Legal Confidence & Attitudes to Law

Developing Standardised Measures of Legal Capability

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This summary document sets out the results of a project to develop unidimensional standardised measures of legal confidence and attitudes to law. It also details the resulting measures and provides basic guidance to their use.

To date, no attempt has been made to develop such measures using modern psychometric methods. However, robust unidimensional measures are important to both theoretical development and to enable reliable estimation of differences/changes in levels of legal capability between groups/over time; at a time when legal capability is increasingly understood to play a role in legal problem resolution behaviour (e.g. Pleasence et al. 2015).

The emerging concept of legal capability "requires consideration of what capabilities are required for an individual to have an effective opportunity to make a decision about whether and how to make use of the justice system to try to resolve a problem" (Pleasence et al. 2014, p.123). Thus, conceptualisations have extended across a range of capabilities (e.g. Parle 2009, Collard et al. 2011, Pleasence et al. 2014); some generic across domains of activity, others not.

There are a broad range of disciplines, in which there is interest in measuring traits that cannot be directly observed; such as intelligence, self-esteem or anxiety. Across these disciplines, principles and methods of scale development have evolved. We have based our approach and methods on these principles (e.g. DeVellis 2011) and the latest developments in psychometric modelling (Hobart & Cano 2009, Christensen et al. 2013, Boone et al. 2014, Bond & Fox 2015).

We first reviewed the literature to set out a framework for understanding legal confidence and attitudes to law, and to provide firm foundation for the design of questions for potential use in confidence and attitude scales. As part of this, we derived a set of ten potential sub-domains of legal capability[1] and a set of three attitude domains and eight sub-domains.[2] It was not our intention to develop measures in relation to each sub-domain; but we wanted to ensure our measures recognised the many aspects of legal confidence and attitudes that have been suggested in the literature.

Two dedicated general population probability surveys were conducted to test approaches to measurement and refine scales. The three principal approaches to scale design we tested involved development of:

- a series of questions setting out separate and distinct (and brief) legal problem scenarios (a development of Gramatikov and Porter (2011));
- item pools (i.e. lists of questions from which scale questions could be drawn); and,
- sets of questions centred on the progression of (more involved) scenarios.

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[1] Capability to: recognise the legal dimension to a legal problem; research and understand rights and responsibilities; research and identify available and appropriate options for problem resolution; recognise when (expert) information, advice or assistance is required to solve a problem; identify and utilise legal services; navigate legal processes; plan and manage the problem resolution process; communicate confidently, clearly and effectively; manage emotions throughout the problem resolution process; persevere/follow through on a course of action to solve a problem.

[2] The domains were law, courts/tribunals and lawyers. The eight sub-domains were: fairness of outcome; neutrality of decision making; respect shown to participants/clients; opportunity to have say; motivation of actors; access/efficiency; sovereignty; manipulability.

In the case of legal attitudes, only the second approach was considered practicable for trialling at this time.

Two main forms of analysis were used to explore data from the two surveys: principal components analysis and Rasch analysis. Principal components analysis was used to explore the dimensionality of question sets. When unidimensional sets of questions were identified, Rasch analysis was then used to ascertain whether they could form the basis of effective measures. Rasch analysis was also used to develop protocols for scale scoring, when scales were deemed effective.

The findings from the two surveys demonstrated that it is possible to arrive at robust and coherent measures of legal confidence and attitudes to law through careful design of questions and application of the latest psychometric modelling techniques. A number of working scales were specified; a first in the legal domain.

In relation to measuring legal confidence, the approach of using a series of questions based on a range of discrete problems did not prove particularly successful; giving rise to a variety of concerns. While Gramatikov and Porter's (2011) lack of detail in defining problems (in their work on 'subjective legal empowerment') was a cause for concern, the definition of even simple scenarios in our approach involved substantially increased administration time; thus limiting the number of questions it was feasible to ask. Moreover, this approach was beset by differential item functioning. Consequently, we were not able to identify a set of questions that was appropriate for use as a scale.

The approach of developing a scale from an item pool proved more successful. Principal components analysis of the second survey's legal confidence item pool yielded five components for further analysis. The first component – which included all ten items of Schwarzer and Jerusalem's (1995) *Generalised Self-Efficacy Scale* – was labelled 'legal self-efficacy'. The second was labelled 'legal anxiety', the third 'legal awareness', the fourth 'process confidence' and the fifth 'legal limitation awareness'. Principal components and Rasch analysis suggested items within two components were suitable for scale development: legal self-efficacy and anxiety. The products of our analysis were a six-item Legal Self-Efficacy (LEF) scale and a four-item Legal Anxiety (LAX) scale. Both functioned adequately, although could likely be improved further through additional development using more narrowly focused item pools. Importantly, when implementing the LEF and LAX scales, wording, question order and response format should remain as detailed in the summary guidance set out below.

The approach of using questions that progress a scenario proved most successful and yielded the most robust scale. Principal components analysis confirmed that a progressing narrative-based series of general legal problem scenario items, tested through the second survey, were unidimensional; and while the initial Rasch model (including all twelve items) indicated misfitting items, this was a result of overfit/redundancy and local dependency rather than items failing to measure the same legal confidence trait. Producing items that were suitably different was the key challenge in developing the questions used for this approach, though the ability to produce questions with variable 'difficulty' was a key strength. Reducing the twelve items to a final set of six resulted in a scale with good overall fit, item fit, person fit, targeting and internal consistency. All items had ordered thresholds (respondents were able to differentiate between the four Likert descriptors), there was no local dependency, items were unidimensional

and there was no evidence of differential item functioning. Overall, the six-item General Legal Confidence (GLC) scale functioned very well and it will provide a good indication of general legal confidence into the future. Again, when implementing the GLC scale, wording, question order and response format should remain as detailed in the summary guidance below.

On the basis of the results from the other three scenario progression question sets tested in the first survey, we believe that this approach to scale development has the potential to readily yield scales relating to, for example, different legal problem types and forms of problem progression. For instance, a complexity focused rented housing question set constituted a reasonable scale even in its original form, and could be expected to be improved in a similar fashion to the GLC scale if developed in similar fashion. We have only refrained from proposing it as a working scale, as its use of a different response format might lead to confusion at a time when it is imperative that the concept of robust standardised measurement be supported and entrenched in the field.

Turning to attitudes to law, the approach of developing a scale from an item pool again proved successful. Principal components analysis of the attitude to law item pool yielded six components for further analysis. The first component was labelled 'trust in the legal system'. The second component was labelled 'access'. The third component was labelled 'equality'. The fourth component was labelled 'fairness'. The sixth label was labelled 'respect'. There were not enough coherent strongly loading items to label the fifth component. Principal components and Rasch analysis suggested that items within two components were suitable for scale development: access to justice and equality. The products of our analysis were a nine-item Inaccessibility of Justice (IOJ) scale and a six-item Perceived Inequality of Justice (PIJ) scale. Both functioned adequately, although again they could likely be improved further through additional development using more narrowly focused item pools. When implementing the IOJ and PIJ scales, wording, question order and response format should remain as detailed in the summary guidance below.

Details of the methodology utilised to develop the scales can be found in Balmer & Pleasence (forthcoming) and Pleasence & Balmer (2018).

Standardised Scales for Measurement of
Legal Confidence and Attitudes to Law

1. Legal Self-Efficacy (LEF) Scale

Design: The Legal Self-Efficacy (LEF) scale, comprises six questions and a four-point Likert scale response set. The scale is suitable for use as a general measure of legal self-efficacy. It contains five items from Schwarzer and Jerusalem's (1995) *Generalised Self-Efficacy Scale.*

In administering the LEF scale, the text, number of questions and response format should be presented as set out in the box below.

Thinking in general about significant legal problems – such as being unreasonably sacked by your employer, injured as a result of someone else's negligence, involved in a dispute over money as part of a divorce, or facing eviction from your home.

To what extent do the following statements describe you?

Q1   I can always manage to solve difficult problems if I try hard enough.
Q2   If someone opposes me, I can find the means and ways to get what I want.
Q3   It is easy for me to stick to my aims and accomplish my goals.
Q4   I can remain calm when facing difficulties because I can rely on my coping abilities.
Q5   When I am confronted with a problem, I can usually find several solutions.
Q6   I am good at finding information to help resolve problems.

Response categories: not at all true, hardly true, moderately true, exactly true.

Scoring: Responses should be scored to yield, first, a 'raw' score, then a Rasch converted 'LEF score'. To calculate the raw score, responses of 'exactly true' should be assigned a score of 3, 'moderately true' a score of 2, 'hardly true' a score of 1 and 'not at all true' a score of 0. Across the six items this will yield individual scores of between 0 and 18. These scores can be converted into LEF scores (ranging from 0 to 100) using the table below. A higher score indicates greater legal self-efficacy.

Scoring for the six-item 'Legal Self-Efficacy' (LEF) Scale

Raw score	Rasch converted 'legal self-efficacy' score	Raw score	Rasch converted 'legal self-efficacy' score
0	0.0	10	44.6
1	7.4	11	50.2
2	13.2	12	57.7
3	17.7	13	65.3
4	21.7	14	71.2
5	25.5	15	76.5
6	29.1	16	82.3
7	32.6	17	89.9
8	36.2	18	100.0
9	40.1		

2. Legal Anxiety (LAX) Scale

Design: The Legal Anxiety (LAX) scale, comprises four questions and a four-point Likert scale response set. The scale is suitable for use as a general measure of anxiety concerning legal dispute resolution.

In administering the LAX scale, the text, number of questions and response format should be presented as set out in the box below.

Legal Anxiety Scale (LAX)

Now, thinking in general about significant legal problems – such as being unreasonably sacked by your employer, injured as a result of someone else's negligence, involved in a dispute over money as part of a divorce, or facing eviction from your home.

To what extent do the following statements describe you?

Q1   I am afraid to speak to people directly to press my rights.
Q2   Worry that I don't express myself clearly can stop me from acting.
Q3   I avoid pressing my rights because I am not confident I will be successful.
Q4   I do not always get the best outcome for myself, because I try to avoid conflict.

Response categories: not at all true, hardly true, moderately true, exactly true.

Scoring: Responses should be scored to yield, first, a 'raw' score, then a Rasch converted 'LAX score'. To calculate the raw score, responses of 'exactly true' should be assigned a score of 3, 'moderately true' a score of 2, 'hardly true' a score of 1 and 'not true at al' a score of 0. Across the six items this will yield individual scores of between 0 and 12. These scores can be converted into LAX scores (ranging from 0 to 100) using the table below. A higher score indicates greater legal anxiety.

Scoring for the four-item 'Legal Anxiety' (LAX) Scale

Raw score	Rasch converted 'legal anxiety' score
0	0.0
1	11.1
2	19.8
3	26.7
4	32.8
5	38.9
6	45.2
7	52.2
8	60.3
9	69.1
10	78.1
11	88.4
12	100.0

3. General Legal Confidence (GLC) Scale

Design: The General Legal Confidence (GLC) scale, comprises six questions and a four-point Likert scale response set. The scale is suitable for use as a general measure of legal confidence.

In administering the GLC scale, the text, number of questions and response format should be presented as set out in the box below.

General Legal Confidence (GLC) Scale

> If you found yourself facing a significant legal dispute – such as being unreasonably sacked by your employer, injured as a result of someone else's negligence, involved in a dispute over money as part of a divorce, or facing eviction from your home – how confident are you that you could achieve an outcome that is fair and you would be happy with in the following situations?
>
> 1. Disagreement is substantial and tensions are running high.
> 2. The other side says they 'will not rest until justice is done'.
> 3. The other side refuses to speak to you except through their solicitor.
> 4. A notice from court says you must complete certain forms, including setting out your case.
> 5. The problem goes to court, a barrister represents the other side, and you are on your own.
> 6. The court makes a judgement against you, which you see as unfair. You are told you have a right to appeal.
>
> Response categories: very confident; quite confident; not very confident; not confident at all.

Scoring: Responses should be scored to yield, first, a 'raw' score, then a Rasch converted 'GLC score'. To calculate the raw score, responses of 'very confident' should be assigned a score of 3, 'quite confident' a score of 2, 'not very confident' a score of 1 and 'not confident at all' a score of 0. Across the six items this will yield individual scores of between 0 and 18. These scores can be converted into GLC scores (ranging from 0 to 100) using the table below. A higher score indicates greater legal confidence.

Scoring for the six-item 'General Legal Confidence' (GLC) Scale

Raw score	Rasch converted 'general legal confidence' score	Raw score	Rasch converted 'general legal confidence' score
0	0.0	10	56.5
1	9.4	11	61.9
2	17.0	12	67.2
3	23.3	13	72.1
4	28.9	14	76.7
5	34.3	15	81.2
6	38.4	16	86.1
7	42.7	17	92.3
8	47.0	18	100.0
9	51.5		

4. Inaccessibility of Justice (IOJ) Scale

Design: The Inaccessibility of Justice (IOJ) scale, comprises nine questions and a four-point Likert scale response set. The scale is suitable for use as a general measure of perceived ease of access to justice.

In administering the IOJ scale, the text, number of questions and response format should be presented as set out in the box below.

Now, some questions about your general impression and experience of the justice system.

We are not concerned with the 'criminal' justice system. We are concerned with the justice system that deals with issues such as being unreasonably sacked by your employer, injured as a result of someone else's negligence, involved in a dispute over money as part of a divorce, or facing eviction from your home.

Thinking about issues like this, to what extent **do you agree or disagree with the following statements**.

Q1   Issues like these are usually resolved promptly and efficiently.
Q2   People with less money generally get a worse outcome.
Q3   For issues like these, law is like a game in which the skilful and resourceful are more likely to get what they want.
Q4   It is easy to take issues like these to court if needed.
Q5   For issues like these, lawyers are too expensive for most people to use.
Q6   The justice system provides good value for money.
Q7   For issues like these, people like me can afford help from a lawyer.
Q8   Rich people's lawyers are no better than poor people's lawyers.
Q9   Taking a case to court is generally more trouble than it is worth.

Response categories: strongly agree; mainly agree; mainly disagree; strongly disagree.

Scoring: Responses should be scored to yield, first, a 'raw' score, then a Rasch converted 'IOJ score'. To calculate the raw score, for items 1, 4, 6, 7 and 8, strongly agree should be assigned a score of '0', mainly agree '1', mainly disagree '2' and strongly disagree '3'. For items 2, 3 and 9 strongly agree should be assigned a score of '3', mainly agree '2', mainly disagree '1' and strongly disagree '0'. For item 5, strongly agree should be assigned a score of '2', mainly agree '1', mainly disagree '0' and strongly disagree also '0'. Across the nine items this will yield individual scores of between 0 and 26. These scores can be converted into IOJ scores (ranging from 0 to 100) using the table below. Higher scores are associated with greater perceived inaccessibility of justice.

Scoring for the nine-item 'Inaccessibility of Justice (IOJ) Scale

Raw score	Rasch converted 'IOJ' score
0	0.0
1	9.3
2	16.2
3	21.2
4	25.2
5	28.7
6	31.8
7	34.6
8	37.3
9	39.9
10	42.4
11	44.8
12	47.3
13	49.7
14	52.2
15	54.6
16	57.2
17	59.9
18	62.6
19	65.5
20	68.6
21	71.8
22	75.4
23	79.5
24	84.3
25	91.0
26	100.0

5. Perceived Inequality of Justice (PIJ) Scale

Design: The Perceived Inequality of Justice (PIJ) scale, comprises six questions and a four-point Likert scale response set. The scale is suitable for use as a general measure of perceived equality of justice process and outcomes. In administering the PIJ scale, the text, number of questions and response format should be presented as set out in the box below.

Perceived Inequality of Justice (PIJ) Scale

Now, some questions about your general impression and experience of the justice system.

We are not concerned with the 'criminal' justice system. We are concerned with the justice system that deals with issues such as being unreasonably sacked by your employer, injured as a result of someone else's negligence, involved in a dispute over money as part of a divorce, or facing eviction from your home.

Thinking about issues like this, to what extent **do you agree or disagree with the following statements**.

Q1   People with less money generally get a worse outcome
Q2   For issues like these, law is like a game in which the skilful and resourceful are more likely to get what they want
Q3   The law always treat both parties fairly, whatever their background, gender, ethnicity or faith.
Q4   Judges have their own agendas separate from the law
Q5   The decisions and actions of courts are influenced by pressure from the press and politicians
Q6   Courts and tribunals always treat both parties fairly, whatever their background, gender, ethnicity or faith

Response categories: strongly agree; mainly agree; mainly disagree; strongly disagree.

Scoring: Responses should be scored to yield, first, a 'raw' score, then a Rasch converted 'PIJ score'. To calculate the raw score, for questions 1,2,4 and 5 responses of 'strongly agree' should be assigned a score of 3, 'mainly agree' a score of 2, 'mainly disagree' a score of 1 and 'strongly disagree' a score of 0. For questions 3 and 6 should be reverse scored with responses of 'strongly disagree' should be assigned a score of 3, 'mainly disagree' a score of 2, 'mainly agree' a score of 1 and 'strongly agree' a score of 0. Across the six items this will yield individual scores of between 0 and 18. These scores can be converted into PIJ scores (ranging from 0 to 100) using the table below. Higher scores are associated with greater perceived inequality of justice.

Table 4.7. Scoring for the six-item 'Perceived Inequality of Justice' (PIJ) Scale

Raw score	Rasch converted 'PIJ' score
0	0.0
1	9.9
2	17.5
3	23.2
4	28.2
5	32.8
6	37.4
7	42.0
8	46.6
9	51.3
10	55.7
11	60.0
12	64.2
13	68.4
14	72.8
15	77.5
16	83.0
17	90.3
18	100.0

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