

# **Some Varieties of Advice Seeking in Ordinary Life: Influences of Family and Constellation of Specialist Advisers, and Implications for Legal Policy**

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### I. Introduction

This paper aims to describe how Japanese citizens facing potentially legal trouble seek advice in their everyday life, by focusing on how social institutions surrounding the citizens who become aware of the trouble provide advice. The analysis of this paper is based on the findings of the 2006 National Survey on Advice Seeking and Utilization of Law (hereinafter referred as the "2006 Survey"), which was conducted through March to May of 2006 by group B of the Japan Civil Justice Research Project. Group B recently completed the process of reviewing the data for possible mis-categorization and other errors. Firstly, I will examine how the methodological decision that includes troubles of household members affects the data collected from the survey. Secondly, I will examine how the different specialist advisers are approached by the citizens. Then, based on that analysis, I will discuss whether the system of providing advice works appropriately, and if it does not, how it should be improved.

The 2006 survey's aim was to provide a comprehensive picture of Japanese citizens' advice seeking behavior. Such a study is needed even more now as the nationwide network known as "Law Terrace" was introduced by the Law for General Legal Assistance in May, 2004 and launched its operation in October, 2006, just some months after the 2006 survey was completed. "Law Terrace" is basically a combination of the old systems of Civil Legal Aid, State-Appointed Advocacy in Criminal Cases, and a newly designed system of assisting citizens find lawyers with general or special expertise, and other institutions providing citizens facing potential legal trouble with private, legal, or administrative assistance. The overall goal of the Law for General Legal Assistance is to enable people to find necessary legal support and establishing such a framework "in order to create a society where information and law services necessary to resolve both civil and criminal disputes are available across the country" (Article 2 - General Ideals). Also, the law states that the national government is responsible for establishing and implementing the necessary means (Article 8 - Responsibility of Government). This is noteworthy as the Japanese government has long regarded the civil disputes of law as only the matters of private individuals. Its effects are observable in the low number of legal professions, the low budget of civil and criminal legal aid, and generally poor infrastructures of law, which is called "one-fifth-Justice", a catch-phrase saying that one out of five cases that should be legally solved are brought into law because of some obstacles against accessing legal institutions.

How the consultation activities are utilized by the citizens in need is not clear, however. The questions of how the prejudicial consultation institutions are working and whether they are working

strong enough are important in critically examining the new measures, because a newly introduced service necessarily functions within the existing local system (Kashimura 2006, Abe 2007, Sato 2008).

The paper draws on our analytical work for several months. It examines two kinds of social systems which help citizens in trouble find advice and elucidate how advice seeking behavior is connected to them: firstly, the system of family and relatives, which are to be found in proximity to the parties, and secondly, institutional expert advisors, which are to be found outside the proximity support system. Preliminary findings from the 2006 survey have been reported in Sato, Takahashi, Kanomata & Kashimura (2007), Kashimura (2008), and Sato (2008) on the pattern of access to advice providers, Bushimata, Niki and Kashimura (2007), and Bushimata (2008) on the pattern of people using lawyers and judicial scriveners were respectively reported. Abe & Kashimura (2007), and Abe (2008) have reported the findings on people's evaluation of advice providers. This paper draws on the prior analyses further to develop, in exploratory and preliminary ways, the analysis of the characteristics of prejudicial support system in Japan.

## II. Overall Pattern of Advice Seeking Found in the 2006 Survey

The principal aim of the 2006 Survey is to clarify the pattern of people's advice seeking in response to trouble and the practical logic of choices in the advice seeking, and to explore their policy implications in contemporary Japanese society. (\*1)

The structure of questionnaire is shown in **Figure I-1**. As to the patterns of advice seeking process, the former reports from the 2006 survey had clarified the following (\*2);

### (1) The Number of Incidence

1945 (Note: 5330-3385 (the number of respondents who reported no experience in in any trouble-category, Q1 through Q14)) out of the total 5330 respondents in the survey reported one or more experiences of troublesome events during the January 2001 to May 2006 period (5 years and 5 months). This amounts to 36.5% of all respondents. The total number of the troublesome events is 4656 - on average, 2.39 per person who experienced some troubles.

### (2) The Distribution of Troubles Among Trouble-Categories

The most common category of trouble experience was (1) troubles arising from "Information Technology/Telecommunication." This consists of 1475 (31.7%) out of the total 4656 events. The 14 trouble-categories were asked about in the questionnaire. As to the other categories, the following numbers of experiences were reported: (2) Goods/Services (N=1475, 12.1%), (3) Neighborhood (N=530, 11.4%), (4) Accident/Crime (N=402, 8.6%), (5) Hospital (N=299, 6.4%), (6) Workplace (N=298, 6.4%), (7) National or Local Government (N=218, 6.4%), (8) Family or Relative (N=191, 4.1%), (9) Real Properties (N=150, 3.2%), (10) School (N=143, 3.1%) (11) Business (N=134, 2.9%), (12) Money Loan (N=121, 2.6%), (13) Landlord-Tenant (N=114, 2.4%). (14) Others was the least common category (N=17, 0.4%). The total number of the respondent for which the information was available is 1850 (1945-95(NA)). (Sato, 2008. The total number was 1946, which was adjusted through post-research reexamination -- 1 case was dropped because of the lack of data.

### (3) The Seriousness of Trouble in Value of Money

The monetary value pertaining to the trouble is, in the estimation of the respondent, generally low; the value for each trouble-category varies.

#### (4) The Frequently Used Advisors - Overall Trends

The most frequently used advice provider is police. Insurance companies, lawyers, consumer centers, sections of local governments, and legal consultation services of the local governments belong to next significantly used categories. There was a tendency of advisors within administrative bodies to be used widely.

#### (5) The Frequently Used Advisors - Trends Specific to Trouble-Category

The “typical” combination of frequently used advisors can be found in some trouble-categories, that is, one or a few advisors are mainly used, whereas in other trouble-categories, such a “typical” combination is unclear, that is, a wide variety of advisors are used.

#### (6) Trouble Response Strategies

People respond to their trouble differently, as trouble-category and the amount of damages, vary. Out of 1810 respondents for whom the information of their response is available, 17% (300 cases) of the respondents did not take any action; 55% (995 cases) did take action to solve the problem without utilizing a specialist advisor; and 29% (515 cases) sought advice from the specialist advice providers. Thus, 84% of the citizens acted to deal with the trouble, while 17% did nothing. The reasons why people did not use some advisors vary across advisors - the concern for payment for some advisors, and the concern for time for other advisors, etc(\*4).

#### (7) Duration of the Trouble

I add here some information of the duration of trouble in our data, which is not reported in our previous papers.

**The total duration of trouble** is calculated in terms of full months spent by using a question which asked when the trouble started (Q16) and one asking when it ended (SQ75.02), for the cases which were reported as concluded (Q75). If the trouble ended within a month then the duration is 0. **Table II-1** shows the results of Q75.

There are 831 cases for which the total duration of trouble is known. 641 (77.1%) ended within 6 months. 460 (55%) ended within 3 months. 717 (86.2%) ended within 12 months. **Table II-2 (right)** shows the distribution except for 2 extreme cases (146 months and 204 months respectively). **Figure II-2** shows the distribution of duration of the cases concluded in less than 18 months. There seems to be a periodic increase in numbers every 6 months. This may be an artificial phenomenon reflecting the fact that people tend to answer in round terms, whereas the respondents are instructed to answer in the exact time it began and ended, and there seems to be a similar increase in the previous and following months, this seems not to be totally artificial and reflects something in reality.

**The time until first advice** is calculated in terms of months by using Q16 and a question asking when the respondent consulted the first institutional advisor if any. **Table II-2 (Above)** shows the tendency that advice is obtained within 6 months in most cases (87.8%); and in 66.5% of advice is obtained within a month.

Thus, in a large majority (77%) of concluded cases, citizens dealt with the problems in a rather short period. Also, in a large majority (87%) of cases in which the respondents could get an institutional advice, the first such advice is obtained in a short time. These results show that when citizens decided to get specialist advice, a large majority of them could find such advice in a

reasonable amount of time. However, there is a substantial proportion of cases in which citizens spent tens of months to get the trouble resolved; similarly, there is a substantial proportion of cases in which citizens spent tens of months to get the first specialist advice.

Among the questions to be raised regarding this situation, the questions of what specialist advisors are used, and in what combination and in what order they are used will be taken up in section IV of this paper.

### III. How the Family Matters: The Family/Household as a Unit of Trouble-Experience

#### (1) The Household as a Unit of Trouble and Its Remedy

The data of the 2006 survey contains a significant number of cases in which the respondents report that a family member other than themselves is the principal party to the trouble they experienced. A typical example is that a 28-year old mother experienced trouble after talking to her son's teacher about the son's being bullied because the teacher would not listen to her (Case #5002907). (\*5) However, there are other cases in which 53-year old son was angry at the doctor for his cohabitating mother whom was injured during a medical examination of her stomach cancer and whom was ill-treated after spitting up blood (Case #0201706). In those kinds of cases, the respondent reported that the principal party to the trouble was another member of the household(\*6).

One of the decisions in designing the 2006 survey was that not only the problems experienced by the respondents themselves, but also those experienced by the other members of the respondent's household. Those problems are also included as the object of analysis. The decision was intended to enhance the database of trouble, but it naturally affected the composition of the cases of the 2006 survey. Due to this decision to include these cases, the questions about advice seeking behavior are asked about the behavior of household members both as an individual and a member of the household. I will explore some effects of this decision on the data in what follows.

#### (2) Family Member as the Party to Trouble

The purpose of enhancing the database seems to be fulfilled. But some invalid cases are included in the database.

The ratio of respondents who reported the trouble experience in the preceding 5 years in the 2006 survey was 1850/5330 (34.7%), which is significantly higher than the ratio reported in the 2005 National Survey of our larger group, which is 2343/12408 (18.9%) (Sato 2008: ,Hamano 2007: 30).

**Table III-1** shows the difference between the two results. Presumably the main reason for this difference may be the difference in definition of trouble-experience in the two surveys. In the 2006 survey, the problems experienced by the members of the respondent's household members were included in the realm of troubles, but all except for the experience of trouble of the respondent's children under 20, they were excluded.(\*7)

**Table III-2**, shows who were the principal parties in trouble-experiences in the 2006 cases, and to a certain degree, explains the difference in the ratio of occurrence. It shows that the number of respondents who were themselves the principal parties was 1256(69% of the 1811). Therefore, if we recalculate the rate of occurrence of cases in which the respondents themselves were the parties, the occurrence is estimated as  $1256/5330 = 23.6$  (%), which is closer to the 2005 survey's rate (18.9%).

The rest of the differences may be attributed to another difference of definition, by which the cases arising from respondent's business relationships are included in the cases as far as they are experienced by the respondent as the individual, whereas those cases are not included in the 2005 cases.

Another possible reason for the higher rate of occurrence of troubles in the 2006 survey is that the level of 2006 respondent's awareness for some troubles, such as IT/Telecommunication, was raised because some of those troubles were widely reported in the media; the so-called "It's me" fraud cases attracted attention from 2005 to 2006, which may have led to the heightened awareness of such troubles.

The result of the 2006 survey indicates that by adopting an inclusive definition of trouble and its categories, the number of cases increased by as much as 47% ( $(1850-1256)/1256*100=47.3$ ). A study from our group found that more citizens tend to seek advice from institutional advisors for troubles involving their children than for troubles involving themselves as the principal party ( $p<0.1$ ) (Takahashi 2008: 99).

**Table III-3** compares whom the respondent sought advice in the 2006 survey with that in the 2005 survey. For the 2006 survey, out of a total 1850 respondents who experienced at least one trouble, 1510 (81.6%) asked advice from various sources; 515(28.5%) sought advice from institutional advisors; that the household members are also important as advice providers.

**Table III-4** shows who the principal party was across different trouble-categories. It is worth noting that the distribution of who the party was is uneven. The respondents were randomly selected from a voting list or resident registry list; therefore, there is a good reason to assume that they were selected randomly within the household members, thus making the distribution of who the party was rather even, if there is equal influence from factors specifically related to trouble-categories.

**Table III-4** may indicate (1) the awareness threshold between themselves and others, and (2) the extent of common concern. That is, whether the respondents consider the trouble as the matters of their own or the matters of common concern with others. Much detailed and careful analysis is needed to examine these interpretations, however.

## (2) Difficulty to Impliment the Definition

The household is defined in terms of family members sharing living expenses. We included the family members living in different places but sharing their living expenses; the child/student living near the college or the father living near the workplace were included in the possible party to trouble.

A close examination of some of the completed questionnaire reveals that a difficulty may have existed in implementing the definition of household, however. We doubt that some respondents were strongly reminded of their family relationships by having heard the definition and so reminded of the troubles out of the defined boundary of household and that they told the experiences of family member or relative. We excluded some cases due to the criteria of party's definition if the information provided in the answers revealed that the reality is otherwise. However, some cases in which we doubted otherwise were included in the data.

So for purpose of exact analysis, it is suggested that only the cases in which the respondent her/himself is reported as the principal party should be included in the analysis.

## (3) The Family as the Source of Advice

**Table III-5** summarizes the frequency of seeking advice from family members among the respondents who took some action to cope with the trouble, excluding legal or non-legal institutional advisors.

The proportions of whether the respondent asked for advice from members of family/relatives in trouble-categories.

## (4) Some Implications for Theory

The cases in which the respondents report that some other member of the household was the principal party were presumably not represented randomly, but were represented via connections existing among the family members. Also errors in implementing the definition of household might have occurred because sometimes a strong tie existed between the respondent and his/her family and other members of the family or relatives.

These observations, however, suggest that there are some merits in taking the inclusive approach. For policy concerns, it should be important to recognize that the potential needs for advice arise not only from troubles experienced by citizens as individuals but also from troubles in which citizens act for other members of their family. For theoretical interests, it may be suggested that the collective nature of trouble experience or advice seeking merit serious analysis on its own right. In general, experience of potentially legal troubles consists of both constant core and temporary varying fringes; it may be suggested that legal troubles of some kind may be concerned not solely with the principal party but also with the household members (for a line of possible exploration, see Takahashi 2008: 100).

For those reasons, it should be worth exploring how and why people act for their family members, friends or other members of their group in greater detail and how those efforts are connected and motivated by a social network of mutual assistance, which is, according to some studies, still strong and influential on people's advice seeking behavior in rural areas of Japan (Yoshioka 2007, Kashimura 2008).(\*8)

#### IV. The Array of Institutional Advisers

**Figure IV-1** shows the variety and distribution of the specialist advice providers used by respondents. Out of 696 approaches by 515 citizens, the most frequently used advise-category was the police (182 cases). Insurance companies are the second, and lawyers are the third. The specialist advisor who provided advice for more than 50 cases are the Police, Insurance Companies, Lawyers, Consumer Centers, and Sections of Local Government.(\*9)

##### (1) The Access 1: Association of Trouble Type and Institutional Advisers

Sato (2008: 8-10) compares the 3 most frequently used advisors across the area. Sato observed the tendencies that (1) the most frequent category differs from an area of trouble to another, (2) the degree of how the frequently used advisors were dominantly used within the trouble-area differs across the areas (Sato 2008: 10).

**Figures IV-2-a, IV-2b, IV-2c, IV-2d, IV-2e, IV-2f, IV-2g, and F2-h** depict the situations of selected areas in detail (the area including 50 cases or more).

In **Figure IV-2-a** A "concentrated" pattern can be found in IT/Telecommunication, Goods/Service, Workplace, and Accidents/Crime. In these areas, one or two advice providers have the "share" exceeding 60% of the cases. In the area of IT/Communications, the Police and the Consumer Centers are two dominating providers. In Accident/Crime categories, the Police and the Insurance Companies are 2 major providers. In these areas, advice is given for the majority of cases by the provider belonging to the small number of categories.

**Figure IV-2-b** shows another example of "concentration" of providers used in the Goods/Service area. The Consumer Centers comes in first place and gather a large majority of the cases. Others are small in number and the Police and the Business Associations share the second place. The 4th place is also shared by two legal specialists (the lawyer and legal consultation service of the local government). The significance of Business Associations and legal advisors may be remarkable features.

**Figure IV-2-c** shows another "concentrated" pattern. First place is occupied by providers belonging to National Government Branch Offices, presumably the local Labor Standard Inspection Offices.

**Figure IV-2-d** also indicates a "concentrated" pattern -- the Police and the Insurance Company are two dominating providers. It is assumed that the majority of troubles belonging to this area are automobile accidents.

These are "concentrated" patterns. Two observations can be made. Firstly, the dominating providers are regarded as specialists for the area; thus, the reason for the emergence of a "concentrated" pattern may be the existence of advisors with special knowledge or expertise. Secondly, the Police appeared in several categories; this may reflect the fact that the Police have a wide variety of mandates relating to people's everyday lives: crime investigation, peace keeping, and control of violence - which make resorting to the Police appropriate as personal advisors. In fact, there are reportedly a large number of consultation applications made with the local police. The different sections of the Police may function like a single consultation agency in some areas. Therefore it may be worthwhile for future research to focus on the works of sections of the Police as well as the Police as a unitary organization.

In other areas, "diffuse" patterns may be observable.

**Figure IV-2-e** shows the "diffuse" distribution of specialist advisors in the area of neighborhood troubles. The observation can be made that more than half of the respondents asked for advice from the Police, Sections of Local Government, but Legal Consultation of the Local Government, Lawyers, and Resident's Organization(\*10)

**Figure IV-2-f** depicts that in Family/Relative area, a weak concentration of legal specialist advisors can be visible -- Lawyers, Legal Consultation of the Local Government, and Court Officers at the Reception Desk.

**Figure IV-2-g** summarizes the rather "diffuse" distribution among the used providers. Top 3 advisors are legal specialists.

**Figure IV-2-h** shows the situation of Hospital cases. Expectably Doctors come to in first place, but sections of local government (Medical Control Division or Welfare Division were approached. For example, in case #3100203, a 66 year old man had a grievance after having cerebral apoplexy against his physician who referred him to an orthopedist for rehabilitation without enough explanation, and asked advice from the Medicine Control Division of the Local Government.

In conclusion of this section, two observations can be made. Firstly, a general pattern of advice seeking seems to reflect citizens' concerns to get specialist advice, that is, citizens seem to choose the advisor whose expertise is appropriate for their problems. Secondly, some advisors such as the Police have been approached by citizens experiencing different types of troubles. It is assumed that this is due to the fact that the Police have wide areas of work relevant to the everyday life of people. Similar consideration can be applied to the Sections of Local Governments. Lawyers, on the other hand, do appear as frequent advisors in several areas, but they are more confined in some specialized areas like family/relative, and in other areas they have "diffuse" distribution.

A "Concentrated" pattern may be the reflection of a high level of administrative control in Japanese society, where, if a new social problem emerges, administrative rather than judicial measures tend to be applied. Consumer problems and multiple debt problems emerged as Japanese society experienced modernization. Lawyers, Legal Aid Societies, and Court were rather slow to institutionalize themselves to meet the needs of the consumers or debtors, and it is only recently that lawyers and judicial scriveners began to use litigation as a strong countermeasure to the multiple debt problems and the court followed by issuing a decision favorable to debtors.

The needs for advice may be consequential to the establishment of specialist advisers. In our data, the needs may be estimated by looking at different rate of seeking behavior for third party advice in different trouble-areas.

## (2) The Access 2: Geographical Influence

Another interesting feature of people's utilization of advice providers is related to geographical difference. The size of community is determined by using the information of sampling points; the area is divided into four categories according to the size of population of the city, town or village where the respondent lives. The 16 metropolitan areas are statutory categories including Tokyo, Osaka, and other large urban cities.

**Figure IV-4-a** shows the percentages of users across 4 community categories of 4 specialist advisors: the Legal Consultation of the Local Government, Lawyer, Consumer Centers, and Judicial Scriveners. The percentages were calculated by dividing the number of users in each residential category by the number of people who live there and asked whatever specialist advice. So the percent is intended to measure the availability of specialist advice for those who decided to act on to remedy the trouble.

The percentage of Legal Consultation Service of the Local Government drops sharply as the size of the area increases. An interpretation is that this is due to the different availability of such Consultation Services, because, although there are such services operating in most of the local governments of cities and towns except villages, the opening days and hours differ, presumably making it more difficult for the smaller community residents to use the service. We are now collecting data on the actual availability of such services for the local governments under which the respondents in our sample live.

The percentage of Consumer Centers increases as the size of the community decreases, and decreases sharply at the level of towns and villages. This pattern again may reflect the availability of consumer centers within the residential area. The consumer centers are in operation in all of 16 metropolitan areas and cities populated over 200,000, whereas there are in 60% of the cities with populations less than 200,000, and only 3% of towns and villages.

The percentage of Lawyers is exceptionally high in the 16 metropolitan areas and low in the other 3 categories. This may well reflect the population of lawyers, the distribution of which is highly skewed geographically. (\*11) Especially, as **Figures IV-4-c** indicates, Tokyo and Osaka residents ask for advice from lawyers nearly 3 times more than the residents of other cities do.

The percentage of Judicial Scriveners is generally low but increases as the community size decreases. It is known that judicial scriveners are distributed more evenly across the country (Kashimura 2006), and the pattern may well reflect the distribution.

**Figure IV-4-b** depicts the same percents for the Police, Sections of Local Government, Branches of National Government Offices, Local Welfare Officer, Community Probation Officers, and other community officers. The usage of last two categories display similar changes - slight increase until small city size but drops at the Towns & Village category. The Police remains at the high level of usage between 30 to 40 % of third party advice seeking in all community categories. Sections of Local Government shows a drop in smaller cities but as a whole increases as the size of community decreases.

To hypothesize, some of these changes seem to reflect a **relative availability** of **appropriate specialist** adviser within the community. It is a remarkable feature that the common types response behaviors are different as trouble areas differ. This is depicted in **Figure IV-5**. In any rate, these figures suggest that there seem to be several paths of influences between geographical factors and advice seeking behavior, which demands further study.

## (3) The Outcome 1: Connection to Legal System



It is important to ask whether and how often the citizens, as the consequence of having obtained advice, are led to the use of court - litigation, mediation on general civil matters or other speciality mediations, or the like.

We asked the respondent what advice was given in 1st, 2nd, and last specialist advisers. **Figure IV-6** depicts the advice to go to court was given by specialist advisers in order of its frequency. It is observable that the few advisers who gave advice to go to court are advisers of judicial speciality - judicial screeners, lawyers and court officers, and few other types of specialist advisers provide such an advice very infrequently. The tendency is suggestive although the numbers of relevant cases is so small that statistical significance would not be detected.

#### (4) The Outcome 2: The Sifting Effect of Institutional Advisers

Other important questions to be asked are related to effectiveness of advice. It is difficult to construct appropriate measures of effectiveness of advice, however. Advice organizations generally maintain statistics on termination of the cases they advised. These statistics lacks precise information of how the case was resolved, however. Whether a tendency of one organization has something in common with other organization of the same category or with other categories cannot be estimated, either.

Like a mass of flour sifted by a pensive, in each stage of advice seeking/providing, some portion of advice seekers remain without going further for another adviser, whereas the others continue on. So it has somewhat meaningful to see how many of the users stop going further and how many went on for another adviser - a measure which may be called a "rate of reduction."

Our data has a merit of containing a first hand information of the citizen's behavior following the contact with adviser-categories. Q29 asked to name the advisers categories being utilized in up to 10 successive order. Thus by using the questions on the history of advice seeking, a rate of reduction can be counted for each advice category, that is, by counting the non-users of 2nd adviser-categories for users of each category as 1st adviser, and so on. The reduction rate represents the portion of the users who did not reach to second adviser among the total users of the category as the first adviser.

**Tables IV-1-a, IV-1-b, IV-1-c, and IV-1-d** summarizes the frequency of usage and the reduction rates of each adviser-category as 1st to 5th advising stages. The number of cases remaining after 3rd advice given is very small. At the stage of 6th adviser, only two cases remain; one citizen stopped at this stage after the advice by court officer at the court reception window; one citizen continued on seeking advice more than 13 categories until he/she reached to a lawyer as the "last" adviser(Case # 0000802).

The average rate of stopping advice seeking is 70-74% for the 1st through 3rd advisers. The rates fluctuate for later place advisers.

It is a remarkable feature of **Tables IV-1-a through d** that the reduction rates differ significantly among different adviser-categories, however. And there are differences between those among 1st advisers and those among 2nd advisers.

Among the high reduction advisers within top 8 advisers at the first stage are Insurance Companies (91%), Consumer Centers(86%), Business Associations (85%) and Sections of Local Government(78%). The advisers with average reduction rates are National Government Branches(74%) and Police(71%), and Lawyers(67%). The advisers more than 10 points under the average reductions rate is Legal Consultation at the Local Government(45%).

As to the advisers appear as the 2nd advisers, Those with high reduction rates are Insurance Companies (83%), Sections of Local Government (79%), Lawyers (79%), and Business Associations (88%). Those with average reduction rates are Consumer Centers(67%), and National Government Branches(67%). Police (53%) drops onto the level of significantly low and Legal

Consultation at the Local Government (13%) shows a significant drop in rate within the lowest category.

As a prospects for future analysis, this difference and changes in difference may be examined for the following factors: (A) the actual as well as stated function of each adviser - referral or termination, (B) institutionalized path for access -- e.g. high for insurance companies, (C) the services provided - information or resolution.

#### (5) The Common Combination and Succession of Institutional Advisers

Characteristics of combined use of advisers are phenomena of worth examining. Is there any characteristic combination of using different adviser-categories? Is there any stable path between one adviser-category to another? If any of these phenomena exists, why?

Because the variety of advisers approached by the citizens are large, I did not try multivariate analysis. Instead, some simple correlation analyse using chi-square tests were conducted.

**Table IV-2** shows the frequency distribution of combination of two adviser-categories (out of selected 14 categories) among advisers reported as used in Q27, which asked the respondent to select all of the categories they actually used to remedy the trouble. Most frequent combination is the Police plus the Insurance Company(25 cases). Police plus Lawyer comes next (14 cases), and Legal Consultation at the Local Government plus Lawyer comes next (13 cases). Police plus Consumer Centers and, somewhat unexpectedly, Legal Consultation at the Local Government plus Local District Welfare Officer come together in the next place (10 cases).

A statistical significance was tested on the nul-hypothesis that the combinations are random. Small blue triangles signifies the combination for which observations occur at more than expected numbers and small red triangles signifies the combination for which observations occur at less than expected numbers. **Figure IV-7** represents the connections graphically. The combinations may well reflect the division of life-interst space of trouble: crime/accident, community life, law and others. The Legal Consultation at the Local Government is positioned between community services and legal services, whreas the police and insurance company consist in a specialized area of trouble-shooting.

**Tables IV-5** shows the result of chi-square test for relative frequencies of selected 14 advisers appearing as 1st adviser. The null-hypothesis is that all advisers have equal probabiliity of appearing as 1st adviser under the condition that the total of 479 needs for any advice exist - every adviser-category has  $14/479$ , which is rougly 34.2, frequency for its cell, thus the residual (actual number minus expected number) for Legal Counsultation at the Local Government, which actually appears as 1st adviser 34 times, is nearly zero.

**Figures IV-8-a, IV-8-b** depicts the paths that connect advisers in successive stages. There are specialist advisers from which many lines go out (from left to right), and those to which many lines come in. The Legal Consultation at the Local Government has the pivotal value as the entrance to the array of specialist advisers, because many lines go out. Also many lines go out from Police and Lawyers. A thick line comes in to Insurance Companies from Police. And Police and Lawyers as 2nd advisers receive many lines from various 1st advisers.

In the movement from 2nd to 3rd stage of advice provision, Legal Consultation at the Local Government and the Police are major sender of the paths, whereas Legal Consultation at the Local Government and Sections of Local Government and Lawyers receives many paths.

In the movement from 3rd to 4th stage, the lawyers receive somewhat more paths from various advisers.

#### V. Conclusion and Implications for Legal Policy

In this paper, I have examined two groups of questions. Firstly, I estimated how many cases were included as the consequence of methodological decision that the household not the individual should be the unit of trouble experience. I also examined some influence of family on the member's advice seeking behavior. I suggested that some troubles are experienced primarily as family matter, so that the household based approach may be justified in studying some trouble categories. Secondly, I examined aspects of citizen's mobilization of specialist advisers. I distinguished two kinds of distribution in different trouble-areas, concentrated and diffuse. I pointed out that differences in mobilization are observable along with the difference in size of the community. I suggested that this may be explained by geographically skewed distribution of advisers. The probability of advice to go to court was examined. Then several effects following the combined use of advisers are examined. Different reduction rates are found with different adviser-categories. And common and uncommon combinations are distinguished by using chi-square type analysis.

The findings can be combined to conceive general characters of advice seeking by Japanese citizens today. Generally speaking, we found the reduction rates of specialist advisers are generally high; 70% stops at the first stage of seeking advice. For some trouble areas, there seem to be established paths leading to appropriate and conclusive advisers. This does not mean that many people are satisfied with the advice or its consequence, however. For trouble areas for which no clear paths are established, Police and Legal Consultation at Local Government seem to be two major points of first contact with advice institutions. Both do not necessarily offer conclusive resolution; both rather functions as referer. Lawyers and other judicial advisers mainly receive these cases, and seemingly offer conclusive solutions. Examining this pattern more fully with careful control of variables should be necessary and it is hopeful to combine these observations with findings of citizen's evaluation of adviser (Abe, paper to be presented in this conference).

Then, based on the analysis, I will discuss whether the system of providing advice works appropriately, and if it does not, in what points it should be improved. It may be suggested that the lawyer and other judicial advisers should play more active role in receiving cases from citizens. The present situation is suffered by the lack of inclusive contact points which accepts wide variety of cases and would be able to coach people where to go.

Here, the "Law-Terrace," a state-operated adviser referral network, should find its pivotal role. Whether the "Law-Terrace" will be able to fulfill its stated aim of "create a society where information and services of law necessary to resolve both civil and criminal disputes are available" is unclear, however.

Firstly, there is a strong social conception that advice, including legal, is free, and the demand of getting quick and swift provision of advice seems so high that popular conception toward the "Law-Terrace" sticks itself with the image of free advice provider.

Secondly, the "Law-Terrace" relies its successful operation heavily on the cooperation of Japan Federation of Bar Association (JFBA, Nichibenren). And local "Law-Terrace" branch offices are operated by the local lawyers. JFBA, however, is presently under heavy inner pressure against expanding legal services in the community from the fear of heavy competition due to the increased production of lawyers through new Law School system, which was introduced in Government's Judicial Reform Initiative in 2004. A backrush may occur toward old style of narrowly defined, and private-interest oriented professionalism in a few years from now. If this happens, the "Law-Terrace" may become a storefront salesdesk for the lawyers.

Thirdly, most of the active advice providers are operated on local and national government, the police, consumer centers, and free legal consultation services. Advice providers and managers of those organizations hope that cases be referred from the "Law-Terrace" to their organization. In fact, "Law-Terrace" is supposed to maintain a comprehensive list of administrative, judicial and private advice providers. What should be needed more is to expand the access for people to judicial advisers from administrative advisers, for there seem to be a substantial amount of cases which go

to administrative advisers first and then referred to judicial advisers. The social organizational dynamics seem to be running in opposite directions.

In sum, these dynamics run in several different directions; so that a careful observation continues to be necessary.

## Notes

(1) The post-research re-categorization was conducted for the two important questions of the 2006 questionnaire (trouble-categories of Q15 and advice-provider-categories of Q27 with consequential adaptation in Q29). It was considered necessary because (1) the number of advice-giving institutions are large and they are varied in character, and (2) people's definition of "possible legal trouble" are presumably varied. Since the summer of 2007, we carefully read the responses and self-categorizations therein so as to make sure that the answers are valid and reliable for the purposes of analysis. We confirmed that a total of 1850 cases are qualified as the object of further analysis. A few cases were excluded from the trouble-experience case because they reported the case experienced by non-members of the household as was defined in the questionnaire. A case was excluded from the object of analysis because of the illogicality of answers. The process was completed in January of 2008.

(2) The Codebook for the 2006 survey will be published in 2008; the book will contain the exact question text, response codes and frequency counts for all the variables. The codebook will also include technical descriptions of sample composition, characteristics of non-response, data cleaning and the rules used for re-categorization, and other basic information of data collection and processing. The data-set itself will be published online for further academic analysis in the near future.

(3) The details of the definitions of trouble-categories are discussed in Kashimura 2008: 90-92).

(4) The number of cases is adjusted reflecting the post-research re-categorization and are slightly different from those reported in Sato, Takahashi, Kanomata, & Kashimura (2007).

(5) Cases mentioned are intended to serve as examples because we are still in the process of analyzing open-ended questions.

(6) For the definition of household, See Kashimura (2008: 84).

(7) Page 1 of 2005 survey questionnaire reprinted in Murayama & Matsumura eds., 2007: 249.

(8) Hopefully some future research should take up the family in trouble-coping process in its own right. There is a tradition in clinical social psychology of studying interaction in troubled family in social and psychological problem (e.g. Gubrium & Holstein 1990). One interesting starting point is examining a hypotheses stating that two classes of problem exist: one class being communal, while the other class individual.

(9) For the specialist advisor list and the design of questions, see Kashimura (2008: 93 - 95).

(10) A new category created through post-research re-categorization.) combine to have the comparable share.

(11) For recent data and interpretation, see Kashimura (2008).

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## **Tables & Figures:**