



Unmet Legal Need: How to identify and meet it

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A2JLN Program

- 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



Our approach

- Mixed method
- Initial Phase
- Three methodological streams
 - Service provider data (**Legal Aid, LawAccess, CLCs, Chamber Magistrates**)
 - Quantitative surveys (**Bega, 6 region**)
 - Qualitative studies of particular needs (**older, homeless, mental illness, prisoners**)



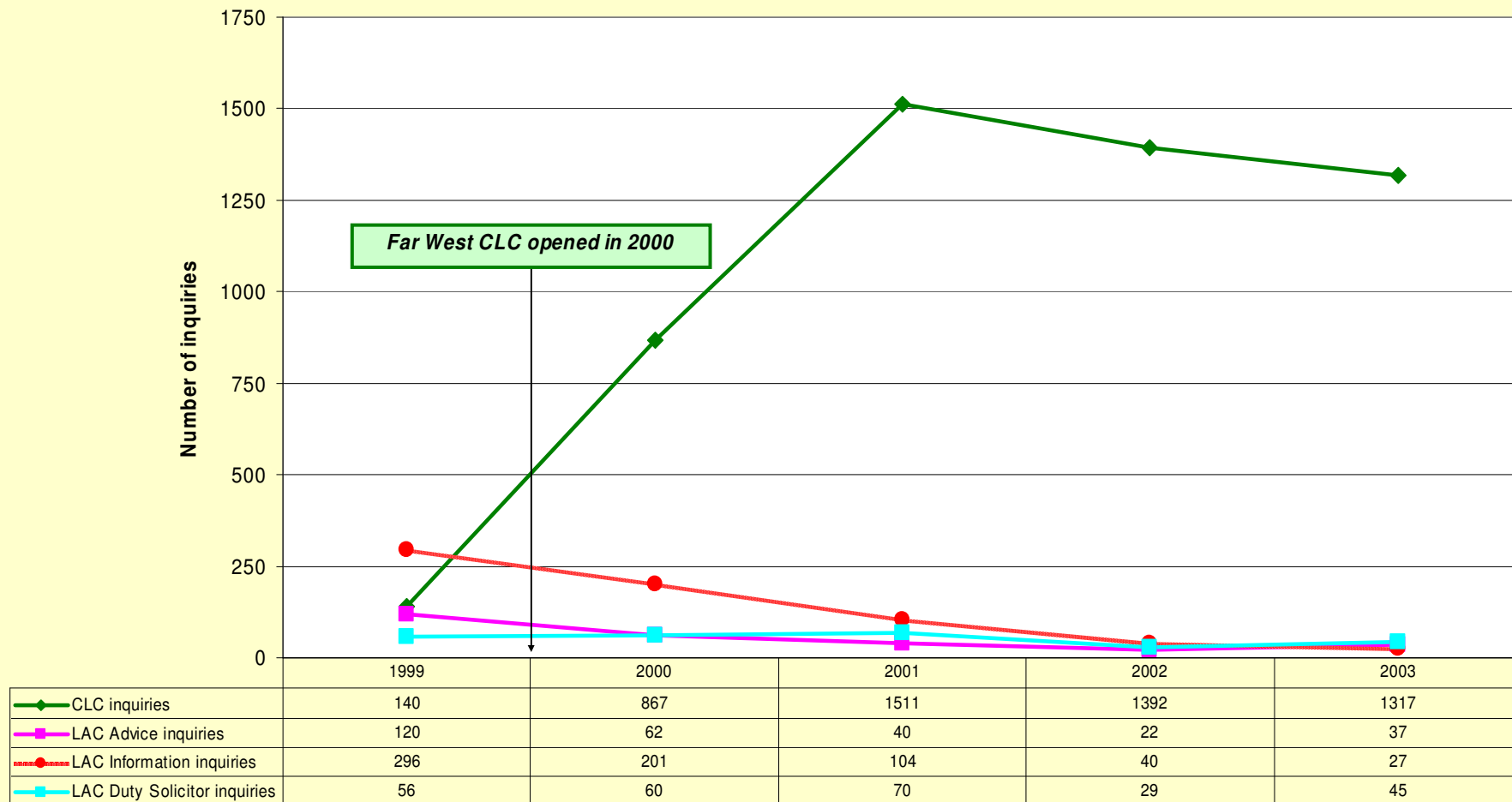
Service provider data *(Data Digest)*

- Who uses legal services
(demographics)
- Help sought for what legal issues
- How people come to the services
- The pathways people take

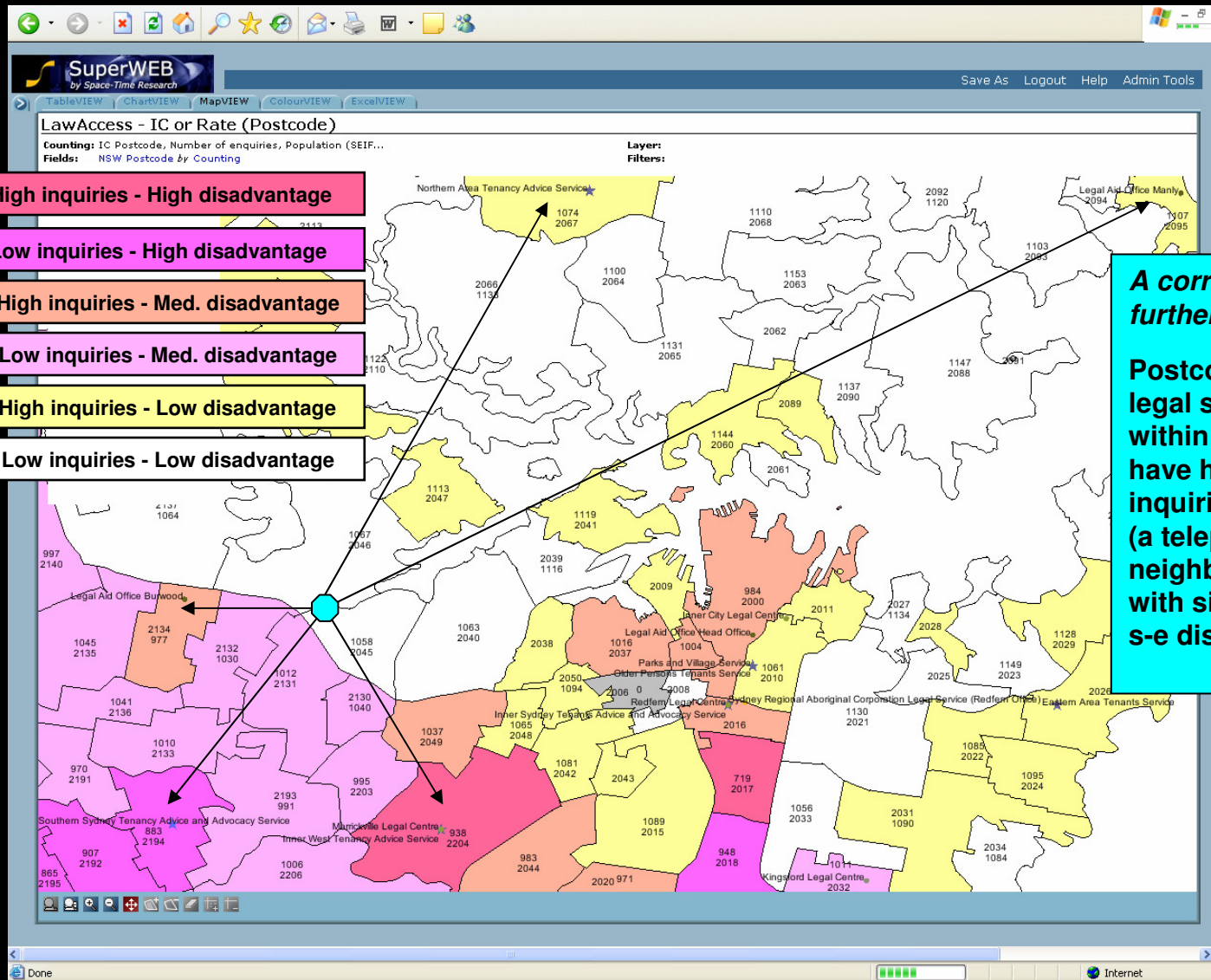
(depending on the data collected by the agency)



Far West NSW - Legal inquiries to public legal services (1999 to 2003*)



* CLC data after 2003 are not comparable because of a change in CLC administrative/reporting systems.



A correlation worthy of further investigation –

Postcodes which have a legal service office located within their area tend to have higher levels of legal inquiries to LawAccess NSW (a telephone service) than neighbouring postcodes with similar levels of s-e disadvantage.

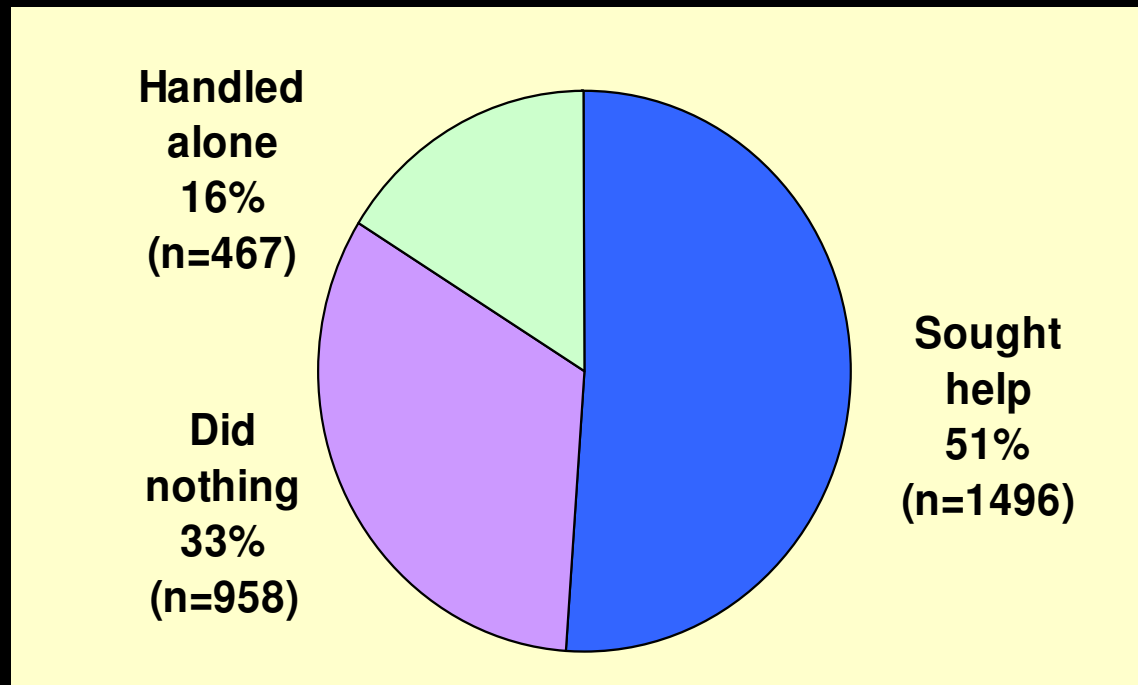


Quantitative legal needs survey

- Attempt to gain reasonably representative picture of legal need – including unmet/unexpressed
 - Pilot survey – *Bega Valley* (published 2003)
 - Survey in six disadvantaged regions (Campbelltown, Fairfield, South Sydney, Newcastle, Nambucca, Walgett)
Published 2006



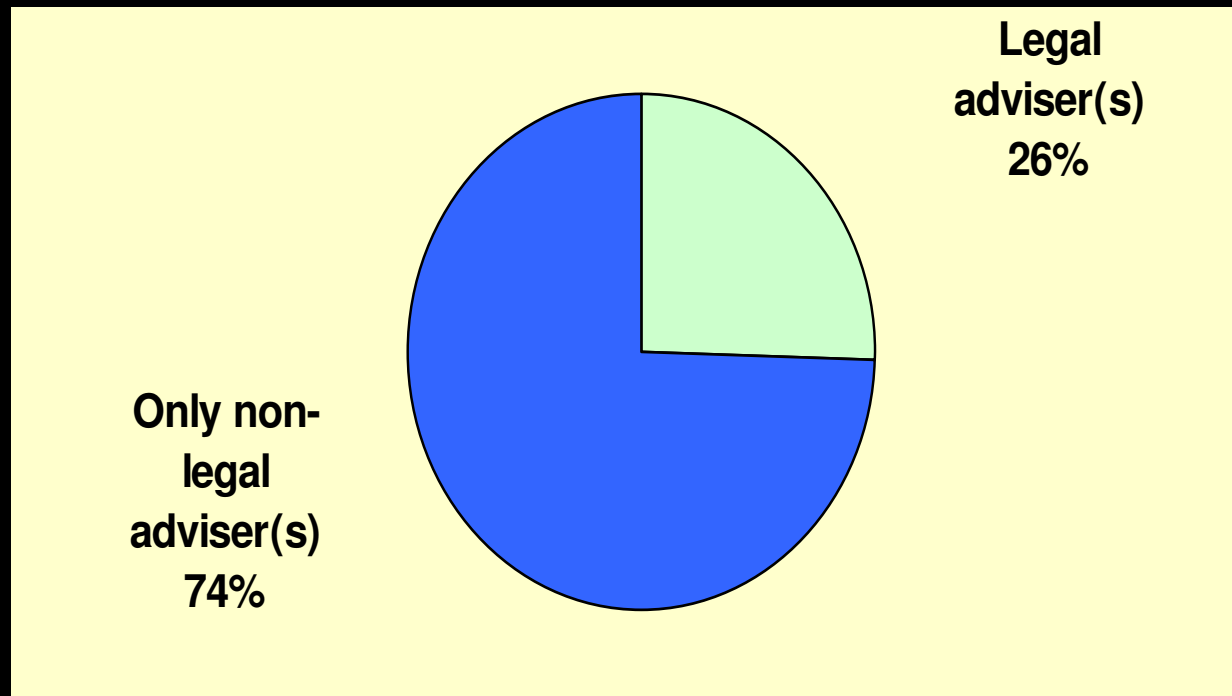
Response to legal events



- Common response was to do nothing
- Considerable proportion handled the matter alone without outside help



Seeking help



- When sought help, only 1 adviser used – 78%
- Majority of events – only non-legal adviser



❖ Type of legal adviser:

LEGAL ADVISER	% events where help sought
Traditional legal	12
Private solicitor/barrister	10
Local court	1
Legal Aid NSW	1
LawAccess NSW	<1
Aboriginal legal services	<1
CLCs	<1
Lawyer friend/relative	7
Published	8
Internet	7
Self-help source	1

- Legal adviser of some sort in 26%
- But legal adviser was a traditional legal service provider in only 12%
- Legal adviser was sometimes a less formal adviser



❖ Type of non-legal adviser:

NON-LEGAL ADVISER	% events where help sought
Other friend/relative	16
Government: Government organisation, local council, MP	20
Police/complaint handling body:	6
Other:	56
Other professional – e.g. doctor, counsellor, accountant	25
School staff	6
Insurance company/broker	6
Trade union/professional body	6
Private agency – e.g. debt collection, employment, real estate agency	5
Non-legal community group	4
Company/business/bank	4
Employer	4
Library	< 1
Other tribunal	<1

- Non-legal professionals used frequently
 - doctor, counsellor, accountant 25%
- Choice of adviser was generally appropriate
 - e.g. school staff for education events



Qualitative studies of legal needs of particular groups

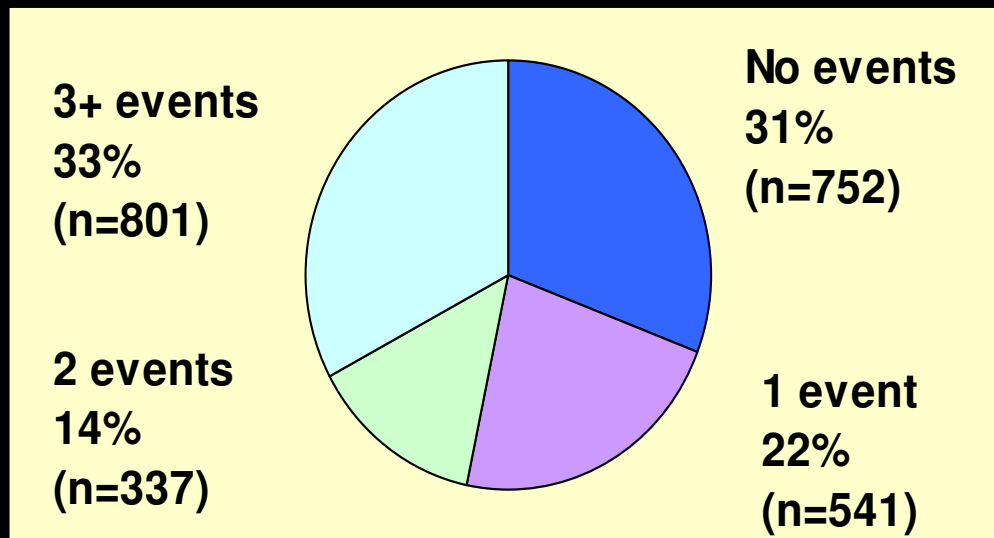
- In-depth studies of groups needing particular attention
 - Older people (2004)
 - Homeless people (2005)
 - People with a mental illness (2006)
 - Prisoners / recently released



A few findings / themes



Incidence of legal events



- Diversity of experience
- Some people – resilient
- Others - multiple events
 - Those with 3+ events accounted for 79% of all events reported
 - Some people appear to be particularly vulnerable



❖ Barriers to obtaining help

38% reported 1+ barriers

Main barriers - *accessibility of services*:

- Telephone engaged/on hold 18%
- Delay in getting a response 17%
- Difficulty getting an appointment 11%
- Lack of local services/couldn't get there 8%
- Problem with opening hours 8%
- Residents of rural/remote areas travelled 20+ kms 25%
- Residents of rural/remote areas travelled 80+ kms 12%

Similar barriers for traditional legal advisers

Services not always available when & where people want to use them



Accessibility of services

- Lack of timely, easy to access services
- Issues:
 - Resources
 - General community legal literacy
 - Manner of service delivery

'... advice services [should] ... develop their operations to mirror the behaviour of those who wish to use them' (Pleasence et al)

'..legal need may not drive the market for legal services for the poor as much as the behaviour and interests of those who work on the supply side of this market' (Daniels & Martin)



Information, education and general legal literacy

- Strong theme – need for better informed community
 - Not new observation – previous research
 - Other A2JLN program research

But are our goals always realistic?

- Tailored services targeted for specific need
- But need to recognise pathways people will use
- A well-recognised, well resourced 'triage' point



Socio-demographic factors



Summary of significant predictors in the 15 regression models conducted

Outcome variable	Gender	Age	Indig. status	Country of birth	Disabil. status	Income	Educate	Legal event group	Re-cency	Resoln status	Action taken	Method of resoln
Any legal event		√		√	√	√	√					
Accident/injury	√	√		√	√	√						
Consumer		√			√	√						
Credit/debt		√	√		√							
Education		√			√							
Employment		√	√		√							
Government		√			√		√					
Housing		√			√	√						
Wills/estates		√	√	√		√	√					
General crime		√		√	√	√						
Family		√	√		√	√						
Action taken		√	√				√	√				
Satisfaction: assistance								√		√		
Resolution		√			√			√	√		√	
Satisfaction: outcome								√	√		√	

Each row represents a separate regression model. White cells indicate variables included & shaded cells indicate variables excluded from the regression. Ticks indicate significant predictors.



Some conclusions / observations

- High levels of legal need, especially in disadvantaged communities
- Great diversity of need. Some people are more vulnerable
- People don't behave the way legal services want them to! (supply versus demand)
- Reality and potential of non-legal pathways must be given attention
- Legal information/education important – but we must be realistic



Some conclusions / observations

- A multi-dimensional approach needed. Might include:
 - Targeted strategies for particular groups in greatest need, or with special needs
 - Make better use of non-legal professionals and services as potential gateway to legal services
 - Coordinate legal and non-legal services
 - Have a widely recognised, well resourced information and ‘triage’ point to legal services



<i>Type of legal inquiry</i>	<i>Source of identified legal need</i>			
	<i>% of all inquiries/responses</i>			
	M2M survey	LawAccess	Legal Aid (Advice)	CLC
Family law	8.5%	29.9%	46.8%	28.3%
Criminal law	30.2%	13.7%	27.3%	12.6%
Civil law	62.4%	56.3%	25.9%	59.2%
- <i>Housing</i>	22.6%	8.7%	2.6%	9.0%
- <i>Credit/debt</i>	12.0%	8.2%	2.5%	2.5%