



Barriers to obtaining advice for legal problems in New South Wales

Abstract: *The Legal Australia-Wide (LAW) Survey found that a sizeable proportion of people seek advice for the legal problems they experience, however, many report barriers to accessing the legal help they require. In New South Wales (NSW) respondents often had difficulty contacting advisers via telephone, making suitable appointments, receiving timely responses and travelling to advisers for in-person consultations. Although cost was not the main difficulty reported by many respondents, it was the most common barrier to obtaining advice from legal advisers, and many respondents had a poor awareness of the availability of not-for-profit legal services.*

Source

This paper is a simplified excerpt from the report, **Legal Australia-Wide Survey: Legal need in Australia** by Christine Coumarelos, Deborah Macourt, Julie People, Hugh M. McDonald, Zhigang Wei, Reiny Iriana and Stephanie Ramsey (Law and Justice Foundation of NSW, 2012).

About the LAW Survey

The LAW Survey provides a comprehensive assessment of a broad range of legal needs on a representative sample of the population. It 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.

With 20,716 respondents across Australia, including over 2000 in each state/territory, the LAW Survey allows for in-depth analysis at both the state/territory and national level. The major findings were published in a series of nine reports, with a report on Australia as a whole and each state/territory. Some key findings were:

- legal problems are widespread and often have adverse impacts on many life circumstances
- disadvantaged people are particularly vulnerable to legal problems
- many people do nothing to resolve their legal problems and achieve poor outcomes
- most people resolve their legal problems without using lawyers or the formal justice system.

The nine LAW Survey reports are available at:

www.lawfoundation.net.au

Not everyone who seeks advice for a legal problem is successful in obtaining the advice they need. Furthermore, those who manage to obtain advice sometimes experience difficulties in doing so. International legal needs surveys have identified various barriers to obtaining legal advice or assistance. Barriers to the accessibility of services have been commonly reported, although other barriers have included inadequate or unclear information, financial barriers and language barriers (ABA 1994; AFLSE 2007; Coumarelos et al. 2006; Dale 2000, 2005, 2007; Dignan 2006; Genn 1999; Genn & Paterson 2001; Ignite Research 2006; LASNSC 2005; LSNJ 2009; Miller & Srivastava 2001; Pleasence 2006; Schulman 2007; Task Force 2003).

Measuring legal needs

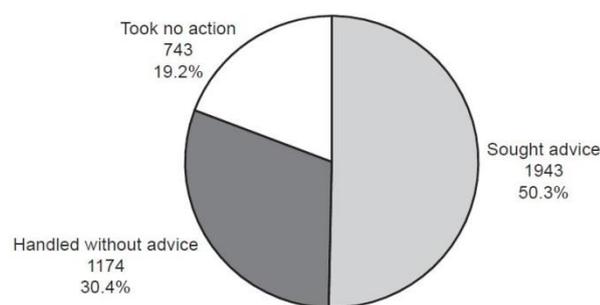
The LAW Survey interviewed a representative sample of 20,716 respondents across Australia aged 15 years or over, including 4,113 respondents in NSW. Respondents were asked whether they had experienced a legal problem in the 12 months prior to interview. It covered 129 different types of civil, criminal and family law problems.

In NSW, 50 per cent of respondents experienced one or more legal problems. This translates to an estimated 2,825,000 people aged 15 years or over experiencing a legal problem in NSW each year.

Seeking advice for legal problems

Respondents were asked in-depth questions about their most serious legal problems, including a series of questions about the actions they took to try to resolve them. Respondents took no action for 19 per cent of legal problems, handled 30 per cent of legal problems without advice and sought advice for 50 per cent of legal problems (Figure 1).

Figure 1: Strategy in response to legal problems, NSW



Note: N=3860 problems. Data were missing for 43 problems.

Where respondents sought advice, legal advisers were used for about one-third of these problems (33%). A wide range of non-legal advisers were also used, including dispute or complaint-handling advisers (7%), government advisers (39%), trade unions or professional associations (7%), health or welfare advisers (29%) and financial advisers (22%).

Barriers to obtaining advice for legal problems

Survey respondents were asked if they had experienced any difficulties trying to obtain help from their main adviser when this adviser was either a legal adviser, a dispute or complaint-handling adviser, or a government adviser.

Respondents reported no barriers for 57% of the problems that had a legal, dispute/ complaint-handling or government main adviser (Table 1). At least one barrier was reported for the remaining problems, these included difficulty getting through on the telephone (16%), the adviser taking too long to respond (15%), it being too expensive (12%) and that the advice was inadequate or poorly explained (11%).

Table 1: Barriers to obtaining help from main adviser — legal, dispute/complaint-handling and government advisers only, NSW

Barrier type	N	%
No barrier	542	57.3
1+ barriers	404	42.7
Inconvenient opening hours	62	6.5
Difficulty getting through on telephone	152	16.1
Difficulty getting appointment	66	7.0
Took too long to respond	138	14.6
Too expensive	116	12.2
Too far away or too hard to get to	74	7.8
Inadequate or poorly explained advice	101	10.7
Difficulty understanding because non-English speaker	3	0.3
Didn't cater for people with disabilities	14	1.4
Didn't cater for coming with young children	19	2.0
Other barrier	47	5.0
All problems with legal, dispute/complaint-handling or government main adviser	946	

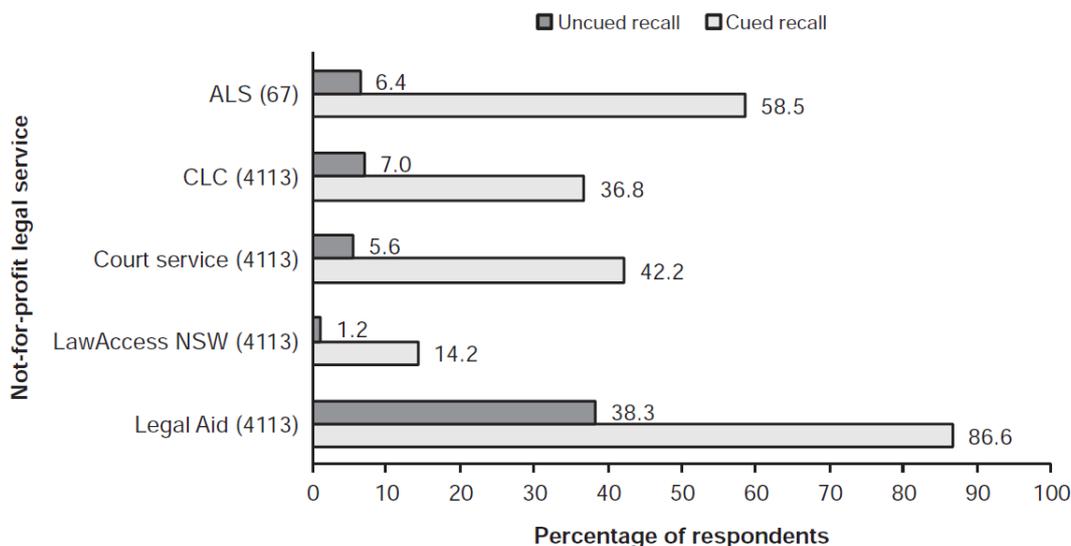
Note: N=946 problems with legal, dispute/complaint-handling or government main advisers. Data were missing for 66 problems. Percentages do not sum to 100, because multiple barriers were reported for some advisers.

For eight per cent of the problems with a legal, dispute/complaint-handling or government main adviser, respondents reported that these advisers were too far away or too hard to get to. Residents of remote and regional areas travelled more than 80 kilometres in 8.3 per cent of the problems where the main adviser was consulted in person, residents of major city areas travelled this distance in under five per cent of cases.

Respondents could provide details of the other types of barriers they experienced in an open-ended question. For five per cent of the problems with a legal, dispute/complaint-handling or government main adviser, the most common of these barriers were that the main adviser:

- had limited authority to assist or was hampered by red tape, confidentiality, conflict of interest or freedom of information restrictions
- was indifferent or unprofessional
- was difficult to access, due to time pressure, staffing issues (e.g. understaffing, rostering, turnover) or conflicting appointments.

Figure 2: Uncued and cued recall of not-for-profit legal services, NSW



Note: N=67 Indigenous respondents for ALSs and N=4113 respondents for other not-for-profit legal services.

Barriers to obtaining help by type of adviser

There were some significant differences in the barriers experienced according to the type of main adviser used. Legal advisers were more likely than the other advisers examined to be too expensive. While legal advisers were reported to be too expensive in 23.2 per cent of cases, this was so for dispute/complaint handling advisers in 4.7 per cent of cases and government advisers in 2.2 per cent.

Although cost was not the main difficulty reported by many respondents, it was the most common barrier to obtaining advice from main advisers who were legal advisers. This indicates that although cost would not appear to be a key impediment for many of the legal problems that people prefer to handle outside legal services, such as through self-help strategies or consultation with non-legal professionals, it appears that it is perceived to be a major barrier to resolving the legal problems for which people wish to obtain expert legal advice.

Legal advisers were reported to be too far away or too hard to get to in 11.4 per cent of cases, dispute/complaint handling advisers in 4.7 per cent and government advisers in 4.6 per cent. This finding may in part reflect the greater use of face-to-face consultation with legal advisers.

Awareness of legal advisers

Many respondents had a poor awareness of not-for-profit legal services and this may also have been a barrier to obtaining advice from legal advisers in some cases.

Figure 2 provides both the uncued and cued recall of Aboriginal Legal Service (NSW/ACT) (ALSs), community legal centres (CLCs), court services, LawAccess NSW and Legal Aid NSW. Legal Aid NSW had the highest awareness rates, with 38.3 per cent of respondents being able to freely recall or name Legal Aid, and 86.6 per cent of respondents recognising the name 'Legal Aid'. The percentages for uncued or free recall of the other not-for-profit legal services were all under 10 per cent, while the recognition rates for these other services were 14.2 per cent for LawAccess NSW, 36.8 per cent for CLCs, 42.2 per cent for court services and 58.5 per cent for ALSs.

Conclusion

The barriers to accessing legal help reported by LAW Survey respondents indicate that there is considerable scope to improve the accessibility of legal services so that they more closely 'mirror' the behaviour of those who wish to use them (Pleasence 2006). Respondents often had difficulty contacting advisers via telephone, making suitable appointments, receiving timely

responses and travelling to advisers for in-person consultations. Legal services may need to be extended and provided with additional resources in order to widen accessibility and to meet current demand efficiently. For example, extension of operating hours, telephone, internet and video conferencing services, local services in readily accessible locations, outreach services in rural and remote areas, and services in appropriate languages may all be worth exploring as means of increasing accessibility.

The long distances that some respondents travelled to consult advisers for their legal problems, especially in remote areas, highlight the specific need to improve the accessibility of legal services in less urban areas. Given that remote communities in Australia tend to be among the most disadvantaged, solutions for improving legal services in non-urban areas cannot rely solely on the expansion of telephone and internet services. Disadvantaged people with complex legal problems, low literacy and poor communication skills may often require intensive, quality face-to-face advice and assistance services in order to achieve beneficial legal resolution.

Cost appears not to be a key impediment to obtaining advice for the majority of legal problems which people prefer to handle outside legal services. Nevertheless, the findings suggest that cost can sometimes be a barrier to obtaining 'legal' advice to resolve legal problems. Further or better targeted information and education about the range of not-for-profit legal services available may also be useful.

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