

Met and Unmet Legal Needs in Moldova

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Preface and Acknowledgements

This study was undertaken to determine how often people in Moldova experience problems that might have a solution in the civil or administrative justice system. It also aimed to estimate the categories of problems (problems of a legal nature or justiciable events) and what do people do about these problems (the paths to justice chosen). The study also sought to determine the extent to which the overall population is satisfied with the current avenues offered by the legal system to solve the problems people face as well as the levels of confidence of the population in their ability to solve the encountered problems (legal empowerment levels). The study only focused on problems of a legal nature, justiciable events, which are life events that raise legal issues, regardless of whether the citizens recognize them as “legal” or not and regardless of whether in response to the problems the formal legal system have been used. Crime related problems do not fall within the concept of justiciable events (except issues related to compensation for crime-related problems and police response to these complaints) and have not been the subject of this study.

We hope that the study will provide deeper knowledge and understanding of the legal needs faced by Moldovans and the strategies employed to respond to the needs. The study should also contribute to a better understanding of the population’s choices for solving their problems, which dispute resolution mechanisms are used and why others are not used. The study was conducted at an appropriate moment, with the Justice Sector Reform Strategy for 2011-2016 declaring access to justice among its strategic priorities, amendments submitted to the Parliament regarding the Civil Procedure Code and entry into force of the Law on state guaranteed legal aid provisions regarding the right to legal aid in non-criminal cases. We hope these findings will be useful for further constructive policies on improving access to justice in Moldova.

The study was undertaken within the project “Improving Good Governance in Moldova through Increased Public Participation”, implemented by Soros Foundation – Moldova (SFM) with the financial support of the Swedish Government in the timeframe covering December 2009 – 31 January 2012, the sub-component “Legal empowerment of rural communities through a network of community-based paralegals”. The study is based on a cross-sectional survey undertaken by CBS-AXA, under the leadership of Vasile Cantarji, within the period of 4 August – 16 September 2011. The survey instruments were developed by Nadejda Hriptievschi and Martin Gramatikov. The questionnaire relied on previous similar studies undertaken in England and Wales, Bulgaria, Ukraine and Russia. The draft questionnaires have been consulted with Victor Zaharia, Vasile Cantarji, paralegals Bocancea Constantin, Lungu Svetlana, Ion Popusoi, Gherman Olesea, Svetlana Oprea (paralegals) and paralegal trainers Zinaida Gutu, Vasile Rotaru, Violeta Cojocar, Lilian Darii and Sergiu Chiruta. Data analysis was done by Martin Gramatikov. Tatiana Danilescu, Soros Foundation-Moldova project coordinator, ensured the smooth management of the research project. Victor Munteanu, Iurie Cuza, Diana Marian and Marcel Varmari of the Soros Foundation-Moldova managed the “Legal empowerment of rural communities” project.

Executive summary

The findings of this study are based on data collected between 4 and 16 August 2011 from 2489 face-to-face interviews with people above the age of 18 residing in Moldova. The randomly selected sample permits generalisation of the results to the overall population of adult Moldovans.

Incidence of civil and administrative justice problems: Slightly more than twenty two percent (22.2%) of the adult population of Moldova report experience with at least one serious and difficult to resolve civil or administrative justice problem in the last three and a half years. This problem or problems caused significant impact on the respondents' lives but also their families, relatives, friends and colleagues. The incidence rate of 22.2% indicates significant amount of legal needs in the Moldovan society.

Our data allows control for differences between urban and rural areas. Despite the hypothesised disparity the data show that respondents from urban and rural areas experience legal problems at almost identical rates.

Types of problems: Disputes with neighbours (15%) and problems with family relationships (14%) are the two most frequently occurring categories of justiciable events (or problems of a legal nature, see more explanations of the term on page 6). About 9% of the people who experienced a problem report a serious and difficult to resolve consumer problem. On average the respondents who report a legal problem had to deal with 1.37 justiciable problems in the same period of time. Experiencing a legal problem increases significantly the likelihood of reporting a similar or related problem. About 23% of the disputes were with various public authorities, 18% with family members and 12% concerned private businesses.

Poorer Moldovans experience more family problems; those who are better off, e.g. have a monthly household income higher than 5 000 lei, have to deal with more consumer problems. Not surprisingly there are more land disputes; family and welfare benefit problems in rural areas. Problems related to labour; renting real estate and consumer problems are more prevalent in the urban areas. Women tend to report more often experiences with justiciable problems than men. Victimization is the major predictor of justiciable events. When other relevant factors are hold constant it turns out that the fact of being a victim of crime increases 10 fold the likelihood of experiencing serious civil or administrative justice problem. In terms of rural – urban differences, residents of cities are more likely to experience a legal problem as compared to those who live in rural areas. On the other hand, distance to court decreases the likelihood that a legal problem will be reported.

Problem solving strategies on paths to justice:

Expectations: Half of all respondents are firmly convinced that people with more money receive better justice. Additional 25% are less affirmative but still answer with “rather yes”. Less than 10% think that the justice system is blind for the social and economic position of the disputants. Thus, it should not be highly surprising that in about 36% of the reported justiciable problems the respondents said that they expected to resolve the issue by themselves. At second place, somewhat surprisingly, 20% of the respondents selected police as expected source of resolution to the experienced problems. In 16% of the problems the respondents said that their initial expectation was that the problem will be adjudicated in a court of law. Local public authorities follow with 13%.

Action taken: A little bit more than one out of five (22%) respondents did nothing as reaction to the justiciable problem. Respondents who live in urban areas are less likely to do nothing about a legal problem. Also those who have more confidence in their abilities to deal with specific legal situations are more likely to undertake an active strategy as response to justiciable problems. People who contacted the other party are more likely to report that the problem is completely or partially solved. A bit more than one out of five (23%) serious and difficult to resolve problem is resolved by a court of law. Almost 80% of the respondents who took the problem to a court were represented by a lawyer. Only a tiny proportion of 8% represented themselves in court rooms.

Meeting the other party: About 69% of the Moldovans who report experiences with justiciable problems attempted to meet the other party. Another 12% attempted to contact the protagonist in the dispute but for some reason the contact did not take place. Relatively small percentage – 14% - of the respondents did not attempt to contact the other party.

Legal information and advice: Of all 553 respondents who report at least one justiciable problem 271, or almost the half, searched for legal information from a wide variety of source. Thirty percent said that they did not look for any legal information. In almost half of the cases in which legal advice was actively sought the respondent said that it was sourced from the social network – family, friends and colleagues. Lawyers are the second most popular source of advice with regard to solving a serious and difficult to resolve problem. Public authorities are also frequently asked for help with legal problems. In one in three (34%) problems in which legal information was sought, the respondent sought solution in police. A prosecutor was asked to help with legal information in one of every six problems. Civil servants from local public authorities are also a popular source of advice.

For many people the timeliness of advice is an important dimension of the legal service, which suggests that legal advice when delivered by professional advisers should be delivered as quickly as possible, without too many obstructions and complications. Sometimes the temporal dimension can be hindered by difficulties related by distance, working hours or other obstacles. Available technologies such as call centres or internet have to be explored as innovative ways to make legal information and advice available as soon as it is needed.

Did nothing: Of those who had to deal with justiciable problem 21.4% (n=116) report that they did nothing to solve the issue. Not knowing what to do was selected as reason for inaction in one in four (25%) problems. Next, in 19% of the problems the respondents did not have any intention to do something about the problem.

Subjective legal empowerment: People in Moldova are more confident in their abilities to cope with problems with neighbours, consumer problems and domestic violence. However, the respondents are much less confident in their abilities to deal successfully with problems concerning employment, public authorities and money. What this might mean is that people are less likely to employ active strategies to resolve problems of the second type in which they feel less empowered.

Awareness of legal aid services: Thirty nine percent of the respondents have not heard of the 2007 Law on state guaranteed legal aid. About 60% of all respondents think that they can find easy or relatively easy places where they can receive legal services. Most people (49.7%) would rely on friends, family and colleagues to find their way around the system of providers of legal aid.

1. Introduction

In their everyday life the people of Moldova have to cope with different types of situations which require some form of legal knowledge, own action, advice, or assistance. This report presents the results of a study which for a first time explores the scope and variety of legal problems as they are experienced by Moldovans. Our primary questions in this study are to estimate:

- How many people have experienced a serious and difficult to resolve legal problem (justiciable event)?
- What are the most common strategies to respond to legal problems?
- Where from people obtain legal information, advice and other forms of legal support?
- What avenues are chosen to solve their legal problems (paths to justice) and what are the barriers to access to justice?

In order to address these questions the justiciable events methodology (see below for definition) was employed. By the end of 2011 similar studies have been conducted in more than 25 countries. The success of these studies – at policy and cognitive level, was the first reason to initiate a study which tells about the legal problems that the people of Moldova face in their everyday life. Second, following the accepted methodological approach, it was decided that the amount of met and unmet legal needs will be measured at the level where they occur. Therefore, the survey selected as main units of measurement adult people living in Moldova. Third, the primary unit of analysis was defined as the individual path to justice. In this research a path to justice is defined as the combination of a legal problem and all actions, perceptions and attitudes experienced on the path. For instance, a path to justice might be triggered by a single event of personal injury. It can be followed by a wide array of actions– going to a lawyer, talking to friends or referring the problem to public authority. However, it is also possible that the injured person did not take any action. Despite the inaction, there is a problem recognised as one of serious impact and difficult solution. For the research it is of utmost importance to find out where people go to solve their problems. It is also important to understand why some individuals prefer to do nothing.

At the core of the justiciable events methodology lays the notion of a justiciable event. A justiciable event is an event from the everyday life which might be recognised as legal but may just be framed as a problem without the involved people implicitly recognising its legal dimensions. For instance, someone can have a dispute with a neighbour over the borders of a real estate. There are people who will see this dispute in legal categories. Others might not recognise the legal aspects and portray the issue as dysfunctional relationship, bad luck or annoying part of life. Hazel Genn defines justiciable event as:

“a matter experienced by a respondent which raised legal issues, whether or not it was recognised by the respondent as being “legal” and whether or not any action taken by the respondent to deal with the event involved the use of any part of the civil justice system.”¹

For the justiciable event methodology it does not matter whether the problem is perceived by the respondent as legal. A list of events from everyday life which are believed to have legal consequences and more importantly – a legal solution - was compiled in advance by experts with deep knowledge in the Moldovan culture, social context, and legal framework. With this list in hand interviewers asked randomly selected respondents whether they had experienced

¹ Genn, Hazel. 1999. *Paths to Justice. What people do and think about going to law?* Oxford: Hart Publishing, p. 12

one or more serious and difficult to resolve problems during the last 3.5 years (beginning of 2008 – mid 2011). Only individual problems of the particular respondent were recorded. What this means is that if there was more than one person in a given household the interview focused only on one of them. Business problems were not counted as eligible. For instance, if the person is a sole trader or runs a small business only the personal problems would be accounted for. With that respect the results of the study should be interpreted at individual and not household level. For instance, the finding that 22.2% of the respondents experienced one or more justiciable problems should be understood that within certain intervals a bit more than one in five adults living in Moldova had to cope with serious and difficult to resolve legal problems.

Only one of the reported justiciable problems was followed in deep detail during the interview. If the respondent reported more than one serious and difficult to resolve situation the interviewers were instructed to select the second most recent problem for in-depth coverage.

Comparability is yet another dimension of the present research. For the sake of comparability the reference period was set to 3.5 years. A couple of other studies use similar time period which will make the comparability more feasible and valid. There will be inevitable time-related difference if in one country we ask people about legal problems from the last 3 years and in other countries experienced in the last 5 years. Given everything equal, there will be more legal problems reported in the latter country. For instance, a 1999 study from England and Wales reports that 34% of the respondents from the sample experienced at least one legal problem. Several years later another survey in England and Wales finds a similar incidence rate of 36%². Research in other countries reports variable figures – 44.6% in Canada (2010)³, 31% in Russia (2010)⁴, 54% in Ukraine (2010)⁵, 45% in Bulgaria (2007)⁶ and so forth. Comparisons are interesting but have to be approached carefully. Differences in sampling, definition and scope of legal problems, data collection mode, reference period and a host of other factors limits the direct comparability between the countries.

2. Research methodology

The sampling frame was defined as all adults above 18 living in Moldova. There were no previous studies so the sampling was based on estimated neutral proportion of 50% prevalence of justiciable problems among the general population. The sample was based on 2500 individual face-to-face interviews, in total 2489 interviews were conducted using a face to face household interview.

Geographically the sample was drawn from randomly selected settlements in Moldova (except Transnistria, a region on the left side of the Nistru river). Urban and rural settlements from all 13 geographical regions (judets) were selected randomly. Each selected settlement

² Pleasence, Pascoe, Alexy Buck, Nigel Balmer, Aoife O'Grady, Dame Hazel Genn, and Marisol Smith. 2004. *Causes of Action: Civil Law and Social Justice*. London: Stationery Office.

³ Currie, Ab. 2010. "The Legal Problems of Everyday Life The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians." Department of Justice, Canada.

⁴ Novikova, Asmik. 2011. "Legal Aid Needs: Level and Structure of Citizens' Expectations." PILnet Russia, Moscow. (unpublished report – on file with the authors).

⁵ Kobzin, Denis, Andrew Chernousov, Roman Sheiko, Alisa Budnik, Maria Kolokolova, and Svetlana Scherban. 2011. "The Ukrainian Population: Accessibility and Effectiveness of Legal Services." Kharkov Institute of Social Research, Kharkov. (unpublished report – on file with the authors).

⁶ Gramatikov, Martin. 2010. *Justiciable Events in Bulgaria*. Sofia: Open Society Institute.

was divided into regions with relatively equal parameters. At the second level of sampling, regions were selected in each settlement. Further, in each region specific streets were selected randomly. The random route method was used to choose a particular address for making contact. In cases of no-response, the interviewers moved to the next address which satisfies the criteria. Appendix 1 shows the list of the selected settlements and the number of effective interviews conducted in each of them.

Within households, the method of the closest birthday was employed in the cases when there was more than one eligible respondent in the particular household.

The research tool (which includes the problem card and the survey questionnaire, attached to the study) was developed by experts in empirical legal studies and Moldovan law (see Appendix 2). Questionnaires from similar studies in other countries were reviewed, consulted and adapted to the Moldovan context. In order to improve the validity and reliability of the research tool a pilot survey was conducted at the end of July 2011. In total 14 respondents were asked to go through the draft questionnaire. Items that were identified as difficult or dubious were corrected.

The data was collected by a polling company during the period 4 August – 16 September 2011. A non-response rate of 18.2% was registered. This is not unusual non-response rate for household interviews. On overall, the non-response was more prevalent in the bigger cities than the smaller settlements.

3. Demographics of the sample

Apart of the regional distribution our sample did not contain quotas. There is significant disproportion between female and male respondents. In total, 1609 women were interviewed and 880 men. To correct this effect we apply sampling weights which will be explained below.

Mean age of the respondents is 48 years (SD=17.2 years). Table 1 shows that the age distribution of the respondents is relatively normal with the exception of slight under-representation of younger people. In terms of ethnicity, 73.4% of the respondents identify themselves as Moldovan, 9.6% as Ukrainian, 7% Russian, 4.1 Gagauz, and 2.6% Bulgarian. The official state language is spoken by 70% of the interviewed. Next, with 19.2% comes Russian; whereas 4.1% say that they speak the Moldovan/Romanian and Russian in somewhat equal extent. The vast majority of the respondents are Orthodox Christians – 95.3%.

Age group	Number	Percentage
18-25	306	12.3
26-35	390	15.7
36-45	373	15.0
46-55	464	18.6
56-65	519	20.9
over 66	437	17.6
Total	2489	100

Table 1: Age distribution

Fifty eight percent of the respondents live in rural settlements, the rest reside in urban places. 22% of the sample consists of residents of Chisinau. Balti, the second biggest Moldovan city, is represented with 4.2% in the sample. More than half of the respondents (54%) say that they have lived in the same place for the whole of their life. Furthermore 36% of the interviewed report staying at the same place for more than 10 years. Less than 10% have lived in a different place in the last 10 years.

Two-thirds of the respondents in the sample report that they are married (63%), four percent (3.8%) live in factual co-habitation, 15% are widowed, 12.5% single, and 5.8% are divorced. Somewhat surprising, given the fact that we interviewed people above 18 and living in households, 55% of the respondents report that they do not have dependent children below 18 in their household. Twenty two percent of the respondents take care for one child, 17.5% for two and 4.1% for three. Since we do not have data about the proportion of households with dependent children in the overall population in Moldova we do not weight the data on this criterion.

Retirees make the largest group in our sample in terms of occupation. In the analysis this disproportion will be remedied through weighting for age distribution. Second largest group in the sample consists of unemployed. In sum, the retirees and unemployed make 59% of the overall sample. To a certain extent this structure of the sample might explain the relatively low preponderance of legal problems as compared to other similar countries, i.e. Bulgaria, Ukraine and Russia.

Occupation	Frequency	Valid Percent
Public servant	440	17.7
Employed in private business	382	15.3
Not employed	666	26.8
Retired	804	32.3
Student (does not work)	113	4.5
Total	2405	96.6

Table 2: Sample distribution by occupational status

Relatively high proportion of the sample has an academic (higher education) degree - 22.3%. Thirty percent of the respondents have degree from Medium specialized educational institution, which is just below the tertiary education in terms of number of years. 21% have diploma from a Medium-general /lyceum school (secondary education), 21% have begun but did not complete secondary education and 6% have completed primary education.

Each complex sample following the rules of randomization inevitably induces different forms of biases. Above we discussed that certain groups of the general population are underrepresented at the expense of others. In order to mitigate the bias and to improve the generalizability of the analysis we weight the sample on a couple of criteria – gender, urban-rural division and age. The population parameters are taken from the web site of the National Bureau of Statistics of the Republic of Moldova.⁷

⁷ See <http://www.statistica.md/index.php?l=en>

4. Perceptions and attitudes towards the justice system and access to justice

Before exploring the incidence of and responses to justiciable problems we are going to analyze the perceptions and attitudes of the respondents towards the Moldovan justice system as well as its accessibility. On the one hand, these beliefs provide contextual background which explains in part the strategic decisions and choices that people make when they face a significant and difficult to resolve problem. On the other hand, inevitably, the actual experiences with the law affect the overall perception of the legal system.

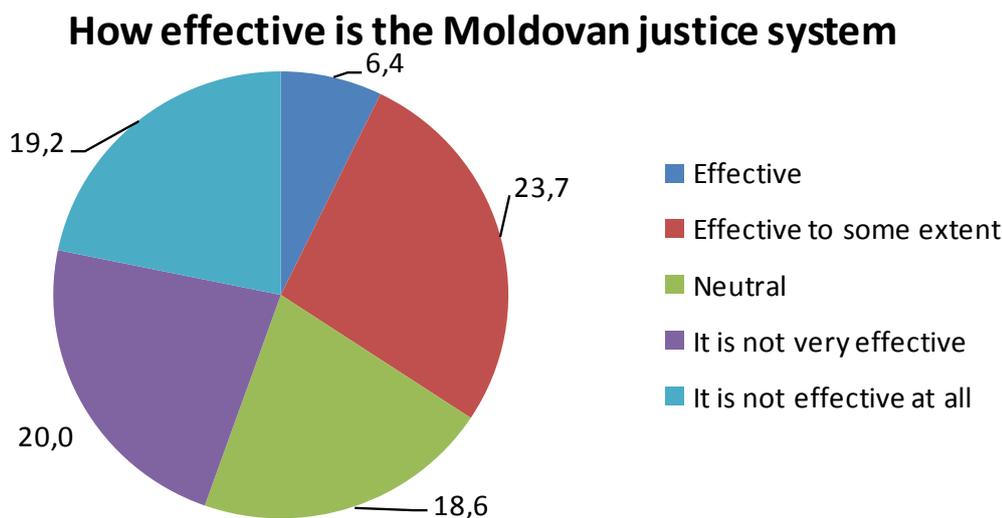


Figure 1: Perceived effectiveness of the Moldovan justice system

Less than one third of the respondents in the survey think that the justice system is either very effective (6.4%) or somewhat effective (23.7%). Much greater share of the interviewed perceives the justice system as not effective at all (19.2%) or somewhat not effective (20%). Interestingly, people who report at least one justiciable problem for the last 3.5 years are slightly more skeptical about the effectiveness of the legal system but this association is not statistically significant. People from urban areas are significantly more critical towards the justice system. Twenty three percent of the urban population thinks that the justice system is not very effective. About 16% of the respondents who live in rural areas share that opinion. This finding should not be surprising. Urban residents have generally better education and much higher household incomes.

Interestingly, the people who had experiences with court procedures have different pattern of appreciation of the judicial system. However, these attitudes are not linear. For instance, those who had previous experience with the system of Moldovan courts are more likely to see it as very effective when compared to the respondents who have never taken part in a court dispute (9.9% vs. 5.5%). Personal experiences, however, also induce negative perceptions. Twenty seven percent of the court users assess the judicial system as not effective at all. For comparison, 17.3% of the people who had never had to deal with court adjudication are overly critical. Different lines of reasoning can be used to explain the pattern. First, it could be that the justice system deals with some problems better than with others. In the analysis below we will see that people dealing with certain problems (i.e. land disputes, consumer problems) are less likely to achieve a resolution than people involved in other

types of disputes (i.e. family related problems). Thus people who achieve to resolve their problems with the instruments of the legal system are more positive to its effectiveness. Related explanation might be that the attitudes differ not by problem but mostly by personal properties and characteristics. Above we already discussed that more educated and wealthier people are actually more critical.

More than half of the respondents (51.6%) think that the Moldovan justice system is biased towards people with more money (Figure 2). Further 24.7% agree partially with the statement. Only 2.1% completely disagree that the justice system is biased towards those with more resources. This finding indicates that people doubt the ideal of equal access to the law. Inevitably, this attitude erodes the trust in the justice system as well as in the overarching ideal of social justice. Not surprisingly, only 6.4% of the respondents are firmly confident that had they experienced a legal problem, the justice system would have helped them to resolve the problem. About forty percent (39.1) cannot say, 25.6% have some sort of confidence that the issue will be resolved, 19.4% are hesitant about the prospects and 6.2% are firmly convinced that the justice system will not help them solve the problem.

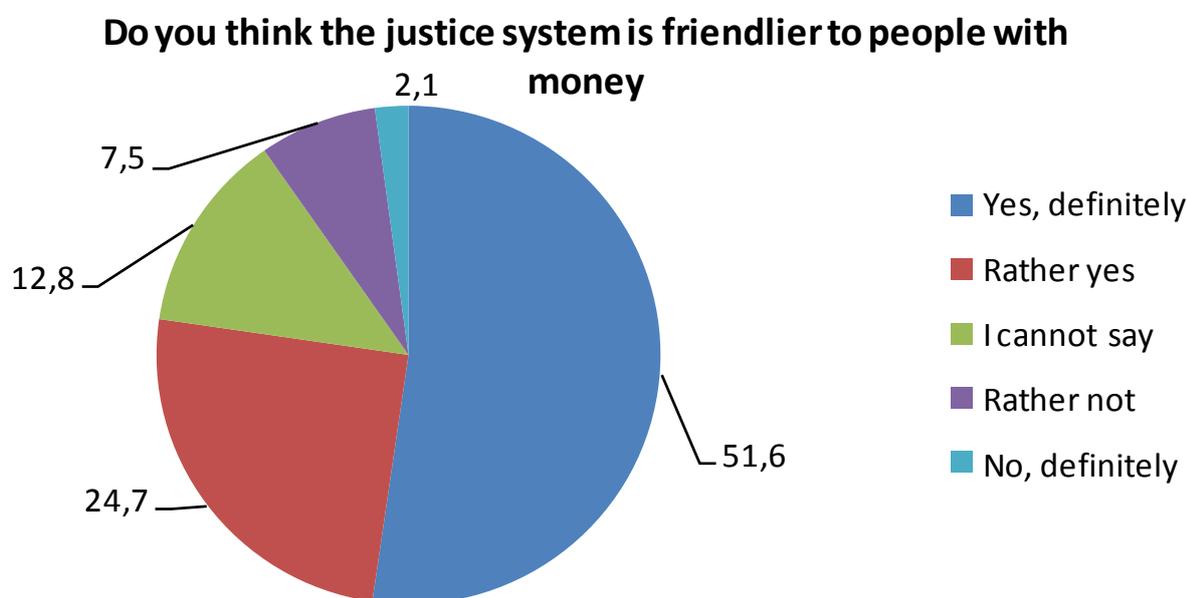


Figure 2: Equality to the law

In order to test further the perceived abilities to solve a legal problem if it appeared we asked a series of questions about hypothetical situations which could happen in the everyday life of every person living in Moldova. Namely, we asked about eventual problems with an employer (illegal dismissal), consumer problem (buying a defective TV set), disputes with neighbors (excessive noise or garbage deposition), administrative grievance (denial to issue a building permit), becoming a victim of domestic violence and problems with getting back money given in loan.

On overall, the respondents are most optimistic in their abilities to solve potential disputes with neighbors (mean=3.27)⁸, vendors of defective goods (3.25) and instances of domestic violence (3.15). Lowest perceived chances people see in their ability to solve disputes with local authorities (2.75), getting money back (2.9) and disputes with employers (2.91). With

⁸ 1 means very low level of confidence in own ability to solve the problem successfully; 5 means very high level of confidence.

the exception of the loan problem, the latter category includes disputes and grievances in which there is a power imbalance between the parties involved.

People who report one or more problems are less confident in their abilities to solve future problems. We do not know whether those who reported a problem have initially lower level of legal empowerment or it was the experience with the problem which decreased their perceived ability to cope with legal problems. Interestingly, the respondents with the highest level of education have the lowest perceived capability of coping with legal problems. For comparison, people with medium general (high school) degree are much more aware in their abilities to cope successfully with legal problems as they appear. Also those living in rural areas are more confident in their abilities to solve the problem (mean=3.17) than the urban residents (2.87).

Subjective legal empowerment is related to the perceived fairness of the legal system (Figure 3). People who think that the justice system treats everyone equally have significantly higher level of subjective legal empowerment (mean for No, definitely=3.62). On the other hand, respondents who are confident that the legal system is biased towards people with more resources are less convinced in their own abilities to cope with legal problems (mean for Yes, definitely=2.98).

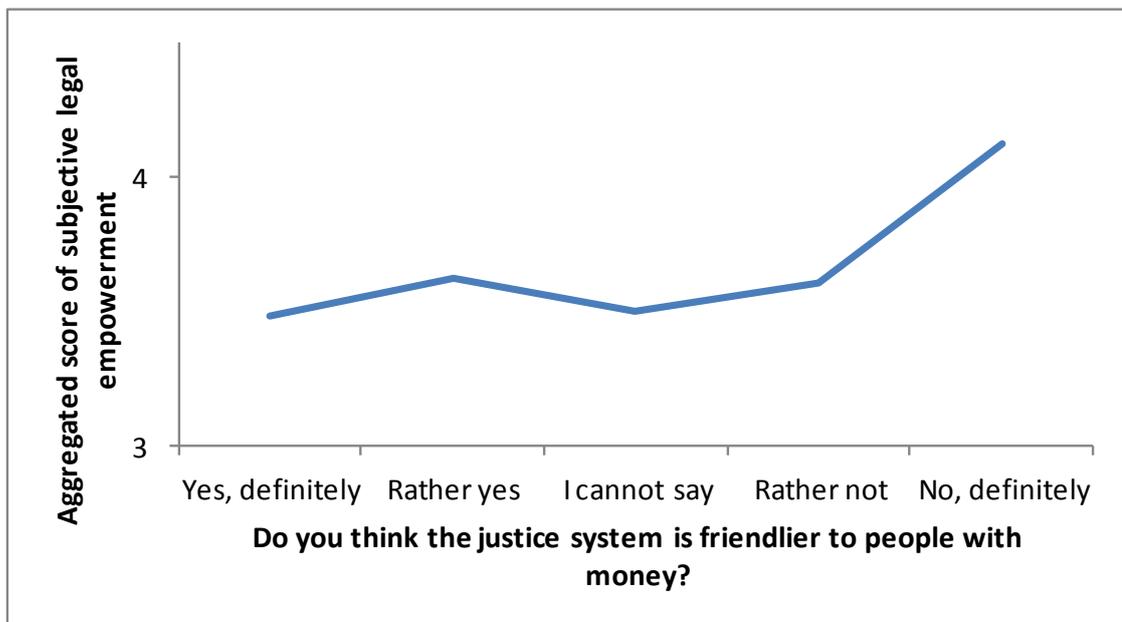


Figure 3: Relationship between subjective legal empowerment and fairness of the justice system

Another aspect which is of interest for the study is whether people know their rights and entitlements. We asked the respondents whether they knew that since 2008 there is a reformed system for state funded legal aid in place. Majority of the respondents (60.9%) do not know about the existence of the system. Thirty nine percent reported that they knew about the new system. Apparently, there is a significant room for awareness rising. Moreover, we did not ask about specific aspects of the new system such as scope or eligibility criteria.

However, we asked all respondents to what extent people know where they can receive legal assistance in case they needed it. About 12.8% of the respondents report that they are very well informed, 24.9% are well informed and 21.4% relatively well informed (Figure 4). In total, almost 60% of the sample is rather positive about their abilities to find legal assistance if it was needed. Twenty seven percent (26.9%) are not very well aware and for 13.7% finding

legal assistance would be a real problem. If people have to find sources of legal advice, most (49.7%) would rely on friends, relatives and colleagues. Interestingly, 33% say that they are going to rely on TV, 24.5% on Internet and 14.4% on newspapers. Apparently, media (without radio) is a sizeable source of signposting of legal problems. Another interesting finding is that 20.4% think that they will receive referral by police. Further 12% would rely on prosecutors to find out where they can receive legal assistance.

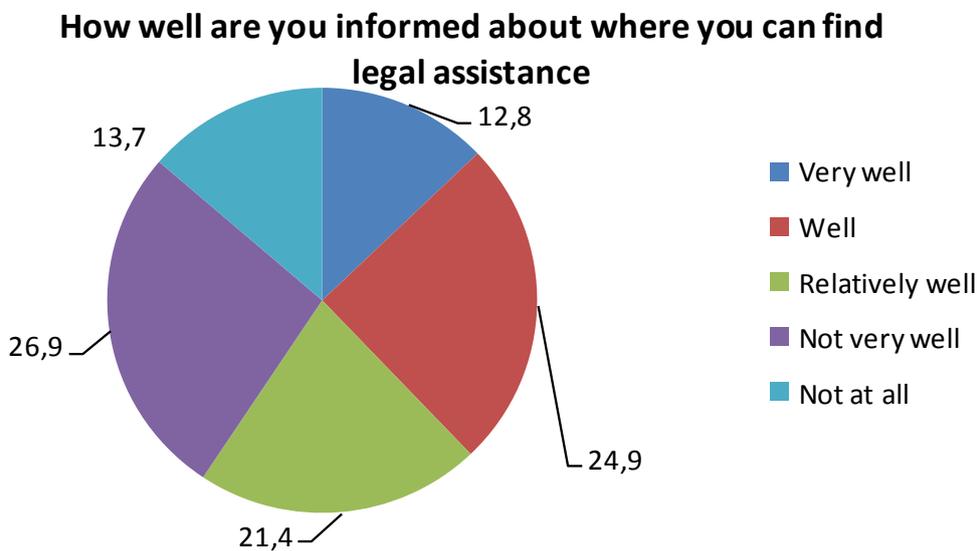


Figure 4: Knowledge about sources of legal assistance

Finding the place where legal assistance is available does not mean that the person can afford legal assistance. Most people (86.4%) do not have an idea what legal assistance might cost. On average, the respondents consider that 167 Moldovan lei (standard deviation=315 lei) is an affordable price for legal assistance.

Whether 167 lei is low or high depends on the type of the problem, personal resources of the respondent and a host of other factors. In fact, most of the respondents (51.1%) report that on annual basis they would not need the services of a lawyer⁹. For 30.5% of the respondents the annual need for legal services is assessed as “rarely”. About 10% say that they would need a lawyer “every now and then” and for only 2.3% lawyer is needed “often”. Not surprisingly, less than one in five respondents (19.4%) ever used the services of a lawyer.

5. Incidence of Justiciable Problems

From the overall sample, 22.2 of the respondents report experience with one or more justiciable problems in the last 3.5 years. At face value this proportion is lower than the findings of other countries and namely countries which have similar legal traditions and culture as Moldova. Nevertheless, more than one in five Moldovans had to cope with a complicated problem in the 3.5 years before the interview. This problem could have had impact on the respondent but also on his family, relatives, friends and colleagues. By no mean the incidence rate of 22.2% should be considered as low. Even on the contrary – it indicates significant amount of legal needs in the Moldovan society. Moreover, we believe

⁹ The question asks specifically about attorneys-at-law.

that this is a conservative estimation. The actual rate of occurrence of justiciable problems in the general population might be, in fact higher.

There is no strict definition of which problems of everyday life qualify as legal problems. In order to filter out the trivial issues which in practice do not necessitate legal response we adopted a stringent threshold language. This means that the interviewers asked the respondents to report problems which are both serious and difficult to resolve. Thus a problem might be serious in terms of value, interests and consequences but the solution does not pose significant challenge. Similarly, our design excludes disputes which are difficult to solve but their impact is not that grave.

Experience of justiciable problems

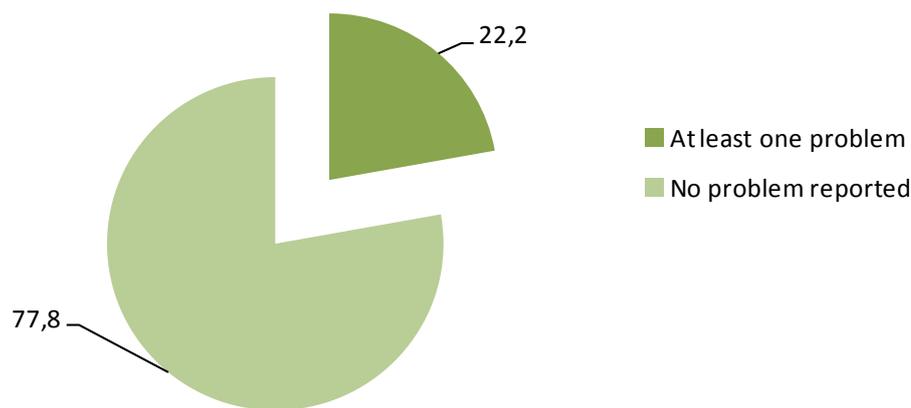


Figure 5: Incidence of justiciable problems

One possible reason for the relatively low preponderance of reported justiciable problems is the somewhat skewed sample distribution. As discussed above, the over representation of retirees and unemployed might have given more weigh to people who experience less legal problems or experience types of problems that are different from those who are economically more active.

Stricter threshold criteria for justiciable problems might be another possible explanation. In this study the respondents were asked about “serious and difficult to solve problems and which needed measures of a legal nature in order to be resolved”. The second part of the definition might have excluded certain issues which would have potential legal resolution even if the respondents did not see them as one of legal nature.

Another indication of underreporting of justiciable problems is the reported pattern of using a lawyer which will be discussed below. Fourteen percent (14.4%) of the individuals who did not report a legal problem also report using the services of a lawyer recently. If they needed a lawyer, most likely they would have also experienced some sort of situation which required consultation with a professional legal adviser. Thus, these 14.4% are classified in the “no problem” category but it is likely that in fact they had to deal with some sort of legal situation which requires legal knowledge that they do not posses. We also know that only few legal problems ever get consulted with a lawyer and most of the grievances are solved “in the shadow of the law”. Thus it is likely that on the top of the 14.4% there were others who had to deal with justiciable problems but for different reasons were not accounted for in our survey.

Yet another argument that perhaps the real prevalence of justiciable problems is higher than 22.2% is the perception that the legal system is not exactly providing “equal justice for all”.

Half of all respondents are firmly convinced that people with more money receive better justice. Additional 25% are less affirmative but still answer with “rather yes”. Less than 10% think that the justice system is blind for the social and economic position of the disputants. This rather grim perception might easily turn into avoidance of legal problems due to perceived lack of successful resolution strategies. The above mentioned arguments are by no means hard evidence but could be taken as an indication that more of 22.2% of the Moldovans experience serious and difficult to solve legal problem.

6. Types of problems

As the old adage goes – there are no two identical legal problems. For the sake of the analysis, however, we did aggregate the different events into categories of problems. Each category includes various types of disputes and grievances that belong to the overall category. The distribution of the problems within a category will be shown below in the text of the report.

Disputes with neighbours and problems with family relationships are the two most frequently occurring categories of justiciable events (Table 3). Together the two account for 29% of all reported problems. This is an interesting finding for a number of reasons. First, both categories belong to problems based on long term relationships. When a problem appears people have to find some sort of solution. Unlike transactional disputes it is rarely possible to flee a neighbourhood or family problem. On the other hand, in neighbourhood and family disputes people have to find a solution which maintains the relationship and allows them to continue further.

Problem Category	N	Percent
Neighbours' relations	116	15%
Family relations	103	14%
Consumer problems related to goods or services	71	9%
Land related problems	58	8%
Medical problems	58	8%
Employment	52	7%
Social protection and welfare benefits	51	7%
Compensation of wrongful damage	49	6%
Money related problems	42	6%
Public services delivered by public authorities	30	4%
House/apartment related	27	4%
Documentation / civil acts	26	3%
Administrative offences	24	3%
Educational system	15	2%
Discrimination	12	2%
Non-enforcement of court judgment	11	1%
Migration	6	1%
Taxes	4	1%
Total	755	100%

Table 3: Prevalence of justiciable problems

Second, the fact the neighbourhood and family problems occupy the first two places in terms of frequency is somewhat unexpected. Almost every justiciable events study from developed or transitioning countries finds that consumer problems are the most prevalent type of legal problem. In Moldova, the category of consumer problems comes third with 9% (Table 3). Why are consumer problems not so pervasive in the current study? To begin with it is possible that, in fact, there are less consumer problems in Moldova than in other countries. It is also possible that people do not perceive many problems they face as being consumer problems or as problems that can be solved with legal means. This can be explained with scarcity of relevant information about consumers' rights and/or pathways for resolving consumer disputes. It also should be noted the lack of a specialized governmental or quasi-governmental body entrusted with competences related to consumer protection. Such a difference, however, cannot be explained by factors related to the level of consumption or the supply and demand of goods and services. If we want to look further we can consider the effect of the skewed sample distribution. Over-representation of retirees and unemployed might lend a possible answer here. To test the hypotheses we split the sample into two groups – one comprising of less economically active respondents (retirees, unemployed, students who do not work and women on maternity leave) and another including people who work part-time or full time. The comparison shows that the economically active people are almost twice more likely to report a consumer problem than those who are less active.¹⁰

Purchase and use of land, medical services, employment disputes, difficulties with obtaining social benefits, compensation of different types of torts and money related problems are all in the 8-6% frequency range. Together these categories account for 41% of all reported legal problems.

7. Problems within category

Dispute with Neighbours

	Frequency	Percent all problems	Percent all neighbourhood problems
Conflicts due to the unauthorised garbage disposition, lack of separate entrance exit road to the neighbour	51	6.75	43.97
Noisy neighbours, neighbours having problems related alcohol abuse, drugs, violence	32	4.24	27.59
Problems with apartment's supply of utilities due to neighbours not paying their bills (e.g discontinued heating)	20	2.65	17.24
Other	14	1.85	11.21
Total	116	15.50	100.00

Table 4: Problems with neighbors

¹⁰ Chi square=8.36, p=.004

Family relationships

	Frequency	Percent all problems	Percent all family problems
Registering a marriage, registering a marriage with a foreigner, divorce	27	3.6	26.5
Child alimony, child custody, parental rights	15	2.0	14.7
Domestic violence	39	5.2	38.2
Inheritance	18	2.4	17.6
Other	3	0.4	3
Total	102	13.5	100.0

Table 5: Family problems

Consumer problems

	Frequency	Percent all problems	Percent all consumer problems
Quality of products or services, breach of the delivery term, exchange of goods, validity term, guaranty term	45	6.0	63.4
Overcharge for utilities, unfair bills, problems with electricity and water supply	15	2.0	21.1
Difficulties with returning low quality products or services;	9	1.2	12.7
Other	2	0.3	2.8
Total	71	9.4	100.0

Table 6: Consumer problems

Land disputes

	Frequency	Percent all problems	Percent all land problems
Registration, selling or buying land, renting the land	10	1.3	17.2
Allocation of plots of land by the local authorities	12	1.6	20.7
Land privatization, privatization of agricultural utilities, land share (cota valorica)	8	1.1	13.8
Restitution of land to deportees;	2	0.3	3.4
Difficulties in renting land, incompliance with contract stipulations regarding land;	7	0.9	12.1
Mismatch within the actual land area and the area indicated in the property title;	7	0.9	12.1
Land registration in the real estate registry;	1	0.1	1.7
Other	11	1.5	19.0
Total	58	8	100

Table 7: Problems related to land

Medical problems

	Frequency	Percent all problems	Percent all medical problems
Difficulties in getting the mandatory insurance policy	4	0.5	6.9
Medical malpractice	20	2.6	34.5
Denial of service (because of discrimination, lack of money, etc.)	13	1.7	22.4
Request to pay for services that should be free (including requests for donations)	15	2.0	25.9
Difficulties in obtaining emergency help	3	0.4	5.2
Other	3	0.4	5.2
Total	58	7.7	100.0

Table 8: Problems with healthcare services

Employment

	Frequency	Percent all problems	Percent all employment problems
Lack of contract, unfair dismissal, disciplinary sanctions	19	2.5	36.5
Delay in paying the salary, official salary lower than de facto, imposing additional work;	24	3.2	46.2
Other	9	1.2	17.3
Total	52	6.9	100.0

Table 9: Employment problems

8. Problems followed in details

Some of the respondents reported more than one serious and difficult problem that has something to do with civil or administrative justice. In such cases our questionnaire provided for procedure to select only one problem and go in substantial detail over this problem. In cases when there was more than one problem, the interviewers were instructed to select the second most recent problem and ask the follow-up questions. The table below show the distribution of the problems that were selected for the main interview.

Problem Category	Frequency	Percent
Neighbours' relations	95	17.3
Family relations	89	16.2
Land related	50	9.1
Consumer problems related to goods or services	43	7.8
Employment	39	7.1
Social protection and welfare benefits	39	7.1
Compensation of wrongful damage	38	6.9
Medical problems	29	5.3
Money related problems	26	4.7
Public services delivered by public authorities	22	4.0
House / apartment related	21	3.8
Administrative offences	21	3.8
Documentation / civil acts	14	2.5
Education system	7	1.3
Discrimination	6	1.1

Migration related problems	4	0.7
Court procedures	4	0.7
Taxes	3	0.5
Total	550	100

Table 10: Problems followed in details

9. Number of justiciable problems

The respondents who experienced at least one problem reported on average 1.37 serious and difficult to resolve legal situations. In total there were 755 justiciable problems reported by the 553 respondents with problems.

How many problems	Frequency	Percent
0	1936	77.8
1	416	16.7
2	88	3.5
3	33	1.3
4	16	0.6
Total	2489	100.0

Table 11: Number of problems

Experiencing a legal problem increases the likelihood of reporting a similar or related problem. Justiciable events studies from other countries constantly find that some problems co-occur in groups or even cause each other. For instance, it is easy to see how domestic violence can cause relationship breakdown, unemployment, tenant-landlord and debt problems. In the current study, when a respondent reported occurrence of a problem, we asked how many times this problem was encountered for the past 3.5 years.

A handful of respondents reported experiences with many legal problems. For instance, in the category of consumer problems someone reported 100 problems. Another one reported 75 family related problems. In order to mitigate the effect of outliers we exclude in this analysis all values above 50.

In total, the 550 respondents who experienced at least one legal problem reported 754 justiciable events. These events were experienced 1260 times which means that on average the problems occurred 1.7 times per person. The median for the distribution is 1 which means that most of the problems happened only once but some people experienced repeatedly the same or similar problem. Some respondents reported numerous encounters with problems with the educational system (3.4 on average), family problems (2.15) and consumer problems (2.04). The first two categories are based on lasting relationships. It is also not surprising to find that people experienced more consumption problems since the consumption of goods and services is integral part of everyday life.

10. Who has to cope with justiciable problems?

a. Gender

On average 22.2% of the respondents say that they had to deal with at least one justiciable problem. Women report slightly more legal problems – 24.1% compared to 20.1% for the male respondents.¹¹ Gender plays a role in several categories of problems. For instance, women experience much more often problems with family relationships, welfare benefits, disputes with neighbours, medical problems as well as issues with maintaining house/apartment. In all of these categories more than 2/3 of the respondents are women. Men are more likely to report problems with compensation of wrongful damage and public services.

b. Socio-economic status

The relationship between experiencing justiciable problems and socio-economic status is complex. On the one hand, poor people are more vulnerable because they have fewer resources to mitigate and cope with legal problems. On the other hand, those who are more affluent participate more in the economic, social and political life. As a consequence they enter into more transactions and relationships which might trigger different kinds of disagreements and grievances. Richer people are also more educated and as such are better positioned to recognise certain situations as justiciable. It is normal to assume that they will be better aware of their legal rights. For instance, in dealing with public authorities or providers of goods and services those with higher socio-economic status who know better their rights will be more likely to recognise violations of their rights and demand remedy. In many situations, those who are less educated might not see a justiciable problem but a bad luck.

The relationship between income and likelihood to experience a legal problem is far from linear. 24% of the respondents whose household monthly income is less than 1000 lei per month reported an experience with justiciable problem. In the next category (1000-2500 lei) four out of five (80%) respondents did not report a legal problem. Most justiciable events were reported in the category where the monthly household income is between 2500 and 7 000 lei. Those in the highest bracket did not report significantly more serious and difficult to resolve legal problems. Apparently income alone does not explain sufficiently whether a particular person will experience a legal problem. Below we will review a model in which income is part of a larger set of properties that might have more explanatory power with regard to justiciable problems.

	Up to 1000 lei	1000-2500 lei	2500-7000 lei	More than 7000 lei
One or more justiciable problems	24.20%	20.00%	26.60%	23.50%
No problem reported	75.80%	80.00%	73.40%	76.50%

Table 12: Experience of legal problems by income group

Income has much more tangible impact when we look at the types of problems reported. Those with higher income (more than 2500 lei) are experiencing significantly less family problems than those from the lower income brackets. Similar association is visible in the neighbourhood disputes. Alternatively, more affluent respondents experienced significantly more justiciable problems related to consumption and public services.

¹¹ Statistically significant at .05 level (Chi-square=5.70, p=.017)

c. Age

There are no significant age differences between the respondents who reported a problem and those who said that they did not experience a justifiable event. However, when we split the age into groups we see that the categories 26-35 and 36-45 are slightly more likely to experience a problem. The association between age and reporting a justifiable event is not statistically significant.¹² Nevertheless, Figure 6 indicates that young and mid-age people experience more problems. Such finding should not be surprising. Important life events take place mainly when people are between 26 and 45 years and so do risks that something goes wrong. In these age groups many people marry, raise kids, divorce, change jobs, take credit and make long-term investments. At these and many other life events many people stumble into legal problems and need information and advice in order to obtain a fair resolution.

On the other hand, the respondents from the other age groups experience just slightly less frequently serious and difficult to resolve legal problems. The impact of the problems might be even more severe since very young or very old people are more vulnerable and less capable of dealing with complex legal situations.

Experience with justiciable problems by age group

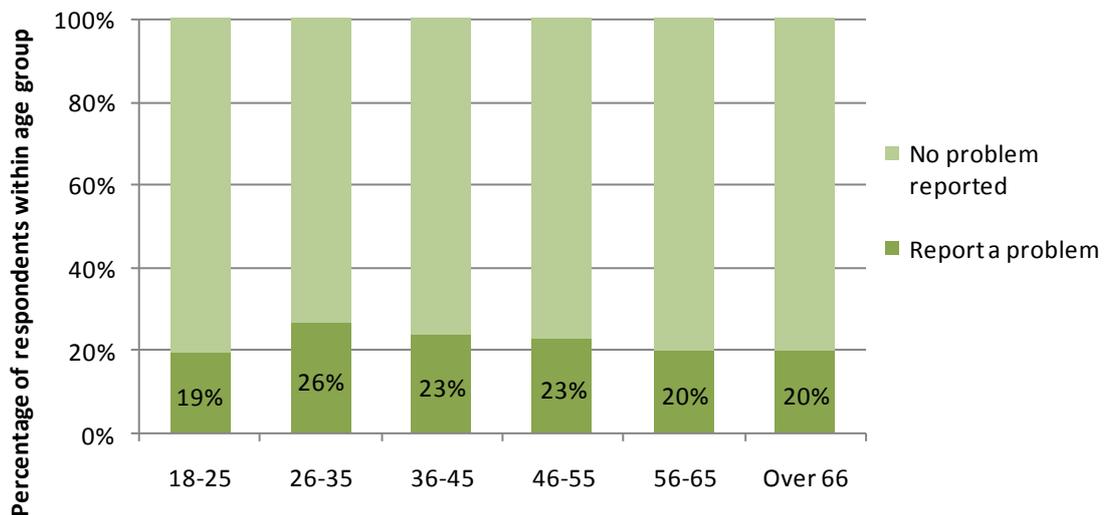


Figure 6: Experience with justiciable problems by age group

d. Rural/urban (Geography of justiciable problems)

Legal institutions and legal professionals are concentrated in the bigger cities. It is much easier to step on paths to justice in the bigger cities where there are significantly more formal and informal dispute resolution mechanisms available. Of course, this does not mean that the legal problems in the bigger cities are resolved in fairer manner. In smaller towns and villages there are no direct entries to paths to justice but the social norms are much more explicit and functional. Trust, respect and reputation play much more pronounced role in the life of people leaving in more compact communities. In smaller communities, dispute avoidance is one of the mechanisms for preserving the social harmony. Also the economic dynamics in smaller towns and villages are distinctively different.

Our dataset distinguishes between urban and rural areas. Despite the hypothesised disparity the data show that respondents from urban and rural areas experience legal problems at almost identical rates.

¹² Chi-square=9.9, p=.077

The urban-rural division might not affect the likelihood of experiencing a serious and difficult resolve legal problem but the distance to the closest court has such an effect. Those people who had to deal with (or at least recognised) justiciable problems live closer to a court. Respondents who say that they did not experience a justiciable problem live on average about 16 km. from the nearest court. The distance for those who report a problem is 14 km. This difference is statistically significant and might be interpreted in different ways. Despite the fact that the urban-rural division did not have such an effect it is possible that the further one lives from a court the less likely is to experience a legal problem or to recognise the legal dimensions of an issue.

People from rural areas tend to experience more often some categories of problems. Unsurprisingly, land issues are more predominant in rural areas and relatively rare in the bigger towns. Problems with labour relationships, renting a house/apartment or consumer disputes are taking place much more frequently in the cities than in the villages. On the other hand, the people from the rural areas experience more often family relationship issues and problems with welfare benefits.

e. Housing

Renting a house can trigger different types of justiciable problems – paying the rent, maintenance of the property, dealing with deposit etc. People who live in rented accommodation most likely differ on many socio-economic characteristics from those who live in owned accommodation. The data supports this hypothesis. Thirty eight percent of those who live in rented accommodation have experienced at least one justiciable event in the 3.5 years preceding the interview. For comparison, about 21% of those who own a house/apartment or live with their parents dealt with serious and difficult to resolve problem.

f. Marriage status and children

Civil status seems to be associated with the preponderance of justiciable problems. Respondents living in factual co-habitation as well as those who are divorced report significantly more often experiences with problems.¹³ Respectively 30% and 38.6% of the interviewees that identified themselves with the two categories reported they had to cope with at least one serious and difficult to resolve problem. For comparison, 19% of those who were single and 22% of the married encountered justiciable events.

Furthermore, co-habituating and divorced respondents are overrepresented in the category of family problems.

g. Disadvantaged groups

Receiving welfare benefits indicates low income and some degree of dependency on the state and perhaps other organisations and individuals. Somewhat surprisingly, the respondents who receive social benefits did not report much more justiciable problems. Indeed, about one in four (25%) of those who receive child benefits (n=217) experienced a legal problem. For comparison, the proportion for those who are not dependant on the welfare system is 21.9%. or slightly more than one in five respondents who report a legal problem.

h. Minorities

Language is one of the properties that identify minorities' status. Our sample is not weighted for language spoken and therefore there might be certain divergences from the population parameters. Seventy one percent said that in their family the State language is spoken; 18.6% selected Russian; 4.3% reported both State language and Russian; 2.7% Ukrainian;

¹³ The difference is statistically significant (Chi square=29.5, p<.00)

0.9% Bulgarian and 0.4% Roma. Apparently, the number of respondents for many of the language groups is insufficient for complex analyses.

i. Crime

People who were victims of crime are significantly more likely to report a legal problem. As it will be shown below victimization is the single most powerful predictor of whether a person experiences justiciable problems.

Have you been a victim of a crime in the last 3 years	At least one problem	No problem reported
Yes	68%	32%
No	17%	83%

Table 13: Victimization

j. Multivariate analysis

Many of the demographics that were discussed above are inter-related and produce complex effect on the experience of legal problems. In order to analyse their individual effects we performed a multivariate binary regression. With this analysis the impact of each of the predicting variable is observed while the effect of every other variable has been hold at its mean value. In other words, the regression analysis shows us how each of the predictors affects the incidence of justiciable problems if the other participating variables were not influencing the experience of justiciable problems.

In this model, age, gender, education and perceived legal empowerment do not predict in statistically significant way the likelihood that a person will experience a serious and difficult to resolve legal problem

However, being a victim of crime, distance to court and place of living are significant predictors of incidence of legal problems. Victims of crime are more than 10 times more likely to report a justiciable problem. First, victims might be more vulnerable than others. Vulnerability alone, however, does not make someone exposed to legal problems. For instance, the mere fact of receiving welfare benefits does not increase the chances of experiencing justiciable problems. Second, the event of victimization might itself trigger an array of problems. Domestic violence, for instance, can easily lead to personal injury, relationship break down, and diverse work- and health-related problems.

Together with victimization two geographical factors affect the experience of legal problems. Residents of cities are more likely to experience a legal problem as compared to those who live in rural areas. On the other hand, distance to court decreases the likelihood that a legal problem will be reported. Both variables suggest that geographical location is associated with the pattern of reporting legal problems. People who live in rural areas and/or live farther from courts are less likely to report a legal problem. On face value, such a finding sounds counterintuitive. One might expect that people who live far from legal infrastructure will have more problems because they can solve less of their issues with the instruments of the formal justice. In a perfectly rational world the distance from legal infrastructure should be a barrier to justice. What we actually see is that when people do not have legal infrastructure in the vicinity they become less likely to perceive a problem as justiciable. Certainly, people from small villages in Moldova have plenty of disputes and grievances which satisfy the seriousness threshold. However, it is likely that these people would rather see the problems as nuisances or bad luck than as legal problems.

Predictor	Statistical significance
SLE index	$p > 0.05$
Age	$p > 0.05$
Gender	$p > 0.05$
Education	$p > 0.05$
Distance to court	$p = 0.029$
Urban/Rural	$p = 0.008$
Victim of crime	$p = 0.000$

Table 14: Binary logistic regression on incidence of justiciable problems

11. Resolution strategies

a. Expectations for the resolution of the justiciable problems

People can select from myriad of different strategies when a problem is recognised as serious and potentially amenable to resolution with legal means. Some might consider bringing a law suit, other people will mobilise support from family and friends, yet others will seek for professional legal advice. The initial expectations about the resolution of the legal problems tell a lot about the prior beliefs of the respondents who have experienced justiciable problems. To a large extent the expectations determine the courses of action. The extent to which the initial expectations are met inevitably impacts respondents' satisfaction with the way in which the problem has been solved.

Most respondents considered solving the problem with their own actions. In about 36.4%¹⁴ of the reported justiciable problems the respondents said that they expected to resolve the issue by themselves. At second place, somewhat surprisingly, 20% of the respondents selected police as expected source of resolution to the experienced problems. Prosecution is not so high on the list of expected sources of resolution but still in 5% of the problems it was believed that the public prosecution can solve the problem. This is surprising finding given the civil and administrative nature of the problems. A possible explanation might be the broad functions of the prosecution in the Moldovan legal system, inherited from the Soviet system, and the perception of the population about the prosecution still being the body with broad functions beyond criminal justice.

Furthermore, in one out of five problems (20%) the interviewed individuals said that their initial expectation was that the problem will solve itself. In 16% of the problems the respondents said that their initial expectation was that the problem will be adjudicated in a court of law. Local public authorities follow with 13%. For comparison, in less than 2% of the cases the interviewed thought that the problem could have been solved by central authorities. Only about 7% said that initially they expected that the problem will be solved through an intervention of a lawyer. In another 6% of the problems there was some expectation that the issue will be resolved by friends.

Other formal or informal sources of dispute resolution, however, were rarely considered at the stage of the expectations. None of the respondents expected that a paralegal might solve the problem. This should not be a surprising finding. Paralegals are relatively recent phenomenon in the Moldovan legal environment and for when the survey was conducted

¹⁴ The respondents could select from multiple answers to this question and therefore the sum of the percentages for the individual answers exceeds 100. In total 510 respondents who reported at least one legal problem selected 696 expected resolutions.

only one project run by the Soros Foundation covered 30 villages from Moldova, only 5 of these being included in the survey. Employers, consumer protection associations, neighbours and insurance companies were also rarely expected to provide some sort of closure to the experienced problem. This calls for more awareness raising activities about alternative dispute resolution in Moldova.

There is a significant difference in expectations for solving the problem by type of problem. In almost half (47%) of the consumer problems, the respondent said that the initial expectation was that the problem will be resolved with own actions. Similarly, solving the problem with own deeds was frequently expected in employment disputes (39%), money related problems (36%) and family breakdowns.

Furthermore, significant proportion of the respondents with employment (24%), money related (19%) and consumer problems (18%) expected that the problem will resolve by itself. Interestingly, the employer was rarely perceived as potential source of problem solving even in the employment category. Apparently the respondents have more confidence that the problem will somehow solve itself and disappear than that it will be solved by the employer.

Almost one in five respondents who reported a family problem (17,7% out of 106 people who experienced a family issue) expected that the disagreement will be solved in a court. 17% of the respondents who experienced a land related problem expected that the problem will be solved in court. In the other categories, the official judicial system was anticipated less frequently to play a role. Courts were expected to be involved in 13% of the employment and compensation of damage matters and 12% of the money related problems. Significantly less frequently courts were associated with resolution of disputes between neighbours, grievances over welfare benefits and consumer problems.

Lawyers were expected to put an end to the problem less frequently than the courts. In 12% of the family disputes and 10% of the problems related to compensation of wrongful damage, the respondent anticipated that a lawyer will be involved in the issue and will help to resolve it.

Understandably, welfare benefits problems follow their own logic. Most of the people who experienced a problem from this category expected that the issue will be solved by local authorities (37%) or social worker (24%). Local authorities also were expected to intervene in about a quarter of the land disputes.

Unsurprisingly, those who expected that the problem will resolve on its own, report more frequently that it has not been solved. Only 16% of those who expected that the problem will solve itself actually report that the problem was solved completely whereas in 55% of the cases the problem was reported as not solved at all. For comparison, 45% of the respondents who expected to solve the issue with their own actions say that the problem has been completely solved. Thirty percent of the respondents who said that the problem will be solved by police consider the problem solved. Thirty four percent of the people who used courts report a resolution of the problem. Taking any sort of action greatly increases the likelihood that the respondent will perceive the legal problem as resolved. We do not know whether the respondents objectively solved the problem or there was also an effect of ex-post confirmation of their action. What is important is that the active strategies to respond to legal problems are part of the process and outcome of legal empowerment. Alternatively, passive responses (doing nothing) sustain the perceptions that it is difficult to cope with legal problems.

b. Interactions with the other party in the dispute

Ideally disputes and grievances are solved through communication, understanding of the interests of the other party and mutual respect. All legal systems lean on the assumption that people will solve most of their disagreements in an amicable manner. Numerous studies convincingly demonstrate that only a tiny fraction of all justiciable problems ever reach public or private adjudication processes.

About 69% of the Moldovans who had experience with justiciable problems attempted to meet the other party. Another 12% attempted to contact the protagonist in the dispute but for some reason the contact did not take place. Furthermore, 5% said that it was the other party who first initiated a contact. Relatively small percentage (14%) of the respondents did not attempt to contact the other party. People who contacted the other party are more likely to report that the problem is completely or partially solved. Those who did not try or tried but failed were less likely to perceive the problem as resolved.

Also respondents who initiated contact with the other party achieved more frequently agreement with the other party. Table 15 indicates that respondents who contacted the other party on their own initiative managed to achieve an agreement in almost half of the problems. In the other categories the rate of reaching an agreement is significantly lower. More than 80% of those who did not try (or attempted but failed) to talk to the other party did not manage to sort out the issue through negotiating with the other party and not involving third parties.

Did you talk to the other party?				
Did you reach an agreement	Yes, I initiated the discussion	Yes, the other party initiated the discussion	I tried but it did not happen	I did not try
Yes, I managed myself	28%	17%	2%	8%
Yes, through intermediaries	15%	17%	16%	8%
No	57%	66%	82%	84%

Table 15: Agreement with the other party

Forty percent of the justiciable problems that we followed in detail involved a natural person who is unrelated to the respondent. It is somewhat surprising that only in 10 cases the other party was identified as a neighbour. Given the large proportion of neighbourhood disputes such finding makes little sense. Around 23% of the disputes were with various public authorities, 18% with family members and 12% concerned private businesses. Most frequently the respondents reached agreement in disputes involving family members. In almost half of these cases there was some sort of an amicable settlement of the issue. Disputes with unrelated individuals were somewhat less likely to be resolved between the parties – in 61% of the cases no agreement was reached. Unsurprisingly, there was much less cooperation in legal problems in which a public authority was involved. 74% of these disputes ended up without the parties being able to sort out their disagreements. Public organisations are rarely known for their willingness to engage into bilateral negotiations in a pursuit of dispute resolution. What is surprising, however, is that when the other party in the

problem was a private company it was even less likely that the respondent will report an agreement. Although our study is not specifically designed to analyse the performance of private companies in Moldova, this finding suggests that the private companies do not engage in cooperative interactions. This also lends some potential explanation of the relatively small number of consumer problems. If the consumers are confident that the opponent will behave non-cooperatively there will be little incentives to proceed with a complaint. This might be especially true in the cases in which the disputed value is relatively low.

12. Action and Inaction

Above we discussed how people expect to solve their problems. Now the attention will turn to the actual actions (and inactions) that people undertook when justiciable problems appeared. This question is significantly different from the previous one which focused on the expected person or organisation that was anticipated to resolve the issue. Actions include a broader range of activities. For instance, a person might expect that the disagreement will be solved by a court but there are different ways to put the courts at work. Filing a law suit can be one sort of action, but also threatening the other party with court action is also a widely used strategy in the resolution of disputes.

Perhaps the most important finding from Figure 7 is that a little bit more than one in five (21,4%, n=116) respondents did nothing as reaction to the justiciable problem. Here we should remind about the threshold language in the interview. The respondents were asked to think about serious and difficult to resolve problems which might have a legal solution. *Experiencing a serious problem and not doing anything calls concerns regarding the equal access to justice for all.*

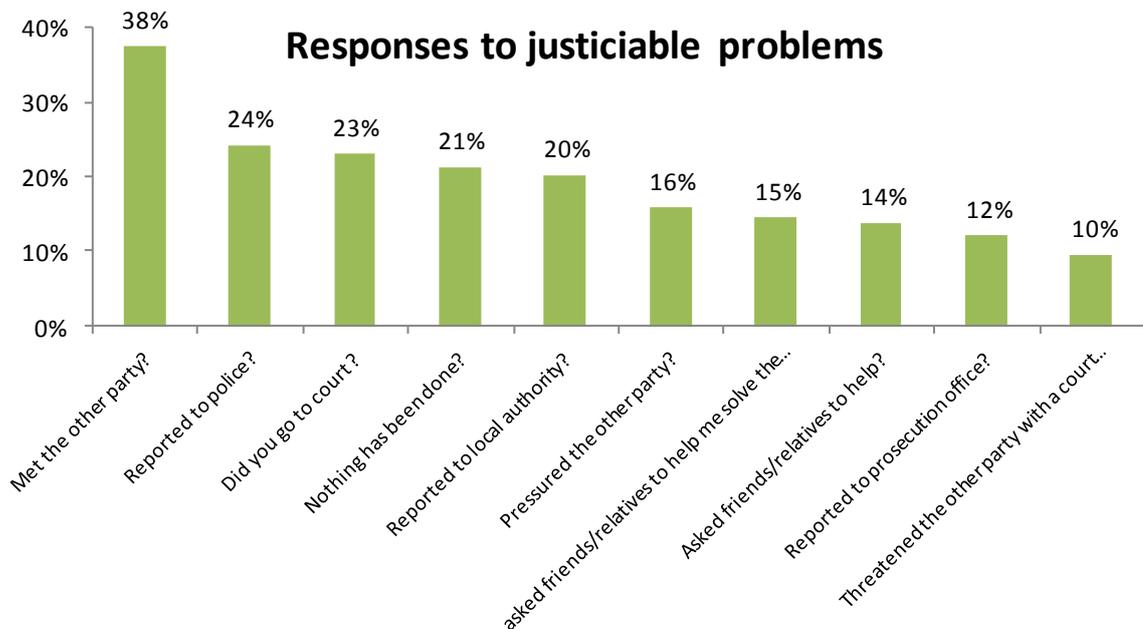


Figure 7: What did the respondents do in reaction to the problem? (The sum of percentages exceeds 100 because more than one answer was possible).

Is inaction equally distributed among the different categories of justiciable problems? For the purposes of the analysis we selected the five most frequently occurring legal problems – family, employment, disputes with neighbours, land and consumer problems. 38% of the respondents who report an employment related problem say that they did nothing to solve the dispute. Obviously, when having disputes with employers people are more likely to lump the problem and take no action.

In order to investigate further the relationship between lumping and socio-demographic characteristics we performed a multivariate analysis (logistic regression) testing for age, gender, distance to court, urban/rural and the index of perceived legal empowerment.¹⁵ Only urban/rural and perceived legal empowerment has an effect on the likelihood that a person will lump a problem. Respondents who live in urban areas are less likely to do nothing about a legal problem. Also those who have more confidence in their abilities to deal with specific legal situations are more likely to undertake an active strategy as response to justiciable problems.

When are the people more likely to meet the other party in a dispute? Most often people meet the other party in an attempt to solve the problem when they have a disagreement related to consumption of goods and services (69% of the respondents who report consumer problem). Least likely to meet the other party is the category of public services – only 4%. Disputes with public authorities make the people feel as they are facing a faceless organisation. In such a situation it is difficult to understand who exactly the other party is. Interestingly, 66% of those who report a family dispute say that they did not make contact with the other part to solve the problem. What this can mean is that the reported disputes are particularly aggravated cases in which there is a serious break down in the family relationships.

Reporting to police is a frequent strategy for responding to a problem. Neighbourhood disputes are most often referred to police. Interestingly, the second most frequently occurring category of justiciable problems for which people look for help from police are public services. It is difficult to imagine what sort of public services can be resolved by the law enforcement officials. Family disputes are also often brought to the attention of police officers. We believe that domestic violence and child custody are two of the occasions in which police can effectively intervene.

In most surveys of justiciable events, very small proportion of the problems ever makes it to a court. Usually less than 10% of all justiciable problems ever reach a court of law. In the current study 23.1% or a bit more than one out of five serious and difficult to resolve problem (see Figure 7) is resolved by a court. Again, the resolution paths for family problems are most likely to involve a court. This can be explained also by the fact that certain problems, for example, problems like divorce (in certain circumstances), alimonies or parental rights, can only be resolved in a legitimate way by a court decree.

The respondents referred to local authorities problems from three categories more often than others. People go to local authorities for land related disputes (49%), family problems (22%) and neighbourhood disputes.

¹⁵ We conceptualize perceived or subjective legal empowerment as the degree of self-confidence that a particular well defined legal problem can be solved with the powers and resources of the respondent.

a. Reasons for not selecting courts

For many people courts and lawyers are the first association to legal problems. However, relatively few of the disputes and grievances of the everyday life ever make it to any form of adjudication. There is no judicial system that can accommodate and manage effectively more than a tiny proportion of all disputes that might be potentially solved with legal means. What is important for access to justice is what are the reasons for not using the courts as a mean of solving disputes.

More than one third of the problems which were not referred to courts were not deemed as serious enough. This finding can be easily understood if we look back at the types of the most frequent justiciable problems in Moldova (Table 3). Despite our emphasis on *seriousness* and *difficult* resolution of the reported issues it is unlikely that many of the disputes with neighbours or family feuds will be solved by courts. However, almost half of the respondents claim that they did not consider or use courts because of perceived complexity of the judicial system (31%) or lack of trust in the courts (15%). This indicates serious erosion in the level of trustworthiness of the judicial system. Perceived complexity and lack of trust have numerous side effects on the ways in which people solve their disputes. Not every problem should be sent to courts but the presence of fair and effective adjudication system provides vital effect known as the “shadow of the law”. Presumably, justiciable problems find more frequent and fairer resolutions when the parties know that there is the option to refer the issue to an effective system for dispute resolution. When there is little believe that the judicial system is accessible, effective and fair, the parties become less empowered to reach a fair outcome to their problem. Conversely, knowing that the claimant has limited options in terms of the official legal system inevitably increases opportunistic behaviour by the respondents in justiciable problems.

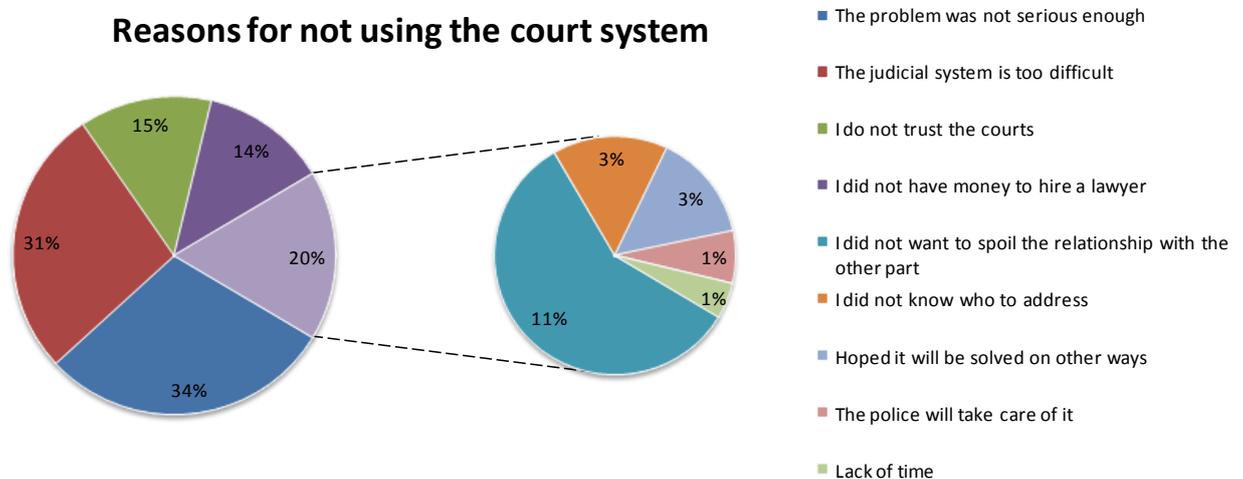


Figure 8: Why did you choose not to use the courts to solve your problem?

About one in six (14%, n=57) disputes was not referred to the courts because of monetary considerations. At face value, money is less sizeable reason for not using the courts to solve a problem. However, it is likely that this 14% of problems were serious enough to be remitted to courts but the respondents were short in money to meet the legal expenses.

Of the respondents who experienced at least one justiciable problem about one quarter said that they brought the issue to a court. In three quarters (73%) of these cases the highest court that the dispute reached was the lowest level District (Raion) court. Appeal courts or

the Moldovan Supreme Court were petitioned much less frequently – respectively in 16% and 9% of the problems in which a court of law was involved.¹⁶

It is interesting to analyse the reasons for choosing a court instead of other mechanisms for dispute resolution. Most of the respondents who took the issue to a court say that this particular problem could have been resolved only by a court (60%). All modern legal systems, including the Moldovan legal system, reserve certain types of disputes to the exclusive jurisdiction of courts. For instance, a divorce between parents that have minor children (unless there are special circumstances provided by the Family Code) in Moldova shall be settled in court. For the sake of legal certainty, many disputes concerning property rights over real estate also can only be resolved by the system of state courts.

Apart of the compulsory jurisdiction of the courts, many respondents said that the reason to use courts is the high value at stake in this particular dispute. For 22% of the people who had a problem and referred it to a court of law, the reason to do so was the significance of the problem.

Another compelling reason for using the state courts is the inability to solve the dispute with alternative means. 15% explained that the decision to go to court was backed by unsuccessful attempts to resolve the justiciable problem with other means.

As it was discussed above protection of a legal interest in court can entail considerable expenses in terms of court fees, legal fees, time spent and other opportunity costs. In litigation, the costs of legal advice and representation usually top all other categories of expenses. Almost 80% of the respondents who took the problem to a court were represented by a lawyer. Only a tiny proportion of 8% represented themselves. Such a finding can be interpreted in two ways. First, one theory might be that legal advice is affordable and the people in Moldova do not face serious impediments to retain legal counsel. An alternative proposition is that the legal procedures are so complicated that self-representation, i.e. initiating and moving forwards court procedures alone, is not deemed feasible. Above it was discussed that concerns about the costs of court procedures are not negligible and are real barrier to court proceedings for about one in six Moldovans (14% of all respondents who say that they did not refer the problem to adjudication) who had experienced serious and difficult to resolve problem in the last 3.5 years. Hence, there is an argument that the low proportion of self-represented parties is not an indication of affordable legal services but rather of need of professional advice to guide the parties through complex and difficult to understand legal proceedings.

Enforcement is another aspect of court procedures. People might mobilize significant resources to solve a legal problem in court but still have trouble with enforcing the court decision. Of the respondents who had direct experience with courts about 40% say that the court decree has been fully enforced. The majority report that the court decision is only partially enforced (19%), not enforced at all (26%) or the procedure is still pending. The non-enforcement might be explained both by the fact that the court judgment has recently entered into force, as well as by problems with the enforcement proceedings/ effectiveness of the proceedings. The uncertainty of enforcement undermines the value of court procedures as a mean for solving disputes and grievances for significant number of users of the court system.

¹⁶ Note that these are not appeal rates as usually computed in official court statistics.

Extent to which the problem has been solved

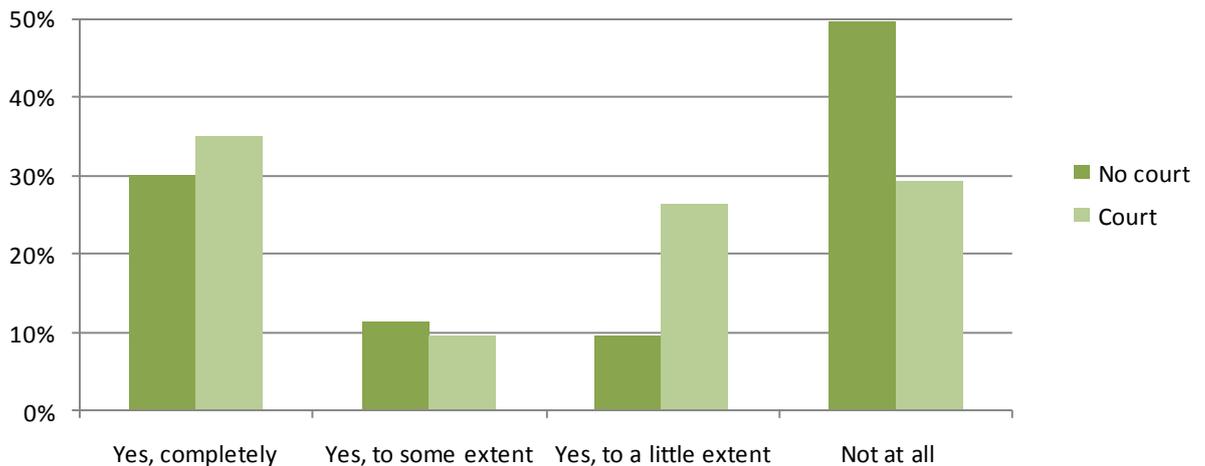


Figure 9: Cross-tabulation between extent to which the problem is solved and use of courts.

Note: Total number of respondents who report using a court is 126

Triggering a court procedure involves significant resources – money, time, stress, and emotions. For these resources the users of justice get some leverage in terms of solving the dispute. In general, the people who share that they used a court are more likely to see the problem solved. Almost half of the respondents who did not go to court report that the problem is “not at all” resolved. For comparison, a bit less than 30% of those who used the court system say that the problem is completely unresolved. Of course, the comparisons in Figure 9 should be interpreted with cautions. First, the problems for which a court solution was sought were probably more serious than the rest of the justiciable problems. Second, the “comparison” group contains certain proportion of respondents who remained passive and did nothing to solve their legal problems. With that respect Figure 9 should not be interpreted as comparison between court versus out-of-court dispute resolution procedures. Third, it is possible that parties might feel that the problem is unsolved is the outcome was unfavourable. It is unrealistic to expect from the formal and informal legal system to resolve all disputes and grievances in such a way that all parties are completely satisfied with the outcome. What is important, however, is that the people have the general appreciation that the legal system is fair and unbiased.

We also asked the respondents whether they would use courts if similar type of problem occurs again. The opinions were split almost evenly: 55% said that they will not bring the issue to courts. The rest 45% were more confident in the abilities of the courts to solve the existing disputes and grievances in a cost-effective manner. Interestingly, the status of the problem – resolved or not, does not affect significantly the perceived use of courts in the future. It is also possible that people differentiated on the ground of their experiences with the public or private mode for dispute resolution. The type of the problem is also likely to play a role in the foreseen use of courts if justiciable events take place in the future.

13. Advice seeking behaviour

Resolution of difficult and serious to resolve legal problems require certain amount of legal information. All respondents in this study are individuals and therefore there is only a small chance that some of them are repeat players (people or organisations who frequently take part in the same procedures and thus gain relative advantages) in a particular legal domain. Most likely, for many of the respondents the occurring legal problems are new situations which require wealth of substantive and procedural knowledge. When a legal problem occurs, the people have to answer questions of the like of: What can I do?; What is the best option in this situation?; What is realistic and reasonable to obtain?; What did other people achieve in similar situations? and many other. Availability of affordable and reliable legal advice can have huge impact on the people who have to deal with difficult situation which has a potential legal solution.

Of all 553 respondents who report at least one justiciable problem 271, or almost the half, searched for legal information from a wide variety of source. 30% said that they did not look for any legal information and the rest 20% did not answer the questions. Because we do not know with any degree of certainty whether the non-respondents did not look for information or they did but preferred not to answer the question, we will base the analysis on the explicit responses.

Those who sought legal advice did not limit themselves to only one source. On average legal advice or information was sought from 2.6 different sources (the respondents were asked to select all applicable answers). In almost half of the cases (47%, the sum of percentages exceeds 100) in which legal advice was actively sought the respondent said that it was procured from the social network – family, friends and colleagues. Attorneys at law are the second most popular source of advice (42%) with regard to solving a serious and difficult to resolve problem.

Public authorities are also frequently asked for help with legal problems. In one in three (34.8%) problems in which legal information was sought, the respondent went to police officer. A prosecutor was asked to help with legal information in one of every six problems. Civil servants from local public authorities are also a popular source of advice – their help was sought in 27% of the justiciable problems in which the respondent looked for legal information or advice. Furthermore, social assistants/workers are pointed out as resource for legal information in 9% (n=25)¹⁷ of the problems.

Interestingly, mediators are also visible on the radar of the people and institutions who are sought for information or advice in the cases of legal problems. About 9% (n=24) of the people who had a problem and actively explored pertinent information said that they attempted to receive such information from a mediator. Indeed, there are more popular sources but the proportion is promising for the further development of mediation in Moldova as a mean for alternative dispute resolution. It might be surprising that mediators and paralegals (see below) are as frequently pointed as sources of legal advice as the social assistants who make a large network present throughout the whole territory of Moldova. It is possible that people perceive social assistants/workers mostly as source of advice and help in purely social problems. Mediators and paralegals, on the other hand, even though much more rarely, might be seen as more suitable sources of legal advice.

¹⁷ Out of 271 respondents who sought legal advice

Paralegals are also recognized as a source of advice. Indeed, when we were asking who the respondent expected to solve the problem, paralegals were not selected as providers of resolution. However, in 7.2% (n=20) of the problems in which legal information or advice was sought paralegals are mentioned as source of advice. What this could mean is that the role of the paralegals is conceived in relatively narrow boundaries. Those who know about the paralegals (the program was piloted in 30 villages of Moldova during 2010-2011) perhaps do not recognize their problem-solving potential. Therefore paralegals are mostly perceived as providers of legal information and advice. This is in line with the concept of the paralegals as provided by the Law on state guaranteed legal aid and promoted by the respective project, namely to educate people about rights, provide basic legal information and help with the ordinary problems that do not require the intervention / assistant of a professional lawyer, refer to relevant services /professionals for problem-solving.

Another interesting finding is that relatively high proportion of the respondents say that they searched on their own for information. Internet and TV are the two most popular sources for sourcing relevant legal information. 17.3% of the people who report a problem and an active strategy to collect information say that they tried to find such on Internet. Similarly, 17.1% sought for information on TV. Radio and newspapers are used less frequently as a source of legal advice.

Unsurprisingly those who used Internet for obtaining legal information for solving a particular problem are mostly residents of urban areas (74% of those who sought legal information on Internet), more educated (63% report a university degree) and significantly younger. The mean age of the respondents who sought information on Internet is 34 years whereas those who did not use Internet for solving the dispute have a mean age of 43 years. Obviously, there is a significant potential to use the electronic media and namely Internet and TV for spreading problem-specific legal information. Careful analysis of the justiciable problems experienced by the population sub-group who already use these means of information will suggest problem areas of high demand.

Different types of problems require diverse strategies in terms of seeking for legal information and legal advice. The respondents who had to deal with family and money related problems were more often looking for legal information from lawyers. On the other hand, problems related to welfare benefits, consumer protection or problems with neighbours less often require help from professional legal advisor such as private or public lawyers, lawyers working for NGOs etc. Understandably, police is involved most often in the role of legal adviser in neighbourhood problems. The social network of relatives, friends and colleagues is used more frequently when people have difficulties with consumer problems, money related issues and disputes over land or house/apartment. Local public authorities are more often involved as providers of legal information in cases of problems with land or personal documents.

Most of the respondents who actively sought for legal information and advice in order to solve the eminent justiciable problem selected more than one sources. Therefore we asked them which the most important source was. Clearly, lawyers are the most important provider of legal information and advice. Surprisingly, police officers are ranked as the second most important source of legal information. In the more isolated settlements the beat police officer is one of the few representatives of the state and as such could be a valuable source of advice. However, our data show that there is no difference between the popularity of police as source of advice between rural and urban areas.

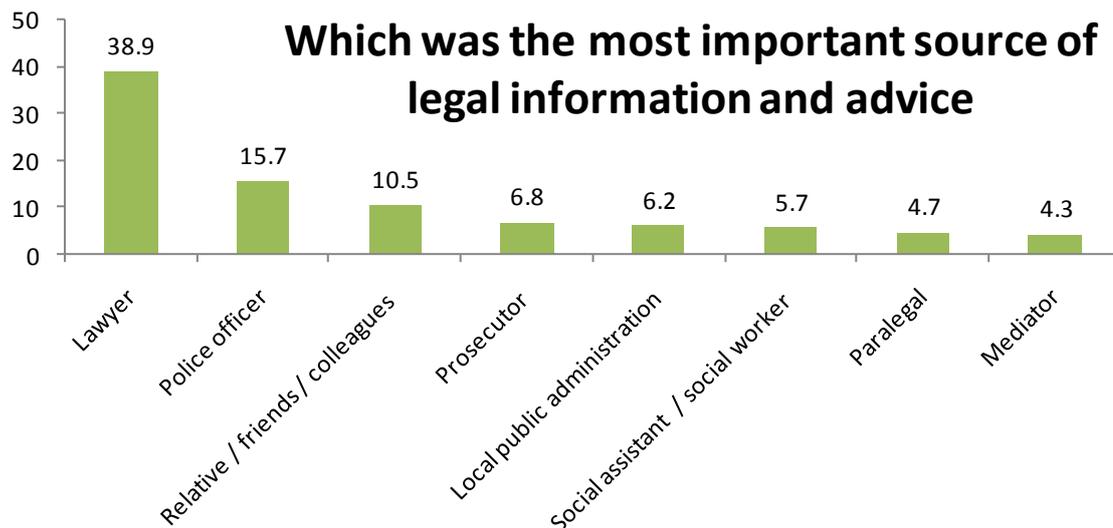


Figure 10: Most important source of advice

An interesting question is how people find their way through the complex web of professional and non-professional advice givers. Almost half of the respondents (48%) say that they did not know the adviser in advance. Understandably, this percentage concerns individual or institutional advisers but is not relevant to sources of information as Internet or media. Other respondents (37%), however, knew their adviser before the need for advice or at least knew someone in the organisation (9%).

It is not difficult to predict that the people who were supported by their social network knew the source of advice in advance. But how many people know a lawyer, police officer or public servant and how this affects advice seeking behaviour. About two third of the respondents did not know the particular lawyer or police officer who was providing legal information or advice. This means that for most people the search for provider of advice is part of the process of problem solving. In this process most respondents relied on referral to a source of legal advice. Only about one in five (20%) respondents who sought for legal advice did so alone without the help of someone else. Most frequently the referral was provided by a spouse (26% of the problems in which legal advice was sought), relative (26%) or a friend (24%). Very few of the respondents report that they were referred to the source of legal advice by an institutional actor.

Land problems were the problem category in which the respondents most frequently knew the person or organisation who provided legal information and advice. In land related disputes and grievances, people deal most often with employees of local or central public authorities. Another peculiarity of such type of disputes is that they develop over time and it is rarely possible to say when the problem actually takes place for a first time. Over this period the parties get to know each other – people interact with their opponents, public employees and lawyers.

Similarly, in issues related to welfare benefits people more frequently knew the provider of advice. Social workers and other officials involved in the social protection system tend to build relationship to their clients and this explains the way people develop patterns of search for legal advice. This trend was employed in a smart way in the Moldovan paralegal pilot program administered by the Soros Foundation-Moldova. Social assistants/workers together with other respected members of the local community were trained to provide paralegal services to populations which otherwise will face serious barriers on their quest to justice.

When information or advice is provided by police officers the respondents are pretty quick to call or show up in person. Two thirds of those who sought advice from police officer (if there were more than one sources in a specific problem, this was assessed as the most important) sought advice immediately when the problem happened. With lawyers and social network the proportion of immediate reaction is lower, 42% and 47% respectively. Still the percentages are pretty high which means for many people the timeliness of advice is an important dimension of the assistance. Finding like this suggests that legal advice when delivered by professional advisers should be delivered as quickly as possible, without too many obstructions and complications. Sometimes the temporal dimension can be hindered by difficulties related by distance, working hours or other obstacles. Available technologies such as call centres or internet have to be explored as innovative ways to make legal information and advice available as soon as it is needed.

The large majority the respondents (79%) say that they communicated with the provider of advice in person. About 12% interacted via phone and almost no one used letters, e-mail or other ways for distant contact. Personal communication has its advantages in terms of contact between the advice seeker and advice giver; much richer opportunities for sharing interests, emotions and wishes; and promotes trust and cooperation. However, preference for personal meetings disadvantages those who live away from the physical location of the adviser – we assume that in most cases it is the advice seeker who travels and not the other way around. Usually personal meetings take more time and resources which people invest when the problem is perceived as serious. What the data suggests is that in many problems which are not particularly acute, people do not receive proper information and advice. Channels such as telephone, Internet or simple letters might be cost-effective solutions for such type of situations.

We asked the respondents about the content of the legal information and advice. Two aspects were emphasised in most of the justiciable events in which an adviser was involved. Information about rights (65% of the cases) and procedures (65%) dominate the content of the advice. Less often the adviser discussed the financial aspects of the problem (32%). Lawyers were much more likely than other providers to discuss the financial side of the issue. Public servants, on the other hand, were emphasising less on the substantive rights but focused on the procedural dimensions of the issue.

The content of advice should not be mixed with the activities that the advisers undertake. On the question “What did the adviser do for you” in about 36%¹⁸ of the cases the interviewed respond that the adviser helped to file a court suit. Apparently, these are the respondents who were assisted and whose problems progress to a formal court of law. Understandably, lawyers were much more often involved in preparation of law suits and representation than other categories of advisers. Second most popular activity is to help with preparing documents – 32% of the justiciable problems in which someone advised the respondent. Recommending what to write is the third most frequent activity with 31%. Assistance in contacting the other party (29%) and facilitation of agreement (17%) are also relatively frequent activities in which the advisers engaged.

¹⁸ Multiple choice question - the sum of percentages exceeds 100

14. People who do nothing to solve their legal problems

The survey indicates that 22.2% of the adult Moldovan had to cope with at least one serious and difficult to resolve justiciable problem. Many of those who experienced legal problem selected an active strategy – i.e. meeting the other party, involving a neutral third party, searching for advice etc. Not everyone, however, took action to respond to the situation which was defined as sufficiently serious and which according to the experts can be remedied with legal means. Of those who had to deal with justiciable problem 21.4% report that they did nothing to solve the issue (n=116).

It might seem counterintuitive but there are myriad of reasons which can dissuade people from taking any action. Lack of knowledge about rights, legal provisions and legal procedures is the most prevalent reason for not doing anything about a problem. Not knowing what to do was selected as reason for inaction in one in four (25%) problems. Next, in 19% of the problems the respondents did not have any intention to do something about the problem. Understandably, people who reported family problems were more likely to abstain from any action.

The next factor which thwarted 14% of the respondents to take active action was power imbalance. In various relationships unequal distribution of power can make people twice before proceeding further to solve the problem. Specifically when the justiciable event involves other people who are in some sort of relationship with the respondents, the action will inevitably affect the relationship. Non-relational power can also inhibit abilities to respond to legal problems. At this level of analysis the numbers are not sufficient for any generalization. However, there is a clear trend that people who had problem with public authority had to give up due to perceive power imbalances. Public authorities in Moldova are still not restrained by the civil society and the individual claimants can easily feel overwhelmed and disempowered. After the small numbers warning is repeated, we see that people who report disputes with private companies are also more likely to lump a problem because the other party was perceived as possessing significantly more power.

Another 14% of those who report a problem but did nothing to solve it allude to lack of money as the reason for lumping. About a third of them said that it was the lack of money for retaining legal counsel that stopped them. Court fees, out-of-pocket costs of producing different documents or travel costs are less frequently portrayed as reasons for choosing a passive strategy.

15. Costs of legal services

High costs of competent legal advice are always thought to be a significant barrier for equal and comprehensive access to justice. Almost half of those who involved a lawyer in the resolution of the legal problem say that there were no monetary implications. Most of the respondents report that the lawyer did not charge for the consultation. Two lines of reasoning are possible to explain this unexpected result. First, the question asks for fees of lawyer/attorney. This includes private lawyers but also lawyers working for NGOs or other instances of lawyers who do not charge. Second, it is possible that the respondents also thought about the initial assessment meetings between the lawyer and her client. For the sake of access to justice, this finding deserves some more considerations. Although the number of respondents at this level of analysis is pretty small, we see that there is a practice of free consultation. Such a service is a of great advantage to the client, especially at the early stages when it is still not known whether there is a cause of action and whether it is

cost-effective to try to solve the problem with legal means. Without the safeguard of the first free consultation many problems, namely the problems which are less clear, will not be consulted with lawyers due to cost considerations.

In addition to those who were not charged for legal advice, there were a small proportion of respondents who used services of NGOs. It is only 7% (n=8) of all people who report involving a lawyer but still it has to be noted that legal services delivered by NGOs are visible on the radar.

Not all respondents received free legal information and advice. The mean reported fee (for legal assistance provided for the resolution of the case) is 1544 Moldovan Lei or close to 100 Euros. For many Moldovans such an expense might be a significant challenge to the individual or family budget.

Numbers of meetings with the provider of advice is yet another aspect of the burdens that people have to carry on when resolving legal problems. For many respondents it took more than one meeting with the adviser to solve the problem. There is also a significant variance between the different providers. For instance, if we juxtapose lawyers to police officers it is evident that the latter require fewer meetings (Figure 11). In 44% of the problems in which the person was advised by a lawyer it took more than 5 meetings. For police officers this percentage is 17%. *Stricto sensu*, police officers do not provide legal advice and therefore their work assumes less interaction. On the other hand, lawyers are involved in more complex matters as it regards the legal and factual facets of the justiciable problems. Therefore, they are often more heavily involved in the process of problem solving.



Figure 11: Number of meetings

On average the respondents had to travel 28 minutes in one direction in order to meet the adviser. People living in rural areas report slightly more travel time as compared to the urban population but this difference is not statistically significant.¹⁹ The mean distance to the provider of advice is 12 kilometers. Again rural residents traveled more (13 km) but we cannot rule out that the difference is due to sample error.

¹⁹ F=1.87, p=.17

For most of the respondents finding legal advice was either very easy (39%) or relatively easy (43%). 13% say that finding legal adviser was a bit difficult or very difficult. However, we have to note that these are the people who actually sought legal information or legal advice to solve their justiciable problem. Those who did not manage to reach legal advice would have a different opinion. The respondents who involved lawyer in the process of problem solving were quite positive about their experiences – 37% say that it was very easy and 56% that it was relatively easy to reach a lawyer. They are also satisfied with the services of their lawyers. 48% find the advice very useful and 37% somewhat useful. Relatively small proportion of the respondents answering the question say that the legal advice was not very useful (15%) or not useful at all (3%).

For comparison, getting information and advice from police officers is somewhat more difficult - 15% assess it as very easy and 64% relatively easy. People are less confident about the quality of the information and advice delivered by police officers. For 24% the information was not useful at all and another 12% assess it as not very useful.

16. Reasons for not seeking legal information/advice

Not everyone who had to deal with serious and difficult to resolve legal problem sought for legal information or contacted a provider of legal advice. In about one third of these cases the reason for not doing so was the disbelief that anyone can help with the particular case. Furthermore, in 24% of the cases as reason for not seeking advice was given that the problem was not serious enough. Despite the threshold language at the beginning of the interview some respondents thought that the problem did not merit significant expenditures. Money and time are less frequently picked as an explanation – in respectively 17 and 15% of the cases.

Reasons for not obtaining legal information/advice

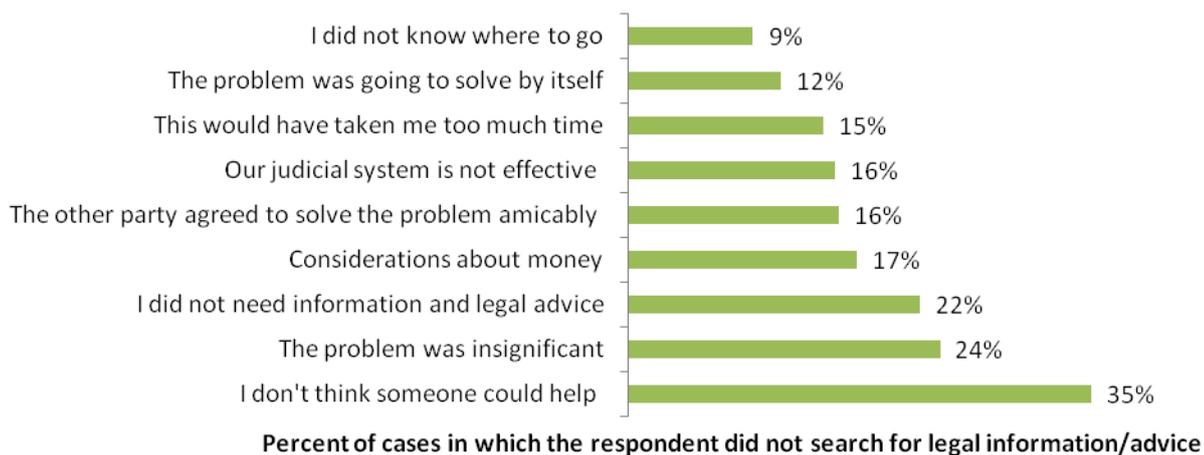


Figure 12: Why you did not look for legal advice (28.9% (n=160) of the respondents who report at least one problem)

The respondents were given the opportunity to select numerous reasons for not seeking information. To identify the importance of these reasons we asked which were the three most

pressing barriers to legal information and legal advice. From that perspective the perceived inability to do something was the most key impediment, followed by the insignificance of the problem and the lack of money.

Not searching for legal information or legal advice does not necessarily mean that the particular individual did nothing to solve the problem. A broad array of actions is possible even though no third parties were involved as providers of advice or information. About one quarter of the respondents who had a problem but did not obtain legal advice pressed the other party to solve the problem. How exactly the problem was solved we do not know. There are infinite options for private resolution of disagreements. In another quarter of the cases in which no legal advice was sought were lumped – the respondent did nothing to solve the issue. This means that there is certain association between patterns for looking for legal advice and lumping. On the one hand, it might be part of a general strategy to stay passive because the problem is difficult, the benefits do not justify the expenses, concerns about the relationship or some other reason. On the other hand, there might be a different causality chain – people who try but do not succeed to obtain legal information and advice are more likely to give up the overall quest for just outcomes of the problem.

17. Resolution of legal problems

Almost half of the respondents (43.6%) report that the problem has been completely unresolved at the moment of the interview. Slightly less than a third of the reported justiciable problems (31.5%) were considered as completely solved.

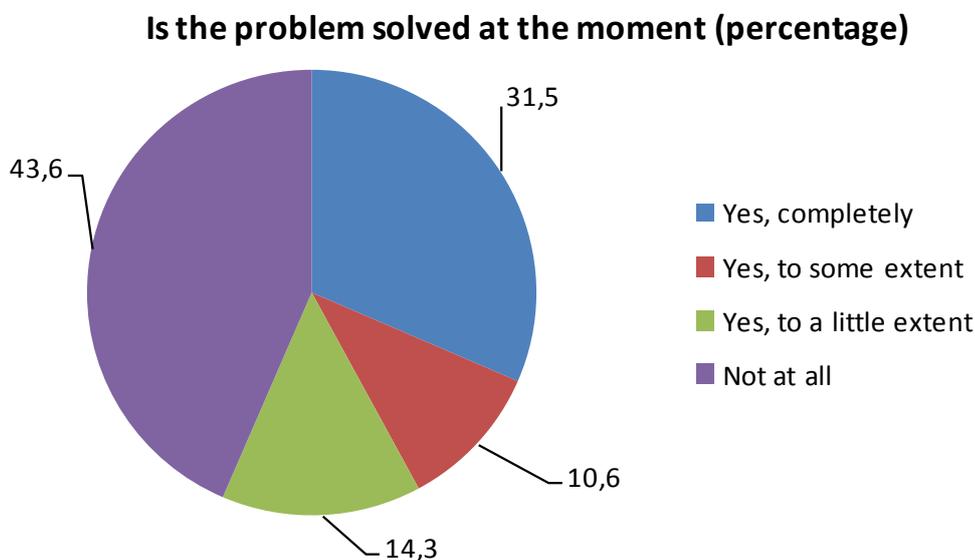


Figure 13: Degree of resolution of the problem

What determines the resolution of problems? Is it the type of the problem, meaning that some problems are more difficult to solve than others? Or it is the value of the problem combined with the abilities of the people to access legal services that might help them to resolve the issue. Respondents who experienced certain types of problems are more likely to report that the issue is still unreported (see Figure 13). Clearly, land related problems are less likely to be perceived as solved – 64% (n=25) of the people who had to deal with land disputes perceive the issue as completely unresolved. Also compensation of wrongful damage is frequently seen as pending and unresolved problem (47% of all problems from

the category). On the other hand, problems related to family relationships are more likely to be reported as fixed. Apparently, disputes over land involve lengthy and cumbersome administrative and court procedures. It should not be a surprise that the respondents who had such problems see them as unresolved. Consumer problems, compensation of wrongful damage and family problems, on the other hand, show higher resolution rate. Thirty six percent of all consumer problems are reported as completely resolved.

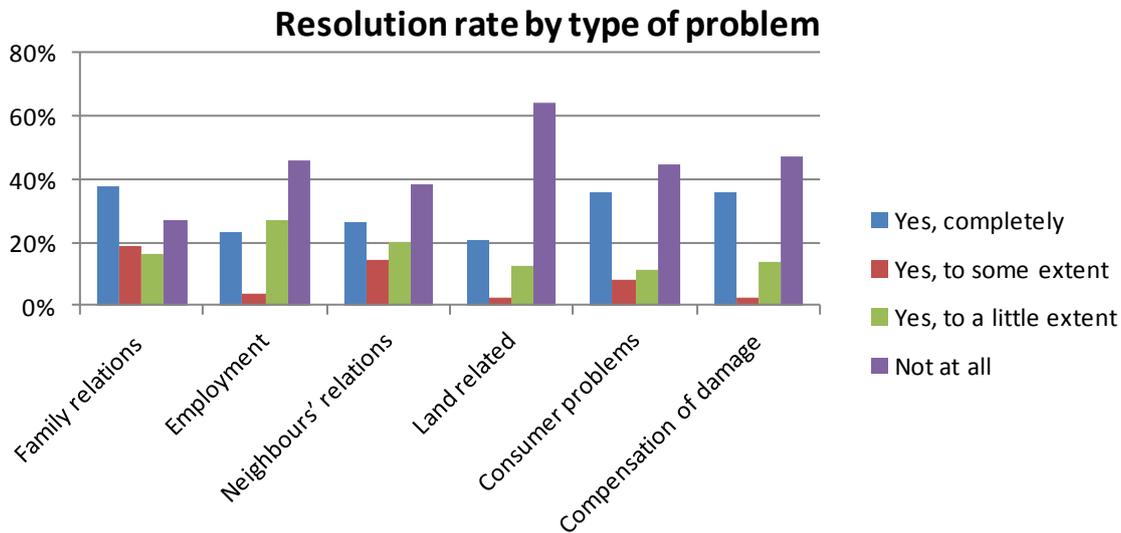


Figure 14: Resolution rate. Note - data is displayed only for the 6 most prevalent categories

Relatively few people brought their disagreements to court. Of the respondents who used courts, most (40.7%) report that the problem has been resolved, followed by 25.8% who say that the procedure is still pending and 18.6% for whom the court has partially solved the problem. Further 12.7% report that there was a decision by a civil or administrative court but it has still not been enforced.

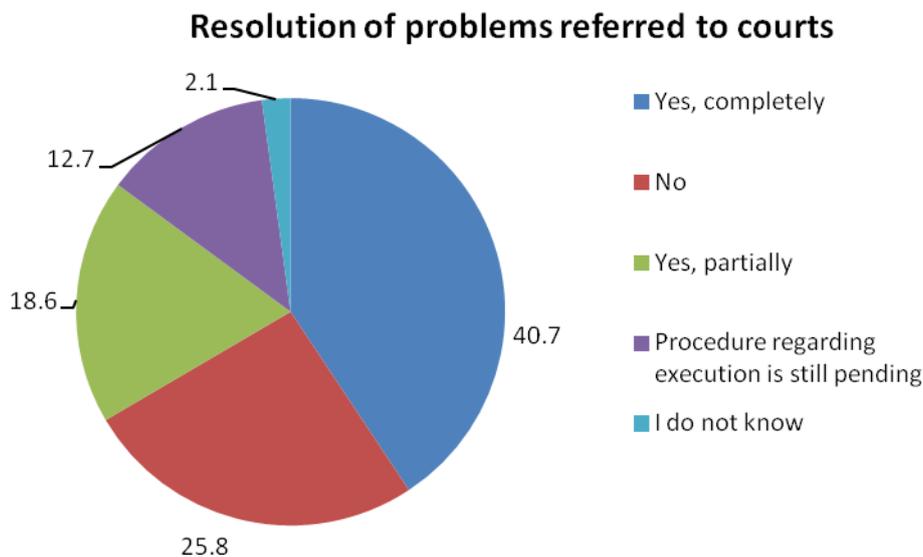


Figure 15: Was the problem solved by the court

Resolution of the problem is a function of at least two factors that affect the perceived fairness – procedural justice and outcome justice. We asked the respondents who reported that the problem was solved completely or partially to think about these two dimensions. From Figure 16 we see that most respondents assess the two dimensions rather positive than negative. Relatively few of the respondents regard the fairness of the outcome and the process as somewhat unfair (outcome – 9.15%; process – 11.1%) or very unfair (outcome – 4.6%; process – 4.4%). Still, the results suggest that only about one out of three respondents perceives the results of justice as very fair. Another apparent finding is that there is a positive correlation between the two dimensions ($r=.185$, $p<.00$). The interpretation of these relationships is that people who see the process as fair are more likely to be satisfied with the outcome. We cannot make claims about causality or direction of causality but nevertheless the finding fortifies the implication that people care both about the fairness of processes and outcomes.

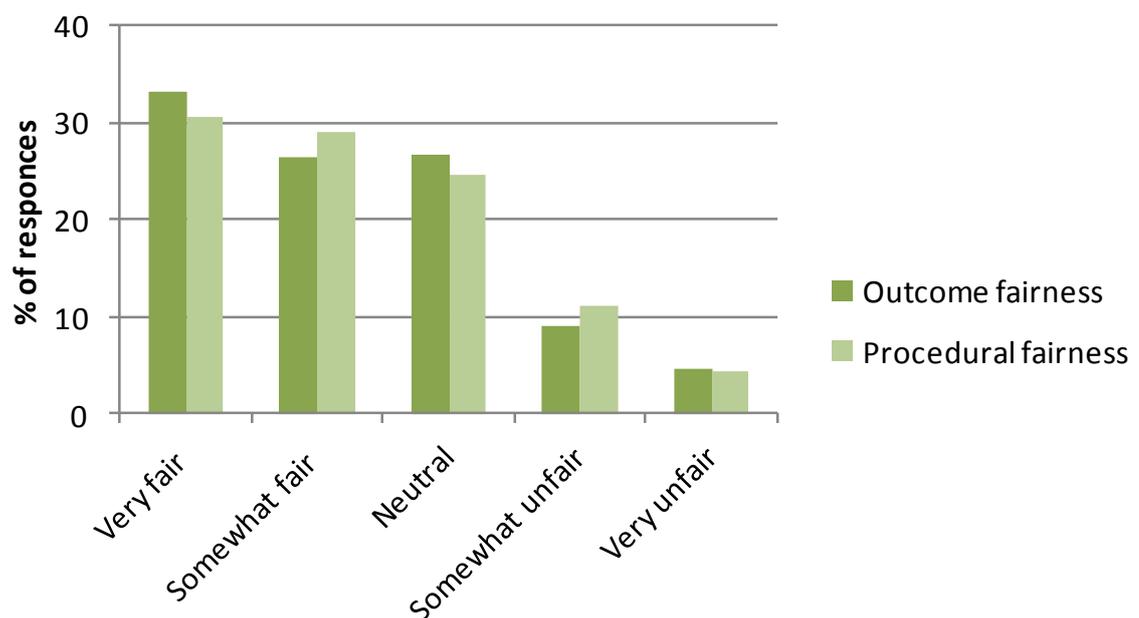


Figure 16: Outcome and procedural fairness

We also asked the respondents about the practical aspects of the results obtained.²⁰ Of those who did something to solve the problem 50.3% (n=159) report that they managed to solve the problem (here we did not ask about the extent of resolution). For 38.3% of those who answered the question one of the results was that justice was delivered. Changing the behaviour of the other party (31.4%) and recovery of money (29.3%) were other frequently selected examples of results obtained as consequence of the problem resolution.

²⁰ Multiple choice question - the sum of percentages exceeds 100

Appendix 1: List of the selected settlements and the number of effective interviews conducted in each of them.

Chisinau	585	Hirtop	7	Varzarestii Noi	12
Balti	111	Brinzenii Vechi	17	Clocusna	15
Cahul	18	Tirsitei	12	Valcinet	17
Ungheni	15	Cainarii Vechi	13	Frunza	14
Floreni	4	Schinei	14	Briceni	13
Sculeni	15	Copceac	14	Bulboaca	9
Cristesti	15	Rascaietii Noi	8	Criva	16
Horesti	15	Palanca	6	Caracusenii Noi	3
Nisporeni	8	Alava	2	Lipcani	15
Vulcanesti	10	Ghelauza	8	Feropontievca	12
Soroca	12	Micleuseni	16	Baurci	16
Floresti	12	Galesti	13	Sturzovca	13
Calarasi	12	Cosauti	15	Corbu	13
Bascalia	17	Izvoare	8	Codrenii Noi	3
Dancu	16	Egoreni	11	Climauti	11
Orhei	14	Holosnita	16	Calinesti	15
Bulaiesti	15	Oxintea	4	Hiliuti	14
Sofia	12	Molovata	18	Recea	14
Market	8	Bucovat	13	Corlateni	16
Lapusna	20	Palanca	8	Egorovca	11
Ialpugeni	11	Cornesti	12	Falesti	18
Lipoveni	14	Domulgeni	21	Singerei	17
Carabetovca	18	Bratuseni	13	Drochia	14
Alexandrovca	9	Badrojenii Vechi	10	Ciuciulea	16
Ghindesti	13	Fetesti	17	Stircea	3
Grigoreuca	15	Edinet	14	Cimpul drept	9
Coadalazului	10	Saiti	15	Copceac	17
Bursuceni	19	Stefan Voda	9	Cialic	4
Hincesti	16	Causeni	10	Ciadir Lunga	15
Basarabeasca	9	Taraclia	13	Victorovca	13
Ciorna	18	Ursoaia	19	Moscovei	12
Pripieni-Curchi	7	Selisteana Noua	13	Crihana Veche	14
Stocnaia	10	Podiresti	15	Budai	16
Ratus	9	Cruzesti	14	Vulcanesti	14
Chetrosu	13	Bacioi	14	Sarata Noua	13
Gangura	9	Floreni	14	Taraclia	12
Revaca	10	Congazcicul de Jos	19	Cantemir	10
Camenca	12	Comrat	16	Vilcele	6
Baiesti	15	Boghenii Vechi	10	Somalia	11
Slobozia-Godorogea	11	Costesti	12	Leova	15
Colonita	12	Nimoreni	14	Bestemac	7
Unchitesti	11	Criuleni	13	Gotesti	13
Cobilea	13	Straseni	16	Taraclia de Salcie	16
Samascani	18	Carbuna	15	Chircani	10
Japca	13	Grozavca	10	Pinzareni	13
Soldanesti	14	Calfa Noua	5	sverdiac	8
Boscana	19	Capriana	20	Cuhurestii de Sus	12
Telenesti	13	Loganesti	6	Sofia	6