Regular article

Civil legal needs of individuals in drug treatment

Ellen Weber, (J.D.)\textsuperscript{a,*}, Rachel C. Grunberger, (B.A.)\textsuperscript{b}, Kevin E. O’Grady, (Ph.D.)\textsuperscript{b}, and Amelia M. Arria, (Ph.D.)\textsuperscript{b}

\textsuperscript{a}University of Maryland School of Law, Baltimore, MD 21201, USA
\textsuperscript{b}Center for Substance Abuse Research (CESAR), University of Maryland, College Park, MD 20740, USA

Received 31 May 2004; received in revised form 22 August 2004; accepted 10 December 2004

Abstract

This report describes the findings of a pilot study that examined 17 domains of civil legal problems among individuals in drug treatment in one urban setting, the extent to which they seek help to resolve a potential legal problem, and their reasons for not seeking legal assistance. More than half the participants reported at least one legal problem related to health care and/or work, and nearly half reported legal problems related to their family, civil liberties, and/or neighborhood/community concerns. Less than one in five, however, sought legal assistance for problems in the five top-ranked domains, with the exception of family problems. The primary reasons for not seeking assistance were a lack of awareness that a problem was a legal issue and/or uncertainty about who could help. While preliminary in nature, the pilot study suggests that a significant proportion of treatment clients have civil legal problems and that treatment programs could help clients identify legal problems and resources for assistance. © 2005 Elsevier Inc. All rights reserved.

Keywords: Substance abuse treatment; Legal needs; Drug users

1. Introduction

Drug use is associated with risks of legal problems both because of the illegal nature of the behavior per se and the subsequent consequences of drug involvement. An estimated two thirds of individuals in the criminal justice system test positive for recent drug use at the time of arrest, and an estimated 41% of males and 60% of female arrestees in Baltimore City have a drug abuse or dependence problem (Gray & Wish, 1998). Between one third and two thirds of the cases in the child welfare system identify parental substance abuse as a contributing factor (U.S. Department of Health and Human Services, 1999). Substance abusing individuals may face a host of civil and criminal problems associated with their drug use and their diminished capacity—both real and perceived—to work and care for themselves and family members. As a result, they may seek advice on the adverse legal consequences of their addiction—including financial problems, disrupted marriages, loss of child custody, and outstanding criminal charges—as well as the barriers to obtaining employment, licenses, housing, and government benefits that exist because of their drug and criminal histories.

Because of the variety of legal problems that drug-using individuals are likely to experience, the National Institute on Drug Abuse has identified legal services as one component of a comprehensive treatment program (National Institute on Drug Abuse, 1999). There is some evidence to suggest that overall success of drug treatment programs is related, in part, to offering clients a comprehensive array of ancillary services (Brindis, Clayson, & Berkowitz, 1997). Additionally, engagement in treatment is likely to be elevated if ancillary services are provided (Fiorentine, Nakashima, & Anglin, 1999). The scope of ancillary services typically includes medical and mental health services, family counseling services, health care referrals, transportation arrangements, parenting and life-skills training, and employment.

\* Corresponding author. University of Maryland School of Law, 500 West Baltimore Street, Baltimore, MD 21201-1786, USA. Tel.: +1 410 706 0590; fax: +1 410 706 5856.
E-mail address: eweber@law.umaryland.edu (E. Weber).
and financial advising (Fiorentine et al., 1999; Asche & Harrison, 2002). The inclusion of legal services has not been prominent among the spectrum of ancillary services made available through referrals by drug treatment centers. Research has shown that clients are more likely to receive medical, mental health, and family counseling services than employment, financial, and legal help (Asche & Harrison, 2002; Joe, Simpson, & Hubbard, 1991).

Based on our research, no formal studies have been conducted that survey the extent to which drug-using individuals need legal assistance for civil legal problems (i.e., those that pertain to a person’s private rights and the steps taken to correct a violation of those rights). This pilot study was undertaken to identify the types of civil legal problems individuals in drug treatment programs experience, the extent to which patients who identify a civil legal need obtain legal help to resolve the problem, and the role treatment programs play in referring those patients to legal help. Identification of the type and magnitude of civil legal needs among treatment is needed to devise strategies to help individuals begin to address these legal problems while they are participating in drug treatment.

2. Methods

2.1. Study participants

Eligible study participants were men and women 18 years of age or older who were enrolled in treatment programs that received at least some public funding in Baltimore, MD, from March through May 2003. All 75 treatment programs that received funding from Baltimore Substance Abuse Systems, Inc. (BSAS) in 2002 were sent a letter describing the study and asking them to serve as a study site. Thirty-two programs received a follow-up telephone call to determine interest, and, of those programs, two refused to participate. The remaining programs were not contacted by telephone after a sufficient number of programs indicated their interest in serving as a study site. To achieve a diverse sample of individuals attending a variety of treatment programs, a stratified sample of 15 study sites was selected on the basis of the program’s treatment modality, geographic location, and the gender of the clients served. The participating programs represented all treatment modalities in Baltimore: one detoxification center, seven intensive and non-intensive outpatient programs, two methadone maintenance programs, one intermediate care facility, and three halfway houses. The programs were dispersed geographically throughout Baltimore City.

Two hundred individuals participated in this qualitative study. Forty-one percent of clients were enrolled in outpatient, non-methadone treatment, 38% attended methadone maintenance programs, 31% attended residential treatment programs, and the remainder attended a detoxification program.

2.2. Survey instrument

The survey instrument consisted of 200 closed-end questions that inquired about participant demographic characteristics, treatment history, and potential legal problems in 17 domains: property rental; home ownership; neighborhood and community; transportation; family; personal education; family education; work; health care; government programs and benefits; insurance; finances, consumer matters, and contract disputes; personal and economic injury; wills, estates, and advance directives; civil liberties; immigration; and veterans and military service. A legal problem is a perceived violation of an individual’s legal rights, as defined by any source of law, including state or federal statutes, state or federal constitution, lease agreements, consumer contracts, and common law protections. For example, a legal problem in the rental context is the landlord’s failure to provide a safe and habitable dwelling. In the family context, a legal problem is a dispute over child custody and support payments or the termination of parental rights because of abuse or neglect. In the context of employment, an individual who is not paid the minimum wage or equal pay for a particular job has a legal problem, as does an individual who is denied a job based on race, gender, or disability. In the government benefits context, a legal problem arises when public assistance or food stamp benefits are denied or reduced in violation of the law. In the civil liberties context, an individual has a legal problem if he is the subject of an unlawful search or is denied access to an attorney upon arrest for a crime.

In addition to violations of legal rights, a legal problem may also involve an individual’s desire to carry out a transaction for which legal advice is needed or beneficial. Legal problems that fall into this category would involve the desire to have legal assistance in drafting a will, business contract, or home purchase agreement. A legal problem also encompasses systemic practices that afford individuals fewer rights based on socio-economic status or some other characteristic, such as a known history of drug-related criminal activity or drug use, the resolution of which may require changes in the law. For example, the inability to obtain health care because of the lack of health insurance coverage or the refusal of a health care provider to treat a patient who is enrolled in Medicaid are legal problems that may require changes in the law. The survey instrument contained questions about all three types of legal problems.

For each question about a potential legal problem, the survey instrument asked for a “yes,” “no,” “don’t know,” or “refused” response. The study participant was directed to interpret the question without explanation from the interviewer and to decide, without assistance, whether a particular set of circumstances constituted a legal problem.

When a participant responded affirmatively to a question, the interviewer construed the response to mean that the participant had identified a potential problem. In such cases, and prior to asking the next series of questions in a new
domain, the interviewer asked whether the participant sought “legal help” to resolve the problem(s) identified. “Legal help” was not defined in the instrument and was left to the participant’s interpretation. For those individuals who did not seek legal help, the interviewer offered the following reasons for not doing so, from which the participant could choose any number: (1) the participant did not think it was a problem; (2) did not know who could help; (3) was worried about the cost; (4) was afraid or intimidated; or (5) had some other reason.

The second part of the survey asked questions about legal help the participant obtained for the legal problems s/he considered most problematic. The interviewer first identified the domains for which the participant had indicated that legal help had been sought and asked the participant to rank the three most troublesome problems, with the first being the most problematic. For each of those domains, the interviewer then asked the participant to identify the type of action taken to resolve the problem. Participants were given a number of “legal help” options from which to choose, including some that did not involve retaining an attorney. Options included: self-help through protesting, refusal to pay, or use of publicly available legal forms; seeking assistance from a private or publicly supported attorney or the relevant government agency; and seeking assistance from a community or advocacy organizations or religious institutions. Participants were also asked to identify how they found their help and were given 11 options from which to select, including: self-identification; referral from friend; newspaper, telephone book, or television; social worker; treatment program; court-appointed; police station; pre-paid legal plan; other, don’t know; or refused. Separate questions asked whether an attorney provided help and the type of work performed by the attorney.

The survey questions regarding legal problems and resolution of problems were modeled after a legal needs instrument commissioned by the Massachusetts Legal Assistance Corporation to ascertain civil legal needs among low-income citizens. The Massachusetts instrument included 115 legal problem questions in 13 of the 17 domains identified above (with no questions regarding transportation, personal education, personal and economic injury, and veterans and military service). The survey instrument included 121 legal problem questions distributed across the following domains: property rental (16 questions); homeownership (2 questions); neighborhood and community (10 questions); transportation (1 question); family (16 questions); personal education (4 questions); family education (8 questions); work (18 questions); health care (11 questions); government programs and benefits (9 questions); insurance (4 questions); finances, consumer matters and contract disagreements (6 questions); personal and economic injury (5 questions); wills, estates, and advance directives (3 questions); civil liberties (4 questions); immigration (3 questions); and veterans and military service (1 question). The number of items differed by domain depending upon the number of potential legal problems that could arise in a particular area. Most questions tracked the language in the Massachusetts instrument.

Because the Massachusetts instrument was developed for legal service purposes and not in a research context, the original authors did not test it for reliability or validity. Our rationale for using this particular instrument was based on the fact that it was the most comprehensive of its kind that was available. Because the goal of the pilot study was to gather basic descriptive information on all possible types of potential legal problems, it was deemed appropriate for that purpose. Future work could be focused on testing this instrument for its psychometric properties and streamlining its length such that it could be used in the field.

The survey instrument modified the Massachusetts instrument primarily to include questions that would ascertain whether clients in drug treatment had been adversely affected by federal laws that were enacted throughout the 1990s that exclude persons who have alcohol and drug problems, drug-related criminal activity, or drug-related criminal convictions from taking advantage of various government programs and benefits. These laws include: (a) the Fair Housing Act (42 U.S.C. § 3601 et seq.) and Americans With Disabilities Act (42 U.S.C. § 12101 et seq.), which exclude persons with current drug problems from anti-discrimination protections in housing, employment, government activities, and public accommodations; (b) federal disability standards that deny eligibility for Supplemental Security Income and Supplemental Security Disability Insurance to the extent alcoholism or drug dependence is the primary disabling condition (42 U.S.C. § 423(d)(2)); (c) denial of Temporary Assistance to Needy Families and food stamps to persons with felony drug convictions under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (21 U.S.C. § 862a); (d) federal public housing law standards that authorize eviction from and denial of public and federally-assisted housing for persons who are engaged in drug-related activity on or off the premises (or anyone under the leaseholder’s control) and/or who are exhibiting patterns of alcohol and drug use (42 U.S.C. § 1437d)(l)(6)); and (e) the Higher Education Act’s denial of student grants, loans, and work assistance for persons with convictions for drug possession or sales (20 U.S.C. § 1901et seq.). In the employment context, for example, a participant was asked in separate questions whether he was disciplined; fired; given undesirable assignments; or denied a job, promotion, or raise because of a criminal record, active drug use, participation in treatment, or a history of drug problems or race. Similar questions were asked in the health care, government benefits, housing, and education domains.

The survey instrument also included questions in the transportation, personal education, and personal and economic injury domains to investigate whether legal problems that could arise from financial problems or conduct associated with alcohol or drug problems were identified.
Such problems include, for example, the loss of a driver’s license for driving while intoxicated, inability to make car payments, and causing or being the victim of physical harm, financial harm, or property damage.

2.3. Study procedures

Second- and third-year law students enrolled at the University of Maryland School of Law were responsible for recruiting participants and administering the survey instrument through face-to-face interviews at the participating sites. Each interviewer received formal training on recruiting participants, obtaining informed consent, and administering the survey. All interviewers were required to have at least one taped practice interview reviewed prior to starting the study. Study coordinators were available to resolve questions during the course of the study. Interviewers were assigned to one or two programs and conducted six to 15 interviews. The interviewer read each question and answer choices to the participant and recorded the response.

Participants were recruited through a flyer posted at each study site and presentations by study staff at one or more group counseling sessions. All clients, both new and old admissions, were eligible to participate. Clients were invited to sign up for an interview and were recruited on a consecutive basis until a sample size of 200 was reached. Data was not collected on the percent of eligible clients from each program who became study participants because the original intent was to conduct a volunteer study and it was not feasible to identify the number who saw the flyer or who were approached by the program to attend a presentation and refused to do so. In some cases, the participating programs performed the initial recruitment rather than the interviewers. Inclusion criteria for the study were persons 18 years of age or older and exclusion criteria were inability to provide informed consent. Clients received a $20 gift card for participating in the study. All clients were able to provide informed consent. After receiving informed consent from each participant, the interview lasted approximately 30 to 45 min. The study received IRB approval from the University of Maryland, Baltimore, Institutional Review Board.

2.4. Statistical analyses

Descriptive statistics were used to describe the study sample with regard to the presence of legal problems, whether or not they received legal help, and reasons for not seeking legal help.

3. Results

The demographic characteristics of the study sample were, for the most part, representative of the overall population of individuals in publicly funded treatment in Baltimore during the study period (Baltimore Substance Abuse Systems, 2003). Seventy-four percent of the sample self-reported their racial/ethnic identity as African-American/Black. Close to two thirds (67%) of the participants were between 36 and 50 years of age and 22% were between 18 and 35 years of age. Forty percent of the participants had completed less than a high school education and 37% were high school graduates. Sixty-two percent reported that they were single and 6% reported being married. The sample’s demographic characteristics differed from the overall treatment population in three aspects: the study sample contained a higher proportion of women (47% vs. 39%), individuals with an income level of less than $20,000 (80% vs. 50%), and homeless individuals (15% vs. 6%).

Table 1 presents a summary of the types of legal problems reported by drug treatment clients. Only 1.3% of individuals reported no legal problems in any of the domains. However, it is important to realize that many of the questions asked about a potential legal problem, such as a landlord’s failure to provide heat, hot water, electricity, or working plumbing, and even though the individual reported that the event occurred, they may not have perceived it to be a legal problem. Although it would be useful to report the average number of legal problems reported by participants, estimating this was problematic because many of the legal problems were contingent on being in a situation that could cause a legal problem (i.e., being married and having

<table>
<thead>
<tr>
<th>Domain</th>
<th>Individuals with a reported problem</th>
<th>Proportion who sought legal help</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>n</td>
<td>%</td>
</tr>
<tr>
<td>Health care</td>
<td>112</td>
<td>56</td>
</tr>
<tr>
<td>Work</td>
<td>110</td>
<td>55</td>
</tr>
<tr>
<td>Family</td>
<td>95</td>
<td>47.5</td>
</tr>
<tr>
<td>Civil liberties</td>
<td>94</td>
<td>47</td>
</tr>
<tr>
<td>Neighborhood and community</td>
<td>93</td>
<td>46.5</td>
</tr>
<tr>
<td>Government programs and benefits</td>
<td>73</td>
<td>36.5</td>
</tr>
<tr>
<td>Personal and economic injury</td>
<td>73</td>
<td>36.5</td>
</tr>
<tr>
<td>Finance and consumer matters</td>
<td>65</td>
<td>32.5</td>
</tr>
<tr>
<td>Wills, estates and advance directives</td>
<td>48</td>
<td>24</td>
</tr>
<tr>
<td>Insurance</td>
<td>47</td>
<td>23.5</td>
</tr>
<tr>
<td>Property rental</td>
<td>41</td>
<td>20.5</td>
</tr>
<tr>
<td>Family education</td>
<td>29</td>
<td>14.5</td>
</tr>
<tr>
<td>Transportation</td>
<td>21</td>
<td>10.5</td>
</tr>
<tr>
<td>Personal education</td>
<td>12</td>
<td>6.0</td>
</tr>
<tr>
<td>Home ownership</td>
<td>9</td>
<td>4.5</td>
</tr>
<tr>
<td>Veterans and military service</td>
<td>9</td>
<td>4.5</td>
</tr>
</tbody>
</table>
children for whom custody could be removed). In other words, there were several branching questions before the legal problem question was asked. However, the mean number of domains in which at least one legal problem was reported was 2.6 (SD = 1.3).

The proportion of the sample who reported at least one legal problem in each domain varies widely by domain. More than half the individuals studied reported at least one problem in the health care domain and/or the work domain. Close to half reported legal problems related to their family, civil liberties, and/or neighborhood/community concerns. Fewer individuals reported legal problems in the areas of education, transportation, home ownership, and military service. The low proportion of individuals with these types of legal problems is complicated by the low prevalence of participants who had pursued educational opportunities (51 of 200 participants) or owned homes (48 of 200 participants).

Nearly half the participants identified potential legal problems in five areas: health care, work, family, civil liberties, neighborhood, and community. In the area of health care, the primary problems that were identified were an inability to pay for medical services and lack of health insurance. In the work context, the most significant problem was the difficulty in obtaining or keeping a job. In the area of family, the most significant problems related to receiving child support payments and being a victim of physical, sexual, or emotional abuse. In the civil liberties domain, one-third of the participants reported that they were the victims of police harassment and illegal police tactics. Finally, in the area of neighborhood and community, more than a quarter of the respondents identified three problems in city services: dangerous holes in streets, abandoned lots or buildings, and uncollected garbage. Approximately one-third of the participants reported problems with government programs and benefits, personal and economic injury, and finance and consumer matters. The primary benefits problems were: being required to pay back money that had been received and having a benefit denied or unfairly cut. The primary problems in the area of personal and economic injury were being the victim or perpetrator of either physical or financial harm. Finally, the most significant problems in the financial and consumer area were problems with creditors and taxes. More detailed information about the questions asked and responses given is available upon request.

Participants also reported legal problems related to discrimination in employment and housing on the basis of current or past drug use, treatment history and criminal justice history. In the employment context, 9% of the participants reported being denied a job, 18% reported being fired, and 22% reported being disciplined for active drug use. Fourteen percent reported being denied a job based on a criminal record. In the housing context, an extremely small proportion of participants had experience with public or publicly assisted housing during the relevant timeframe (less than 0.5%). Of those individuals, however, two out of five were denied housing because of a criminal record, and one out of five was denied housing because of a treatment history. In the other domains in which participants were asked about discrimination—personal education, health care, and government benefits—8% or less reported discrimination based on drug use, treatment history, or criminal justice history.

Table 1 also shows the proportion of individuals with reported problems who sought legal help. Family issues, personal and economic injury issues, and veterans and military service problems yielded the highest proportion of individuals seeking legal help. Averaging across domains, one in five individuals sought legal help for an existing concern.

Participants revealed that the primary reasons for not seeking legal help for problems in the five top-ranked domains were either that they did not think the problem was a legal problem and/or they did not know who could help (data not shown in table). These two reasons were also identified by most participants for not seeking legal help in all other domains with the exception of finance/consumer problems, in which concern about cost was identified by most participants. In the five top-ranked domains, cost was identified by no more than 20% of participants, roughly half the number who identified lack of awareness of a problem or source of help. Participants did not identify “being afraid or intimidated” as a rational except in the areas of family, work and civil liberties problems, and, even in those areas, this rationale was identified with less frequency than lack of awareness of a legal problem or who could help. Participation in the study helped many individuals identify potential legal problems that they had not been aware of, and the interviewers frequently used the legal resource packets to identify existing legal resources for specific problems.

To the extent that legal help was sought to resolve a problem, participants most frequently identified assistance through their own investigation or a referral from friends. Seventeen percent of participants reported identifying help on their own for the legal problems ranked most troublesome, 13% did so for the problems ranked second most troublesome, and 9% did so for problems ranked third. Fifteen percent reported relying on a referral from a friend for the most troublesome problems, 8% did so for the second most troublesome problem, and 5% for the third. In very few instances did the treatment program or social workers serve as a referral source. Less than 4% of participants identified a treatment program or social worker as the source of their information for the most troublesome problem and 2% or less relied on this source for the second and third most troublesome problems.

Participants reported taking various actions to resolve the legal problems they ranked as most troublesome. For the legal problems that participants ranked as the most troublesome (civil liberties, family, personal and economic injury, work, and health care in order of frequency identified),
participants most frequently sought assistance from an attorney, complained to a government agency, and/or protested or refused to pay. For the legal problems that participants ranked as second most troublesome (family, work, health care, and neighborhood in order of frequency identified), participants most frequently complained to a government agency, protested or refused to pay, took other (undesignated) action, and/or sought legal assistance. For the legal problems that participants ranked as third most troublesome (family and work, and health care, government programs, and neighborhood), participants protested or refused to pay, took other (undesignated) action, and/or complained to a government agency.

4. Discussion

This pilot study identifies the broad categories of civil legal problems that persons in treatment in Baltimore experience, the degree to which participants identified a problem as being a “legal” problem, and the steps, if any, taken to access legal help.

The study, while limited in the number of subjects, suggests that a significant proportion of treatment clients in Baltimore have civil legal problems in the areas of health care, work, family, civil liberties, or neighborhood and community, and a smaller proportion have problems in the areas of government benefits, personal and economic injury, and finance and consumer matters. While treatment clients are aware that some problems constitute a potential legal problem that may be amenable to redress, specifically when family and personal or economic injury disputes arise, clients fail to identify a significant percentage of potential legal problems and lack information about who could assist in resolving a problem.

This study did not attempt to determine whether this population’s legal problems were associated with drug or alcohol problems or were a function of lower socioeconomic status. The lack of health insurance coverage and inability to pay for medical services among the nation’s poor, including those in need of alcohol and drug treatment, is well documented. However, few respondents identified a current drug problem or history of drug treatment as being a factor in their not receiving health care. Similarly, poor urban communities are deprived of resources and municipal services needed to improve neighborhood conditions. The failure to address abandoned lots and buildings and uncollected garbage does, however, exacerbate drug activity in urban communities, and legal interventions have been part of comprehensive strategies to address these problems in urban communities (Center for Substance Abuse Research, 2001).

The problems identified in work, family, and civil liberties contexts may be more directly related to the unique consequences of alcoholism and drug dependence. Difficulty in obtaining child support payments may be related to a parent’s drug dependence. Current drug use was identified as the source of work-related problems, including job rejection, disciplinary actions, and termination among 9% to 22% of the respondents, and having a criminal record was identified as the basis for job rejection among 14% of the respondents. If substantiated, self-reported civil liberties problems point to the need for improved policing policies in the attempt to address drug-related and violent crime.

The study revealed that a small percentage of those who identified a legal problem in any one of the five top-ranked domains sought legal assistance to address those problems. The single exception was in the area of family problems. Taking action in this area may be related to the desire and ability to address child custody and support issues once the recovery process has begun. Parental responsibilities are a strong motivating force for some to seek treatment and legal action is often necessary to address child custody and support issues (Larsen, 1997). Participants also sought legal services to resolve matters involving personal and economic injury. This is most likely explained by the perceived availability of legal help for legal problems that may generate monetary compensation.

4.1. Study strengths and limitations

This pilot study examines an issue that has not been addressed previously in the literature. It suggests that clients have a substantial need for information about civil legal problems and that they are not receiving this information from a number of sources, including treatment providers. It also highlights certain types of civil legal problems that treatment providers might want to explore with clients, to the extent they do not do so. Several important categories of legal problems dovetail with the clinical issues that treatment programs already focus on in the therapeutic process (e.g., the association between drug use and continuing struggles with life issues such as disrupted personal relationships, inability to gain employment, and instability in living arrangements). The legal dimension of those issues may be an important one to address to promote recovery and ensure successful outcomes. This information is also useful to practicing attorneys who are involved with drug abuse cases and policy-making stakeholders and organizations with an interest in establishing a law reform effort to establish standards that promote successful reintegration.

Several limitations of the study are noteworthy. First, the sample was chosen consecutively, rather than randomly drawn. Therefore, the sample could be over-representative of individuals with legal problems. In addition, the survey sought to gather data about a broad range of legal problems. It probed some domains more extensively than others and, therefore, may have failed to uncover important legal problems in some areas. In addition, a more targeted legal needs survey that examines the civil legal needs of particular populations, such as women, veterans, or persons with a criminal justice history, may reveal a more precise set of civil legal problems. The high level of civil liberties
problems reported may be a function of law enforcement strategies employed in an urban area in response to extremely high rates of violent and drug-related crime and, thus, not representative of other locations. These results, therefore, provide guidance on the range of civil legal problems that this urban population faces, but should be applied cautiously in other contexts.

In addition, the study did not include a sample of low-income individuals who were not enrolled in treatment or did not have a history of alcoholism or drug dependence. While some states have current data on the civil legal needs of low-income individuals, no comparable study has been done in Maryland since 1986. Future studies that employ a comparison sample would shed light on whether persons in treatment or with histories of alcoholism or drug dependence have either a greater prevalence of legal needs or unique problems that may be associated with their health condition. This information would be useful in determining whether existing resources are suited and sufficient to assist this population or whether additional services must be established to address the needs of this particular population.

Finally, the study did not investigate whether the participating treatment programs routinely discuss civil legal problems as part of the counseling process or provide referrals to appropriate legal and non-legal resources when such issues are raised by clients. The study suggests that clients lack awareness of the legal implications of various problems, but more must be known about the extent to which treatment programs help clients identify civil legal problems or provide appropriate referrals to identify how programs can better assist clients.

In addition to responding to the above limitations, future research should examine whether, and how, integrating legal services affects treatment outcome. Different models of legal service delivery and levels of legal assistance should also be explored to evaluate the most effective ways of integrating this service with treatment, if it proves beneficial.

From a clinical perspective, the study suggests some important steps that treatment programs can take to help clients identify civil legal problems. Programs can begin by providing education about legal issues that commonly confront persons in treatment and identifying existing legal and non-legal resources that are available on specific topics. Written materials, such as those provided in the legal resource packets, are available from non-profit organizations and local bar associations. Educational programs on a variety of topics may be arranged on a pro bono basis through local bar associations, law firms, and law schools. Individualized legal services can be provided through referrals to existing legal service programs and collaboration with organizations that provide pro bono legal services. An untapped resource may also exist among attorneys who are themselves in recovery and interested in assisting others in a variety of legal specialties. Finally, the trends in legal problems may point to the need to address specific problems through policy changes rather than individual representation.

Acknowledgments

This study was supported by funds from the Abell Foundation and in-kind assistance on survey development and data analysis from the Center for Substance Abuse Research at the University of Maryland, College Park. The authors thank Katherine Adams and Susan Bankowski for coordinating the development and implementation of the needs assessment study as well as the participating programs and their staff for permitting us to conduct the study at their sites, and the clients who consented to share their histories.

References


