



Legal capability and inaction for legal problems: knowledge, stress and cost

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Abstract: *Deficiencies in legal capability may limit a person's ability to effectively resolve legal problems. This paper examines three reasons provided by respondents for taking no action in response to legal problems that are indicative of deficiencies in legal capability, namely 'didn't know what to do', thought it 'would be too stressful' and thought it 'would cost too much'. The findings suggest that legal capability is patterned by legal problem and demographic characteristics. That is, particular types of people are more likely to be constrained from taking action for particular reasons and for particular types of legal problems. Nuanced understanding of why some people tend to take no action for certain types of legal problems is necessary to inform strategies to overcome inaction. Importantly, although previous research has found that people are significantly less likely to ignore substantial legal problems it is notable that the findings of this paper indicate that when respondents fail to take action for substantial legal problems they are significantly more likely to do so for each of the three reasons for inaction examined. This suggests that deficiencies in legal capability may manifest a 'paralysing' effect for more substantial legal problems. The findings provide further support for a 'holistic' approach to justice and a mixed-mode suite of legal assistance services to further access to justice across the community.*

About the LAW Survey

This paper presents **new findings** from the Legal-Australia Wide Survey (LAW Survey). The first major findings for Australia as a whole were published in *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).

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. The nine LAW Survey reports are available at www.lawfoundation.net.au/publications



Introduction

Legal capability has been defined as the personal characteristics or competencies necessary for an individual to resolve legal problemsⁱ effectively (Coumarelos, Macourt, People, McDonald, Wei, Iriana & Ramsey 2012). It generally comprises capabilities across a number of domains, including knowledge, skills, and psychological readiness to act. Genn and Paterson (2001, p. 260) found that people who were unable to take action for their legal problems had 'low levels of capability in terms of education, income, confidence, verbal skill, literacy skill and emotional fortitude'. Psychological preparedness to act is affected by both personal and systemic constraints, such as shame, a sense of insufficient power, fear, gratitude, and frustrated resignation (Sandefur 2007). Legal capability is therefore multi-dimensional, such that deficiency in any one of these dimensions may limit a person's ability to effectively resolve legal problems (c.f. Collard, Deeming, Wintersteiger, Jones & Seargeant 2011; Jones 2010; Nheu & McDonald 2010). For example, lack of knowledge about legal rights, lack of awareness of public legal advice services, and believing either that the justice system is too inaccessible or too costly to use to resolve legal problems are some of the ways in which low legal capability manifests.

Balmer, Buck, Patel, Denvir & Pleasence (2010) drew a distinction between informed and constrained inaction in response to legal problems. The former means correctly deciding that taking action is unnecessary; while the latter means that the individual wants to act but is constrained from doing so by factors such as a lack of legal knowledge and capability.ⁱⁱ Gaps in peoples' legal consciousness, literacy, awareness or empowerment are widespread (Assy 2011; Balmer et al. 2010; Coumarelos et al. 2012; Ewick & Silbey 1998; Gramatikov & Porter 2010; John Howard Society of Canada 1996; Pleasence & Balmer 2012; Pleasence, Balmer & Reimers 2011; Sandefur 1997). This includes gaps in knowledge or understanding of legal rights, the 'legal' character of problems, awareness and understanding of potential legal remedies and of available legal information and advice services. Such gaps may not only proscribe or otherwise undermine legal capability, and thereby constrain legal problem-solving action and resolution, but beget unmet legal need.

Recent research has established 'legal capability' as an important aspect of legal problem-solving behaviour (Balmer et al. 2010; Coumarelos et al. 2012). Inaction due to a wide range of knowledge, skill, personal and systemic constraints has been identified through legal needs surveys and other empirical research (see Balmer et al. 2010; Coumarelos et al. 2012; Currie 2007; Genn 1999; Genn & Paterson 2001; Pleasence 2006). For example, legal needs surveys have repeatedly shown that ignoring legal problems is common, and that certain demographic groups, particularly disadvantaged groups, are more likely to lack legal capability and ignore their legal problems (Balmer et al. 2010; Coumarelos et al. 2012; Currie 2007; Pleasence 2006). People who take no action to resolve one legal problem have also been shown to have an increased likelihood of taking no action for other or subsequent legal problems (Buck, Pleasence & Balmer 2008; Coumarelos et al. 2012; Pleasence 2006).

The Legal Australia-Wide (LAW) Survey found that a sizable proportion of people take no action to try to resolve their legal problems (Coumarelos et al. 2012).ⁱⁱⁱ Regression analyses revealed that demographic and legal problem characteristics predicted legal problem-solving strategy.^{iv} Overall, the LAW Survey found that action was related to problem severity – inaction was significantly less likely for legal problems rated as being more severe.^v The LAW Survey also examined respondents' reasons for inaction. A wide range of reasons were endorsed by respondents for taking no action, and, in many cases, more than one reason was cited.^{vi} Coumarelos et al. (2012) noted that while some commonly endorsed reasons for taking no action, if based on sound judgement, may have been sensible, other reasons more clearly signalled unmet legal need and suggested that respondents wanted to act but were constrained from doing so.^{vii} The LAW Survey findings suggested a need to enhance the legal knowledge and legal capability of the Australian public.

This paper examines three of the reasons for taking no action in response to legal problems that were endorsed by LAW Survey respondents: 'didn't know what to do', 'would be too stressful', and 'would cost too much'. Each of these reasons is indicative of deficiencies in legal capability. They suggest constrained inaction associated with deficiencies in knowledge and factors undermining the psychological preparedness or willingness to act to resolve a legal problem. The specific aim of the paper is to identify the problem and demographic characteristics that are associated with each of these three reasons for taking no action in response to legal problems.

New analyses

Three separate multilevel, binary logistic regression models were fitted to the national LAW Survey dataset to identify problem and demographic characteristics associated with legal problems for which respondents took no action to try to resolve because they ‘didn’t know what to do’, thought it ‘would be too stressful’, and thought it ‘would cost too much’.^{viii} The variables used in the models included characteristics of the problems experienced by respondents, such as the type of legal problem and its severity, as well as characteristics of the respondents themselves, such as their awareness of not-for-profit legal services, as well as their gender, age, Indigenous status, disability status, education, employment status, family status, annual personal income, main language and remoteness residential area.

The variables used in the models were identical to those used in the LAW Survey (Coumarelos et al. 2012), with the exception that awareness of not-for-profit legal services was added as a variable in the present analysis and the problem group, family status and income variables were categorised differently.^{ix} The categories used for each variable are shown in Table 2.

New findings from the LAW Survey

At least one of the three reasons for taking no action examined here was provided for 1561 of the 3496 legal problems where no action was taken.^x Specifically, respondents who took no action to try to resolve their legal problems reported that they ‘didn’t know what to do’ in 20.6 per cent of cases. They reported that they thought it ‘would be too stressful’ in 28.3 per cent of cases, and that it ‘would cost too much’ in 25.9 per cent of cases.

It was common for respondents to endorse more than one reason for their inaction. All three of the reasons examined here were provided for 6.6% of the 3496 legal problems where respondents took no action. Table 1 shows the co-occurrence of the reasons for inaction among the three reasons examined in this paper. Of the 719 legal problems where respondents took no action because they ‘didn’t know what to do’, they also indicated that it ‘would be too stressful’ to take action for about half (53.2%) of these problems, and that it ‘would cost too much’ for about two-fifths (41.8%) of these problems.

Table 1: Co-occurrence between reasons for taking no action (%)

	Didn’t know what to do	Would be too stressful	Would cost too much
Didn’t know what to do	-	38.6	33.1
Would be too stressful	53.2	-	66.2
Would cost too much	41.8	60.6	-
Total N	719	990	906

N = 3496 problems.

Some respondents endorsed only one of the three reasons for inaction examined here. Specifically, for 7.6 per cent of the legal problems where no action was taken, respondents indicated that they ‘didn’t know what to do’ and did not endorse either of the other two reasons for taking no action. Similarly, respondents who provided only one of the three reasons for inaction indicated that ‘it would be too stressful’ to take action for 6.8 per cent of legal problems and that it ‘would cost too much’ to take action for 6.7 per cent of legal problems.

Regression results

Table 2 shows the predictor variables that are significantly associated with the three reasons for inaction. Full results are provided in Appendix Table 1.^{xi}

Table 2: Summary of regression results – reasons for taking no action

Variable	Comparison	Didn't know what to do	Would be too stressful	Would cost too much	
Problem group	Accidents v mean	<	<		
	Consumer v mean				
	Credit/debt/money v mean			>	
	Crime v mean		<		
	Employment v mean	>	>		
	Family v mean				
	Government v mean			>	
	Health v mean		>		
	Housing v mean	<		<	
	Personal injury v mean		<	<	
	Rights v mean	>	>	>	
	Problem severity	Substantial v minor	>	>	>
	Awareness	Low v high	>		
Gender	Female v male		>		
Age	15-17 v 65+				
	18-24 v 65+	>			
	25-34 v 65+	>			
	35-44 v 65+	>			
	45-54 v 65+	>			
	55-64 v 65+				
Indigenous status	Indigenous v other	<			
Disability status	Disability v other				
Education	Year 11 or below v post-school	>			
	Year 12 v post-school				
Employment status	Unemployed v other	>			
Family status	Single, no kids v partnered, kids				
	Partnered, no kids v partnered, kids				
	Single, kids v partnered, kids			<	
Housing status	Disadvantaged v other		>		
Annual income	Less than \$41,600 v \$52,000 +			>	
	\$41,600 to \$51,999 v \$52,000 +			>	
Main language	Non-English v English		>		
Remoteness	Remote v major city				
	Regional v major city				

Note: N= 3058 problems for each regression. Significant differences are indicated by "<" and ">". "<" indicates that the first category of the comparison is significantly less likely to have been endorsed as the reason for taking no action than the second category. ">" indicates that the first category in the comparison is significantly more likely to have been endorsed as the reason for taking no action than the second category. For example, for problem severity, each of the three reasons for taking no action are significantly more likely to have been endorsed for substantial legal problems than for minor legal problems.

Didn't know what to do

As shown in Table 2, inaction because respondents 'didn't know what to do' was significantly more likely for employment and rights problems, and significantly less likely for accidents and housing problems compared to all problems on average. Inaction for this reason was also significantly more likely for problems rated by respondents as having had a substantial impact on their lives compared those that had a minor impact. Compared to their counterparts, the following groups of respondents were significantly more likely to endorse this reason:

- people that had a low awareness of not-for-profit legal services
- people aged 18 to 54 (compared to those aged 65 years or over)
- people who had not finished school (versus those with post-school qualifications)
- people who had been unemployed in the last 12 months.

Compared to others, Indigenous Australians were significantly less likely to endorse this reason. There were no significant relationships involving this reason for gender, disability status, family status, housing status, annual income, main language or remoteness of residential area.

Would be too stressful

Table 2 shows that inaction because respondents thought it 'would be too stressful' was significantly more likely for employment, health and rights problems, and significantly less likely for accidents, crime and personal injury problems compared to all problems on average. Inaction for this reason was also significantly more likely for problems rated by respondents as having had a substantial impact on their lives compared those that had a minor impact. Compared to their counterparts, the following groups of respondents were significantly more likely to endorse this reason:

- females
- people living in disadvantaged housing
- people whose main language was not English.

There were no significant relationships involving this reason for awareness of not-for-profit legal services, age, indigenous status, disability status, education level, employment status, family status, annual income or remoteness of residential area.

Would cost too much

As shown in Table 2, inaction because respondents thought it 'would cost too much' was significantly more likely for credit/debt/money, government and rights problems, and significantly less likely for housing and personal injury problems compared to all problems on average. Inaction for this reason was also significantly more likely for problems rated by respondents as having had a substantial impact on their lives compared those that had a minor impact. Notably, compared to people with an annual personal income of \$52 000 or more, people with lower incomes were significantly more likely to say that they had not taken any action because they thought it 'would cost too much'. Single parents were, however, were significantly less likely to indicate that they took no action because it 'would cost too much'.

There were no significant relationships involving this reason for awareness of not-for-profit legal services, gender, age, indigenous status, disability status, education level, employment status, housing status, main language or remoteness of residential area.

Legal problem characteristics

Thus, respondents' reasons for inaction were significantly associated with the characteristics of the legal problem they experienced. The regression results show that each of the three reasons for inaction was significantly more likely to be provided for legal problems of substantial impact than minor impact. Also, the reasons cited for taking no action varied significantly by the type of legal problem. These findings suggest that deficits in legal capability (such as deficits in knowledge or factors undermining psychological readiness to act) are more likely to impede the resolution of certain types of legal problems than others. Acting to resolve rights problems appeared to be particularly problematic given that all three of the reasons for inaction were significantly more likely to be provided

for rights problems. People were also significantly more likely to report that inaction for employment problems was because they 'didn't know what to do' and thought it 'would be too stressful'. Inaction for health problems was significantly more likely because people thought it 'would be too stressful', while for both credit/debt/money and government problems people were significantly more likely to report that they thought it 'would cost too much'.

In contrast, the reasons for inaction were also significantly less likely to be provided for some types of legal problems, lending further support to the notion that legal capability is linked to the type of problem experienced. Specifically, people were significantly less likely to report that they 'didn't know what to do' and that they thought it 'would be too stressful' as reasons for failing to act for accidents problems. Not knowing what to do and cost were significantly less likely to be endorsed as reasons for having done nothing about housing problems. Stress and cost were both significantly less likely to be endorsed as reasons for inaction in response to personal injury problems. And stress was significantly less likely to be endorsed as a reason for inaction in response to crime problems. Neither consumer nor family problems were significantly related to any of the three reasons for taking no action examined in this paper.

Demographic characteristics

The regression results show that the reasons for taking no action were also significantly related to the demographic characteristics of the respondents. Low educational achievement and being unemployed are indicators of disadvantage and low capability (see Australian Social Inclusion Board 2012; Headey 2006). Finding that inaction due to lack of knowledge was significantly related to awareness of not-for-profit legal services, age, education and employment status suggests that one of the important ways in which legal capability is socially patterned is by knowledge and understanding. In particular, it appears that higher awareness of not-for-profit legal services may overcome barriers to action that stem from not knowing what to do. It is also notable that the only disadvantaged demographic group found to be significantly less likely to cite that they 'didn't know what to do' as a reason for inaction was Indigenous Australians. Note that the LAW Survey findings also indicated that across Australia as a whole, strategy in response to legal problems was found to be unrelated to Indigenous status (see Coumarelos et al. 2012).^{xii}

Discussion and conclusion

The above findings suggest that while each of the three reasons for inaction was found to be persistent within people (i.e. people who endorse a particular reason for inaction for one legal problem are significantly more likely to also cite the same reason for inaction for other legal problems), legal capability is also patterned by legal problem and demographic characteristics. That is, particular types of people are more likely to be constrained from taking action for particular types of reasons and for particular types of legal problems. Other analyses of legal needs surveys have demonstrated how vulnerability to certain types of legal problems is not equally distributed across the community (Coumarelos et al. 2012; Currie 2007; McDonald & Wei 2013; Pleasence 2006). The findings here similarly demonstrate that knowledge and psychological preparedness or willingness to act—factors indicative of legal capability—are also unequally distributed across the community. The overlap of reasons for inaction suggests that some people are constrained from acting in multiple ways. Strategies to reduce inaction—and consequently, unmet legal need—therefore require nuanced understanding of the ways in which legal capability is patterned and why some people tend to take no action for particular types of legal problems because they 'don't know what to do', think it 'would be too stressful' or think it 'would cost too much'.

The finding that legal problem characteristics independently predicted reasons for inaction indicates that legal capability is context and problem specific. Lack of legal capability is more likely to constrain action for particular types of legal problems. This suggests that strategies to reduce inaction should be targeted at the reasons for inaction that are associated with particular legal problems types. It further appears that some legal problem characteristics can have a 'paralysing' effect whereby the severity and impact of the problem constrains people acting to try to resolve the problem (see Genn & Paterson 2001). Although Coumarelos et al. (2012) found that LAW Survey respondents were significantly less likely to ignore substantial legal problems, it is notable that the present results indicate that when respondents failed to take action for substantial legal problems, they were

significantly more likely to report each of the three reasons for inaction examined in this paper. This finding suggests that deficiencies in legal capability may manifest a ‘paralysing’ effect when people are faced with more substantial legal problems.

Tailored strategies to encourage action for substantial legal problems, as well as credit/debt/money, employment, government, health and rights problems, may help overcome inaction due to deficiencies of legal capability. Such strategies may be particularly important for rights problems given that they were the only problem group for which all three of the reasons for inaction examined here were significantly more likely to be provided.

The finding that demographic characteristics also independently predicted reasons for inaction indicates that legal capability is not equally distributed throughout the community. Knowledge and understanding of legal problems, and of what to do to resolve them, as well as factors affecting psychological preparedness to act, appear to be socially patterned. This suggests that strategies to reduce inaction may benefit from being tailored to particular groups of people. The finding that inaction because people ‘didn’t know what to do’ was predicted by low awareness of not-for-profit legal services is of particular concern. It suggests that legal capability is undermined by a lack of awareness of public legal services, notwithstanding the widespread provision and availability of public legal services specifically intended to promote access to justice.

The findings further suggest that there may be certain ‘foundational’ or rudimentary aspects of legal knowledge and awareness—such as knowledge about legal rights, of potential legal solutions to problems, and how and where to obtain further information and advice—that facilitate access to and use of the broader justice system to resolve legal problems (see Coumarelos et al. 2012; Galanter 1976; Genn & Paterson 2001; Jones 2010; Kirby 2011; Nheu & McDonald 2010). Two implications follow. First, where psychological preparedness to act is eroded by having a justice system that is perceived by some to be either too difficult or too costly to use, then strategies to facilitate easier and cheaper access to justice for those people and problems are indicated. Second, where psychological preparedness to act is eroded by mistaken beliefs about the ease or cost of accessing the justice system, then strategies to correct misapprehension may be a precondition for enhanced access to justice. Removing actual and misconstrued barriers may be critical to reducing inaction by those demographic groups that are significantly more likely to believe that acting ‘would be too stressful’ or ‘would cost too much’.

The demonstrated overlap between reasons for inaction is also indicative of the complex challenge of expanding access to justice. For example, lack of knowledge about the range of available options for obtaining legal assistance and resolving legal problems is likely to exacerbate concerns over stress and cost. Increasing awareness of free and low-cost options for obtaining legal assistance may help overcome inaction resulting from a belief that it ‘would cost too much’. Not surprisingly, people on lower incomes were more likely than others to take no action because it ‘would cost too much’. The critical role that public legal services have in facilitating access to justice for low-income and otherwise disadvantaged people has long been recognised as a fundamental access to justice issue. However, these new findings suggest that people with middle-level income (i.e. \$41 600 to \$51 999) are also at risk of inaction due to the cost of resolving legal problems being perceived as being too great. The findings further underscore the importance of the availability and awareness of low-cost legal assistance as well as low-cost dispute resolution processes for people on both low and middle-level incomes.

Notwithstanding extensive access to justice reform intended to provide cheaper, quicker and easier access to justice (e.g. small claims courts, industry Ombudsmen, neighbourhood or community justice centres and the like), certain people are constrained from acting for certain problems by not knowing what to do and by an overriding concern about the stress and cost of acting. One ironical consequence of wave after wave of access to justice reform is an expanded and particularised justice system where it is increasingly difficult to know about options for legal assistance and to gauge what type of actions are available with respect to certain types of legal problems. Researchers have therefore pointed to the potential utility of simple and well-known gateways to legal services, as well as pathways that are tailored to certain types of legal problems and targeted to certain types of people (see Coumarelos et al. 2012; Genn 1999; Pleasence 2006).

The new findings of this paper provide further support for the ‘holistic’ approach to justice proposed by Coumarelos et al. (2012). Public legal information (and education) signposting useful action to take, as well as enhancing awareness of available assistance services amongst those people at greater risk of inaction is one basic strategy for overcoming inaction associated with deficiencies of legal capability. Other strategies include raising awareness about useful first ports of call for obtaining legal information and assistance, targeted outreach services and facilitating non-legal pathways to legal assistance services. A useful component of effective non-legal pathways indicated by other the LAW Survey findings may be to enlist and support community support workers across the human services sector to act as ‘problem noticers’ who spot and signpost people to appropriate legal assistance (see Coumarelos et al. 2012). Services capable of legal problem diagnosis, triage and referral also appear to be vital to the access to justice of low legal capability groups. If appropriate legal services are ones that mirror client needs and capabilities, then having a mixed-mode suite of legal assistance services may be vital for furthering substantive access to justice across the community (see Pleasence et al. 2004).

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Appendix

Appendix Table 1: Regression results – reasons for taking no action

Variable	Comparison	Didn't know what to do		Would be too stressful		Would cost too much	
		β	SE	β	SE	β	SE
Fixed effects							
Problem group	Accidents v mean	-1.267	(0.329)	-1.603	(0.310)	-0.531	(0.272)
	Consumer v mean	0.136	(0.168)	0.056	(0.172)	0.075	(0.182)
	Credit/debt/money v mean	0.177	(0.241)	-0.140	(0.251)	0.965	(0.261)
	Crime v mean	0.046	(0.161)	-0.508	(0.177)	-0.063	(0.177)
	Employment v mean	0.842	(0.313)	0.762	(0.319)	0.153	(0.327)
	Family v mean	0.483	(0.400)	0.118	(0.439)	-0.700	(0.482)
	Government v mean	-0.541	(0.288)	0.213	(0.254)	0.873	(0.277)
	Health v mean	0.288	(0.368)	1.305	(0.390)	0.398	(0.389)
	Housing v mean	-0.764	(0.287)	-0.478	(0.264)	-0.725	(0.296)
	Personal injury v mean	-0.497	(0.311)	-1.053	(0.341)	-1.106	(0.373)
	Rights v mean	0.882	(0.232)	1.331	(0.287)	0.675	(0.285)
	Problem severity	Substantial v minor	0.773	(0.191)	1.307	(0.207)	0.776
Awareness	Low v high	0.484	(0.177)	0.055	(0.175)	0.122	(0.177)
Gender	Female v male	0.180	(0.167)	0.594	(0.178)	-0.279	(0.176)
Age	15-17 v 65+	0.560	(0.472)	0.244	(0.501)	-0.737	(0.532)
	18-24 v 65+	1.261	(0.410)	0.609	(0.396)	0.348	(0.379)
	25-34 v 65+	0.852	(0.387)	0.185	(0.385)	0.267	(0.370)
	35-44 v 65+	0.865	(0.395)	0.361	(0.402)	0.335	(0.379)
	45-54 v 65+	1.000	(0.386)	0.518	(0.385)	0.317	(0.373)
	55-64 v 65+	0.445	(0.379)	-0.273	(0.396)	-0.210	(0.386)
Indigenous status	Indigenous v other	-1.035	(0.469)	0.210	(0.431)	0.789	(0.433)
Disability status	Disability v other	0.157	(0.199)	0.345	(0.212)	0.026	(0.214)
Education	Year 11 or below v post-school	0.660	(0.218)	0.334	(0.213)	0.343	(0.222)
	Year 12 v post-school	0.321	(0.217)	0.254	(0.226)	0.289	(0.230)
Employment status	Unemployed v other	0.646	(0.231)	0.445	(0.233)	0.341	(0.245)
Family status	Single, no kids v partnered, kids	-0.072	(0.236)	0.010	(0.247)	-0.344	(0.259)
	Partnered, no kids v partnered, kids	0.297	(0.255)	-0.227	(0.254)	-0.444	(0.267)
	Single, kids v partnered, kids	-0.411	(0.356)	-0.391	(0.368)	-0.982	(0.412)
Housing status	Disadvantaged v other	0.427	(0.295)	0.852	(0.306)	0.510	(0.309)
Annual income	Less than \$41,600 v \$52,000 +	0.386	(0.215)	0.226	(0.220)	0.609	(0.251)
	\$41,600 to \$51,999 v \$52,000 +	0.197	(0.294)	0.266	(0.307)	0.779	(0.317)
Main language	Non-English v English	0.577	(0.309)	1.059	(0.328)	0.215	(0.323)
Remoteness	Remote v major city	0.151	(0.333)	0.160	(0.342)	-0.189	(0.357)
	Regional v major city	-0.055	(0.178)	-0.210	(0.190)	-0.276	(0.198)
Constant		-4.396	(0.767)	-3.147	(0.541)	-2.740	(0.553)
Random effects							
	State	0.023	(0.034)	0.035	(0.052)	0.027	(0.046)
	Person	4.702	(2.048)	6.684	(1.794)	6.940	(2.486)

Note: N= 3058 problems for each regression. Significant differences (at the 95% level) are presented in bold.

Endnote

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- 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).
- ⁱⁱ Inaction does not necessarily equate to unmet legal need as some reasons for taking no action in response to a legal problem may be sensible (see Balmer et al. 2010; Coumarelos et al 2012; Pleasence 2006). For example, taking no action in response to a legal problem because it 'wasn't very important' or 'was resolved quickly' may suggest informed inaction.
- ⁱⁱⁱ Respondents sought advice for 51 per cent of legal problems, handled 31 per cent of legal problems without advice, and took no action for 18 per cent of legal problems.
- ^{iv} The legal problem groups with significantly higher levels of inaction were employment, family, government, housing and money problems. Some demographic groups had significantly higher levels of inaction than their counterparts, including males, people aged 65 years or over (versus 18–54 year olds), people without a disability, people with low education levels, people who had been unemployed, and people with a non-English main language.
- ^v No action was taken in response to 24 per cent of minor problems, but only 12 per cent of substantial problems (see Coumarelos et al. 2012).
- ^{vi} Where respondents took no action in response to a legal problem, the LAW Survey used a series of 11 closed-ended questions to explicitly ask about certain reasons for doing so. Other possible reasons were collected via an associated open-ended question (see Coumarelos et al. 2012). Open-ended responses were reassigned to the appropriate closed-ended question when the responses were similar. Thus, respondents had the opportunity to endorse multiple reasons for taking no action.
- ^{vii} The reasons that more clearly signalled unmet legal need and where the respondent may have been constrained from acting included where they believed that: it would take too long (35% of problems), they had bigger problems (31%), it would be too stressful (30%), it would cost too much (27%), they didn't know what to do (21%), and it would damage the respondent's relationship with the other side (13%). Other reasons included where respondents believed taking action would make no difference (56% of problems), the problem was resolved quickly (56%), the problem was trivial or unimportant (43%), or there was no dispute or the respondent was at fault (27%).
- ^{viii} In order to account for nesting of people within states, and of problems within people, three levels were used in the model: state, person and problem.
- ^{ix} Respondents were coded as having high awareness of not-for-profit legal services if they were able to name at least one not-for-profit legal service without being cued with names of legal services, otherwise, they were coded as having low awareness. The types of legal problems experienced by respondents were grouped into 11 categories instead of the 12 used in the LAW Survey. Due to the small numbers of money problems, the credit/debt and money categories were combined. An expanded measure of family status was employed based on whether or not the respondent was single or partnered, and lived with any children under the age 18 or not. Annual personal income was grouped into three categories: less than \$41,600, \$41,600 to \$51,999 and \$52,000 or more.
- ^x Data for this analysis and all others in the paper were weighted according to respondent characteristics to better represent the Australian population (see Coumarelos et al. 2012), except in the regression analyses, because the MCMC method used to calculate the models cannot account for weighting (Browne 2012; Rasbash, Steele, Brown & Goldstein 2009).
- ^{xi} The regression results indicated that the reasons people provided for not taking any action to resolve a number of legal problems tended to persist across legal problems. That is, respondents who endorsed any of the three reasons examined here were significantly more likely to have also endorsed the same reason for taking no action for other legal problems, although, as noted earlier, multiple reasons for inaction were often provided for the same problem (see 'random effects' in Appendix Table 1 for details). The regressions also found that the reasons for inaction did not significantly vary by Australian state or territory (see 'State' in Appendix Table 1 for details).
- ^{xii} As noted by Coumarelos et al. (2012), the LAW Survey is likely to have underestimated the level of Indigenous disadvantage as Indigenous people who were not accessible by landline telephone were not within the sample frame.