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Modeling Demand for Free Legal Aid in Poland and Legal Capability

THE IMPACT OF SOCIAL INEQUALITIES

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Literature takeouts

1

Revealed vs. Hidden Demand

- Revealed: Justiciable problems resolved through legal systems (Genn 1999)
- Hidden: Problems ignored or solved extra-legally (Genn 1999; Winczorek 2019, Winczorek & Muszyński 2023)

2

Inequalities in Problem Distribution

- Higher-income: More civil issues (Genn 1999; Pleasence et al. 2004)
- Lower-income: More severe problems (Coumarelos et al. 2012; Sandefur 2015)
- Vulnerable groups: Women (Turk 2016), Minorities (Bass 2001), Migrants (Achal 2023)

3

Criminal Justice Patterns

- Socio-economic predictors (Buonanno 2003; Nilsson et al. 2017)
- Policing & sentencing disparities (Fyfe 1991; Mitchell 2005; Clair 2020)

Literature takeouts

4

Use of Legal Services

- Higher-status: Legal literacy, entitlement (Pearce 2004; Salyzyn et al. 2017)
- Lower-status: Cost, reduced entitlement (Rhode 2003; Sandefur 2007)

5

Structural Impediments

- Design disadvantages marginalized groups (Berrey et al. 2017)
- Reluctance due to experience (Greene 2015)

6

Remedies and Policy Implications

- Legal aid: Partial solution (Barendrecht et al. 2014)
- Key reforms: Outreach, unbundling (Steinberg 2010; Sandefur 2014; Winczorek 2019)

Study

Theoretical perspective

Legal capabilities approach (Nussbaum i Sen 2004, Pleasence i Balmer 2019, Pilliar 2023) ← systems theory (Luhmann 1993, Winczorek 2019, Winczorek & Muszyński 2023)

Data

Ministry of Justice
FLACS Database
2021-2023:

- Legal aid instance details (1.36M records)
- Customer surveys

Other powiat-level data

Hypotheses

H1 - Exogenous factors do not influence legal aid seeking behaviour

H2 - demand structure in high-demand FLACS points matches that of low-demand points

FLACS, 2016-2025

1

2015 Act (amended):

- State-funded pre-court legal help
- Legal info, legal advice, citizen advice, non-litigation documents, first litigation document, mediation

2

Service Model

- Legal advice and civic counselling (methodologically distinct)
- ~1500 local offices, in-person only
- Multiple stakeholder types

3

Access Criteria

- Before 2019: unsystematic criteria
- Since 2019: self-declared lack of means (liberal access, moral ambiguity)
- No triage, digital access, or systemic referrals

Key observations:

- Demand ≠ Eligibility.
- Broad access doesn't guarantee use.
- Legal capability crucial for access

FLACS, 2016-2025

4

Court-Stage Legal Aid

- Separate rules for civil, criminal, administrative cases
- Access based on means + judicial discretion

5

Integration Weaknesses

- No transfer from FLACS to court aid
- Legal capacity burden on clients

6

Structural Gaps

- No (formal) cross-referrals to/from social services
- Weak outreach, governance underfunded, fragmented
- Stakeholder conflicts

Key observations:

- Fragmented pathways, low coordination
- Structural reform needed across aid levels
- Reform directives: triaging, outreach, legal education, harmonize NPP and court aid mechanisms, defuse structural conflicts

Empirical insights

Hidden - revealed demand paradoxes

Persistent unmet demand despite public provision

System overcapacity: 2.6M potential, 0.5M actual consults

Informal/legal-adjacent substitutes common (e.g., ombudsmen)

Usage patterns stable, system fails to reach new users

Advice by year

	2016	2017	2018	2019	2020	2021	2022	2023	2024
N	377506	456355	453584	401485	315391	388391	459742	509165	254006

Source: Ministry of Justice

Elibility increased ~threefold

Empirical insights

Access inequalities

Structural access barriers: hours, locations, lack of remote access

Ineffective outreach: reliance on informal channels

Demand matches socioeconomics, not population size

Older, lower-income, and less-educated users dominate

Spatial distribution

Map: frequency of issues reported in *powiats*, logarithmic scale

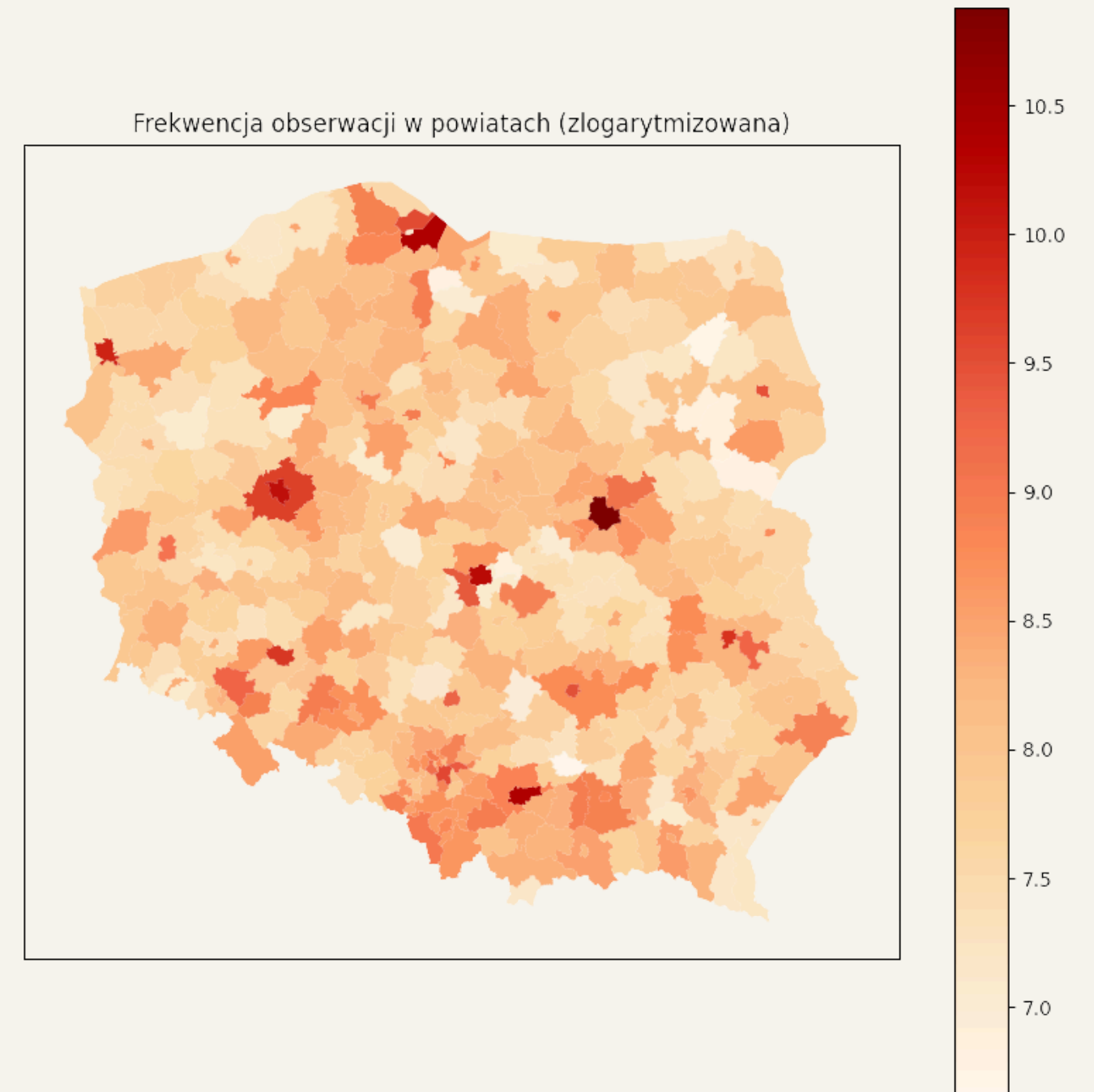
Approx. fourteen fold *per capita* difference in demand between max and min *powiats*

Demand higher in cities approx. 30% *per capita*

Aid access points are evenly distributed on per capita basis

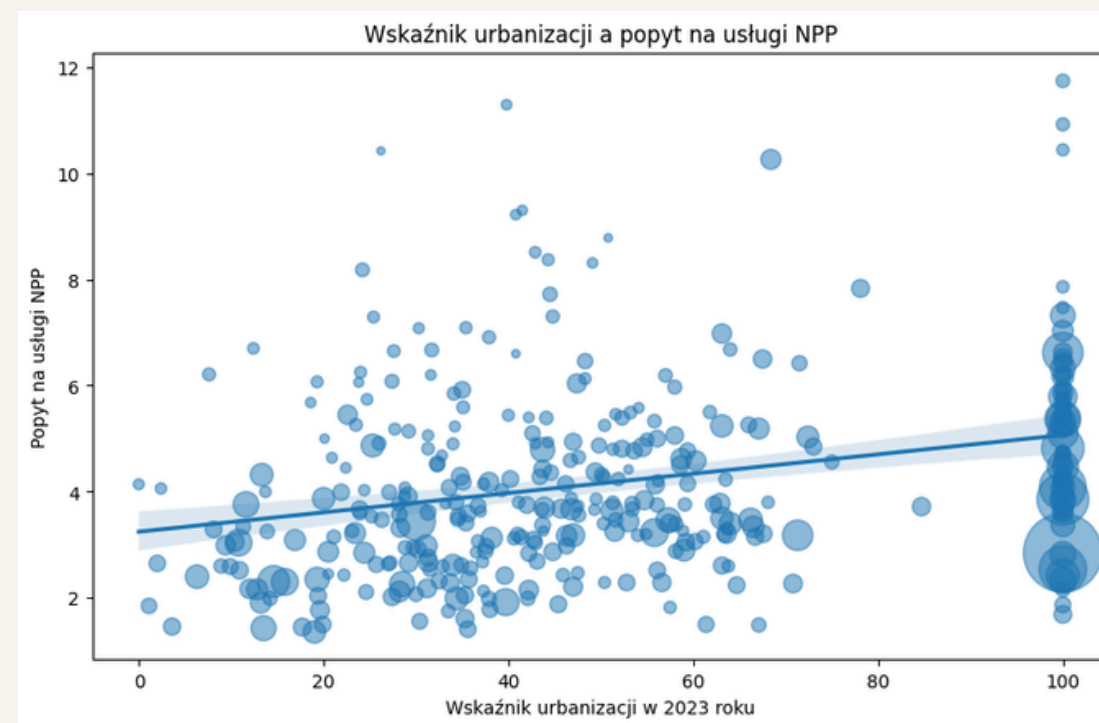
Key observation:

- Strong per capita imbalances between *powiats*

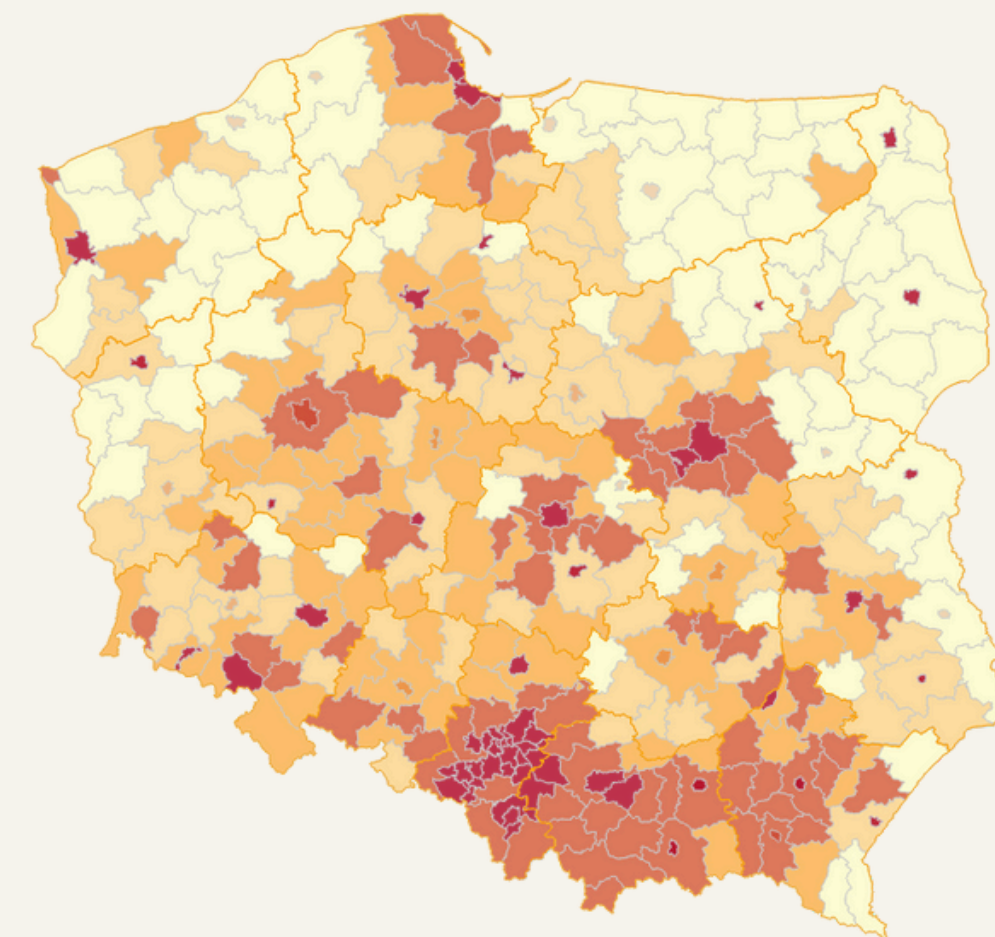


Spatial distribution

Frequency of issues reported in *powiats* vs urbanisation coefficient ($r=0.3$)



Population density



Key observation:

- Powiat *type*, not powiat population predicts demand

Spatial distribution

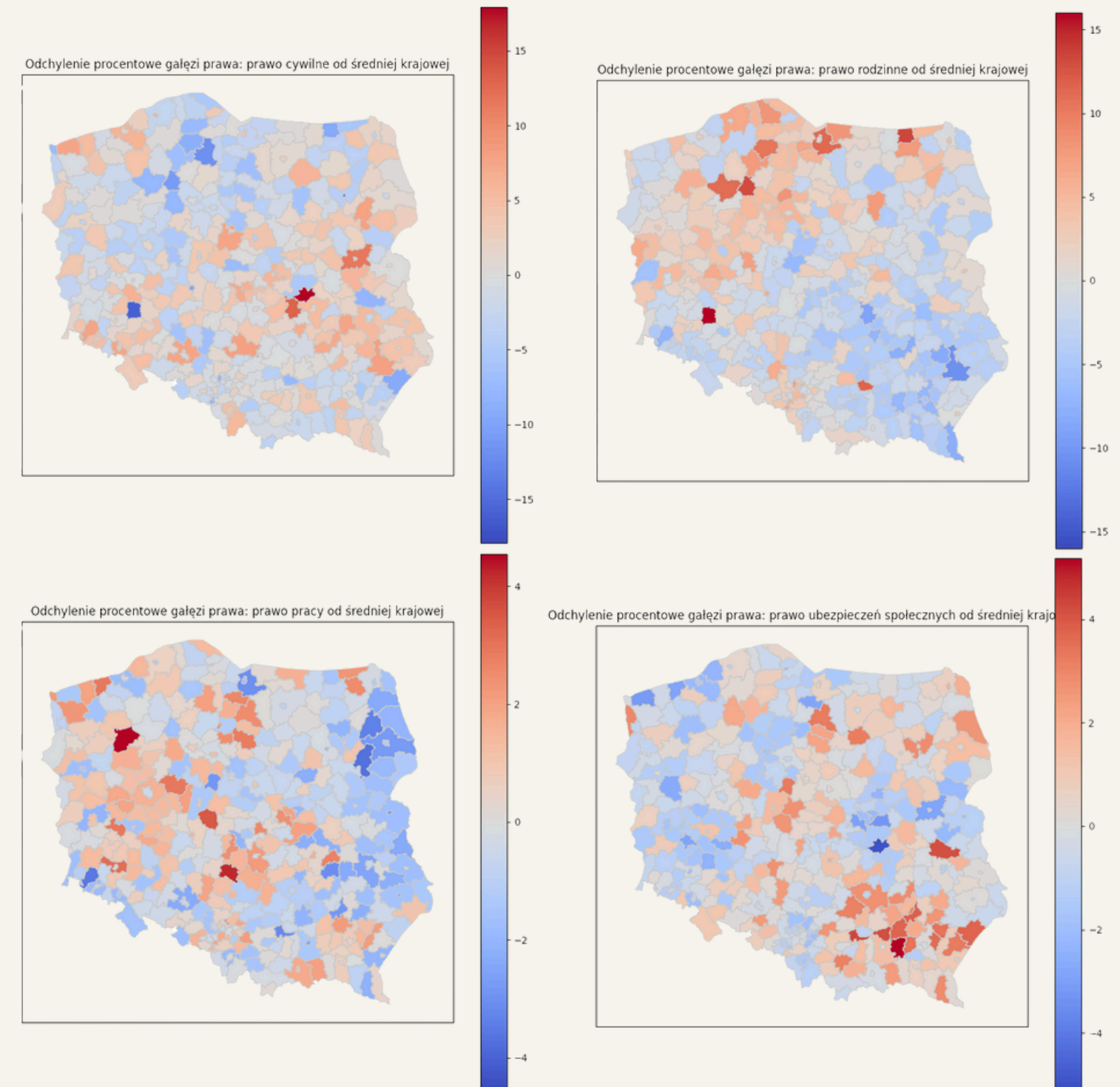
Frequency of issues reported in *powiats* by issue type

Clockwise: civil law, family law, social security law, labour law

Colours: deviation from nationwide means

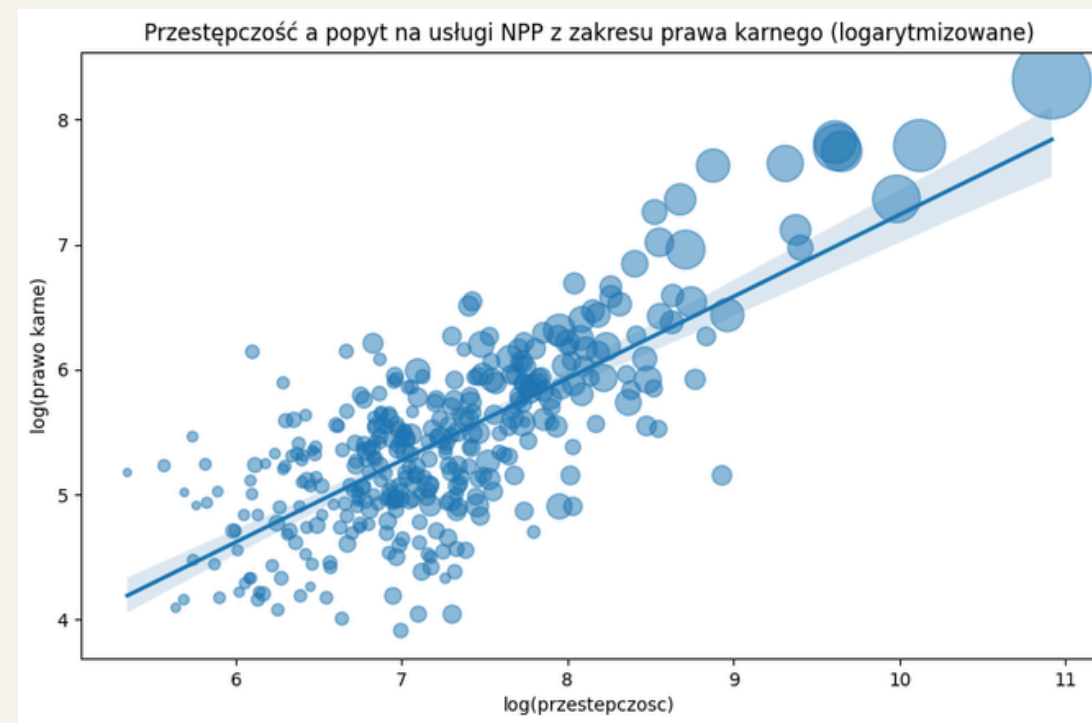
Key observation:

- Client intake may depend on:
 - advisor renown/recognition
 - institutionalisation of advice seeking behaviour
 - “skewed” lead generation

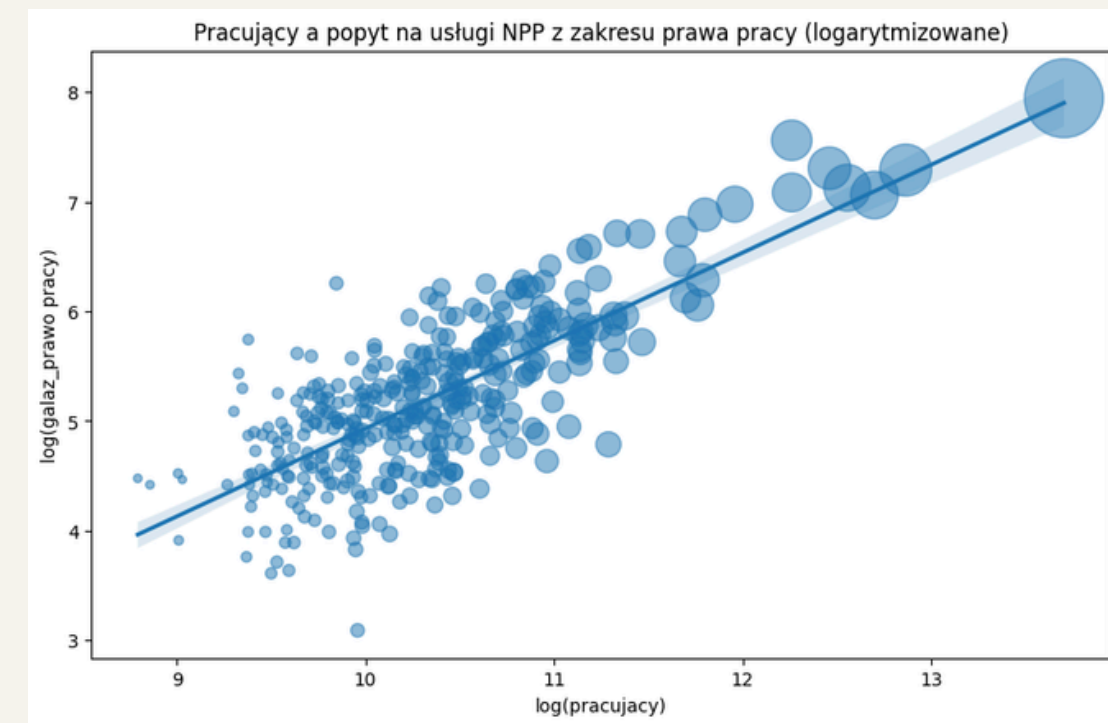


Socioeconomic factors

Recorded crime vs demand for criminal legal aid (log scale)



Employment vs demand for legal aid in labour law (log scale)



Key observation:

- Social phenomena contribute to demand (NB! ecological reasoning)

L2F - city/town status

	Accuracy	Precision	Recall	F1	Training Loss	Validation Loss
Advice description	0.84	0.85	0.82	0.83	0.39	0.39
Problem description	0.64	0.55	0.37	0.44	0.74	0.71

LLM configuration: PLLuM 8B 4 bit quantification, 100k sample (advice), 15% sample (problem), 0.9/0.1 training/prediction

“Urbanity” vs problem type

Urban	Score	N	Freq
exchange of residential premises	0.9979	66	0.0007
obtaining the right to residential premises after the death of the tenant or cooperative member	0.9737	289	0.0029
conditions for obtaining residential premises	0.9730	259	0.0026
preparation of application for consumer bankruptcy	0.9636	193	0.0019
adaptation of residential premises	0.9539	36	0.0004
premises after eviction (including temporary accommodation, social housing)	0.9355	100	0.0010
regulation of residence in the Republic of Poland	0.9268	62	0.0006
care services at the place of residence (including assisted living)	0.9083	29	0.0003
challenging disinheritance	0.9074	46	0.0005
refusal to grant residential premises	0.9015	44	0.0004
substitute accommodation provided by the municipality	0.8864	172	0.0017
termination of tenancy agreement by the landlord	0.8776	341	0.0034
right to social housing	0.8711	862	0.0086
determining the order of allocation of premises	0.8653	296	0.0030
granting a municipal flat	0.8629	26	0.0003
allocation of housing cooperative rights	0.8612	287	0.0029
refusal to grant social housing	0.8583	61	0.0006
allocation of premises from the municipal pool	0.8514	137	0.0014
subletting and letting out premises	0.8514	151	0.0015
shared ownership of premises	0.8500	303	0.0030

“Non-Urbanity” vs problem type

Provincial	Score	N	Freq
boundary disputes	0.02857	196	0.0020
easements	0.04318	278	0.0028
adverse possession	0.05492	964	0.0096
revocation of disposition (including revocation of gift, change of will)	0.06792	323	0.0032
options for transfer inter vivos and upon death	0.09787	545	0.0055
faulty goods	0.11160	514	0.0051
problems with withdrawal from contract	0.11302	202	0.0020
sale	0.13055	533	0.0053
division of duties and running a household	0.13306	31	0.0003
related to disability	0.15888	53	0.0005
small claims court	0.17698	61	0.0006
inheritance tax	0.18242	66	0.0007
maintenance for adult children	0.19079	82	0.0008
housing co-ownership	0.19571	174	0.0017
maintenance for spouse	0.21108	1769	0.0177
shared use of real estate	0.21461	134	0.0013
property lease	0.22119	959	0.0096
child maintenance	0.22462	30	0.0003
adoption	0.22963	249	0.0025
social benefit entitlement	0.23723	87	0.0009

“Common” vs problem type

Mixed	Score	N	Freq
setting up a business (including forms, applications, registration, and business activity suspension)	0.4885	34	0.0003
domestic violence	0.4925	150	0.0015
other.	0.4997	12026	0.1203
other neighbour disputes	0.4997	433	0.0043
principles for pursuing claims	0.5051	1600	0.0160
amount, including reduction, of maintenance payments	0.5067	709	0.0071
delays in wage payment, lack of or partial payment of wages	0.5071	747	0.0075
deposit or advance payment	0.5077	29	0.0003
challenging the validity of contract termination, wrongful termination	0.5219	509	0.0051
lack of insurance	0.5266	63	0.0006
unpaid maintenance	0.5345	1050	0.0105
termination of employment contract	0.5354	82	0.0008
postponement of sentence execution	0.5397	302	0.0030
help for prisoners' families	0.5406	922	0.0092
loss of unemployment benefits	0.5425	541	0.0054
workplace accidents	0.5484	232	0.0023
inheritance division	0.5563	42	0.0004
property division after divorce	0.5597	136	0.0014
violations of consumer rights	0.5601	517	0.0052
pension calculation	0.5621	175	0.0018

Discussion

1

Eligibility expansion ≠ increased usage

- Reveals a capability is needed to use legal aid in the
- Legal capability limits access more than cost

2

Demand patterns

- Clear influence of structural - situational factors for problem emergence
- Clear influence of capability issues for problem resolution

3

Steps ahead

- Improve efficiency through specialization, service consolidation
- Expand reach while retaining current client base
- Reform access channels and integrate with other public services
- Design and governance are root issues

Key observations:

- Way out is to adjust supply characteristics to demand characteristics
- This requires competence at multiple levels

Conclusions

Hypotheses

~~H1 - Exogenous factors do not influence seeking legal aid~~

~~H2 - that high-demand FLACS points do not handle different case types than low-demand ones~~

Theoretical

Results consistent with (interpretable within) both theoretical perspectives

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