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Artificial Intelligence and Access to Justice at the 'Shop Front': The Potential and Limitations of Meeting Legal Need Through Technology

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ABSTRACT

In Australia, governments fund Community Legal Centres (CLCs) as part of the legal assistance sector (LAS) to meet the 'legal needs' of people experiencing disadvantage who cannot afford private legal services. Persistent unmet demand for CLCs is well-documented. As artificial intelligence (AI) is increasingly used in private legal practice to increase productivity and profits, some parts of the LAS are also exploring AI use cases. This article asks: *What do we know about CLC clients and how services are currently delivered to meet their needs? What must we consider about client capabilities to ensure AI technologies are appropriate in the context of CLC service delivery?* The research includes a review of policy documents, peer-reviewed research and grey literature, and secondary analysis of empirical data on how client capabilities contribute to the legal needs of CLC clients. We show that the three-dimensional nature of legal need; a client's capability and ability to self-assist; structural inequalities; and current CLC service delivery models are vital considerations when developing AI tools to increase access to justice.

1 | Introduction

The law is part of our everyday life, regulating commercial and personal interactions, health, employment, housing, and our relationship with governments (Farrow et al. 2016). Most people experience a legal issue at some point (OECD 2019). However, people in socioeconomic disadvantage in Australia are more likely to encounter legal problems and find the legal system increasingly unaffordable (Coumarelos et al. 2012). Unresolved legal problems can escalate and compound disadvantage and inequality for those already experiencing hardship, resulting in social and economic costs for individuals and communities (OECD 2019; Mundy 2024). Although *access to justice* (A2J) is a concept or ideal with layered meanings, at its core, it is the right and capability to obtain legal assistance to effectively navigate legal systems and processes to achieve just outcomes (Chatterjee and Chowdhury 2012).

The Australian legal assistance sector (LAS) comprises organisations funded by governments to increase A2J by providing free and accessible legal assistance to people who cannot afford private legal services, particularly those from 'priority populations' characterised by structural disadvantage, vulnerability and marginalisation.[1] The LAS includes 165 Community Legal Centres (CLC), Legal Aid Commissions (LAC), Aboriginal and Torres Strait Islander Legal Services (ATSILS) and 16 Family Violence and Prevention Legal Services (FVPLS) (NAJP 2024). Often, public discourse groups these organisations together under the label 'legal aid'. Yet each of the four differs in its governance structure, client

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focus, and service delivery. CLCs are independent of government, community-embedded and non-profit organisations. In this article, we focus on CLCs due to their distinctive service delivery model (Noble 2012).

The type of need met by the services of CLCs (and the LAS more broadly) and experienced by populations described by their funders as disadvantaged and marginalised, is referred to internationally as *legal need* (Sandefur 2016). For CLCs, accurately defining what is meant by legal need is necessary for determining funding allocations, appropriate and timely service delivery, triaging clients, advocating for clients, and law reform (Hastings 2024). Yet, defining it adequately has proved a persistent challenge (Curran and Noone 2007; OECD 2019).

New Australian research on the nature of legal need for LAS clients reveals that client capability is a crucial dimension in understanding clients' legal need (Hastings 2024). At the same time, with documented growing demand for services coupled with persistent underfunding (CLCs Australia 2024a), CLCs, government, and pro bono partners are increasingly exploring how emerging technologies, including artificial intelligence (AI), can be leveraged to meet unmet legal needs and increase A2J. However, there has been insufficient scholarly attention on the intersection of AI, A2J, and the specific needs of clients and service delivery models within CLCs or the LAS. Recognising the increased interest in AI among CLCs and responding to this recent legal needs research, our article interrogates the potential and limitations of using AI to increase access to justice for CLC clients, given what is known about the nature of legal need, client capability and current CLC service delivery models.

We therefore ask: *What do we know about CLC clients and how services are currently delivered to meet their needs? What must we consider about client capabilities to ensure AI technologies are appropriate in the context of CLC service delivery?* Our collaborative and interdisciplinary research draws on a review of policy documents, peer-reviewed research, grey literature, secondary analysis of qualitative empirical data collected as part of research on the nature of legal need, and our collective experience as researchers, policy advisors and community lawyers in the LAS.

We seek to bridge theory and practice. The questions raised—about capability, help-seeking and the risks of entrenching access barriers through technology—are relevant to policymakers and practitioners interested in social justice in the broader not-for-profit sector. Given this journal's diverse audience, we begin by reviewing literature on AI, A2J, and why technology may help reduce the A2J gap. We then narrow our focus to CLCs, describing the service delivery models they employ, the rationale for adopting emerging technologies and examples of current AI use. The third section reports on secondary analysis of qualitative data collected in an empirical project to understand the nature of legal need for clients of the Australian LAS. The findings show how capability shapes a client's ability to resolve their legal issues and consequently influences CLC service delivery decisions. Finally, we argue for the necessity of considering how legal need for clients of CLCs is shaped by client capability and the ability to self-assist, and how this currently shapes service delivery models when integrating AI into CLC service delivery, including at the point of intake.

2 | Understanding Artificial Intelligence and the Relationship to Access to Justice

2.1 | Artificial Intelligence

AI has been an evolving domain of computer science for decades, but its rapid move from the margins to the mainstream was precipitated by OpenAI's release of ChatGPT in late 2022 (Heaven 2023). Its prompt-and-response conversational 'chatbot' interface made AI meaningful to everyday, non-specialist users and easier to incorporate into personal and professional life.

Numerous definitions of AI exist. The Australian Government uses the Organisation for Economic Co-operation and Development (OECD) definition of an AI system:

> [A] machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments. Different AI systems vary in their levels of autonomy and adaptiveness after deployment.
>
> (Australian Government 2025a)

The simplified NSW Government definition is also helpful: 'The ability of a computer system to perform tasks that would normally require human intelligence, such as learning, reasoning, and making decisions' (NSW Government 2025).

Under this AI umbrella, machine learning (ML) is a major specialised domain. ML 'allows computers to autonomously learn and improve without being explicitly programmed' (NSW Government 2025). ML algorithms learn patterns from training data and apply them to new inputs to give predictions or classifications (Melham 2025). Natural language processing (NLP), another specialised domain, 'deals with the ability of computer systems to understand and generate human language' (NSW Government 2025). This type of AI matters in the legal assistance context since service delivery interactions are highly language-based, with clients describing a problem and asking questions during intake—sometimes without knowing the 'legal' words to identify what has happened.

Generative AI is a newer field of AI and ML that has drawn increased public attention and private investment. ChatGPT is a demonstration of generative AI, able to 'analyze, understand, and generate content that closely resembles human-generated outputs' when prompted (Ray 2023, 121). Large language models (LLMs) are a foundational model for generative AI. ChatGPT's LLM is trained on vast troves of data. It can simulate aspects of human intelligence in static or controlled environments, but remains confined to the data available to it. It is 'narrow' or task-specific AI, in comparison to a more

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speculative, techno-utopian (or dystopian) 'artificial general intelligence' framed as on par with human intelligence (Ng and Leung 2020; Melham 2025). Not all AI use cases involve LLMs or generative AI.

Finally, it is important not to assume that all 'chatbots' are generative AI. Many chatbots operate on a rule-based system, 'with an automated flow of questions and answers determined by conditional logic', guiding users through pre-determined pathways (Walker and Verhaert 2019). Other chatbots, however, use machine learning models, including LLMs, to generate responses.

2.2 | Uptake by the Broader Legal Profession: From Hype to Hallucinations

Because it promises better client value, productivity gains and thus increased economic competitive advantage for firms, the legal profession worldwide is investing in AI. In Australia, a range of law firms have announced their use of AI, including generative AI, for tasks such as document review, legal research, drafting, and internal knowledge and communication management (CAIDE 2025). In the United States, spending on legal technology by law firms and in-house legal departments has been characterised as a 'technological arms race' driven by AI (Reuters 2026, 11). For the foreseeable future, however, Frankenreiter and Nyarko (2023) caution that the strongest use cases are those that do not rely on legal reasoning, such as document review and outcome prediction for court cases. The results of legal work generated by generative AI have sometimes been judged to be lower in quality than those produced entirely by humans (Black 2024). Even more problematic is that LLMs can and do hallucinate, producing fake case citations and generating erroneous statements of law (Dahl et al. 2024; Trimmer 2024; Legg et al. 2025; Taylor 2025).

AI does not exist in a technological vacuum; it is embedded in social, political, cultural, and economic systems shaped by the requirements of people and institutions (Crawford 2021). Existing human biases in the datasets used to train AI models create algorithmic bias, perpetuating discrimination such as racial and gender bias, and raising significant, often unchecked ethical risks and human rights concerns (AHRC 2020; Angwin et al. 2022). In response, the Australian Government (2024, 2025b) consulted on introducing mandatory guardrails but ultimately decided to retain self-regulatory approaches.

2.3 | Access to Justice

A2J can be understood as both a concept and an ideal. If realised in practice, fewer people would face barriers that make services, such as CLCs, essential. The meanings of A2J are complex and culturally informed. Long-term champion of A2J, Justice Ronald Sackville, whose 1975 discussion paper, *Legal Aid in Australia*, marked a 'watershed' moment in the history of attempts to identify the need for and increase equality before and access to the law in Australia (Kiefel 2023), has observed more recently:

> Like other catchphrases, such as 'fairness' and 'accountability' (if not 'democracy' itself), the expression 'access to justice' survives in political and legal discourse because it can mean different things to different people.
>
> (Sackville 2002, p. 19 cited in Productivity Commission 2014)

The Productivity Commission's (2014) report on *Access to Justice Arrangements*, from which this quote is taken, was the last comprehensive review commissioned by the Australian Government into A2J. Its recommendations—most of which remain unimplemented—are still relevant and continue to motivate advocacy for greater resourcing of LAS to meet unmet need (e.g., Law Council of Australia 2018; CLCs Australia 2024b). The report suggested that A2J is 'defined by its two elements – access and justice' (2014, 74). Access, understood as the 'ability to approach or make use of something', is independent of need, and on its own, is 'no guarantee of a successful outcome' (2014, 74). Justice, meanwhile, is associated with confidence in the integrity of 'fair and transparent processes in the administration of the law' but 'can be easier to recognise than to define' (2014, 74). A2J is often explicitly associated with human rights, with A2J argued to be a positive obligation on nation states, embodied in United Nations international human rights instruments (Smith 2007).

To further conceptualise the two objectives of 'access' and 'justice', multiple scholars draw on Amartya Sen's (1999, 2001, 2010) capability approach. As Curran and Noone (2008, 198) elaborate, 'looking at what individuals are actually able to do and the alternatives that they have as real opportunities, encompasses a much broader approach to measuring legal need and explores what people can actually realise'. In Sen's (2001, 75) words, 'capability is thus a kind of freedom'. Within this framing, A2J becomes more than access to legal assistance; it is the freedom to exercise agency, assert rights and participate in society. Conceptualising A2J as a basic human right and a basic capability (Chatterjee and Chowdhury 2012) means it becomes 'the ability to avail oneself of the various institutions, governmental and non-governmental, judicial and non-judicial, in which a claimant might pursue justice' (Galanter 2010, 115). An emphasis on capability—the ability to avail oneself of the mechanisms that enable justice—is a core part of the theoretical framework informing this study.

If the capability approach directs attention to the real opportunities people have to pursue justice, the *three waves* thesis offers a useful way to trace how institutional reforms have changed those opportunities over time. Garth and Cappelletti (1978) theorised the struggle for A2J in three successive waves from the late 1960s as advocates pursued legal assistance as a right for all, not a privilege for the few. These waves are reflected in the Australian experience. The first wave targeted legal aid to individuals experiencing poverty who could not afford a lawyer. In the early 1970s, this saw the founding of the Aboriginal Legal Service in Redfern, Sydney, as the first Australian 'shop front' legal centre (Foley 2021) and the independent, community-led and non-profit Fitzroy Legal Service, offering free and accessible legal services (McCulloch and Blair 2012). In short, this is the formation of the LAS movement. The second wave concerned

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reforms to secure A2J for 'diffuse interests' and groups, particularly in consumer and environmental protection. Australia saw the emergence and expansion of ombudsman offices, class actions and public interest litigation (Toohey et al. 2019). The third wave, which developed during the time of Garth and Cappelletti's writing, focused on removing barriers to A2J in areas beyond traditional legal institutions. Efforts to 'bring the courts closer to ordinary people' (1978, 246) in Australia resulted in court diversion programs, including the establishment of tribunals, small claims courts and alternative dispute resolution (ADR) mechanisms like arbitration, conciliation and mediation (Toohey et al. 2019).

2.4 | Technology and Access to Justice

Building on Garth and Cappelletti (1978), Toohey et al. (2019) propose that we are currently 'riding the fourth wave' of A2J, characterised and driven by rapid technological innovation. Writing from an Australian perspective, they outline several technological advancements, including innovations in conventional service delivery (e.g., electronic filing and audio-visual links for court appearances); technologies distributing legal information and facilitating self-help (e.g., websites that provide legal information and kits, online forms and workshops); automation platforms supporting content management systems and databases; and technologies generating legal documentation in unbundled service models. Such unbundled service delivery 'disaggregates the steps in the lawyer-client relationship' (2019, 141) by allowing clients to complete part of the work themselves.

Brescia et al. (2015, 554) suggest that technological change offers the possibility of 'true disruption' to widen access to justice for low- and middle-income communities 'desperate for legal assistance'. Meanwhile, Luban (2016, 499) embraces a 'discourse of technological optimism', saying that with AI, 'we might foresee a technical fix to many access-to-justice problems'. So, it is not only private law firms that are looking to the promise of technologies. In this 'fourth wave', emerging technologies—such as AI and chatbots—are gaining prominence as potential and contested tools to help increase A2J (Toohey et al. 2019).

As we explore below, some services and stakeholders are now actively scoping such technologies to address unmet legal needs amid insufficient resourcing. The mainstreaming of AI in policy discourse is leading to ever-increasing expectations of what this technology can deliver. However, A2J scholarship has identified that the public interest implications of legal technologies remain underexamined. As de Souza and Spohr (2021) observe:

> While there is much work emerging in terms of trends around 'legal tech', 'artificial intelligence and law' in the commercial law space, there is less scholarly and policy attention on the use of such technologies in terms of its implications for ensuring access to justice and addressing the needs of the ordinary citizen.
>
> (p. 2)

That analysis is fair, to an extent. Scholarship on technologies, AI, and A2J is growing; however, an imbalance remains. Much of the debate still centres on the use of AI in private practice rather than in the pursuit of A2J. Nonetheless, within the available international A2J and AI literature, two broad streams are relevant to this discussion.

First, there is a focus on AI adoption among A2J lawyers. Chien and Kim (2025) found that AI increased productivity by 90% when coupled with access to trained staff and training materials and when focusing on lower-risk applications, such as summarising, conducting preliminary research, producing first drafts, and translation. They argue that AI could augment, not threaten, the work of lawyers but call for further collaboration and discussion among the legal aid community, technology developers, researchers, and policymakers in the creation of AI-enabled legal aid-directed solutions, featuring proper human oversight and quality controls. Second, there is a focus on client-facing tools that support self-assistance, particularly within unbundled service delivery models. For example, technologies, including those using AI, that support clients with document assembly in preparation for a court or tribunal matter may be beneficial; however, the question of whether this constitutes the provision of unauthorised legal practice remains contested (Frank 2017; Staudt and Rabanal 2021). It may cross a line from permissible, generalised legal information to tailored, legal advice (Beames 2017). In addition, AI may assist self-represented litigants in building their case and developing strategic negotiating tactics (Dahan and Liang 2021). Yet 'self-help' is never purely a technological question and depends on the capabilities of clients.

However, there has been comparatively limited scholarly attention to AI use in CLCs or the LAS. This absence is perhaps unsurprising, given that CLCs, in particular, are distinct to Australian jurisdictions. Nonetheless, the research so far aligns with the two use cases outlined above in the broader international A2J literature. When considering the possibilities of AI technologies, CLCs can focus on innovations for (1) *meeting organisational needs* in lawyer-facing applications, including for research (inward facing) and (2) *initial engagement with potential clients and delivering services to them*, for example, using chatbots for aiding client intake processes or information provision (outward facing) (Sam and Pearson 2019; Cesta 2024). Yet, the intersection of AI, A2J and the specific needs of CLC clients—and the service delivery models through which CLCs meet those needs—remains underexamined.

3 | Community Legal Centres, Unmet Legal Needs and the Promise of AI

In this section, we describe CLCs and the nature of their service delivery in pursuit of access to justice for clients. Then we discuss the key voices and ideas that have influenced their interest in AI as a tool for addressing unmet legal needs. Finally, we profile some ways some CLCs are interacting with AI technologies and introducing them into the 'shop front' service delivery model, specifically in the client triage use case.

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CLCs are non-government, community-embedded, non-profit organisations that offer free, accessible, integrated, rights-based legal and other services to people experiencing financial hardship or other forms of disadvantage (CLCs Australia 2022b). In the 2022–23 financial year, centres assisted 180,000 people with problems in civil law (61%), family law (31%), and criminal law (8%) (CLCs Australia 2024a). Importantly, CLCs provided 214,000 referrals to other community and social services, indicating the frequency with which non-legal problems present concurrently with legal ones. CLC data estimate that only half of those who seek help can be assisted (CLCs Australia 2024a). Over many years, multiple reviews and reports have argued that the LAS is chronically underfunded and proposed solutions to address this crisis (Productivity Commission 2014; Law Council of Australia 2018; CLCs Australia 2024a; Mundy 2024). In 2024, the Australian Government committed to providing $3.9 billion to the LAS over 5 years, an increase of $800 million over the previous 5-year agreement (NAJP 2024). However, this increase is substantially less than the calculated $500 million *per year* increase Mundy's (2024) review established as necessary to meet current demand and costs.

In summary, the combined pressures of mounting community demand and persistent pernicious underfunding provide an essential context for any discussion of the use of emerging technologies, such as AI, to increase A2J for CLC clients. In addition to acknowledging these pressures, it is important to understand how CLCs currently deliver services to meet their clients' legal needs.

3.1 | CLC Service Delivery Models

CLCs offer a mix of *generalist* and *specialist* services (CLCs Australia 2022c). Generalist centres offer legal advice and information across a range of problem areas to a specific community or geographical catchment area. Specialist services provide targeted assistance for discrete legal problem types. Of all CLCs, just over half are in regional, rural or remote areas (56% compared with 44% in urban centres) (CLCs Australia 2024b). There is no uniformity in naming conventions for CLCs, although CLCs must be certified through the industry-based national accreditation scheme (CLCs Australia 2022a).

CLCs may provide services as either *discrete assistance*, the provision of unbundled, separate, legal and non-legal services—including information, legal advice or tasks, referrals, and non-legal support—or *representation services*, where a service provider takes carriage of a matter, acting in an ongoing, representative capacity from drafting correspondence to appearing in a tribunal or court (CLCs Australia 2022d). For discrete assistance, services rely on a client's capacity to *self-assist*, that is, after receiving advice, to follow instructions and complete a task, then potentially return (multiple times) to finalise the matter (Hastings 2024).

People seeking assistance—potential clients—can access a CLC 'shop front' by telephone, email, and sometimes by attending an office without an appointment. Most CLCs operate in accordance with a client intake policy that reflects financial and other criteria for access, the decision to schedule an appointment with a lawyer, and the urgency of the case—i.e., clients are triaged. While intake settings vary centre-by-centre, the overarching rationale is to 'ensure [CLCs] are providing services to those in most need' (CLCNSW, n.d.-a). Intake is thus a critical point of interaction and communication, because it is when CLCs decide to offer some level of service provision or 'turn away' a potential client.

Early intervention and empowering communities to understand and prevent legal problems through *community legal education* have been key since the beginning (CLCs Australia 2024a). Realising that people may know they have a problem but do not know it is a *legal* problem, CLCs are also active in *outreach* by taking services to where clients live, work or access other assistance and offering 'duty service' at tribunal or court settings, rather than relying on clients finding them. They also rely on *referrals* from non-legal services and maintain strong referral networks within their communities. CLCs contribute to *law reform* or policy consultation, advocating for changes to legal and administrative systems based on issues identified in their day-to-day practice (CLCs Australia 2022c). Key to the CLC approach is providing a *holistic* service response. In addition to community lawyers, nearly three-quarters of centres (71%) engage some combination of: Aboriginal and Torres Strait Islander support workers in identified positions, social workers, community development workers, financial counsellors, tenancy or disability advocates or mental health clinicians (CLCs Australia 2024a).

3.2 | Exploring AI Tools to Help Alleviate the CLC Funding and Resource Crisis

In 2024, Dr. Warren Mundy (2024), Presiding Commissioner of the Productivity Commission's 2014 landmark A2J inquiry, completed an independent review of the national LAS-wide funding agreement for the Australian Government Attorney-General's Department. The final report described a sector neglected by government. It documented an increase in legal need driven by socioeconomic conditions and policy changes. Of note, the review recognised the critical role of technological innovation in meeting unmet legal needs by increasing the reach of legal assistance, empowering people to solve their own legal problems, and assisting with triage, minor assistance and practice management.

In particular, the review heard that 'rapid developments' in machine learning and AI will enable innovation in client-facing tools and educational, supervisory and procedural tools used by sector lawyers, providing greater efficiencies by extending the reach of legal services, delivering legal education, enabling earlier intervention and 'reserving client-focussed legal assistance for those with the greatest need' (p. 193). However, Mundy cautioned that there is currently an underinvestment in information technology in the sector, and given current workloads, it will be a challenge to develop and safely implement these client-facing and internal technology solutions.

Mundy's review is another in a long line of government-initiated reviews examining the potential of technology to enhance the accessibility of LAS services, reduce costs, and

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increase A2J. Earlier calls included investigating video conferencing and advice lines to improve accessibility for regional communities (Turnbull 2003). Those once novel technologies promised to deliver more efficient and effective publicly funded legal services (Cameron 2017) by offering better-tailored services to clients, increased outreach and improved accessibility, augmenting rather than replacing face-to-face service delivery (Productivity Commission 2014). These reviews noted that the successful adoption of new technologies relies on clients having appropriate skills and capabilities to engage with them—and on providers being adequately resourced and having the technological know-how. To varying extents, CLCs have incorporated several once-revolutionary innovations, such as video-conferencing, into their service delivery models, customising them to meet clients' needs and address resource constraints (Bacon 2022). The same will need to occur with AI.

3.3 | Community Legal Centres Approaches to AI: From Use Cases to Principles

In addition to the observations and recommendations made in the Mundy review, CLCs have now started investigating how, when, and in what ways they may use AI to meet legal needs within their service delivery models. Here, we present three examples of CLC approaches to AI.

3.3.1 | Justice Connect (JC), Victoria

JC has integrated AI to improve online intake and triage. This project is the use case with the most publicly available information. The CLC launched its online intake tool in 2018 to expand intake pathways, complementing, not replacing, phone intake processes (Justice Connect, n.d.-b). The *Joining Up Justice 2019/20* project brought together academics, lawyers, and the legal community and identified the need for a natural language processor to enhance online intake. Generating a training dataset has relied on pilot funding from the Victorian Legal Services Board and the NSW Government's Justice Innovation Fund (A2JIF). It began with 245 pro bono lawyers making over 90,000 annotations to 9000 de-identified natural language samples through its Training AI Game (TAG) (Justice Connect 2021, 2024). Subsequently, JC and the University of Melbourne School of Computing won an Australian Research Council Grant to 'develop AI models to semi-automate the process' of determining 'what (if any) specific legal needs the individual has' (ARC 2022). In 2022, JC integrated its AI model and pre-existing intake tool, with initial results indicating improved progression and lower drop-off at the problem-type selection stage (Justice Connect, n.d.-b).

JC's AI-enhanced intake tool means that people seeking help do not need to know legal terminology or even which area of law their issue falls under. It enables them to describe their issue in their own words before suggesting the relevant legal category or categories (Justice Connect 2024). In a case study published by the Australian Pro Bono Centre (O'Doherty and Hyland 2025), JC describe the tool as streamlining intake and triage by sorting enquiries, directing people quickly to the right service, improving referral accuracy through consistent issue identification and helping people reach an appropriate provider sooner and thus reduce 'referral roundabout' fatigue. Critically, JC distinguishes its model from generative AI and LLMs, stating:

> We've developed a smart, ethical AI model that identifies a person's legal issue based on how they describe it... It listens to what people say, understands what they mean, and connects them to the right kind of help. Unlike generative AI (GenAI) or large language models (LLMs), our AI doesn't create new content or give advice. It operates within a narrow, safe framework – helping people navigate options without the risks associated with chatbots or automated legal advice tools.
>
> (O'Doherty and Hyland 2025, 7)

This case is an example of a smaller AI language model. As Hao (2025) contends, 'so much of what our society actually needs... can be assisted and advanced with, and sometimes even necessitates, significantly smaller AI models' (p. 19).

JC sought proactively to safeguard against algorithmic bias by 'gathering samples from under-represented or marginalised communities' (Justice Connect, n.d.-a). Six AI ethics principles guided them: beneficial social impact, fairness and inclusivity, privacy and security, transparency, accountability and the environment (Justice Connect 2025). As will be discussed later, these principles have promise for wider uptake by the sector.

3.3.2 | Marrickville Legal Centre (MLC), New South Wales

With a grant, also from the A2JIF, MLC developed a client-facing chatbot as a 'virtual assistant' for client intake and triage, released in 2020 with the headline 'Using artificial intelligence to improve access to justice' (MLC 2020). It was designed to 'mimic human interaction, providing an interface between the client and MLC', assess eligibility and, where possible, facilitate an appointment with a lawyer for more complex advice (CLCNSW, n.d.-b). As the majority of the inquiries MLC receives initially relate to traffic fines and rental bonds, it also offers links and legal information on these issues. MLC says the chatbot is 'not designed to replace face-to-face services, but to better triage so the most critical matters and most vulnerable in our community are attended to first' (MLC 2020).

3.3.3 | South-East Monash Legal Service (SMLS), Victoria

In contrast, SMLS has stated it does not intend to use AI to assist with intake as 'AI cannot replace the human element of administration and intake' (SMLS 2024). While exploring opportunities for technology to 'streamline' their work (e.g., data entry and extraction, automation of emails, letters, editing and

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proofreading), they argue that their service 'needs a human voice on the end of the line', elaborating that machines or AI cannot replace the nuances of staff roles or client interactions.

The three examples above illustrate differing perspectives on how AI can support intake and triage processes—from adoption to experimentation to clear rejection. Despite this diversity of approaches, there is agreement that AI may augment, but should not replace, the person-to-person services that define the CLC model.

4 | Capability and Meeting Legal Need

In this article, we have so far explored the potential for technologies such as AI to increase A2J. We have described the funded roles of CLCs and their service delivery models, and considered the motivations for AI's potential (and actual) use by CLCs. Now, we share our secondary analysis of empirical research on the nature of legal need for CLC clients and show how these findings centre client capability. Doing so, we highlight the importance of recognising client capability in the development of client-facing AI interventions for CLC service delivery.

4.1 | Gaining New Insights From Pre-Existing Data

Secondary data analysis is the increasingly common practice of using existing datasets to answer new research questions. There are some limitations: it is not possible to ask new questions once data is collected or analyse what is not there (Kelly et al. 2024). However, when the existing dataset offers insights into a problem aligned with the question that motivated its collection, reusing it in this way reduces costs for researchers and the burden on participants.

The original empirical research captured systematically, for the first time, LAS employees' deep experiential knowledge of their clients' legal needs. The study employed a sequential two-stage qualitative design (Hastings 2024). Semi-structured, in-depth interviews asked 24 LAS stakeholders how they understand the term 'legal need' and its generation for their clients (September 2021–March 2022).[2] Three 90-min online workshops involving 138 LAS legal and non-legal employees (April–May 2023) employed a World Café workshop methodology (Brown and Isaacs 2005) adapted for online use.[3] Across the six virtual 'tables' (breakout rooms), participants deliberated on the reasons why individuals and groups of people develop legal needs, the relationship between legal and non-legal needs, the factors that inhibit those with legal needs from having their issues resolved, and the barriers and enablers to a person being able to self-assist to meet their own legal needs.

Although recruiting LAS participants nationwide, 14 of 24 interviewees and 62% of workshop attendees had worked for CLCs. The high proportion of participants with CLC experience and the similarities in the client characteristics of populations assisted across the sector's services make this dataset applicable to answering the CLC-focused questions of our current study. Given the timing of data collection and the research aims, the original study did not have an explicit focus on sector use of GenAI. However, themes in the data around technology use, access to technology, digital literacy and trust of services—as well as the important findings about client capability that emerged from the initial study (Hastings et al. 2026)—prompted us to reflect critically about increasing interest in the use of GenAI by CLCs and revisit this dataset.

4.2 | The Nature of Legal Need

Initially, we asked both interview and workshop participants a 'simple' question: *What is legal need?* Common responses included that the concept of legal need is hard to define, but in its most straightforward framing, a legal need is a problem resolvable through a legal response. Although the law is part of everyday life and legal issues can arise for anyone, participants observe a blurred distinction between social, health, economic and legal problems for their clients and that the nature of a legal need can change over time. The causes of legal need include events experienced by individuals as well as groups or cohorts of people with similar characteristics or within shared contexts. Significantly, participants comprehend the legal needs of their clients as qualitatively different from those of the general population or those typically seen in private legal practice, due to the presence of what they described variously as disadvantages, vulnerabilities and marginalisation.

Analysis of the interview data (Hastings 2024) revealed that the legal needs of LAS clients are a combination of legal *knowledge*, *capability*, and *accessibility* needs. The distinction between these dimensions is not easy to delineate (Figure 1) and is the subject of further conceptual analysis using Sen's capability approach (Hastings et al. 2026). However, for this study, our initial conception of the multi-dimensional nature of legal need is helpful, as it highlights the importance of capability and its relationship to knowledge and accessibility. Those with legal *knowledge* needs can self-assist if provided with

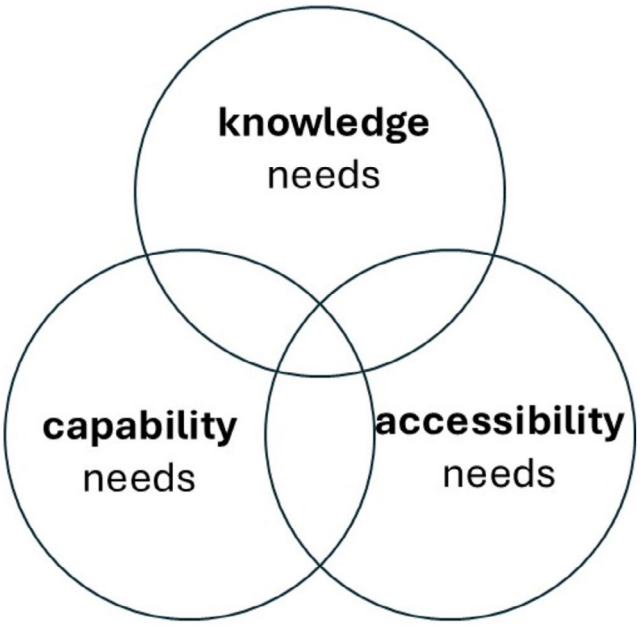

FIGURE 1 | Conceptualising legal need.

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appropriate rights education and legal information. Clients with legal *capability* needs require more intensive and ongoing assistance. Capability needs indicate that there are barriers to a person's ability to 'self-assist' in resolving the legal issue. Importantly for this article, determining whether a client needs knowledge to self-assist or whether they have capability needs that require more involvement with the legal service is a vital part of the triage process at the service intake point. Finally, legal *accessibility* needs occur if the legal needs of clients are 'unmet' because services are not accessible. These unmet legal needs are a product of services being unable to support clients due to resource constraints, or because people are prevented from seeking assistance.

4.3 | A Focus on Capability

Interviewees centred client capability and the ability to self-assist to meet their own legal needs as central to sector service delivery models and triage decision-making. Participants shared there can be challenges to meeting a client's legal need related to a range of factors, including the client's individual circumstances, personal characteristics, life experiences, life events, financial and other resources, health status, the experience of domestic and family violence, a lack of digital and other literacies, English language proficiency, as well as individual experiences of 'collective' factors such as power imbalances or structural and systemic inequalities. Also, a person's level of confidence, prior negative experience of legal and institutional systems, trauma, or being overwhelmed by challenges they face, may impact a person's capacity and engagement with services, increasing the need for more intensive and personalised intervention:

> Our clients are challenging, but not in the sense that it's legally challenging. It's more that [...] adjusting your practice to tailor to their emotional needs, constantly seems to be getting more and more for each client.
>
> (Interviewee 16, CLC, lawyer)

Legal need is not synonymous with simply having a legal problem—client experience and capability impact the process for good client outcomes:

> People's lives [...] are not a bundle of legal problems. A person is a person with a very complex set of other relationships in their lives and experiences and things they've learned and been burned by. Their trust and the emotional capacity that someone has is just as important in the resolution of their problem as the skill or ability of their lawyer.
>
> (Interviewee 10, CLC, lawyer)

The complexity of legal issues and increasingly difficult-to-navigate administrative, legal, and other systems amplify the demands on clients. Complexity reduces the capability of clients to navigate their problems without extra assistance, even more so when other socioeconomic challenges are also present:

> I mean, in our modern world, we're expected [...] to know how to manage our MyGov account, do our tax, understand our legal problems, and be involved in our children's education. It's a very complex world. [...] Even as, like, an educated professional with stable housing and a good income, it's a lot to deal with.
>
> (Interviewee 21, CLC, non-lawyer)

The workshops provided an opportunity to examine capability in more detail, identifying what should ideally be in place for a client to 'self-assist' and which clients, situations, and contexts require more intensive and ongoing assistance or representation. Participants used virtual sticky notes to add barriers and enablers to self-help on a continuum from 'needing less help' to 'needing more help'. Each of the three workshops started with a blank slate. During the workshop, participants working in small groups cumulatively added their notes. The content of each workshop was analysed separately by coding the notes thematically and assigning them values from 0 to 9 depending on their placement on the line. Then, we combined the data and calculated the average score for each theme. We produced a new virtual whiteboard by writing each theme on a sticky note and placing it on the line according to its score (see Figure 2).

As illustrated in Figure 2, LAS employees identify a wide range of factors related to individual circumstances and structural conditions that limit or support a client's capacity to self-assist. In the context of thinking about client interaction with AI tools, some of the most noteworthy barriers are:

- Low digital literacy and lack of access to technology
- Low literacy, low levels of English, and low levels of education
- Disability
- Being an older person
- Feelings of shame and being overwhelmed
- Complex non-legal issues and complex systems and processes
- Lack of trust in the legal system and poor experiences with the legal system

Likewise, but conversely, the factors that enable a client's capability to self-assist include:

- English as a first language
- Education
- Literacy
- Confidence in the legal system
- Digital advantage

Other barriers include personal characteristics, knowledge and skills; factors that enhance or deplete a person's emotional or psychological reserves and resources; and the impacts of disadvantage, discrimination, and a broad range of other non-legal problems.

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FIGURE 2 | Capability to self-assist—barriers and enablers.

5 | Discussion

In the light of recommendations in the Mundy and other reviews mentioned above, lessons from existing explorations of AI use in CLC service delivery, and secondary analysis of empirical research, we argue that any development of AI technologies for CLCs must take into account the expert knowledge of the sector about their clients' legal need and capability to self-assist. Otherwise, increasing 'access' may not equate to improving 'access to justice' for CLC clients. In any scoping of technology and AI's possibilities as a solution to A2J, these questions must remain a touchstone: 'Who are the clients?' and 'What is the nature of their legal need?'

Who are the clients? Clients of CLCs are, by definition of the funding model and eligibility requirements, less financially resourced and more likely to experience structural inequalities and marginalisation than the general population (CLCs Australia 2024a). The impacts of disadvantage are experienced by clients of CLCs variously as forms of deprivation and poverty (Saunders 2015), social exclusion and marginalisation (AIHW 2017), and a lack of capability, conceptualised by Sen as being the lack of access to resources, opportunities and rights enabling people to achieve the positive life outcomes they desire (McLachlan et al. 2013). The consequences of disadvantage are evident in our study. Multiple non-legal needs intersect with legal needs, exacerbating the resolution of problems when clients seek assistance from a CLC, and forming barriers to clients' capability to self-assist.

What is the nature of legal need? The three-dimensional model of legal need (Hastings 2024) identifies three core areas of consideration when designing client-facing AI tools for use by the sector to increase A2J.

Knowledge needs: How can applications of AI assist in delivering tailored, accessible and accurate knowledge about rights, the law and legal processes to meet the needs of CLC clients?

Accessibility needs: How can applications of AI increase accessibility by enhancing service capacity through productivity gains or removing barriers for clients to seeking help from services?

Capability needs: How must AI tools be designed to meet knowledge and accessibility needs in the light of client capability

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needs such as low digital literacy, lack of access to technology, low literacy, low levels of English, low levels of education, disability, being elderly, feelings of shame and being overwhelmed, complex non-legal issues and complex systems and processes, lack of trust in the legal system and poor experiences with the legal system?

As discussed in our review of the literature and confirmed through our analysis of data on the nature of legal need, any discussion about AI's potential to enhance A2J must explicitly consider client capabilities (Curran and Noone 2008; Galanter 2010). Inspired by Sen and by a sociological understanding of social structure and stratification, we argue that it is important to interpret capability through the lens of structural inequalities—socioeconomic, of course—but also in terms of unequal distributions of social and human capital, power, discrimination, inclusion and the other resources people use to develop and exercise their capabilities. This approach to thinking about capability shifts the understanding of capability away from a purely individualistic, deficit approach.

Given the multidimensional nature of legal need, it is important to recall that clients' needs also encompass knowledge and access needs. This means digital knowledge (or literacy) and digital accessibility are vital considerations for using technology. As McDonald (2021, 726) cautions, 'digital first' or 'digital by default' approaches 'risk marginalising, excluding, and defaulting those with elevated and complex legal needs'. The experiences of LAS workers in our analysis highlight the lack of access many clients have to the digital devices, data to connect to the internet, and digital literacy they need—and warn us not to assume all clients will have access to the technology required. Thus, adopting a digitally inclusive approach to technology use to improve A2J is imperative to avoid deepening the digital divide (Toohey et al. 2019; Cesta 2024). Likewise, other barriers to clients' capacity to self-help identified in our research—such as disability, being an older person, low levels of English, and low literacy in general—all have the potential to intersect with digital literacy and access, requiring an intersectional approach to ensuring inclusion in the use of AI tools in client-facing service delivery.

Many LAS sector stakeholders, as well as the Mundy review, appear to recognise both the opportunities and risks of AI. A cautious, incremental approach seems to be emerging—targeted at improving service efficiency and accessibility—while largely centring on clients' needs. JC's (2024) project is one such example, focusing on triage and the development of ethical AI principles. What we observe is that CLCs are not pursuing generative AI or LLMs—indeed, JC has said this explicitly—but are rather looking at discrete, narrow use cases for AI, which is exactly where others have determined there exist opportunities to leverage AI for good and limit the potential harms (including algorithmic bias) (Hao 2025). In the legal sphere, this also helps counter the risk that AI-powered tools could provide legal advice in breach of professional rules.

To avoid 'inexpensive, but inferior, AI-driven legal assistance', Simshaw (2022, 170) argues that services must calibrate their use of AI. That is, reliance on technology should vary depending on the client, the legal issue, and the underlying process in each case. To illustrate, we note that 'calibrating' AI through the lens of *legal capability needs* and *digital capability* suggests that AI may more effectively bridge the A2J gap for the 'missing middle'—those who do not meet strict eligibility criteria for publicly funded legal services but lack the financial resources to afford a private lawyer (LCA 2021; McDonald 2021). In addition to having more (but not sufficient) financial resources, this group may have higher levels of human and social capital than CLC clients, accompanied by correspondingly greater legal and digital capability, and is more likely to navigate online forms and unbundled service delivery successfully.

CLCs have developed to meet the needs of specific communities with intersecting identities, needs, strengths, and vulnerabilities. Considering the diversity of CLCs in terms of size, location, client groups, and workforce profiles, any AI technologies must be appropriately responsive and differentiated. For example, digital tools for Aboriginal and Torres Strait Islander peoples must centre the needs of communities and be designed and implemented either by community members or through genuine partnerships (First Nations Digital Inclusion Advisory Group 2024). In healthcare, responsible use of AI for Indigenous people has prioritised building AI health literacy and appropriateness, protecting both Indigenous data sovereignty and data governance, and self-determination in AI development and implementation (Goodman et al. 2025). These are important lessons that may have transferability to AI use by CLCs and LAS, specifically the ATSILS and FVPLS, or other services targeting groups with a history of marginalisation and discrimination.

More broadly, Hagan (2019) champions participatory design, with users and other stakeholders deciding what problems need to be solved and how. She notes the failure of A2J technologies to fulfil their promise if designed by and reflecting only lawyers' perspectives. Similarly, Lupica et al. (2017) discuss the need for the legal profession to adopt design thinking to develop human-centred legal technology that is cognisant of client needs. They particularly note how poverty 'captures and monopolizes an individual's attention' leaving little 'cognitive bandwidth' for help-seeking (p. 1367). However, it is not within the scope of this article to develop a more concrete typology of how AI could be differentiated across discrete use cases to meet the A2J needs of diverse client populations; rather, to argue that what we know about clients must motivate a differentiated approach.

Our argument that AI use be responsive to diversity, equity and inclusion aligns with our concern about the impacts of algorithmic bias and the imperative to pursue algorithmic justice. The ethical AI principles by Justice Connect are a welcome, important start, addressing fairness, inclusivity, transparency, accountability and data safety. In addition to advocating the importance of human-centred design principles, Toohey et al. (2019) argue for technical accountability, such as publishing algorithms for transparency and requiring developers to meet specific benchmarks to combat algorithmic bias. The national accreditation scheme for CLCs could incorporate these principles into policies for CLCs adopting AI, both for inward and client-facing purposes.

Family and domestic violence also features in the lives of a large proportion of CLC clients (CLCs Australia 2024a). Interpersonal interaction, trust and rapport are vital to delivering services

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to these (and other) CLC clients and AI technologies like chatbots may struggle to replicate these relationships (Woodlock et al. 2022). Some argue that even seemingly 'pedestrian' digital tools like websites can pose safety risks and create barriers for people affected by such violence and in need of assistance (Domingo-Cabarrubias et al. 2022). In the Australian context, the high proportion of CLC clients receiving income support, combined with distrust of technology likely engendered by RoboDebt—an automated welfare debt assessment and recovery scheme through which Centrelink unlawfully raised debts against hundreds of thousands of vulnerable people (Thompson et al. 2024)—may make clients reluctant to engage with services that use AI.[4] Conversely, others argue that AI can help reduce 'economic and shame-based cultural barriers to the information-gathering stage of pursuing justice' (Long and Palmer 2024, 26). Online intake processes may reduce these emotional or other trauma-related barriers to access, as well as those generated by distance. That AI may both enable and constrain A2J, depending on clients' context and experience, reinforces Hough's (Cabral et al. 2012) argument that adopting innovative technology to improve A2J will both require services to preserve traditional access and to provide education and support.

Fundamentally, in designing AI tools to improve A2J for clients of 'shop front' community-embedded legal services, the focus must remain on *how clients' legal needs are currently actually met by CLCs*—not merely on what is easier, cheaper or superficially appears to increase access. Recall, access does not necessarily equate to justice. Consequently, any use of AI must be developed collaboratively with clients, community lawyers, non-lawyer service workers and policymakers—not solely by technicians.

Finally, there are broader unresolved questions that would benefit from further research: concerns about the blurring of the distinction between the provision of legal information and legal advice; the adequacy of AI literacy among CLC staff (Migliorini and Moreira 2025); the financial resources required to develop, adopt and maintain AI tools (Mundy 2024); the role of pro bono partners in supporting CLCs by leveraging their in-house expertise on AI (Owen and Murphy 2023); replicating field research conducted in the United States with A2J lawyers using AI in other contexts (Chien and Kim 2025); and the harm caused by AI to the climate, indirectly leading to an increase in CLC clients (Justice Connect 2025).

6 | Conclusion

AI presents a promising opportunity to increase A2J and reduce unmet legal need for the clients of Australia's CLCs through efficiency and accessibility gains. The design of AI tools must firmly focus on two priorities. First, the distinctive legal needs of CLC clients, given their disadvantage and structural inequalities, and second, the responsive service delivery models that CLCs have developed over the past 50 years to meet these specific needs. AI cannot replace CLCs' current offerings, and clients will still need the 'shop front' CLCs offer. Nevertheless, well-designed AI tools may *augment* CLC service delivery via new and innovative 'digital shop fronts', appropriate and helpful for *some clients but not all*. Although our analysis focuses on CLCs, these findings have implications for the entire LAS in its efforts to bridge the A2J gap. The lessons about client capability, self-assistance, and the barriers to help-seeking related to AI use addressed in this article are also relevant to other organisations in the community and social justice areas working with populations similarly impacted by structural disadvantage and marginalisation.

Author Contributions

Farzana Bruce: writing – original draft, writing – review and editing, conceptualization, methodology, investigation, resources. **Catherine Hastings:** conceptualization, methodology, data curation, investigation, formal analysis, funding acquisition, project administration, writing – original draft, writing – review and editing, resources. **Art Cotterell:** conceptualization, writing – original draft, writing – review and editing, resources, methodology, investigation.

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Conflicts of Interest

The authors declare no conflicts of interest.

Data Availability Statement

Research data are not shared.

Endnotes

[1] The current funding partnership agreement identifies the following priority client groups: Aboriginal and Torres Strait Islander peoples; children and young people (up to 24 years); LGBTIQA+ people; older people (aged over 65 years or Aboriginal and Torres Strait Islander peoples aged over 50 years); people affected by natural disasters; people experiencing, or at risk of, family, domestic and sexual violence; people experiencing, or at risk of, homelessness; people in custody and/or prisoners; people residing in outer regional and remote areas; people with a disability or mental illness; people with low education levels; people who are culturally and linguistically diverse; single parents; and vulnerable migrants, including asylum seekers and refugees (NAJP 2024, 37).

[2] Macquarie University HERC ID 10285.

[3] Macquarie University HERC ID 12528.

[4] Centrelink is an Australian Government service, managed by Services Australia, that delivers social security payments and services.

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