, extensive mold removal and deteriorating siding. Generally, participants indicated that landlords were providing substandard housing. In addition, community and provider participants both discussed problems surrounding evictions. In some cases, the evictions are not valid, but the tenant is often not aware of that.

In one focus group, participants explained how these problems (substandard housing and eviction) can be related. Specifically, some renters withhold rent hoping to force repairs, but then get evicted because they do not have anything documented. A legal provider suggests:

"If they had written a letter then we'd have a good case against them to force them to fix them up, but since we don't and they're two months behind, it's almost too late to really try to step and get the landlord to change things."

Sometimes individuals need assistance breaking a lease. This can happen for various reasons. However, as explained in one focus group, victims of domestic violence are especially vulnerable when a landlord will not allow the person to change the locks or break the lease.

Another issue that came up in several focus group discussions was that landlords take advantage of people, sometimes because they are in vulnerable situations. For example, a participant relayed an instance in which a disabled person was being charged double for his rent but did not know. Fortunately, that individual kept all of his receipts and an advocate assisted him in recovering the money he overpaid. In two focus groups, participants explained that there are landlords who offer to let the

tenant buy the home in exchange for repairs, but then renege once the repairs are complete. One community member explains:

"The landlord decided he was gonna take it back. He told them, he said, 'you know,' he said, 'I need you guys to move.' And they said, 'No, you told us we could get this house rent to buy.' He said, 'We want to buy it, we want to stay here, we put all this work in it.' And he said, 'You knew the terms.' He said, 'It's my option, it's my house.' 'Do have a paper saying that I was gonna sell it to you?' 'No.' He said, 'I want you guys out of the house. You guys don't leave, I'm gonna call immigration.' They left the house. And he now has the house rented. They fixed it up, they worked so hard, they worked so hard fixing up that house."

Affordable, accessible and quality housing

Focus group participants also discussed both the lack of affordable housing and access to affordable housing. The availability of affordable housing varies from place to place, but is particularly problematic in rural areas. Simply put by a community member:

"It's difficult to find a home."

As noted previously, the wait for Section 8 housing is extremely long, and there is a dearth of low income housing even in urban areas. Participants explained that they have seen places that were originally low income housing increase their prices to market value once the tenant's subsidized lease expires. This exchange between community service providers exemplifies this problem:

Participant 1: "So what we're doing is referring to the low income apartment rentals or (tax?) credit apartments which are more affordable than the market rate."

Moderator: "And how long are those waiting lists?"

Participant 1: "some of them come up right away, like (named apartments)."

Participant 2: "Haven't we lost a few of the low income apartment complexes though, they..."

Participant 3: "They let their contracts..."

Participant 4: "They let the contracts lapse, and, and are now at market rate which again"

The lack of affordable housing in an area can encourage people to remain in substandard housing, encouraging unscrupulous practices leading to landlord-tenant problems. As these service providers explained:

Participant 1: "They're not willing to confront landlords either when it's unsanitary, unsafe or if they've been rejected by their landlord before uh for unsanitary conditions, or trying to get help to fix the house."

Participant 2: "Electrical or water or whatever it may be." [multiple people agree]

Moderator: "They afraid to, to stand on their rights and say uh you know I don't have to pay rent because you're not fixing something."

Participant 3: "Correct, because they can't lose the housing."

Participant 4: "Because the housing's so, so limited."

Sometimes the economic conditions of an area promote exploitation. For example, one city experienced an oil boom, causing the cost of housing to increase and limiting the options for affordable housing. This can promote situations where people are living in substandard housing and landlords are not pressured to improve the housing.

In addition, even when people do complain, those complaints may not be addressed. In one focus group, a participant explained that staffing at the Section 8 housing authority has decreased, limiting the number of people who can enforce housing quality standards. There was also some concern that landlords who accept Section 8 housing could choose not to do so any longer if they are subject to enforcement by the housing authority, further limiting affordable options. However, one landlord complained that tenants receiving Section 8 housing are able to “get away with” a lot but did not elaborate.

Quality housing can be an issue for those who own their own homes as well. For example, one participant explains that his friend’s home was condemned and he could not get it back up to code. However, in this case, Adult Protective Services stepped in and relocated him to a safe housing situation.

Another concern raised by participants is lack of access to affordable housing. Some people are not able to access low income housing due to their criminal history; this can impact both adults and older teens. Others who have a more difficult time accessing housing include sex offenders, and people who are unable to pass mandatory drug testing. In one case, the participants indicated that drug testing was not systematic in one housing complex, but that only new tenants were required to submit to drug testing. This meant that the existing tenants could be using illegal substances and not get evicted. Besides these issues, some people who could pass background checks do not have the funds available to pay for it. Finally, some people are not able to access housing because of their legal status. In discussing the options for an undocumented woman who is a victim of domestic violence, participants in a legal providers’ focus group said:

Participant 1: “Yea and then not being able to I mean she could go to a shelter, but then I don’t think if someone’s undocumented, um can they go into public housing?”

Participant 2: “No.”

Participant 3: “Um I mean if they have a child, like a U.S. citizen child...”

Participant 4: “If there’s no citizens they can’t, but if you have a citizen child you can, okay.”

Utility bills, taxes and foreclosures

In several focus groups, participants noted that many individuals are unable to pay their utility bills. This can be especially problematic for low income individuals because it can lead to eviction if the person is in HUD housing. While people should be able to work with the utility company to get some relief, in some cases, people wait too long to get help and cannot work out payment plans. In those instances, the utilities are turned off. However, in one focus group, a participant explained that she had a very high utility bill that she was unable to pay. It was not because she had used that much water, but because of a faulty water meter. However, this person was being held liable even though the utility

company knew about it. In two other focus groups, participants explained the elderly may not pay their bills due to dementia. For example one service provider explained that his neighbor had stopped paying all of his utility bills:

Participant 1: "In some cases working with seniors, if you get even a tiny bit of dementia, the very first thing that goes is the people's mail starts piling up, and even if there's money..."

Participant 2: "they forget."

Participant 3: "They're not opening the bills and writing the check. There's a gentleman in (place) and his utilities were turned off and his neighbors went in and they said, you know (name), what's going on here? He says, well I'll pay it when they send me a stamped envelope."

In addition to utilities, the elderly often have a difficult time paying their taxes due to their limited income. When they do not pay their taxes, they have to pay penalties, which they cannot afford either. Dementia may also play a role, as with the utilities.

Foreclosures can also be a problem. Participants noted that the elderly and veterans are particularly at risk for losing their homes. Like utilities and taxes, the elderly are at risk of foreclosure due to lack of income and dementia; veterans may be at increased risk because of PTSD.

Lack of shelters and transitional housing

Finally, participants in seven focus groups described the lack of shelters or transitional housing in their areas; five of those were in rural locales suggesting this is especially problematic for rural areas.

Participants in several focus groups named transitional housing as a problem impacting individuals releasing from jail, prison, or juvenile detention facilities; those releasing from a homeless shelter; those leaving substance abuse treatment facilities; and children in foster care situations. A lack of shelters was noted exclusively in the rural areas. In particular were concerns regarding the lack of shelters for homeless children and adults as well as for domestic violence victims.

Health

Health concerns were frequently noted in the focus groups; participants in fifteen focus groups noted or discussed in some depth issues surrounding health. Generally, they discussed the types of healthcare issues they or their clients encounter, barriers to accessing healthcare, and quality of healthcare received.

Low income New Mexicans struggle with a variety of health problems. The most common healthcare issues raised were mental health concerns and substance abuse issues. In addition, participants noted physical disabilities, and chronic illnesses such as diabetes and asthma.

Focus group participants explained how poverty can exacerbate health issues. For example, one person explained that the food wagon for homeless individuals frequently serves noodles, which is not beneficial for diabetics and can cause complications requiring hospitalization. Additionally, many cannot access healthcare. Many low income New Mexicans do not have health insurance, do not have Medicaid

or may not qualify for Medicaid or Medicare. Thus, they cannot afford routine preventive care or necessary medications, which can also lead to worse health problems and hospitalization. Some people may choose to go without their needed medications while others find alternatives, such as buying what they need at the flea market. One community member described the following situation:

"One (issue) we faced this week is medications; not being able to pay for medications. I either pay for medications or skip a meal or eat and not take your meds."

In another service provider focus group, participants explained how forgoing medication is more costly to taxpayers in the end:

Participant 1: "Even more common are those with chronic diseases like diabetes and those who just don't take meds because they can't afford it."

Participant 2: "Which then leads to the organ failure."

Participant 3: "And then it's going to cost us more money to take care of them when they go to the ER."

Further, people who need specialized care are not able to access it:

"... those folks in our community who don't have insurance, medical insurance or need specialized care, they basically just go home and wait and see how the disease just takes them over."

Even among those who do have Medicaid, participants indicated that it may not cover everything they need. For example, one focus group member relayed that hormone treatment was not covered and so the participant had to pay out of pocket. However, others note that the only way to afford medical services is through Medicaid.

Besides money, another barrier to healthcare is the long distances some people have to travel to access it, especially in rural areas. For example, one woman described having to travel 75 miles one way each week to seek counseling for her child. Others noted that accessing specialized care for a physical health problem can be particularly difficult for those in a rural locale, where those services are often lacking. Finally, legal status, such as undocumented workers and unaccompanied minors, can impede healthcare access.

In addition to impediments to accessing healthcare, participants discussed a few other healthcare issues. Several people noted concerns with quality of care. For example, one participant explained that his elderly relative was being cared for by a home health aide, but that she was not being cared for appropriately. Others felt that the treatment they received was not addressing their health care issues. Another concern raised was regarding discharges from a medical facility. Specifically, this participant indicated that people were being discharged without having a place to go, without clothes and high on medication. Finally, one person noted that the chronically mentally ill need an appropriate payee to manage their finances. In this case, the service providers were acting as payees and were uncomfortable with the arrangement.

However, not all participants agreed with the sentiments above. For example, one participant in an urban focus group said there is a place that helps homeless individuals with health problems. They are allowed to stay in the facility for seven days or more if needed while confronting an acute medical issue. Additionally, in one focus group a participant noted that there is a perception that there is nothing available to low income individuals and therefore they do not seek alternatives. While this was not something cited in other focus groups, it is important to note that some people are not informed about their options, may not know where to go to get this information, and as a result, do not access healthcare that might actually be available to them. As with other issues discussed, this is a reminder of the importance of community education initiatives that help detail available resources for traditionally underserved groups.

Chronic physical and mental health problems or disabilities were repeatedly pointed to as underlying causes for legal problems. Chronic physical health problems are not likely to be adequately addressed due to lack of money, health insurance, transportation limitations or other reasons. Chronic health problems impact people in numerous ways. First, people who are chronically ill may have difficulty finding or maintaining employment. A community member illustrated a personal situation:

"...you know I was working construction making a lot of money, as soon as they found out (I was ill) no more job for me with any place. Do you know what I mean?"

Chronic health problems can cause people to move from a middle income bracket to lower income or both middle and lower income earners into poverty status over time. When people are unable to pay their bills, it can open them up to predatory lending or to agreeing with payment plans that are not reasonable. Others noted that people who are chronically ill may not physically be able to fill out paperwork in person or meet other requirements that would provide them relief such as benefits or assistance with utility bills.

Mental illnesses and cognitive disabilities can also be precursors to legal problems. One problem is that people with mental disabilities may not understand that failing to meet a deadline can lead to losing benefits. For example, one participant shared that sometimes people do not complete the recertification paperwork needed to remain in Section 8 housing within the deadline they are provided without understanding that this can lead to losing that benefit. Participants in other focus groups provided similar scenarios, indicating that some individuals have trouble meeting deadlines. As one legal provider explained:

"Well, there's no flexibility. There's no sense of you know...I think it's like the preface under the American's with Disability Act that tries to talk about this, being flexible with, I'm paraphrasing, but being flexible with the artificial deadlines, you know they say we have 30 days, well people with mental disabilities are not going to understand a 30-day deadline. They may finally get around to it in 45 days but if the system says 30 days, they're out."

Mental and cognitive disabilities can lead to other problems that result in legal problems. For example, a participant explained a situation where a woman with a mental illness was unable to ensure that her child went to school and was unable to pay her rent. Child Protective Services was called repeatedly and eventually the child went to live with another caretaker. Others noted that people with dementia or PTSD may not pay their bills due to their impaired judgment, leading to other problems like losing their homes. These problems are not limited to those who fail to pay their bills if they are responsible for others as well. For example, if there are children involved, those lives are also disrupted, which can impact their education and general well-being.

Physical and mental health issues are not limited to adults. Indeed, participants explained that the mental and physical health problems of children can be underlying causes for legal problems. For example:

"So if, ... you got a child with a disability and ...you're on an hour to hour job and you have to take off work to go to a child's IEP, it all, it all rolls together and people end up with the possibility of losing their jobs, if they have to go pick up their kid because their kid's been suspended from school."

This can then lead to other problems some of which may have a legal remedy.

Employment

Employment issues were noted or discussed in nearly half of the focus groups. Most commonly, participants described unfair labor practices including minimum wage violations, poor working conditions, and employment discrimination. In addition, participants discussed problems surrounding seeking employment and lack of jobs.

Unfair/illegal employment practices

The employment issue most frequently discussed by participants was unfair/illegal employment practices. One way in which people are taken advantage of is by not getting paid what is rightfully due to them. For example, in the restaurant service industry, some people are paid below minimum wage because they also earn tips, but then do not receive their full tips. Participants in other focus groups described employees who are forced to work off the clock, are not paid for all of the hours they work, or are paid a lower wage and doing a higher wage job.

Participants in several focus groups noted that immigrants- both legal and undocumented- are especially likely to be subjected to unfair labor practices, either being paid less than what they've earned, or not at all. For example, one community member explained that he had worked a job where he anticipated being paid at the end of the job, and when he went to collect his check, the company was no longer at that location.

"a problem to be very common is that the people who work and do not have documents often do not get paid. They do not get paid by the employers who hire them."

In addition to illegal wage practices, participants described being subject to discrimination. For example, in one focus group, two participants disclosed that they had been fired from a job because they spoke the “wrong language.” In one case, the person spoke Spanish and in the other, English. In two other focus groups, participants described discrimination against women involved in domestic violence court cases. In both cases, the women had to leave work repeatedly to go to court, and the employer began to cut their hours. In another, a participant had been subject to a racial slur by a supervisor, resulting in a complaint to EEOC. Participants also report issues of sexual harassment and even physical abuse. A legal provider expounds on this issue:

Participant 1: “One thing, like I see people who are mistreated by their employers and I don’t, I mean usually it comes down to like eventually they quit because they were being treated, and were they mistreated badly enough to where it was okay for them to quit? Right? Because it usually comes out in the... when people are talking their unemployment thing it was you know that they’ve been physically hit, that they’ve been um, uh we had somebody locked, was it locked in overnight? Sexual harassment.”

Participant 2: “Or just general like um like lack of tolerance when the client has a domestic violence case and has to keep going back to court, um which is actually...”

Participant 3: “Right and they starting cutting their hours back.”

Participant 4: “Prohibited.”

Participant 5: “Yea and it’s prohibited but they’re at will and then when you have a restaurant and a lot of employees.”

Lack of employment

Members in several focus groups noted that lack of employment is a problem for low income New Mexicans. Moreover, even when there are jobs available, they may not be sufficient to make ends meet, as a community member describes:

Participant 1: “Jobs. There are a lot of people looking for jobs.”

Participant 2: “With decent pay.”

Participant 3: “Everybody can find a part-time job at McDonalds that pays half your bills. You know? Or a full-time job at McDonalds that pays all of your bills, but doesn’t leave you enough for dinners. I mean, you can’t buy groceries.”

In areas where entry level jobs or employment generally is limited, people are more likely to be susceptible to exploitation by employers.

Some people explained that individuals are unable to get work due to personal barriers such as mental health problems, felony records and substance abuse problems. One participant described a more unique situation: he was a transgendered individual and did not include prior employment at which time he was employed as a female so his work history was very short. For others, there may be barriers due to language or immigration status. One service provider explained that trying to find employment is especially difficult for people who speak a language that is not common:

“Asian immigrants having very low, or having high unemployment rates, um and one of the reasons is, and they stay unemployed longer than other groups, and

it's because it's harder to find a job in the language that you speak, and so that would be even more emphasized here in New Mexico because, so if you are um, if you speak Laotian or Lao, how many opportunities are there for you to work at a restaurant or work at a place where somebody speaks the language that you speak, so it gets more and more difficult, so you're more afraid to lose that job."

Like other problems, employment issues can be compounded. For example, a person who has a difficult time finding employment may be at risk for illegal wage practices because the employer knows he or she is vulnerable. Thus, this vulnerability is an underlying problem that can lead to legal problems related to employment.

Consumer

Focus group participants frequently discussed consumer problems, particularly predatory loans and unfair debt collection, though other issues such as repossessions and need for consumer education also came up.

Debt collection, predatory loans and need for consumer education

One of the problems that low income New Mexicans face is that because they do not have money, they get into situations where they cannot pay their debts and face collection agencies. The types of debts noted varied and included debts incurred from not paying storage unit fees, vehicle repossessions, mobile home repossessions, and medical expenses. Sometimes bill collectors use illegal means to try to obtain the money owed, such as harassing the person at work or threatening the person with jail. Participants in various focus groups described ways in which collection agencies will intimidate consumers who owe money. In addition, when people do not pay off their bills, they end up incurring more debt due to the finance charges and interest. As these legal service providers explain:

Participant 1: "We've had elderly, a lot of elderly people that have had consumer collection agencies contacting them and scaring them you know."
Participant 2: "I don't wanna go to jail. That's what my client; I have a client who said that. And then they pay."
Participant 3: "Yea and sometimes they'll enter into these repayment agreements when their judgment proof and they can't afford it and because they're having, they've entered into this agreement, then they're not having enough money for their medication or, or something like that."

Related to the problem of debt are predatory loans. People in half of the focus groups noted that this is a problem plaguing low income New Mexicans. For example, one focus group member described a situation where a person got a loan for \$50,000 that ended up costing \$150,000. Others describe situations where similar increases in the final amount occur. Several participants described the problems they have had in establishing and maintaining credit, which puts them at risk for predatory loans. This community service provider explained:

"We see a lot of people that are involved with the predatory lending. We had...a female last year and she had three or four different loans at different

places. She was employed, but her monthly payment was higher than what her monthly income was, so therefore she lost her rent and came to shelter. And when we started looking at her paperwork...it appeared to me that something wasn't right there, um, there were duplicate charges and...so we sent her to (legal organization). I know they actually helped her because these people were really hounding her, they were even calling the shelter and making kind of threats and stuff, and they really helped her a lot. They consolidated, they actually got two of them wiped out. They consolidated a couple more and got her payment where she could afford it."

Participants explained that consumers are often not aware of their rights as in the example provided above, in which consumers believed they would go to jail. In another focus group, a participant described how people had been sent official looking letters intended to make them believe they have no rights, even when there is nothing in writing to indicate that the person signed a promissory note or its equivalent.

In addition to education specific to debt collection, participants in two focus groups felt that consumers need education in financial literacy more broadly. They specifically note that people do not always understand the transactions they are involved in and may not understand the terms of contracts. In particular, they may be told by a salesman what the terms of a contract are, but what is written in the contract differs from that explanation. Others note that people who have limited education are at risk for entering into agreements they do not fully understand.

Besides the issues discussed above, participants in two focus groups described problems with repossessions. This was described as particularly problematic in Gallup. A community member in Albuquerque explained that his vehicle had been repossessed unfairly:

"I had a car repossessed, I wasn't even an entire month late, and I only had two more payments left."

Finally, two people in one focus group had experiences with businesses that closed down and the consumer did not get goods they had previously paid for. In one case, the community member pre-paid funeral expenses and another gave money to an insurance company that closed.

Other problems

In addition to the problems delineated above, participants noted a number of other problems that did not fit into those categories. One of these problems is a lack of transportation. Particularly in rural areas, public transportation is limited and people generally cannot afford taxi cabs (if they are available). This limits access to both legal and non-legal services (such as medical services) as well as access to jobs and education. One community member said:

"So each way I go 70 miles a day. Then I see another teenager walk this way just to go to school at the high school. I pick him up and he's hitchhiking. So, every day."

Second, participants in two focus groups noted that victimization, besides that committed within families, is a problem. Homeless individuals are especially susceptible to victimization on the street; women are even more at risk. In another focus group, participants explained that members of the LGBTQ community are at risk for violence, particularly males of color.

In addition to victimization, participants in three focus groups felt that LGBTQ had several other problems. First is that in rural areas particularly there is little social support for them. Second, the male/female gender dichotomy does not resonate with everyone. Participants explained that not only is this problematic when filling out documents, it can be problematic practically such as when using a public restroom or when they are incarcerated not having a jail pod that fits their gender. Participants also explained that they have to pay for a name change. Finally, another problem noted is not being able to visit ill partners in the hospital.

Participants in many focus groups noted that low income New Mexicans face hunger and nutrition deficiencies. Many community members simply struggle to pay for food:

"The groceries (are) so high and stuff... it's just outrageous."

Besides people not being able to buy food, the service providers and organizations that feed the poor do not have enough food to go around:

Participant 1: "There's a huge shortage."

Participant 2: "Our emergency food is real low all the time; we have trouble keeping it up."

Participant 3: "I think money is at the root of all the, you know, there's just not enough money to go around, to help feed people... it's, it's... you know, as much as you can, you get out there and you do what you can do to help to feed as many people as you can, but, but... money is...at the basic, uh, basic level. If there's not enough money there's not enough food. Period."

Moderator: "So that's money for funding?"

Participant 4: "Funding."

Focus group participants explained that young and old alike are going hungry because they and the agencies that provide help do not have enough money to feed them.

A focus group participant also noted that low income people are especially susceptible to environmental degradation. For example, residents of the Navajo Nation have been exposed to uranium due to long term mining in the area, causing various health problems both for the people living there and their livestock. One legal provider explains:

"...the way it works out is that lots of the communities where we work are low income and communities of color because that's where environmental degradation goes in our society."

Another problem that participants in rural areas noted was that there is a lack of substance abuse and mental health treatment facilities in those areas. In one urban area, a community member felt that there was not enough substance abuse treatment available for adolescents.

Problems conclusion

Throughout this section we have described the problems faced by low income New Mexicans as described by community members, community providers and legal providers. The range of problems encountered by low income New Mexicans is diverse. Many of these problems lead to legal problems or can exacerbate existing legal problems. People often face multiple problems simultaneously: they cannot afford their rent, daycare, medical expenses, etc. Because of this, other problems emerge: people become increasingly ill, their vehicles are repossessed, they lose their jobs because they cannot get to work and they are evicted leading to homelessness.

Among the problems discussed above, the problems noted most frequently across focus groups include housing and family issues. This is important as these are two of the types of cases that legal providers indicated were not being adequately addressed in the New Mexico Commission on Access to Justice Survey. One of the questions they asked was which legal needs were not being met adequately. Respondents most often noted family law followed by immigration and housing. While the problems discussed by the focus group participants are not representative of the New Mexico low income population, it is important to note that areas most often cited as problematic by focus group participants overlap with types of cases where clients' needs are not being met as reported by members of the private bar. Further, the focus group discussions suggest that this is an accurate perception. Many community members described the difficulties they have had trying to obtain guardianship or get divorced.

Section III: Accessing legal services

In this section we describe people's knowledge of legal service providers, how people find out about legal services available in their communities, and the utilization of those services.

Knowledge of legal rights

People's knowledge of both their legal rights and what they access legal services for varies. Some people know what their rights are. For example, one focus group of community members discussed what to do when denied unemployment or Medicaid; some people were aware that they can appeal those decisions. They said that they found out about those rights by reading documents sent to them or through their advocates. For example, after the moderator asked whether people knew that they could complain if their benefits were cut, one community member said:

Participant: "I filled out papers the other day... say I had QMB insurance, you know what that is?"

Moderator: "I do, Qualified Medicare Beneficiary, it's a form of Medicaid that covers your Medicare costs."

Participant: "Yea, and I sent in a paper the other day to see if they could give me full Medicaid, and they turned me down, so I'm appealing them."

Moderator: "Good, and how did you know you could appeal?"

Participant: "Well that's part of your rights."

Others, though, did not know they could appeal:

Moderator: "Okay... did you know that you could get help from somebody?"

Participant: "No I didn't. No I didn't."

People generally knew they could seek help for labor disputes, immigration, wills, unemployment, appealing special education decisions, assistance for decreases in social security income, and help with predatory loans. However, that knowledge was not universal. Indeed, many people did not know that they could seek help for these problems, particularly for appealing decisions like special education and reduction or cessation of benefits. In the focus groups where harassment by police was raised, none of the participants sought legal assistance for the problem, and when asked directly, they did not know they could get assistance for problems related to police harassment. In one legal providers' focus group, participants explained that people generally know that their agency can help in family matters, but may not know they could get assistance with other problems:

Participant 1: "I think probably the biggest access problem is what [name] talked about in the beginning of the meeting, that people don't know that they can see us about stuff. They know that we're here. They know that they can see us if they wanna come and get advice getting a divorce or something like that. But it doesn't occur to them if they get served with a summons and complaint on a debt, that that's something that we could help them with. [people agree] So they come to us after they get their writ of garnishment on that thing that started a long time ago."

Participant 2: "Once the effects are there in place."

Participant 1: "Right. Once, yea that's, that's when they come to see us..."

The types of problems that people in these focus groups often sought help for include landlord tenant issues, divorce, guardianship or child custody, and domestic violence. Participants also noted problems for which low income New Mexicans need assistance, but do not get it. These include healthcare, power of attorney, and tax problems among others. They may not seek assistance because they are unaware that they can, but even if people know their legal rights, they may not seek services.

Knowledge of legal services

Low income New Mexicans access a variety of legal resources, as described by participants in all three types of focus groups. The legal resources utilized include both organizations like Legal Aid that target their services to low-income populations and private attorneys (pro bono to fully paid). However, community members were not necessarily aware of all of the legal resources available to low-income populations. Moderators asked participants in a number of focus groups whether they were aware of different types of legal services available in the community. Typically, this was asked as a follow up to discovering that the participant had experienced a particular legal need such as a landlord tenant dispute. In some cases, people were familiar with available legal services, and in others, they were not. Moderators in various community focus groups specifically asked about two organizations most frequently: Law Access New Mexico and New Mexico Legal Aid. When asked, all of the participants were familiar with New Mexico Legal Aid. However, about half of the focus group members asked were familiar with Law Access New Mexico. In one focus group the moderator asked whether people were familiar with Disability Rights New Mexico; none of the participants in that focus group knew of the organization.

Most often, community members sought assistance from New Mexico Legal Aid, pro bono attorneys, and private attorneys. Community members also frequently mentioned DNA and Pegasus. Many people attempt to represent themselves; some noted that they went to a workshop to learn the steps needed, particularly for divorce.

How people learn about legal services

One of the most common ways that people learn about legal services is through referrals. Referrals were made by professionals (community service providers, legal service providers, police, and courts), friends, or neighbors.

People were referred to different types of legal resources. Most frequently, providers and community members reported that they had made referrals or been referred to New Mexico Legal Aid or Law Access New Mexico. Participants in several focus groups noted that they had been referred or refer to private pro bono attorneys. Pegasus was mentioned in several focus groups. However, referrals vary by location and client need. For example, in areas near the Navajo Nation, providers are likely to refer clients to DNA, especially if a Navajo licensed attorney is needed. In the table below we list the referral locations mentioned by participants in any of the focus group discussions. As is clear from the above

discussion, in many instances, only one or two people across the focus groups made mention of or are even aware of any of the specific services mentioned here.

Interestingly, in some cases, people are referred to places that do not handle legal cases. For example, some service providers in one focus group explained that they refer people to women's shelters because they know that they can provide some sort of assistance. They also explained that there were people in the community who had been referred to a typing service to assist in completing pro se forms.

Table III.1 Locations people are referred for legal services

Referral locations	
NM Legal Aid	DNA
Law Access New Mexico	Somos un Pueblo Unido
Private/pro bono	Domestic Violence Resource Center
Christian Legal Aid	Advocacy Inc.
Pegasus	Mexican consulate
Workshops/clinics	(Name's) typing service
Senior Citizen's Law Center	The Refuge
Poverty and Law Center	Legal fairs
Homeless court	Native American Law Center

Where and how people seek legal services

In addition to accessing places they are referred to, individuals seek out services on their own. The moderator asked participants in most focus groups how they learned about legal services/where they would go if they had a civil legal problem. In those focus groups where the moderator did not ask, participants typically provided this information spontaneously. Most commonly, people said they would go or have gone to agencies or organizations with which they had some sort of affiliation to get referrals for legal services. Some examples include the African American Affairs, Albuquerque Healthcare for the Homeless, senior citizens centers, the Transgender Resource Center, the local women's shelter, or their child's school. In addition to agencies like this, individuals said they would seek help from case managers, health workers, and domestic violence advocates. One person said he would seek help from someone in jail if he needed legal assistance because inmates often know how to file pro se.

The second most common response was that people would ask someone in their personal network for a referral or for advice about seeking help for a legal matter. Community members indicated that they themselves went to a friend/acquaintance for advice or that someone had come to them for advice. Sometimes the person may be able to help, but sometimes he or she cannot. For example, one community member discussed a situation in which a child was not being cared for properly and a family member of the child came to her asking for help:

"She doesn't know how to get the legal help that she needs for that kind of a situation and in that situation, she asked me and, honestly, I had no idea.

All I knew was about myself and that's if...that person is willing to give up guardianship."

Rather than seek a referral or advice from friends (or sometimes in conjunction with asking a friend), some people looked for services themselves. Many people looked online either to find a legal provider or to find forms to file pro se. However, many others also said the internet was not a good resource because they could not easily access it. People also began at the courthouse, typically seeking legal advice or in order to file pro se. Less frequently, community members said they looked in the phone book or tried calling 311 in Albuquerque for information. In two focus groups, people found out about legal services through the media. In one these focus groups, participants found out about a legal fair through the newspaper and others through flyers distributed throughout the community. In the other, community members said they would seek services from attorneys they had seen in television ads. However, participants in another focus group felt that attorneys who advertised in that way were likely ineffective, so did not seek those services. Finally, there were a few other places people sought assistance: the library (for pro se), calling the mayor's office, visiting UNM's law clinic, going to different community meetings, or contacting an entity like the EEOC or ACLU. Thus, people seek information from a variety of people and organizations and in a variety of ways.

While these results cannot be generalized to the low income New Mexicans at large, it is important to note where focus group participants sought legal help. Most frequently, community member focus group members reported that they sought out help from New Mexico Legal Aid, from a private attorney (not pro bono), or represented themselves pro se. Several also called Law Access New Mexico, received advice or a consult from a private attorney pro bono, or went to Pegasus.

When do people seek help for legal services

While some people seek help right away, participants across numerous focus groups indicated that it is not uncommon for people to let problems go until they become a crisis. Participants described situations in which people receive multiple notices that their utilities will be turned off, and do not seek any sort of help until the utility company actually comes to turn them off. Similarly, some people, for any number of reasons, may be poor money managers or simply not have enough money to make ends meet. This can cause problems like letting bills pile up, waiting to pay bills and then not having the money when they are due, or frequently making late or insufficient payments. This can lead to utilities being shut off, which can trigger eviction if the housing is subsidized. Clearly at this point it is far more difficult to get help than it would have been earlier on when the individual first began to struggle with unpaid bills.

Participants offered some reasons that people may delay accessing help until the problem becomes acute. Some may not feel they need help, and may try other ways to deal with the problem until it becomes so big that they can no longer do it on their own. One participant described a situation in which people do not have the funds on hand to pay their bills, so they do everything they can to find alternative ways to pay their bills. They max out their credit cards, refinance their homes, take out high interest loans, etc., which ends up getting them more in debt. Others may be embarrassed, and so do

not seek help right away. Some may feel that it would be too expensive or difficult to enlist the help of an attorney. Others may not know that they could get help, and others may not even know that they *need* help until it is a crisis. As one community provider explained:

"I think you, you might have mentioned, if you wait until the last minute, well sometimes it's, sometimes it is last minute, sometimes it's not the last minute for our clients because they don't, they didn't understand that anything was happening, so they didn't *know* 'till today, they didn't know until whatever happened...maybe somebody would have done something if they had understood..."

Interestingly, participants also noted that systems are often not set up to assist people until there is a crisis. While this is true for legal services, it is also true for other systems such as CYFD, as one community member explained:

"Yea. She's kind of right about help, because you know, it sad to say but women and children, they have to get into a bad situation before they get help, like CYFD and then CYFD starts being very prejudice and judgmental of you and it would be nice if we could get help before it goes that far."

This may be another reason that people do not seek help until the problem has become critical.

Resolution of legal needs

Focus group discussions did point to some notable successes in the resolution of legal problems among low-income populations. Many found the assistance they received from hotlines and other phone consultation services, private attorney consultations, and legal fairs to be helpful. For example, when looking for help regarding transferring property, one community member shared:

"I'll report a good thing. I'll report a good experience that I had just recently...They had a legal fair, a law fair, here, a couple weeks ago, and we just took our chances, and wow, it was really well organized. They got us right in and we got the information we needed at no cost..."

Another participant who had sought advice over the phone was able to find out what to say to her landlord, and that was sufficient to prevent the situation from escalating. One community member in another focus group said she was able to get legal advice from a legal clinic and that the clinic referred her to "*different places*" that were helpful.

Others received full representation from both private and low income attorneys. Many of these experienced success as well. One community member explained that a non-profit legal services group helped her successfully adopt her grandchildren. Similarly, a community provider explained that another legal provider helped a grandmother to gain custody of her grandchildren, get Medicaid, food stamps, etc. There were successes with private attorneys as well. For example, in one rural area, community service providers reported that there is a private attorney who provides pro bono services, who successfully assisted a woman with adult guardianship. A community member relayed a situation where a woman was able to regain custody of her child after a long legal battle.

However, for some people, the legal services they received did not resolve their legal problems. A number of people explained that the limited services offered by consultations, through hotlines or at legal fairs are not sufficient to meet their needs. Further, while some people found that law clinics and workshops could be helpful, others did not. Community members in two different focus groups attended workshops before trying pro se representation. Both were attempting to get divorced; neither pursued the divorce because they did not understand how to represent themselves after attending the workshop. Service providers in another area of the State said:

Participant 1: "And courts have started hosting family law clinics."

Participant 2: "Yea, that's goo..we have a good one here."

Participant 3: "Yea, but we don't in (location). The clients consistently say that it's not helpful. I had a client tell me that people were being sort of shamed for their lack of choices."

Moderator: "So they have the clinic, but it's not a good quality."

Participant 4: "Yep."

People who have full representation also may not get their needs met. Some participants expressed their disappointment with spending a lot of money to retain a lawyer and still losing the case. Others were simply unhappy with the representation. For example, one community member said:

"I did have like an experience from my first divorce. I hired my personal, my private attorney, it's expensive and the attorney was very cold. Honestly, it wasn't very interactive. You paid her her retainer fee and she drafted up the paperwork that she probably already had, you know, the template, and then pretty much you never really heard from her and she like billed on paper, expenses, and so it came out to be a lot more than expected but it was, I don't know... I never really knew like ever like what was going on. It was only like right when it was maybe a court date she would call me and let me know like a couple days in advance which isn't like a whole lot of time, so it was just kind of... it wasn't a very good experience but it was my experience."

In many instances, when people are unsuccessful at getting the legal help they need, they simply give up and never address their legal problems.

Moderator: "When you do reach out and ask for help, whether you're calling an office or you've gone to the library, and you don't get the response that you're expecting or you're waiting three weeks and you still haven't heard anything, what have you or others in the community that you know, done at that point? What do you then do?"

Participant: "There's other situations with like other individuals and I know that their experience with... my daughter they become very frustrated. They become very frustrated and they feel like there's no help and they give up. They give up."

Indeed, several participants explained that they sought help or attempted to file pro se for divorce and could not get the help they needed, so simply remained married.

The focus group discussions suggest that access to legal services is constrained by a lack of knowledge about where and when seek help. Additionally, sometimes people were not able to secure services even when they sought them out. The next section details the types of barriers people reported

encountering when seeking legal services, those that prevent them from getting their legal needs met when they do obtain some assistance, and those that prevent them from seeking services at all.

Section IV: Barriers to service

Focus group participants identified a number of barriers to seeking and obtaining legal services. Some barriers prevent people from seeking services, some prevent them from resolving legal problems and some impede both. These barriers, discussed below, are categorized into three large groups: vulnerability, systemic barriers, and practical barriers. Within each of these broad categories are a number of problems that inhibit accessing and securing legal services.

Besides the problems, we also note possible solutions to those problems. Most of the solutions were generated by focus group participants. In some cases, we also include suggestions documented in the literature that addresses these same problems. Many of the barriers to legal access found in New Mexico have been found in other states. Further, some of these barriers prohibit access to other service providers; thus, some recommendations originate from literature addressing access more broadly.

Vulnerability

A theme that was consistent across many of the focus groups is vulnerability. Not only can vulnerability contribute to legal problems, it is also a barrier to seeking legal help. Focus group participants identified specific groups of people who are especially likely to be vulnerable: immigrants (legal and illegal), victims of domestic violence, homeless and those with mental or physical disabilities/illnesses. However, all low income New Mexicans can be in a situation where their vulnerability inhibits them from seeking legal assistance. Generally, participants explained that those who are vulnerable may not seek legal help because they fear reprisal, do not trust the system, or have disabilities that interfere with their ability to access the system.

Table IV.1 Vulnerability

Barrier	<ul style="list-style-type: none">• Vulnerability
Suggested solutions	<ul style="list-style-type: none">• Partner with trusted community partners to reach vulnerable population• Provide options such as video conferencing and telephone conference• Provide case managers who can help vulnerable individuals access the system

Fear of reprisal/consequences

Participants across several focus groups described similar scenarios under which individuals would fear reprisal and therefore do not seek legal services. First is in employment situations. Immigrants – whether legal or illegal- were identified as one group that is especially likely to be exploited and not seek

legal action. One reason is fear of deportation. Indeed, one participant indicated this is not an unjustified fear:

"I was working with someone, um with a family in Santa Fe, a couple of years ago, that where the, chef hadn't been paid for a couple weeks and he went to, he applied to the state office for his back wages and two days later the ICE folks were at his door and hauled him out and I can only, you know I, the dots connect too closely for me to not think that that happened because he actually took the initiative to go after his back wages, which was \$2,000, so wife and three children were left in the states with no income, no nothing, and that's where they came to me."

However, deportation is not the only concern. Further, immigrants, with or without documentation, are not the only people who fail to seek legal remedies for employment wrongs. Participants described areas where jobs are scarce and/or the types of jobs for which individuals are qualified are limited. Under these circumstances, employees may be more likely to accept unfair/illegal treatment for fear of losing their jobs.

Another area in which vulnerable people are likely to be exploited and not seek legal help is housing. The barriers to seeking legal help are the same as those that inhibit people from seeking help for employment disputes: fear of deportation for immigrants and limited options more generally. Particularly in rural areas, the options for low income housing are limited; thus, people are less likely to seek legal assistance because they do not want to lose the housing they do have:

"We get people calling and they will have a tenant-landlord dispute, and they are afraid because if they make too many waves, they're gonna be out on the street."

Victims of domestic violence are another vulnerable group that can face barriers to obtaining legal services. Participants explained that victims of domestic violence sometimes do not seek or follow through on protection orders due to fear of the batterers. One legal representative explained how the situation is especially frightening in rural areas:

Participant: "And here if people have to go to (town) and they're afraid of someone killing them because of a domestic violence situation, it's a huge, I think impediment, towards people being able to exercise their um, their legal rights. ...the fact that both of them, you know you've got a court date and he knows she's gonna be driving down that road um through that..."

Moderator: "A remote area."

Participant: "A remote area, um at a certain time uh, yea I mean it's terrifying. As an attorney I'd be afraid to go. The judge has closed down the courthouse before because she's afraid of those type of issues."

Besides fear of more violence, participants note that victims of intimate partner violence are financially dependent on their batterers. One participant explained that some women whose spouse is here illegally do not report the abuse because it will lead to the man getting deported, leaving the woman without any income.

People in other family violence situations face barriers as well. A participant in one group explained that dependent elderly individuals may not be able to access legal help because they have to rely on others to transport them to the law office or even to act as interpreters. However, those same people they rely on may be abusing them, prohibiting their ability to get legal assistance.

Distrust of the system

Vulnerable populations may also be less likely to seek services because they distrust the system. Participants explained that oftentimes people have had interactions with formal social systems that are negative, leading them to be leery of interaction with any formal system including the legal system. One example of a negative interaction is with child protective services. Specifically, people who interact with child protective services only do so when their children are being taken away. In addition, participants noted that immigrants are especially likely to feel intimidated because of the requirements placed on them in order to access various social services. People seeking services are asked to provide personal information including social security number, phone numbers, etc. This can inhibit people from seeking help:

"We are afraid to give you telephone number, you have it and they you know that you are not legal, they're going to get you,"

Participants in several focus groups noted that people posing as lawyers had preyed on the immigrant population. Not only are those who were victimized less likely to seek legal services again, those who know about it are less likely to seek legal services for fear of being scammed, as illustrated by the statements of these community members:

Participant 1: "Trust of authority is, is difficult."

Participant 2: "Not because the lawyers, because the people that they pass like lawyers you know what I mean?"

Participants also explained that sometimes what lawyers do is not helpful or what the client wants. For example, while a lawyer may be able to get someone out of substandard housing, the client may then have no place to go. In another situation, a rural community member explained that the results of the services received were not what they wanted:

"And the other thing about (organization) is (organization) is worse in a sense for that child. It may not be what you want or what the other party wants but it's what's best for that child in **their** opinion."

However, this distrust is not limited to attorneys. Participants in one focus group noted that there were concerns that judges who hear cases will not listen. Thus, they will be worse off than they would have been if they had not pursued legal action.

Disabilities interfere with access

The last way in which vulnerability is a barrier is that physical or mental disabilities/illnesses can interfere with accessing legal services. For example, there are some people who are unable to leave their homes due to physical or psychiatric problems. One agency in Albuquerque explained that they are able to do home visits currently, but that the money to do so is diminishing. This would leave

individuals in these situations at a loss. Second, an attorney explained that they are sometimes prohibited from providing services because the person seeking help “does not have the capacity to enter into an attorney-client arrangement when that person doesn’t have a power of attorney” and thus the person they are trying to help cannot get the help they need. Finally, some participants noted that some people have processing disorders, brain injuries or learning disabilities that make it difficult to communicate. This was noted as being especially problematic when seeking services over the phone, but in person they “might have a chance.” Similarly, limited literacy can impede people’s access to services. If they cannot read, they cannot fill out the forms they need to complete to access help.

Ways to overcome barriers due to vulnerability

One way to overcome vulnerability related barriers is to partner with other agencies. It is not unusual for people to first seek help from non-legal sources. Some of those sources are community agencies. By partnering with trusted community agencies, vulnerable individuals are more likely to get the legal services they need. For example, one legal provider explained:

“...whether it’s isolation or fear, we found that partnering with other community organizations that have already established relationships of trust and we actually have hours onsite at the community organizations. So it’s a place where people already feel safe, it’s a place where people already are, and the lawyer goes there and does work there. I’ve found that that works.”

The partnerships should be strategic and designed to reach people who might not otherwise obtain legal services. These organizations should include those that help those who are most likely to be vulnerable such as immigrants, people with mental illnesses, victims of domestic violence, etc.

In order to help victims of domestic violence who, for safety reasons, should not attend court hearings and for those who are home-bound, participants suggested that other options be available. This could include video conferencing or telephone conferences, as appropriate.

Finally, a case manager could help to provide assistance to vulnerable New Mexicans. The case manager would help people determine what the legal need is, help them identify options for resolving that legal problem and help them access and navigate through the legal system.

Systemic barriers

Some barriers people encounter are due to the nature of the legal system. Participants identified a number of systemic barriers to seeking legal services. These include: specialization of services and siloed systems, limited resources to provide services, jurisdictional boundaries, and difficulties with understanding and navigating the system. Some of these barriers limit use of the legal system while others inhibit users from accessing it fully.

Table IV.2 Specialization of services and siloed systems

Barrier	<ul style="list-style-type: none"> • Specialization of services • Siloed system
Suggested solutions	<ul style="list-style-type: none"> • Develop partnerships with other attorneys • Shared databases • Increase knowledge of and communication across agencies • Create centralized locale housing multiple attorneys • Cross train attorneys

Specialization of services and siloed systems

Two problems, specialization of services and siloed system, often work in tandem to create barriers to accessing services. The first of these is specialization of services. Across all types of focus groups (community member, legal service provider and social service provider), participants explained that attorneys typically have knowledge of specific areas of law making it difficult to find an attorney who can assist with a case because those seeking services often do not know which area of the law a particular attorney, agency or organization focuses on. Compounding the problem is that the agencies are isolated from one another, so often the providers do not know who to refer people to for help. This legal provider describes the situation:

"And you know the thing is I think it's totally understandable that they're frustrated by this crazy process and I've had multiple clients say like you know I've been shuffled from like number to number to number and now you're telling me you can't help me either. Which I think is partially a product of this sort of fragmented legal services system we have in this state, and like yea you know there's like some people who only do this and like and I'm not that person [laugh] so you don't want me doing your guardianship you know?"

Especially problematic is when people have complex, co-occurring legal needs that cannot be addressed by a single attorney:

"Take for instance if you have someone who's raising a child and they're an undocumented immigrant, they need to figure out how to get that child legal status that they might qualify for but they also don't maybe get Medicaid because they're not here, they're concerned about that or they're worried about that. They might go to Pegasus or to Advocacy for one piece of that but they go to immigration law section for another piece but then for benefits issues there might be someone else that they would go to. Then there may be underlying issues if there's disability issues or if there's other things then they'll have to go to different providers for all of those. And, and remember who've they've talked to, remember which phone numbers are for what, and that's a lot of information."

This specialization of law also occurs within the judicial system. For example, a victim of domestic violence may seek a protection order, but to get a divorce or permanent custody of children, must open

a separate domestic matter case. Specialization can also impact the successful resolution of cases. The two examples below describe the problems that have and can occur due to lack of knowledge in specialized areas. The first was relayed by a community service provider, and the second by a legal provider.

"other attorneys don't understand the legal implications of immigration status. And I think even with divorce, so not realizing, so if somebody would potentially qualify for um, of, for VAWA under the one where you have to be married, and you get an annulment, then now all of a sudden you no longer qualify, and so you might have been talking to an attorney but they don't know the immigration side, so..."

"but if commissioner [name] goes on vacation we get one of the other judges in there, they don't know DV cases and they actually have very recently caused more problems rather than alleviated them through not knowing...and we have problems educating the judges. The judges don't want to do the education and do the piece, because 'well, I don't handle those cases' and then it comes up and they do and they do it badly, very badly."

Additionally, some legal organizations only help certain demographic groups (such as senior citizens) or have other restrictions regarding who is eligible to receive services. Thus, finding the right attorney can be difficult because of both the specialization of law and the siloed systems.

Solutions for specialization and silo barriers

Participants offered several suggestions to overcome these problems, particularly the issues of siloed systems. First is the idea of a single location where attorneys who have different specialties could be housed: a one-stop shopping type of approach. Community service providers could also be housed in the same locale, such as the model used by the Family Advocacy Center in Albuquerque. This could be very useful for helping people find the help they need quickly, whether it is a legal need or something else.

Second, participants suggest that legal providers learn about what other organizations and attorneys do so that they can more easily refer clients that they cannot assist. Similarly, they could develop partnerships with other attorneys not only to learn about services available but also to engage in some cross training. This would help ameliorate the problem of specialization. Participants suggested that cross training should reach not only attorneys, but also judges so that they better understand the intricacies of particular aspects of the law.

Finally, a participant in a legal needs focus group suggested a shared database in lieu of or in addition to collocation of services. The purpose would be to track problems that recur:

"I think another important way to improve services, to make sure that we are sharing information and collaborating to make sure that direct services and systemic work are linked. ... There are states that have shared databases of you know fair hearing problems and things like that, so it seems to me there are some things we could do to really improve the communication of the patterns that people who direct, do direct services are seeing and the people who systemic advocacy can really be responsive."

Limited resources to provide services

One of the barriers consistently mentioned throughout the focus groups is the limited resources that are available. Legal and service providers recognized that the demand for legal services far outweighs the resources available to service the low income community. One legal service provider stated:

"Let me just state, we see about 3,000 people a year. To (organization name), we refer what? Seven hundred out of those 3,000 for service and with the current staffing levels, they are able to serve about 100 of those 700."

Table IV.3 Limited resources to provide services

Barrier	<ul style="list-style-type: none">• Limited resources to provide services
Suggested solutions	<ul style="list-style-type: none">• Increase funding for both attorneys and line staff• Increase pro bono requirements• Allow sliding scale• Create civil version of public defender's office• Provide incentives to entice attorneys to work in underserved areas• Increase the number of trained paralegals• Dedicate funds for experts

Much of the problem is that rather than increasing funding, there have been cuts to funding legal service organizations in recent years. The limited funding impacts all levels of employees in a legal organization, beginning with front line staff. Participants in several focus groups explained the difficulties and delays encountered due to the limited support staff. For example, one attorney explains how they have just one support staff member, and the problems this can cause when people are seeking services:

"For this office we have one person who is a clerical person. And so if she is, for example in the restroom, she cannot be answering the phone and when she comes back and there's three calls and she's listening to those calls and two more calls come in and then maybe the next day she has to go to a doctor's appointment and... and it's just like a never ending backlog."

Another legal service provider simply states :

"We don't have a enough support staff to handle all the volume of calls and contacts."

Besides delays in services, these cuts can have other serious impacts. Not only do agencies have to do more with fewer people, they can lose knowledge. An example provided by an attorney:

"In the last five years or so um our (organization) has really kept cutting lawyers, cutting and cutting. So we haven't lost too many union positions, right? But actually there's at least two vacant union positions, and some of the more senior attorneys with litigation experience have left. So we're, there's sort of a double whammy with less staff to handle the number of clients that come in, um and less litigation experience all around..."

Lack of specialized knowledge can be especially problematic for agencies that cross jurisdictional boundaries, particularly in Indian Country. In two of the focus groups with legal service providers, participants spoke of the difficulty they have with serving clients whose cases are heard in tribal court because they do not have the staff to handle those cases.

While participants spoke of the limited resources throughout the state, rural areas may be especially affected by limited resources. Rural areas are less likely to have specialty services and there are fewer resources available generally. In addition, due to limited staff, it often takes longer in rural areas to address legal issues. Some of this is due to the lack of attorneys available, but also participants noted that there is a lack of judges, which can impact case processing times, particularly for domestic violence protection orders. Further, as one community service provider from a rural area explained, clients often have to go to Albuquerque to get services, and that delays cause other problems:

"They... going through that attorney in Albuquerque, it just takes a lot of time. So if they're at the shelter for 3 months, it's not that, it's gonna take a lot more time than that. They have nowhere to go, they have no housing options."

Delays also occur on the judicial side, as this legal provider in a rural area explains:

Participant 1: "I've filed things and had them sit until like three months later even though they were emergency orders, I mean clients who need to modify their orders or protection. I have a client who needs to modify an order of protection and isn't gonna be able to do that. It's taking about two months to get a hearing, um because..."

Moderator: So a lack of judicial resources.

Participant 2: Yea, yes. I think especially in the rural areas.

Participant 1: Those hearings are supposed to be scheduled within ten days by the statute, and they're commonly two to three months.

Participant 2: Yea, which I haven't had those, but you have, right? On the initial order?

Participant 1: Uh huh.

Participant 2: Which means, I think generally, that a temporary order is in place and keeps getting renewed, but that, I mean you're not dealing with things like child support, I think or custody visitation terms, and it's very frustrating for the client and it's very frustrating for me as the advisor and the attorney because I can't [laugh] make it happen and faster. But yea I think it's because the courts have one hearing officer who is supposed to be serving these communities that are pretty far flung from each other.

Another problem associated with limited resources is conflict of interest. Participants in several focus groups described cases where people seek legal services only to be turned away because the legal provider is representing the opposing party in a dispute. This occurs in different types of cases such as family matters, landlord tenant disputes, consumer disputes and other problems. In some cases, this is due to the organization's focus. For example, organizations that help domestic violence victims likely cannot help domestic violence offenders. However, the limited number of legal services also interferes with a person's ability to obtain legal representation:

"A specific issue we've run into with (agency) is we'll send a client over to (agency) and they'll already be representing the spouse or...and they can't see

both, they can't work both sides of it, so we don't have a place to refer beyond that."

Conflicts of interest can also occur at the judicial level. For example, one participant in a rural location explained that the judge was related to "just about everybody" causing "continuous difficulties" in trying to have cases heard. There is no pro tem judge in the area to handle these cases where there is a conflict of interest.

Resource limitations are also manifested in caseload limits. Caseload limits may mean that attorneys prioritize cases or that there is a delay in accepting a case. Cases could be prioritized by type of case, such as family matters involving domestic violence, landlord tenant issues involving likely eviction, etc. For example, when discussing one of the organizations that provides services to low income individuals a service provider explained that the organization is good for some issues:

"...with the domestic violence area it, it seems really good for protection orders and then people who are eligible for their...well they can't really represent because of their caseload, divorces, even with people who are documented legal but they can send them to the divorce class or things like that, but they, they do, I mean as far as DV goes, I mean they do really help with protection orders and they call us back and they, you know"

Participants in other focus groups reiterated that certain agencies accept only certain types of cases. While some of this is reflected in the mission of the organization and the specialization of services noted above, fiscal restraints or grant requirements can also limit who is served. Participants from one community service provider focus group explained:

Participant 1: "The wait at (organization) is horrendous. (*Participant 2:* oh yeah) And there's, um, they just, at one of our meetings she said they're only accepting one type of case... Do you remember, [name], what she told us? They're not taking any cases except for one..."

Participant 2: "The (organization) girl that came to some of our (organization) meetings last month... do you remember what she said? Like they're only taking one type of case at (organization), and the wait is still months to get legal help."

Participant 1: "For a long period of time they only had just one attorney. [Name] was in there all by himself, you know, for ages."

Moderator: "So, where do you go to get help for any of these things?"

Participant 1: "You don't."

Participant 2: "We don't."

Besides only being able to accept certain types of cases (e.g., landlord tenant disputes or divorce), agencies may not be able to take on more complicated cases that would drain resources. For example, a service provider expresses:

Participant: "I think someone had mentioned child custody and one of the issues that I think we see often is that most of the groups that provide help for child custody, first a lot of times you know it's domestic violence, so it needs to be domestic violence in order for them to qualify for the services, so that excludes people who are just low income, and then specifically in DV, but in lots of child custody cases, they go on forever and so therefore most places will not take cases, they either will only take

it to a certain point, or they don't take it at all. And so we've had, I mean we've had one or two cases where the child custody has been going on for something like ten years, and obviously maybe places can't take that, but the person is using the legal system to abuse their partner, and is making them spend every last penny that they could possibly have. And so I think that's something that's lacking, is like good, consistent support for..."

Moderator: "Long term..."

Participant: "Yea."

One option available is brief consults, typically offered at legal fairs or clinics. Some participants indicated that they had used these consults and it had met their needs. Further, some said that there are attorneys who will work with clients longer to ensure that their needs are met. However, some service providers felt the 15 or 30 minute consults are not enough.

"I think for me it would be knowing that the process they have to go through, they may or may not get there in time and be the 15th or 20th person for that time period and so they may have to go back and try again to just get in, and then they may or may not get assistance."

It is important to note, though, that it is not always a good thing to provide unlimited representation. One participant explained that when there are no limits, litigants will sometimes fight over very minor things. One example provided is in a divorce case, the parties may fight over every piece of property including minor things such as a blender.

Suggestions to overcome resource limitations

While many people felt that more money was needed to fund agencies that provide legal services to low income New Mexicans, participants realized that this is not likely in the current economic climate. However, they also offered many suggestions. Most frequently, people from all types of focus groups suggested increasing pro bono requirements for private attorneys. Currently, private attorneys can either provide a certain number of hours or pay the State Bar; many opt for the latter. This situation is described by a legal provider:

"the state bar of requires either pro bono or service hours or money, and it would be really nice to see if we could get, especially the major law firms, to cough up more hours and more pro bono hours."

Besides increasing the number of hours, participants in several focus groups also felt that it would be beneficial to require that private attorneys provide more direct representations. For example, one community service provider said:

"it's much easier to get a legal consultation than it is to get representation, and that's just I mean, it's an obvious statement, but it's a huge problem because you can be started in the process, but you need more than a navigator to go through the legal process, so more pro bono representation."

Besides increasing pro bono services, others suggested that rather than offering free services to only those who meet very specific income requirements, it would be useful to offer a sliding scale. This

option could help those who just miss maximum income requirements. Some noted that offering a sliding scale as an alternative to pro bono services may also serve to limit trivial litigation.

Several participants suggested a civil version of the criminal public defender's office. People noted that this could be less costly than funding other agencies that currently provide services to low income individuals because they could target attorneys who are just getting out of law school, as the criminal public defender's office often does.

Other suggestions include having a pot of money to hire experts to testify or for custody evaluations to help in complicated cases. In addition, some areas are less likely to be able to attract attorneys. One suggestion to increase the pool of attorneys in hard to fill locations is to offer temporary waiver of state bar license for lawyers willing to practice in these areas.

Pro se forms

Many people represent themselves pro se. While some people are able to represent themselves effectively, most indicated that it was not easy.

Table IV.4 Pro se representation is difficult

Barrier	<ul style="list-style-type: none">• Pro se representation difficult
Suggested solutions	<ul style="list-style-type: none">• Create pro se forms and instructions in easy to understand language• Provide forms and instructions in accessible, centralized locations both online and in person (like a court kiosk)

One problem participants had with pro se was finding and completing the forms. Participants primarily sought out two sources for forms initially: the courthouse and online. Some who went to the courthouse reported that they were often unable to find the forms they needed there, and so searched at the library or online. Those who searched at the library typically reported that they were able to find the forms needed. Those who searched online were sometimes successful, but not always.

Besides finding the forms, it is not always clear which forms you have to submit. One woman explained that after completing and submitting the pro se paperwork, she still had another form to fill out.

Another participant, an attorney, explained:

"...it's extremely confusing. I mean we do, you guys have...I mean you guys have pro se materials, but it's so confusing. I, I mean as an attorney I'm like really this is... is it... do you have to file this piece of paper? And I was in... did family law for two years, it's so confusing even for attorneys, of what the right pieces of paper are."

In addition to the difficulties of finding the correct forms and determining which to complete, service providers felt the forms themselves are often confusing.

Participant 1: "And so even if they get their hands on the forms, they truly don't know what to do with them. It doesn't make sense to them, and so it's useless."

Participant 2: "I'm educated and I have a hard time getting through one and understanding it, you know. I'm not..."

Participant 3: "If you're not in the system, there are things you just don't know."

This community member explained the difficulty she had encountered:

"Because see, I have three boys of my own and the smallest one, I am trying to get help because of custody issue that I have to go to court. But in this case, there's not like a no income, low income lawyer that can help you. You have to pay big money so they can represent you in court and having that said, I have to represent myself and it's kind of hard to do the paperwork and all of that, you know. I am doing it step by step, but it gets complicated."

Suggestions to improve pro se forms

The two problems noted above with pro se forms are accessibility and ease of use. To improve accessibility, participants suggested maintaining forms in a commonly used centralized location. One of those could be at the court; one participant noted that there is a court that has a kiosk where the public can access forms. Given that many people said they began their pro se representation at the court, this is likely an ideal location. A second common place where people begin their search is online.

Participants suggested creating an online system with filters that would help people to easily access the forms they need. A series of questions could be used to help the client navigate to the correct forms needed. For example, if someone were pursuing a divorce, the first question might ask them whether there are children in common (or whatever would be the most appropriate question initially). The person would be then sent to the next screening question, and eventually lead them to a list of forms that they need that they could then download.

Besides accessing forms, participants suggested creating forms in laymen's terms and creating instructions that are clearly worded. The instructions would make reference to any additional forms that could be needed if the situation applied (like those written for completing taxes). It may also be useful to create a handbook that describes the steps to take when filing pro se for a given purpose, such as divorce or a landlord tenant issue. In fact, one participant noted that there is a handbook for landlord tenant problems that answers many questions.

Understanding the law and navigating the legal system

Participants identified several barriers related to a lack of understanding of the law and how to navigate the legal system. These are discussed in this section.

Table IV.5 Lack of legal knowledge and unrealistic expectations

Barrier	<ul style="list-style-type: none"> • Lack of legal knowledge • Unrealistic expectations • Jurisdictional boundaries • Language and communication
Suggested solutions	<ul style="list-style-type: none"> • Case manager • Offer “customer service” training for attorneys • Increase warm referrals • Ensure language proficiency among interpreters • Increase education • Engage in activities to increase awareness of the law, legal system, and legal service <ul style="list-style-type: none"> -create pamphlets -public service announcements -Educate community service providers -Provide legal education in strategic locations • Ensure resource lists are current and accurate

Lack of legal knowledge

A common theme across focus groups was that low income New Mexicans often do not know the law (what is legal, what their rights are, etc.). This can have disastrous consequences. For example, one participant explained that sometimes tenants will withhold rent to force the landlord to make repairs. However, if they miss the crucial step of putting their requests in writing, they open themselves up to the possibility of being evicted and having no legal ground to fight the eviction. Similarly, in another focus group a participant explained that people were being evicted but the evictions were faulty because they were not given proper notice. However, many of the tenants were unaware of this and did not pursue legal action. Examples of other types of legal problems people noted where legal assistance is not sought include: debt collectors, predatory lenders, education rights, how to write a will that is legal, who is eligible for protection orders as well as particular groups not knowing their rights including senior citizens and immigrants.

Misinformation

One reason that people are unaware of the law is that they are misinformed. Often individuals get their information about the legal system from their friends or others in the community who may not be knowledgeable about it. This is especially a problem among those whose social group is limited because there are a small number of people reiterating the same wrong information. A service provider illustrates these complications:

Participant: "I think where it comes to legal issues most frequently, what I see is just wrong information, people know things that are not true. So, women going through divorce don't realize the implications of dividing the property, the tax implications, and the long term implications, and people who are suffering abuses of the Fair Debt Collection Practices Act don't know that that bill collector is not allowed to call them 24 times a day and call them obscene names and people don't know which assets are exempt in a bankruptcy, seniors don't know that they may be judgment proof, that they may not really be anything that a creditor can do against them even if they have a judgment against them. And we have such an oral culture in this state, people believe what their buddies tell them, and they're, most of the information on the legal side that's passed around is wrong information."

Moderator: "So misinformation and lack of information."

Participant: "No, it's not lack of information, it's wrong information."

Don't know where to get legal services

Participants in several focus groups noted that one barrier to accessing services is that people do not know where or how to find legal help. Others do have some ideas about where to look, but are unsuccessful. For example, community members in one rural area shared their experiences searching for legal help at the courthouse and calling the city, but these attempts were not fruitful. They further explained that there is no central place to find services. Community members in other focus groups sought services using the phone book and, when they called the number, found that it was incorrect. Yet others used 311 in Albuquerque, but because they did not know the correct name of the agency they were seeking, they could not get the number they needed.

Not only do some people not know where to look to find legal resources, as noted above, sometimes when they do know, they are still unsuccessful because the information they access is out of date. Once community member discusses this experience:

"I'm just saying poor people are at a disadvantage because the system feels good because they give them a piece of paper and say, 'Oh, here. We've got resources,' and they know good and well, the people pass out the papers, know that the resources are not functional. So we have to have functional resources."

Sometimes participants are not looking in the right places even though there are efforts made to ensure that people are informed. For example, in one focus group, there was a discussion regarding pro bono attorneys. One community member indicated that he/she was not aware of pro bono lawyers to help with specific legal issues. However, another community member in that focus group informed the other member that information about pro bono sessions comes out in a newsletter available to senior citizens. Of course, this requires that all people know about and access the newsletter and read it- in some cases, there could be literacy issues that impede this as a viable venue for information.

Expectations about the legal system

In addition to not knowing about the law, people often do not know how to navigate the legal system (where to go, what steps to take, etc.). When people seek legal help, they expect that this will solve their problem. However, because people do not understand the process, it can lead to frustration. For

example, they seek legal help and expect that they will be able to talk to a lawyer immediately. However, legal providers suggest that is often not the case.

"Well and there's yea, I think there's a... sometimes expectations, client expectations um are that they are gonna talk to a lawyer when they walk in and they're not usually gonna talk to a lawyer. There's an intake process right? We have to explain that to them and I think that can cause frustration."

These differences in expectations may arise because the legal system here differs from their own. For example, one woman explained that some of the clients with whom she works are from another country and have a different understanding of the role of the police. In that country, the police are called to mediate, but here, when the police are called it will typically result in an arrest. Another example was noted in several focus groups. In all three types of focus groups, participants explained that a notary public in Mexico can act as a lawyer. This has led to people preying on Mexicans, using their notary public status to exploit them. These differences are not limited to legal systems that vary based on country. Participants note that the justice systems among the Native Americans also differ from the state, and that can impede understanding:

"Particularly our Native American clients face enormous difficulties understanding what's going on in proceedings that are foreign to begin with."

While most focus group participants indicated that low income individuals were at a disadvantage when trying to navigate the legal system, two participants, attorneys, point out that some newly formed low income individuals are less familiar with how to navigate in a low income world:

Participant 1: "Which brings an interesting group. I mean I do, I have had not really many experiences here in New Mexico with middle class, formerly middle class clients, but I do think there's a growing number of formerly middle class clients now seeking out legal aid with less experience navigating these sorts of bureaucratic systems that some of our lower income clients, consistently lower income, are pretty, can be sophisticated at doing you know? A lack of awareness about resources and how the system works, but I don't know if that's..."

Participant 2: "I think we have a lot more, as you're saying that, a lot more people who are coming down to qualify for services, than people who qualified for services and then we're able to get them up to where they don't qualify any more."

While the sentiment of intimidation was common in several community members, there are others who explain that they refuse to be afraid of the system and feel that by educating themselves, they will be able to access it.

"So it's like at the point where we are at now, we cannot have the fear to engage you. If you are going to offer us a service... if the legal community is opening the door, me personally, I'm going to be a person that steps forward and pursues whatever those rights are ... So if the door is open now, then we need to maneuver along with you to gain full access so that our legal rights are put on the table so we understand how to pursue them."

Jurisdictional issues

Jurisdictional issues can impede access and use of the legal system. The types of jurisdictional boundaries people encountered include county, state and tribal boundaries. For example, people expressed having difficulties with family law issues such as custody and visitation as well as domestic violence issues when crossing county and tribal boundaries. Participants explained that it can be difficult to determine what to do when one parent is in one county and the other in a different county. Even identifying where you live can be difficult, as one legal provider explains when discussing the pro se forms that people fill out:

"...like UCCJEA issues, Uniform Child Custody Jurisdiction and Enforcement Act, where people have to identify the home state. That can be a mess, especially around here, where the home state could be a tribe and the tribes don't have the UCCJEA, so people have to make these jurisdictional determinations right at the outset."

In one focus group, participants explained that women are sometimes not able to obtain a protection order in tribal court because of jurisdictional complications including determining where the abuse occurred, who was involved (Native/non-Native), etc. Similarly, concerns were raised about protection orders not being recognized across jurisdictions. Across state boundaries, people have had other trouble described by a service provider:

"I think, well, like you said with California. I lost my license in California. I have to go all the way back to California to the DMV there, when it should be easy enough... The DMV here knows about it. Why can't I pay here and get it taken care of? I don't understand that."

Besides problems with trying to determine who has jurisdiction, there are differences in laws and customs within Indian Country particularly that make educating a group of people in a large area about the law difficult. Each community within an area may have different ways of handling different situations (pull in quote from 20)

It can even be difficult for attorneys to navigate jurisdictional boundaries, particularly in areas where the lines are blurred. For example an attorney states:

"I will give you an example. I was trying to get my client out in San Felipe, the tribal judge says, "Well, go talk to the Governor." So I go and I waited two hours until I saw the Governor and he said, "Shouldn't this be the judge's decision?" And he goes, "Oh, you are right. Go back to the judge." By this time it's five and I've got to get back to Zuni. There's no clear definitions."

Language and communication barriers

Another barrier to understanding is communication. Many participants explained that often people seeking services do not understand what the legal providers tell them: there is a disconnect between the language used by legal providers and the people accessing legal services. Participants in several

focus groups explained that the legal language and jargon used by lawyers was difficult for people to decipher. An example from community members illustrates this situation:

Participant 1: "How can people understand... what she's talking about. Legalese and bureaucratese are written in Greek and Latin and nobody without, again, without an advanced education is going to understand what in the world is being said, which leaves people in limbo, legally. So who's translating this into English from Greek and Latin, I mean, where is that happening? I think that's a huge problem."

Participant 2: "You know, people today are educated, use a lot of different words, you know? (*Participant 1:* yes, exactly) As for us, we have stayed with what we learned, so, um, so by talking to people with all this knowledge, you get so discouraged, you don't know, you're all confused. You give up."

Participant 1: "Yup, yup, yup..."

Participant 2: "You just keep asking them 'What do you mean?' and 'Simplify it for me.'"

Participant 3: "Then you really feel dumb."

Participant 4: "That's okay!" [laughter]

Participant 1: "Because they keep speaking Greek and you don't."

This disconnect can leave people feeling puzzled. They may not understand the process/steps to take even after seeking help. A community member provides an example:

"I know my kids were looking to get a divorce and they went to Legal Aid and they said, 'Oh, you have to go to this workshop,' and they go to this workshop and they have no clue what's going on and came home and they actually dropped it because, and they're still married. [Laughter] There not together, because they have no... they didn't understand. Even after the workshop they didn't understand."

Others reiterated this sentiment, explaining that people obtain legal services but do not understand what is required of them or what the lawyer advised. In a number of focus groups, participants explained that individuals often do not understand what lawyers are telling them. This disconnect between lawyer language and lay person language is important. People reported that they or their clients feel intimidated, angry, insulted, etc. and may end up not getting help they need because they do not want to ask the attorney to explain further or they display attitude and do not get what they need. While some participants indicated that those seeking services do not ask questions to clarify, service providers felt that attorneys were not open to explaining:

"Whenever you talk to a lawyer he throws it at you, if you don't get it, too bad, so sad, you know it's not his problem or her problem."

Attorneys, though, may not be able to take the time to discuss cases thoroughly with clients due to heavy caseloads or because of the type of service being provided (for example, a short consultation). Indeed, one attorney aware of this problem noted:

"I did prosecute domestic violence for four years in (named) County, is educating victims. How in the world do we expect to have them understand the system, understand a little bit about the issues of custody and child support, we don't take the time to meet with them, seriously meet with them and provide them different levels of assistance."

Another aspect of communication barriers is that people often do not know how to articulate their needs. Sometimes this is due to learning disabilities, trauma, or mental illness which can impede people's ability to explain their needs. As one legal provider said:

"I mean people come in, but a lot of times people are so um mentally ill and um whatever else, we don't know, we've had several people come in multiple times and we don't know what they're try... what they're really wanting help with."

However, the communication differences could just be due to different levels of education, differences in typical vocabulary usage or it may reflect the stress people are under. When under stress, people may not know how to explain exactly what it is that they need. For example, one legal provider explained:

"And you have to be really ready to open up and allow them to talk before you can figure out what it is really they're talking about...and often they're very stressed out, you know so it's more you know it's an urgency that sometimes, I'll sometimes prevent them from articulating it but the urgency can also be that they think that this is what I need when in fact it's something else they may need."

In some cases, there may not be a legal problem, but there is a need that has to be addressed and one that could escalate to a legal problem.

Besides these communication barriers, there is also the barrier of speaking a different language. Although New Mexico offers many services in Spanish, participants expressed mixed opinions about the success of these services. Some community members felt that the services offered in Spanish were sufficient; others found them lacking. One problem is that the forms are in English:

"The really problems is in English, all English. The lawyers, the court is in, in English, you know? The hospital, the doctor is in English."

Another legal provider notes that even the forms to help non-English speakers are in English, and in some cases provide erroneous information:

Participant 1: "I think the rural areas, I've seen that for language access too. I had a client down south who was, she got, it was a real estate contract case but she got an eviction notice and it was in English and then there was a paper in the mailing in English that said if you don't speak English you need to bring your own interpreter to court."

Participant 2: "It happens."

Participant 1: "Yea, I mean you know so fortunately she was hooked up with an attorney and we wrote to the judge and said no, you have to provide an interpreter and they did but you know. How many people would just show up and sort of nod through and get evicted, if they went at all."

Moreover, some participants explained that even when there are translators, the translation is not always accurate. As an example, a community member described the communication put out by the school district regarding make up days for weather related cancellations:

"Last time this happened they wanted to say how would you guys like to replace the day that was lost because of the snow? How do you want to make up for the snow day? And said instead...how would you like to put on makeup [laughter]and I said that's what they're saying here, they want to put make up on the snow day?"

While the participants can clearly understand what was meant in this case, there are other instances in which the meaning is lost due to the poor translation. This is especially important when dealing with serious legal matters.

Other participants felt that if the foreign language spoken was not Spanish, such as Laotian or Vietnamese, legal services were much more difficult to obtain. One service provider explained that due to attorney client privilege, she could not sit in on a session with an attorney- the client had limited English fluency and told the provider afterwards that he didn't understand what had happened and asked the provider to explain, but she couldn't answer because she wasn't there. A participant legal provider also noted that individuals who speak Navajo or other Native American languages may have difficulty getting services:

"Language is an access barrier around here, especially with some of the elderly clients. It's usually dealable, I mean we have people who come in, usually our clients come in with, with their some, well often several family members all have to fit in that one little office. But it can be a problem as far as access, especially when our support staff, who's Navajo speaking, isn't here. Plus you know she's obviously not Navajo and Zuni speaking so that, that's access problem."

Regardless of the foreign language spoken, participants felt there were barriers due to language.

Participants also explained that some people prefer or need face to face contact. For example, those who are deaf or hard of hearing may have trouble trying to obtain services over the phone unless there is TTY available. Others who have disabilities such as a processing disorder may struggle with understanding what is being told to them over the phone or communicating their needs. Still community members prefer face to face contact due to cultural norms, demonstrated in these statements:

Participant 1: "Yea. I just want to say, okay. I had a client that called (organization). The way they provide services is like you send in the paper. So it's done through fax and phones and that's really unfair because people need to see the person's face."

Moderator: "So you are talking about (organization)."

Participant 1: "Okay. So what happens is a person doesn't go in there and talk to them live. I don't know if they are volunteers or who is working there. But I think that's really unfair because you know what? You are not putting a face with a person and it's not really a client-centered place. It's just a place and they become that number and it's really unfair for people. So if you could change that, if the system changes, that would be wonderful, because it's just treating people less than a person."

Suggestions to overcome difficulties with navigation and understanding the system

Case manager

People in multiple focus groups suggested that a case manager or social worker could help people navigate through the system. This would be offered to everyone who might need one; that person may help them navigate other systems as well, such as the health care system. However, people also acknowledged the lack of funding for such a position. To overcome that, one participant explained that they had been able to use interns from the local university to act as social workers. However, they found that the interns were inconsistent- sometimes they would get one, and sometimes they would not. It is possible, though, to strengthen the relationship between legal organizations and local colleges and universities to create a consistent internship system. It may be useful to discuss the possibility with a variety of disciplines to create a larger pool of interns. One participant at a legal provider focus group said:

"but sometimes the legal issue that we're looking at could have been helped by a social, a social worker if you will, a case manager, somebody helping them out, somebody walking them through the process, somebody making the phone calls, making the connections and so forth and so what we've tried to do is get an internship program, we have one, but it's hit and miss whenever we get a student coming in from Highlands University, so it's not a consistent thing. There's really very little funding for that, you know social workers don't get paid that well in the first place, and they're students, so all we can come up with for free ones right. Let's make it, if there were case managers available that would be able to hold people's hands, train to be able to maneuver through the system knowing what's out there, I think that's the, a way to address it but difficult to get."

Those who have ties to social service organizations noted that case managers and others were helpful to them when they needed assistance. This reiterates the idea that a case manager could be very beneficial for some low income New Mexicans.

Warm referrals

Another suggestion is that service providers establish and maintain ongoing relationships with legal providers and through those relationships, provide warm referrals. Participants explained that a warm referral is when a provider calls on behalf of a client. Indeed, participants who engage in warm referrals indicate that they are successful. The provider is more likely to be successful for at least two reasons. First, they can help explain what the person needs. Second, since resources are limited, legal providers may be more inclined to help clients who are referred from a service provider. A participant in a legal service provider focus group recounts this referral process:

"So, again, what I do is I'll refer a victim to those places and so then they'll make the phone call and say, 'I need this, this, this and this.' 'We can't do it.' And then the victim calls me back and says, 'Well they couldn't help me.' Then I call and everything seems to call into place."

Consciously improve communication methods

Participants also suggest that legal providers strive to speak in a language that people understand. Legal providers must speak at their client's level of understanding, refrain from legal jargon, while at the same time ensuring that they are not talking down to clients. Related to this is that because people seek legal help when they are in distress, it is crucial that providers take the time to understand what it is exactly that the client needs. This may be combined with advocacy, as the quote below by a community member suggests, but it does not have to be.

"Advocacy. Because many poor people know what they need, but the people who have what they need do not speak with them in the language that they can understand. So there needs to be an advocacy to help them go through the milieu of whatever the services are that they are trying to receive."

During one focus group where these problems were noted, a moderator explained that a well-trained attorney does these things. This is an important observation, suggesting that legal providers may benefit from "customer service" training, particularly for those who regularly interact with low income New Mexicans.

Ensure language proficiency among interpreters

While many community and legal service organizations have bilingual staff, one problem raised was that bilingual does not mean competent. This is especially important when translating the specific vernacular used by legal providers into another language. Thus, it may be useful to measure the language proficiency of interpreters. Indeed, in their survey of New Mexico health care providers, the Southwest Center for Linguistic & Cultural Competency and the NM Department of Health (2007) found that 95% do not have a formal process to assess the language competency of interpreters and that few used trained interpreters. It is unknown whether that is true among legal providers as well, but it is important to note that this is possible.

Increase knowledge of legal rights and where to get legal services

Two of the barriers- that people do not know they can get legal services and they do not know where to get legal services- could be ameliorated by using various methods to get information to people. First, people suggested creating pamphlets that inform individuals of their legal rights, how they might seek help (e.g., pro se, find an attorney), and where they might be able to find assistance. These pamphlets would be placed at places where low income individuals are likely to frequent: various community providers' offices, community centers, libraries, hospitals, homeless shelters, domestic violence shelters, University help desks, etc.

In addition, since people often seek help from community providers, participants in several focus groups felt that it would be beneficial for those providers to be knowledgeable about the legal services available in their area. One way to increase their knowledge would be for legal providers to partner with them. One suggestion was to invite legal providers to attend community provider meetings; this would facilitate warm referrals as well.

Participants also suggested that legal providers hold legal seminars, courses and workshops for the public in targeted locales. For example, to reach the immigrant community, legal providers may want to

partner with trusted community agencies. Other suggestions include holding these legal informational sessions at churches, schools, community health clinics and community centers.

Other suggestions are to develop and air public service announcements through the media. This could be helpful not only to inform people of services, but also to help them identify when they have a legal need or steps to take to prevent a problem from becoming a legal matter. However, due to the lack of resources available, legal service providers may not want to advertise that the services are available for fear that they cannot serve everyone:

Participant 1: "That's a problem and I will tell you just the experience from our own agency in community outreach and advertising. We did a huge campaign about a year and a half ago, two years ago now. ...Our workload increased 33%, but we did not have the funding either in legal or provider funding with all of the cuts and because of the economy to support the outreach and what that is likely to do. ... Every funder wants you to do community outreach, but what happens is the staff is overworked. They are overstressed, because it's a smaller staff trying to deal with more victims. My team has not had a raise in five years. That's unacceptable."

Participant 2: "Yea. Quite honestly, when that community outreach whole thing came out, we were like, "Oh, my God. No." And that's the response. That's your internal response because there just isn't enough support..."

Participant 3: "That's part of the problem now that we are addressing from the legal perspective. They are coming. They are asking for it, but the resources aren't available. We told them to come in and ask for the support."

In addition to these suggestions designed to increase public awareness of resources, other suggestions were made as well. One is to ensure that whatever documents are passed out to the public are regularly updated. Since it is unlikely that every resource listed will remain viable in a given period of time, it would be helpful to clearly state the date the resources were current and note that those can change. Further, providing helpful hints to the public for finding resources on their own may be helpful.

Practical barriers to services

Finally, participants described a number of practical barriers to obtaining legal services. These include providers' hours of operation, telecommunication and mail, cost, and transportation.

Table IV.6 Practical barriers

Barriers	<ul style="list-style-type: none">• Practical barriers
Suggested solutions	<ul style="list-style-type: none">• Increase accessibility• Offer sliding scale/copays

Office hours

One notable barrier is typical office hours. One participant from a legal provider's focus group explained that the legal system is structured to accommodate middle class individuals, and office hours are one reflection of this. Many low income individuals do not have jobs that are flexible enough to allow them

to seek legal services during day time hours either in person or even by phone; as this community member explained:

"Yea, but it was a long process because, you know, I made the first call for her because she couldn't get out of work, they called her, she made the call, she couldn't answer the phone at work..."

While some legal services are available at other times, many services are only available Monday through Friday, sometime between 9 a.m. and 5 p.m. Further, if someone prefers face to face contact, working around the legal provider's schedule can be difficult.

Telecommunication and mail barriers

Phone

Participants explained that connecting with people on the telephone is difficult both for those seeking services and for attorneys trying to reconnect with clients. First, particularly in rural areas, phone service can be unreliable. Some areas have no land line service at all, while others experience regular outages. Cell phone users may be in areas without service or have reception difficulties. Besides phone service itself, low income people generally are more likely to have their phones- landlines or cell phones- disconnected due to lack of payment or in the case of cell phones, pre-paid minutes that expire. Other reasons for disconnected phones, such as moving or purposely disconnecting the phone, were also noted.

Legal providers explained that these issues are a barrier when trying to reconnect with clients as well. For example, one provider explained that she has experienced difficulties trying to contact clients because their:

"cell phone number is constantly changing or their abuser is always driving over their cell phone."

Phone barriers can originate on the provider side as well. For example, some phone systems make it difficult to access the right person because there is not a centralized phone service or due to the screening. An attorney in one focus group explained what happened when he attempted to return a phone call to another attorney:

"First it took me 15 minutes before I was able to get, maneuver through that system, that I, I swear I really felt like just hanging up. I mean, and it, I couldn't get to the, that person. I could only get to a human being who transferred me over to a number that got me back to her eventually. And it's like you're, you're kidding me. What is her direct extension? No, I can't give it out. Well what do you mean, I can't give it out? ...she referred things over to me, I have the matter that I need to talk with her about to try to collaborate what we're going to need for this client. Just, this is me gaining access, I can't imagine what a client...I think we build in our own internal barriers to gain access to us as well sometimes. Well, I've thought about those phone systems and hopefully, hoping that we could do it at our office. Every time I have to go through one, I say oh hell no."

Another issue participants noted is that phone calls are sometimes not returned right away, and in some instances, not at all. Participants explain that this may be because messages are misplaced by the legal organization or because clients do not leave return contact information. Also noted was that sometimes legal providers do return phone calls, but a message is left with someone in the client's household who does not pass on the message.

Internet

In contrast to in-person services that can be difficult to access given constraints related to working hours, if a computer is available, internet access is more flexible. A number of respondents noted that the internet is an effective way to access information. However, for some, this is not an ideal solution to access legal help or pro se forms. As is the case with phone service, simply accessing a computer can be difficult for many low-income individuals. Internet service can be particularly problematic in rural areas where telecommunication services are limited. Additionally, some language barriers and disabilities can make using the internet to access information or services challenging. Finally, some people are not computer literate and do not use that technology. For example, many elderly community members said they do not use the internet.

Mail

Participants noted problems with exchanging mail as well. Similar to phones, clients may not receive mail from legal providers because people move and do not leave any forwarding information. Participants note that this is especially problematic among migrant workers, homeless, and domestic violence victims. Additionally, participants explained that clients may share a mailbox with others who do not give the clients their mail.

Cost prohibitive

Cost is a barrier to accessing services in two primary ways. First, some people do not even try to get legal help because they believe that it would be too expensive. Thus, the barrier is erected before they even seek help. Second, some people do try to access help and are unsuccessful due to the costs. Some seek services from a low income provider, but discover they make too much money to get free services, as this community member described:

Participant 1: "Any lawyer you go into on something up front to talk to him and it's like, if you can't pay the bill you can't pay the lawyer because, you know, so how do you find out what you can do if you can't talk to somebody? It's like the (organization). If you make over a certain amount of money you can't even be talked to."

Moderator: "If you're talking from personal experience..."

Participant 1: "Uh huh"

Moderator: "Have you been given other phone numbers or resources to...?"

Participant 1: "No."

Note that in the example above, compounding the income barrier is the lack of referral to someone who could help. This may be due in part to the siloed systems discussed previously.

While some people are able to get a consult or some limited services, what they receive does not resolve the problem because they need more. In order to get what they need, they would have to pay money that they do not have. As this community member explained:

Participant 1: "For example, in two, no four Fridays do you need help in the clinic eh legal, you know? For the students, this is good, I love this and same my clients, but is okay, I what happen and I explain you my situation, right? It's free. What, I needed your case and I studied your case and go to the case in the, the department legal for your name and called you, yes, I approved you case, but you need to pay \$2,000."

Moderator: So it's free to get the advice, but as you work through the system it might not be.

Participant 1: Si.

Finally, participants described situations that require specific legal knowledge but there are no low income lawyers to address the issue. One community service provider explained:

"somebody over at (organization) used to help people with the U visa and they're not there anymore, so we have one attorney in Albuquerque who otherwise is a couple thousand dollars at least...so it's just not gonna happen."

In a focus group with community members, one participant spoke about her difficulties trying to get legal services to help her regain custody of her child, who is not a United States citizen:

"But in this case, there's not like a no income, low income lawyer that can help you. You have to pay big money so they can represent you in court and having that said, I have to represent myself and it's kind of hard to do the paperwork and all of that, you know. I am doing it step by step, but it gets complicated."

A community member in another focus group rejected the idea that people could not hire an attorney, arguing that they just need to prioritize it and budget for one. However, people have to weigh the costs and benefits. Besides having to give up something else to hire an attorney (which could be an essential, like food, paying utility bills, etc.), some people felt that hiring an attorney was risky as they may not win anyway. Indeed, participants shared these anecdotes. Others, though, felt that hiring a lawyer was the only way to get their legal needs met: they need long term representation for complex cases that is not available at no or low cost.

Time

Time is another practical barrier. Participants in all three types of focus groups noted that people who seek legal services typically need help right away. Sometimes it is because they do not deal with a problem until it becomes a crisis; in other cases, a problem or situation arises in which they need immediate help. One community member recounts:

"And I went to the courthouse and I said, 'this is the situation. The parent is willing to give me guardianship now.' I said, 'I cannot wait 'til two weeks from now I cannot wait a week from now,' I said, 'I need to do it now' while she is in that mood and she's telling me, 'yes, I can do this.'"

However, it usually takes time for the legal representatives to respond. Participants explained that in some cases, just to get a return phone call can take several weeks. Additionally, due to heavy caseloads, it may take weeks or months for a legal provider to take on a case. Further, resolution of cases can be lengthy. While participants also explained that some cases are accepted and processed quickly, there are many others that are not. The problem is exemplified in this exchange between the moderator and community members:

Moderator: "What about (organization)? Is that a resource for folks? Or (organization)? Has anyone had experience...?"

Participant 1: "I don't think many people know about it."

Participant 2: "I think it's also the length of time, because we might have a case where we are looking to go there, you try make an appointment and they don't give you an appointment right away. You have to, you know, do it over the phone and then leave (inaudible) you know the time in between is very important."

Transportation

While not one of the more prevalent barriers discussed in terms of accessing services, transportation issues are a problem particularly in rural areas. In some places, like the Navajo Nation, there is no public transportation. This is especially problematic in this area, as one person explained that face to face contact is typically preferred to over the phone contact. In other rural areas, there may be some public transportation, but the routes and times are limited. Outlying areas are unlikely to have any access to public transportation. Even within Albuquerque, focus group participants explained that the frequency and routes of public transportation are limited.

How to overcome practical barriers

Participants offered suggestions to address many of these practical barriers. These are summarized below along with other suggestions.

Increase accessibility

While legal service providers cannot make transportation problems disappear, they can plan to strategically offer services in harder to reach areas. For example, they may be able to partner with community organizations or businesses that are centrally located to offer legal services periodically. Some places to consider may be places like chapter houses, churches, or schools. However, this would likely require some financial resources.

Likewise, expanding office hours is the obvious solution to help those who cannot contact legal providers during the regular work day. This may or may not require some additional funding. For example, an organization could choose to offer limited Saturday hours once a month and close early on another day to make up the time difference. In addition, offering periodic live chat sessions online with legal providers at different hours of the day could help with these problems (Lieberman/Tull & Associates, 2011).

Offer sliding scales and/or copayments

It could be beneficial to both the public and legal providers to have the option to offer services on a sliding scale. This would allow people who just miss the cutoffs to get affordable services and would provide some income to the legal organization. Along these lines, suggestions in the literature include instituting copays for legal services targeting low and moderate income individuals (Charn & Zorza, 2005). These copays would also be on a sliding scale, but would be tied to the level of service sought. For example, consultations would be free/would not require a copay; helping people find, complete and submit standard paperwork would require a nominal fee for those who could afford it; and full representation would require a higher copay. Further, in cases where there is extended litigation, an income appropriate copay could be charged for each court appearance.

Summary of barriers

Clearly there are a number of barriers low income New Mexicans encounter that prevent them from seeking services or prevent them from resolving their legal problems. Some of these barriers could be resolved with additional funding that is strategically targeted to meet the legal needs of the poor. However, these funds do not have to be directed only at hiring additional attorneys. For example, many focus group participants indicated that it would be beneficial to hire additional front line staff to field phone calls, train paralegals to assist people with basic legal needs, and partnering with community resources to enlist the help of case managers to assist people.

Besides increased funding, numerous other suggestions were made that may not require increased funding, but do require human resources. For example, increasing partnerships between community service providers and legal providers or between Universities and legal providers takes time and effort.

Section V: Summary and conclusions

This legal needs study focused on three primary areas: problems faced by low income New Mexicans, how and when low income New Mexicans access the legal system (specifically the civil justice system), and barriers to accessing the legal system as well as suggestions for overcoming those barriers. This final section serves to summarize the report findings and highlight the emergent suggestions for overcoming barriers to successful utilization of the civil legal system by low income New Mexicans.

Legal and non-legal problems

The participants in these focus groups identified a number of problems, both legal and non-legal, that low income New Mexicans experience. Many of the problems are co-occurring. In some cases, the problems simply occur simultaneously; in others, the problems build on one another in such a way that one problem causes the next problem in a chain of events. While prior survey data points to similar problems, the focus group data summarized in this report goes a step further. This data helps to clarify both the extent and complications of co-occurring problems as well as key details regarding how these problems unfold. It also illuminates the range of barriers that can often lead to a compounding of problems or render problems largely intractable. Importantly though, the data also introduce a number of potential avenues for redress, highlighting ways in which the system could better meet the needs of low income New Mexicans.

Housing

Among the housing problems discussed, focus group participants most frequently brought up landlord tenant issues. Problems in this area range from substandard housing and unlawful evictions to exploitation of those in vulnerable situations. Discussions also pointed to a lack of affordable housing throughout the state, but particularly in rural areas. Importantly, this lack of housing creates a situation where people can be exploited and are willing to put up with substandard housing rather than face eviction. Living in these situations can have long term impacts. Indeed, scholars such as Coley have examined the effects of substandard housing on families and children and have found widespread detrimental effects, including emotional and behavior problems among children (cited in Hayward, 2013).

Participants also expressed concerns about those things that limit access to affordable housing, including criminal history, drug testing, lack of funds to pay for background checks and undocumented status. Finally, participants explained that there is a lack of shelters and transitional housing especially in rural areas. The populations most impacted are the homeless, formerly incarcerated adults and juveniles, young people in the foster care system, women with children and victims of domestic violence.

Benefits and entitlements

Many people need assistance with obtaining and reinstating benefits. Participants reported that the process is lengthy, cumbersome and complicated, that the need outweighs the resources available, and

that they sometimes run into discrimination by case workers. Further, even when people receive benefits, they may not be sufficient to meet their needs.

Civil rights

People noted problems related to education, immigration and criminal justice misconduct. Students are not being tested for special education services, both parents and professionals lack knowledge about special education law, and sometimes special education students are not receiving the services they are required to receive by law. Problems of access to special education appear to be more prevalent in rural areas of the State. Participants raised other education concerns including manipulation of enrollment numbers, bullying, accessing higher education and cost of supplies.

Members of many focus groups raised concerns about immigration. In particular, people noted difficulties with obtaining legal status/avoiding deportation, replacing lost permanent residency documents and other documents, and fears of deportation. Fears of deportation can limit engagement with social service and other providers and lead to other problems such as exploitation.

Finally participants expressed concerns regarding discriminatory practices by police and other criminal justice agents. Participants shared their experiences of harassment by police, excessive aggression and inappropriate interactions with the mentally ill. They also noted that judges are sometimes biased.

Family problems

Family problems were one of the most common issues discussed across all types of focus groups. Importantly, this is consistent with the New Mexico Commission on Access to Justice's survey of the private bar and members of the judiciary, who ranked family law as the most common type of case in New Mexico, suggesting that legal providers are aware that this is prominent among low income New Mexicans.

Participants in many focus groups explained that guardianship, particularly grandparents seeking guardianship of grandchildren, is common and can introduce a range of problems. Participants also said that problems related to guardianship by other kin, non-family members and adoption by a same sex partners is something that low income New Mexicans face.

Focus group members also brought up problems regarding custody and child support, with a focus on complex and lengthy cases. Further, they noted that homeless and destitute individuals are unlikely to be able to pay child support, and often accrue significant back child support debt. This in turn impacts the caregivers, who need the money. While state mandates are used to help caregivers get child support, these mandates can actually exacerbate the problem. Unmarried parents, custody and paternity issues were also raised. Participants also shared anecdotes showing how child support and custody are sometimes intertwined with domestic violence.

Domestic violence with or without child issues was noted in nearly every focus group as a problem faced by low income New Mexicans. Participants in some focus groups discussed protection orders including problems with obtaining orders due to lack of judicial resources and jurisdictional boundaries. Other forms of familial abuse including child abuse and elderly abuse were also noted as problems.

Finally, participants also discussed other family related problems. These include lack of family stability, lack of resources for education regarding childrearing and lack of affordable daycare.

Health

Participants discussed the types of healthcare issues they or their clients encounter, barriers to accessing healthcare, and quality of healthcare received. Many low income New Mexicans struggle with maintaining their health, largely because they are often unable to access the healthcare they need. Participants detailed the various barriers that prohibit people from getting their healthcare needs met, such as lacking health insurance and/or money to pay for doctor's visits and expensive medications, limited access to specialists, and lack of quality healthcare services.

Employment

Participants explained that low income New Mexicans face both underemployment and unemployment. Further, they experience unfair and/or illegal employment practices such as not being paid what is owed to them, discrimination and harassment and even abuse.

Consumer

Low income New Mexicans face various consumer problems including debt, debt collection practices, repossessions, predatory loans, and inability to pay taxes. Many participants explained that low income New Mexicans lack financial literacy and need to be educated about how to manage their finances, how to read a contract, etc.

Other

Besides these problems, participants described a number of other problems that low income New Mexicans face. These include transportation barriers, particularly in rural areas where mass transit systems are lacking; physical victimization by non-family members; hunger and nutrition deficiencies; exposure to environmental degradation and its impacts; and lack of substance abuse treatment facilities, especially in rural areas.

Underlying problems

Focus group discussions centering on the non-legal and legal needs of low income New Mexicans also highlighted a number of underlying problems that set the stage for these more acute problems. For example, many legal problems are indirectly related to substance abuse. Specifically, participants described parents, particularly mothers, who had substance abuse issues, which led to the neglect and abuse of their minor children. Grandparents and other relatives then take in those children. However, they must have legal custody of them in order to get the services they need. Often, these children are in need of not only medical care, but also counseling due to the trauma they have endured.

Chronic health problems, often exacerbated by lack of adequate access to healthcare and nutritional deficiencies also underlie many of the problems focus groups discussed. Mental and physical health problems can lead to unemployment, inability to access assistance, exposure to predatory lending and other unethical practices, and other problems.

One of the precursors to legal problems noted in numerous focus groups is that people often let problems go until they become a crisis. People may not seek assistance right away because they do not think they need it, they may be embarrassed, may think it is too expensive or difficult to get help. Related to this problem is that some people lack some key life skills, particularly around financial and legal literacy.

Finally, there are situations that increase people's vulnerability to exploitation. For example, immigrants, those with physical or cognitive disabilities, and those people who lack education or have lower levels of literacy may especially be open to exploitation. Further, the social and economic structure of the area can also create situations that lead to the problems low income New Mexicans face. For example, an economic depression or boom can change housing and employment markets in a way that is detrimental to low income individuals.

Accessing legal services

The focus group participants indicated that people have varying levels of knowledge regarding their legal rights. Most people were aware that they could get assistance for things like domestic violence, landlord tenant disputes and divorces. However, they may or may not be aware that they could get help appealing decisions around such things as welfare benefits or special education services.

The types of legal assistance people seek and use also varies. Many sought help from New Mexico Legal Aid, pro bono attorneys and private attorneys. Participants were often not aware of all of the legal services available to them. For example, many were unaware of Law Access New Mexico. This is consistent with the findings in the New Mexico Commission on Access to Justice Study conducted in 2006, suggesting that this resource has not been widely advertised or is not hitting the target consumer group.

Low income New Mexicans are referred to legal providers by friends, coworkers, community service providers and other legal providers. Community service providers and legal providers reported that they most commonly refer people to New Mexico Legal Aid and Law Access New Mexico. People often refer people to pro bono attorneys as well. Interestingly, many people noted that they refer or have been referred to individuals, agencies or organizations that do not provide legal services. In some cases, this is done so that people may be able to get a legitimate service (i.e., the person doing the referring does not know where to get legal help, but provides referrals to an agency that may know) or because they do something that could be helpful in some way (e.g., a typing service).

When people seek help on their own, they often look to friends or to the community organizations with which they have ties. Further, they seek help at the courts and online. Among those who sought services, some reported that their cases were successfully resolved, and others did not.

Barriers to accessing the legal system and the suggestions for improvement

The focus group participants described a number of barriers to accessing and securing legal assistance. We grouped these problems into three main categories: vulnerability, systemic barriers and practical barriers.

Vulnerability

Low income New Mexicans are often vulnerable, which both creates legal problems and can inhibit them from seeking legal services due to fear of retribution and unintended consequences, distrust of the system and physical or mental barriers. While all low income New Mexicans are potentially vulnerable, the focus group participants identified several groups who are especially likely to be vulnerable: immigrants, victims of family violence, disabled individuals and those in rural areas. Vulnerability can lead to legal problems such as illegal employment practices, landlord tenant disputes and housing discrimination.

Suggestions for overcoming vulnerability:

- Create partnerships between legal providers and community partners trusted by vulnerable groups
- Provide case managers who can help people access and navigate the system
- Establish and expand options to in person requirements, such as video and teleconferencing

Systemic barriers

Focus group participants described a number of systemic barriers that inhibit legal providers from meeting people's needs, as well as those things that prevent people from accessing and fully utilizing the legal system. These are described below.

Specialization and siloed systems

The legal system is set up such that attorneys specialize in particular areas of the law. This specialization of the law can make it difficult for people to find services. It also does not reflect the reality of the problems many face, which are often multi-faceted. Compounding the problem is that agencies are independent, and often providers (both legal and community providers) are unaware of legal providers' expertise, making both appropriate referral and effective collaborations difficult.

Participants offered a number of solutions for improvement:

- Create and maintain partnerships between attorneys to learn about services offered as well as to engage in cross training
- Create a central location that houses multiple legal providers and community service providers so that people could easily access legal and social assistance
- Create a shared database that could be used to track problems

Resource limitations

Participants across all three types of focus groups recognized that there are limited resources to meet civil legal needs, and that the demand for services outweighs the ability to meet that need. These limited resources impact the legal provider agencies at every level, from front office staff to attorneys. Agencies with limited staff may turn people away due to caseload limitations, case prioritization or conflicts of interest. Some problems are especially difficult for those in rural locations.

Suggestions to address resource limitations:

- Increase funding for those who provide legal services to low income New Mexicans
- Increase pro bono requirements for private attorneys, including increasing the number of hours required, limiting the use of financial contributions to the State Bar in lieu of pro bono hours, and increasing direct representation
- Offer a sliding scale for those who are outside income requirements and for those who have more complex cases
- Create a civil version of the public defender's office
- Increase incentives for attorneys to work in underserved locations
- Dedicate funds to pay for experts in complex cases
- Increase the number of paralegals

Difficulty filing pro se

Participants across focus groups explained that it is difficult to file pro se. One of the barriers to filing pro se is the forms, including accessing them and completing them. Participants explain that the forms are often not available in the places they most commonly look, which are at the court and online. Further, participants may not know which forms to complete, and once they find the correct forms, discover that they are difficult to complete.

- Maintain forms and access to forms in a centralized location, such as a kiosk at the court
- Create an easy to navigate website that would direct people to the forms they need based on their responses to a series of questions
- Create instructions with examples written in lay terms
- Create forms that are written in lay terms

Understanding the law and navigating the legal system

Focus group participants explained that people do not know the law, and therefore may exacerbate an existing problems or do not seek legal help when they need it. Besides not knowing about the law, legal rights and the legal process, people sometimes have unrealistic expectations about the legal process. Additionally, some people do not know where or how to find legal help, or when they do find information, that information is out of date.

Another barrier to navigating the legal system is jurisdictional boundaries. People may not know where they should file, how to deal with problems originating in another jurisdiction or to navigate across blurry jurisdictional lines like those that sometimes occur in Indian country.

Participants explained that there is often a disconnect between the language used by legal providers and the people accessing legal services. People reported that they or their clients feel intimidated, angry, insulted, etc. and may end up not getting help they need. Sometimes people are not able to articulate their needs due to stress, different levels of education, processing and other disorders, etc. Further, some legal providers do not take the time to explain to clients to find out what the legal problem is or to help them understand the legal process.

Actual language spoken can also be a barrier. While many legal service providers offer bilingual services, typically Spanish, they are not all equally proficient in the language. Further, other language needs arise too, such as various Asian languages, Native American languages, etc.

Participants also explained that the method used to connect legal providers and clients may be a problem. Some people prefer or need face to face contact. For example, the deaf may have difficulty obtaining services over the phone. Others prefer face to face contact due to cultural norms.

Participants offered several suggestions to help with barriers to understanding and navigating the legal system.

- Use a case manager or social worker to help people identify their needs, where they can get assistance and navigate through they system
- Partner with Universities to create internship program to establish case managers
- Increase use of “warm referrals” (when a provider calls a legal provider on behalf of someone else)
- Offer “customer service” training for legal providers who regularly interact with low income New Mexicans
- Ensure language proficiency among interpreters
- Increase education about legal rights and navigating the legal system
- Increase awareness about law, legal system, and legal service using various strategies such as pamphlets, public service announcements, and actively educating community service providers and the public
- Ensure legal resource lists are accurate

Practical barriers

The last set of barriers participants discussed are those that can be considered practical barriers. The hours that law offices are typically open may conflict with working hours, making it difficult to seek services. Participants explained that there were telecommunication barriers, such as limited phone and internet access, as well as difficulties communicating by mail. Participants also identified time, money and transportation as barriers.

In order to overcome these practical barriers, the following suggestions were made:

- Increase accessibility
 - Offer services in strategic locations in harder to reach areas
 - Expand office hours

- Offer sliding scales
- Institute copayments

Conclusion

The current study aimed to expand what we have learned from prior legal needs surveys to develop a deeper understanding of the legal needs of low income New Mexicans. Using an in-depth focus group design with three key respondent populations, discussions provided detailed insights about the ways in which the circumstances of New Mexico's low income population shape the problems they face, the legal needs they experience as a result of these problems, and the barriers that keep them from successfully addressing their legal needs and, more broadly, resolving their problems. The Systems Planning Working Group (SPWG) from the New Mexico Commission on Access to Justice who commissioned the study and worked with ISR to design and implement it, did so with the goal of developing a more comprehensive understanding of the legal needs and related barriers to service that affect the low income population. The ultimate aim is to use this information to reform the system in ways that would better serve the vulnerable and at-risk populations most in need of legal services. The findings reinforce the need for systemic changes and highlight the mismatch between a system designed to address specific, independent problems and the reality of the lives of New Mexico's poor, which are characterized by interdependent and compounded problems. Numerous suggestions for improvement were offered; however, at the heart of many of the suggestions is that the complex nature of the problems low income New Mexicans face would be better served by a system that promotes cooperation and joint problem solving across a range of legal and non-legal service providers.

Works cited

- Access to Justice Hui. "Achieving Access to Justice for Hawai'i's People. 2007.
- A.L. Burruss Institute of Public Service and Research, Kennesaw State University/D. Michael Dale. "Civil Legal Needs of Low and Moderate Income Households in Georgia, A Report Drawn from the 2007/2008 Georgia Legal Needs Study." 2009.
- American Bar Association. "Legal needs and civil justice: A survey of Americans." 1994. Retrieved from :<http://www.americanbar.org/content/dam/aba/migrated/legalservices/downloads/sclaid/legalneedstudy.authcheckdam.pdf>
- Charn, Jeanne and Richard Zorza. "Civil Legal Assistance for All Americans." 2005. President and Fellows of Harvard College.
- Colorado Legal Services. "Report on the Legal Needs Assessment." 2011.
- Gray, Abigail, Suzie Forell and Sophie Clark. "Cognitive impairment, legal need and access to justice." Justice Issues: 10, March 2009.
- Gunther, Jilenne and Alan Ormsby. "Planning for the Legal Needs of Utah's Seniors." No date.
- Hannah Lieberman Consulting, LLC/John A. Tull & Associates. "Overcoming Barriers that Prevent Low-Income Persons from Resolving Civil Legal Problems." 2011.
- Hayward, Ed. "Paying a Steep Price for Substandard Housing" in The Boston Chronical, October 3, 2013. Retrieved from: <http://www.bc.edu/content/bc/publications/chronicle/FeaturesNewsTopstories/2013/features/coley100313.html>).
- Land of Lincoln Legal Assistance Foundation, Inc. "2011 Legal Needs Assessment for Land of Lincoln Legal Assistance Foundation, Inc." 2011.
- Legal Services Corporation. "Documenting the Justice Gap in America, The Current Unmet Civil Legal Needs of Low-Income Americans." 2009.
- New Mexico Legal Aid. "NMLA Low income legal needs assessment." 2008.
- New Mexico Commission on Access to Justice. "Report to the Supreme Court of New Mexico." 2006.
- Southeast Research Inc.,. "The Legal Needs of Low-Income Alabamians, A Need Assessment & Analysis." 2009.
- Southwest Center for Linguistic & Cultural Competency and the NM Department of Health. "New Mexico Language Access Needs Assessment Survey Findings and Recommendations."2007.
- Legal Services of New Jersey. "Unequal Access to Justice, Many Legal Needs, Too Little Legal Assistance." 2009.

Appendix A: Focus group interview guides

Community members focus group interview guide

1. Based on your own experiences and observations, what are some of the biggest challenges facing low income individuals in your community and in NM in general? (*Probe: health issues, hunger, transportation problems, etc.*)
2. What are some specific problems you have had to deal with in the past year?
3. How do you and others in your community deal with these kinds of problems—where do you go for help?
4. Have you ever sought or thought about seeking legal help for any of these problems or for other problems you might have encountered? Which ones? What kind of legal help? (*Probe: went to walk in law clinic, called for a referral, attended a workshop, private attorney assistance*) (OR, why not?)
 - a. (If no legal problems come up, could ask whether they've had problems with things like housing, problems with education like suspensions/expulsions, etc.)
5. When you have sought legal help (through attorneys, courts, or other legal services) how did things work out?
 - a. Describe any successful experiences you have had seeking legal help.
 - b. What kinds of problems have you or others you know run into when seeking legal help?
 - i. *Probes: was the agency unable to take your case? Too costly?*
6. When you or others you know have sought help for legal problems, how did you know where to go or who to ask for this kind of help?
 - a. *Probes: friend told you, looked up in phonebook, looked up on the internet, service provider told you, etc.*
7. We already talked about (X,Y, and Z), what other legal services are available in your community? What services are lacking?
8. What kinds of things would make it easier to get legal help when you need it?

Legal provider focus group guide

1. What services do you provide to low income individuals?
2. In your view, what are the most common problems facing the low income individuals you serve (probe: poverty, homelessness, abuse, etc.)?
3. What about legal problems, what kinds of legal problems are common among this population?
4. Thinking about the legal problems we just identified, why do you think these particular problems are these so prevalent among this population?
5. What kinds of legal problems do you think low income individuals are best able to find help for?
 - a. What specific services are available to address these problems?
6. What types of legal problems do you think are the most difficult for low income individuals to find help for (e.g., which ones lack services)
7. Beyond a general lack of services, what other things make it difficult for low income individuals to get help with legal problems?
 - a. *Probe: Have you received feedback from clients about difficulties accessing your services or other legal services?*
8. How do these problems or barriers vary across the populations—e.g., by age, gender, ethnicity, disability, etc.?
9. What are some ways we might improve access to legal services and the legal system for low income populations?
 - a. Thinking about your specific agencies, what changes (if any) could be made that would allow you to handle cases that you currently turn away?

Service provider focus group guide (non-legal)

1. What services do you provide to low income individuals?
2. What are the most common needs you see among the low income individuals you serve (probe: poverty, homelessness, abuse, etc.)
3. Some of the problems we discussed above could have a legal solution, like XXX (insert from list generated in item 1). Do you ever refer your clients to legal services?
4. Why do you refer them for legal services/under what circumstances?
5. Are there any reasons that you would not refer a client for legal services?
6. Where do you refer them?
7. What kinds of stories do your clients share with you about problems they have had accessing legal help
 - a. What kind of advice have you been able to offer to help them deal with these problems?
8. How easy do you think it is for low income New Mexicans to meet their legal needs? Why? (probe: problems with identifying legal needs, services, accessing- transportation, etc.).
9. How effective do you think the legal services available to your clients are? What things increase/decrease their effectiveness?
10. What kinds of legal problems do you think your client base has the most difficult time getting help with/for?
11. Why do you think these legal needs are not being met?
12. Can you suggest ways the legal system could better serve your client population?

Appendix B: Community partners

Albuquerque

La Mesa Presbyterian Church
Healthcare for the Homeless
St Martin's
United Way of Central New Mexico
Family Advocacy Center
African American Performing Arts Center
Southwest Women's Law Center
Equality New Mexico

Clovis

United Way of Eastern New Mexico
La Casa Family Health Center
List MATS providers

Farmington

United Way of San Juan County
DNA People's Legal Services
Native American Disability Law Center

Hobbs

Humphrey House
Lea County Guidance Center

Las Cruces

Jardin de los Ninos

Roswell

United Way of Chaves County

Santa Fe

Gonzales Senior Center

Appendix C: Recruitment material samples

Sample e-mail 1:

Hello Community Leaders!

Organization is helping these two focus groups get hosted and attended successfully. Please READ ON and participate if you can!

The Institute for Social Research at the University of New Mexico is working with the legal services community to identify the legal needs of low-income New Mexicans.

We are conducting several focus groups around the state to generate ideas about these legal needs and the services needed to meet these needs. We are particularly interested in hearing about people's experiences with the legal system (both good and bad) and their ideas about the kind of help they need to improve these experiences and to get their legal needs met.

Two Focus Groups in (location): one for community members (some of your clients perhaps) and one for providers (YOU).

The **community** member **event** will be the evening of Tuesday May 21. Dinner will be provided plus participants will receive a \$10 gift card. PLEASE print off the attached flyer and SHARE with your clients.

The provider event will be May 22nd at Noon at location. We are interested in hearing from YOU, the providers **please** RSVP by replying to this email or calling 2-1-1. If you are not able to attend next week, please let me know if you are interested in attending a future focus group.

Once UNM completes a series of these focus group discussions, both a summary and full report of their findings will be disseminated. They will be sure to share the findings with you.

Sample e-mail 2:

Hi everyone -

The Institute for Social Research at the University of New Mexico is working with the legal services community to identify the legal needs of low-income New Mexicans. The focus is on "listening" to low-income residents and the providers who serve them, to achieve a better understanding of the obstacles low-income persons face, the factors that affect their ability and willingness to seek the assistance of civil legal aid programs, and how programs might meet some of their unmet needs. The goal is to use the information to develop better ways to help this population with the legal problems they face.

We are conducting several focus groups around the state to generate ideas about these legal needs and the services needed to meet these needs. We are particularly interested in hearing about people's experiences with the legal system (both good and bad) and their ideas about the kind of help they need to improve these experiences and to get their legal needs met.

We are interested in hearing from YOU, the providers - **please** RSVP if you are able to attend focus group scheduled on March 27th 3:00-5:00PM at (location).

We are planning a minimum of 6 community provider focus groups and 12 member focus groups. If you are not able to attend next week, please let me know if you are interested in attending a future focus group.

Once UNM completes a series of these focus group discussions, both a summary and full report of their findings will be disseminated, We will be sure to share the findings with you.

Sample e-mail 3:

Dear Community Leader, Provider, Member:

New Mexico Legal Aid is conducting a needs assessment to identify the critical legal needs of low income people throughout the State of New Mexico. (Organization) with its offices in (location) is participating in the needs assessment by conducting a focus group of Pueblo people to also determine the critical legal needs of the Pueblo Indian communities it serves. Identifying the critical legal needs of your communities helps us to allocate our resources to the areas of need the focus group will identify.

We invite you, or a person you identify from your staff or your community, to participate in this focus group which is scheduled to take place on (date, time, place). A facilitator will assist the focus group in the discussion and in identifying the critical legal needs. Snacks and prizes will be provided to keep you energized and engaged.

We encourage you to participate in this focus group so that you can help us determine where to allocate our resources. As a community member, leader, or provider, your input is important because you see or hear members of your community express issues and concerns, or help them to meet their basic needs, including legal services.

I, or a member of the (organization), will contact you the first week of June to encourage and/or confirm your participation. Thank you in advance for your assistance in the matter.

Sample flyer:

Join us for a Focus Group and earn a \$10 Gift Card!

We would like your input! Please help us answer these questions:

- In the past year, what are some problems you have faced?
- Where do you go for help?
- What has been your experience when seeking help?

The civil (not criminal) legal services community is trying to learn more about the legal needs of low-income New Mexicans. They are particularly interested in hearing about people's experiences with the legal system (both good and bad) and their ideas about the kind of help they need to improve these experiences and to get their legal needs met

They want to hear from **YOU!**

Your opinions & experiences matter!

They are looking for people to participate in a 2-hour *focus group* discussion. **You will be paid \$10 for your time** (and for childcare, if necessary). [A focus group is a discussion with 6 to 12 people about their views and experiences of a topic.]

When: Thursday, August 15th

Time: 3:00 – 5:00 pm (snacks/drinks provided)

Where: LOCATION

To Register for the Focus Group: Please contact Name (number) or by email at [\(email\)](#)

Questions? Please call Name (number)

ALL INFORMATION WILL BE CONFIDENTIAL. No one will be identified by name in any reports. No one's name will be shared with any other agency.

Participation is **voluntary**. No right or wrong answers . . . **be candid . . . we want to hear negative and positive comments.**

Appendix D: Agencies represented in focus groups

<p>Advocacy Inc.</p> <p>American Red Cross</p> <p>Assurance Home</p> <p>Big Brothers, Big Sisters</p> <p>Chaves County Joyce Centers Incorporated</p> <p>Child Haven</p> <p>Clovis Community College</p> <p>Cuidando Los Ninos</p> <p>District Attorney's Office</p> <p>DNA People's Legal Services</p> <p>Domestic Violence Resource Center</p> <p>East Central Ministries</p> <p>ECHO Food Bank</p> <p>Enlace Comunitario</p> <p>Environmental Law Center</p> <p>Family Crisis Center</p> <p>Farmington Indian Center</p> <p>Girl Scouts</p> <p>Guidance Center</p> <p>Home Visiting program</p> <p>Humphrey House</p> <p>JCC program</p> <p>Junctions</p> <p>La Casa Family Health Care</p> <p>La Mesa Presbyterian Church</p> <p>Lease for Live</p> <p>MAT25</p> <p>Meals on Wheels</p> <p>Native American Disability Law Center</p> <p>New Mexico Asian Family Center</p>	<p>New Mexico Center on Law and Poverty</p> <p>New Mexico Immigrant Law Center</p> <p>New Mexico Legal Aid</p> <p>New Mexico Project for Financial Literacy</p> <p>Northwest New Mexico Seniors</p> <p>Para los Ninos</p> <p>Pathways Program at UNM</p> <p>People Assisting the Homeless</p> <p>Public Defender's Office</p> <p>Roswell Refuge</p> <p>Salvation Army</p> <p>San Juan Center for Dependents</p> <p>San Juan County Housing Partnership</p> <p>San Juan United Way Helpline Office</p> <p>Senior Citizen's Law offices</p> <p>Silver Horizons New Mexico</p> <p>Southwest Women's Law Center</p> <p>St. Martin's Hospitality Center</p> <p>Systems of Care project</p> <p>Traumatic Management Brain Injury</p> <p>United South Broadway Corporation</p> <p>United Way</p> <p>Working Mothers Day Nursery</p>
--	--

*Note that this list was compiled based on the notes and transcripts; it is possible that there were representatives from agencies not included in this list.