



Article

One Size Fits All? Improving Access to Justice for Small Claims: An Empirical Study of Taiwan

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ABSTRACT

By means of the 2019 Taiwan Legal Culture and Social Change Survey (“the 2019 survey”), this research examined the reasons that discourage Taiwanese citizens from making small claims in general, and what might motivate them to change their minds and to pursue justice. The study identified the obstacles to seeking small dispute resolution, whether people’s attitudes can be changed, and if so, under what conditions. The results show that socioeconomically disadvantaged people are more vulnerable to stress and lack of knowledge issues. Also, an aggregation possibility to claim together does effectively change their attitudes from not making any claims to joining group claims. However, people who are weaker psychologically may need more assistance in solving their doubts and ensuring their personal interests. On the other hand, those who lack knowledge are willing to make claims not only for their own benefit but also to seek retribution against the wrongdoer. This study demonstrates that overall, dealing with small claims requires another way of thinking. If addressing concerns diversely is not practical, nudging

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all the claimants to join group claims as a default rule unless they opt out is an alternative solution.

Keywords: *Empirical Legal Studies, Law and Society, Civil Dispute Resolution, Class Actions, Opt-out Mechanism*



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I. INTRODUCTION

Access to justice has long been a research interest of law scholars and practitioners. This topic is especially critical for small claims as such claims are not economically rational to pursue due to the costs and the time required to resolve such disputes. In the absence of efficient or favorable access to dispute resolution, wrongdoers can exploit the general public for gains without concerns about being held accountable. Undoubtedly, this is detrimental to society as a whole in the long term. Hence, from a law enforcement perspective, numerous legal jurisdictions have made efforts to establish simpler procedures for disputes with lower stakes, or have formulated distinct forms of collective or group procedures aimed at streamlining the pursuit of claims that would be economically impractical to litigate individually.

However, even though most jurisdictions have offered certain types of aggregation devices, many of them are still under-utilized, which leaves most small claims unresolved. Conversely, some countries have adopted an opt-out design which makes the whole process less troublesome for the entitled, but which also incurs problems such as collusion between the representative attorney and the defendants. Various problems still encumber the legal system and jeopardize civil justice ideology.

There has been fruitful literature discussing procedural preferences for dispute resolution. Nonetheless, the concerns for small claims are different¹, and there has not been adequate research, particularly from a user-based perspective, exploring the factors that influence people's willingness to resolve small claims. Especially, whether different types of individuals, especially those who are socioeconomically disadvantaged, can obtain effective assistance in realizing their legal rights pertaining to their daily lives has not been examined. While common sense suggests that monetary costs are the major obstacles to socioeconomically disadvantaged groups in seeking rights, such intuition may require more sophisticated empirical testing and elaboration in order to implement effective legal aid and legal empowerment policies. This study investigated whether there are other factors beyond mere monetary influence. If the obstacles of monetary costs have already been removed, but people still do not want to pursue their rights, then fee-based support is not the simple solution to improving equal access to justice. Also, while the realization of small rights on a large scale would depend on an effective aggregation device, knowing which aggregation design could achieve better access to justice is also critical. It

1. Jessica K. Steinberg, *Adversary Breakdown and Judicial Role Confusion in "Small Case" Civil Justice*, 2016 BYU L. REV. 899, 899 (2016).



seems that there is more to be done in order to put such ideology into practice.

By means of the 2019 Taiwan Legal Culture and Social Change Survey (“the 2019 survey”),² this research took advantage of examining the reasons that discourage Taiwanese citizens from making small claims in general, and what might motivate them to change their minds and reach out to pursue justice. The major goals of this research were to identify the factors involved in seeking small dispute resolution, whether people’s attitudes can be changed, and under what conditions. This paper is divided into four sections: The first section introduces the research framework based on literature reviews of the theoretical debates on access to justice, small claims and aggregation devices. The second section delineates the arrangement of the survey inquiries in this study. The third segment presents the research findings, and the final part offers analyses and policy implications. Through the insights garnered from the research outcomes, it is aspired that this study will enrich the understanding of Taiwanese individuals’ perspectives on small claims resolution, along with their significance in procedural law. This, in turn, could facilitate prospective reforms that align more effectively with the populace’s requirements, as well as providing guidance for the reformation and improvement of legal aid and the design of small claims devices.

II. RESEARCH FRAMEWORK

A. *Access to Justice*

While access to justice is a wide-ranging research interest, one avenue of study is attempting to explore how people respond to legal problems, especially identifying obstacles that people encounter when dealing with a legal dispute.³ While there is not an all-embracing, systematic way to assess

2. The 2019 Taiwan Legal Culture and Social Change Survey, which is part of the fifth phase of the Taiwan Legal Empirical Research Database Construction Project, is a research project funded by the Ministry of Science and Technology of the Executive Yuan. The fifth phase of the project was jointly conducted by the College of Law at National Taiwan University, the Department of Finance and Law at Chung Yuan Christian University, and the Institute of Sociology at Academia Sinica. The project team invited outside experts of different fields of study to design the survey questionnaire. The raw data of the surveys of each phase of the project are open and free of charge, and can be accessed through: <https://doi.org/10.6141/TW-SRDA-C00386-1>.

3. See generally HAZEL GENN & SARAH BEINART, *PATHS TO JUSTICE: WHAT PEOPLE DO AND THINK ABOUT GOING TO LAW?* (1999); PASCOE PLEASANCE ET AL., *CAUSES OF ACTION: CIVIL LAW AND SOCIAL JUSTICE* (2006); Ab Currie, *A National Survey of the Civil Justice Problems of Low and Moderate Income Canadians: Incident and Patterns*, 13 INT’L J. LEGAL PROF. 217 (2005); Lin Chang-Ching (林常青), Chen Kong-Pin (陳恭平), Huang Kuo-Chang (黃國昌) & Lai Hung-Pin (賴宏彬), *Taiwan Renmin Chang Jian de Fa Lyu Fenjheng Leising: Chengsiang Chayi Renkou ji Shejing Tesing* (臺灣人民常見的法律紛爭類型：城鄉差異、人口及社經特性) [*The Justiciable Problems*



the immense range of people's experience,⁴ segmenting costs based on their types remains the most practical method, as it has greater potential for elucidating the factors individuals encounter in varying scenarios. Furthermore, this approach is more likely to facilitate comprehension of user experiences concerning access to justice and the obstacles they encounter.⁵ Generally, the types of costs can be roughly divided into tangible and intangible costs. While tangible costs include out-of-pocket expenses and time spent, intangible costs mostly refer to emotional costs such as stress or fear,⁶ of which the influence is comparatively uncertain and has not been adequately studied. In addition, other concerns such as lack of knowledge and privacy issues are critical considerations in the discussions of legal empowerment in order to improve access to justice.⁷ As the tangible costs are apparent obstacles that have been intuitively considered as what prevents people from using dispute resolution mechanisms, most jurisdictions have endeavored to provide monetary subsidies accordingly when devising procedures. On the other hand, how the other intangible concerns may factor into the consideration of seeking vindication of rights requires further investigation.

Furthermore, in addition to costs, preferences for different types of mechanisms or agencies in dispute resolution may differ among jurisdictions under distinct legal traditions⁸ and cultures.⁹ Studies have shown that Chinese subjects prefer mediation and bargaining because they perceive such procedures as being much more capable of animosity reduction from a psychological perspective.¹⁰ Also, in terms of the formal adversarial model of disputes resolution, studies have pointed out that people in jurisdictions with civil law traditions prefer inquisitorial procedures.¹¹ The adversarial procedure design may only be recognized more in common law

of Everyday Life: Urbanization, Demographic and Social Economic Characteristics], 58 TAIWAN SHEHUI XUEKAN (台灣社會學刊) [TAIWANESE J. OF SOCIOLOGY] 157 (2015).

4. See generally Maggi Carfield, *Enhancing Poor People's Capabilities through the Rule of Law: Creating an Access to Justice Index*, 83 WASH. U. L.Q. 339 (2005).

5. Maurits J. Barendrecht et al., *How to Measure the Price and Quality of Access to Justice?*, SSRN, 4-5, 7, 13-14 (2006), <https://ssrn.com/abstract=949209>.

6. *Id.*

7. Teresa Marchiori, *A Framework for Measuring Access to Justice: Including Specific Challenges Facing Women*, 6, 121, 132 (UN Woman, Oct., 2015), <https://tm.coe.int/1680593e83>; Laura Goodwin & Vivek Maru, *What Do We Know about Legal Empowerment? Mapping the Evidence*, 9 HAGUE J. RULE L. 157, 175 (2017).

8. Jing-Huey Shao, *Class Action Mechanisms in Chinese and Taiwanese Contexts-A Mixture of Private and Public Law*, 28 EMORY INT'L L. REV. 237, 279 (2014).

9. Kwok Leung, *Some Determinants of Reactions to Procedural Models for Conflict Resolution: A Cross-National Study*, 53 J. PERSONALITY AND SOC. PSYCHOL. 898, 898 (1987).

10. *Id.* at 906.

11. Roger W. Benjamin, *Images of Conflict Resolution and Social Control: American and Japanese Attitudes to the Adversary System*, 19 J. CONFLICT RESOL. 123, 124-26 (1975).



jurisdictions.¹² This implies that something other than substantive merits matters in procedure preference for different cultures.

B. *Small Claims*

Small claims are another story in terms of access to justice. The early attention to small claims arose from the fear that the inability of the “poor” to obtain justice may turn those people into “incipient anarchists” who would threaten the social and judicial systems.¹³ By “poor,” the scholars meant “plain, honest men” such as wage-earners or housekeepers, rather than being limited to the indigent.¹⁴ This idea may refer to the majority of people who find it hard to endure the extravagance of litigation.¹⁵ Small claims usually arise out of consumer transactions.¹⁶ If we see civil lawsuits as the tip of the iceberg, the mass range of small disputes can be analogized as other gigantic parts of the ice that lie beneath the ocean’s surface. Due to the unique characteristics of small claims, which primarily involve minimal amounts, the concerns regarding their resolution also differ.¹⁷ Firstly, formal procedures are less frequent or take place at a later stage.¹⁸ Second, the need for a strict adversarial procedure is lessened. In small claims resolution design, there are usually simplified pleadings, reduced court costs, empowerment of the court to flexibly take into consideration other factors (such as the defendant’s economic circumstances), and the pursuit of a prompt decision.¹⁹ Hence, aside from the substantive criteria and formalities that influence conventional dispute resolution mechanisms, intangible factors may play a more vital role in small dispute resolution compared to typical cases. While there have been studies in psychology on the socioeconomic influences on procedural preferences, as previously mentioned, studies on how these factors may work differently in terms of small claims remain scant. That is, when something other than merits may matter in procedure preference in non-Western cultures, small claims may enhance or reduce such influence.²⁰

12. *Id.*

13. Barbara Yngvesson & Patricia Hennessey, *Small Claims, Complex Disputes: A Review of the Small Claims Literature*, 9 LAW & SOC’Y REV. 219, 221 (1975).

14. *Id.*

15. Yngvesson & Hennessey, *supra* note 13, at 222.

16. Yngvesson & Hennessey, *supra* note 13, at 220.

17. Steinberg, *supra* note 1, at 956.

18. Steinberg, *supra* note 1, at 912-14.

19. Yngvesson & Hennessey, *supra* note 13, at 223-24.

20. Kwok Leung & E. Allan Lind, *Procedural Justice and Culture: Effects of Culture, Gender, and Investigator Status on Procedural Preferences*, 50 J. OF PERSONALITY & SOC. PSYCHO. 1134, 1134 (1986).



C. *Aggregation Devices*

An aggregation device is another mechanism that usually comes along with small claims in order to eliminate the costs incurred through economies of scale in procedures. Many jurisdictions have devised either opt-in or opt-out class action procedures when small claims are on a large scale. The opt-in approach necessitates participants to take deliberate steps to join the lawsuit and identify suitable representatives. Conversely, the opt-out method does not demand any actions from eligible claimants. Following court certification, all eligible claimants can be automatically included in the lawsuit, except for those who decide to exclude themselves. It is generally observed that opt-in devices are much less utilized compared to opt-out devices.²¹ Taiwan provides a typical example of the opt-in design practice where class action mechanisms have been introduced for decades but very few private actions have been initiated.²² In fact, the paucity of class actions in Taiwan is not unique among jurisdictions adopting similar mechanisms with opt-in types of join rules for class disputes.²³

On the other hand, the United States stands as a prominent illustration of a country that has extensively utilized the opt-out approach to its maximum capacity. Although this mechanism is not perfect for situations where attorneys prioritize their own interests over those of the client by colluding with defendants to reach a settlement that is unfavorable to the class members,²⁴ opt-out designs generally have a larger claim size and higher utilization rates. This disparity which exists between opt-in and opt-out designs may not solely contribute to the costs incurred during the process. More studies are needed to explore whether there are other intangible factors dissuading people from joining the process of claim aggregation.

Another feature of aggregation devices is who or which institution can best represent mass claimants. Specifically, since small class disputes often encompass the interests of numerous claimants or the broader public, legal representation becomes essential for groups to engage in any process from a logical economic standpoint. Academics have categorized standings or representations of class actions in most legal jurisdictions globally into the following three distinct types: (1) private actors, (2) public officials, and (3)

21. Rachael Mulheron, *The United Kingdom's New Opt-Out Class Action*, 37 OXFORD J. LEGAL STUD. 814, 814 (2017).

22. Shao, *supra* note 8, at 274.

23. Rachael Mulheron, *Reform of Collective Redress in England and Wales: A Perspective of Need 48* (Civil Justice Council of England and Wales, 2008), <https://www.judiciary.uk/wp-content/uploads/JCO/Documents/CJC/Publications/Other%2Bpapers/reform-of-collective-redress.pdf>.

24. John Bronsteen, *Class Action Settlements: An Opt-in Proposal*, 2005 U. ILL. L. REV. 903, 904-05 (2005).



licensed associations.²⁵ In jurisdictions where there are incentives for lawyers, class actions are driven by them. On the other hand, where contingency fee arrangements are prohibited and there is no incentive for lawyers to handle class actions, public or non-profit organizations become the choices for representation of numerous claimants in resolving mass disputes.²⁶ According to a previous study, such distinct outcomes result from cultural and legal tradition influences.²⁷ In jurisdictions influenced by Chinese culture, such as Taiwan, which underwent the transplantation of a Western-style judicial system during Japanese colonization in the 18th century, people might predominantly continue to depend on public officials or government-sanctioned entities to resolve their issues, particularly in cases involving collective groups and matters of public interest.²⁸ Hence, in jurisdictions of this nature, public officials or government-sanctioned institutions tend to be favored choices for representation over lawyers.²⁹ However, because the previous finding is based on experiments rather than public surveys, more evidence is required to support such a claim with better externality.

In order to understand how different types of costs and factors affect Taiwanese people's attitudes toward small claim resolution, the said considerations were incorporated into the scenarios in the 2019 survey. With the aim of investigating how these factors function among different groups of people, this study wishes to provide evidence for designing more effective mechanisms of small claim procedures, especially for those disadvantaged claimants. As behavior economics have demonstrated the power of nudging people's preferences,³⁰ the study endeavors to suggest possible ways for policy makers to accommodate people's inclinations, which may more effectively boost the vindication of rights, and truly address people's needs to access justice.

III. THE STRUCTURE OF THE SURVEY

The purpose of the 2019 survey was to investigate Taiwanese attitudes towards and experience of the law and legal systems. The survey questions

25. Deborah Hensler, *The Future of Mass Litigation: Global Class Actions and Third-Party Litigation Funding*, 79 GEO. WASH. L. REV. 306, 307 (2011).

26. Jian-Lin Chen & Wallace Wen-Yeu Wang, *Reforming China's Securities Civil Actions: Lessons from U.S. PSLRA Reform and Taiwan's Government-Sanctioned Non-Profit*, 21 COLUM. J. ASIAN L. 115, 135 (2008).

27. Jing-Huey Shao, *Resolving Small Claims on a Large Scale: A Procedural Preferences Study*, 21 J.L. & SOC. DEVIANCE 144, 187 (2021).

28. Shao, *supra* note 8, at 275.

29. Shao, *supra* note 27, at 180-81.

30. See generally CASS R. SUNSTEIN, *WHY NUDGE? THE POLITICS OF LIBERTARIAN PATERNALISM* (2014).



cover the survey takers' demographics and their attitudes towards and experience of the legal system and its constituents, as well as some laws and legal principles. There are five questions in the survey that directly inquire about participants' attitudes toward small dispute resolution, as well as 11 questions related to participants' attitudes toward the law and the legal system generally. Through a scenario of a consumer dispute that assumes the participants did not receive a satisfactory response from a business, a set of questions explores the interviewees' attitudes towards the following: How much they would or would not claim for losses, the reasons they would not intend to claim, whether they would change their minds if there were multiple similarly-situated consumers intending to claim, and the reasons for such change, as well as their preference for representation. To elaborate, Question E1 is about the monetary threshold that the interviewee is likely to complain or to take actions about. Question E1-1 continues to inquire about the interviewee's main reasons for being discouraged from claiming for damages under the aforementioned threshold. Question E1-2 then further hypothesizes if there were many people who had encountered the same situation and they had prepared to claim against the business, would the interviewee join them, claim on his/her own, or still decline to claim. Question E2 then continues to explore the reasons for the interviewee opting to make a claim under aggregation possibilities. Lastly, Question E3 is with regard to which representation is preferable to those interviewees who choose to claim. We include two sets of additional independent variables for the analysis for most of the aforementioned questions (responses). The first set of independent variables considered respondents' personal characteristics, including gender, education, and so on. The second set of independent variables is related to respondents' attitude toward the legal system, such as satisfaction with the courts and belief in receiving a fair outcome in litigation. Through the responses to the aforementioned questions, it is hoped that more information and knowledge of what dissuades people from accessing justice for small claims can be obtained and analyzed. Possible resolution to the corresponding obstacle can hence be devised. The structure of the design is illustrated in Figure 1.

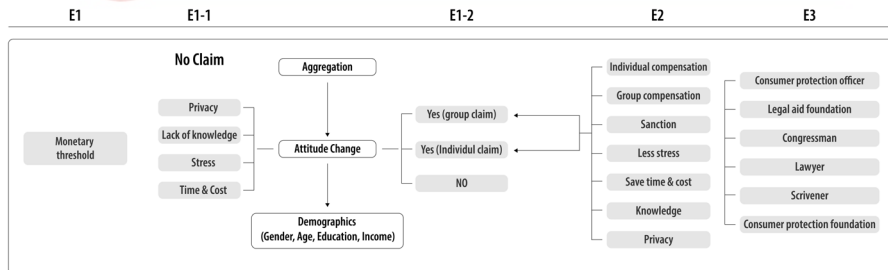


Figure 1: Structure of the Research

IV. RESULTS

With the completion of 2,052 face-to-face interviews for the whole survey, after deducting skipped and unknown answers, there were 1,744 responses to Question E1, 1,518 responses to Questions E1-1 and E1-2, 1,057 responses to Question E2, and 1,064 to Question E3. The demographics of the survey samples are substantially analogous to the population structure of Taiwan after iterative raking and post-stratification methods, including the proportions of gender, age, education level, and income, which is shown in Annex I.

A. *The Reasons for not Making a Claim (E1-1)*

While the response to Question E1 indicates that most people would only claim for damage if the dispute amount was over New Taiwan Dollar (NTD) 10,000, the major reasons for not making a claim below this amount are exhibited in Figure 2, in which the costs and time, and stress (emotional costs) are the most chosen options, while the lack of knowledge and privacy issues are comparatively less of a concern. Especially, after taking into consideration the influence of demographics, from Figures 3 (A) to (E), it is shown that females, older people, and people with lower education and income are more troubled with mental stress than males, younger people, and people with higher education and income. Also, people who consider themselves as having lower social status are more concerned about their lack of knowledge. Conversely, for people with higher education levels and income, the cost of time and money is what they care more about.

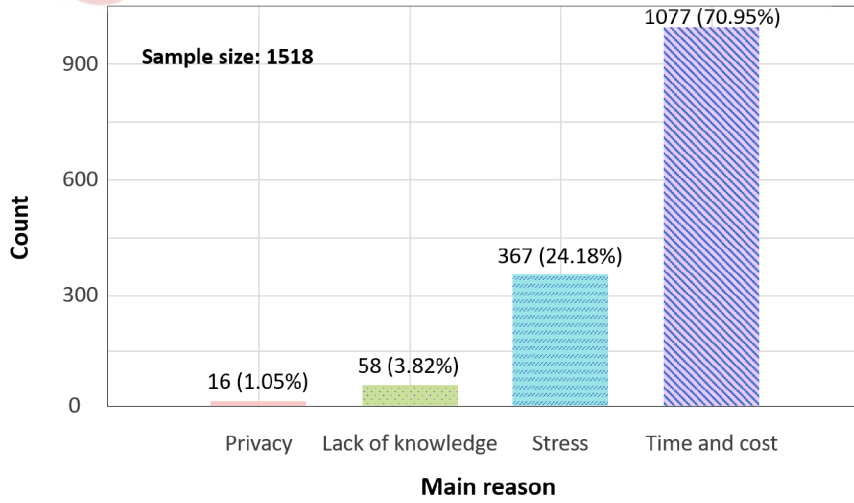
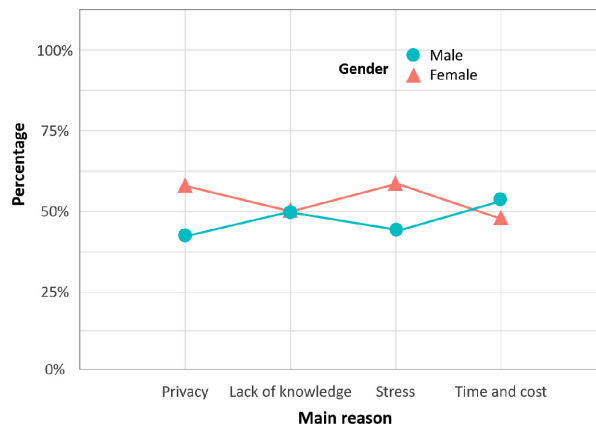
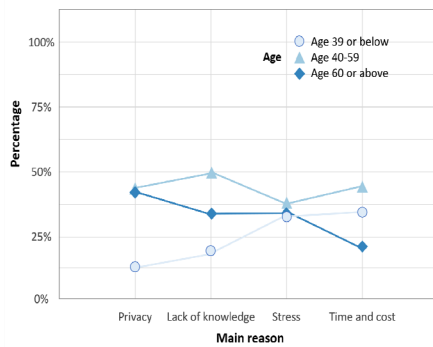


Figure 2: Reasons for Not Making a Claim

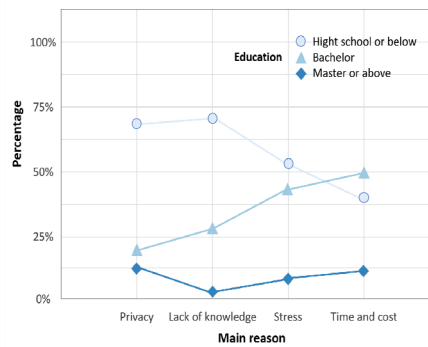
(A)



(B)



(C)



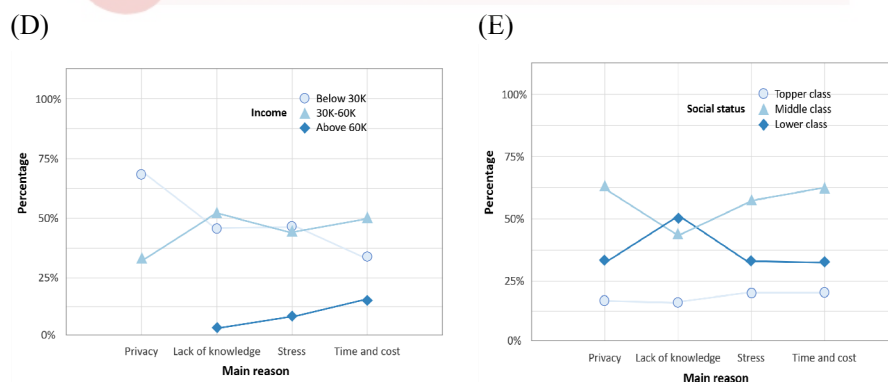


Figure 3: (A) Gender Differences. (B) Age Differences. (C) Education Differences. (D) Income Differences. (E) Social Status Differences.

In order to test the result of the main reasons for not making a claim (E1-1) shown in the above figures, the Chi-square test and the stepwise method are utilized to determine other variables in the 2019 survey to be included in the statistical analysis after cross-comparison. The first set of selected independent variables related to personal characteristics are education (M3, $\beta = -3.29$; $X^2 = 34.44$, $p = 0.001$), income (M14, $\beta = 0.15$; $X^2 = 33.88$, $p = 0.013$) and subjective social status (M6, $\beta = 0.37$; $X^2 = 14.60$, $p = 0.001$). The other set of selected independent variables involving attitudes toward legal systems are satisfaction with the courts (C1, $\beta = 0.13$; $X^2 = 18.91$, $p = 0.091$), whether lawyers protect clients' interests or not (C3, $\beta = 0.23$; $X^2 = 31.00$, $p = 0.002$) and confidence in receiving a fair outcome in litigation (F1-4, $\beta = 0.16$; $X^2 = 18.76$, $p = 0.094$).³¹ Among the selected variables, the VIFs (variance inflation factor) were all below 4.00, and the value of the tolerance ranged between 0 and 1 in the collinearity test. Besides the aforementioned variables, gender and age were added into the model, since a survey would generally explore the relationship of these two fundamental variables with the intended dependent variables. For the sake of comparison purposes, the same selected variables were incorporated into the analyses for other responses.

Our team followed the analytical methodology developed in Genn's Paths to Justice study and adopted in Lin *et al*'s study. The multinomial regression model for reasons not to make a claim in Table 1 indicates that, compared to time and cost, interviewees with lower income are more concerned about privacy and stress (Privacy: *RRR* (*relevant risk-ratio*) =

31. For the wording of the questions relating to attitudes toward the legal system, please refer to Annex II.



0.25, 95% CI [0.07, 0.94]; Stress: $RRR = 0.59$, 95% CI [0.36, 0.98]). Compared to time and cost, interviewees with lower education were more concerned about lack of knowledge and stress (Lack of knowledge: $RRR = 0.41$, 95% CI [0.22, 0.77]; Stress: $RRR = 0.75$, 95% CI [0.57, 0.98]). Lastly, compared to time and cost, older interviewees of 60 or above were more worried about stress (Stress: $RRR = 1.52$, 95% CI [1.10, 2.14]), whereas those who considered themselves as having lower social status were more encumbered with lack of knowledge (Upper class: $RRR = 0.19$, 95% CI [0.45, 0.81], Middle class: $RRR = 0.44$, 95% CI [0.25, 0.75]). Such results correspond to the trends observed in the line charts shown in Figures 3 (A) to (E).

In addition, in terms of how people's attitudes toward the legal system may influence their decision to not make a claim, the findings show that those groups with comparatively positive attitudes toward the legal system were those of lower income (Receive fair outcome in litigation: $F: 8.27$, $p = .00$) and lower subjective social status (Satisfied with court: $F: 15.97$, $p = .00$; Lawyers protect the interests of clients: $F = 5.49$, $p = .01$; Receive fair outcome in litigation: $F: 5.47$, $p = .02$), as shown in Table 2. Nonetheless, even though they have positive attitudes toward the legal system, they behaviorally hesitate to utilize the system. Moreover, such hesitation does not only come from time and cost concerns, but also from privacy and lack of knowledge issues. Particularly, interviewees who believe they would receive a fair outcome in litigations were more concerned about privacy, compared to time and cost (Receive a fair outcome in litigation: $RRR = 1.52$ [1.14, 1.90]). On the other hand, people who think lawyers do protect clients' interests worried more about lack of knowledge, compared to time and cost (Lawyers protect clients' interests: $RRR = 2.17$, 95% CI [1.13, 4.15]).

Table 1: Multinomial Regression Model for Reasons Not to Make a Claim

Response <i>Variable</i>	Time and cost as reference					
	Privacy		Lack of knowledge		Stress	
	RRR [%95CI]	Est. (Ste)	RRR [%95CI]	Est. (Ste)	RRR [%95CI]	Est. (Ste)
Gender (Female = 1)	1.62 [0.48, 5.43]	0.83(0.54)	1.01 [0.52, 1.96]	0.39(0.27)	0.77 [0.57, 1.03]	-0.15(0.12)
Age (39 or below = 1)						
<i>Age 40-59</i>	3.13 [0.61, >10]	1.10(1.16)	1.75 [0.84, 3.65]	0.29(0.45)	0.95 [0.70, 1.03]	-0.18(0.19)
<i>Age 60 or above</i>	4.20 [0.80, >10]	1.57(1.12)	1.87 [0.84, 4.18]	0.48(0.45)	1.52 [1.10, 2.14]*	0.96(0.20)
Education (High school or below = 1)						
<i>Bachelor</i>	0.42 [0.11, 1.60]	-0.62(0.81)	0.41 [0.22, 0.77]*	-0.25(0.51)	0.75 [0.57, 0.98]*	-0.51(0.22)
<i>Master or above</i>	2.58 [0.50, >10]	0.37(0.81)	0.16 [0.02, 1.26]	-0.05(0.50)	0.60 [0.36, 1.00]	-0.12(0.22)
Income (30K or below = 1)						
<i>30-60K</i>	0.25 [0.07, 0.94]*	-0.67(0.92)	0.94 [0.47, 1.86]	-0.68(0.52)	0.87 [0.64, 1.19]	-0.42(0.26)
<i>60K or above</i>	≈ 0 [≈ 0, >10]	-1.07(1.16)	0.16 [0.02, 1.19]	-0.38(0.60)	0.59 [0.36, 0.98]*	-0.23(0.31)
Subjective social status (Lower = 1)						
<i>Upper class</i>	0.57 [0.07, 4.94]	-0.25(0.47)	0.19 [0.45, 0.81]*	-0.04(0.53)	0.94 [0.62, 1.44]	-0.45(0.21)
<i>Middle class</i>	1.03 [0.34, 2.96]	0.37(0.51)	0.44 [0.25, 0.75]*	-0.26(0.31)	0.88 [0.67, 1.14]	-0.12(0.14)
Satisfied with courts (Unsatisfied = 1)	0.84 [0.28, 2.52]	-0.52(0.57)	0.78 [0.43, 1.43]	-0.28(1.20)	0.99 [0.77, 1.28]	-0.99(0.51)
Lawyers protect clients' interest (Do not = 1)	0.98[0.21, 4.56]	-0.02(0.65)	2.17 [1.13, 4.15]*	0.32(0.33)	1.05 [0.75, 1.48]	0.28(0.17)
Receive fair outcome in litigation (Would not = 1)	1.52 [1.14, 1.90]*	0.24(0.59)	1.27 [0.71, 2.25]	-0.10(0.31)	0.80 [0.60], 1.05	-0.14(0.13)
Pseudo R ²	0.203		0.442		0.239	

**p*-value < 0.05. RRR: relative-risk ratio, ratio denotes the odds ratio between the comparison and reference groups. Pseudo R² used the McFadden method.

Table 2: Analysis of Demographic Variables and Personal Beliefs in Law

<i>Variables</i>		Satisfied with court			Lawyers protect the interests of clients			Receive fair outcome in litigation		
		MS	F	P	MS	F	P	MS	F	P
Gender	B	0.510	2.038	0.154	0.039	0.157	0.692	0.047	0.188	0.665
	W	0.250			0.250			0.250		
Age	B	0.538	0.882	0.348	0.000	0.000	0.997	0.080	0.132	0.716
	W	0.610			0.610			0.605		
Education	B	0.084	0.206	0.650	0.228	0.562	0.454	0.050	0.123	0.726
	W	0.409			0.406			0.410		
Income	B	1.155	1.918	0.166	0.046	0.076	0.783	4.980	8.267	0.004*
	W	0.602			0.603			0.602		
Social status	B	6.015	15.97	0.000*	2.070	5.486	0.019*	2.067	5.465	0.020*
	W	0.377			0.377			0.378		

*p-value < 0.05. B: between group; W: within group; MS: mean square.



B. *The Factors that Influence Change in Attitude (E1-2)*

After providing the interviewees with the condition of possible aggregation of the claims, the results in Figure 4 show that many people have changed their attitudes. Among these changes, the majority of people would opt to claim together as a group (68.45%), but nearly one-third of the interviewees would still not be willing to make any claims (29.45%). On the other hand, very few interviewees would choose to claim for damages on their own (2.11%).

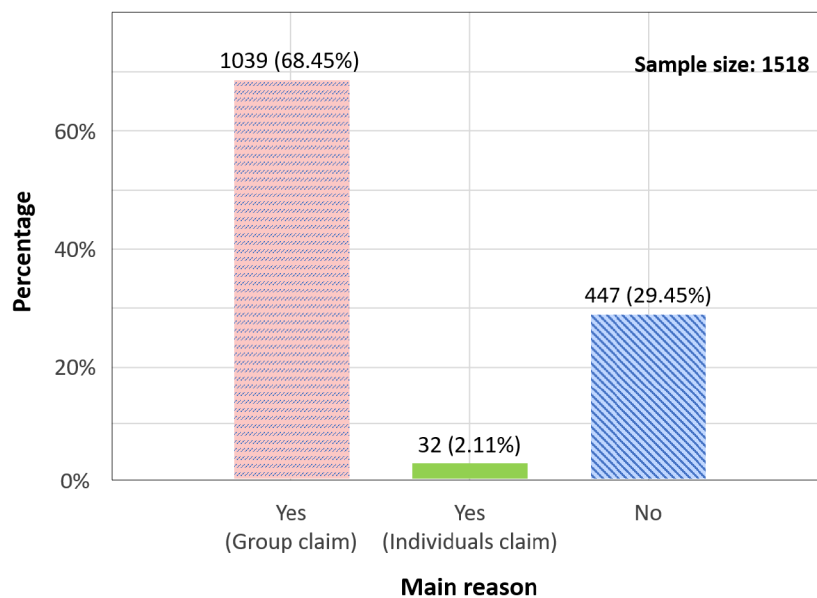


Figure 4: The Willingness to Make a Claim

Furthermore, when taking into account the demographics of the interviewees, the odds ratio computed under the regression model in Table 3 shows that compared to claiming as a group, male or younger interviewees would be more inclined to claim as individuals (Female: $RRR = 2.75$, 95% CI [1.14, 6.68]; Age40-59: $RRR = 0.32$, 95% CI [0.14, 0.75]; Age 60 or above: $RRR = 0.29$, 95% CI [0.09, 0.93]). In addition, older interviewees (age 60 or above) or interviewees with lower education or lower subjective social status, prefer not to make any claims compared to claiming together with others. (Age 60 or above: $RRR = 1.81$, 95% CI [1.32, 2.50]; Bachelor: $RRR = 0.49$, 95% CI [0.38, 0.65]; Master or above: $RRR = 0.39$, 95% CI [0.24, 0.65]; Upper class: $RRR = 0.66$, 95% CI [0.44, 1.00]).

Besides the relationship between the change in attitude and the demographics, the odds ratio in Table 3 also presents whether the different

Table 3: Multinomial Regression Model for Comparing Reasons Not to Make a Claim and Change in Attitude Considering Demographics

Response <i>Variable</i>	Yes (Group claim) as reference			
	Yes (Individual claim)		No claim	
	RRR [%95CI]	Est. (Ste)	RRR [%95CI]	Est. (Ste)
Reasons not to make a claim (Time and cost = 1)				
<i>Privacy</i>	4.96 [0.55, >10]	0.31(3.17)	1.58 [0.55, 4.53]	0.52(1.01)
<i>Lack of knowledge</i>	0.75 [0.99, 5.97]	-0.17(3.17)	0.51 [0.27, 0.99]*	-0.08(1.01)
<i>Stress</i>	0.51 [0.17, 1.50]	-0.11(3.17)	1.10 [0.85, 1.45]	0.32(1.01)
Gender (Female = 1)	2.75 [1.14, 6.68]*	0.23(0.36)	1.16 [0.88, 1.55]	0.14(0.11)
Age (39 or below = 1)				
<i>Age 40-59</i>	0.32 [0.14, 0.75]*	-0.16(0.85)	1.16 [0.88, 1.56]	1.03(0.20)
<i>Age 60 or above</i>	0.29 [0.09, 0.93]*	-0.14(0.92)	1.81 [1.32, 2.50]*	0.29(0.21)
Education (Hight school or below = 1)				
<i>Bachelor below</i>	0.62 [0.28, 1.42]	-0.83(0.76)	0.49 [0.38, 0.65]*	-3.28(1.10)
<i>Master or above</i>	0.24 [0.05, 1.23]	-0.58(0.76)	0.39 [0.24, 0.65]*	-1.11(0.23)
Income (30K or below = 1)				
<i>30-60K</i>	0.47 [0.18, 1.21]	-1.08(0.88)	0.98 [0.73, 1.34]	-0.43(0.25)

Response <i>Variable</i>	Yes (Group claim) as reference			
	Yes (Individual claim)		No claim	
	RRR [%95CI]	Est. (Ste)	RRR [%95CI]	Est. (Ste)
<i>60K or above</i>	1.53 [0.49, 4.81]	1.30(1.08)	0.76 [0.48, 1.22]	-0.05(0.31)
Subjective social status (Lower = 1)				
<i>Upper class</i>	0.63 [0.18, 2.24]	-0.47(0.65)	0.66 [0.44, 1.00]*	-0.42(0.21)
<i>Middle class</i>	0.62 [0.34, 1.00]	-0.48(0.38)	0.80 [0.63, 1.02]	-0.22(0.12)
Satisfied with the courts (Unsatisfied = 1)	0.91 [0.72, 1.14]	-0.84(0.87)	0.40 [0.92, 1.24]	-0.10(0.12)
Lawyers protect clients (Do not = 1)	1.04 [0.77, 1.41]	0.36(0.16)	0.81 [0.67, 1.01]	-0.94(0.14)
Receive fair outcome in litigation (Would not = 1)	1.00 [0.79, 1.28]	-0.88(0.10)	0.89 [0.87, 1.68]	-0.04(0.12)
Pseudo R ²	0.085		0.144	

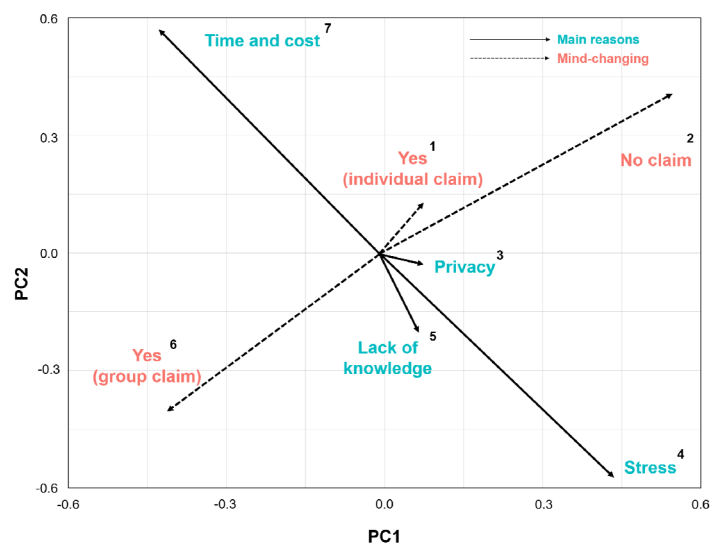
**p*-value < 0.05. RRR: relative-risk ratio, ratio denotes the odds ratio between the comparison and reference groups. Pseudo R² used the McFadden method.



concerns of not making claims (E1-1) have an impact on the attitude change in claiming decisions (E1-2): The result shows that compared to lack of knowledge, time and cost are still the major factors that influence people to change their minds from not making a claim to claiming with others. Also, this finding suggests that those who do not know how to claim would prefer to claim together over not making a claim (Lack of Knowledge: $RRR = 0.51$, 95% CI [0.27, 0.99]).

With regard to the relationships among the change in attitude and the reasons for not claiming for damages, principle component analysis (PCA) provides a more visually intuitive way to observe their interactions. While the vectors in the PCA plot in Figure 5 refer to the magnitude and the nature of each response, the distance among vectors represents their relationships being close to or distant from one another. Here, with PC1 being composed of mostly education and income, and PC2 mainly affected by subjective social status and age, two interesting opposite major trends can be detected: claiming together (group claim), and continuing to prefer not to claim (E1-2). Based on these two trends, the interviewees' original main reason for not making a claim (E1-1) can also be categorized into being closer to claiming together or making no claim at all. It is shown that the cost and time, and lack of knowledge, are both closer to the vector of group claim. On the other hand, privacy and stress issues are more aligned with the vector of continuing to prefer not to claim, which means that even if many similarly-situated people prepare to claim, it still cannot make those who are more concerned about privacy and stress change their attitudes.

(A)





(B)

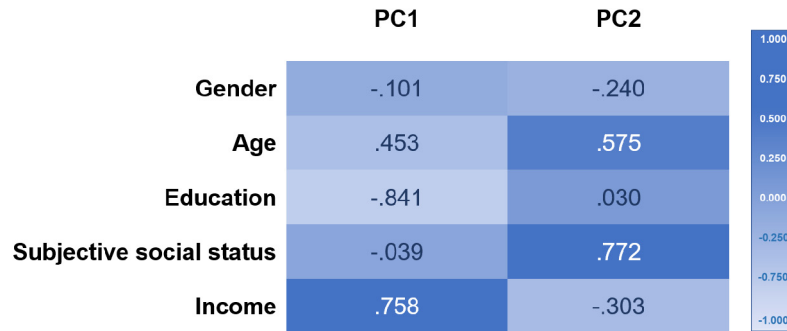


Figure 5: The PCA Plot of Change in Attitude and Reasons for Not Making a Claim Considering Possible Aggregation

(A) PCA Loading plot: For the PCA components' eigenvalues, eigenvectors and (x, y):¹ 1.65 (0.27, 0.45); ² 0.75 (0.40, 0.30); ³ -0.33 (0.46, -0.15); ⁴ -1.33 (0.34, -0.45); ⁵ -2.87 (0.16, -0.45); ⁶ 0.97 (-0.30, 0.97); ⁷ -1.31 (0.45, 1.00). (B) PCA components heatmap.

C. *Change in Attitude and the underLying Reasons (E1-2 & E2)*

With regard to the reasons behind the change in attitude for small disputes, there are seven reasons to account for interviewees' mind change in response to Question E2, among which saving time and cost (26.77%), group compensation (25.92%) and sanction against the tortfeasor (19.3%) are the three most influential factors that make interviewees change their minds to make a claim, as presented in Figure 6.

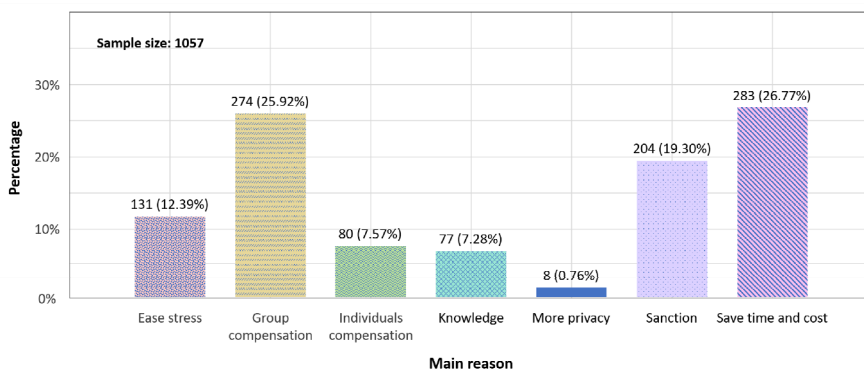
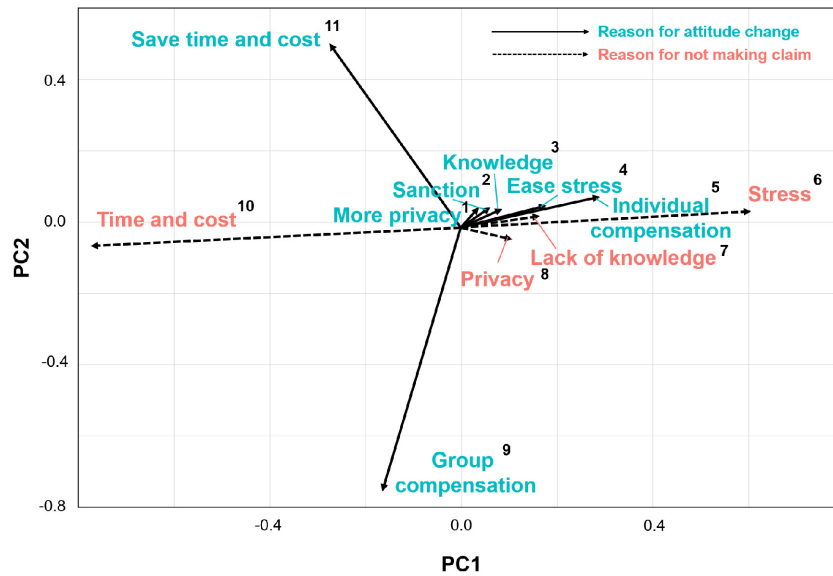


Figure 6: Reasons for Attitude Change

Again, comparing the main reasons for attitude change (shown with solid lines) with the reasons for not making a claim (shown with dotted lines) by PCA exhibited in Figure 7, the two opposite trends are clearly



(A)



(B)

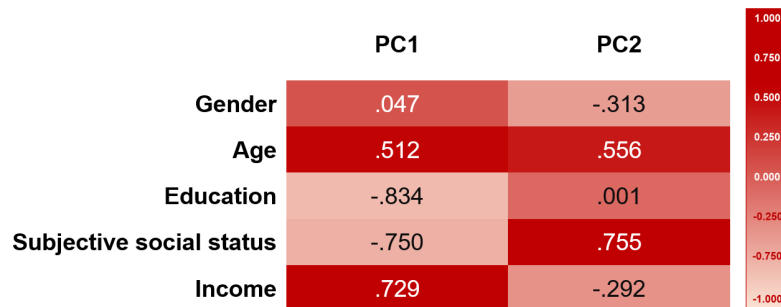


Figure 7: PCA of Reasons for Not Making a Claim and Reasons for Attitude Change

(A) PCA Loading plot: For the PCA components' eigenvalues and eigenvectors:¹ 1.49 (0.27, 0.40);² 0.88 (0.46, 0.40);³ 0.58 (0.69, 0.40);⁴ 0.33 (0.60, 0.20);⁵ 0.28 (0.72, 0.20);⁶ 0.16 (0.60, 0.10);⁷ 0.05 (0.60, 0.29);⁸ 0.00 (0.60, 0.00);⁹ 4.52 (-0.13, -0.60);¹⁰ 0.10 (-0.60, -0.60);¹¹ -1.79 (-0.22, 0.40). (B) PCA components heatmap.

presented on the second dimension constructed by PC1 comprising education and income for the majority and PC2 mainly affected by subjective social status and age. While stress, lack of knowledge and privacy are more related, as their vectors point in similar directions, time and cost are apparently at the other end of the string of reasons for not making a claim. Correspondingly, saving time and cost and group compensation are more related to reasons for attitude change related to concerns about time and cost.



Conversely, for the reasons for attitude change related to concern about stress, there are more factors, including ease of stress, knowledge, privacy, sanction, and individual compensation. The aforementioned two PCA analyses both infer that, in Taiwan, the gaps in generation, education, and subjective social status have a greater influence than gender in terms of attitude towards small claims.

The relative risk-ratio computed via regression model in Table 4 further provided the following information. As time and cost are both the factors of most concern for reasons not to make a claim (E1-1) and reasons for attitude change (E1-2), they were adopted as the baseline for all types of comparison. For the original reasons for not making a claim that include most intangible concerns (stress and lack of knowledge),³² they tend to change their attitude under aggregation mechanisms due to ease of stress (Stress: $RRR = 3.42$, 95% CI [1.34, >10]; Lack of knowledge: $RRR = 4.74$, 95% CI [3.00, 7.76]), acquiring knowledge (Stress: $RRR = 6.11$, 95% CI [2.17, >10]; Lack of knowledge: $RRR = 2.32$, 95% CI [1.24, 4.35]) and better chances of receiving individual compensation (Stress: $RRR = 4.16$, 95% CI [1.34, >10]; Lack of knowledge: $RRR = 2.74$, 95% CI [1.49, 5.03]), rather than group compensation. In addition, for those whose reason for not making a claim is lack of knowledge, a sanction against the tortfeasor can further facilitate their attitude change from doing nothing to making a claim (Sanction: $RRR = 2.13$, 95% CI [1.33, 3.40]).

32. As the numbers of privacy (reason for not making a claim) and more privacy (reason for attitude change) are small, the fitted regression model is easily affected by outliers when the observation sample size is small, resulting in a high error standard deviation. Therefore, this study does not make inferences for such situations.

Table 4: Multinomial Logit Model for Attitude Change and the Reasons

Response (Reasons for not making a claim)						
Time and cost as reference						
Variable (Reasons for attitude change)	Privacy		Lack of knowledge		Stress	
	RRR [%95CI]	Est. (Ste)	RRR [%95CI]	Est. (Ste)	RRR [%95CI]	Est. (Ste)
Save time and cost = 1						
Individual compensation	>10 [>10, >10]* [†]	4.07(1.39)	2.74 [1.49, 5.03]*	0.22(0.23)	4.16 [1.34, >10]*	0.28(0.21)
Group compensation	>10 [>10, >10]* [†]	2.39(0.81)	1.35 [0.72, 2.54]	0.30(0.32)	0.75 [0.56, 0.97]	-0.28(0.11)
Sanction	>10 [>10, >10]* [†]	1.33(0.77)	2.13 [1.33, 3.40]*	0.23(0.19)	4.58 [0.58, >10]	1.52(1.05)
Ease stress	>10 [>10, >10]* [†]	1.88(0.72)	4.74 [3.00, 7.76]*	0.48(0.64)	3.42 [1.16, >10]*	0.21(0.23)
Knowledge	0.02 [0.02, 0.02]* [†]	-1.67(0.57)	2.32 [1.24, 4.35]*	0.27(0.21)	6.11 [2.17, >10]*	0.52(0.67)
More privacy	0.41 [0.41, 0.41]* [†]	-0.41(0.24)	2.73 [0.01, >10] [†]	1.00(0.53)	7.8 [0.65, >10]	2.05(1.27)
Pseudo R ²	0.089		0.193		0.152	

* p -value < 0.05. RRR: relative-risk ratio, ratio denotes the odds ratio between the comparison and reference groups. Pseudo R² used the McFadden method. [†]The results might be affected by outliers when the observation sample size is small.



Figure 8: Heatmap of Cross-Counts between the E1-1 and E2 Responses

D. Preference for Access to Different Agencies (E3)

In terms of preferable access to handling of claims, it is apparent from the responses to Question E3 that Taiwanese people favor consumer protection officers (61.6%) the most, compared to other types of agencies or institutions (37.1%). Also, it can be further inferred that people generally prefer public agencies (e.g., consumer protection officers or legal aid foundations) over private agents (lawyers or scriveners) (76.9%: 21.8%). In terms of demographic difference, Table 5 shows that people aged above 40 prefer seeking legal advice from private agencies to public agencies than those under 39 (Age 40-59: $RRR = 1.77$, 95% CI [1.14, 2.43]; Age 60 or above: $RRR = 1.58$, 95% CI [1.01, 1.65]). Also, the majority of people with incomes exceeding NTD \$60,000 per month are more likely to choose private agencies over public agencies than those with incomes below \$30,000 per month (60K or above: $RRR = 1.62$, 95% CI [1.13, 2.32]). Furthermore, in terms of how people’s attitudes toward the legal system influence their preference for agencies, the results show that people who believe that lawyers would fight for their interests are more likely to choose private agencies over public ones.

**Table 5: Multinomial Regression Model for Access to Different Agencies**

<i>Variable</i>	Response	
	<i>Public agencies as reference</i>	
	RRR [%95CI]	Est. (Ste)
Gender (Female = 1)	0.84 [0.62, 1.15]	-0.03(0.18)
Age (39 or below = 1)		
<i>Age 40-59</i>	1.77 [1.14, 2.43]*	1.43(0.51)
<i>Age 60 or above</i>	1.58 [1.01, 1.65]*	1.02(0.50)
Education (Hight school or below = 1)		
<i>Bachelor</i>	1.53 [0.89, 2.63]	0.41(0.39)
<i>Master or above</i>	1.35 [0.97, 1.89]	0.21(0.20)
Income (30K or below = 1)		
<i>30-60K</i>	0.95 [0.57, 1.58]	-0.95(0.50)
<i>60K or above</i>	1.62 [1.13, 2.32]*	1.50(0.51)
Subjective social status (Lower = 1)		
<i>Upper class</i>	1.01 [0.60, 1.76]	0.14(0.42)
<i>Middle class</i>	0.98 [0.70, 1.38]	-0.11(0.26)
Satisfied with courts (Unsatisfied = 1)	1.09 [0.78, 1.53]	0.38(0.05)
Lawyers protect clients' interests (Do not = 1)	1.64 [1.81, 2.67]*	1.21(1.05)
Receive fair outcome in litigation (Would not = 1)	0.96 [0.67, 1.36]	-0.13(0.28)
Pseudo R ²	0.218	

**p*-value < 0.05. RRR: relative-risk ratio, ratio denotes the odds ratio between the comparison and reference groups. Pseudo R² used the McFadden method.

V. DISCUSSION AND IMPLICATIONS

A. *Who Needs What Help?*

Taiwan's Legal Aid Act stipulates: "To protect people's rights and interests, this Act is enacted for providing necessary legal aid to people who are indigent or are unable to receive proper legal protections for other reasons" (Article 1); the findings of this study exactly present what are "the other reasons" that require legislators or policymakers to take actions. One of the most insightful findings of this survey is that it explores what influences Taiwanese people's attitude toward access to justice in small claims, including their major concerns and how their personal traits affect their choices. While most people's concerns are still time and cost, the



results show that older people are more vulnerable to stress, and people who consider themselves as having lower subjective social status are more concerned about their lack of knowledge. In comparison, people with lower income are more encumbered by issues of privacy and mental stress, while people with lower education levels are more concerned about issues of mental stress and lack of knowledge. Conversely, people with higher education levels and income are less perplexed with issues of privacy and mental stress brought by the dispute resolution process, which also indicates that the cost of time and money is instead the main concern. This suggests that for small claims, the psychological factors are instead the major issues for disadvantaged groups, such as older people or people with lower income, education, or subjective social status, which further demonstrates that for access to justice, the enhancement of psychology assistance or knowledge may be more important than mere monetary support. The components of legal aid or legal empowerment should be extended to taking care of their worries of disadvantaged groups, as well as enhancement of their knowledge and privacy.

B. *How to Be of Help?*

As small claims are not economically rational to pursue separately, an aggregation device is necessary for processing such claims. The findings of the survey show that while there is still a very small portion of people who would prefer to pursue their claims alone, the majority of people would change their minds and claim as a group for small claims. However, there is still a substantial proportion of people who would continue to prefer not to claim; these are older people or people with lower education levels. This finding corresponds to the aforementioned analysis that older people or people with fewer resources are weaker psychologically and are more inclined to behave passively, even though they usually have a more positive attitude toward the judicial system.

The results also provide another interesting finding that people who tend to make a claim by themselves are males and younger people, which may also be intuitive, and at the same time infers that females and older people would need more assistance or resources to claim as a group. Furthermore, for those who lack knowledge regarding how to claim, having an aggregation possibility to claim together does effectively change their attitudes from not making any claims to joining group claims. The aforementioned evidence can be a reference for improving access to justice in small dispute resolution.

In addition to the demographic influence on the reasons for change in attitude, different concerns for not making claims also have an impact on the



attitude change of claiming decisions. While time and cost are still the main reason for not making a claim, acquiring knowledge can turn the decision from not making claims to claiming as a group, which is beneficial for those who lack relevant knowledge to make an effective move.

Lastly, in terms of the type of representation for aggregated claims, Taiwanese people generally have a preference for public agencies due to legal legacies³³ when seeking dispute resolution. This study shows that younger people and people with a lower income have even stronger attitudes toward such agencies. Conversely, older people, people with higher incomes, and people who believe that lawyers would protect clients' interest, will more likely opt for lawyers or other private professionals when they need to. However, generally speaking, Taiwan is regarded as a jurisdiction with a pronounced collective orientation, where people prioritize harmonious relationships. As a result, the demand for adversarial procedures decreases, and non-formal or non-confrontational approaches are favored for problem resolution. This suggests a preference for seeking assistance from government entities, such as a consumer protection officer, in the anticipation that such issues can be addressed without resorting to the courts.

C. *Addressing Concerns Diversely or Default Inclusion (opt-outs)?*

The research provides further information that could be used for improving access to justice regarding small claims for diverse groups of people. For those who are encumbered with multiple reasons for not making claims, including mental stress and lack of knowledge, the keys to make them change their attitude are easing their stress and the enhancement of their individual compensation. It implies that people who are weaker psychologically may need more assistance in solving their doubts and ensuring their personal interests. On the other hand, people who are not stressed with too many issues at the same time (i.e. only lack of knowledge) are willing to step forward not only for their own good, but also for public interest or to punish the wrongdoer.

Overall, this study underscores the need for a different mindset when addressing small claims. The conventional framework for dispute resolution processes might not be well-suited for handling minor disputes. In addition to the needs that have been identified in the small claims literature, such as a less strict adversarial procedure, reduced court costs, pursuit of prompt decisions, what can be inferred from this study is that more needs to be done in order to increase the utilization of mechanisms for access to justice in small claims. In addition to tangible costs that can be reduced through better

33. Shao, *supra* note 27.



aggregation or a group claiming device, intangible costs, such as stress, privacy or lack of knowledge are more complicated to deal with. While such intangible costs cannot be simply eliminated through aggregation, more actions are required, such as the aforementioned analysis.

Overall, if addressing concerns diversely is not practically feasible, alternatively, making all the claimants join claims as a default rule unless they opt out is another solution. This idea is identical to the opt-out design for class actions in some jurisdictions. Compared to opt-out mechanisms, opt-in designs usually result in significantly fewer actions,³⁴ even if they ensure more rigid authorization.³⁵ Originally the opt-out design may simply be based on the idea of reducing costs. This study further provides evidence that people could still not make any moves even though there is an opt-in aggregation device that can eliminate their monetary costs. This finding also provides justification for choosing the opt-out over the opt-in design for class actions. Here, this study confines the proposed opt-out mechanism to small claims rather than consumer claims because the definition consumer claims can be rather broad and diverse. Also, from an economic perspective, it is reasonable to draw the threshold line of small claims to be claims that have substantive value lower than procedure costs. This is especially critical for jurisdictions that have problems with numerous unclaimed small losses on a large scale, such as Taiwan.

With the consideration of manpower, funding, current business, as well as the most preferable public agency found in this study, consumer protection officers in Taiwan could be a reasonable candidate to be the initiator of class claims in the opt-out system, if enough resources are supported. However, relevant concerns and doubts, such as conflict of interest among claimants, or between claimants and the representative attorney, court supervision and certification of the class³⁶ would also be required to be designed for relevant laws if such a mechanism is adopted. The probable revision can be devised into Taiwan's Code of Civil Procedure if the legislature decides that such a mechanism can apply generally, as has been adopted in Rule 23 of the Federal Rules of Civil Procedure in the United States. Alternatively, it can be considered a special rule to be included in the Legal Aid Act or Consumer Protection Law to be utilized in specific types of disputes or when the dispute amount is under a certain amount.

34. Mulheron, *supra* note 23.

35. Shao, *supra* note 8, at 279.

36. FED R. CIV. P. 23(c).



VI. CONCLUSION

The purpose of this research was to explain the reasons why small disputes are often left unclaimed, and to explore how these obstacles can be overcome via different solutions. The conclusions drawn from this study also encourage us to consider whether enhancements should be made to the judicial system to cater to the distinct requirements of various demographics, such as knowledge or emotional support, as well as their preference over the type of agencies, which may be the keys to improving the effectiveness of the resolution of small claims. Alternatively, when accommodating diverse needs is not practical, opt outs would become the “one-size fits for all” solution for small claims.



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ANNEX I DEMOGRAPHIC VARIABLES OF THE ORIGINAL SAMPLE AND
WEIGHTED CONSIDERATION

Table I: Demographic Variables of the Original Sample and Weighted Consideration

Variables	Survey sample N(%)	Weighted sample N(%)	Taiwan Population N(%)	<i>p</i> -value §
Total subjects	2,052	2,051	23,375, 314 [†]	
Gender				
<i>Male</i>	1,019 (49.70)	1,017 (49.59)	49.54 [†]	n.s.
<i>Female</i>	1,033 (50.30)	1,034 (50.41)	50.46 [†]	n.s.
Age			‡	
<i>Adolescence (age between 18-29)</i>	97(4.70)	328(15.99)	15.56	n.s.
<i>Early adulthood (age between 30-39)</i>	209(10.20)	349(17.02)	17.32	n.s.
<i>Late adulthood (age between 40-59)</i>	731(35.60)	779(37.98)	38.14	n.s.
<i>Older adulthood (age between 60-99)</i>	1,015(49.50)	595(29.01)	28.98	n.s.
Education			#	
<i>Elementary school</i>	224(12.63)	224(10.92)	10.36	n.s.
<i>High school</i>	553(31.19)	861(41.97)	41.79	n.s.
<i>College or university</i>	827(46.64)	827(40.32)	40.01	n.s.
<i>Graduate School</i>	169(9.53)	139(6.79)	7.84	n.s.
Income			*	
<i>Below 30K</i>	401(32.31)	513(25.02)	≈ 25.00%	n.s.
<i>30K-60K</i>	615(49.56)	1,016 (49.56)	≈ 50.00%	n.s.
<i>Above 60K</i>	225(18.13)	522(25.42)	≈ 25.00%	n.s.

Original Source: The 2019 Taiwan Survey. n.s., not significant; § Weighted sample vs. Taiwan Population; after weight adjustment, there is no statistically significant difference between the weight sample and Taiwan population. The verification method is *t*-test.

[†] According to Ministry of the Interior statistical bulletin, 2021. Jan, 23.

(<https://www.moi.gov.tw/cl.aspx?n=13331>), sample from whole population in Taiwan.

[‡] According to National Statistics, 2021.

(<https://statdb.dgbas.gov.tw/pxweb/Dialog/View.asp?ti=&path=../OneSection/temp&lang=9&strList=L&ma=Po0101A1AT001&ViewplusIncHeader=0>), sample from age 20 to 99.

According to Ministry of the Interior statistical bulletin, 2021. Apr, 17.

(<https://www.moi.gov.tw/cl.aspx?n=13331>), sample from age above 15.

* According to Directorate-General of Budget, Accounting and Statistics, Executive Yuan, R.O.C (Taiwan), 2019 (https://earnings.dgbas.gov.tw/experience_sub_01.aspx).



ANNEX II DISTRIBUTION OF THE DIFFERENT CONCERNS IN LEGAL ACTIONS

Table II: Distribution of the Different Concerns in Legal Actions

Is there an amount of loss beyond NT\$ (TWD) that would make you consider claiming compensation from the company? (E1)	%	N
1-999 NT\$	2.60	53
1,000-2,999 NT\$	16.40	337
3,000-4,999 NT\$	11.80	243
5,000-9,999 NT\$	13.20	271
Over 10,000 NT\$	30.90	634
Demand compensation regardless of the amount.	10.00	206
Not sure.	9.20	188
The different concerns of not making claims (E1-1)		
<i>Privacy</i>	1.05	16
<i>Lack of knowledge</i>	3.80	58
<i>Stress</i>	24.18	367
<i>Time and cost</i>	70.95	1077
The willingness to make a claim (E1-2)		
<i>Yes (Group claim)</i>	68.45	1039
<i>Yes (Individual claim)</i>	2.10	32
<i>Not making claim</i>	29.45	447
The main reason for the change in attitude (E2)		
<i>Individual compensation</i>	7.57	80
<i>Group compensation</i>	25.92	274
<i>Section</i>	19.3	204
<i>Ease of stress</i>	12.39	131
<i>Time and cost</i>	26.77	283
<i>Knowledge</i>	7.28	77
<i>More privacy</i>	0.76	8

Original Source: The 2011 Taiwan Survey, and weighted samples in current study.



ANNEX III DISTRIBUTION OF SELF-AWARENESS AND LEGAL EXPERIENCES

Table III: Distribution of Self-Awareness and Legal Experiences

Subjective social status	%	N
<i>Upper class</i>	10.18	155
<i>Middle class</i>	58.28	887
<i>Lower class</i>	31.54	480
Legal help seeking from private / public agencies		
<i>Private</i> [§]	7.33	78
<i>Public</i> [†]	92.67	986
In general, are you satisfied with the courts in Taiwan?		
<i>Yes</i>	48.27	628
<i>No</i>	51.73	673
Do you think lawyers will do their best to protect the rights and interests of clients?		
<i>Yes</i>	83.45	1240
<i>No</i>	16.55	246
Do you think you will receive fair outcome in litigation?		
<i>Yes</i>	71.35	1021
<i>No</i>	28.65	410

Original Source: The 2011 Taiwan Survey, and weighted samples in current study.[§] Lawyer and land administration agents.[†] Consumer protection officer, legal aid foundation, congressman (public officials under Article 2 of Public Official Conflict of Interest Avoidance Law in Taiwan) and private consumer association (government-sanctioned according Consumer Protection Law).

ANNEX IV QUESTIONNAIRE (PART)³⁷

E1. Assume that you have encountered a consumer dispute. After reporting it to the person in charge, you didn't get a satisfactory response. Please tell us how much loss you suffered would prompt you to claim for damages?

- (01) 1-999 dollars.
- (02) 1,000-2,999 dollars.
- (03) 3,000-4,999 dollars.
- (04) 5,000-9,999 dollars.
- (05) 10,000 dollars or more.
- (06) However much (Jump to Question F1).
- (07) Uncertain (Jump to Question F1).
- (08) Refuse to answer (Jump to Question F1).

E1_1. Please tell us, what is the main reason discouraging you from claiming for damages below the amount you chose in the preceding question?

- (01) Not willing to get myself exposed.
- (02) Don't know how to claim.
- (03) Not willing to have too many burdens on my mind. (For example, being involved in disputes or troubles.)
- (04) Don't want to spend time and money.
- (05) Other reasons. Please explain: _____
- (07) Don't know.
- (08) Refuse to answer.

E1_2. Following the previous question, if there are many people facing the same situation and ready to claim against the business people, would you like to align yourself with them or claim on your own? Or on the other hand, are you still not willing to ask for any compensation?

- (01) I would like to join them.
- (02) I would like to claim on my own.
- (03) Still not willing to ask for any compensation. (Jump to Question F1)
- (07) Don't know. (Jump to Question F1)

37. The entire survey questionnaire in Chinese provided on the website of Taiwan Database for Empirical Legal Studies: <https://reurl.cc/QX98N0> (last visited June 2, 2023).



E2. Please tell us, what made you change your mind?

The business would more likely compensate my losses.

- (01) The business would more likely compensate many consumers' losses.
- (02) The business would more likely be punished in addition to paying for losses.
- (03) My emotional burden could be reduced (e.g., less hassle).
- (04) My costs and time could be saved.
- (05) I would know how to claim.
- (06) My identity is less likely to be exposed.
- (07) Other reasons. Please explain: _____

E3 Please tell us, if you decide to claim against the business after evaluation, which representation access is preferred?

- (01) Consumer protection officer.
- (02) Legal aid foundation.
- (03) Congressmen.
- (04) Lawyer.
- (05) Scrivener.
- (06) Private consumer protection foundation.
- (07) Other persons or institutions. Please explain: _____
- (09) Don't know.

C1 Generally speaking, are you satisfied with Taiwanese courts?

- (01) Very satisfied.
- (02) Somewhat satisfied.
- (03) Somewhat unsatisfied.
- (04) Very unsatisfied.
- (09) Don't know.
- (08) Refuse to answer.

C3 Please tell us, generally speaking, do you think that lawyers would endeavor to protect the interests of their clients?

- (01) Definitely would.
- (02) Probably would.
- (03) Probably would not.
- (04) Definitely would not.
- (09) Don't know.
- (08) Refuse to answer.



F1-4 Please tell us if you agree with the following statements: If one day you need to go to court, you would receive a fair outcome in litigations

- (01) Highly agree.
- (02) Agree.
- (03) Disagree.
- (04) Highly disagree.
- (95) No comment.
- (98) Refuse to answer.



以一概全？小額紛爭解決之促進

——臺灣的實證研究

邵 靖 惠

摘 要

本研究係探究臺灣民眾顯少提出小額紛爭請求的原因，以及可能改變其態度的方法。透過2019年的臺灣法文化與社會變遷第五期之調查（以下簡稱2019調查），本研究分析民眾尋求小型糾紛解決的態度和障礙，以及上開態度是否在特定條件下能夠有所轉變。研究結果指出，社經弱勢者較容易受到心理壓力和知識不足的問題所影響，而對於主張權利較為消極；惟若有集體紛爭解決途徑之可能，則有機會轉變其態度而參與紛爭解決。至於具體作法，其中心理層面較脆弱的族群，需要提供減輕其心理壓力之協助，並且確保其個人利益；而對於因知識不足困擾之群體，則可因為紛爭解決能懲罰不法者而使其轉變態度等。總體而言，本研究結果顯示出處理小額紛爭有其特色，不適合以一概全沿用通常民事紛爭解決的思維；但若多樣化考量或協助恐不切實際，則將所有權利人以預設方式加入集體訴訟或紛爭解決途徑（除聲明退出者外），亦不失為可行之方案。

關鍵詞：法律實證、法與社會變遷、民事紛爭解決、集體訴訟、預設加入制