



Law and disorders: illness/disability and the experience of everyday problems involving the law

A working paper

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Abstract: *New findings from the LAW Survey confirm a strong relationship between the experience of a broad range of everyday problems involving the law and long-term illness/disability. This relationship was generally evident for all of the types of illness/disability examined, although it was particularly strong for mental illness and it tended to strengthen as the severity of illness/disability increased. The findings provide overwhelming support for the potential utility of integrated legal, health and broader human services.*

Contemporary life is played out ‘in an everyday world that is, in fact, flooded with law’ (Hadfield 2010, p.131). Yet not all people are equally affected by legal problemsⁱ. One conclusion of the 26 national legal need surveys conducted since the mid-1990s is that ‘socioeconomic disadvantage is pivotal’ to experiencing legal problems (Coumarelos, Macourt, People, McDonald, Wei, Iriana & Ramsey 2012, p.5). In particular, a strong association has been observed between the experience of legal problems and long-term illness/disability (Pleasence, Balmer, Buck, O’Grady & Genn 2004; Coumarelos, Wei & Zhou 2006; Currie 2007; Pleasence, Balmer & Buck 2008; Coumarelos et al. 2012) – particularly mental illness/ disability (Pleasence and Balmer 2009) – with causal connections, operating in both directions (Pleasence et al. 2008; Pleasence & Balmer 2009; Balmer, Pleasence & Buck 2010, Tobin Tyler, Conroy, Fu & Sandel 2011; Coumarelos et al. 2012).

Reflecting research findings to date, a comment was made in *The Lancet* that ‘virtually all legal needs (ranging from housing issues to domestic violence) are directly or proximally connected to health status’ (Zuckerman, Sandel, Lawton & Morton 2008, p. 1616).

New findings from the Legal Australia-Wide (LAW) Survey

New findings from the LAW Survey confirm that illness/disability is strongly associated with legal problems, with problems most frequent among those with a mental illness/disability (particularly if combined with a physical illness/disability). Findings also indicate that legal problems become more common as the severity of illness/disability increases. This occurs for mental, physical and combined mental and physical illness/disability.

This paper presents **preliminary findings from new analyses** of the Legal Australia-Wide (LAW) Survey undertaken by the Law and Justice Foundation of New South Wales. The LAW Survey provides a comprehensive assessment of a broad range of legal needs on a representative sample of the population. With 20,716 respondents across Australia, including over 2000 in each state/territory, the LAW Survey covered 129 different types of civil, criminal and family law problems. It examined the nature of legal problems, the pathways to their resolution and the demographic groups that struggle with the weight of their legal problems. The first major findings for the whole of Australia were published as *Legal Australia-Wide Survey: Legal need in Australia* (2012) and authored by Christine Coumarelos, Deborah Macourt, Julie People, Hugh M. McDonald, Zhigang Wei, Reiny Iriana and Stephanie Ramsey. Reports on each state/territory were published in the same year. To download the reports visit www.lawfoundation.net.au/publications

LAW Survey respondents with combined mental and physical illness/disability of a high severity were more than 10 times as likely to report legal problems as those with no illness/disability. Overall, 83 per cent of such respondents reported legal problems (compared to 47 per cent for those with no illness/disability), with the figure rising to 97 per cent for respondents under the age of 45 years with combined mental and physical illness/disability of a high severity.

LAW Survey respondents also reported a higher number of problems as the severity of illness/disability increased. The mean number of problems reported by those with a severe combination of mental and physical illness/disability was 13.5, compared to 9.1 for those with a severe mental illness/disability alone, 6.1 for those with a severe physical illness/disability alone and 2.1 for those with no illness/disability (see Table 1).

Illness/disability was associated with all types of legal problems studied (accidents, consumer, crime, debt, discrimination, education, employment, government payments, government (other), health (clinical negligence), health (mental health services), health (services), housing (neighbours), housing (owned), housing (rented), personal injury, relationship breakdown). However, the relative disadvantage of those with a mental or a physical impairment was not uniform across problem categories.

Further when looking at more detailed types of illness/disability (sensory only, intellectual only, mental only, circulatory only, respiratory only, mobility only, other only, multiple), the strength of associations with legal problems also varied considerably (overall and for specific problem types).

The case for integrated services

The new LAW Survey findings provide strong support for the continued integration of legal, health and human services more generally, and for the further development of effective referral practices between such services. Moreover, in so far as illness and disability play a role in bringing about or exacerbating legal problems, the integration of legal and health services provides a means to secure early intervention to prevent problem escalation. In so far as legal problems cause illness or disability, the availability of legal help becomes directly relevant to health promotion, both in general and in relation to reducing health inequalities.

In Australia, recognition that legal problems contribute to, stem from and co-occur with health problems lies behind initiatives such as the co-location of the West Heidelberg Community Legal Service with the Banyule Community Health in Melbourne (Noone 2007, 2012), the Baker and McKenzie Cancer Patients' Legal Clinic in Melbourne, the New South Wales Cancer Council

Table 1: Mean number of problems by severity of illness/disability

Illness/disability severity	All problems			Substantial problems		
	Mean	Standard deviation	N	Mean	Standard deviation	N
None	2.1	6.696	16 685	0.5	1.264	16 685
Mental – low	5.1	10.540	308	1.2	2.190	308
Physical – low	2.5	6.182	1502	0.6	1.351	1 502
Both – low	5.4	10.432	107	1.5	2.908	107
Mental – moderate	5.8	13.940	225	1.7	2.536	225
Physical – moderate	3.7	8.850	889	1.0	1.921	889
Both – moderate	9.4	21.589	113	2.3	3.981	113
Mental – high	9.1	17.205	93	2.9	3.851	93
Physical – high	6.1	14.909	558	1.7	2.963	558
Both – high	13.5	32.151	115	3.6	4.468	115
Overall	2.6	8.020	20 595	0.6	1.561	20 595

Legal Referral Service (Boyes & Zucca 2012), the broad remit of the Victoria Legal Aid Mental Health and Disability Advocacy Program, and the proposed Advice-Health Alliance in Bendigo, Victoria (Noble 2012).

With different strengths of association between different types of legal problem and different forms of illness/disability, along with the broad range of forms of service integration (from cooperative links to combined units with pooled resources), evaluation continues to be needed to ensure that services best meet the needs of clients/patients and are cost efficient. However, the case for effective integration is now overwhelming, from both justice and health equality perspectives.

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Endnote

- ⁱ The term 'legal problem' is used throughout this paper for easy reference to a problem that is 'justiciable' in that it raises legal issues with the potential for legal resolution, regardless of whether the respondent recognised this or took any action involving the justice system (cf. Genn 1999).

