



JUSTICE MADE TO MEASURE NSW LEGAL NEEDS SURVEY IN DISADVANTAGED AREAS

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EXECUTIVE SUMMARY

AIM

The appropriate provision of legal services in any jurisdiction requires a thorough understanding of the legal issues people experience, people's responses to these issues and the outcome of these issues. The present study provides the most comprehensive assessment of legal needs in New South Wales (NSW) in three decades, with a view to providing valuable empirical data to inform legal service provision. Given the evidence suggesting that disadvantaged groups are particularly vulnerable to legal problems, the present study focused on legal needs in six disadvantaged areas in NSW.

METHOD

The survey was administered during September and October 2003 via telephone interviews in three suburban areas within Sydney (Campbelltown, Fairfield, South Sydney), one major provincial centre (Newcastle) and two rural/remote areas of NSW (Nambucca, Walgett). The areas were selected on the basis that they had a relatively high risk score for cumulative socioeconomic disadvantage (Vinson 1999), covered geographically diverse areas of NSW, included an area with a relatively high Indigenous population (Walgett), and included an area that is culturally and linguistically diverse (Fairfield).

In total, 2431 residents aged 15 years or over were interviewed. Random sampling was used to draw a pool of potential participants from each area, and quota controls were employed to achieve a gender and age profile that reflected the population profile in each area. The estimated survey response rate was between 24 and 34 per cent.

The survey examined the sample's experience of a total of 101 different events that have the potential for legal resolution. These legal events included:

- ♦ 76 civil law events categorised into 11 groups—accident/injury, business,

consumer, credit/debt, education, employment, government, health, housing, human rights and wills/estates

- ♦ 16 criminal law events categorised into three groups—domestic violence, general crime and traffic offences
- ♦ one group of nine family law events.

The survey measured:

- ♦ the incidence of legal events during the 12 months prior to the survey
- ♦ participants' responses to legal events, including the use of legal services
- ♦ satisfaction with the assistance received for legal events
- ♦ the resolution of legal events
- ♦ satisfaction with the outcome of legal events.

Logistic regression analyses were used to determine the sociodemographic and other factors that were related to each of the above.

MAJOR FINDINGS

Some of the main findings of the present study were:

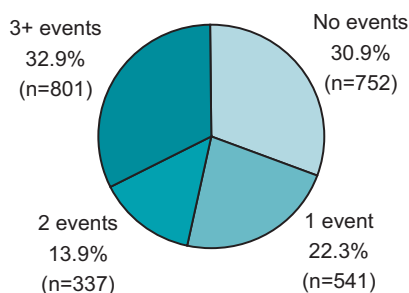
- ♦ a relatively high incidence of legal events over a one-year period
- ♦ some individuals, such as those with a chronic illness or disability, experienced a wide range of legal events
- ♦ a substantial rate of inaction in response to legal events
- ♦ traditional legal advisers such as private lawyers, legal service agencies and courts were used rarely
- ♦ a substantial proportion of people experienced barriers in seeking help
- ♦ a high rate of satisfaction with the outcome of events that had been resolved.

A more detailed description of the study's findings is presented below.

Incidence of legal events

Over two-thirds of participants reported experiencing one or more legal events in the previous 12 months, suggesting a high level of legal need across the six disadvantaged regions (see Figure 1). The 10 most frequent types of legal events were general crime (experienced by 27% of all participants), housing (23%), consumer (22%), government (20%), accident/injury (19%), wills/estates (15%), employment (12%), credit/debt (12%), family (9%) and education (7%) events (see Table 1).

Figure 1: Number of events reported per participant, all six LGAs, 2003



Note: N=2431 participants.

Table 1: Incidence of legal events by broad area of law and legal event group, all six LGAs, 2003

Area of law	Legal event group	Participants	
		No.	%
Civil	Accident/injury	466	19.2
	Business	122	5.0
	Consumer	536	22.0
	Credit/debt	292	12.0
	Education	181	7.4
	Employment	293	12.1
	Government	474	19.5
	Health	77	3.2
	Housing	550	22.6
	Human rights	141	5.8
	Wills/estates	356	14.6
	Total civil	1518	62.4
	Criminal	Domestic violence	96
General crime		646	26.6
Traffic offences		78	3.2
Total crime		733	30.2
Family	Family	206	8.5
Unclassified		11	0.5
Total		1679	69.1

Certain types of legal events tended to recur and to co-occur, suggesting the critical role that could be played by efficient legal services, not only in the immediate resolution of existing legal problems but also in the prevention of problems in the longer term.

Some individuals were particularly vulnerable to legal events. One-third of participants reported at least three legal events, and accounted for the vast majority (79%) of events reported overall. People from certain sociodemographic backgrounds showed increased vulnerability to experiencing particular types of legal events:

- ◆ People with a chronic illness or disability had a higher incidence of a wide range of civil, criminal and family legal events, reporting higher rates for nine of the 10 most frequent types of events.

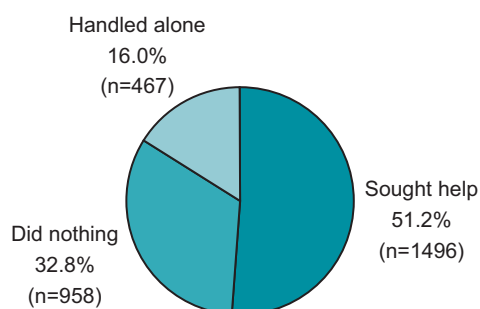
- ◆ People at different life stages tended to experience different types of legal events, with
 - general crime and accident/injury events peaking at 15 to 24 years
 - credit/debt, government and housing events peaking at 25 to 34 years
 - family events peaking at 35 to 44 years
 - wills/estates and employment events peaking at 45 to 54 years
 - people aged 65 or over reporting lower rates of most types of legal events.
- ◆ High-income earners reported higher rates of particular types of legal events, including consumer events, housing events (e.g. buying or selling a home), wills/estates events and general crime events (e.g. having property stolen or vandalised). These rates may partly reflect high levels of consumer activity, home ownership and possession of valuable assets. High-income earners also reported higher rates of accident/injury events.¹
- ◆ Indigenous people had a higher incidence of credit/debt, employment and family events.²

People with a chronic illness or disability had a high incidence of a wide range of legal events.

Response to legal events

A common response to legal events was to do nothing—respondents took no action in response to about one-third of the legal events they experienced. They sought some sort of help, advice or information for just over half the events they reported, and they handled the remaining 16 per cent of events on their own (see Figure 2).

Figure 2: Action taken in response to legal events, all six LGAs, 2003



Note: N=2921 events.

The present high rate of inaction in response to legal events, and the common accompanying belief that taking action would make no difference, suggest a clear a role for improved legal information and education strategies in the disadvantaged communities surveyed.

The type of legal event was a significant predictor of whether or not people sought help. Respondents were more likely than average to seek help for accident/injury, employment and wills/estates events and less likely than average to seek help for consumer and human rights events.

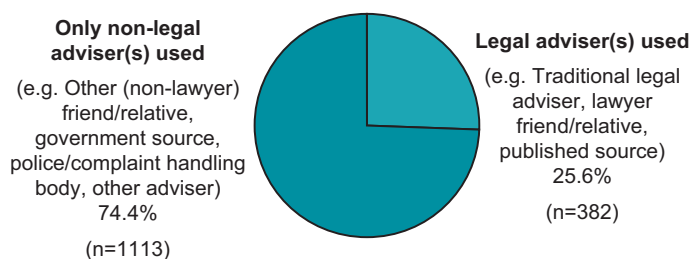
Various sociodemographic factors were also significantly associated with whether or not respondents sought help. The youngest and oldest respondents, Indigenous Australians and people with low levels of education were relatively less likely to seek help, suggesting the potential value of legal information and education strategies to encourage and empower these groups to resolve their legal problems.

Type of legal help, advice and information

Individuals experienced a high volume of legal issues for which the legal system was not utilised. Traditional legal advisers, such as private lawyers, local courts, Legal Aid NSW, LawAccess NSW, Aboriginal legal services and community legal centres (CLCs), were used very rarely—in only 12 per cent of cases where help was sought. In three-quarters of the cases where help was sought, only non-legal advisers were consulted, including friends and family, and non-legal professionals working in medical, health, counselling, welfare, government, trade union, accounting, insurance, school and policing settings (see Figure 3). Furthermore, in at least one-quarter of cases where help was sought for issues that had legal implications, only non-legal forms of help, such as medical assistance or financial advice, was obtained.

Non-legal professionals could be used as a gateway to legal services.

Figure 3: Use of legal versus non-legal advisers, all six LGAs, 2003



Note: N=1495 events.

The widespread, routine use of non-legal advisers suggests that a comprehensive view of legal services must extend beyond traditional legal services to include all individuals and organisations routinely used for advice in response to issues that have legal implications. The existing informal network of non-legal professionals used in response to legal issues could be harnessed and used as a more formal gateway into available legal services. For example, non-legal professionals could be used more systematically and effectively to provide appropriate referrals to legal service agencies, and to disseminate basic, up-to-date legal information resources.

Barriers to legal advice and assistance

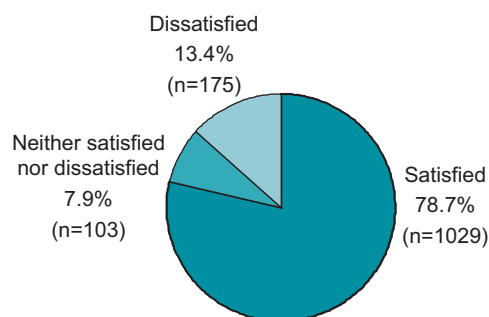
In the present study, some type of barrier to obtaining assistance was reported in relation to almost two-fifths of the events where participants sought help. The most frequent types of barriers identified in obtaining help from all advisers were difficulty getting through on the telephone (18%), delays in getting a response (17%),

difficulty getting an appointment (11%), the lack of local or easily accessible services (8%), problems with opening hours (8%) and difficulty affording the assistance (6%). Similar barriers were identified by respondents who only used traditional legal advisers. Respondents in rural or remote areas also had to travel considerable distances in some cases to access services, with one-quarter travelling over 20 kilometres.

Satisfaction with the assistance received for legal events

Almost four-fifths of those who sought help for legal events were satisfied with the assistance they received, and only 13 per cent were dissatisfied (see Figure 4). Satisfaction with the assistance received for an event was related to the type of event. Respondents were less likely to be satisfied with the assistance they received for traffic offence events, and more likely to be satisfied with the assistance they received for accident/injury and wills/estates events, when compared with other events. Respondents were also less likely to report being satisfied with the assistance they received for an event if the event was still unresolved. Sociodemographic characteristics were not significant predictors of satisfaction with assistance.

Figure 4: Satisfaction with assistance from sole or most useful adviser, all six LGAs, 2003



Note: N=1307 events.

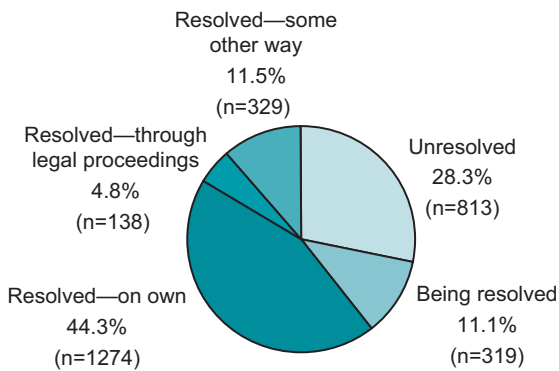
Resolution of legal events

Not all legal events were resolved quickly. According to participants, 39 per cent of legal events were either unresolved or were in the process of being resolved at the time of the survey. The remaining events were resolved through court or tribunal proceedings (5%), by the participants on their own (44%) or in some other way (11%) (see Figure 5).

Age and disability status were the only sociodemographic characteristics that were significantly associated with resolution. People aged 55 to 64 years had the lowest resolution rates and people aged 15 to 24 years had the highest resolution rates.

People with a chronic illness or disability had lower rates of resolution when compared with other survey participants. This finding, coupled with their increased vulnerability to a wide range of legal problems, emphasises the importance of ensuring that legal services tailored to the needs of this group become a top priority.

Figure 5: Resolution status and method of resolution of legal events, all six LGAs, 2003



Note: N=2873 events.

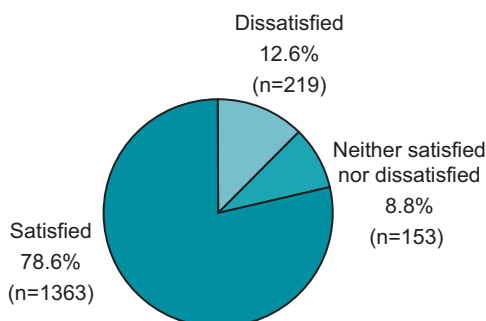
Some types of events appeared to be genuinely more difficult to resolve. Accident/injury and wills/estates events had relatively high resolution rates while business, employment, government, health and family events had relatively low resolution rates. These findings suggest that resource allocation for legal service provision needs to take into account the fact that some legal matters may require greater resources, time and expertise to resolve.

Not surprisingly, lower resolution rates were obtained when people did nothing in response to legal issues rather than when they sought help, highlighting the potential benefit of using information and education strategies to mobilise people to take action.³

Satisfaction with the outcome of legal events

Respondents were satisfied with the outcome of almost four-fifths of the legal events that had been resolved at the time of the survey (see Figure 6). This relatively high satisfaction rate suggests a vote of public confidence in the avenues currently available for accessing justice. Not surprisingly, there was an appreciably lower rate of satisfaction (21%) with the status of events that were not fully resolved, indicating the value respondents place on timely and effective resolution.

Figure 6: Satisfaction with the outcome of resolved legal events, all six LGAs, 2003



Note: N=1735 events.

The main reasons provided by respondents who were dissatisfied with the outcome of events that had been resolved related to the negative financial impact of the event (21%), the result being unfair or unsatisfactory (20%), a lack of helpful assistance (15%), the respondent's

objectives not being achieved (8%) and the event being too expensive to resolve (7%). The considerable proportion who perceived the result as unfair or unsatisfactory highlights the importance of legal services ensuring that clients have realistic expectations about the likely outcomes of their legal issues.

The type of legal event was a significant factor in whether respondents were satisfied with the outcome of events, again indicating the benefit of legal services being able to deal effectively with different types of problems. Respondents were more likely to be satisfied with the outcome of accident/injury and wills/estates events, and less likely to be satisfied with the outcome of business, consumer, government and general crime events. This finding may partly reflect that the latter group of events tended to involve matters where the client's interests clashed with those of another party, and hence, were more difficult to resolve in the client's favour.

Participants were also more likely to be satisfied with the outcome of events where they sought help than the outcome of events where they did nothing, again suggesting the importance of encouraging and empowering people to deal with their legal issues.⁴ None of the sociodemographic characteristics was significantly related to satisfaction with outcome.

CONCLUSIONS

Civil, criminal and family legal needs were common in the disadvantaged communities surveyed, affecting many aspects of everyday life and relating broadly to social and physical well-being. However, while some people had multiple, complex legal needs, others were more resilient. People chose different means of resolving their legal issues, and achieved varying levels of success in doing so.

This diversity in experience is better suited to a multidimensional rather than a single, broad-brush approach to accessing justice in the disadvantaged areas surveyed. Such an approach would not only include high quality, reactive legal services, but also tailored and proactive strategies, in order to meet the varying needs of different individuals, to maximise prevention and early intervention, and to enhance the appropriate targeting of limited resources. For example, useful roles could be played by:

- ♦ more accessible legal services
- ♦ general community legal information and education
- ♦ tailored legal education, information, advice and assistance services to meet the specific needs of different groups and individuals
- ♦ non-legal professionals acting as gateways to legal services
- ♦ improved coordination between different legal services
- ♦ a more coordinated response from legal and non-legal services for people with multiple legal and non-legal needs.

To ensure that legal services can react quickly and effectively to legal problems, improvements could be made to the accessibility of legal services, such as additional staffing, extension of opening hours and additional legal services in rural and remote areas.

The widespread use of friends and family as advisers when legal issues arise indicates the merit of raising the general level of legal literacy among the community at large. The substantial proportion of people who simply ignore their legal needs also suggests a clear role for proactive information and education strategies in mobilising and empowering people to resolve legal problems. Such strategies could provide the general public with the necessary knowledge base to easily recognise their legal needs and to readily respond to their legal needs through the available pathways for legal resolution. One useful strategy for raising legal literacy about pathways for legal resolution would be to raise public awareness about useful first ports of call for legal information, advice and referral, such as the LawAccess NSW telephone service, which acts as a legal ‘triage’.

The present findings also suggest the particular benefit of tailoring legal education, information, advice and assistance services to meet the specific legal needs of different sociodemographic groups. In particular:

- ♦ tailored legal services to meet the needs of people with a chronic illness or disability should be a top priority, given their increased risk of a wide range of legal problems and their lower resolution rates
- ♦ tailored legal services for Indigenous people may also be beneficial given their apparent vulnerability to certain types of legal problems, namely credit/debt, employment and family problems
- ♦ tailored information and education strategies that encourage and empower people to seek help could be targeted at those groups who were more likely to do nothing in response to legal events, namely young people, older people, Indigenous Australians and people with a low level of education
- ♦ tailored legal information, advice and assistance services according to age may be appropriate given that different age groups tended to experience different legal issues and achieve different resolution rates
- ♦ self-help strategies and unbundled legal services may be adequate for people with easily solvable problems given the high rate of satisfaction with the outcome of legal issues that participants handled alone.

The type of legal issue also needs to be taken into account when setting priorities for legal service provision. The type of legal issue experienced was shown to be a critical factor in whether individuals seek advice, whether they are satisfied with the help they receive, whether they achieve resolution, and whether they are satisfied with

the outcome. In particular, legal services need to allocate time and resources appropriately to deal effectively with frequently occurring legal issues and legal issues that tend to be genuinely more difficult to resolve.

However, the present findings also highlight the importance of reconciling the need to provide expert, specialised legal services tailored to different types of legal problems with the need to provide a more client-focused approach for clients with multiple legal needs. Legal problems frequently co-occur, and some people, such as some people with a chronic illness or disability, simultaneously face a number of intertwined but disparate legal problems, including civil, criminal and family law problems.

A feature of current legal service delivery in NSW is that individuals with multiple, disparate legal problems are required to access a variety of legal services, which tend to deal with discrete aspects of the individual’s problems without necessarily coordinating to address the complexity of the situation in a holistic fashion. The

overlap between legal needs and other basic human needs associated with physical and social well-being also means that some individuals with complex problems require not only legal services but also non-legal support services, such as housing, financial counselling, social, welfare, family and health services.

There is potential benefit in improved coordination among different legal services, and also between legal and human services, for people with multiple needs.

Thus, the present results indicate the potential benefit of improved cooperation, coordination and integration among different legal services, and also between legal and human services, for individuals with complex and multiple legal problems, such as some people with a chronic illness or disability.

The benefit of coordinated legal and non-legal services was also indicated by the current widespread use of non-legal professionals for advice in response to legal issues. The capacity of non-legal professionals to be used as an effective gateway into available legal services could be enhanced through appropriate training strategies, appropriate networking between legal and non-legal practitioners, and the development of a simple, efficient referral system. Non-legal professionals could be used to disseminate basic legal information resources and refer people to legal service agencies.

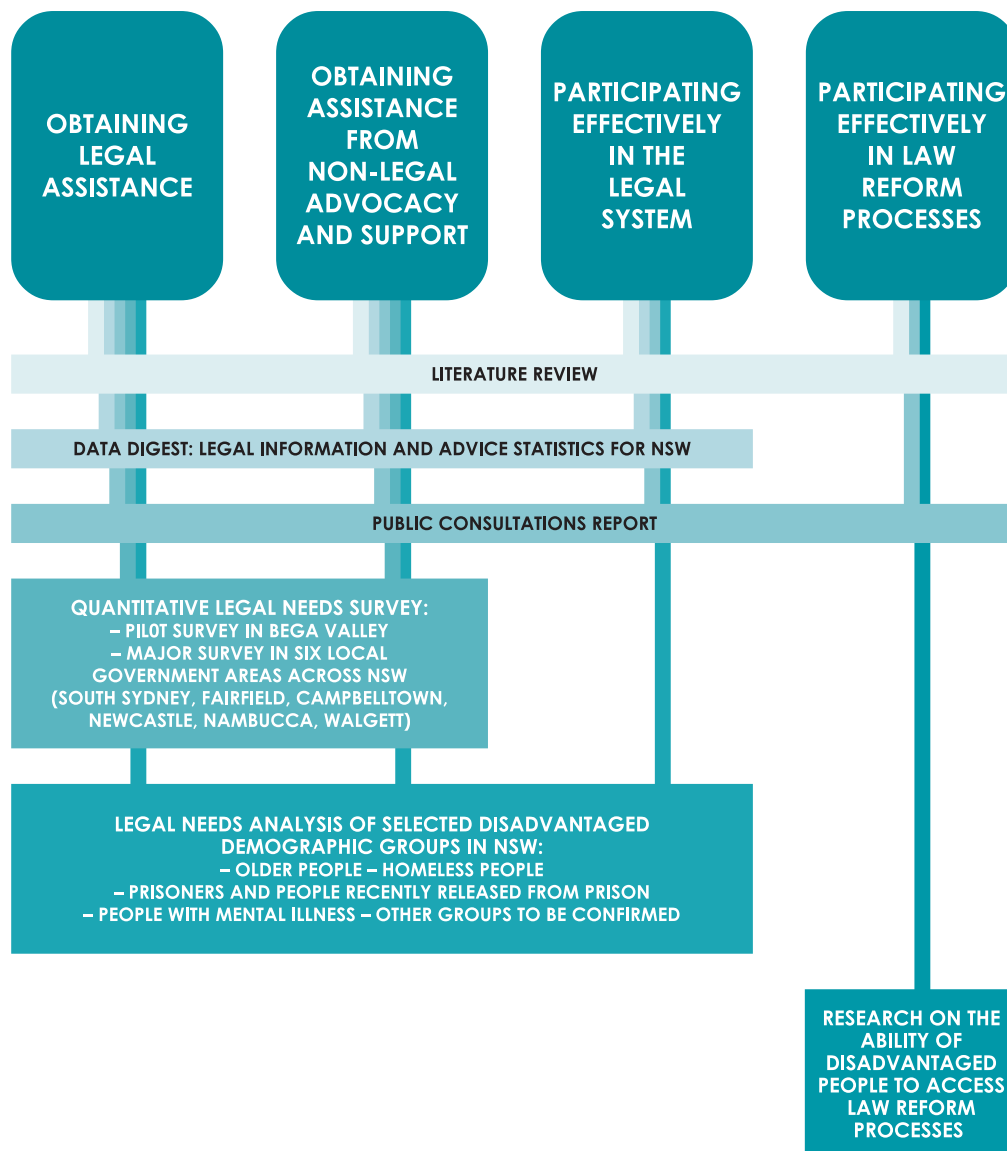
In summary, a multidimensional approach to legal service provision, which includes a range of reactive, preventative and proactive strategies, would enable legal services to be more effectively tailored to meet the diverse needs and experiences of different individuals. Such an approach would require appropriate resourcing and quality assurance, and effective coordination by government.

The full report, *Justice Made to Measure: NSW Legal Needs Survey in Disadvantaged Areas*, including references, is available at www.lawfoundation.net.au.

The Access to Justice and Legal Needs research program was commenced by the Law and Justice Foundation of NSW in 2002. The program examines the ability of disadvantaged people to:

- ♦ obtain legal assistance
- ♦ participate effectively in the legal system
- ♦ obtain assistance from non-legal advocacy and support
- ♦ participate effectively in law reform processes.

The main purpose of the program is to provide a rigorous and sustained assessment of the legal and access to justice needs of the community, especially disadvantaged people, which would provide evidence to assist government, community and other organisations develop policy and plan service delivery.



¹ There was also a significant relationship between income and the incidence of family events, with the two middle-income groups reporting the highest rates of family events.

² Indigenous people also had a lower incidence of wills/estates events.

³ Those who handled the event alone had higher resolution rates than those who sought help, perhaps reflecting that participants tend to seek help for more serious or complicated legal issues.

⁴ However, participants were less likely to be satisfied with the outcome of events where they sought help than where they handled the matter alone. Participants were also less likely to be satisfied with the outcome of resolved events if the events had occurred earlier rather than more recently.



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