



Legal assistance by video conferencing: *what is known?*

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In recent years there has been an increasing drive to improve access to legal services through the use of video conferencing technology. This paper reports on an extensive search for, and review of, existing research into the use of video conferencing to deliver legal assistance particularly to disadvantaged clients, clients in regional, rural and remote (RRR) areas and clients in custody. The limited yield of this search has been supplemented with the considerable experience and insights of service providers who have used video conferencing for legal assistance and a small number of methodologically more rigorous studies and systematic reviews which have evaluated the use of video conferencing for health services. The review findings are summarised on page 2. The findings indicate the need for caution in the large scale roll out of video conferencing technology for legal assistance.

INTRODUCTION

There has been an increasing interest in the use of video conferencing to provide legal advice and assistance to disadvantaged clients living in RRR areas. In Australia, this interest has increased in a context of:

- the diminishing feasibility and the relatively high cost of maintaining resident legal services in some RRR areas (Forell, Cain & Gray, 2010; Wilczynski, Ross & Connell, 2009)
- the technology for providing these services reducing in cost and becoming more accessible over time (Access to Justice Taskforce, 2009 p. 84) and
- the rollout of the National Broadband Network (NBN) across Australia and the scope for this to be utilised in the provision of legal services in RRR areas (McClelland Media Release, May 2010).

In Australia and internationally, the rationale commonly expressed for using video conferencing to provide legal assistance in RRR areas is:

- to increase the accessibility of legal services to disadvantaged people in RRR areas
- to reduce the time and costs associated with providing in-person legal services in these locations.

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Summary of findings

- The volume and quality of available research into the use of video conferencing for the provision of legal assistance is very limited, with no studies able to provide conclusive evidence about the ‘effectiveness’ of video conferencing compared to telephone and ‘in-person’ services for legal assistance. Nevertheless, we were able to draw useful insights from the material reviewed.
- The strongest finding that can be drawn from the literature is that the uptake of legal assistance by video conferencing, particularly in rural Australia, has been far less than had been expected by the service providers. The limited uptake of video conferencing where it has been made available has limited the potential impact of this technology in broadening access to legal help.
- Across the material reviewed, lawyers and clients preferred in-person meetings to video conferencing. However, video conferencing was generally reported to be an acceptable and functional interface for clients and lawyers when in-person meetings were not possible. These observations are consistent with the findings of robust health sector studies into the use of video conferencing for doctor–patient consultations.
- When compared to the telephone, lawyers reported the advantage of being able to observe client responses, to better engage with their clients and to exchange documents. By contrast, clients appeared to focus more on issues of convenience and privacy, some preferring to speak to a lawyer by telephone from their own home rather than seeing a lawyer face to face by video conferencing.
- A number of the reviewed studies attributed savings to the use of video conferencing compared to provision of in-person services, particularly in terms of reduced time and costs in travelling to remote locations. However, until studies also factor costs such as technology, set up and maintenance and support costs at two locations (the lawyer and client end) and *the level of service usage*, we cannot say whether video conferencing provides a more cost effective alternative to face to face legal assistance in RRR areas. We note that web-based applications may well improve the price and accessibility of video conferencing. However, consideration must also be given to the barriers that disadvantaged people face in 1) accessing this technology and 2) accessing legal assistance.
- While further research is required to identify the relative impact of any or all of the following factors, the uptake and use of video conferencing for legal assistance appears to be affected by:
 - the convenience, privacy and confidentiality of video conferencing compared to other available modes of assistance
 - whether video conferencing offers services or benefits that are not already available through existing legal services, *including services available by telephone*, such as access to specialist services or more timely assistance
 - the quality and reliability of the video conferencing (e.g. drop outs, picture quality)
 - the willingness of clients, lawyers and the host service at the client end to use this form of technology for legal assistance.

Conclusions and recommendations

1. If video conferencing is to be considered for the provision of legal assistance services in RRR areas:
 - a. particular attention should be paid to the factors identified in this study as potentially affecting the uptake and ongoing use of this mode of assistance (listed above)
 - b. the effectiveness of the video conferencing services in reaching and providing services to and meeting the needs of disadvantaged clients in RRR areas should be monitored and evaluated.
2. If video conferencing is to be used as a form of outreach, then the recommendations of the Foundation’s review, *Outreach services to people with complex needs: what works?* (Forell & Gray, 2009) should also be taken into account — particularly with regards to supporting and building relationships with the intermediaries who are ‘problem noticers’, and who facilitate contact between clients and lawyers (see the *Discussion* section).
3. Video conferencing is widely used for communication between lawyers and clients in prison but there has been virtually no evaluation of this use. One unanswered question concerns how effective this form of communication is, compared to the alternatives, particularly for those disadvantaged client groups who constitute a considerable proportion of the prison population. We suggest this as an important question for future research.
4. A second important question for future research concerns the costs and benefits of video conferencing for the provision of legal assistance in rural areas compared to telephone and face to face legal assistance.

Video conferencing is often assumed to provide a preferable mode of communication in comparison with the telephone because it allows participants to see each other ‘face to face’, enabling both non-verbal and verbal communication.² In addition, some video conferencing systems have the advantage of capacity for efficient viewing and exchange of documents.

The provision of legal assistance to prisoners by video conferencing to enable them to appear in court for certain types of hearings has been largely a by-product of the rollout of this technology. While the primary purpose of establishing audiovisual links (AVL) between prisons and courts in NSW was to increase court efficiency and effectiveness, reduce prisoner movements and reduce costs (Hatzistergos, 2008), videolink facilities were also made available at Legal Aid NSW to enable lawyer–client communication for inmates, including those appearing in court by videolink (Corrective Services NSW, 2011).

The objectives of this review

The objectives of this review were to identify, appraise and synthesise the available evidence on the effectiveness, advantages and disadvantages of video conferencing as a way of providing legal assistance to disadvantaged people, particularly those in RRR areas and those in prison. In particular, we searched for evidence of:

- whether the provision of legal assistance by video conferencing has increased clients’ access to legal assistance
- the cost and cost savings of video conferencing for legal assistance compared to alternative models of service delivery
- the effectiveness and appropriateness of video conferencing compared to other modes of legal assistance
- factors which affect the utility of video conferencing as a mode of legal assistance.

Definitions

Disadvantaged people are defined in this paper as people who are limited in their access to material

² Non-verbal communication includes elements such as facial expressions, making or avoiding eye contact, and body posture. Such signals can communicate emotional reactions, understanding, confusion, agreement, enthusiasm, wariness and dishonesty, which can either emphasise or contradict the verbal communication. It is argued that non-verbal communication can assist in establishing rapport between lawyer and client and, in some circumstances, may help the lawyer to assess the accuracy, completeness and impact of communicated information.

and social resources and their ability to participate in society (drawn from ABS, 2008 p. 5). We have focused on disadvantaged clients, as they constitute the target client group of public and community legal assistance services in Australia. Indeed, in the most remote parts of NSW, the majority of the locally available legal assistance is provided (or funded) by public legal services (Forell et al, 2010).

The terms ‘video conferencing’ and audiovisual links (AVL) refer to all synchronous (two way) communication with audiovisual interface, whether via integrated service digital network (ISDN), satellite or internet protocol (IP) with video conferencing technologies. These technologies include videolink, video conferencing and web-based technologies such as Skype and WebEx.³ Notably, our review focuses primarily on video conferencing by ISDN, as we have only located one program (not yet evaluated) which uses Skype to provide legal assistance.

Real time web-based interactive technologies such as chat services, and social media such as Twitter and Facebook, have been excluded from this review. We have also *excluded* the provision of asynchronous (one way) legal education or information by way of video, through the internet or otherwise.

METHODOLOGY

The findings reported here are based on a comprehensive and systematic search for, and review of, research, evaluation and other relevant documents concerning the use of video conferencing in the delivery of legal assistance services to disadvantaged people, particularly those in RRR areas and those in prison. The systematic review methodology upon which this review is based is described in Appendix 1.

In broad terms, the methodology has involved four stages:

1. defining the research questions, inclusion criteria and search strategy at the beginning of the process (**Defining scope and inclusion criteria**)
2. using search terms drawn from these pre-defined inclusion criteria to guide the literature search and to select relevant studies (**Literature search**)

³ WebEx is a company that provides on-demand collaboration, online meeting, web conferencing and video conferencing applications (see <http://www.webex.com/overview>).

3. having two researchers independently assess the quality of all studies retrieved against defined and consistent criteria (**Appraisal**)
4. having two researchers independently identify key findings with supporting evidence in each report, categorising these findings, then drawing these categories into broader ‘synthesised’ findings that can be applied in practice. (**Data extraction and synthesis**)

These stages are further outlined below.

Defining scope and inclusion criteria

The criteria used to define our research question (see objectives, above) and to guide our search and document selection are described in Table 1.

Literature search

The process for selecting studies is summarised in Table 2. The table shows how we filtered studies through the search process.

The first sweep of the literature was conducted as part of a broad review by the Law and Justice Foundation of NSW (LJF) of all research and evaluation work published on the effectiveness of public legal assistance services and strategies (by any mode of delivery). We then conducted supplementary searches to ensure that material pertaining to legal assistance *by video conferencing*, particularly in the context of courts or prisons, was not missed. The actual search terms which were used

and the databases and websites examined are listed in Appendices 2 and 3.

To locate unpublished evaluation reports or data on the use of video conferencing for legal assistance, the researchers contacted:

- public and community legal services in Australia and overseas who were known to have used or still be using video conferencing for legal assistance
- key organisations and academics that fund or research the use of technology for legal and court processes, including those cited in documents identified.

Those contacted are listed at the end of the reference list. The most common response from service providers was that their organisations’ use of video conferencing had not been evaluated and that they were not aware of any others which had been. Any data, observations, responses to questions and opinions provided by these organisations were carefully assessed and included in this review as ‘informed opinion’. The rationale for including this material in the review is that it provided a credible and current supplement to the limited available research.

Table 3 describes all of the studies included in this review. These are studies which:

- are relevant to video conferencing for legal assistance (as per the criteria above)
- contain primary (original) evaluative data.

TABLE 1: INCLUSION CRITERIA FOR DOCUMENTS TO BE INCLUDED IN THIS REVIEW

Criteria	Included
Intervention: 'legal assistance services'	<ul style="list-style-type: none"> • Legal assistance (advice, minor assistance, representation) provided by video conferencing or web-based applications such as Skype, including: <ul style="list-style-type: none"> – debt related advice and legal assistance services – not-for-profit legal services, including pro bono advice by private solicitors – legal assistance to prisoners by AVL, whether or not the inmate was appearing in court by videolink
Target client groups	<ul style="list-style-type: none"> • Socially and economically disadvantaged people • Clients in RRR locations • Prisoners • People who otherwise cannot access legal assistance
Points of comparison	<ul style="list-style-type: none"> • Legal assistance provided in-person or by telephone
Outcomes of interest	<ul style="list-style-type: none"> • Whether video conferencing has increased the availability of legal assistance in defined areas • The effectiveness and appropriateness of video conferencing as a mechanism for the delivery of legal advice/assistance • The cost and cost savings of video conferencing for legal assistance compared to alternative models of service delivery • Factors which affect the utility of video conferencing as a mode of legal assistance, in terms of its reach/availability, appropriateness and cost of service provision
Types of studies/ documents included	<ul style="list-style-type: none"> • Published and unpublished studies which evaluate or include evaluation of the use of video conferencing technology to provide legal assistance services • Any research methodology including qualitative research • Published or reported in the English language • Published or reported between 2000–2011 • ‘Informed opinion’ largely in the form of correspondence between the reviewers and organisations and individuals who use or have used video conferencing for legal advice provision was also included

TABLE 2: SUMMARY OF PROCESS FOR SELECTING DOCUMENTS FOR THIS REVIEW

A ‘meta’ search conducted by the Foundation to identify pockets and gaps in knowledge on ‘effectiveness’ in public legal assistance. Included: evaluations, reviews, journal articles, reports and Australian corporate documents which have examined the effectiveness of any form of legal assistance by any mode	+900 documents ↓
All documents which included video conferencing, AVL or face to face web-based technologies for legal advice, assistance or representation	53 documents ↓
Documents relevant to video conferencing, AVL or face to face web-based technologies for legal advice, assistance or representation which included primary (original) evaluative data	11 studies
Personal contact to gather grey literature and additional ‘experiences/informed opinion’	+1 additional study +11 ‘informed opinions’
A supplementary search for studies and evaluation reports on the use of AVL between prison and court, to check for references to legal assistance by video conferencing	+2 additional studies
Additional but limited search for studies on video conferencing for service delivery in the health sector	+7 studies and systematic reviews
Documents included in the final review	14 studies (legal assistance) 11 ‘informed opinions’ 7 studies and systematic reviews (health)

They are divided into those relating to video conferencing to clients in RRR locations and those relating to prison inmates. We believe that our search strategy was broad and deep enough to have located most published material which satisfies our criteria. Some unpublished material has been included in the review, however there may well be other unpublished reports that we did not locate.

Due to the limited amount of available research on the use of video conferencing for legal assistance, we also conducted a *limited* search for studies which compare video conferencing to other modes of communication in other professional contexts, such as medicine, counselling and research. A small set of seven studies was selected after a search of the databases: PsycINFO, PsycEXTRA, PsycARTICLES, and Medline, looking for articles dated from 1 January 2004 until 10 August 2011 using the search terms: video conferencing; video + “face to face”; telephone + “face to face”. Articles were selected based on an inspection of their title and abstract to identify those which reported findings of empirical studies which had compared two or more of these modes of communications, or which had examined one or more mode in terms of user acceptability, advantages and disadvantages. Only studies which included communication between practitioners and patients or clients by AVL were included in the review. These studies are separately identified in the reference list.

The seven health sector studies and systematic reviews included in this review are all methodologically more rigorous than the legal assistance studies. Their

findings are based on experimental designs (such as randomised controlled trials) which are more appropriate for comparing the effectiveness of one intervention to another or on economic analyses. Any findings which were based on these studies are separately identified in the results section of this review.

Appraisal, data extraction and synthesis

All of the relevant studies and ‘informed opinions’ identified were independently analysed and appraised by two researchers. A record was kept of:

- each reviewer’s assessment of the document against the document selection criteria (criteria in Appendix 4)
- a description of the intervention evaluated, including its aim, geographic location, time period, target client groups and service setting
- a description of the research methodology used and an assessment of the rigour and quality of that methodology (criteria in Appendix 4)
- an assessment of the relevance and experience of those included as ‘informed opinions’
- a list of all relevant findings and observations which appeared in the document and each reviewer’s assessments of the credibility of these findings.

Each research finding within the selected documents was separately evaluated and ranked into three categories of evidence:

- *Supported*: A finding that was directly, logically and convincingly supported by the reported evidence

TABLE 3: SUMMARY OF STUDIES INCLUDED IN THIS REVIEW WHICH EXAMINED VIDEO CONFERENCING FOR LEGAL ASSISTANCE

Study	Program details, aim, location and dates	Research question relevant to AVL for legal advice	Evaluation method	Main findings regarding AVL for legal advice	Key limitations of report in addressing the effectiveness of AVL for legal advice
Video conferencing to rural areas					
Day, Collard & Davies, 2008 <i>Money advice outreach evaluation: the provider and partner perspectives</i>	United Kingdom, 2005–2008 22 pilots of outreach money/debt advice services to disadvantaged clients, including one outreach service offered by AVL. AVL service provided through a network of 35 videolink 'portals', set up in local authority customer service centres and community venues and 'bus stop' style standalone facilities. Pilots aimed to reach hard-to-reach and disadvantaged groups.	What is the process, effectiveness and early impact of the pilots, from provider and partner perspectives? What worked well and why? What emerging evidence is there of early impact?	Qualitative evaluation using telephone survey and follow up interview with representatives from all 22 money advice outreach pilots; a small number of interviews with stakeholders; detailed case studies of eight projects; a dissemination and exchange workshop; analysis of monitoring information.	Uptake of AVL for legal advice was greater when provided with other services. The AVL project (compared to the other outreach projects) is generally not recorded separately.	Only a small proportion of all clients in the pilots received advice via AVL (number not reported). Data relating to the AVL project (compared to the other outreach projects) is generally not recorded separately.
Day, Collard & Hay, 2008 <i>Money advice outreach evaluation: qualitative outcomes for clients</i>	Maine, USA, 2001–2003 Not-for-profit legal assistance service using video conferencing for a range of purposes including staff meetings, training, mentoring and lawyer–client consultations.	What is the impact of the money advice outreach projects? What were clients' motivations towards and experiences of seeking advice? What are reasons why target group members did not seek advice?	Qualitative evaluation using interviews with clients of money advice pilot projects (n=41, including three clients who received advice via AVL) and target clients who presented at outreach locations with debt problems but had not accessed advice through pilot projects (n=8). Cost and effectiveness analysis using case data, quantitative monitoring data and administrative records.	Identified factors (such as privacy, convenience) which may affect clients' uptake of outreach services, including AVL.	Only a small proportion of the clients who accessed the services had used AVL — observations may not all relate to AVL. Costing information for AVL pilot was not separately reported.
Echols, 2003 <i>The use and effectiveness of videoconferencing equipment at Pine Tree Legal Assistance</i>	Maine, USA, 2001–2003 Not-for-profit legal assistance service using video conferencing for a range of purposes including staff meetings, training, mentoring and lawyer–client consultations.	What are the uses, impact and effectiveness of video conferencing equipment by the legal service for a range of purposes including lawyer–client consultations?	Review and analysis of administrative records and interviews with service providers.	The service utilised video conferencing for staff mentoring, training and meetings. The equipment was used less frequently for client–lawyer consultations.	Small sample size for lawyer–client meetings.
Getz, 2010 <i>Evaluation of the Distance Mediation Project: report on Phase II of the Technology-Assisted Family Mediation Project. Volume I: report</i>	British Columbia, Canada, 2009–2010 Evaluation of pilot project on the use of technology (telephone email, teleconference, AVL) in family mediation where at least one party was in a remote location.	Did the project facilitate access of rural clients to mediators through technology?	Case study analysis (n=23) including review of program and case documentation, written survey and key respondent interviews.	Clients usually preferred the telephone (often combined with email) to AVL.	Small number of cases and only one case used AVL. Mediation rather than legal advice.
Banks, Hunter & Giddings, 2006 <i>'Technology based services' Australian innovations in legal aid services: balancing cost and client need</i>	Central West and North-West Queensland, Australia, 2000–2005 Legal advice and minor assistance to remote communities provided by telephone, AVL (nine sites) and face to face (at the main legal office or on circuit visits to remote communities).	To what extent is the service meeting clients' needs? To what extent is the service representing an efficient use of limited legal aid resources?	Case study of the program and stakeholder interviews.	The AVL option was virtually never used to provide legal advice, though the service more broadly was also under utilised.	Describes the experience of one service. A number of factors (not just AVL) may have contributed to low uptake.
Legal Services Commission, 2005 <i>Innovation in the community legal service: a review of 22 projects supported through the Partnership Initiative Budget</i>	United Kingdom, various locations, 2004–2005 Legal advice and information provided (to those who have been unable or reluctant to access services in a traditional manner) by four different videolink projects, each of which operated over a number of sites and also provided other services.	What can be learnt from the experience of projects testing innovative approaches to delivering legal advice?	Largely descriptive and included: qualitative interviews with people delivering the service; review of client statistics and administrative data.	Observations were made in the study about factors which may affect the uptake of AVL by clients, including privacy, ease of access, quality of the technology, and the range of services offered.	Largely descriptive. Does not provide sufficient detail about methodology.
Study					
Program details, aim, location and dates					
Grace & Previte, 2000 <i>Evaluation of the Women's Justice Network</i>	South-West Queensland, Australia, 1998–2002 Pilot project to provide outreach legal services to women in remote locations, including by AVL (with a network of video conferencing sites in community agencies in 18 towns).	Evaluation of project performance; value of Women's Justice Network (WJN) as a model of rural legal service delivery; critical issues for future of WJN; provision of alternative service delivery models to inform future strategic directions.	Postal survey of women in five communities (n=124, 10% response rate); visits to six of the towns; over 30 stakeholder interviews. Survey constructed to measure 'predicted' use of WJN and considered women's attitudes to technology, use of legal services and awareness of WJN.	The system was used less than expected but to a level which was satisfactory to the service. Service more popular when also involved circuit visits from the solicitor. Clients generally comfortable with technology.	Data was collected 1998–2000. Methodology did not address the effectiveness of AVL.
Previte & Pini, 2002 <i>Women's Justice Network evaluation 2002</i>	Have attitudes towards new technologies changed? What makes intermediaries effective as gateways to legal services and how can they be supported to be effective? Do lawyers believe video conferencing is a preferred method for women to access legal advice?	Survey of women (n=310, 16% response rate) about attitudes to WJN and technology; five focus groups and three interviews with service providers/stakeholders.	Clients tended to prefer face to face and telephone to AVL. Many women said they would prefer the telephone. Stakeholders view intermediaries' role as key to client uptake.	Main focus of report was on attitudes to AVL. Most of those interviewed had not used AVL.	
Zorza, 2007 <i>Video conferencing for access to justice: an evaluation of the Montana Experiment. Final report</i>	Montana, USA, 2001–2007 Experiment to assess the potential use of video conferencing for court appearances, staff and continuing legal education, meetings, training, client interviews, mediation and client self-help clinics.	What is the relative quality and impact of interactions that occur in person and by AVL?	Experimental design but too few samples to proceed; adjusted largely qualitative methodology: 18 interviews with users and stakeholders; six interviews with judges; unspecified 'small number' of observations. Analysis of cost data.	Video conferencing was utilised less for lawyer–client meetings than anticipated. Observations that video conferencing does not provide the same quality of interaction as face to face meeting. Some cost and time savings where AVL reduces need to travel, but refers to all office uses of AVL.	Most findings did not directly relate to lawyer–client meetings. Very small sample size for legal advice. Limited direct evidence is reported.
Video conferencing to clients in prison					
Concurrent Technologies Corporation & CONSAD, 2000 <i>Evaluation of video conferencing demonstration projects: final report</i>	Pennsylvania, USA, 1999–2000 Videolink from prisons to court, including for meetings between public defenders and inmate clients. Pilot aimed to process criminal cases more efficiently and effectively.	What are the cost and benefits of the use of AVL for court proceedings in six counties? Each trial focused on a different aspect; evaluation in one county focused on lawyer–client communication by AVL in relation to court hearings.	Qualitative interviews pre and post implementation with relevant stakeholders, including defence attorneys and inmate defendants, assessing aspects of the interaction in person (before videolink) and by video (once established). Used a number of rating scales to assess the quality of the interaction between client and lawyer when using AVL and when face to face. Cost analysis (cost of implementation of AVL to court generally, against possible savings).	Very mixed findings regarding perceptions of effectiveness of AVL for lawyer–client communication. Authors conclude that defendants equally dissatisfied with advice by AVL or face to face. Some suggestion that lawyers rated meetings by AVL 'less effective' than face to face meetings but with small sample size most differences identified were not significant. Overall, satisfaction with AVL for legal assistance was lower than for use in court.	Data collected 1999–2000. Most solid methodology for comparing the experience of AVL to alternatives, however sample too small to draw any clear conclusions about the difference in quality between face to face and AVL communication. Cost information presented cannot be separately applied to AVL for legal advice. 'Benefit' information only based on stakeholder feedback — very limited.

Study	Program details, aim, location and dates	Research question relevant to AVL for legal advice	Evaluation method	Main findings regarding AVL for legal advice	Key limitations of report in addressing the effectiveness of AVL for legal advice
de Simone & d'Aquino, 2004 <i>Inside out: the access of women and girls in custody to legal aid services</i>	Queensland, Australia, pre-2004 A study of women prisoner views of Legal Aid Queensland's services including advice by videolink.	What difficulties in accessing services of Legal Aid Queensland are experienced by women and girls in custody? What was their experience of and satisfaction with advice and AVL services?	Mixed method: Survey (n=121, 36% of daily average number of women in detention) which included demographic information, satisfaction levels, open ended text questions. 26% of participants (estimated n=32) had received advice from Legal Aid Queensland. Of these, 31% (estimated n=10) used video conferencing. Focus group with stakeholders.	Clients dissatisfied with advice services provided by Legal Aid Queensland whether advice was face to face or by AVL. Clients had a strong preference for face to face advice. Women had particular concerns with the privacy and confidentiality of AVL.	Only a small sample of clients received advice by AVL. Difficult to separate dissatisfaction with AVL from dissatisfaction with service more broadly.
Plotnikoff & Woolfson, 2000 <i>Evaluation of a videolink pilot project at Manchester Crown Court: final report</i>	Manchester, UK, 1999–2000 AVL between prison and court for preliminary hearings.	Is AVL an effective and just way to conduct preliminary hearings? What is the effect of AVL on the lawyer–client relationship? What are the arrangements for pre-hearing and post-hearing consultations between lawyer and client?	Data collected at pilot hearings; questionnaires completed by lawyers (n=47), clerks (n=7), prison officers (n=25) and defendants (n=54); judges interviewed (n=5); review of records of technical faults. Cost savings estimate (made for court related savings, but not savings related to lawyer advice).	Lawyers were dissatisfied with communication by AVL.	Data collected 1999–2000. Does not provide sufficient detail about methodology.
RA Malatest & Associates Ltd, 2010 <i>Evaluation of the Bail Reform Pilot Project: Peace region and Surrey</i>	British Columbia, Canada, 2008–2009 Evaluation of pilot projects in two locations to have bail hearings by video conference. In one location to replace face to face appearance and in the other to replace telephone hearings. Units installed to enable defence–client contact prior to hearings.	Was video conferencing a successful method for conducting interviews and bail hearings with incarcerated accused?	Quasi experimental design pre and post availability of AVL, in pilot and control locations. Data on effectiveness for lawyer–client communication based on lawyer interviews.	Lawyers preferred video to telephone interviews as it allowed them to see the condition of the accused and to assess whether the accused understood what was said.	Relevant finding based on view of five lawyers. No information from clients. No information on extent of uptake.
Shames, 2007 <i>Evaluation of the Juvenile AVL Weekend Bail Hearings Trial</i>	Rural NSW (Wagga Wagga and Grafton), Australia, 2007 Two-month trial of the use of videolink for weekend bail applications for juveniles held in two regional detention centres. Legal advice by AVL by Children's Legal Service (CLS) in Sydney. Aimed to: reduce transport time for detainees; ensure legal representation for all detainees; obtain more consistency in weekend bail decisions; benefit from the experience of CLS and the Children's Court; reduce security risk of transporting detainees; save costs associated with transporting detainees.	Is the trial achieving its purpose? What is the quality of communication with children (giving instructions and throughout the hearing)?	Stakeholder focus group and a survey of young people appearing by AVL during two-month trial period.	All the juveniles appearing via AVL received specialist legal representation from the Legal Aid Children's Legal Service, which they would not have received otherwise. Feedback from juveniles about AVL use and contact with lawyer via AVL was positive.	Reports on a two-month trial. Did not indicate how many detainees did not appear by AVL during the trial period, and why.

Note: Sources of 'informed opinion' are listed in the reference list.

- *Credible*: A finding that could reasonably be inferred from the reported evidence but about which there are other plausible explanations. (Reasons for doubt were noted.)
- *Not supported*: There was no evidence presented that supported the finding or assertion made.

In addition to these categories, the reviewers identified a category called 'observations and opinions'. This category included:

- Observations that were made in the studies which provided credible insights into how or why the intervention *may* have worked or not worked, but that were not research 'findings'.
- 'Informed opinion': the opinion, experience or observation of individuals with direct experience of using (or attempting to use) video conferencing for legal assistance, or particular qualifications to comment on the use of video conferencing. The 'informed opinions' referred to in this paper are largely those of service providers contacted by the Foundation, who had used or tried to use video conferencing for legal assistance.

Evidence used in this review

All of the review findings are based on:

- one or more supported findings
- at least two consistent credible findings or 'observations and opinions' from two or more studies or reported experiences, and for which any inconsistencies in findings or observations could be explained.

Findings assessed as 'not supported' by the evidence presented were excluded from the analysis.

Using the qualitative research software package NVivo8, all included findings and observations were then grouped into thematically similar categories. These categories were then drawn into the synthesised 'review findings' reported below.

REVIEW FINDINGS

The limited research on video conferencing for legal assistance

This review has located virtually no research reports which have *specifically* evaluated the effectiveness of video conferencing for the provision of legal assistance. Eleven of the 13 studies included in this review had only examined the use of video conferencing for legal assistance as part of a broader study, for instance, into:

- one or more outreach legal services
- prisoner appearances for court hearings by videolink, or
- the use of video conferencing by legal services for uses which included inter-office meetings, remote mentoring and supervision and lawyer–client communication.

As a result, the majority of the reviewed studies included only a small sample of participants who had actually used video conferencing for legal assistance. It was at times difficult to separate out the experiences of *these* participants from those who had used video conferencing for other purposes, or who had used other forms of outreach. The limited uptake of video conferencing where it was offered also contributed to the small sample sizes in studies which had sought to evaluate the effectiveness of video conferencing. For instance, one study found that the video conferencing facilities had only been used to provide legal assistance to a client once in the five years of the project (Banks, Hunter & Giddings, 2006).

The majority of the studies included in the review used a qualitative methodology (most frequently interview and survey) together with a review of administrative data. Two studies (Concurrent Technologies Corporation & CONSAD, 2000; Zorza, 2007) had included an experimental design to compare the experience of video conferencing to face to face legal assistance. However, the findings of both of these studies were weakened considerably by small sample sizes.

Overall, without adequate sample sizes, comparison groups or information on outcomes, the reviewed studies were unable to provide conclusive evidence about the 'effectiveness' of video conferencing compared to other modes of communication, for the provision of legal assistance to disadvantaged people in RRR areas or to prison inmates.

However these studies, supplemented by the experiences of service providers collected as part of this review, have provided valuable, credible (but largely untested) insights into *how* and *why* video conferencing may have worked in certain circumstances but not in others. There is a notable consistency among many of these insights, even though they are drawn from a range of different contexts and perspectives. Where relevant and appropriate, these findings have been further supplemented with findings from seven health sector studies, which are all methodologically more rigorous than the legal assistance studies.

How video conferencing has been used to provide legal assistance

Broadly speaking, video conferencing has been used for legal assistance in three main ways:

- as a form of outreach to community organisations or other services in RRR areas, which hosted a video conferencing facility
- to provide specialist or pro bono legal advice or assistance to a remote office of a legal firm or public/community legal service, using that agency's internal video conferencing facilities (sometimes called a 'hub and spoke' model)
- for communication between lawyers (commonly legal aid lawyers) and their clients in custody who are being represented in matters before the courts.

However, the common use of video conferencing varies from jurisdiction to jurisdiction. It appears from the literature examined that the use of video conferencing as a form of outreach for legal assistance and other services (e.g. council services) has been more common in the UK (Day, Collard & Davies, 2008; Legal Services Commission, 2005) while in the USA and Canada, video conferencing has been used more commonly for hub and spoke services (Echols, 2003; Zorza, 2007; Access ProBono, pers comm., 2011; Legal Aid of Western Ohio, pers comm., 2011). In Australia — and NSW in particular — the most common use appears to have been for communication between lawyers and inmate clients. Observations or findings, which varied from context to context, are identified in the discussion below.

Impact on the accessibility of face to face legal services

Our review indicates that video conferencing has been used to increase the *range of locations* from which legal assistance — particularly specialist legal assistance — can be accessed. A small number of credible examples were given of rural and prisoner clients being able to gain access to specialist services that would otherwise have not been available face to face (Shames, 2007; Day, Collard & Davies, 2008; Legal Aid of Western Ohio, pers comm., 2011). For instance, Legal Aid of Western Ohio reported the benefits to their organisation of being able to videolink a specialist lawyer from one office to a client visiting another office.

However, our review strongly indicates that, where offered, legal assistance by video conferencing, particularly in Australia, has been used far less in RRR areas than had been expected by the service providers. Lack of uptake was evident both in the small numbers of clients reported to have used video conferencing when it was offered (e.g. Banks et al, 2006, Previte & Pini, 2002, private firm, pers comm., 2011) and the small sample sizes that any formal evaluations were able to achieve (due to lack of take-up) (e.g. Zorza, 2007, Echols, 2003).

By way of contrast, in NSW⁴ video conferencing has been extensively used for the provision of legal advice to prison inmates. In the 2009–2010 financial year, more than 10,000 video conferences were held between lawyers⁵ and their clients in NSW correctional centres. This has increased each year from 2003–2004 when video conferencing commenced and during which period only 938 video conferences were recorded (Legal Aid NSW, unpublished data). Video conferencing is also used for communication between lawyers and inmate clients in Northern Territory, Queensland, South Australia, Victoria and Western Australia. Apart from one small scale two-month trial of videolink for weekend juvenile bail hearings (Shames, 2007), this broad use of video conferencing facilities for legal advice provision in NSW has not been evaluated.⁶

⁴ The only Australian State for which we have figures.

⁵ Mainly Legal Aid NSW in-house solicitors, but also the Public Defenders Office, Aboriginal Legal Service solicitors and private lawyers working on grants of legal aid.

⁶ We have been informed by the Legal Aid Commissions in NSW, NT, Tasmania, Victoria and WA that there have been no evaluations of their use of video conferencing for legal assistance, to prison inmates or otherwise. We are not aware of any evaluations in SA. In 2004 Queensland Legal Aid examined the views of women prisoners to video conferencing, as part of a broader evaluation of legal aid services to women inmates.

The costs and cost savings of video conferencing

A number of the reviewed studies attributed savings to the use of video conferencing compared to the provision of in-person services, particularly in terms of reduced time and costs to the service provider in travelling to remote locations. Although services *did* appear to make savings to travel times and costs, the studies did not fully account for the costs associated with setting up and maintaining video conferencing for legal assistance, including the costs of ongoing technical support and costs of providing support at the practitioner and user end to set up the conferences when they occurred.⁷ Notably, a systematic review of economic analyses of video conferencing in the health sector stressed the need to factor in the costs at both the practitioner and user end — particularly when there is a need for professional support at both ends (Wade, Karnon, Elshaug & Hiller, 2010). That is, services need to factor in both the technical support required at each end as well as the potential costs of having either a second professional or para-professional (e.g. lawyer, para legal or caseworker etc) sitting at the client end.

Wade et al (2010) also noted the importance of 'frequency of use' in calculating costs (also see Norman, 2006). While only one legal assistance study attempted to account for the extent to which savings identified were reduced by the limited uptake of video conferencing by clients (Banks et al, 2006), our review indicated that low uptake had been a reality for many programs, potentially resulting in a higher overall cost per occasion of service. The impact of this risk was reduced where video conferencing for legal assistance was provided through technology which had been established primarily for other purposes, such as to enable a videolink to court or to enable staff in the remote offices of legal services to participate in meetings, case conferences, remote supervision and mentoring.

Finally, in the few studies where the costs and potential cost savings of using video conferencing was considered, the cost of video conferencing was compared to the cost of in-person services or meetings. However, in RRR areas, the *telephone* was the functional alternative to video conferencing for communication with lawyers. To gain a more accurate

⁷ Some studies were limited by the fact that video conferencing for legal assistance was part of a broader evaluation and not separately costed.

understanding of the relative costs and the benefits of video conferencing in future, we suggest that this medium must be compared to both in-person *and* telephone services.

Video conferencing compared to other modes of delivering legal assistance

A primary point of comparison for studies into video conferencing for legal assistance and other service or court-based uses is the quality of the interface achieved by video conferencing, compared to in-person communication. This is discussed below. Because the telephone is the other common alternative to video conferencing, we then compared the perceived quality of video conferencing to that of telephone assistance. There is a body of literature specifically about video conferencing and non-verbal communication (facial expression, gaze, posture, gesture and proxemics), but this material was beyond the scope of the current review (e.g. Nguyen & Canny, 2009).

Quality of the interface (video conferencing compared to in-person)

A clear theme in the material reviewed was that although video conferencing was generally acceptable to clients and lawyers and quite functional, both groups preferred in-person meetings.⁸ As one study observed "...the advice process was remarkably similar [to face to face advice], both in the nature of the casework and clients' level of satisfaction" (Day, Collard & Davies, 2008, p. 101). This concurs with the results of health sector studies, where both service providers and clients have been able to function equally well as in-person or adequately through video conference (Richardson et al, 2009; De Las Cuevas et al, 2006), but have expressed a clear preference for in-person communication (Garcia-Lizana & Munoz-Mayorga, 2010; Stahl & Dixon, 2010; Locatis et al, 2010).

However, across the legal assistance studies, technological difficulties were commonly reported and these were seen to reduce the effectiveness of communication by video conference. Technical problems included the picture freezing, having

⁸ Two studies provided alternative findings. One study reported both positive and negative results when comparing the quality of the interactions by video conferencing face to face interactions, but was limited by small sample sizes and made no firm conclusions on the quality of the interface in this context (Concurrent Technologies Corporation & CONSAD, 2000). Another study reported negative views of video conferencing but in the context of coexistent negative views about the legal service more generally (de Simone & d'Aquino, 2004).

a picture but no sound or vice versa and the connection dropping out. These were reported to be frustrating for both parties, to reduce the quality of the interface, and at times to result in the need for extra appointments (including by telephone) to complete the assistance.

There was very little information in the material reviewed about the appropriateness of video conferencing for disadvantaged clients compared to the general population, even though video conferencing was used to reach these groups. Given the disadvantaged client group of public legal assistance services, and the high use of video conferencing to prison inmates (a highly disadvantaged population), we also recommend this as an important question for future research.

Quality of the interface (video conferencing compared to telephone)

Across the material reviewed, it was mainly lawyers rather than clients who identified benefits in using video conferencing instead of the telephone for legal assistance. In reviewed studies (e.g. Echols, 2003, Shames, 2007; RA Malatest, 2010) and in the additional opinions and observations collected, lawyers reported the advantage of being able to observe client's body language and responses to advice, and to better engage with their clients. However, as indicated above, when the quality of the interaction was marred by technical problems, the benefits potentially derived from video conferencing were lost.

The capacity to exchange documents through the technology was also cited as a benefit by lawyers, though this varied with the system used. In some examples, this had simply involved a client holding a document up to the camera for the solicitor to read. In more sophisticated systems, document scanners

As solicitors we have found that using this equipment has many benefits over telephone advice sessions. It is of great advantage to see your clients and for them to see you. While the images are not perfect and are often out of phase with the sound, it really is useful to observe a client's body language, to gauge how they are handling the session and even to have a quick look at documents which can be held up to the camera. (Herbertson, 2003)

and/or email are included with the AVL. In these cases, solicitors reported having more opportunity to settle the issue in a single session (Shropshire CAB, pers comm., 2011; YouthLaw, pers comm., 2011). However, the extent to which video conferencing may be more efficient than telephone with fax or email has not been tested.

There was much less information available on clients' views about the *quality of interaction* by video conference compared to telephone. There was some suggestion in the reviewed material that some clients may be shy about the technology or prefer to discuss sensitive or emotional issues more anonymously by telephone, but more research, which specifically examined clients' perspectives, would be needed to verify this.

The strongest theme in the review regarding *clients' preference* was that the convenience and privacy of speaking to a lawyer by telephone from their own home may outweigh any benefit perceived by the client of seeing a lawyer face to face via video conferencing. These findings suggest that the opportunity to 'see' the lawyer (the nature of the interface) is only one of a range of factors upon which the utility of video conferencing is actually assessed by users.

Factors related to use of different modes of assistance

While the relative quality of interface (video conferencing compared to in-person and telephone assistance) is an important consideration, our review has identified a range of other factors which also appear to have an impact on uptake of video conferencing by clients and agencies, and on the viability of this mode of communication as a way of increasing access to legal assistance. Indeed, the fact that the telephone remains a real alternative to video conferencing as a mode of communication between lawyers and clients may be part of the reason why video conferencing has not been used in RRR areas as much as service providers had anticipated.

These factors are outlined in more detail below, and are summarised in Table 4. Further research would be required to identify the relative impact of each of these factors.

Range of services or benefits offered

Bearing in mind that video conferencing was typically not clients' preferred mode of communication, the

uptake of video conferencing appeared to increase when the services offered through this medium were otherwise not available, or not available promptly — either in-person *or by telephone*. The question for service providers considering video conferencing as a tool is 'what are the existing services in the target location?' While this may be obvious, past experience suggests that the availability of existing services, particularly by telephone, may be overlooked in the enthusiasm to roll out new technology.

Some reports included suggestions that offering a broad range of legal and non-legal services through video conferencing outlets increased the uptake of the service. A qualitative analysis of 22 AVL projects⁹ in the UK suggested that those programs which offered a broader range of legal and non-legal services had higher uptake than services offering legal advice only (Legal Services Commission, 2005). An Australian study noted that because legal service offered by video conferencing was limited to advice only, community workers tended to refer clients to alternative legal services that could better address a fuller range of client needs (Banks et al, 2006).

On the basis of the material reviewed, we suggest that the quality, timeliness and relevance of the services made accessible by way of video conferencing may be of more interest to clients than the medium of communication itself.¹⁰ That is, if the legal assistance clients need is only available by video conferencing, then clients are more likely to use it. If the same help is also available through other avenues, clients may avoid using video conferencing.

Convenience

The relative inconvenience of using video conferencing compared to the home telephone for legal assistance appeared to deter some clients from using video conferencing in RRR areas.

In all the material that we reviewed, clients had needed to access the video conferencing equipment at a community centre, a local legal office, or a community videolink portal.¹¹ A worker at the client's

end (such as a community worker or council officer) set up the video conference and assisted with any document transfer. It is important to note the role of the client-end support person in this arrangement; in effect, the use of video conferencing has required some involvement from three parties not two (lawyer, client and client-end support person). The important role of the intermediary is taken up in the *Discussion* where we examine video conferencing as a form of outreach.

'everyone talks... If you have to go and speak to a lawyer, you'd rather not go through the drama of getting the video-conferencing set up by someone else who is bound to start rumours... It's easier to just pick up the blower [telephone].'
(interviewee in Banks et al, 2006)

The prison context provides an insightful comparison on the issue of the convenience of video conferencing. In prison, *all* modes of communication between lawyers and inmate clients are compromised by the custodial environment (Gruseit, Forell & McCarron, 2008). Although prisoners do have access to legal advice services, communication between prisoners and the lawyers representing them — whether by in-person visits or telephone — is very limited, inconvenient and can be unreliable. Access is limited by lockdowns, time-limited phone calls and the virtual inability of lawyers to telephone their incarcerated clients.¹² In this context, video conferencing is relatively accessible and convenient. Lawyers can book a video conference appointment with their inmate client and have a longer and uninterrupted consultation. The appointment may still go ahead during a lockdown and, if not, the lawyer has not travelled to the gaol before being turned back. Notably in this environment, where video conferencing is a *more* convenient mode of communication, its use is high. In rural (non-prison) areas where it appears that video conferencing has been relatively inconvenient, it has been under-utilised.

It may be that as video technology becomes more accessible through web-based applications, it becomes more convenient for clients to use. However, research indicates that disadvantaged people, the client group

⁹ These were AVL services mainly coordinated by local councils, which offered access to a range of community and council services, including access to legal assistance.

¹⁰ A systematic review of the use of video conferencing in mental health similarly noted that the technical quality of the interface was of less concern to patients than the perception that the physician was paying attention to what they said and took the time to explain the clinical plan to them (Richardson et al, 2009).

¹¹ Even the one service which had used Skype assisted clients who accessed the computer at a local youth centre.

¹² This has changed more recently in NSW as lawyers can book telephone calls with clients, using the AVL suites.

of public legal assistance services, tend to lag behind the broader community in both digital literacy and access to digital technology (Notara, 2011; Eardley, Bruce & Goggin, 2009; ABS, 2009). This issue is considered further in the *Discussion* section.

Privacy and confidentiality

Associated with the issue of convenience were client perceptions of compromise to privacy and confidentiality arising from having to access video conferencing facilities in ‘public’, potentially non-confidential locations, particularly in RRR areas. Some people were reported to be concerned about being ‘seen’ to use video conferencing facilities by other members of their community — being seen to have a problem. This of course may not only be particular to the use of video conferencing. Other studies have noted a similar reticence of some disadvantaged clients towards visiting legal offices for in-person support (Forell, McCarron & Schetzer, 2005).

In all settings and across all the reviewed documents, lawyers and clients highlighted the importance of having the video conferencing facilities located in a place where the client could speak confidentially with their lawyer.

Client and service provider comfort with the technology

Most of the material we have reviewed has suggested that though clients may at first be reticent to use video conferencing, they generally adapt and become comfortable enough with the technology. This observation has been made with a range of different client groups including Indigenous clients and older people. However, the question of whether video conferencing is more or less appropriate for communicating with certain client groups (women, Indigenous clients, older people) requires rigorous research.

Of potentially greater impact on the uptake of video conferencing than client comfort with the technology may be the willingness of lawyers and client-end support staff (often community workers) to use this technology. Three studies and two informed opinions noted the need for workers at the client end who are comfortable, competent with and prepared to use the technology. As technology becomes more widespread and intuitive this may become less of an impediment to the future uptake of video conferencing technology for legal assistance. Literature reviews of relevant studies in the health

sector have also noted the need for practitioners and patients to have confidence in the technology and how to use it. One systematic review further found that confidence could be increased with education, exposure to video conferencing and early on-site support (Richardson et al, 2009; also Norman, 2006). Richardson et al (2009) observed:

Generally speaking, successful tele-mental health services depend on how practitioners and patients adapt to the technology and how they incorporate it into routine use, rather than on technical issues (Kerr & Norris, 2004; Morgan et al, 2008; Sulzbacher, Vallin & Waetzig, 2006) (Richardson et al, 2009 p. 328)

A final theme in the material reviewed was that although clients, lawyers and user-end support staff became more comfortable with the AVL technology with use, some also became *less* inclined to use video conferencing where it had been unreliable, inefficient, inconvenient or lacking in privacy/confidentiality. One informant also noted less interest with video conferencing once the ‘novelty wore off’ (Private Firm, pers comm., 2011).

Reliability

Across the studies, issues with the reliability of the technology — picture and sound quality, connection issues and the like — appear to have had an impact upon the uptake and sustainability of video conferencing for legal assistance. Some informants reported having to reschedule extra appointments because of technical problems. In some cases, subsequent interactions were reported to have taken place by phone. However, health sector studies have noted that while still a factor, the impact of technical difficulties on the quality of the interface may have less effect on the successful implementation of video conferencing than how well practitioners and patients adapt to the technology and integrate it into routine use (Richardson et al, 2009).

In part due to the technical difficulties but also just due to the intervention of the technology itself we found videoconferencing interfered with our ability to work with clients rather than enhanced it. (Private Firm, pers comm., 2011)

TABLE 4: STRENGTHS AND WEAKNESSES OF DIFFERENT MODES OF ADVICE DELIVERY (BASED ON THE MATERIAL WE HAVE REVIEWED)

	Phone (home phone, mobile)	Face to face	AVL (from community or legal service office)	Review findings
Quality of interaction and the preferences of participants	Audio-only nature of phone provides greater anonymity (preferred by some clients) but means that non-verbal cues are missing from the interaction (may be a challenge for lawyers, particularly when trying to assess whether client has understood advice). Need alternative way to transfer documents.	Generally the preferred mode of interaction by lawyers and clients. Allows for direct document exchange.	Overall, AVL is not a preferred mode of communication but an acceptable one if face to face not available. Observations that for lawyer–client interaction it is ‘not the same’ as face to face, but ‘similar’. Depending upon system, can transmit documents, or at least hold document up to camera (for simple matters), or may need alternative way to transfer documents. Some lawyers suggested that AVL is better than phone for establishing rapport with client/observing body language.	Face to face is preferable but AVL is acceptable to most users. Limited evidence about whether AVL may be less appropriate for some users or for some situations. Further research required.
Range of services or benefits offered	Can contact a greater range of public legal assistance services, including specialist services not available in local area.	Can only contact locally available services and outreach programs; there is limited availability of lawyers in many rural areas in NSW (Forell et al, 2010), particularly specialists.	Can be used to link to services not available in local area, including the provision of pro bono and specialist services.	Services made accessible by AVL may be of more interest to clients than the mode of communication itself.
Convenience — RRR	Studies indicate that RRR clients may prefer phone over AVL, for convenience and ease of use. Client can initiate contact at a time that suits them and/or can be called back. No need to travel (if have a home phone/mobile). Some disadvantaged clients in rural areas do not have land lines or mobile credit.	May need to travel to lawyer (or outreach). Distances can be vast in RRR areas.	Reported to be ‘a hassle’ because involves travel to AVL suite and having someone to set up the link. This can involve more travel than phone advice but less than face to face.	The more convenient the mode of delivery the more inclined clients are to use it. For clients, telephone may be more convenient than AVL.
Convenience & access — prison	Access to phone can be very poor (time limited calls coupled with on hold systems; limited access to phones at times lawyers available; lawyers cannot readily return phone calls) (Grunseit et al, 2008).	Limited by regularity of advice clinics and particular expertise of lawyer, particularly in rural prisons. Legal visits can be booked but time consuming for lawyer (travelling to the prison, limited access times, and time getting into the prison) and limited by lockdown. (Grunseit et al, 2008)	Limited to legal services which are part of the videolink network. Can be booked for a specific time. More time made available to speak than by phone. Less time consuming for lawyer (no or less travel time, no time waiting to get into the prison).	In the custodial context any form of access and communication is limited and often time consuming. AVL appears to provide a relatively direct form of access for lawyers who have access to the system to their clients.
Privacy and confidentiality	Client can make contact from own home or other location of choice.	In broader literature, reticence of some disadvantaged clients to be seen visiting legal offices for in-person support is noted.	A number of studies reported clients’ reluctance to be ‘seen’ accessing AVL facilities in small rural towns (gossip) as a barrier to accessing AVL.	Clients may avoid modes of delivery that they perceive are not private and confidential.
Comfort with the technology	In reviewed studies a number of clients chose to use the telephone over AVL. Client comfort was among the reasons cited for this (though privacy and convenience of the telephone were more prominent reasons). Broader research suggests that some people may be more open on sensitive issues by telephone due to relative anonymity, compared to in-person (not AVL) (Frazier et al, 2010; Novick, 2008).	Some studies suggested that people are more comfortable with AVL once they have used it. However, observations noted in this review that users can be more critical of it and less inclined to use it if previous use affected by technical difficulties or once the novelty has worn off.	Some studies suggested that people are more comfortable with AVL once they have used it. However, observations noted in this review that users can be more critical of it and less inclined to use it if previous use affected by technical difficulties or once the novelty has worn off.	Clients appear to adapt to AVL use. The willingness of lawyers and client-end support staff to use the technology is important.
Reliability/technical issues	Disadvantaged clients are less likely to have land lines and more likely to use a pre-paid mobile phone — they may experience high call rates because: ‘free-phone’ and ‘local rate’ services cost more from mobile phones; limited coverage in RRR areas means clients don’t have benefit of competitive mobile phone rates (ACCAN, AFCCRA & ACOSS, 2010).	—	Support person required to establish link and address any technical problems. Technical issues such as picture or sound quality, drop outs etc, affect utility of and satisfaction with AVL.	Technical issues affect the utility of and satisfaction with AVL.
Client outcomes	No research identified on the relative impact of mode of delivery on client outcomes.	—	—	—

DISCUSSION

At the same time that the costs and challenges in maintaining in-person public legal assistance services in RRR locations are increasing, video conferencing is becoming more available, accessible and affordable. There is a demonstrable interest in the use of this technology for the provision of legal assistance to RRR areas, particularly in the context of the NBN rollout and the increasing availability and use of internet-based video technology. While our review identifies the potential for video conferencing as a mode of legal assistance, many of the assumptions underlying the increasing interest in video conferencing remain untested — particularly as a form of outreach to disadvantaged clients in RRR areas.

The reason for this is that there is very little research that has used a methodology which is appropriate to demonstrate the effectiveness (or otherwise) of video conferencing in reaching disadvantaged clients who would otherwise have not received legal assistance. Further, while studies describe cost savings resulting from the reduced travel time and costs, the reviewed literature has not accounted for all relevant factors, such as the cost of the user-end support and the commonly experienced low uptake of the services (see Wade et al, 2010 for similar observations in the health field).

However there are lessons that can be learned from past experiences. The material reviewed here — the experience of agencies and individuals who have used video conferencing for legal assistance in the past decade — do provide valuable insights, particularly into the factors which may support or inhibit the utility of video conferencing for the provision of legal assistance.

The strongest finding of this review concerns the low uptake of video conferencing for legal assistance in RRR areas, particularly in Australia. Of course, video conferencing cannot increase access to legal assistance if the technology is rolled out, but not used. Particular attention should be paid to the factors identified in this study as potentially affecting the uptake and ongoing use of video conferencing, namely:

- the services or benefits offered by video conferencing, compared to other forms of assistance *including the telephone*, such as access to specialist services not otherwise available, more timely access to legal assistance or the capacity for document exchange

- the convenience, privacy and confidentiality of using video conferencing compared to other available modes of assistance (in particular the telephone)
- the quality and reliability of the video conferencing interface (drop outs, sound and picture quality)
- the willingness and confidence of clients, lawyers *and* the host service at the client end to use this technology.

Further research is required to identify the relative impact of any or all of these factors.

Another important issue concerns the quality of the interaction by video conferencing compared to the alternatives. In examining this issue we have also drawn upon studies in the health sector which have more rigorously compared the use of video conferencing to other modes of service delivery. Notably, the health sector data is consistent with the legal assistance studies in finding that while practitioners and clients prefer in-person interaction to video conferencing, AVL was seen as a functional and viable alternative to face to face communication.

Findings were more mixed when video conferencing was compared to the telephone — which in rural areas is often the *available* alternative to video conferencing. Practitioners cited the benefits of being able to see and better engage with their clients. Clients appeared to be less focused on the quality of the interface or mode of communication, and more focused on issues such as the convenience, timeliness, quality and relevance of the available assistance.

A number of service providers who were consulted indicated that they were looking into the use of web-based applications (e.g. Skype, WebEx) to broaden the range of locations from which legal advice by video conferencing can be provided and received — making the use of video conferencing more convenient and potentially more private (from within clients' homes). However, it is important to note research indicating that disadvantaged people, particularly in RRR areas, lag behind the broader community in both digital literacy and access to digital technology, including access to web-based applications from home (Notara, 2011; Eardley et al, 2009; ABS, 2009). They also rely more heavily on intermediaries, such as community organisations, to access services (Notara, 2011), including legal

assistance (Forell & Gray, 2009; Coumarelos, Wei & Zhou, 2006; Scott & Sage, 2001).

Broadly speaking, video conferencing has been used for legal assistance in three ways. Each of these uses is discussed in more detail below, before we summarise our recommendations.

Video conferencing as outreach

One use of video conferencing is as a form of outreach to clients in rural areas. A systematic review undertaken by the Foundation, *Outreach legal services to people with complex needs: what works?* (Forell & Gray, 2009) identified the features of outreach services associated with successfully reaching and assisting hard-to-reach clients with complex needs.

The *Outreach* review identified the importance to successful outreach services of:

- appropriate planning to ensure the new service fills a gap rather than replicates existing services
- building and sustaining relationships with local intermediaries ('problem noticers'), to link and foster trust with target clients
- service provision and staff skills appropriate to clients with complex needs (e.g. the capacity to respond quickly to issues, skills of the lawyer to communicate with disadvantaged clients)
- realistic costing, staffing, resourcing and review.

We suggest that the findings of that review are relevant to the use of video conferencing as a form of outreach — particularly with regards to the role of intermediaries as 'problem noticers' (the first point of contact for a client seeking assistance) and in facilitating contact between clients and lawyers.

Video conferencing, however, brings an additional dimension to the intermediary role. The research reviewed here suggests that workers at the client end need to be comfortable with the technology before they are prepared to promote and support the use of video conferencing with their clients. Video conferencing also demands additional resources and skills within the host agency to enable the video conferencing facilities to be used. Funding needs to take account of the resources and support required at the clients' end, including technology and ongoing technical support and staff training.

Video conferencing as a 'hub and spoke' model

In several reviewed programs (all outside Australia), video conferencing was used enthusiastically by legal services with branch offices in rural and remote locations for meetings, case conferences, remote staff supervision and mentoring. These agencies also used their video conferencing facilities to provide specialised legal assistance from lawyers in one office to clients in another office. In effect, firms were able to offer an increased range of services to clients in RRR areas. While not tested, video conferencing may potentially reduce the need for clients in RRR areas to be referred to other services. In the examples we reviewed there were no additional costs incurred by using existing in-house video conferencing facilities for legal assistance.

These observations provide some support for the rollout, at least as a trial, of video conferencing facilities to public legal assistance services which operate across a number of city and rural locations, particularly where these facilities can be used for a range of purposes (such as remote staff mentoring and supervision) in addition to the provision of legal assistance from specialists in one office to clients in another. Previous research into the recruitment and retention of lawyers in RRR areas argued for the need for increased supervision and support for junior lawyers in remote locations (Forell et al, 2010). Video conferencing could potentially assist in addressing both these needs. However, any rollout of video conferencing in this context should be evaluated to assess the usage and usefulness of video conferencing for legal assistance.

Video conferencing to clients in custody

While video conferencing is widely used for communication between lawyers and clients in prison, there has been virtually no evaluation of this use. Even in health, research into the use of video conferencing with incarcerated patients is very limited in quality (Richardson et al, 2009).

On one argument, the very high use of the AVL facilities for legal assistance to prisoners speaks for itself. In the custodial context where any form of access and communication is limited and often time consuming (in-person and by telephone), there are clear benefits to legal services in having access to AVL technology to reach their inmate clients. However, we do not know how effective this form

of communication is, compared to the alternatives, particularly for those disadvantaged client groups who populate the prisons. We suggest this as an important question for future research.

Future research

Following an extensive search, this review has drawn together all of the research evidence we could locate into the use of video conferencing for providing legal assistance. With the research to date so limited, a number of important questions remain unanswered. Two questions of particular concern are:

- How cost effective is the use of video conferencing for the provision of legal assistance in rural areas, compared to each of telephone *and* face to face legal assistance? Issues to examine within a cost effectiveness analysis include whether the provision of advice by video conferencing (compared to telephone or face to face) affects the number of times that a client needs to see a lawyer to resolve an issue, and whether the amount of time waiting for assistance is reduced by the availability of video conferencing.
- How effective is video conferencing for legal assistance to different client groups (e.g. clients with intellectual disability or mental illness, culturally and linguistically diverse clients and Indigenous clients) compared to other modes of advice delivery (phone, in-person)?

Video conferencing is extensively used in NSW in communication between lawyers and prison inmates. Disadvantaged people are over-represented within the prison population. Any evaluation of the use of video conferencing for communication between lawyers and inmate clients may be able to explore the relative effectiveness of this mode of communication for clients with complex needs.

CONCLUSION

The purpose of this review has been to provide practitioners and policy makers with the best available research evidence on the use of video conferencing for legal assistance, to inform decision making in any future rollout of video conferencing for the provision of legal assistance.

We have found that the volume and quality of research undertaken on this issue has been extremely limited. For this reason, we cannot definitively say on the basis of this material whether video conferencing is more cost effective than in-person or telephone services in providing legal assistance to clients in RRR areas. Nevertheless, by supplementing this research with the experiences of those who have used video conferencing to provide legal assistance, as well as relevant research from the health sector, valuable lessons and insights can and have been identified. Our recommendations on the basis of the material reviewed are summarised on page 2.

REFERENCE LIST

Included studies — legal assistance

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- Private Law Firm (Sydney), Pro bono Partner
- ShoalCoast Community Legal Centre, Coordinator
- Legal Aid Commission of Tasmania, Director
- YouthLaw — Victoria, Outreach Solicitor
- Access ProBono, British Columbia, Canada, Project and Information Officer
- Law Foundation of Ontario, Canada, Project Director
- Shropshire Citizens Advice, UK, Area Services Manager
- Legal Aid of Western Ohio, USA, Deputy Director for Advocacy

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- Victoria Legal Aid
- Victoria Legal Services Board
- Legal Aid Commission of Western Australia
- Shropshire Council, UK
- Center for Legal and Court Technology, Virginia, USA
- Legal Services Corporation (Technology Initiative Grants), Washington DC, USA
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APPENDIX 1

The systematic review methodology

A systematic review is a methodology for selecting and synthesising the results of relevant research and evaluation studies in order to provide practitioners with practical information that is based on the best available research on a specific question. This methodology:

... uses transparent procedures to find, evaluate and synthesize the results of relevant research. Procedures are explicitly defined in advance, in order to ensure that the exercise is transparent and can be replicated. This practice is also designed to minimize bias. (Campbell Collaboration, 2009)

The outcome of the process is a set of synthesised findings from research studies on the topic to inform policy and practice.

Systematic reviews traditionally involve a meta-analysis of quantitative or experimental studies, such as randomised controlled trials. These systematic reviews can pool data from a variety of studies to provide relatively definitive answers about whether certain types of interventions are 'effective'.

Recognising that in some fields, including our own, there is little in the way of experimental research,

researchers have developed systematic review methodologies that can be applied to other forms of research, including qualitative research. The rationale for this is that 'the results of well-designed research studies grounded in any methodological position [provide] more vigorous evidence than anecdotes or personal opinion' (Johanna Briggs Institute, 2008 p. 9). The methodology used in this current review is based on appraisal systems specifically developed for qualitative data and for 'informed opinion'. Among others, inspiration was drawn from the work of the Johanna Briggs Institute (JBI), which has developed a range of appraisal systems for the review of health related research data, particularly in nursing and allied health.

Our final approach was strongly influenced by the nature and limited amount of material currently available in our sector. We have been more inclusive than other review methodologies may allow but have been careful to qualify our observations accordingly. The key features of our approach were to:

- undertake a thorough and systematic search for material
- ensure that the process followed throughout the review was transparent and is replicable
- be attentive to and explicit about the credibility and reliability of claims made
- synthesise the information found in order to make research evidence available and accessible to policy makers.

APPENDIX 2

Search terms used

1. SEARCH TERMS USED IN THE FOUNDATION'S 'META SEARCH' (EXCLUDING SEARCH TERMS FOR LEGAL EDUCATION INITIATIVES)

SPECIFIES TYPE OF DOCUMENT	SPECIFIES THE TOPIC	
Was it explicitly identified as an evaluation?	Relating to which legal service activity?	Relating to which more generic service activity?
analys* (analysis, analysed) analyzed assess* (assess, assessment, assessed) evaluat* (evaluation, evaluated) pilot* (pilot, piloted) project review study survey* (survey, surveyed) what works What was measured or achieved?	[terms for education related material removed] citizens advice community legal court support debt advice duty counsel duty lawyer* (duty lawyer, duty lawyers) duty solicitor* (duty solicitor, duty solicitors) legal advice legal advocacy legal aid legal assistance legal centre* (legal centres, legal center, legal centers) legal clinic* (legal clinic, legal clinics) legal intervention legal service* (legal service, legal services) public legal tenancy advice tenants advice	advice assistance help referral representation triage
effectiveness, outcome* (outcomes)		

2. SEARCH TERMS USED IN SUPPLEMENTARY SEARCHES FOR MATERIAL ON AVL

Audio visual*
AVL
Court
Court hearings
Prison*
Tele vid*
Video* (video link, videolink, videoconference)
Video conference*

APPENDIX 3

Websites and databases searched for this review

Note: these include sites reviewed as part of a broader search for any research and evaluation into public legal assistance services (education sites removed). Sites focusing on education have been removed from this list.

Australian public and community legal assistance services websites

- Aboriginal Legal Rights Movement SA
- Aboriginal Legal Services, Central Australia, NSW/ACT, Queensland, Victoria, WA
- CLCs NSW
- Federation of Community Legal Centres — Victoria
- LawAccess NSW
- Legal Aid Commissions from each State and Territory
- National Association of CLCS
- National Legal Aid
- National Pro Bono Resource Centre
- NSW CLC websites

Other Australian law and justice websites

- Attorney-General's Information Service — AGIS Plus text (via Informit)
- AustLII (Australasian Legal Information Institute)
- Australian Domestic and Family Violence Clearing House
- Australian Institute of Criminology
- Australian Institute of Family Studies
- Australian Law Reform Commission
- Bureau of Crime Statistics and Research NSW
- Government Departments of Justice or Attorney-General — All States and Territories
- Indigenous Justice Clearinghouse
- National Alternative Dispute Resolution Advisory Council (NADRAC)
- NSW Law Reform Commission
- NSW Ombudsman

New Zealand legal services and agency websites

- Law Commission (law reform)
- Law Foundation of New Zealand
- Legal Services Agency
- NZ Ministry for Justice
- NZ Ministry for Social Development

Canadian legal services and agency websites

- Canadian Access to Justice Network
- Community Legal Education (Ontario)
- Department of Justice, Canada
- Legal Aid (Manitoba)
- Legal Aid Ontario
- Legal Aid Society of Alberta
- Legal Information Society of Nova Scotia
- Legal Services Society (British Columbia)
- Public Legal Education Association of Saskatchewan
- Saskatchewan Justice & Attorney General

UK legal services and agency websites

- Bristol University
- Centre for Crime and Justice Studies
- Citizensadvice UK
- Department of Justice and Law Reform, Ireland
- Financial Services Authority UK
- Law Centres Federation
- Legal Aid, Ireland
- Legal Services Commission
- Legal Services Research Centre
- Scottish Executive
- Scottish Legal Aid Board
- UK Home Office

US legal services and agency websites

- A selection of additional US legal aid organisations
- Legal Services — National Technology Assistance Project
- Legal Services Corporation, including the Technology Initiatives Grants Website
- National Legal Aid and Defender Association
- Other international legal/criminal research databases
- Cinch-Health
- Criminal Justice Abstracts
- US Legal Services Commission
- US National Legal Aid and Defenders Association
- Washington & Lee Law School

International social policy and social science databases

- AIHW
- ASSIA (Applied Social Science Index & Abstracts)
- Australian Centre for Youth Studies
- Australian Policy Online
- Evidence Network (King's College London)
- INFORMIT
- Institute for Public Policy Research (UK)
- Social Science Research Network (SSRN)
- Social services abstracts

All Australian university law faculties

Other specialist research databases

- Campbell Collaboration SPECTR
- Canadian Research Index
- Cinahl

- EPPI Centre
- Expanded Academic ASAP (GALE)
- IBSS
- Proquest Research Library
- Psycinfo

(Other) grey literature databases and sources

- CrimDoc
- Google Scholar
- Greysource
- HMIC (Healthcare Management Information Consortium)
- National Criminal Justice Reference Service database
- PAIS International database
- Rutgers University Grey Literature database

APPENDIX 4

Document selection criteria

1. At least part of the document is relevant to the review's research questions or topic in terms of the:
 - Client population
 - Broad type of intervention or service
 - Service context
 - Outcomes or processes examined
2. There is a sufficient description of the interventions being evaluated
3. The report's aims, research questions, or topics are clearly evident
4. The document contains primary evaluative data

Document/evidence appraisal criteria

In appraising the relevant evidence from the documents, the following broad questions were asked.

1. Is the data / evidence collection methodology appropriate given the (apparent) questions or topics?
2. Is the data / evidence collection methodology appropriately executed given the (apparent) questions or topics?
3. Are the data reporting and the data analysis procedures appropriate and adequate to avoid significant bias?
4. Taking account of all of the report's quality assessment issues, to what extent can the report's findings and conclusions be generally trusted?

Law and Justice Foundation of NSW

Access to Justice and Legal Needs Program

The Law and Justice Foundation of NSW has undertaken the Access to Justice and Legal Needs (A2JLN) Research Program to identify the access to justice and legal needs of disadvantaged people in NSW. The objectives of the program are to examine the ability of disadvantaged people to:

- obtain legal assistance (including legal information, advice, assistance and representation)
- participate effectively in the legal system
- obtain assistance from non-legal advocacy and support
- participate effectively in law reform processes.

The program employs three methodological streams to address these objectives:

- the analysis of legal service usage data, giving particular insight into expressed legal need
- original quantitative legal need surveys, giving insight into expressed and unexpressed/unmet legal need
- in-depth qualitative research into the needs of particular disadvantaged groups.

Specific research published as part of this program to date includes:

Public consultations is a summary of the submissions received from organisations and individuals as part of the initial consultation process for the A2JLN Research Program.

The Data Digest is a database for examining expressed legal need as identified through enquiries handled by public legal services. It currently includes legal enquiries to Legal Aid NSW, LawAccess NSW, and community legal centres in NSW. The inaugural Data Digest report, published in 2004, presents service usage data from 1999–2002. A number of reports produced using the Data Digest are available on the Foundation's website www.lawfoundation.net.au. It is planned for public legal services to have secure access to a number of interactive online Data Digest tools.

Justice made to measure: NSW legal needs survey in disadvantaged areas is a quantitative survey of legal needs in six 'disadvantaged' regions of NSW, measuring a wide range of legal events, including those where help is sought from legal or non-legal advisers (expressed legal need), those handled without outside help and events where no action is taken (unmet legal need).

The Bega Valley pilot survey is a quantitative survey of the legal needs of 306 people conducted via telephone in Bega Valley. This was the pilot survey undertaken for the survey reported in *Justice made to measure*.

The legal needs of older people in NSW is a qualitative study into the legal issues commonly experienced by older people in NSW and the barriers faced by older people in accessing services to resolve legal issues.

No home, no justice? The legal needs of homeless people in NSW is a qualitative study into the capacity of homeless people in NSW to obtain legal assistance, participate effectively in the legal system and obtain assistance from non-legal advocacy and support agencies. The study also details the legal issues commonly experienced by homeless people.

On the edge of justice: The legal needs of people with a mental illness in NSW is a qualitative study into the legal issues faced by people with a mental illness in NSW, their capacity to obtain legal assistance, participate effectively in the legal system and obtain assistance from non-legal advocacy and support agencies.

Taking justice into custody: The legal needs of prisoners is a qualitative study of the legal and access to justice needs of prisoners and ex-prisoners. The study identifies the range of criminal, civil and family law issues prisoners face at different stages of incarceration, and the opportunities and barriers they face to addressing these issues.

By the people, for the people? Community participation in law reform examines the participation of disadvantaged people in law reform in NSW. It describes key law reform processes and the opportunities and challenges for both the public and disadvantaged groups to participate in them.



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