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 problems. 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.

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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

<table>
<thead>
<tr>
<th>Illness/disability severity</th>
<th>All problems</th>
<th>Substantial problems</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mean</td>
<td>Standard deviation</td>
</tr>
<tr>
<td>None</td>
<td>2.1</td>
<td>6.696</td>
</tr>
<tr>
<td>Mental – low</td>
<td>5.1</td>
<td>10.540</td>
</tr>
<tr>
<td>Physical – low</td>
<td>2.5</td>
<td>6.182</td>
</tr>
<tr>
<td>Both – low</td>
<td>5.4</td>
<td>10.432</td>
</tr>
<tr>
<td>Mental – moderate</td>
<td>5.8</td>
<td>13.940</td>
</tr>
<tr>
<td>Physical – moderate</td>
<td>3.7</td>
<td>8.850</td>
</tr>
<tr>
<td>Both – moderate</td>
<td>9.4</td>
<td>21.589</td>
</tr>
<tr>
<td>Mental – high</td>
<td>9.1</td>
<td>17.205</td>
</tr>
<tr>
<td>Physical – high</td>
<td>6.1</td>
<td>14.909</td>
</tr>
<tr>
<td>Both – high</td>
<td>13.5</td>
<td>32.151</td>
</tr>
<tr>
<td>Overall</td>
<td>2.6</td>
<td>8.020</td>
</tr>
</tbody>
</table>
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.

References


Endnote

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).