



Meeting legal need: a citizen-centred approach

Presentation to Thai judicial delegation

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Conference paper

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Aim

- Introduce the Law and Justice Foundation of NSW
- Introduce the recent citizen-centred approaches to improving access to justice
- Examine Australian and global approaches to identifying legal need and the results
- Examine progress towards identifying “what works” to address these legal needs



The Law and Justice Foundation of NSW



History

- Created as Law Foundation of NSW in 1967
 - Copied, beginning 1969 – British Columbia
- 1979 – Law Foundation Act
- Became Law and Justice Foundation of NSW by Law & Justice Foundation Act in December 2000
- Creations have become the ‘furniture’
 - AustLii, College of Law, LIAC, Legal Studies, plain language, pro bono, legal needs



Law and Justice Foundation of NSW

- Governed by Act of NSW State Parliament
- Independent body – not funded by government
- Public Purpose Fund (interest from solicitor's trust accounts)
 - (s55 Legal Profession Uniform Law Application Act 2014)



Statutory Objects:

s5 (1) Law and Justice Foundation Act

‘To contribute to the development of a fair and equitable justice system that addresses the legal needs of the community and to improve access to justice by the community (in particular, by economically and socially disadvantaged people)’



Statutory Objects:

s5 (2) Law and Justice Foundation Act

- How we can do it:
- Conduct and sponsor research (including inter-disciplinary research) into the law, the justice system, alternative dispute resolution and the legal profession,
- Collect, assess and disseminate information about the justice system
- Conduct and sponsor projects aimed at facilitating access to justice and access to information about the justice system
- Promote education about the justice system



Attorney General: Second Reading Speech

“The Law and Justice Foundation will meet the need for an independent body, having multi-disciplinary expertise, not just in law, but in a range of social sciences as well, which can undertake research at arm’s length from Government and commercial interests.”



Attorney General: Second Reading Speech

“I am confident that the newly constituted Law and Justice Foundation will fill a gap in the provision of applied research into the practical operation of the justice system and its impact on the community.”



LJF – what we do

- Research
 - Identify legal need
 - ‘What works’ to address those needs
- Grants program
- Plain Language information
- Legal Information and Referral Forum (LIRF)
- Facilitate networks to identify need, increase knowledge and reduce duplication



Part One: Identifying Legal Needs



Access to Justice and Legal Needs (A2JLN) Research Program

Main purpose:

- to provide a rigorous and sustained assessment of the legal and access to justice needs of the community, especially disadvantaged people,
- which will assist government, community and other organisations develop policy and plan service delivery.



Access to justice? Legal needs?

To examine the ability of disadvantaged people to:

- Obtain legal assistance
- Obtain assistance from non-legal advocacy and support
- Participate effectively in the legal system
- Participate effectively in the law reform process



Program Method

Three methodological streams (initially):

- Analysis / mapping of service provider data ('expressed' need)
- Legal need surveys ('expressed'+ 'unexpressed' need)
- Targeted qualitative studies (particular disadvantaged groups)



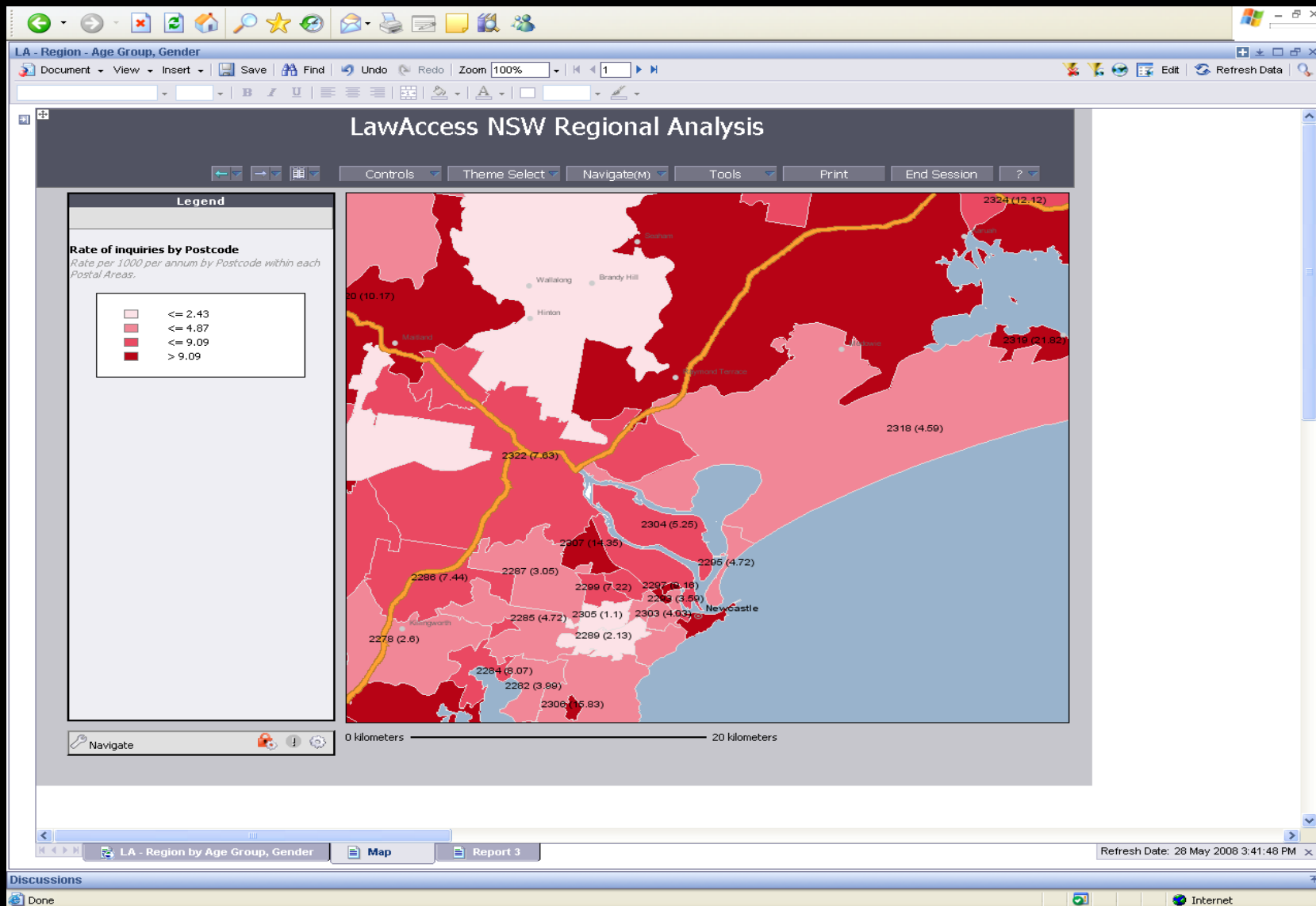
Analysis and mapping of service provider data (Data Digest project)

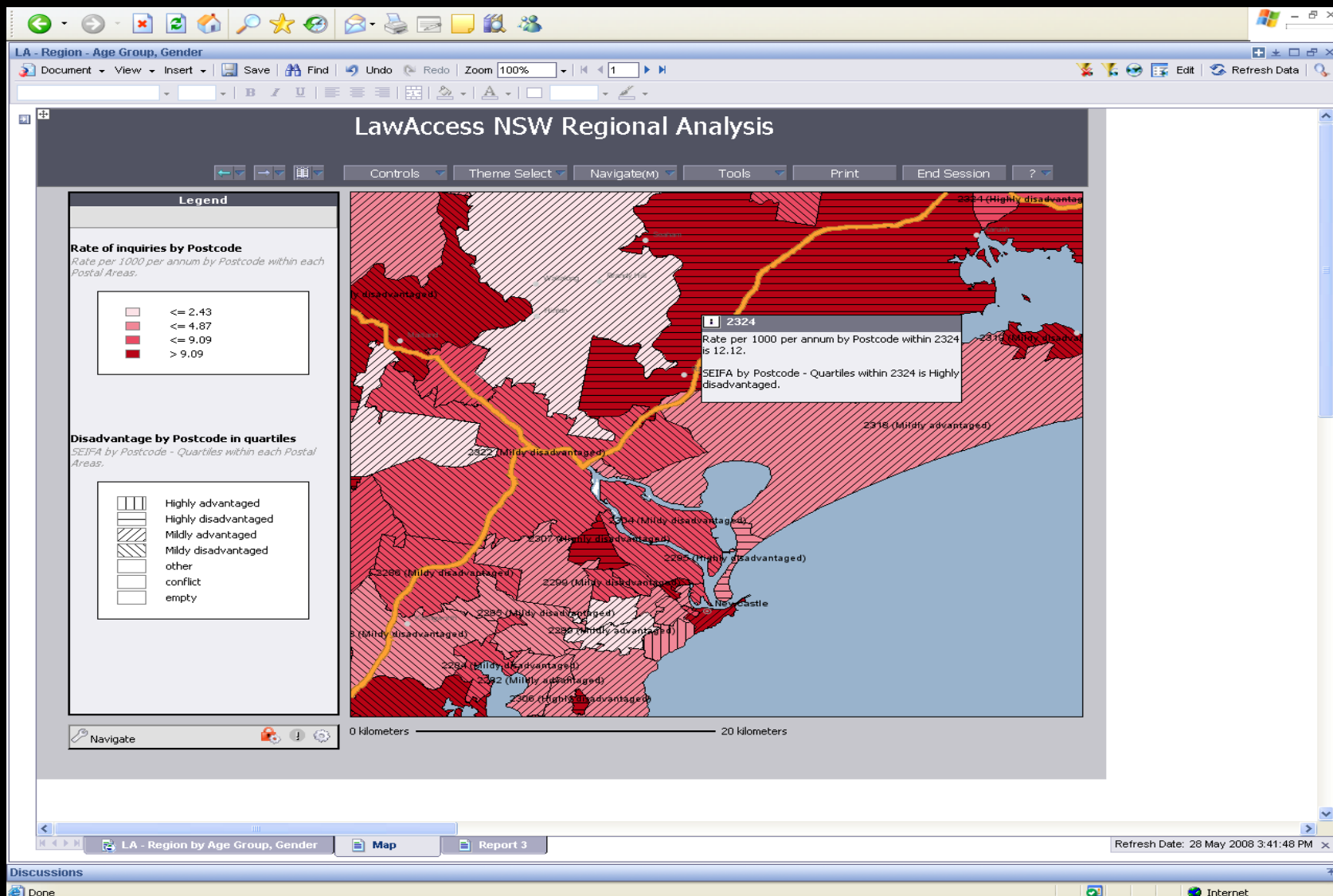
- NSW – key public legal service providers:
 - Legal Aid
 - Community Legal Centres
 - LawAccess NSW
- ‘Management/ administrative’ data collected - a source of expressed legal need
- Most keen to better target services (but data problematic)



Data Digest allows us to analyse / produce reports on:

- the types of legal matters for which inquiries are made
- the demographic characteristics of assistance seekers
- the pathways that svc users take to resolve their problems
- changes in legal inquiries over time
- the rate and number of inquiries for particular population groups and geographic areas of NSW
- spatial displays of the association between legal need and Census based measures of socio-economic disadvantage.







Legal needs surveys

- Provide a quantitative assessment of legal needs
- Present representative picture of both:
 - legal need **expressed** via use of legal services and
 - **unmet/unexpressed** legal need
- From the citizen's perspective



Progress of legal need surveys (LJF)

- *Bega Valley Pilot Survey (2003)*
 - Pilot survey conducted in the Bega Valley
- *Justice Made to Measure (JM2M); (2006)*
 - Survey in six disadvantaged areas of NSW
- *Legal Australia-wide Survey (LAW Survey)(2012)*
 - 20,716 interviews covering every state and territory of Australia



Targeted studies of legal needs of particular groups

- In-depth studies of selected groups (particularly disadvantaged, less researched to date):
 - Older people (2004)
 - Homeless people (2005)
 - People with a mental illness (2006)
 - Prisoners (and recently released) (2008)
- Post LAW Survey
 - Chronic illness, disability
 - Indigenous
 - rural, regional and remote
 - single parents
 - renters



Legal Australia-Wide Survey:

legal need in Australia

Authors: Coumarelos, C, Macourt, D, People, J, McDonald, HM, Wei, Z,
Iriana, R & Ramsey, S

www.lawfoundation.net.au/publications



“I’d like more access to
Justice and less access
to the courts”



Aims

Objective:

Inform debate and policy on provision of legal services and access to justice

Specific aims:

- prevalence and nature of legal problems
- responses to legal problems, including seeking advice
- finalisation and outcome of legal problems
- Which demographic groups fare worst?



Key findings

Findings broadly similar across jurisdictions and consistent with past research:

- Legal problems are widespread and often have adverse impacts
- Disadvantaged people are particularly vulnerable
- Sizeable numbers do nothing to resolve their problems and achieve poor outcomes
- Most people who seek advice don't consult a lawyer
- Most problems resolved outside formal justice system



1. Widespread legal problems



Widespread legal problems

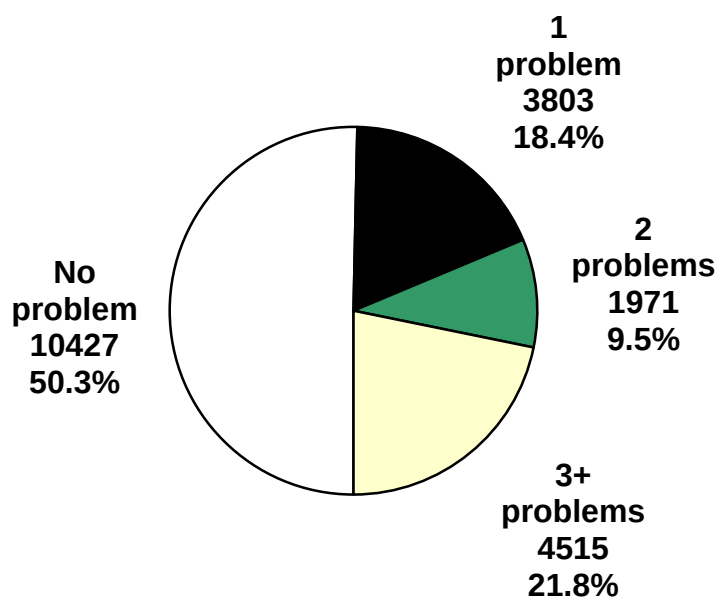


Figure: Prevalence of legal problems, Australia (N=20 716 respondents)

Overall prevalence - widespread, often multiple problems:

- 50% had a legal problem:
8.5 million 15+ years in 1 year
- 22% had 3+ legal problems:
3.7 million 15+ years in 1 year



Widespread legal problems

Problem group	Respondents %
Accidents	7.7
Consumer	20.6
Credit/debt	6.4
Crime	14.3
Employment	6.2
Family	5.0
Government	10.7
Health	3.3
Housing	11.8
Money	5.7
Personal injury	7.0
Rights	5.8

- Some types of legal problems were more prevalent (see *table*)

Table: Prevalence of legal problems
by problem group, Australia
(N=20 716 respondents)



2. Adverse impacts of legal problems



Adverse impacts of legal problems

Often severe, broad-reaching adverse impacts:

- 27% had 'substantial' legal problem with moderate/severe impact –
- 4.7 million 15+ years in 1 year
- 45% of legal problems caused 1+ adverse impact (see table)
- family problems – often substantial – highest no. of adverse impacts

Prevention & early intervention critical

Adverse consequence	%
Income loss or financial strain	28.9
Stress-related illness	19.7
Physical ill health	18.5
Relationship breakdown	10.1
Moving home	5.4

Table: Adverse consequences of legal problems, Australia (N=19 203 problems)



3. Vulnerability to legal problems



Vulnerability

- Not evenly spread across population
 - Minority of respondents (9%) – majority of legal problems (65%)
- Regressions: Which demographic groups are most vulnerable?
15 indicators of prevalence: overall, substantial, multiple, 12 problem groups

Demographic groups: age, gender, 9 disadvantaged groups:

• Indigenous • disability • low education	• unemployment • single parenthood • disadvantaged housing	• government payments • non-English main language • living in remote areas
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Vulnerability – high for disadvantaged groups

- Disadvantaged groups – often increased vulnerability:
 - People with a disability – all 15 indicators (all problem types)
 - Single parents – 11 indicators
 - Unemployed people – 11 indicators
 - People living in disadvantaged housing – 10 indicators
 - Indigenous people – 4 indicators
- Thus, considerable legal needs – in addition to non-legal needs due to disadvantaged status

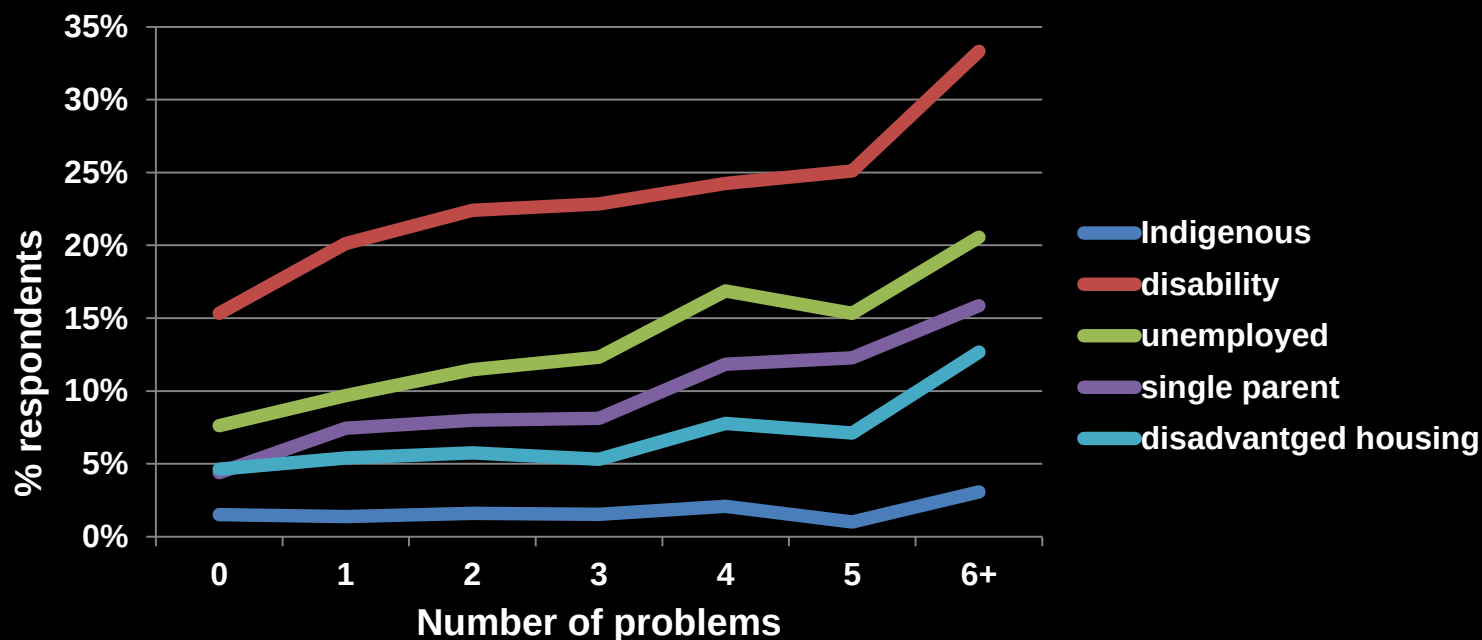


Vulnerability – by age

- **Stages of life effect': experience strongly related to age**
 - **oldest (65+ years) – lower prevalence** (e.g. due to retirement, less disposable income, children no longer at home?)
 - **different problem types peaked at different ages, eg:**
 - **15-17 &/or 18-24 years** – crime, personal injury, rights problems
 - **25-34 years** – credit/debt problems
 - **35-44 years** – family problems



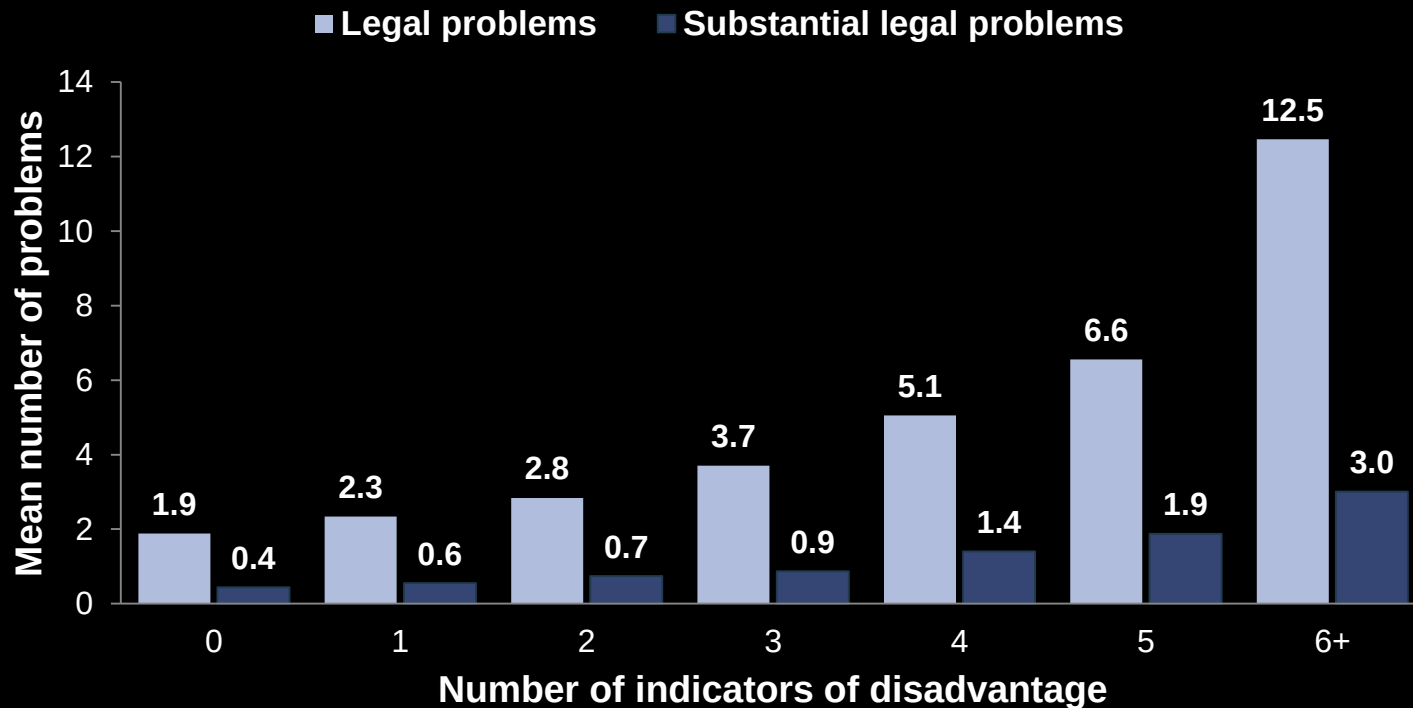
Vulnerability to multiple problems



N=20,716, LAW Survey, Australian - McDonald & Wei



Vulnerability to multiple problems



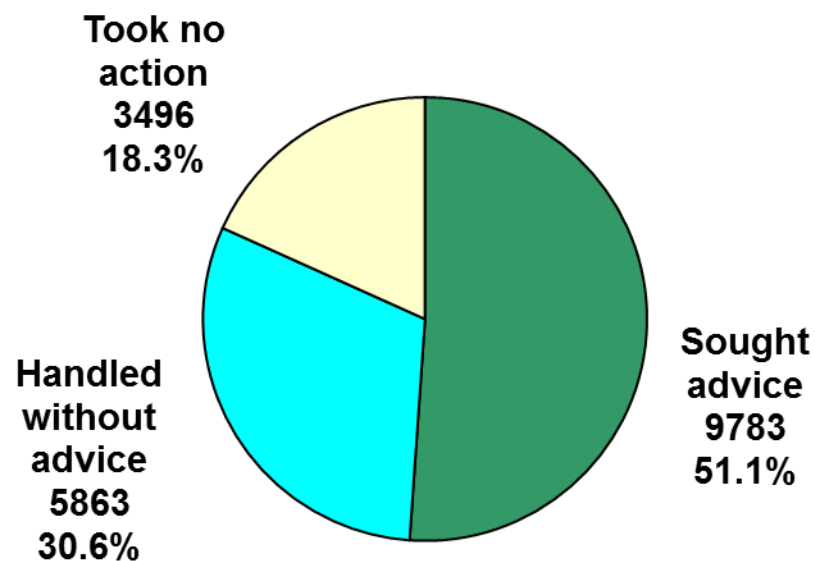
N=20716, LAW Survey, Australian - McDonald & Wei



4. Response to legal problems



Response – Overall strategies



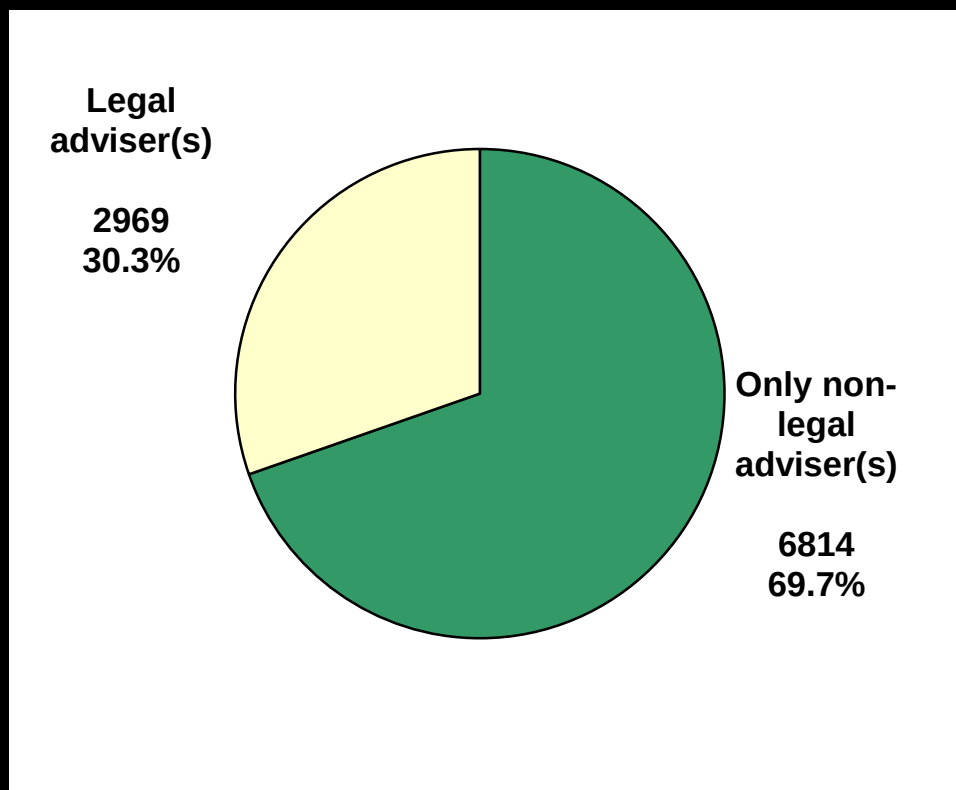
Most people don't consult a lawyer:

- 18% no action
- 31% handled without expert advice
- 51% sought expert advice

Figure: Strategy in response to legal problems, Australia (N=19 142 problems)



Response – Use of legal advisers



Where sought expert advice:

30% legal adviser

(16% of all problems)

Figure: Figure 6.3: Use of legal versus non-legal advisers, Australia
(N=9783 problems)



Response – by adviser type

	%		%
LEGAL ADVISER		NON-LEGAL ADVISER	
ALS	0.1	Dispute/complaint-handling adviser (e.g. ombudsman, tribunal, family dispute mediation body)	8.1
CLC	1.7	Government adviser (e.g. local council, MP, police government department/agency)	38.8
Court registrar/staff	2.7	Trade or professional association	7.6
LawAccess NSW	0.3	Health or welfare adviser (e.g. doctor, hospital, psychologist, social/welfare worker)	27.2
Legal Aid	6.0	Financial adviser (e.g. accountant, bank, financial planner, insurance company/broker)	22.2
Private lawyer	21.3	Other adviser (e.g. business/service, employer/boss, non-legal community org., school/university)	17.1
Legal adviser — other	2.9		

- Legal advisers:
 - Private lawyers: 21%
 - A not-for-profit legal service: 10%
- Non-legal advisers: broad range
 - Only point of professional contact
 - Often appropriate

Table: Adviser type, Australia
(N=9783 problems where sought advice)



Response – legal help by adviser type

Legal help not exclusive domain of lawyers:
but highest rate

Legal help:

- Pre-packaged legal information
- Advice on legal rights/procedures
- Help with legal documents
- Help with court/tribunal processes
- Help with formal dispute resolution
- Negotiation with the other side
- Referral to a lawyer/legal service

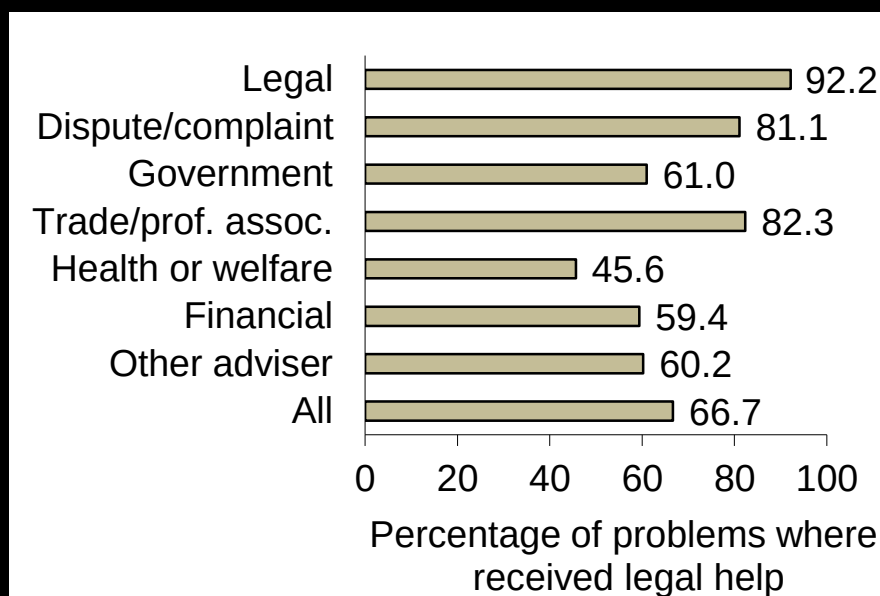


Figure 6.6: Legal help from main adviser by main adviser type Australia
(N=9327 problems where sought advice)



Response – outcome and unmet legal need

Unmet legal need – YES:

- Taking no action – poorer outcomes (see figure)
- Reasons for no action – sometimes people constrained from acting:
 - take too long (35%)
 - bigger problems (31%)
 - too stressful (30%)
 - cost too much (27%)
 - didn't know what to do (21%)
 - damage relationship (13%)
- Thus, sometimes there are personal or systemic constraints to taking action

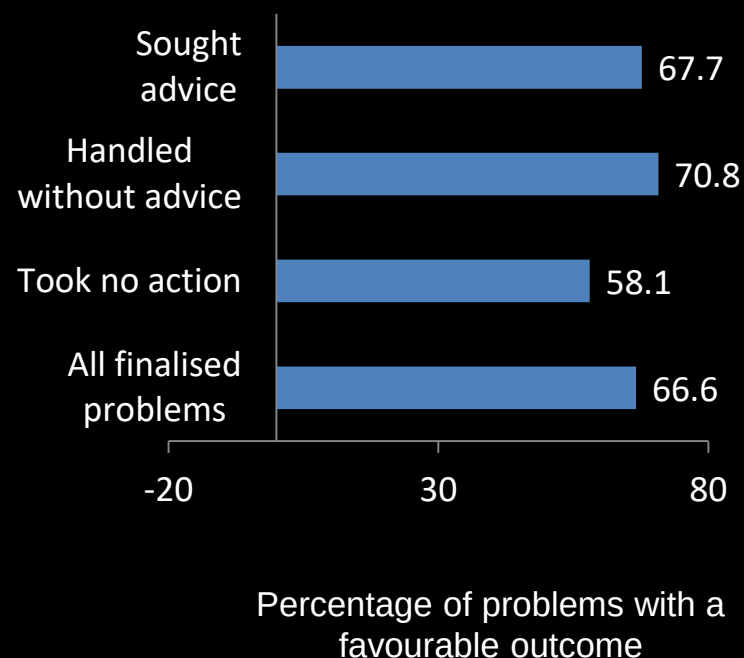


Figure: Favourability of outcome of legal problems by strategy, Australia
– (N=11 842 finalised problems)



Response – outcome and unmet legal need

- Reasons for no action – sensible?
 - problem was resolved quickly (56%)
 - problem was not very important (43%)
 - However, considerable gaps in legal knowledge... so such lay judgements may not always be accurate
- Seeking advice – more likely for substantial problems
- Handling without advice – often favourable outcomes
 - However, more likely to handle minor problems without advice
 - Thus, some people capably used self-help strategies, particularly for less serious problems



Response – by demographic group

- Three disadvantaged groups – less likely to take action:
 - People with low education levels
 - People with a non-English main language
 - Unemployed people
 - Thus, these groups tend to ignore their legal problems and may need to be motivated/empowered to take action
- Low education, non-English main language groups:
 - reported lower not higher prevalence (unlike other disadvantaged)
 - Actual lower prevalence?
 - Again, perhaps failure to recognise legal problems



5. Barriers to advice



Barriers to advice from main adviser

Kms	Remote	Regional	Major city
Didn't travel	28.7	17.4	24.3
≤5	37.3	33.0	33.5
6–10	1.8	12.2	15.6
11–20	1.7	10.1	13.5
21–40	7.2	12.2	8.6
41–80	4.2	6.7	2.8
81+	19.0	8.4	1.7

Distance

- Too far away / too hard to get to in 8% cases
- Remote – travelled 40+ kms in 23% cases (see table)

Other accessibility barriers

(legal, dispute/complaint handling, government advisers):

- Difficulty getting through on phone (17%)
- Adviser took too long to respond (14%)
- Inconvenient opening hours (8%)
- Difficulty getting appointment (7%)

Cost – most common barrier for legal advisers (23%)

- Rarely a barrier for other advisers
- Thus, although cost not an impediment for most problems – handled outside legal system – can be impediment to legal advice

Table: Distance usually travelled to consult main adviser in person by remoteness, Australia
(N=5895 problems where consulted main adviser in person)



6. Finalisation outside legal system



Finalisation of legal problems

Manner of finalisation	%
Court or tribunal	3.4
Formal dispute resolution	1.5
Complaint-handling body	1.9
Agreement with other side	29.9
Respondent didn't pursue further	29.8
Another agency (e.g. government body, insurance company, police)	15.0
Lawyer's help	1.6
Someone else's help	4.8
Other side didn't pursue further	7.5
Other	4.7

Table: Manner of finalisation of legal problems, Australia (N=12 090 finalised problems)

No 'rush' to law

- Finalisation infrequent via:
 - legal proceedings
 - dispute resolution or complaint-handling processes



7. Gaps in legal knowledge



Awareness of not-for-profit legal services

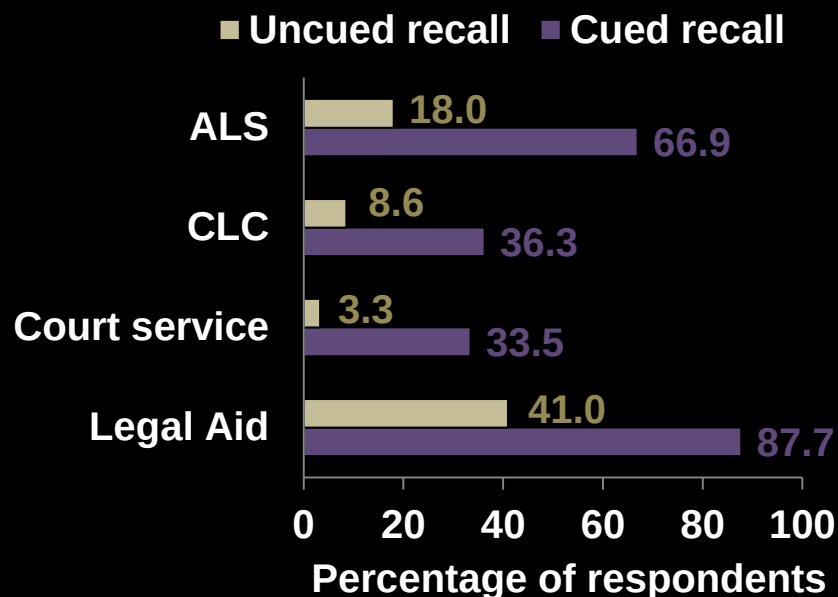


Figure: Uncued and cued recall of not-for-profit legal services, Australia

(ALS: N=348 Indigenous respondents. Other services: N=20 716 respondents.)

Uncued recall: Can you name any...?

Cued recall: Have you heard of...?

- Sizeable gaps in awareness
 - Legal Aid – high
 - ALSs – moderate (Indigenous people)
 - CLCs, court services – low
 - LawAccess NSW – 14% for cued recall (NSW people)



8. Implications: a holistic approach to justice



Conclusion

- Diversity in experience, handling and outcome of legal problems:
 - **Vulnerable** versus **resilient**
 - **Require assistance** versus **self-help strategies**
 - Disadvantaged people often fare worst
 - Resolution via variety of legal and non-legal pathways



Holistic approach to justice

‘Holistic’ approach to justice to fully address community needs:

- Multiple, integrated strategies to suit varying needs and capabilities
- Thus, not simply more resources, but reshaping service delivery
- Given vulnerability of disadvantaged people, quality public legal services form the ‘backbone’
- Balance strategies for the general public and most vulnerable groups



Key strategies of holistic approach to justice

- Basic community legal information & education
 - ↑ legal knowledge – identify legal issues & services
 - empower action, enhance early intervention
 - E.g. signpost 'legal triage' services, first ports of call
 - Not stand-alone solution
- Self-help strategies
 - not universal panacea – capable people, non-complex problems
- Accessible legal services across urban, rural & remote areas
 - Appropriate mode of service delivery? Face-to-face advice may be better for some disadvantaged people
 - Overcoming distance barriers? Face-to-face services may not be practical in remote areas

FINDINGS:

*Adverse impacts,
no action,
constraints to action,
no lawyer,
low awareness services*

*Good outcomes for
handling (minor)
problems without advice*

*Distance,
accessibility barriers,
cost of lawyers*



Key strategies of holistic approach to justice

- Non-legal professionals as gateways into legal services
 - E.g. referral to 'legal triage' or generalist legal service
 - E.g. dissemination points for legal information packages
- Integrated legal services
 - Client-centred approach, particularly for most vulnerable with multiple legal problems
- Integrated legal & broader human services
 - Disadvantaged people – may need client-centred approach & intensive assistance

FINDINGS:

*Widespread use,
only point of professional
contact*

*Multiple complex legal
problems*

*Intertwined legal and non-legal
needs of disadvantaged
people*



Key strategies of holistic approach to justice

- Tailoring services for specific problem types & demographic groups– Eg
 - Serious problems (eg majority of family)
 - High-volume problems (eg consumer) – also high volume of substantial problems
 - Legal problems typically faced at various life stages
 - People with a disability (& other disad groups) – integrated services
 - People with low education, non-English main language – empower to take action

FINDINGS:

Prevalence & response vary by demographic group & problem type



Key strategies of holistic approach to justice

- All of these strategies must be planned/implemented at the appropriate level
 - National
 - Jurisdictional
 - Regional
 - Local



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Part Two: Progress to identifying “what works”



Reshaping Legal Assistance Services to meet the need

[www.lawfoundation.net.au/ljf/site/templates/reports/\\$file/Reshaping_legal_assistance_services_web.pdf](http://www.lawfoundation.net.au/ljf/site/templates/reports/$file/Reshaping_legal_assistance_services_web.pdf)



Background

- The Foundation
- Legal needs – ‘what works’ to address that need?
 - Much research on legal needs
 - Little research about ‘what works’, and at what cost, etc
- What is the Discussion Paper about?
- Three audiences (and sources)
 - Service providers
 - Policy makers / funders
 - Researchers



Reshaping Legal Assistance Services: Purpose

- Research – broad understanding of public's legal needs
- How translate this understanding into policy directions and best-practice service delivery?
- Paper – bridge between research, policy and service delivery. Framework for discussion of service options:
 - Key directions for reform suggested by evidence
 - Benefits and challenges of different service options



Method: Reshaping Legal Assistance Services paper

- Summary of existing legal needs research: particularly in Australia
- Further analyses using LAW Survey data
- New fieldwork: consultations with 135 legal and other human service providers:
 - Sydney and 3 regional/remote areas of NSW
 - Legal service providers included ALS, CLCs and Legal Aid
 - Key stakeholders in NSW
 - Purpose: to provide egs of service innovations, benefits/challenges of different service models



Overview

1. Brief summary of core research findings & new LAW Survey analyses
2. Key directions for service reform: Services should be:
 - **Targeted**
 - **Joined up**
 - **Timely**
 - **Appropriate**
3. Each service concept: definition; framework for implementation
4. Gaps in our current understanding & foundations for a research strategy, moving forward



Empirical evidence

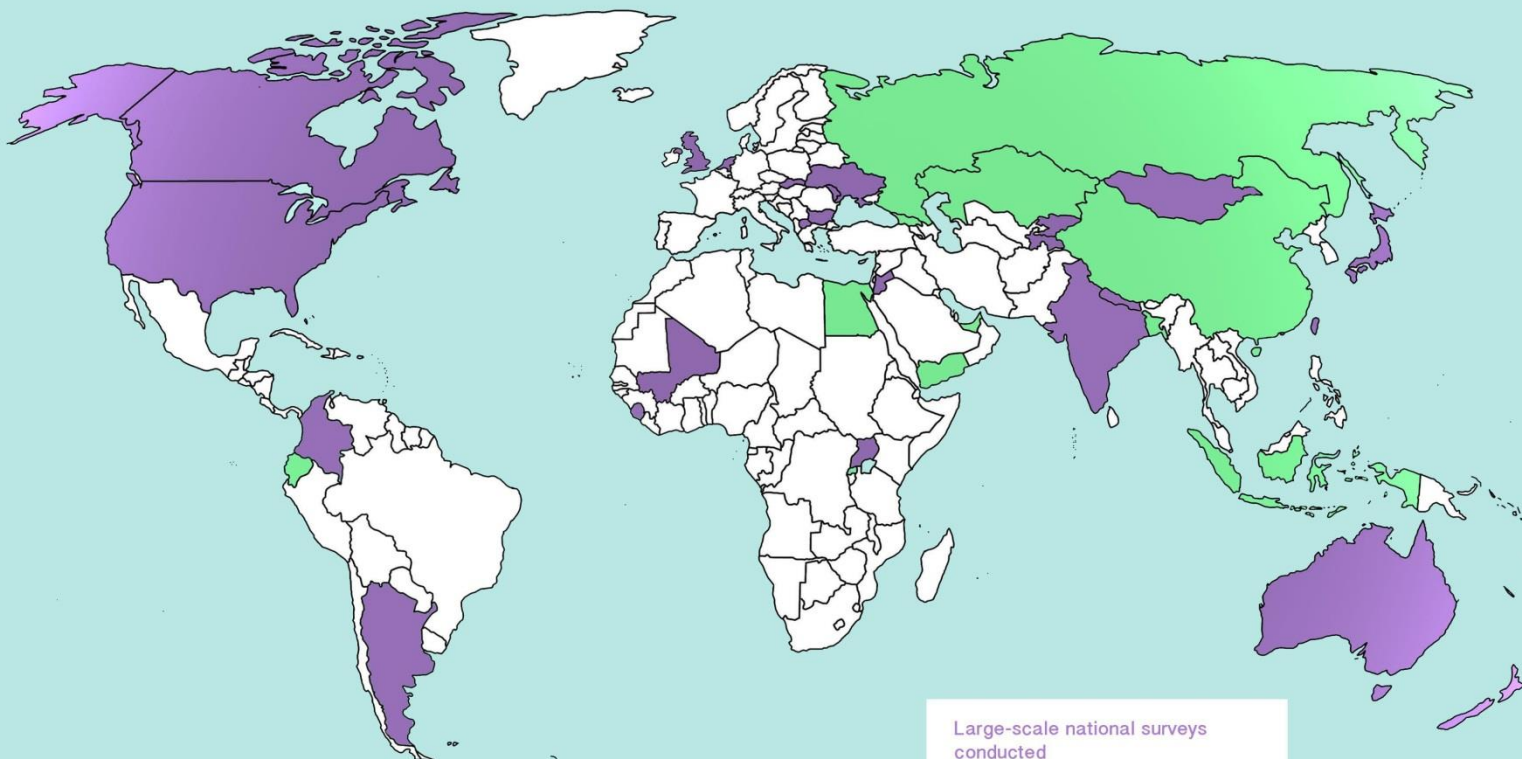
Over 50 national and other significant legal needs surveys across the world – including Legal Australia-Wide (LAW) Survey

Other access to justice research

1. Inequality of experience
2. Multiple problems compound inequality
3. Inequality of access and capability



Legal Needs Surveys: A Global Endeavour



Large-scale national surveys
conducted

Other significant legal needs
surveys conducted



Empirical evidence

Inequality of
experience



Inequality of experience & disadvantage

Problems are not randomly distributed across population:

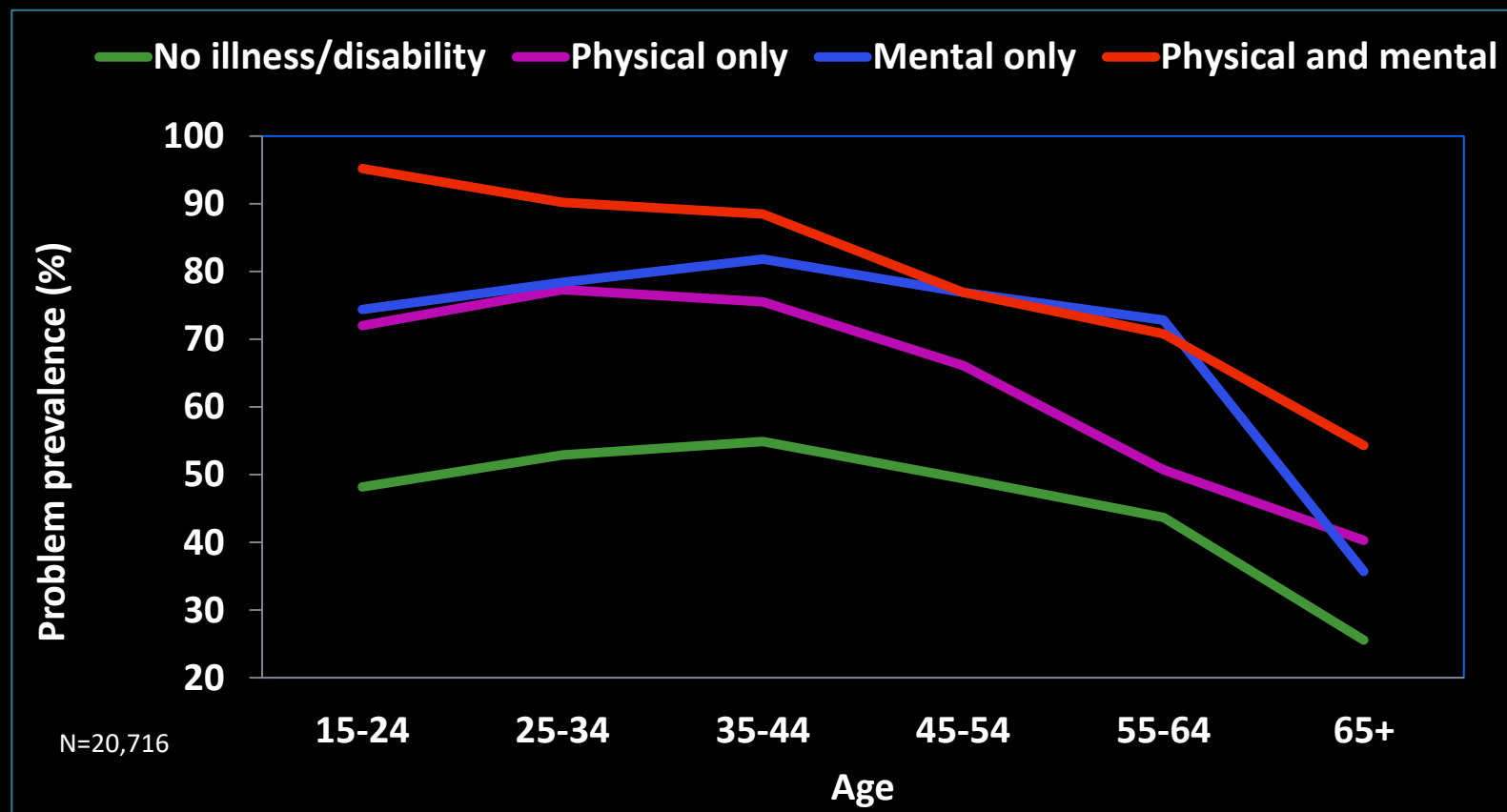
- LAW Survey: 9% of people = 65% of problems

Disadvantage is pivotal. E.g. elevated prevalence for:

- chronic ill-health/disability, single parenthood, unemployment, disadvantaged housing
 - disability: elevated prevalence for all 12 problem types

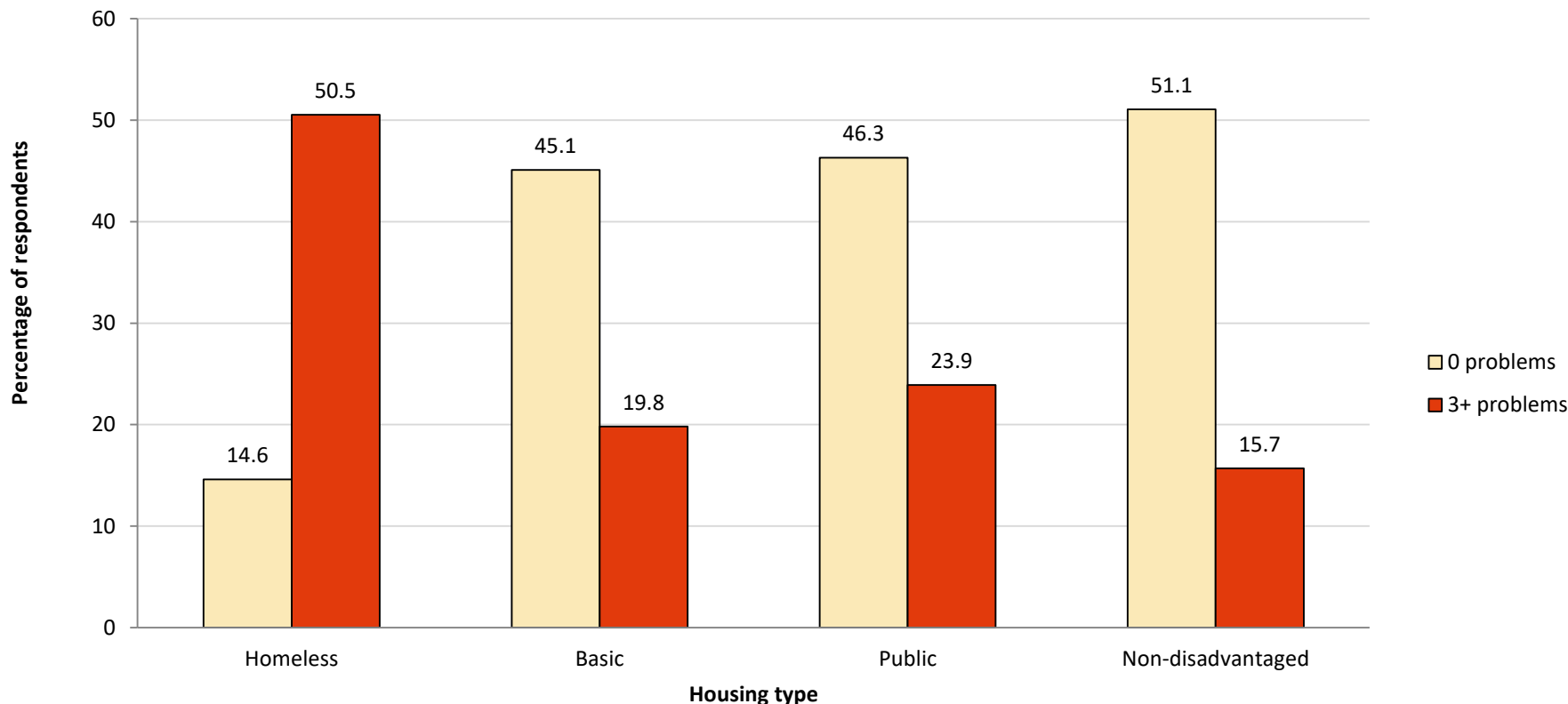


Legal problem prevalence by disability type: LAW Survey





Legal problem prevalence by housing type: LAW Survey



Note: N= 20716 respondents – 270 homeless, 965 in basic/public housing, 19481 in non-disadvantaged housing



Empirical evidence

Multiple problems
compound inequality



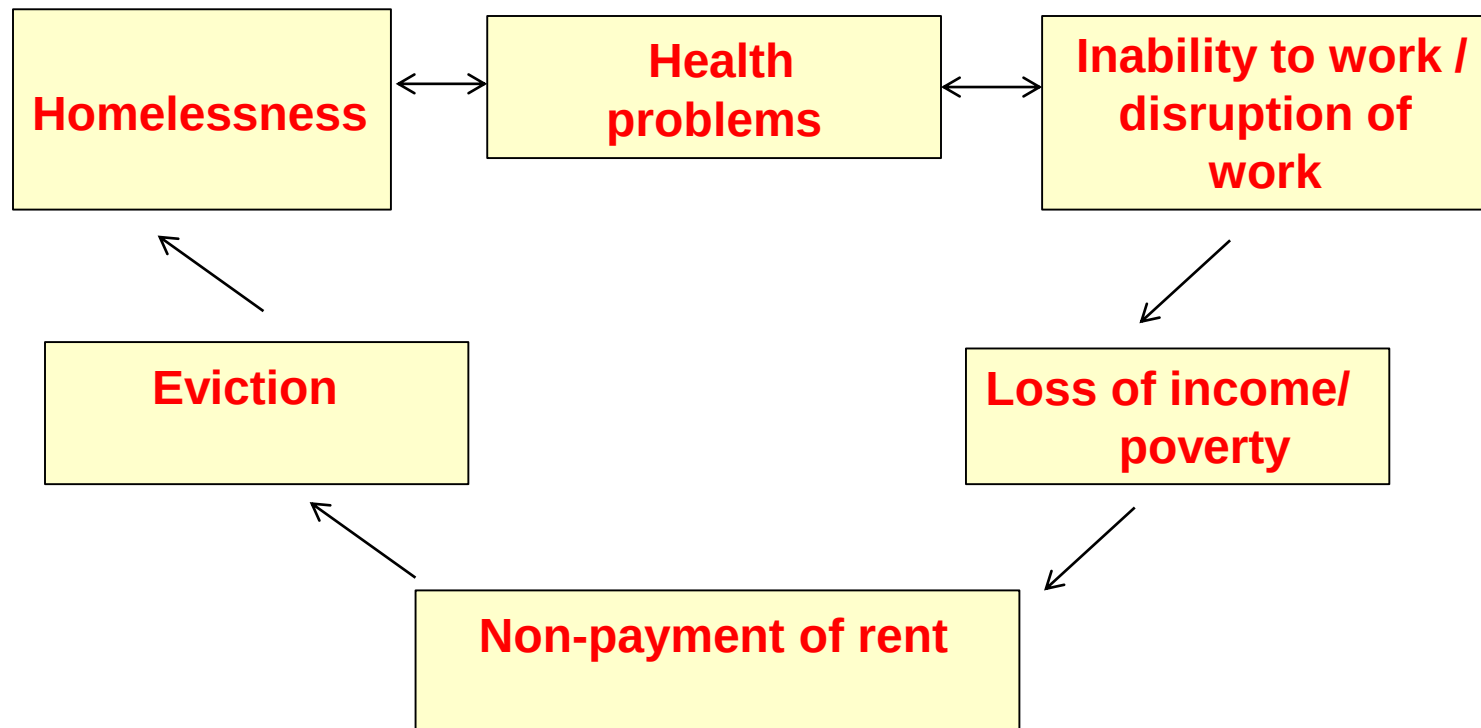
Legal problems don't exist in isolation

- Legal problems co-occur – defined clusters identified
- Disadvantaged people: ↑ multiple legal problems
- Legal problems coexist with 'everyday life' problems: bi-directional link
 - Result from broader social problems
 - Create/perpetuate broader social problems & disadvantage



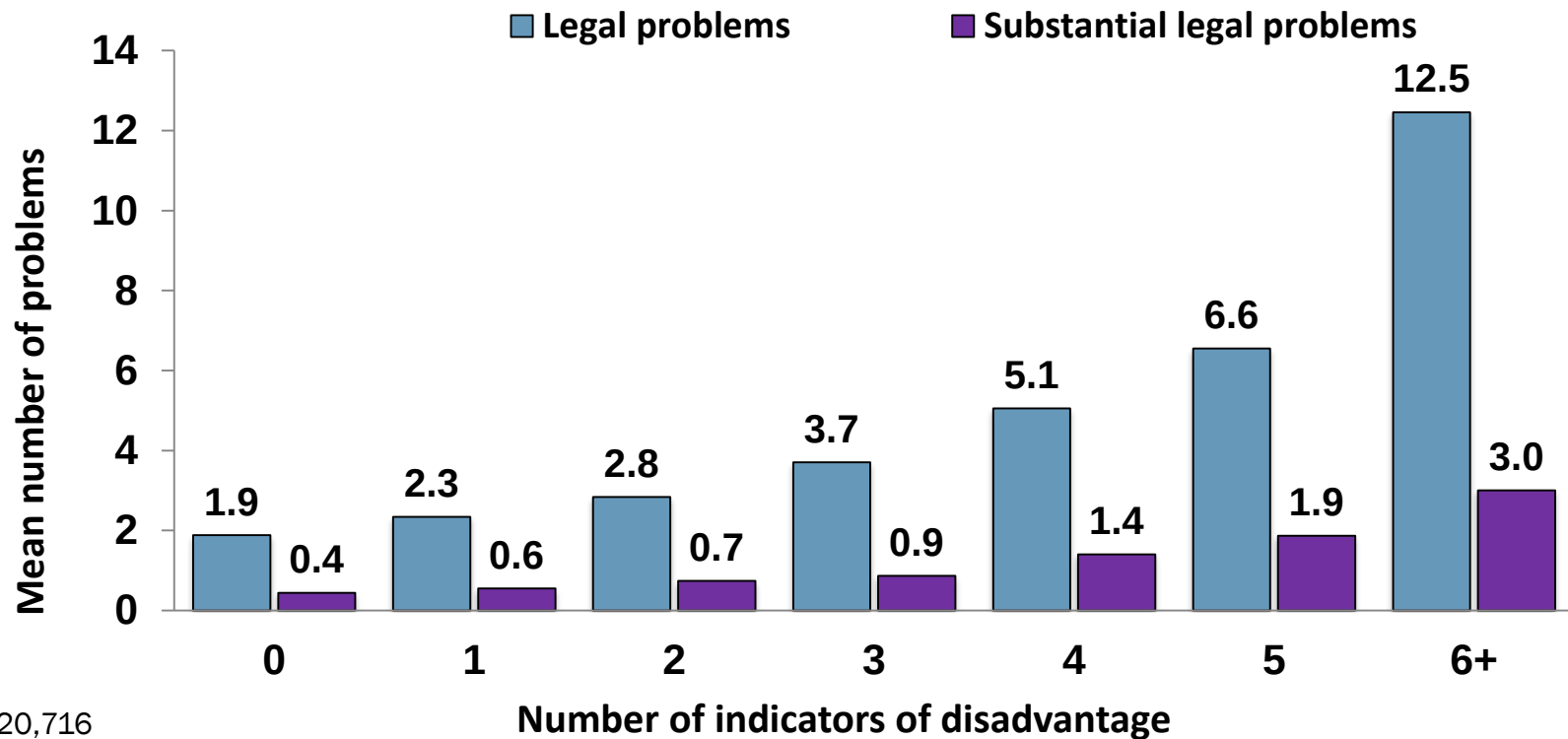
A vicious cycle of vulnerability

(adapted from Tobin Tyler et al 2011, p.236)





Multiple disadvantage = multiple legal problems



(McDonald & Wei 2013 – LAW Survey data)



Overlap between legal and non-legal public service needs

Non-legal public service need	Number	% of all LAW Survey respondents	% reporting 1+ legal problems
Health	4,095	19.8	61.0
Housing	1,235	6.0	60.9
Unemployment	1,700	8.2	59.5
Health + housing	507	2.4	66.8
Health + unemployment	971	4.7	61.9
Housing + unemployment	331	1.6	71.3
Health + housing + unemployment	233	1.1	75.1
All LAW Survey respondents	20,716	100.0	49.7

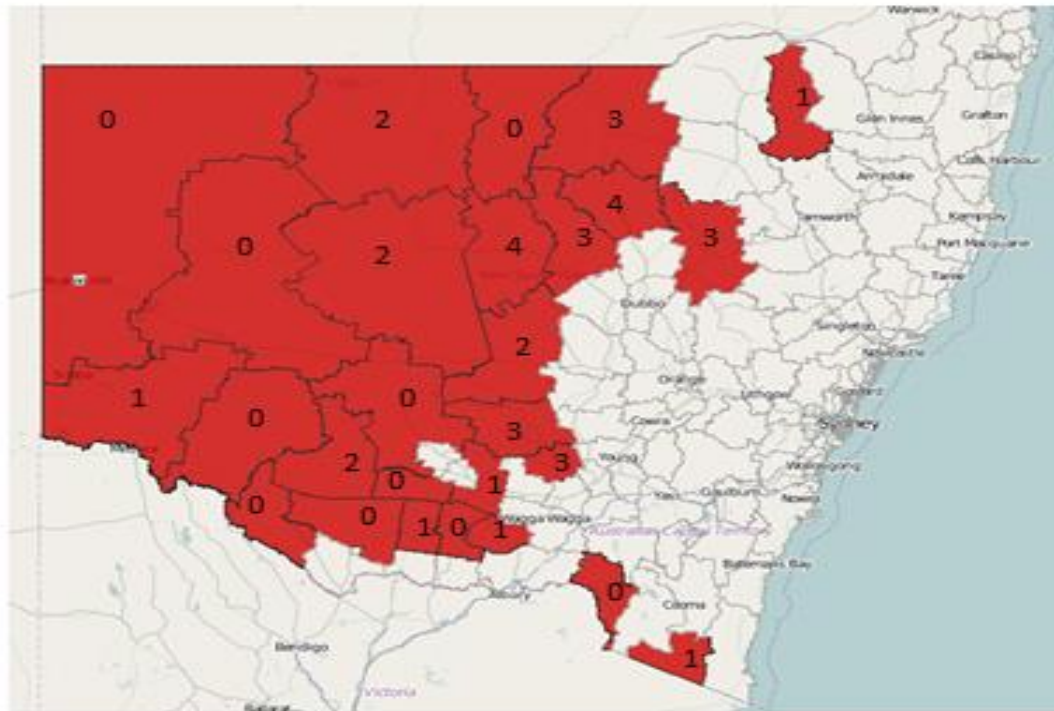


Empirical evidence

Inequality of
access and capability

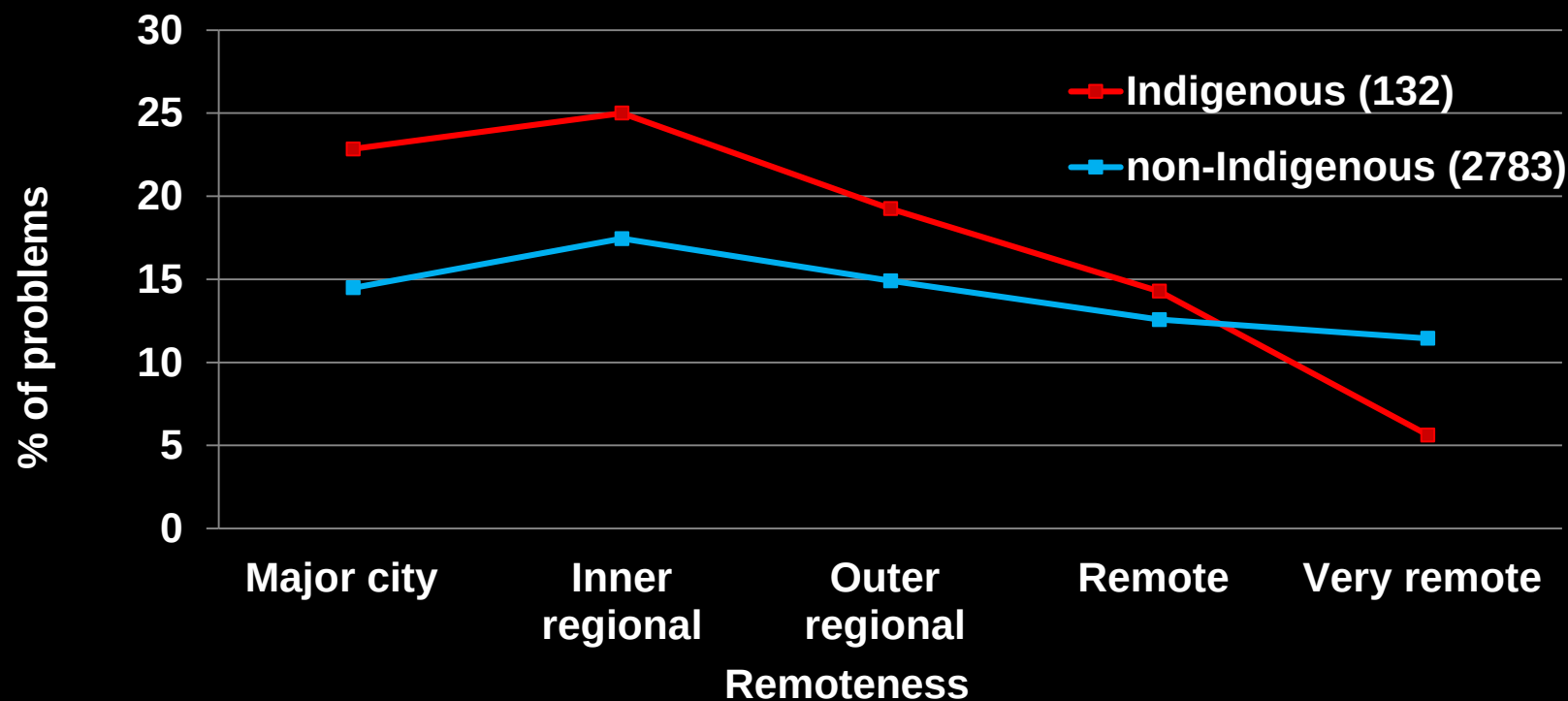


27 NSW LGAs with declining population and <5 solicitors





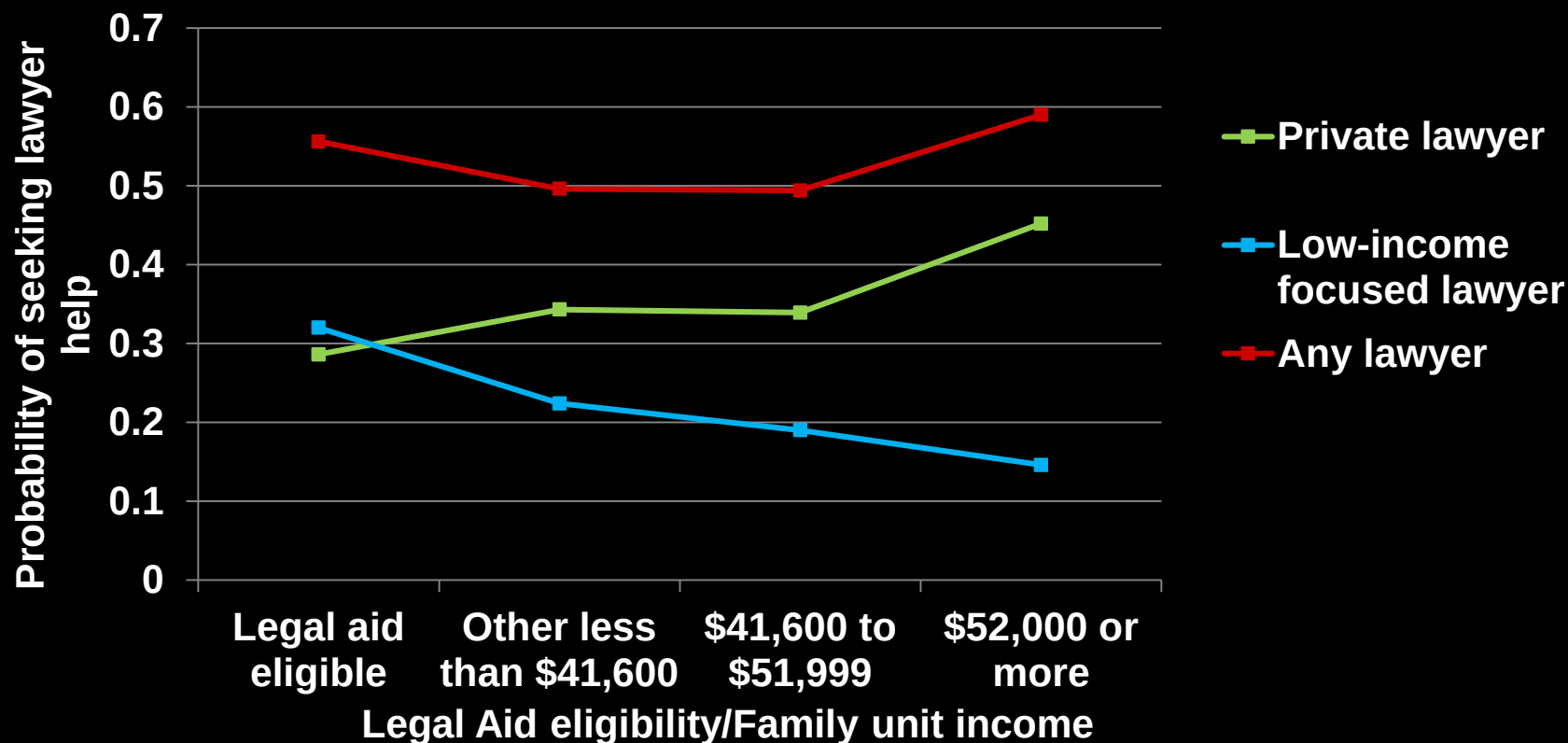
Inequality of access: geography & Indigenous status



(Iriana, Pleasence & Coumarelos 2013 – LAW Survey data)



Inequality of access: cost

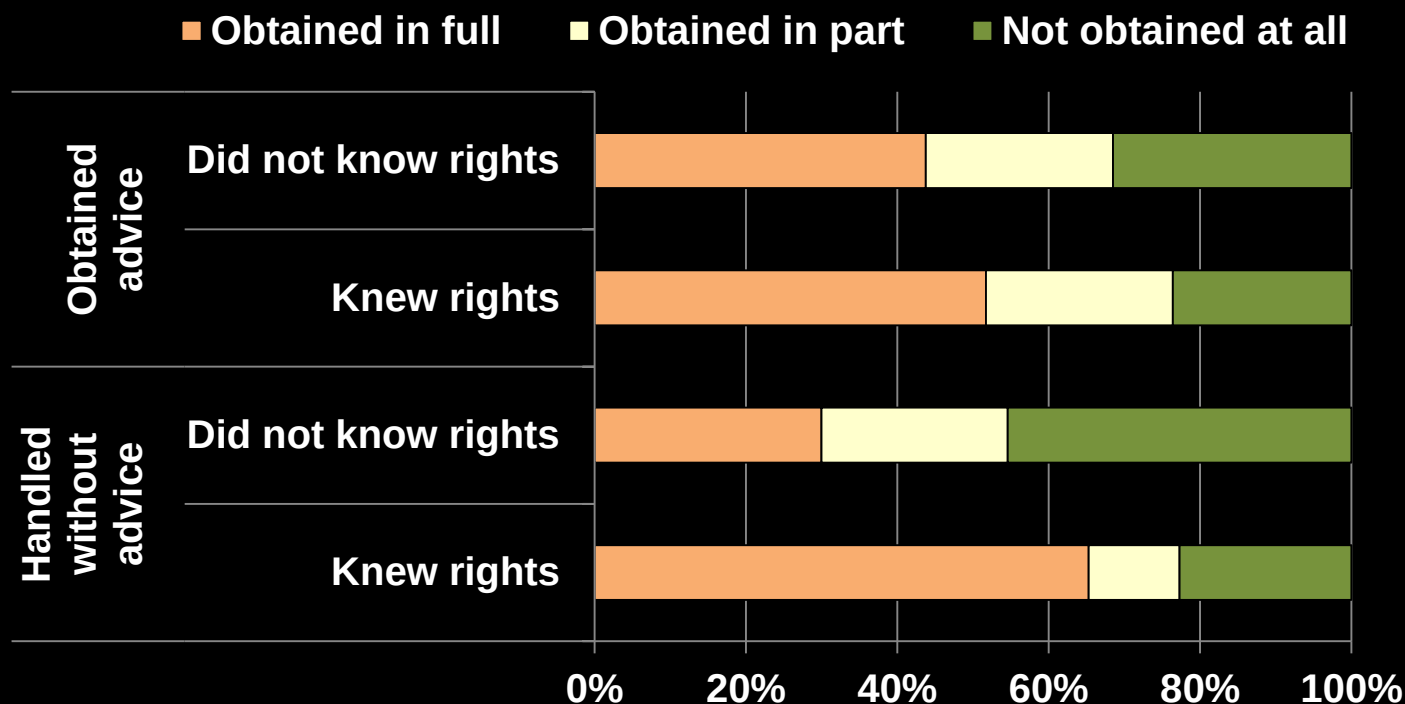


(Pleasence & Macourt 2013 – LAW Survey data)



Inequality of capability: knowledge of law and legal services

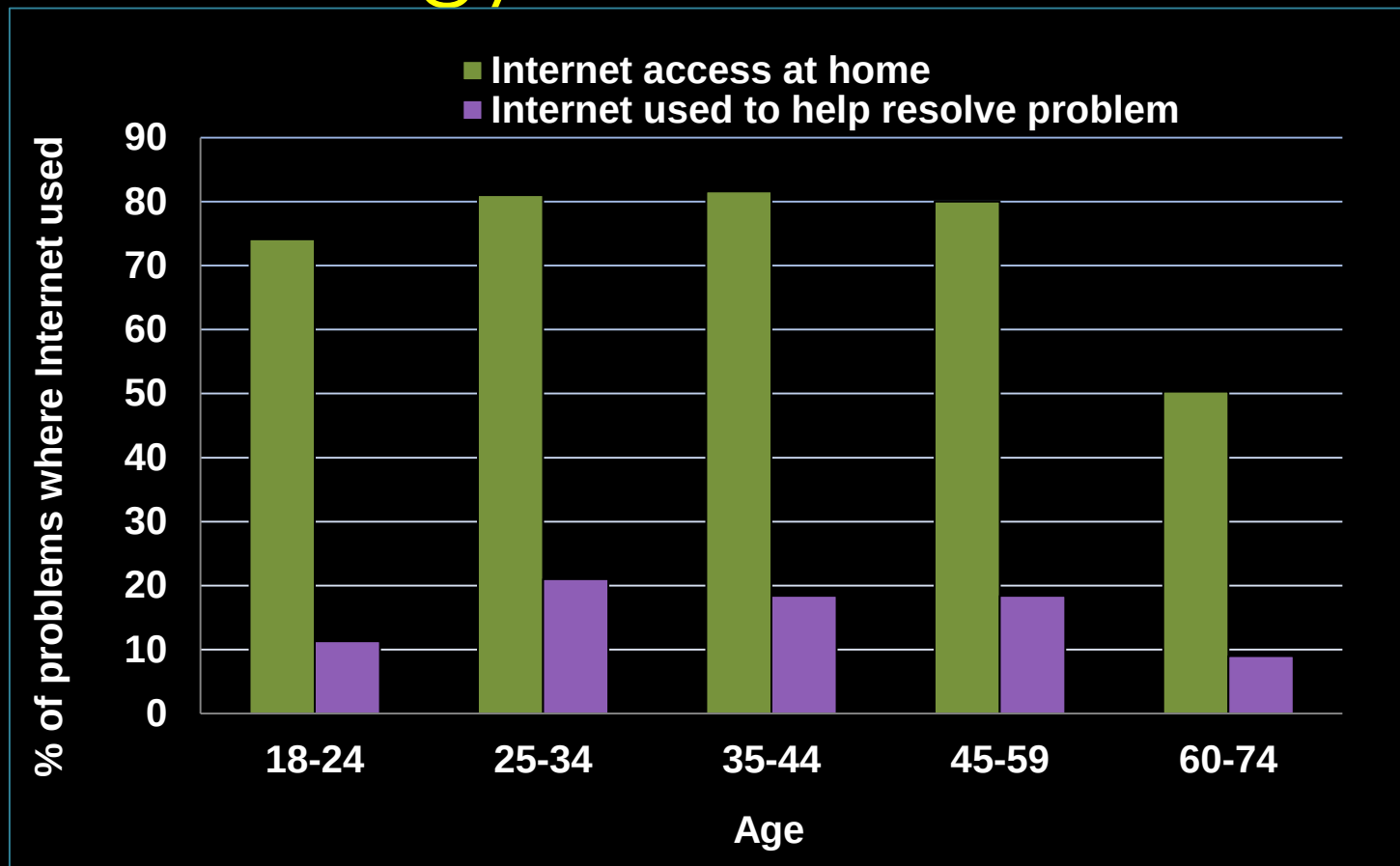
Outcome of legal problem by awareness of legal rights and strategy used



(Balmer et al. 2010 – English and Welsh Civil and Social Justice Survey)



Inequality of access/capability: technology



Access does
not equal
effective
usage for
legal
resolution

(Denvir et al. 2011 – English and Welsh Civil and Social Justice Survey)



Inequality of capability: reasons for no action

Took no action: More likely to report 'Didn't know what to do'
Unaware of free legal services
18-54 years (v. 65+ years)
Non-Indigenous
Had not completed Year 12 (v. post-school qualification)
Had been unemployed
Took no action: More likely to report 'Would be too stressful'
Female
Disadvantaged housing
Non-English main language

Other variables examined: problem type, problem severity, awareness of nfp legal services, gender age, Indigenous status, disability status, education, employment status, family status, housing type, income, main language, remoteness

(McDonald & Wei 2014 – LAW Survey data)



Implications for service delivery

Services should be:

Targeted to reach the neediest

Joined up to address joined-up, complex life problems

Timely to ensure responsiveness as early as practicable

Appropriate to the needs and capability of the user





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Targeted services



Targeted

Reaching the broad community

- Simple legal gateways: well-recognised, effective triage & referral
- Non-legal professionals as gateways: routinely the only point of contact for people with legal need – use them to ‘spot’ legal problems & provide referral to simple legal gateways

Reaching disadvantage people

- Often marginalised, multiple problems, complex/chaotic lives, low capability, access barriers
- Often don’t front up to a lawyer’s office, so you need to reach out to them

Outreach

- Definition: Service providers proactively attempt to reach clients (away from face-to-face delivery in primary office)
- typically prioritise the neediest



Legal outreach models

Dimension	Options
Target	Demographic group (e.g. homeless), location (e.g. courts), geographical area
Legal issue	Criminal, family, civil
Mode	In person (e.g. office & satellite sites, mobile office/circuit) Technology-based (e.g. phone, online, AVL) Inreach
Personnel	Public or private lawyer, paralegal, other
Intervention	CLE, advice clinics, indirect (secondary) consultation, systemic advocacy, law reform
Site/host agency	Public legal service, legal system institution, non-legal service, community organisation, client's home
Integration	Networking/referral, one-stop shop, case management across agencies
Timeframe/schedule	Once-off, temporary, ongoing
Administration	Drop-in, appointment-based, both



Potential challenges of legal outreach

Relates to ...	Potential challenge
Geography	Distance, lack of transport, Shortage of RRR lawyers &/or non-legal services
Client engagement	Hard-to-reach clients, Access barriers (cultural, distrust)
Disadvantaged clients	Multiple, complex legal & non-legal needs, Low capability
Staffing and resourcing	Skilled legal/other staff, generalist & specialist lawyers, Staff turnover/training/supervision, Conflict of interest, Resources
Collaboration with host agency, service networks	Many – see chapter on joining up services
Service delivery	High resourcing for in person outreach & inreach Limitations of technology-based outreach Availability of host agency/partner/other services Responsiveness & consistency of service Administration (e.g. intake/conflict checks), Sustainability



Key features of effective legal outreach

- Targeted to meet priority legal need and fill a service gap
- Engages clients
- Service delivery appropriate to clients
- Client-centred services and effective referral
- Effective collaboration
- Accessibility
- Sustainability
- Efficient administration and sufficient resourcing
- Monitoring and evaluation



Planning Legal outreach

1. Target clients

High legal need
Service gaps/barriers

2. Needs & demographic analysis

Legal & non-legal issues
Demographics
Competencies (legal capability, culture)

3. Existing infrastructure

Stakeholders, community leaders
Legal & broader human services
Facilitators & barriers of outreach

4. Client engagement

Trusted site/host agency, service provider
Trusted community leader, field officer, problem noticer
Marketing; word-of-mouth

5. Appropriate service delivery

Client needs & capability
Mode & intervention type
Site/host agency (trusted, privacy)

6. Administration and sustainability

Skilled, supported legal & support staff
Intake system & client file system
Funding & sustainability

7. Monitoring and evaluation

Reaching & assisting clients
Best practice processes & outcomes
Accountability (& sustainability)



Joined-up services



Joined Up

Potential benefit of joining up – Legal problems:

- cluster together
- part of a broad set of social, economic &/or health problems

Definition of joined-up services

- clients can move swiftly, easily and seamlessly between the services they need

Basis of joining up

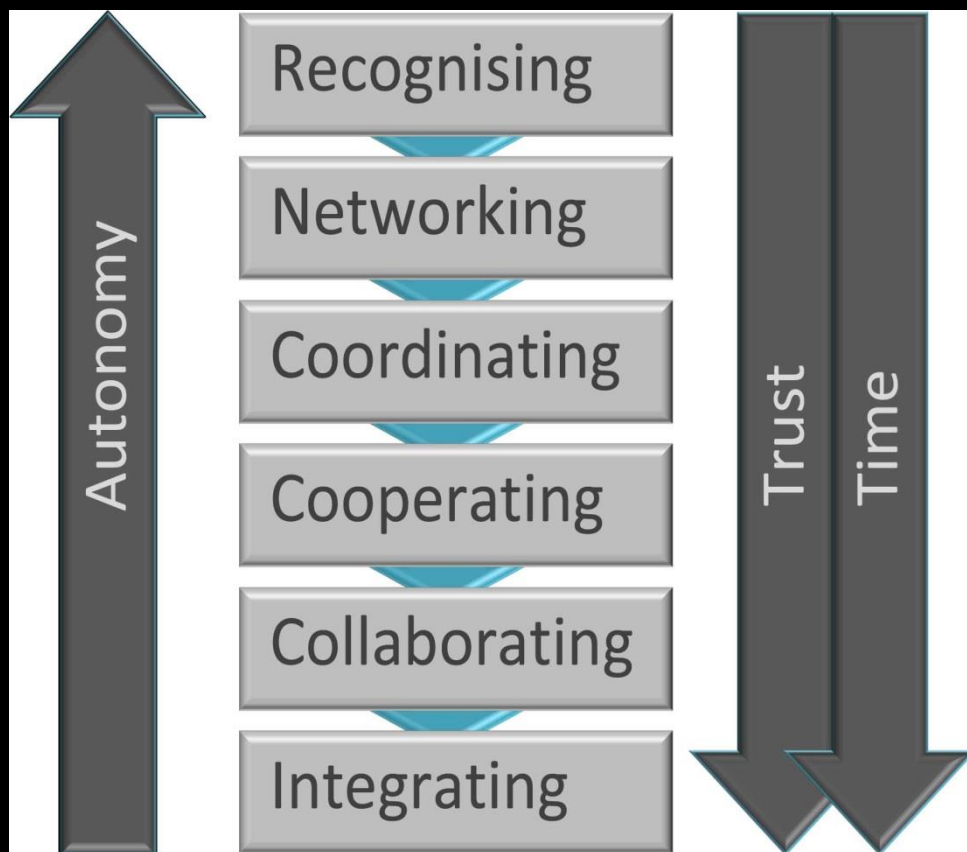
- physical location, professional links, navigation tools, same client group, etc

[illegible]

Huxham and Vangen (2005, p.13)



The continuum of joined-up service models



Some examples:

UK: CABs in health setting

UKK: trial of Community Legal Advice Centres/Networks

US: medical legal partnerships (MLPs)

NSW: Cooperative Legal Service Delivery (CLSD) Program

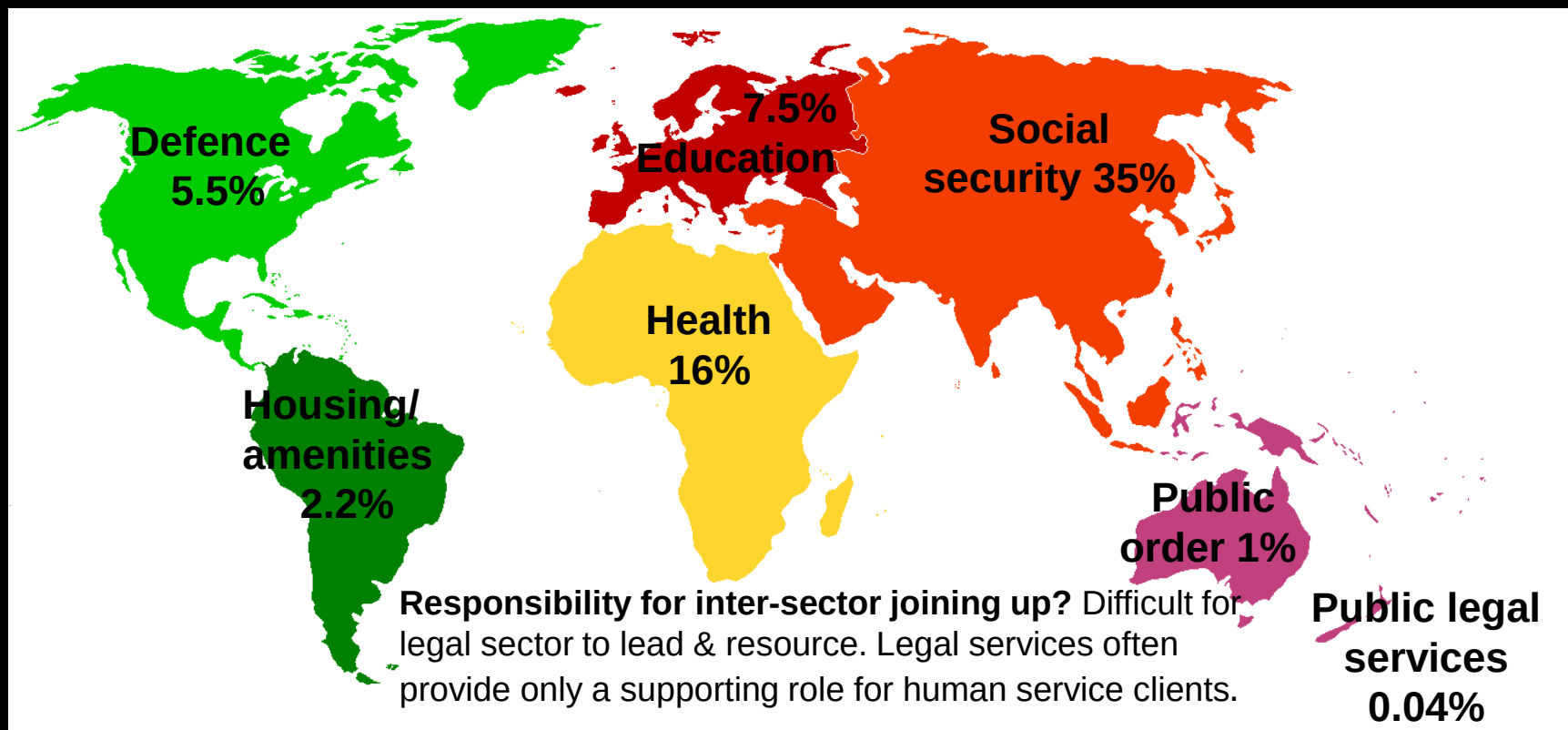
NSW: Civil & family advice by LANSW to ALS clients

NSW: LANSW & Migrant Resource Centres (MRCs)

NSW: CLCs & Family Resource Centres (FRCs)

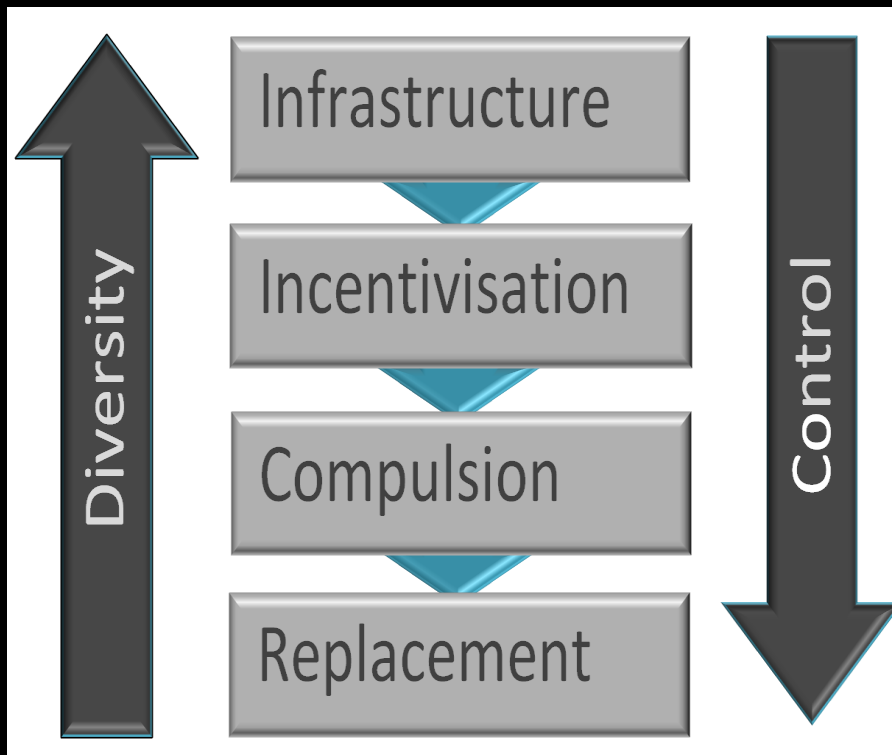


The Australian Human Services Map





Options for joining up services from outside: i.e. influence by government/funders



Infrastructure:

Resources to support joining (e.g. mechanisms for raising awareness of other services, co-location, networking, joint planning)

Incentivisation:

Financial or other incentives for joining up

Compulsion:

Mandatory joining up

Replacement:

Replacing existing services with new joined-up services



Appropriate services



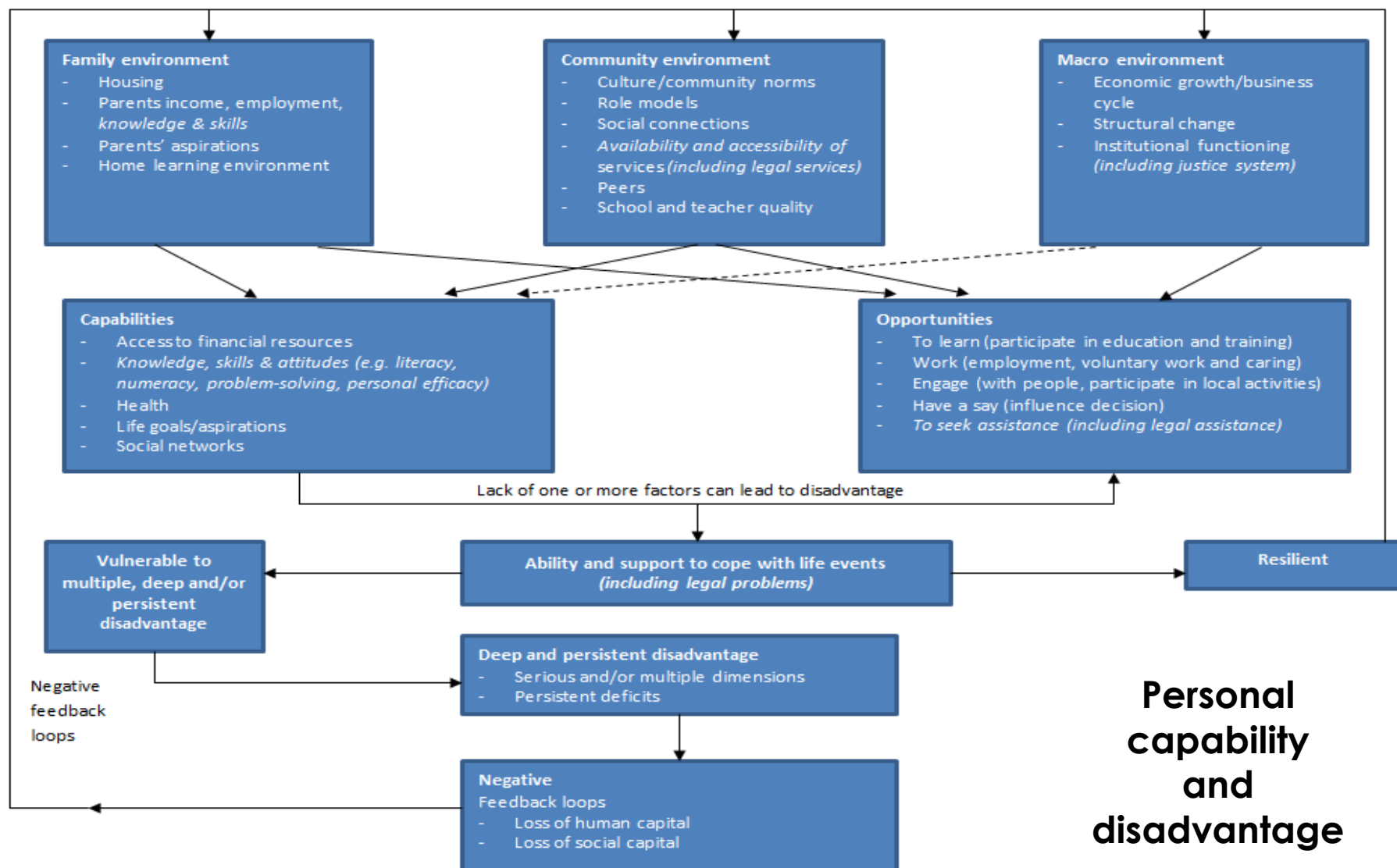
Appropriate

Appropriate services match client need and capability

Legal capability

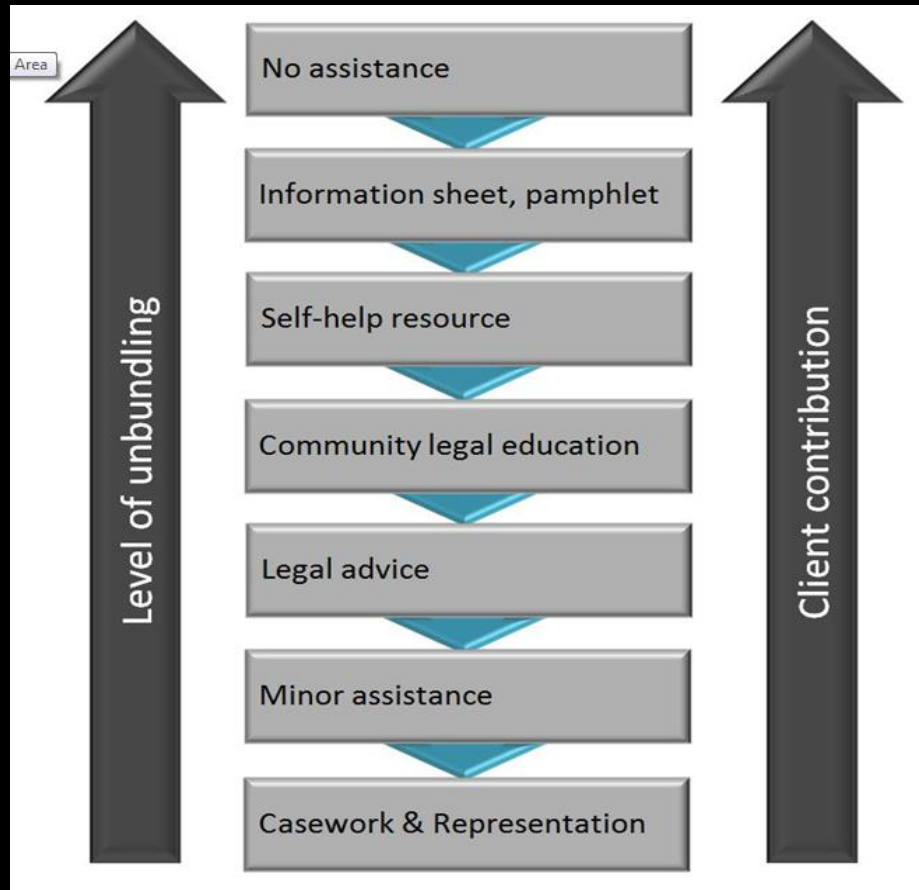
- abilities a person needs to recognise and deal effectively with a legal problem
- typically spans 3 areas:
 - knowledge
 - skills
 - psychological readiness (& resources)

Legal capability: ↓ for disadvantaged people





Unbundled legal services & client contribution to outcomes



The greater the unbundling...

the greater the client contribution to outcomes...

& the greater the legal capability needed...

People with low capability require more intensive assistance



Timely services



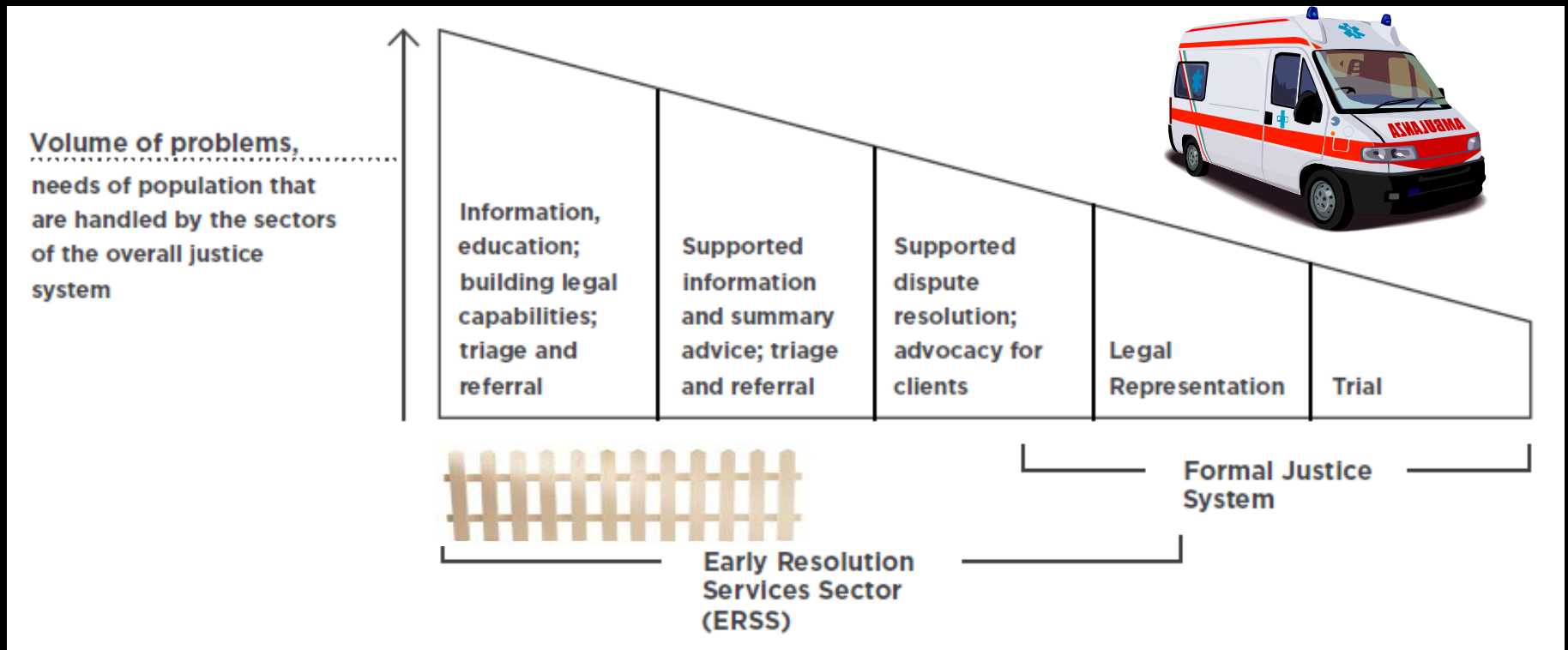
Early intervention (timely)

Common definition: less intensive assistance earlier in legal process to resolve problems sooner, at lower cost – i.e. fence at the top to avoid ambulance at the bottom
(Susskind 2010)





Common definition of early intervention



This type of early intervention – light services (eg CLE, self-help) – suited to the more capable sections of the community.



Early Intervention (Timely)

Light, early services (CLE, self-help):

leave behind the less capable, ie most disadvantaged & neediest.

- LAW Survey: 9% of people (mostly disadvantaged) = 65% of problems
- So may have no impact on the majority of legal problems



Lower capability clients: hard to identify “early”

- their problems may have long & complex histories
- may have non-legal (eg housing, health) needs that take priority
- may only present at crisis point
- require more intensive services



Early Intervention (Timely)

Need more nuanced definition for disadvantaged clients:

Timely, responsive legal assistance, provided at the earliest point practicable, relative to the client's experience of problems and help seeking.

“I still see us as early intervention, even when we come in at a really late stage, because for that client it's the earliest intervention that they've had”

(Duty solicitor, Forell & Cain, 2012).



Summary: Implementing client-focused services

- Nature of legal service gaps/deficiencies
- Identity of target clients
- Capabilities of, and obstacles facing, target clients
- Infrastructure and resources available
- Current state of knowledge about what works
- What service model will meet needs and match capability
- Resources needed to implement the service model
- What difference implementation will make
- How difference will be demonstrated



Given challenges, promising strategies can fail

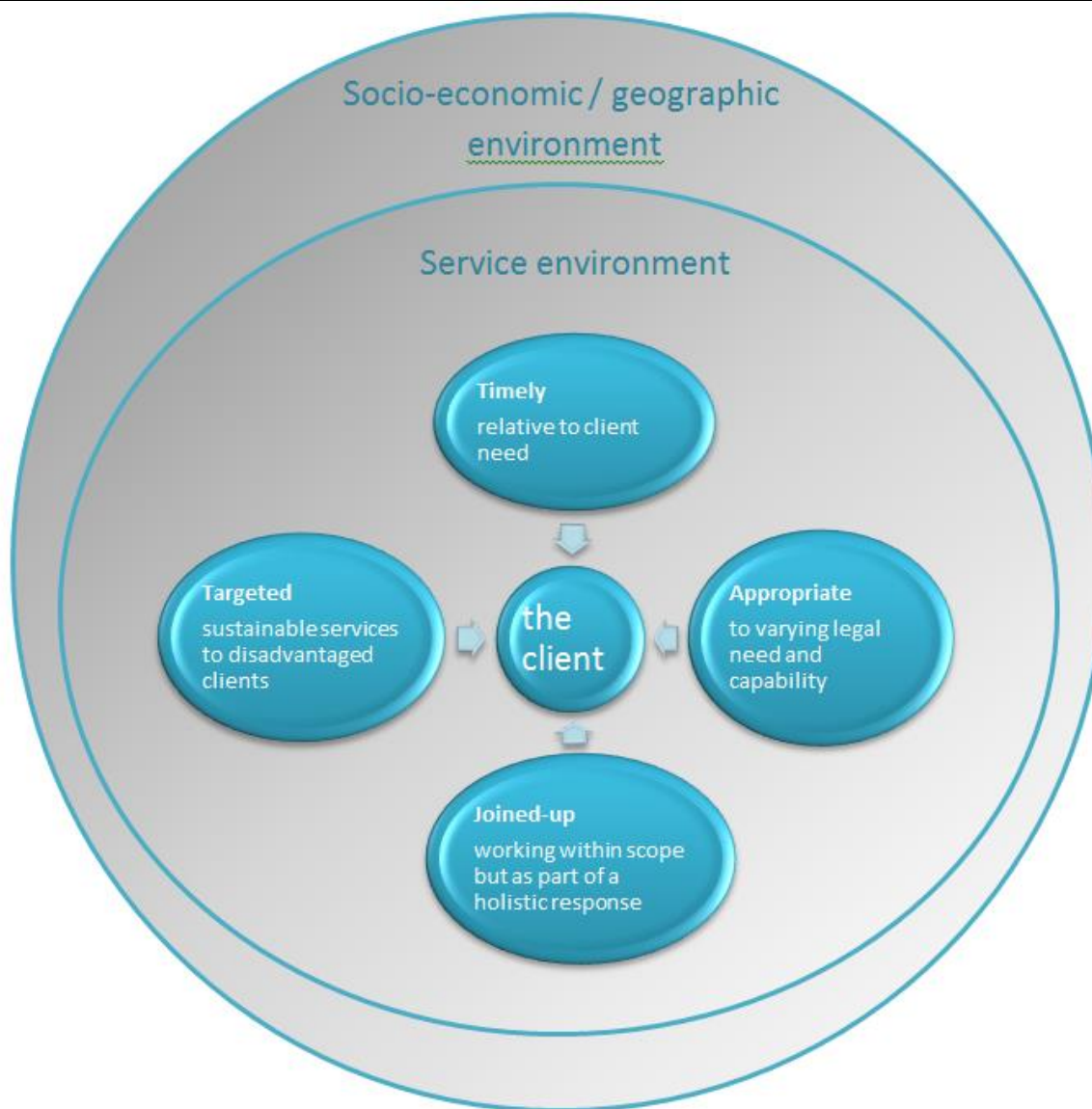
Monitoring and evaluation are critical

Useful to inform:

- Relevant service models to reach clients and provide quality outcomes
- Efficacy of new programs and program variations/roll-outs
- Continued improvement of services
- Accountability, continued funding and sustainability



Context of service reform





Existing services provide a scaffold ... But ...

“system inertia and limited resources to bring about or sustain change means that significant change to [the] current form [of services] will be difficult to realise.”

**Fragmentation of accountability, policy, funding:
system-wide change difficult**

**Complexity and diversity in client needs and capabilities in
different geographic areas and in forms of legal practice
required – flexibility needed at local, regional & state levels.**



Funding, accountability and responsibility

Four observations:

- Targeted, joined up, timely and appropriate service s imply case-by-case tailoring
- Limited service provider options – local engagement
- Collaboration legal : non-legal necessary.
 - But size/place of legal services
- Possible model?
 - National / jurisdictional levels: set priorities / facilitate and support collaboration at lower levels / allocate resources
 - Ensure govt procurement frameworks and guidelines are designed to allow services to be ‘fit for the purpose’



Discussion and moving forward



Discussion points

1. What are the opportunities/challenges for implementing services which are:
 - targeted?
 - joined-up? *Eg Difficulties for small orgs with limited resources?*
 - timely?
 - appropriate? *Eg Does the system allow capability to be considered?*
2. What funding models may assist with the above?
3. How do we encourage a more proactive approach to monitoring and evaluation?
4. How do we inspire further discussion & relevant policy development?
5. What gaps in knowledge would be most useful for future research to address?



An incomplete picture: future research

Understanding legal need

1. Ongoing/changing legal needs of broad community
2. Groups not covered well to date (eg children, homeless, prisoners, people in care, people in remote areas, NESB, small businesses)
3. People's conceptualisation of legal problems & influence on action
4. Non-legal professionals' ability to 'spot' legal problems
5. Life course of problems – how evolve, cluster around life events / crisis points

Understanding advice seeking

1. Psychological/emotional aspects of advice seeking
2. Triggers to action/advice



An incomplete picture: future research

Identifying & responding to capability

1. Measuring & recording capability in service data
2. How capability affects life of problems, resolution strategies & outcomes
3. Identifying self-helpers & useful self-help materials

Targeted, joined-up, timely, appropriate service delivery

1. Achieving effective triage
2. Recording & weighting target clients & outcomes in service data
3. Opportunities/limits to joining up
4. Identifying earliest points for effective intervention
5. Legal and non-legal tasks
6. Scope for technology-based strategies



THE
LAW
AND
JUSTICE
FOUNDATION
OF
NEW
SOUTH
WALES



LJF Strategic Intent

The LJF aims to be an independent, knowledge-based leader in the field of access to justice, especially for disadvantaged people.

To be this, the LJF must

- know, on the most reliable information, what the legal and access to justice needs are, and
- what programs are effective to address these needs, and
- encourage and facilitate innovative solutions through specific programs.



Method

- representative, general population sample
- response rate – 60%
- Wide range of civil, family, criminal law problems (129) – 12 problem groups:

• accidents • consumer • crime • credit/debt	• employment • family • government • health	• housing • money • personal injury • rights
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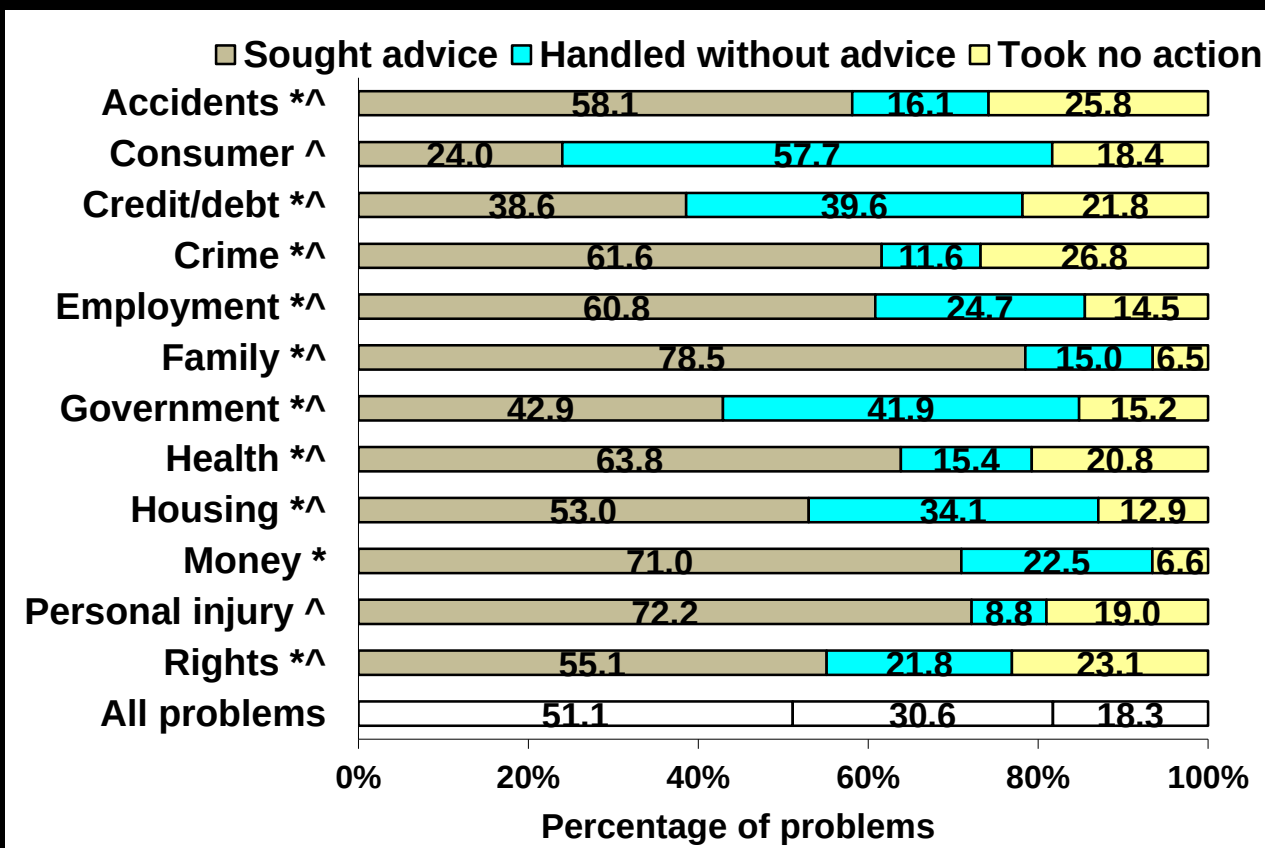
- Demographic predictors – age, gender, 9 indicators of disadvantage:

• Indigenous • disability • low education	• unemployment • single parenthood • disadvantaged housing	• government payments • non-English main language • living in remote areas
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- Regressions: How do prevalence, handling and outcome vary for different problem types and demographic groups?



Response – by problem group



Taking action and seeking advice: strongly related to problem type

Family – advice

Consumer – handle without advice

Figure: Strategy in response to legal problems by problem group, Australia

(N=19 142 problems)

* Sig – taking action

^ Sig – seeking advice