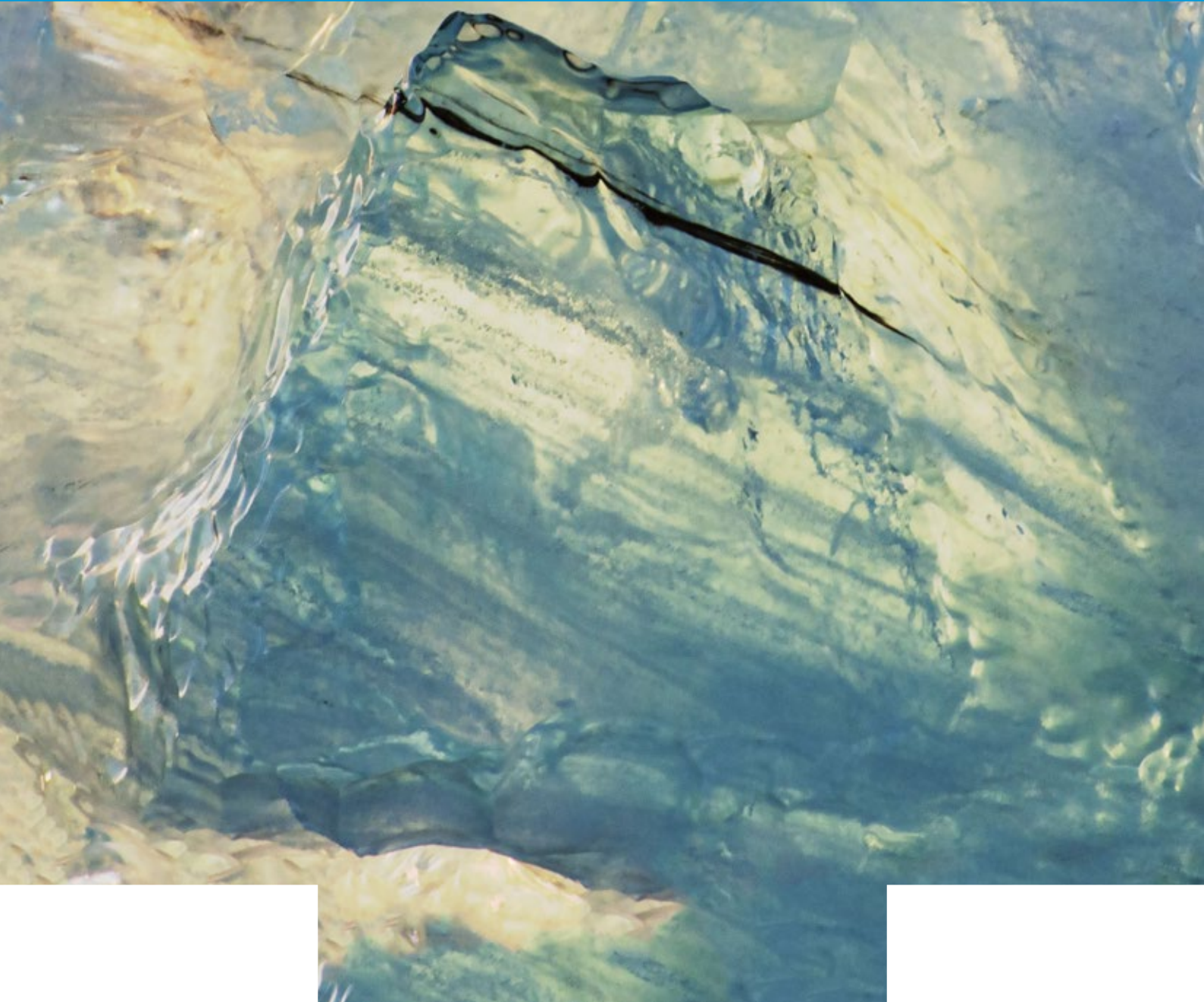


Law...What is it Good For?

How People see the Law, Lawyers and Courts in Australia

Nigel J. Balmer and Pascoe Pleasence with Tenielle Hagland and Cosima McRae



Victoria**Law**
Foundation

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This report is published by Victoria Law Foundation.
Victoria Law Foundation supports better justice through
research, education and grants.

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The reported should be cited as – Balmer, N.J., Pleasence, P.,
Hagland, T., & McRae, C. (2019). *Law...What is it Good For?
How People see the Law, Lawyers and Courts in Australia*.
Melbourne: Victoria Law Foundation.

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ISBN: 978-0-6480480-3-9

This report is available to download at
www.victorialawfoundation.org.au

The office of Victoria Law Foundation is on the traditional lands
of the Wurundjeri people of the Kulin Nation. We acknowledge
their history, culture and Elders both past and present.

Contents

Executive summary	2
1. Introduction	5
1.1 The social relevance of civil law	5
1.2 What is legal capability?	6
1.3 Attitudes to justice	8
1.4 This report	9
1.5 Acknowledgements	9
2. Methods	10
2.1 Conducting the Community Perceptions of Law Survey	10
2.2 Topics covered	11
2.3 Respondents' characteristics	12
2.4 Limitations	12
2.5 Analysis	12
3. Perceptions of a Law-Thick World: The Relevance of Law and Importance of Lawyers	13
3.1 The relevance of law and importance of lawyers: overview	13
3.2 The relationship between law relevance and lawyer importance	20
3.3 Factors associated with overall legal consciousness	24
3.4 Key individual demographics in detail	29
4. Perceptions of Paths to Justice: Measuring Accessibility of Courts and Lawyers	35
4.1 General perceptions of accessibility / inaccessibility	35
4.2 How to measure Perceived Inaccessibility of Courts (PIC) and Lawyers (PIL)	37
4.3 Factors associated with PIC and PIL	39
5. Next steps	50
5.1 Summary of findings	50
5.2 Moving from research to practice	52
5.3 Future research directions	54
References	56
Appendix A. Legal Capability Framework	60
Appendix B. Community Perceptions of Law Questionnaire	62
Appendix C. Statistical Model Output	80

Executive summary

We live in a 'law-thick' world,¹ where a complex legal framework arcs across almost all everyday activity.² Law defines our consumer rights. It regulates our employment conditions, pay and superannuation. It sets out the responsibilities of landlords, tenants, mortgagors and mortgagees. It specifies our eligibility for social security. It regulates our interactions with the environment. It reaches deep into family life, to protect the vulnerable and set principles for resolution of family disputes. Problems that raise legal issues – 'justiciable' problems – are a 'feature of life.'³

Against this backdrop, there is a global shift from 'top-down' access to justice policy focussed on formal processes, to a 'bottom-up' perspective with an onus on the needs and ability of individuals.⁴ This means recognising "that the different needs of individual members of the community call for different responses," including "their capacity to engage with the justice system."⁵

Critical to this approach, and the delivery of effective legal education and assistance, is understanding how people see the law and the justice system. To help people navigate their 'law-thick' world, we need to understand what their starting point is. People won't seek legal assistance if they don't recognise that they have a legal problem.

This is particularly important in an environment where legal need is great, budgets are tight and there is an increasing reliance on citizens navigating parts of the justice system themselves, with little or no formal assistance.

This report draws on findings from our recently conducted *Community Perspectives of Law Survey*, an exploratory survey of 1,846 Australian adults⁶ designed to investigate some of the foundational aspects of legal capability, specifically how people –

- recognise law as relevant to everyday justiciable problems
- assess the importance of legal advice in the context of such problems
- view the accessibility of lawyers and courts.

This was done by –

- presenting scenarios, all of which raise legal issues, and asking respondents to identify when it would be important to get advice from a lawyer, and when they thought the law was relevant to the situation
- asking respondents the extent to which they agreed or disagreed with a range of words and short phrases focussed on accessibility of courts and lawyers (e.g. complexity, approachability, ease of use, communication).

The survey also investigates aspects of digital as well as legal capability. These are not explored in this report, however the data will be analysed in future, adding another layer to our understanding of effective service provision. We also tested a general legal confidence scale which is not described here, but is foundational to future work.

1 Hadfield, 2010.

2 Pleasence & Balmer, 2019a.

3 Genn 1999, p.247.

4 Pleasence & Balmer, 2019a.

5 Victorian Government, 2016.

6 Conducted using the *Life in Australia*™ survey.

This research is the starting point for the Victoria Law Foundation work on legal capability, as part of a broader research program. While this project was primarily designed to inform the development of the larger *Victorian Public Understanding of Law Survey* (PULS), the findings are of immediate interest and value, shedding new light on legal capability.

What we found

Not all problems were seen as 'legal,' and courts and lawyers were not always viewed as accessible.

- Even though all scenarios had a legal dimension, not all problems were identified that way by respondents. Some problems were almost universally viewed as legal or requiring a lawyer, and others were not.
- Courts were typically regarded as 'inaccessible' – complex, costly, slow and hard to understand. Lawyers were largely viewed as accessible, though less so where questions referred to cost, complexity or speed.
- As well as the type of problem, the severity of a problem had a bearing on whether law was seen as relevant and lawyers important. For example, a more severe workplace injury or a higher amount of money in dispute increased the likelihood that law and lawyers were perceived to be relevant for an otherwise identical scenario.
- Problems where the law was considered relevant were typically the same as those where a lawyer was considered important. However, in general the law was considered relevant more often than lawyers were considered important.
- For some typically less serious problems, lawyers were seen as far less important than the law. But in some more serious cases, lawyers were regarded as more important than law was relevant.

Demographics mattered

- The law was considered less relevant to problems for people who lived outside capital cities; among people with fewer educational qualifications; and for those who spoke a language other than English at home.
- Female respondents indicated the law was more relevant and lawyers more important for problems involving power imbalances and gender dynamics.
- Non-English speakers felt a lawyer was more important than others for problems dealing with a figure of authority. Respondents who spoke a language other than English at home, and those with limited digital capability both regarded lawyers as significantly less accessible.
- For people reporting a severe mental illness,⁷ both courts and lawyers were seen as significantly less accessible than they were for other respondents. But these people were far more likely to see the law as relevant in addressing problems, particularly family violence, and lawyers as more important in addressing problems, even less serious ones.

Exposure to law related to your perceptions

- Personal experience of courts and lawyers was uncommon, but generally positive, while second-hand accounts (from friends, family or colleagues) were more common, but more negative. Both were strongly related to how people viewed the relevance of law, importance of lawyers, and the accessibility of both courts and lawyers.
- Across our problem scenarios, those with negative direct experience of lawyers saw the law as less relevant, but those who could recall positive second-hand accounts of lawyers saw the law as more relevant than others.
- If you have had a positive experience with a lawyer, you were more likely to see them as accessible, however the reverse was also true. Negative experience with lawyers related to a strong perception that they were less accessible. Similarly, those reporting experience of unfair court processes saw lawyers as significantly less accessible.

⁷ Based on the K6 screening scale for serious mental illness, 228 respondents (12.4%) reported a serious mental illness.

- However, a negative view of courts did not diminish the importance of lawyers in our problem scenarios: those with first-hand experience of courts, and particularly those who felt the process was unfair, tended to feel lawyers were more important.
- Those who had personally attended/contacted court, and particularly those who felt the process was fair, perceived courts as more accessible. Similarly, those who had used lawyers and been satisfied with the help also saw courts as significantly more accessible.
- Those exposed to negative second-hand or anecdotal accounts of courts demonstrated a significantly lower perception of their accessibility, while exposure to positive anecdotal accounts were associated with particularly large increases in perceptions of accessibility.
- Positive second-hand accounts of lawyers related to an increase in the perceived accessibility of lawyers and negative accounts to a decrease.

Where next?

Findings on how problems are perceived offer valuable insights to improve public legal education, but most importantly, to help services respond to and harness people's capability. This might involve problem noticers (e.g. an intermediary in a non-legal setting), co-location, integrated services and outreach, all of which can negate the requirement of the individual to identify 'law' in problems in order to access justice.

Findings on accessibility of courts and lawyers show the potential for success with programs which increase transparency, enhance understanding, and address negative perceptions of fairness and accessibility.

For legal services, this might cover clear pricing, outreach, non-legal branding, well recognised entry points and integrating services. For courts, this could include education programs, transparent communication and in-court programs (e.g. navigator schemes), helping the public through a stressful process that they typically feel is inaccessible.

These findings reinforce the importance of 'bottom-up' access to justice policy: service design that starts and ends with the needs and capabilities of users.

1. Introduction

This chapter sets out the research and policy context for the current research and *Community Perceptions of Law Survey*, both within Australia and internationally. It also sets out some of the elements that make up 'legal capability' in a theoretical framework.

1.1 The social relevance of civil law

We live in a "law-thick" world (Hadfield, 2010). Processes of 'juridification' (Habermas, 1987) have resulted in complex and extensive legal frameworks coming to apply to virtually all aspects of our everyday life. Law defines our consumer rights. It regulates our employment conditions, pay and superannuation. It sets out the responsibilities of landlords, tenants, mortgagors and mortgagees. It specifies our eligibility to access social security. It regulates our interactions with the environment. It reaches deep into family life, to protect the vulnerable and expound the principles for fair resolution of family disputes.

Problems that raise legal issues – 'justiciable' problems – are, thus, a "feature of life" (Genn, 1999, p. 247). Moreover, they are not abstract or arcane, but can be among the "wicked problems" (Churchman, 1967) of social policy: "being unfairly sacked by an employer, injured as a result of someone else's negligence, involved in a divorce, or facing eviction from your home contribute to the harshest episodes of people's lives" (Pleasence & Balmer, 2019a, p. 140).

Yet, the legal framing of everyday life and justiciable problems generally goes unappreciated. Despite criminal law being a central focus of public discourse, civil law occupies only a small place in the public consciousness – despite its expansiveness and generally more immediate relevance to both daily life and opportunity. That is not to say that civil legal issues are never prominent; although, prominence is sometimes achieved through discussion in quasi-criminal terms. For example, the recent exposure of systematic underpayment of staff by some of Australia's leading companies and restaurants gained traction through the characterisation of such practice as 'wage theft' (Fair Work Ombudsman, 2016, 2019; McKell Institute Victoria, 2019). The 2018 inquiry of the *Queensland Parliamentary Education, Employment and Small Business Committee* reported that wage theft affected approximately one in five Queensland workers each year (Parliament Education, Employment and Small Business Committee, 2018). The response has included a debate about the power imbalance between employees and employers and whether the current legal framework is effective in securing employee's civil legal rights.⁸

Another example of a recent prominent civil legal issue – this time popularised through quasi-science fiction framing – is 'robodebt'. This refers to the automated debt notices sent by the federal government to social security recipients (Commonwealth Ombudsman, 2017). While the Commonwealth Ombudsman was satisfied that the debts raised by the program were accurate, there have been widespread reports of debts being inappropriately issued (Farrell & McDonald, 2019).

Given the relative paucity of public discourse about civil law, it is perhaps not surprising that empirical studies have demonstrated relatively low levels of legal understanding on the part of the public, along with a common lack of recognition of the legal dimensions of justiciable problems (Pleasence & Balmer, 2012; Pleasence, Balmer & Denvir,

⁸ Government of Victoria, *Dodgy Employers to Face Jail for Wage Theft*, 26 May 2018; Commonwealth, *Parliamentary debates*, House of Representatives, 24 July 2019, 49 (Scott Morrison, Prime Minister).

2015, 2017). Thus, the ability of people to effectively respond to justiciable problems is generally constrained by a lack of some foundational components of 'legal capability': "the elements of personal capability a person requires to be capable in the domain of the law and its institutions" (Pleasence et al., 2014, p. 113), including the capability to make informed decisions about whether and how to use law, legal services and/or legal processes in the resolution of justiciable problems. This is not to suggest that people should generally be well-versed in the law or look for law in the circumstances they encounter. But it does mean that people should be aware of law's potential relevance when circumstances become complicated or serious, know their legal capability limitations, know when to get help and be confident to do so.

1.2 What is legal capability?

As a concept, legal capability is best understood as a facet of Sen's (1999, p. 75) conceptualisation of capability as "the substantive freedom to achieve alternative functioning combinations (or, less formally put, the freedom to achieve various lifestyles)." Like capability more generally, legal capability is thus a multidimensional and multifaceted concept, with distinct components across all aspects of the experience of justiciable problems.

A number of competing frameworks of legal capability have been advanced (e.g. Jones, 2010; Parle, 2009; Collard, Deeming, Wintersteiger, Jones, & Seargent, 2011; Canadian National Action Committee on Access to Justice in Civil and Family Matters, 2013; Community Legal Education Ontario, 2016), generally referencing knowledge, skills and attitudes as underlying dimensions – drawing on earlier work in the field of financial capability (Basic Skills Agency, 2004; Atkinson, McKay, Kempson, & Collard, 2005). These have also been extended to include resources (e.g. Pleasence et al., 2014) – drawing on the Australian Government Productivity Commission's report on persistent disadvantage (McLachlan, Gilfillan, & Gordon, 2013). Aspects of legal capability have also been discussed in relation to the (to date separate) research tradition focused on the quality of lawyers and legal services (e.g. Sherr, Moorhead, & Paterson, 1994; Shultz & Zedeck, 2011), also extending to knowledge, skills and wider attributes.⁹

Table 1 (Appendix A) sets out a broad framework of legal capability building on past conceptualisations. The horizontal dimensions draw particularly on Collard et al.'s (2011) functional approach and differentiate – in line with recent work on legal needs (OECD/Open Society Foundations, 2019) – stages of justiciable problem resolution, along with broader forms of response to justiciable problems: recognition of issues; information/assistance; resolution; wider influence and law reform. The vertical elements reflect the commonly recognised dimensions of knowledge, skills, attitudes and resources.

The most foundational aspects of legal capability, as set out in Table 1, were famously discussed (although not in these terms) in Felstiner, Abel and Sarat's (1980) paper on the emergence of legal disputes. There, the authors deconstructed the process and stages through which situations are perceived as injurious ('naming'), attributed to another ('blaming') and become the subject of accusations ('claiming'). Without awareness of legal rights, some situations may not be seen as injurious or as involving the responsibility of others. How disputes evolve and the particular paths they follow are then dictated by how they are characterised by those involved. For example, it has been found that people who characterise problems as 'legal' are more likely to act to resolve them and far more likely instruct a solicitor to assist with resolution (Pleasence & Balmer, 2014).

⁹ An example of a recent and detailed operationalisation of such a professional legal capability framework can be found in New South Wales (NSW Public Service Commission, 2017).

Legal Capability

Legal capability consists of four distinct stages:

1 Recognition of issues

2 Accessing information or assistance

3 Resolving the issue

4 Wider influences and law reform (such as law-making / regulatory process)

An individual's capability to deal with a legal issue or problem they face is shaped by their:

Knowledge e.g. about the law, their rights, their obligations, assistance, information and processes

Skills e.g. recognition of issues, information literacy, communication, decision-making, problem solving and digital skills

Attributes e.g. self-awareness, persistence, confidence and attitudes

Resources e.g. money, time, social capital and the availability of services and processes

Legal capability – a case study

The following case study sets out aspects of one individual's legal capability applying elements of the full legal capability framework contained in Appendix A.

Jules

Jules is a chef at a well-known Melbourne restaurant, employed on a full-time contract. For the past five months Jules has been underpaid and hasn't received any superannuation. Jules raises this with the restaurant manager. That night, the manager sends Jules a text that says: 'Don't bother coming in to work tomorrow, or ever again.'

Jules is unhappy. They want to be repaid their unpaid wages, including superannuation, and they want to keep their job.

Stage 1 – Recognition of a legal issue

For Jules to recognise the legal dimensions of what has happened (unfair dismissal) they need to recognise that this is a justiciable issue, and the law is relevant.

Jules' knowledge of employment law and their legal rights will impact whether they see what has happened as legal. Their attributes, such as their social awareness and self-confidence, will also impact their ability to understand this as a legal issue.

Stage 2 – Information and assistance

For Jules to seek information and help to get repaid and back to work, skills such as their digital literacy will impact whether they can locate online information about their employment rights and how to enforce them. Similarly, knowledge of appropriate sources of advice, and skills to recognise capability limitations and when information is required, and the ability to communicate effectively all relate to Jules' success in obtaining suitable information or assistance.

Environmental factors, such as how much time Jules can spend seeking information and the availability of legal assistance services, will further impact whether Jules gets information or assistance.

Stage 3 – Resolution of the legal issue

Factors that are likely to impact the resolution of this issue include Jules' knowledge of options to resolve the matter such as mediation or courts, as well as their communication and negotiation skills, planning, organisation and their ability to advocate for their preferred outcome with their employer or representative.

Whether or not Jules is able to access a legal assistance service (e.g. a lawyer or union) to assist in the negotiation process may also influence the outcome.

Stage 4 – Wider influences and law reform

Jules' attitudes to legal institutions, including how accessible they are, are also relevant factors to whether Jules will access them to resolve their legal issue.

Other relevant factors include Jules' knowledge of the broader legal framework, such as law-making, the institutions involved, regulation and outcomes.

1.3 Attitudes to justice

Of course, much more than recognition of legal dimensions of problems is involved in enabling people to consider law, legal services and legal processes in resolving justiciable problems. Attitudes towards the law, legal services and legal process vary, as do people's confidence and ability to take legal "paths to justice" (Genn, 1999).

For some, use of law may be seen as futile or inappropriate. For example, Ewick and Silbey's (1998, p. 28) seminal study of legal consciousness identified that many people see law as 'arbitrary' ("rather than objective, legality is understood to be arbitrary and capricious"), rather than the main alternatives (in the United States at least) of 'majestic' ("operating by known and fixed rules in carefully delimited spheres") or 'a game' ("a terrain for tactical encounters through which people marshal a variety of social resources to achieve strategic goals"). Moreover, more recently, Sandefur (2007) – building on Galanter's (1974, 1999) theorising around the differential resources and prospects of 'haves' and 'have nots' – identified how "frustrated resignation" can result from repeated unsuccessful attempts to successfully resolve justiciable problems.

Attitudes to law, legal professionals and courts also vary considerably and will influence whether and how people respond to justiciable problems. And then there is the issue of legal pluralism – "the idea that in any one geographical space defined by the conventional boundaries of a nation state, there is more than one law or legal system ... [or] normative orders or customs" (Davies, 2010, pp. 805, 820). People may prefer one normative order over another.

1.4 This report

The research findings presented in this report draw on the *Community Perspectives of Law Survey*, an exploratory survey designed to further investigate some of the foundational aspects of legal capability, specifically how people:

- recognise law as relevant to everyday justiciable problems
- assess the importance of legal advice in the context of such problems
- view the accessibility of lawyers and courts.

The *Community Perspectives of Law Survey* was commissioned as part of a broader research program to inform the development of the forthcoming *Victorian Public Understanding of Law Survey* (PULS). However, the findings are of wider interest, shedding new light on the above foundational aspects of legal capability.¹⁰

1.5 Acknowledgements

The authors would like to thank Anna Lethborg and her colleagues at the Social Research Centre, Victoria Law Foundation staff (and particularly Clare Kennedy and Lynne Haultain) for their insight and expertise as the research developed, Victorian Legal Services Board and Commissioner for funding the research, and the 1,846 respondents who took time to answer our questions.

¹⁰ The survey also explored the utility of the General Legal Confidence (GLC) Scale (Pleasence & Balmer, 2019b) in Australia, respondents' comfort with online advice and legal processes and the practicality of a single question to capture unmet legal need. These will be explored in subsequent research papers.

2. Methods

This chapter provides methodological details of the *Community Perceptions of Law Survey*, including basic information on its conduct and contents.

2.1 Conducting the Community Perceptions of Law Survey

The data used to investigate the three foundational aspects of legal capability detailed in the introduction were collected through wave 26 of *Life in Australia*[™], the Social Research Centre's probability-based online panel (Callegaro et al., 2014), which includes a small number of panel members who complete surveys by telephone to cover the off-line population.¹¹ Such panels are a relatively new innovation and involve using established sampling methodologies to recruit panel members (with the panel subsequently topped-up as required). A key requirement for a probability sample is that all members of the population of interest have a known, non-zero probability of receiving an invitation to join. You cannot participate unless you are invited and if you are a participant, you cannot refer family, friends or colleagues to join. This is a key difference between *Life in Australia*[™] and common nonprobability-based online panels, which are predominantly 'opt-in', with panel members choosing to join. Random probability-sampling methods mean sampling errors and confidence intervals can be calculated, producing results that are generalisable (in this case to the Australian population). Non-probability 'opt-in' panels do not have these properties¹² and are frequently opaque methodologically (Callegaro et al., 2014).¹³ Baker et al., (2010) American Association for Public Opinion Research (AAPOR) review set out some of the key issues in detail, though we chose to pursue a probability sample as we were interested in making population estimates in addition to conducting scale development.¹⁴

The *Community Perceptions of Law* questionnaire (which can be found in Appendix B) comprised five main sections, focused on: respondents' recognition of law as relevant to everyday justiciable problems; respondents' assessment of the importance of legal advice in the context of the same everyday justiciable problems; respondents' confidence in their ability to fairly resolve legal disputes; respondents' attitudes towards lawyers and courts; respondents' previous experience of law.

The sample comprised 1,846 respondents who were drawn from all eight states and territories, a completion rate of 68.7 per cent.¹⁵ Most respondents (80.4 per cent) completed the survey online, with a smaller number completing it

11 The *Life in Australia*[™] Survey is conducted by the Social Research Centre. A full technical report produced by the Social Research Centre is available on request from the authors of the current report. The panel members are Australian residents aged 18 years and over, who are contactable (and recruited) via mobile or landline phone and includes people without internet access. Initial recruitment used dual-frame random digit dialling, with a 30:70 split between landlines and mobile phones. Respondents can complete the survey online or over the phone. Weights were also calculated to reflect the Australian population. These included adjusting for demographics, enrolment and attrition, with the methodology set out in detail in the technical report (available on request).

12 There is also some evidence of decreased accuracy, non-ignorable coverage error/ non-response error and unknown sampling/ adjustment error for nonprobability samples (e.g. Yeager et al., 2011; Pennay, Neiger, Lavrakas, & Borg, 2018).

13 This is not to say that online 'opt-in' panels are without their uses. Not all research is intended to produce precise population estimates, and such panels are useful in a range of experimental or developmental research where generalising results is not an aim (see Baker et al., 2010 for a review).

14 Where a broad range of respondents is likely to suffice rather than requiring a representative probability sample.

15 Completion rate represents completed interviews as a percentage of all *Life in Australia*[™] members invited to take part. The majority of non-completions were non-contacts as opposed to refusals or terminations. Completion, however, does not provide a comprehensive picture of response/nonresponse. Panelists invited to participate had to initially agree to participate in *Life in Australia*[™] in the first place, provide details in order to join the panel by completing the panel profile and remain in the panel until they were invited to complete this survey.

via phone interview.¹⁶ All panel members were offered a \$10 incentive (or equal charitable donation) to take part in the survey.

2.2 Topics covered

The first section of the questionnaire asked respondents the extent to which they thought “it would be important to obtain advice from a lawyer” in 60 separate justiciable problem scenarios of various types and severity. Thirty of the problem scenarios comprised an experiment involving 15 scenarios that were presented to respondents in a more or less serious form. For example, the first scenario was defined in the following terms: “Your employer is struggling financially and is ... behind with your salary.” The more serious form of the scenario involved arrears of five months, the less serious of just one month. The form of the scenario first presented to an individual respondent was selected at random. Responses to questions about the importance of advice from a lawyer used a four-point Likert scale from ‘very important’ to ‘not at all important.’¹⁷

The second section was identical to the first, apart from that it asked about the extent to which respondents thought “law is relevant” to the 60 justiciable problem scenarios. Responses to these questions used a four-point Likert scale from ‘very relevant’ to ‘not at all relevant.’

The third section was designed to test the utility of the *General Legal Confidence* (GLC) scale (Pleasence & Balmer, 2019b) in Australia. It involved asking respondents “how confident are you that you could achieve an outcome that is fair, and you would be happy with, in ...” a “significant legal dispute” as the dispute unfolded through twelve descriptive statements. A significant legal dispute was defined as being one “such as being unfairly sacked by your employer, being kicked out of your home, or a serious dispute with a neighbour.” Following each of the twelve statements, a Likert scale was used to establish whether respondents were very confident, quite confident, not very confident or not at all confident. The current report does not include analysis of GLC items, which will be explored in a subsequent paper.

The fourth section asked respondents the extent they agreed with forty simple and brief positive and negative descriptions of courts, then forty nearly identical descriptions of lawyers,¹⁸ to investigate perceptions of these two core components of the justice system. The descriptions link to theorising around legal consciousness, such as that of Galanter (1974, 1999), Ewick and Silbey (1998), and Sandefur (2007), referred to in the introduction.¹⁹ Responses to these questions used a four-point Likert scale from ‘strongly agree’ to ‘strongly disagree.’

The fifth section asked respondents about their personal experience of the justice system. Respondents were first asked whether they had experienced any of eight categories of justiciable problem in the past five years and, if they had, how they considered they had handled the most recent example and how fair the resolution was. Responses to these questions used two four-point Likert scales, the first from ‘very well’ to ‘not very well at all’ and the scale to measure perceptions of fairness from ‘very fair’ to ‘not fair at all.’ Respondents were then asked if they had obtained help from a lawyer in the past five years and, if they had, how satisfied they had been, using a four-point Likert scale from ‘very satisfied’ to ‘not at all satisfied.’ “Then, similarly, they were asked if they had attended a court or tribunal in the past five years and, if they had, why they attended and how fair they had perceived the court or tribunal process(es) to be, using the ‘very fair’ to ‘not very fair at all’ four-point Likert scale.” This section aimed to give a broad overview of justiciable problem experience and interaction with lawyers and legal processes. It does not constitute a legal need survey (Coumarelos et al., 2012; OECD/Open Society Foundations, 2019) but does aim to capture some similar elements.²⁰ Finally, respondents were asked whether they recalled friends, family or

A cumulative response rate can be calculated that involves multiplying recruitment rate, profile rate, retention rate and completion rate, arriving at 8.6%.

16 To ensure estimates from the sample dataset are representative of Australians aged 18 years and over, base weights were adjusted using generalised regression so that the distribution matched to the demographic benchmarks. Large differences in weights were limited using bounded weights.

17 Respondents could also answer all questions in the survey with ‘not sure’ or ‘prefer not to say.’

18 Minor differences included cases where courts were referred to as ‘places’ in contrast with lawyers being referred to as ‘people.’

19 The fourth section also explored perceptions of online service delivery, again for both courts and lawyers, which will be explored in detail in a future paper.

20 Respondents were also asked whether they had needed expert help to resolve a dispute within the past 12 months but had been unable to obtain any. This was to explore the viability of estimating unmet legal need using a single question.

colleagues relating positive or negative accounts of courts, tribunals or lawyers. This was to explore the extent to which perceptions of the justice system might be influenced by word of mouth representations.

Respondents were also asked a range of questions related to their social and demographic characteristics. Some of these, such as the K6 screening scale for serious mental illness (Kessler et al., 2010) and digital capability were part of the *Community Perceptions of Law* questionnaire. However, the majority were collected by default as part of the *Life in Australia*[™] panel. These included characteristics such as age, family composition, gender, educational qualifications, language spoken at home and housing situation, as well as geographic variables.

2.3 Respondents' characteristics

Of the 1,846 respondents, 901 (49.9%) were male and 939 (51.0%) female.²¹ 197 (10.7%) were aged 18 to 24, 337 (18.3%) 25 to 34, 331 (18.0%) 35 to 44, 313 (17.0%) 45 to 54, 280 (15.2%), 230 (12.5%) 65 to 74 and 157 (8.5%) 75 or older. 323 (17.5%) spoke a language other than English at home and 53 (2.9%) were of Aboriginal or Torres Strait Islander origin. Based on the K6 screening scale for serious mental illness, 228 respondents (12.4%) reported a serious mental illness.²² Table 2 shows the number and percentage of respondents for each state or territory. 1,235 respondents (66.9%) lived in a capital city, with 610 (33.1%) elsewhere in the state/territory.

Table 2. Number and percentage of respondents in each state or territory

State/territory	Number	Per cent
New South Wales	592	32.1
Victoria	478	25.9
Queensland	365	19.8
South Australia	131	7.1
Western Australia	192	10.4
Tasmania	40	2.1
Northern Territory	18	1.0
Australian Capital Territory	31	1.7
Total	1846	100.0

2.4 Limitations

As suggested in the introduction, the primary aim of the *Community Perceptions of Law Survey* was to inform the development of future research, particularly the *Victorian Public Understanding of Law Survey* (PULS). The *Community Perceptions of Law Survey* was smaller scale than the planned PULS, with fewer respondents²³ and a shorter questionnaire. This limits the range of analyses that can be undertaken, particularly when attempting to contrast different groups of respondents (e.g. by demographics or geography). In addition, while the *Life in Australia* panel has some key methodological advantages over nonprobability methods (as described above), it is not as flexible, nor will it yield as high a response rate as a well-planned bespoke survey (such as the PULS).

2.5 Analysis

Various forms of analysis were used to explore the survey data. These ranged from simple descriptive statistics, to generalized linear models (Dobson & Barnett, 2018), to scale development methods such as principal components (Tabachnick & Fidell, 2019) and Rasch analysis (Bond & Fox, 2015). Statistical analyses are interpreted in the main text in lay terms, with more detailed statistical output provided in Appendix C. The survey dataset will be made available on the VLF website.

²¹ Gender was not known for six respondents. Demographic and geographic summary statistics were all weighted.

²² Respondents scoring 13 to 24 on the K6 were classified as having a serious mental illness and those scoring 0 to 12 were not (Kessler et al., 2003).

²³ While 1,846 respondents may seem a lot, they progressed down three distinct routes in the survey, since it would have been impractical to ask all respondents all questions. Randomisation protocol can be seen in the questionnaire in Appendix B.

3. Perceptions of a Law-Thick World: The Relevance of Law and Importance of Lawyers

This chapter explores the Australian public's perception of the relevance of law and importance of lawyers across a broad range of types of justiciable problems. It looks at the how perceptions vary across problem types, the role played by problem severity and how views on law relevance and lawyer importance relate to each other. It also investigates how respondents' characteristics, their actual experience, and second-hand accounts of courts and lawyers relate to perceptions.

3.1 The relevance of law and importance of lawyers: overview

Two groups of survey respondents were presented with 60 short justiciable problem scenarios. One group was asked the extent to which they thought the "law was relevant" to the situations. The other group was asked the extent to which "it would be important to obtain advice from a lawyer." Thirty of the problem scenarios comprised an experiment involving 15 scenarios that were presented to respondents in a more or less serious form, as described in the methods section.

Table 3 shows each of the 60 scenarios and the percentage of respondents who felt the law was quite or very relevant and lawyers quite or very important. As shown in Table 3, the extent to which respondents saw law as relevant to individual scenarios ranged from just under 50 per cent to almost 95 per cent. The range was even greater in the case of lawyer importance, with the extent to which respondents saw obtaining advice from a lawyer as being important ranging from just over 10 per cent to over 97 per cent. For the most part, the percentage feeling the law was relevant and the percentage suggesting a lawyer was important, correlated.

Table 3. Percentage of respondents suggesting the law was quite or very relevant and lawyers quite or very important for each of the 60 short problem scenarios. (Higher values are green, lower values are red)

Justiciable problem scenario	Law quite or very relevant	Lawyer quite or very important
You are injured while at work when a ceiling section falls	94.0%	95.9%
You find out there is an asbestos risk at work. You tell your employer, who says it's not worth the cost to repair it	92.5%	90.7%
You break your spine in a cycling accident caused by another rider's mistake	90.4%	97.5%
A leaking pipe on your neighbour's property is damaging the foundations of the house you own	90.3%	95.3%
Your employer is struggling financially and is five months behind with your salary	90.0%	95.3%
Your doctor may have made a mistake during minor surgery that has left you with chronic pain in one arm	89.6%	96.4%

The Child Protection Service says it has received a report of neglect concerning your child	88.5%	93.5%
You can't agree on the level of child support payments and living arrangements for your children with your ex-spouse or partner	85.9%	94.1%
Your asthma is being aggravated by mould caused by a leaking window in your rented home. Your landlord won't repair it	85.8%	86.2%
Centrelink are demanding \$5,000 for overpaid benefits. You think they have made a mistake.	85.5%	91.6%
Your insurer refuses to pay up for \$1,500 worth of sports equipment stolen from your car. They say you left the door unlocked. You did not	85.2%	80.8%
You repeatedly asked your neighbours to stop their excessive noise at night, but nothing has changed	84.0%	61.6%
You purchase an expensive fridge that stops working after ten months. The shop has closed and the manufacturer refuses to repair it	83.3%	67.4%
Your tenant is having regular parties with noise levels above those stipulated in the body corporate rules	83.2%	67.4%
Your dentist accidentally removes the wrong tooth during treatment	83.1%	81.8%
You break your ankle slipping on a milk puddle on the floor of a supermarket	82.9%	80.3%
You can't agree on the level of child support payments for your children with your ex-spouse or partner	82.6%	92.1%
Without telling you, while you are away your landlord enters your apartment to do maintenance	82.0%	71.1%
You have fallen out with a relative over how to interpret the terms of a will concerning a large sum of money	81.8%	93.4%
You want to extend your home, but the local council are placing greater restrictions on your plans than for others in the area	81.5%	80.9%
Your landlord says you must leave your apartment five months before the rental agreement period ends because it is being sold	80.9%	79.0%
Your employer is struggling financially and is a month behind with your salary	80.3%	76.5%
You are unable to obtain a mortgage because of an incorrect credit report	79.3%	86.7%
You asked your neighbours to stop their excessive noise at night, but nothing has changed	79.2%	54.7%
Centrelink are demanding \$500 for overpaid benefits. You think they have made a mistake	79.1%	63.5%
You have been incorrectly overcharged for your electricity for four months in a row	78.7%	68.0%
Your neighbour damaged your garden fence, but denies it and won't fix it	78.1%	59.5%
You are five months behind with your mortgage and unable to pay. The bank sends a default notice saying you have 30 days to pay or you will lose your home	77.7%	88.7%
You are a month behind with your mortgage and unable to pay. The bank sends a default notice saying you have 30 days to pay or you will lose your home	77.6%	87.5%
You break your arm in a cycling accident caused by another rider's mistake	76.7%	70.9%
You are unable to obtain a credit card because of an incorrect credit report	76.0%	70.1%
You are refused carer allowance. Centrelink inform you that your disabled parent does not meet the criteria. You do not agree	76.0%	77.2%
Your landlord says you must leave your apartment two weeks before the rental agreement period ends because it is being sold	75.5%	57.1%
You are two weeks' behind with your rent. Your landlord gives you a 14-day Notice to Vacate	75.2%	61.7%
Without telling you, your ex-spouse / partner arranges to take your children on a holiday on dates they would normally be with you	75.0%	71.1%

You are denied emergency leave to care for an ill household member	74.6%	71.0%
Your child's school is not properly protecting them from bullying	73.5%	70.8%
A homeless person has started sleeping in your garden	73.5%	46.9%
Your body corporate is intending to change the rules to stop you short-term letting your apartment	72.3%	73.0%
You are unhappy because of a work colleague's regular 'jokes' about your sexual performance	69.8%	52.9%
Poor advice from a financial adviser lost you a significant sum in your superannuation	68.5%	84.4%
Your spouse or partner forcefully slaps you when you forget your anniversary	68.2%	58.5%
Your insurer refuses to pay up for \$100 worth of sports equipment stolen from your car. They say you left the door unlocked. You did not	68.4%	35.1%
You believe you are eligible for significantly higher Centrelink payments, but Centrelink says the amount is correct	67.2%	62.4%
Your child is suspended from school for 20 days for behaviour that doesn't warrant a suspension	66.9%	67.4%
You are stopped by the police and are fined for crossing a road without using a nearby pedestrian crossing	65.9%	18.9%
Your neighbour repeatedly cuts across your drive in their ute, damaging the drive edging	65.1%	49.7%
You are unhappy because of a work colleague's 'joke' about your sexual performance	62.2%	41.3%
A carpenter breaks a window pane while working on a window frame in your house	61.5%	31.4%
You have fallen out with a relative over how to interpret the terms of a will concerning a small sum of money	60.7%	49.6%
Your employer is struggling financially and says you are to be made redundant	59.8%	53.6%
You think your employer is underpaying you for the hours you have worked. They disagree	59.7%	85.7%
You are stopped by the police and receive a warning for crossing a road without using a nearby pedestrian crossing	58.5%	15.6%
You purchase a kettle that stops working after 10 months. The shop has closed and the manufacturer refuses to repair it	58.0%	14.3%
You didn't get a job you applied for. The employer was straight up and said they wanted to maintain an equal gender balance	57.6%	38.8%
Your child is suspended from school for five days for behaviour that doesn't warrant a suspension	55.6%	42.7%
Your boss twice shouts at you in public	55.1%	40.8%
You are behind with, and unable to pay, your credit card bill	54.7%	42.3%
While at a pub, you are told to leave by the management for being drunk	49.4%	11.3%
Your spouse or partner lightly slaps you when you forget your anniversary	49.3%	31.4%

Of the 60 justiciable problem scenarios asked about, respondents on average saw law as being 'relevant' or 'very relevant' to 44 scenarios, with law seen as very relevant to 23 of them. However, there was great variation in the extent to which respondents saw law as being relevant to scenarios, both overall and individually. As Table 4 illustrates, while the majority of respondents saw law as relevant to more than three-quarters of scenarios, a small number saw law as relevant to a quarter or fewer scenarios. Relatively few respondents saw law as very relevant to more than three-quarters of scenarios.

Table 4. Number of scenarios in which law described as 'relevant' or 'very relevant'

Number of scenarios	'relevant' or 'very relevant'		'very relevant'	
	Number of respondents	% of respondents	Number of respondents	% of respondents
0 to 15	26	4.7	199	36.2
16 to 30	49	8.9	177	32.2
31 to 45	163	29.6	107	19.5
46 to 60	312	56.7	67	12.2
Total	550	100.0	550	100.0

As would be expected (and as shown in Table 3), respondents saw obtaining advice from a lawyer as being 'important' or 'very important' on fewer occasions. Although, as Table 5 illustrates, almost 80 per cent of respondents saw obtaining advice from a lawyer as being important in half or more scenarios. Overall, of the 60 justiciable problem scenarios asked about, respondents on average saw lawyers as being 'important' or 'very important' to 41, with lawyers seen as very relevant to 20 of them.

Table 5. Number of scenarios in which 'important' or 'very important' to obtain advice from a lawyer

Number of scenarios	'relevant' or 'very relevant'		'very relevant'	
	Number of respondents	% of respondents	Number of respondents	% of respondents
0 to 15	12	2.1	291	52.1
16 to 30	107	19.1	170	30.4
31 to 45	246	44.0	76	13.6
46 to 60	194	34.7	22	3.9
Total	559	100.0	559	100.0

Table 6 repeats the problems illustrated in Table 3, but colour codes problems in two distinct ways.

First, the thirty problem scenarios that comprised fifteen more and fifteen less severe version are coloured red (more severe) and green (less severe) respectively.

Second, for some scenarios more respondents saw it as important to obtain advice from a lawyer than saw law as relevant. Within Table 6, the two columns to the right-hand side are colour coded. The yellow problems in Table 6 indicate those where the percentage who thought a lawyer was important was greater than the percentage who thought the law was relevant. For example, for 'your employer is struggling financially and is five months behind with your salary', while 90.0 per cent felt the law was quite or very relevant, an even greater percentage (95.3 per cent) thought a lawyer was quite or very important.

Conversely, scenarios where the percentage thinking lawyers were important was *far less* (10 per cent difference or more) than the percentage feeling the law was relevant are *blue*. For example, for 'you asked your neighbours to stop their excessive noise at night, but nothing has changed', while 79.2 thought that the law was quite or very relevant, the percentage who thought a lawyer was important was far less (at 54.7 per cent – a 24.5 per cent difference).

Table 6. Relevance of law and importance of advice from a lawyer across scenarios. (For matched scenarios, red denotes more severe versions and green less severe. Yellow indicates scenarios where the lawyer importance percentage was greater than the law relevance percentage. Blue indicates scenarios where the lawyer importance percentage was more than 10 per cent less than the law relevant percentage)

Justiciable problem scenario	Law quite or very relevant	Lawyer quite or very important
You are injured while at work when a ceiling section falls	94.0%	95.9%
You find out there is an asbestos risk at work. You tell your employer, who says it's not worth the cost to repair it	92.5%	90.7%
You break your spine in a cycling accident caused by another rider's mistake	90.4%	97.5%
A leaking pipe on your neighbour's property is damaging the foundations of the house you own	90.3%	95.3%
Your employer is struggling financially and is five months behind with your salary	90.0%	95.3%
Your doctor may have made a mistake during minor surgery that has left you with chronic pain in one arm	89.6%	96.4%
The Child Protection Service says it has received a report of neglect concerning your child	88.5%	93.5%
You can't agree on the level of child support payments and living arrangements for your children with your ex-spouse or partner	85.9%	94.1%
Your asthma is being aggravated by mould caused by a leaking window in your rented home. Your landlord won't repair it	85.8%	86.2%
Centrelink are demanding \$5,000 for overpaid benefits. You think they have made a mistake.	85.5%	91.6%
Your insurer refuses to pay up for \$1,500 worth of sports equipment stolen from your car. They say you left the door unlocked. You did not	85.2%	80.8%
You repeatedly asked your neighbours to stop their excessive noise at night, but nothing has changed	84.0%	61.6%
You purchase an expensive fridge that stops working after ten months. The shop has closed and the manufacturer refuses to repair it	83.3%	67.4%
Your tenant is having regular parties with noise levels above those stipulated in the body corporate rules	83.2%	67.4%
Your dentist accidentally removes the wrong tooth during treatment	83.1%	81.8%
You break your ankle slipping on a milk puddle on the floor of a supermarket	82.9%	80.3%
You can't agree on the level of child support payments for your children with your ex-spouse or partner	82.6%	92.1%
Without telling you, while you are away your landlord enters your apartment to do maintenance	82.0%	71.1%
You have fallen out with a relative over how to interpret the terms of a will concerning a large sum of money	81.8%	93.4%
You want to extend your home, but the local council are placing greater restrictions on your plans than for others in the area	81.5%	80.9%
Your landlord says you must leave your apartment five months before the rental agreement period ends because it is being sold	80.9%	79.0%
Your employer is struggling financially and is a month behind with your salary	80.3%	76.5%
You are unable to obtain a mortgage because of an incorrect credit report	79.3%	86.7%

Justiciable problem scenario	Law quite or very relevant	Lawyer quite or very important
You asked your neighbours to stop their excessive noise at night, but nothing has changed	79.2%	54.7%
Centrelink are demanding \$500 for overpaid benefits. You think they have made a mistake	79.1%	63.5%
You have been incorrectly overcharged for your electricity for four months in a row	78.7%	68.0%
Your neighbour damaged your garden fence, but denies it and won't fix it	78.1%	59.5%
You are five months behind with your mortgage and unable to pay. The bank sends a default notice saying you have 30 days to pay or you will lose your home	77.7%	88.7%
You are a month behind with your mortgage and unable to pay. The bank sends a default notice saying you have 30 days to pay or you will lose your home	77.6%	87.5%
You break your arm in a cycling accident caused by another rider's mistake	76.7%	70.9%
You are unable to obtain a credit card because of an incorrect credit report	76.0%	70.1%
You are refused carer allowance. Centrelink inform you that your disabled parent does not meet the criteria. You do not agree	76.0%	77.2%
Your landlord says you must leave your apartment two weeks before the rental agreement period ends because it is being sold	75.5%	57.1%
You are two weeks behind with your rent. Your landlord gives you a 14-day Notice to Vacate	75.2%	61.7%
Without telling you, your ex-spouse / partner arranges to take your children on a holiday on dates they would normally be with you	75.0%	71.1%
You are denied emergency leave to care for an ill household member	74.6%	71.0%
Your child's school is not properly protecting them from bullying	73.5%	70.8%
A homeless person has started sleeping in your garden	73.5%	46.9%
Your body corporate is intending to change the rules to stop you short-term letting your apartment	72.3%	73.0%
You are unhappy because of a work colleague's regular 'jokes' about your sexual performance	69.8%	52.9%
Poor advice from a financial adviser lost you a significant sum in your superannuation	68.5%	84.4%
Your spouse or partner forcefully slaps you when you forget your anniversary	68.2%	58.5%
Your insurer refuses to pay up for \$100 worth of sports equipment stolen from your car. They say you left the door unlocked. You did not	68.4%	35.1%
You believe you are eligible for significantly higher Centrelink payments, but Centrelink says the amount is correct	67.2%	62.4%
Your child is suspended from school for 20 days for behaviour that doesn't warrant a suspension	66.9%	67.4%
You are stopped by the police and are fined for crossing a road without using a nearby pedestrian crossing	65.9%	18.9%
Your neighbour repeatedly cuts across your drive in their ute, damaging the drive edging	65.1%	49.7%
You are unhappy because of a work colleague's ' joke ' about your sexual performance	62.2%	41.3%

Justiciable problem scenario	Law quite or very relevant	Lawyer quite or very important
A carpenter breaks a window pane while working on a window frame in your house	61.5%	31.4%
You have fallen out with a relative over how to interpret the terms of a will concerning a small sum of money	60.7%	49.6%
Your employer is struggling financially and says you are to be made redundant	59.8%	53.6%
You think your employer is underpaying you for the hours you have worked. They disagree	59.7%	85.7%
You are stopped by the police and receive a warning for crossing a road without using a nearby pedestrian crossing	58.5%	15.6%
You purchase a kettle that stops working after ten months. The shop has closed and the manufacturer refuses to repair it	58.0%	14.3%
You didn't get a job you applied for. The employer was straight up and said they wanted to maintain an equal gender balance	57.6%	38.8%
Your child is suspended from school for five days for behaviour that doesn't warrant a suspension	55.6%	42.7%
Your boss twice shouts at you in public	55.1%	40.8%
You are behind with, and unable to pay, your credit card bill	54.7%	42.3%
While at a pub, you are told to leave by the management for being drunk	49.4%	11.3%
Your spouse or partner lightly slaps you when you forget your anniversary	49.3%	31.4%

Three important observations can immediately be made from the findings set out in Table 6. First, when looking at the matched scenarios (more and less severe versions), more serious scenarios were more likely to be seen as both having a legal dimension and as giving rise to a greater need for advice from a lawyer. Looking at the 15 pairs of scenarios that comprised the experiment centred on problem seriousness, the more serious of every pair (coloured red, as opposed to green, in Table 6) was more often seen as both having a legal dimension and giving rise to need for advice from a lawyer.

Second, the yellow (lawyer important percentage > law relevant percentage) and blue (lawyer important percentage 10% or more < law relevant percentage) coded scenarios are not randomly distributed across Table 6. The yellow coded scenarios tend to be more towards the top of Table 6, while the blue coded scenarios are most evident at the bottom. Moreover, while more than half of the red scenarios (the more serious of the experimental pairs of scenarios) were coded yellow, more than three-quarters of the green coded scenarios were also coded blue.

This demonstrates both that in more serious cases people may think of help as being necessary independently of perceptions of legality and that in less serious cases people may often see lawyers as not being cost beneficial even where law is seen as relevant.

Third, while there is clearly more to decision-making around lawyer-use than recognition of the legal dimensions of justiciable problems, perceptions of the need for lawyers correlate with recognition of relevance of law. This relationship will be explored in greater detail in the following section (3.2). Section 3.3 then explores some of the factors associated with law relevance and lawyer importance across all problems, while section 3.4 examines relationships between selected social and demographic characteristics and views on specific problem types in detail.²⁴ Findings from the chapter are summarised in 3.5.

²⁴ These analyses by no means exhaust potential individual problem-level analyses. Rather they highlight some key differences between demographic groups for specific problems and highlight some of the types of analysis that are possible.

3.2 The relationship between law relevance and lawyer importance

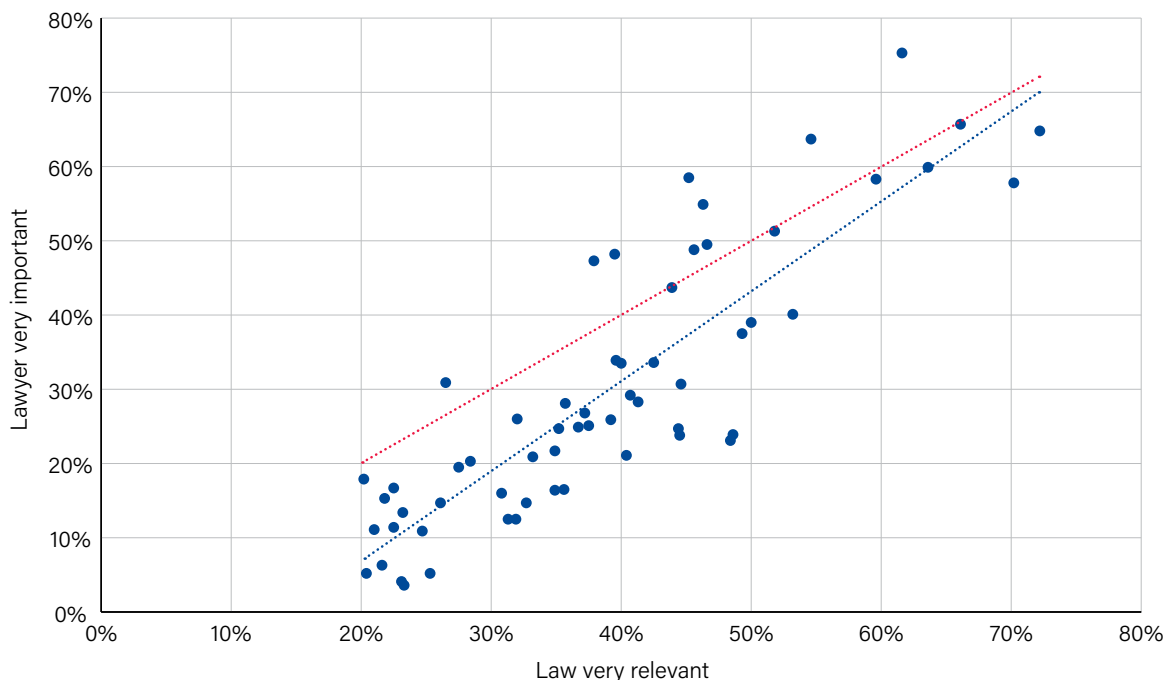
As explored earlier in the report, there was substantial variation in the extent to which the law was considered relevant for different problems, as well as the extent to which lawyers were considered important. This section explores how the two relate in detail.

For each of our 60 problems, Figure 1 plots the percentage for each problem where participants felt the law was very relevant against the percentage suggesting a lawyer was very important.

As is also apparent in Table 3, there was a strong positive relationship between feeling the law was relevant and lawyers important.²⁵ Problems where the law was viewed as very important were typically accompanied by respondents considering a lawyer to be very important. This complements legal need survey findings indicating that legal characterisation was a key determinant of legal advice seeking (Pleasence & Balmer, 2014).

Two trend lines are included in the Figure 1. The blue line shows the line of best fit to the data. The orange line, meanwhile, shows the trend line that would correspond to lawyers and the law being viewed as equally important/relevant. As shown, there is space between the blue and orange lines, with the gap between them a consequence of law relevance not generally converting to lawyer importance. For most problems, a higher percentage of respondents felt the law was very relevant than the percentage feeling a lawyer was very important. As law relevance increases, the lines draw closer together, with percentage viewing the law as relevant and lawyers as important slightly closer for problems with high law relevance.

Figure 1. The relationship between the percentage of respondents feeling the law was very relevant and the percentage feeling a lawyer would be very important for each problem type



²⁵ The correlation between legal relevance and lawyer important was 0.87, a clear positive correlation.

Moving from legal characterisation to lawyer importance

Despite the strong positive correlation, the conversion of legal relevance to lawyer importance was not consistent across problem types. Table 7 sets out the percentage suggesting lawyers were very important, the percentage suggesting the law was very relevant and the difference between the two for each problem. The top nine problems (in green) were a small number of scenarios where the percentage feeling a lawyer was important was higher than the percentage feeling the law was relevant. These included very severe problems concerning spinal injury, loss of a home as a result of significant mortgage arrears, child neglect and disputes over significant sums of money. For a number of these problems a lawyer may simply be a necessity, and in some cases problem severity meant that legal characterisation may not be a prerequisite for lawyer use. However, these nine problems were a minority.

There were eighteen problems where the percentage suggesting the law was very relevant and the per cent suggesting lawyers were very important was broadly comparable; with the percentage feeling the law was very relevant between zero and ten per cent higher. There were a further eighteen problems where the percentage suggesting the law was very relevant was ten to fifteen per cent higher than the per cent suggesting lawyers were very important.

The final fifteen problems (in red) were those where legal characterisation was least likely to convert to lawyer importance, with law relevance over fifteen per cent higher than lawyer importance. These included several typically less severe problems, and problems comparatively less likely to be viewed as legal in the first place. For example, a police warning or fine for crossing a road without using a crossing, low value consumer problems and being told to leave a pub for being drunk. Interestingly, these problems also included a number involving neighbour or tenant behaviour (such as excessive noise and damage to property). In some cases, the percentage characterising problems as legal was relatively high (e.g. tenants having regular parties), but a lawyer was unlikely to be considered the solution.

Similarly, the problems with the greatest difference between legal characterisation and lawyer importance included some with a relatively high percentage (40% – 50%) feeling the law was very relevant. These included a fairly significant consumer issue – being overcharged for electricity four months in a row, as well as two rented housing problems – concerning ending a rental agreement two weeks early and the landlord entering your apartment without telling you, and a high value consumer problem concerning a faulty fridge. In all cases a lawyer was not typically seen as very important, with legal characterisation clearly failing to convert to lawyer importance.

Table 7. The relationship between the percentage suggesting the law was very relevant and the percentage suggesting the law was very important by problem type

Problem description	Lawyer v. imp.	Law v. rel.	Diff.
You break your spine in a cycling accident caused by another rider's mistake	75.3%	61.6%	-13.7%
You are five months behind with your mortgage and unable to pay. The bank sends a default notice saying you have 30 days to pay or you will lose your home	58.5%	45.2%	-13.3%
Poor advice from a financial adviser lost you a significant sum in your superannuation	47.3%	37.9%	-9.4%
The Child Protection Service says it has received a report of neglect concerning your child	63.7%	54.6%	-9.1%
You have fallen out with a relative over how to interpret the terms of a will concerning a large sum of money	48.2%	39.5%	-8.7%
You are a month behind with your mortgage and unable to pay. The bank sends a default notice saying you have 30 days to pay or you will lose your home	54.9%	46.3%	-8.7%
You think your employer is underpaying you for the hours you have worked. They disagree	30.9%	26.5%	-4.5%
You are unable to obtain a mortgage because of an incorrect credit report	48.8%	45.6%	-3.2%

Problem description	Lawyer v. imp.	Law v. rel.	Diff.
You can't agree on the level of child support payments and living arrangements for your children with your ex-spouse or partner	49.5%	46.6%	-2.8%
You can't agree on the level of child support payments for your children with your ex-spouse or partner	43.7%	43.9%	0.1%
Your doctor may have made a mistake during minor surgery that has left you with chronic pain in one arm	65.7%	66.1%	0.5%
Centrelink are demanding \$5,000 for overpaid benefits. You think they have made a mistake.	51.3%	51.8%	0.5%
Your employer is struggling financially and is five months behind with your salary	58.3%	59.6%	1.3%
You have fallen out with a relative over how to interpret the terms of a will concerning a small sum of money	17.9%	20.2%	2.3%
A leaking pipe on your neighbour's property is damaging the foundations of the house you own	59.9%	63.6%	3.6%
Without telling you, your ex-spouse / partner arranges to take your children on a holiday on dates they would normally be with you	33.9%	39.6%	5.7%
Your spouse or partner lightly slaps you when you forget your anniversary	16.7%	22.5%	5.8%
Your child is suspended from school for 20 days for behaviour that doesn't warrant a suspension	26.0%	32.0%	6.0%
Your child's school is not properly protecting them from bullying	33.5%	40.0%	6.5%
Your child is suspended from school for five days for behaviour that doesn't warrant a suspension	15.3%	21.8%	6.5%
You are injured while at work when a ceiling section falls	64.8%	72.2%	7.4%
You are unable to obtain a credit card because of an incorrect credit report	28.1%	35.7%	7.6%
Your body corporate is intending to change the rules to stop you short-term letting your apartment	19.5%	27.5%	8.0%
Your employer is struggling financially and says you are to be made redundant	20.3%	28.4%	8.1%
You break your ankle slipping on a milk puddle on the floor of a supermarket	33.6%	42.5%	8.9%
Your boss twice shouts at you in public	13.4%	23.2%	9.7%
You are behind with, and unable to pay, your credit card bill	11.1%	21.0%	9.9%
You break your arm in a cycling accident caused by another rider's mistake	26.8%	37.2%	10.4%
You are refused carer allowance. Centrelink inform you that your disabled parent does not meet the criteria. You do not agree	24.7%	35.2%	10.4%
Your dentist accidentally removes the wrong tooth during treatment	39.0%	50.0%	11.0%
You didn't get a job you applied for. The employer was straight up and said they wanted to maintain an equal gender balance	11.4%	22.5%	11.0%
You believe you are eligible for significantly higher Centrelink payments, but Centrelink says the amount is correct	14.7%	26.1%	11.4%
Your spouse or partner forcefully slaps you when you forget your anniversary	29.2%	40.7%	11.6%
Your landlord says you must leave your apartment five months before the rental agreement period ends because it is being sold	37.5%	49.3%	11.8%

Problem description	Lawyer v. imp.	Law v. rel.	Diff.
You want to extend your home, but the local council are placing greater restrictions on your plans than for others in the area	24.9%	36.7%	11.9%
You are two weeks' behind with your rent. Your landlord gives you a 14-day Notice to Vacate	20.9%	33.2%	12.3%
You are denied emergency leave to care for an ill household member	25.1%	37.5%	12.4%
You find out there is an asbestos risk at work. You tell your employer, who says it's not worth the cost to repair it	57.8%	70.2%	12.4%
Your employer is struggling financially and is a month behind with your salary	28.3%	41.3%	13.0%
Your asthma is being aggravated by mould caused by a leaking window in your rented home. Your landlord won't repair it	40.1%	53.2%	13.1%
Centrelink are demanding \$100 for overpaid benefits. You think they have made a mistake.	25.9%	39.2%	13.2%
You are unhappy because of a work colleague's regular jokes about your sexual performance	21.7%	34.9%	13.2%
Your neighbour repeatedly cuts across your drive in their ute, damaging the drive edging	10.9%	24.7%	13.8%
Your insurer refuses to pay up for \$1,500 of sports equipment stolen from your car. They say you left the door unlocked. You did not	30.7%	44.6%	13.9%
You are unhappy because of a work colleague's joke about your sexual performance	16.0%	30.8%	14.8%
You are stopped by the police and receive a warning for crossing a road without using a nearby pedestrian crossing	5.2%	20.4%	15.2%
A carpenter breaks a window pane while working on a window frame in your house	6.3%	21.6%	15.4%
Your insurer refuses to pay up for \$100 worth of sports equipment stolen from your car. They say you left the door unlocked. You did not	14.7%	32.7%	18.1%
A homeless person has started sleeping in your garden	16.4%	34.9%	18.5%
You asked your neighbours to stop their excessive noise at night, but nothing has changed	12.5%	31.3%	18.8%
You purchase a kettle that stops working after ten months. The shop has closed and the manufacturer refuses to repair it	4.1%	23.1%	19.0%
You repeatedly asked your neighbours to stop their excessive noise at night, but nothing has changed	16.5%	35.6%	19.1%
Your tenant is having regular parties with noise levels above those stipulated in the body corporate rules	21.1%	40.4%	19.3%
Your neighbour damaged your garden fence, but denies it and won't fix it	12.5%	31.9%	19.4%
While at a pub, you are told to leave by the management for being drunk	3.6%	23.3%	19.7%
You have been incorrectly overcharged for your electricity for four months in a row	24.7%	44.4%	19.8%
You are stopped by the police and fined for crossing a road without using a nearby pedestrian crossing	5.2%	25.3%	20.1%
Your landlord says you must leave your apartment two weeks before the rental agreement period ends because it is being sold	23.8%	44.5%	20.8%
Without telling you, while you are away your landlord enters your apartment to do maintenance	23.9%	48.6%	24.8%
You purchase an expensive fridge that stops working after ten months. The shop has closed and the manufacturer refuses to repair it	23.1%	48.4%	25.2%

3.3 Factors associated with overall legal consciousness

The mean number of problems where the law was seen as quite or very relevant was 44.0 (standard deviation = 13.7), with a minimum of 0 and maximum of 60. The mean number of problems where lawyers were seen as quite or very important was 40.6 (standard deviation = 11.7), with a minimum of five and maximum of 60.

The following section explores respondents' assessment of the relevance of law and importance of lawyers for all sixty problem descriptions simultaneously.²⁶ For each respondent this involved calculating the number of problems where they felt the law was quite or very relevant, or a lawyer quite or very important. These numbers (out of a total of sixty problems) were then modelled on the basis of a range of social and demographic variables, as well as first-hand experience and second-hand accounts of courts and lawyers (from friends, family or colleagues).²⁷ Differences between groups are interpreted in terms of odds-ratios, which are described in Box 1 below, as well as in differences in the number of problems identified as legal or requiring a lawyers and in terms of statistical significance.

Box 1. A note on interpreting odds-ratios

Some of the output below is described using what is called an odds-ratio. This is a common way of presenting the type of statistical model fitted, but it is not well understood and often misinterpreted. This is a simple invented example of how you arrive at an odds-ratio.

Starting with probability, say that men feel that a lawyer is important for 36 out of 60 legal problems presented to them. Then the probability of identifying a lawyer as important 0.6 (36/60) and the probability of not finding a lawyer important is 0.4 (24/60). The odds of men finding a lawyer important are $0.6/0.4 = 1.5$

Now, say that women feel that a lawyer is important for 30 out of 60 legal problems presented to them. Then the probability of identifying a lawyer as important 0.5 (30/60) and the probability of not finding a lawyer important is 0.5 (30/60). The odds of women finding a lawyer important are $0.5/0.5 = 1$

The odds-ratio is $1.5/1 = 1.5$. Therefore, for men, the odds of feeling a lawyer is important are 1.5 times that of women.

Conversely, for women, the odds of feeling a lawyer is important are 0.67 times that of men ($1/1.5$).

Respondents' characteristics

Respondents reporting a severe mental illness were significantly more likely than other respondents to see both the law as relevant and a lawyer as important.²⁸ Their odds of identifying the law as relevant were 1.3 times higher, equating to 3.4 more problems on average. Similarly, their odds of identifying lawyers as important were 1.4 times higher than other respondents, which equated to 3.5 more problems on average.

There were also differences by gender, with female respondents significantly more likely to see the law as relevant and particularly a lawyer as important.²⁹ Their odds of identifying the law as relevant were 1.1 times higher than male respondents, equating to 0.8 more problems on average. More significantly, female respondents' odds of identifying lawyers as relevant were 1.2 times higher than other respondents, equating to 2.7 more problems where a lawyer was important on average.

26 This is a slightly simplistic method to explore legal consciousness but does provide a simple overview of some of the key factors. Subsequent sections in this report focus differences between different groups for specific problems or groups of problems. Future analysis will explore how different problem types relate to each other and the possibility of creating psychometric scales of legal consciousness.

27 This involved fitting generalized linear models with a binomial distribution and logit link. The response variable was number of problems (of sixty) where the law was quite or very relevant, or lawyers quite or very important. Differences between groups in number of problems involved calculating marginal means. This allows examination of the difference in number of problems between groups of respondents (e.g. men and women) while controlling for other variables included in the model. Statistical models are interpreted in simple terms in the main text, with statistical output in Appendix C.

28 Testing the 'serious mental illness' terms, $X^2_1 = 41.23$, $p < 0.001$ (law relevance) and $X^2_1 = 34.84$, $p < 0.001$ (lawyer importance respectively).

29 Testing the 'female', $X^2_1 = 7.70$, $p = 0.006$ (law relevance) and $X^2_1 = 71.72$, $p < 0.001$ (lawyer importance respectively).

While there was little evidence of differences by age in tendency to the law as relevant, compared to 35 to 64 year olds, younger respondents (18 to 34) and particularly older respondents (65 or older) were more likely to view lawyers as important.³⁰ For younger respondents, odds of identifying lawyers as relevant were 1.1 times higher than other respondents (an increase of 1.3 problems compared to 35 to 64 year olds). For older respondents, odds of identifying lawyers as relevant were 1.5 times higher than other respondents (5.1 problems more than 35 to 64 year olds on average).

Highest educational qualification was related to both perceptions of law relevance and lawyer importance. For example, those who reached year twelve or below were significantly less likely than those with degrees (or higher) to see the law as relevant.³¹ In contrast, those with degrees (or higher) were less likely than other respondents to see lawyers as important.³² Their odds of identifying lawyers as important were 0.8 times those who reached year 12 at most, which equated to 2.4 less problems on average where a lawyer was seen to be important.

Respondents who spoke a language other than English at home were also significantly less likely than other respondents to see the law as relevant.³³ Their odds of identifying the law as relevant were 0.7 times those of other respondents, a decrease of 4.0 problems on average. Conversely, they were significantly more likely than other respondents to see lawyers as important.³⁴ Their odds of identifying lawyers as important were 1.2 times those of other respondents, an increase of 2.3 problems on average.

There were also some geographic differences, with those living outside capital cities significantly less likely than those in capital cities to see both the law as relevant and a lawyer as important.³⁵ Their odds of identifying the law as relevant for those outside capitals were 0.9 times those in capital cities, equating to 1.2 less problems on average. Similarly, their odds of identifying lawyers as important were 0.8 times those in capitals, which equated to 2.7 less problems on average where a lawyer was seen to be important.

Figure 2 shows the difference between some key demographic groups and all survey respondents in the number of problems where the law was viewed as being relevant. This provides a simple illustration of some of the differences between groups, with a law viewed as relevant for a particularly high number of problems among those with a severe mental illness, and a particularly low number among non-English speakers. There were also some differences by highest educational qualification.

30 Testing the '18-34' term; $X^2_1 = 7.51$, $p = 0.006$. Testing the '65 or older' term; $X^2_1 = 166.96$, $p < 0.001$.

31 $X^2_1 = 65.03$, $p < 0.001$.

32 Compared to 'year 12 or below'; $X^2_1 = 37.57$, $p < 0.001$. Compared to 'advanced diploma / certificate'; $X^2_1 = 31.30$, $p < 0.001$.

33 Testing the 'language other than English at home' term; $X^2_1 = 108.82$, $p < 0.001$.

34 Again, testing the 'language other than English at home' term; $X^2_1 = 32.03$, $p < 0.001$.

35 Testing the '18-rest of state' terms; $X^2_1 = 13.18$, $p < 0.001$ (law relevance) and $X^2_1 = 59.87$, $p < 0.001$ (lawyer importance). There were also some differences in views on the relevance of law by state. For example, those in New South Wales were more likely than those in Victoria to see the law as relevant (odds ratio = 1.25, increase in number of problems identified as legal = 2.4).

Figure 2. Difference between some key demographic groups and all survey respondents in the average number of problems where law was considered relevant

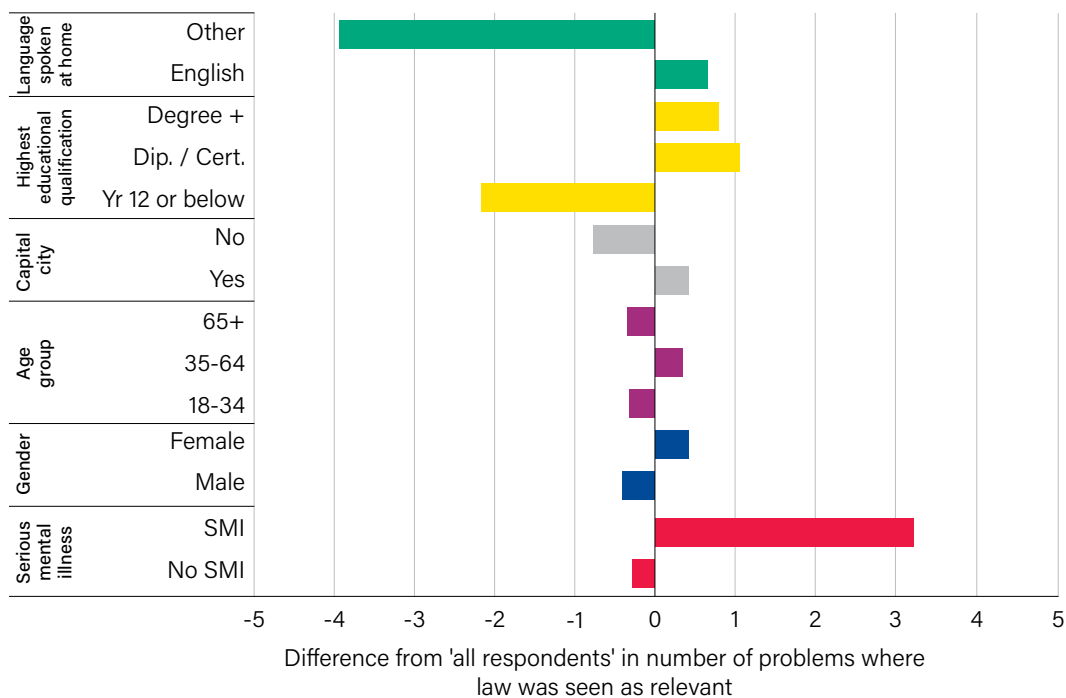
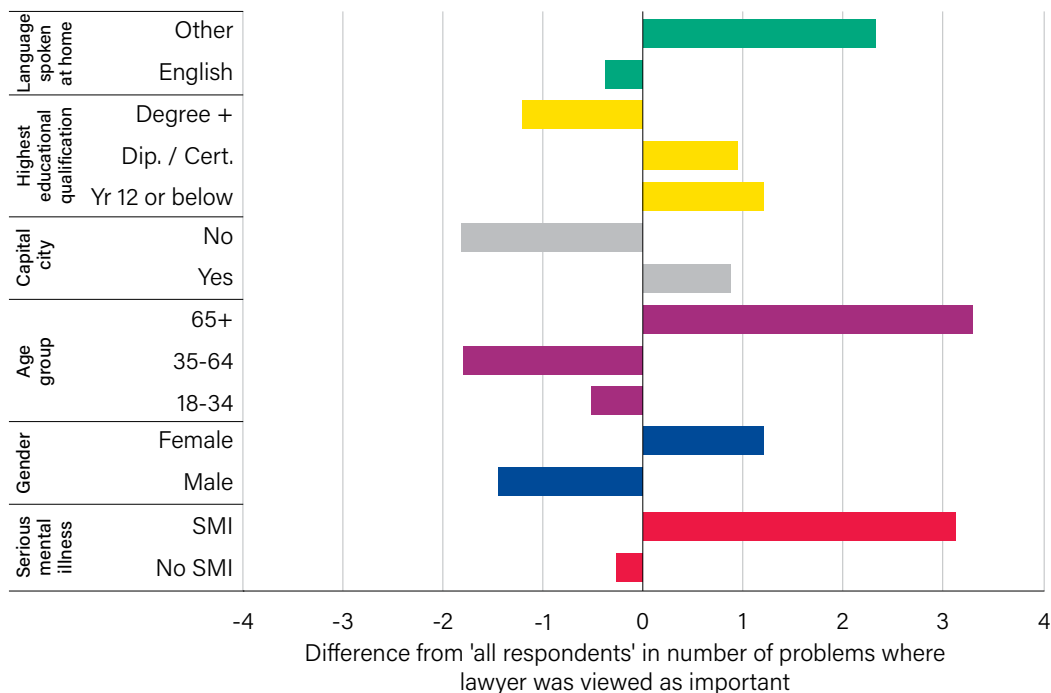


Figure 3 shows the difference between the same demographic groups and 'all respondents' in the number of problems where a lawyer was viewed as important. As shown, lawyers were viewed as important for a particularly high number of problems among non-English speakers, older respondents and those with a severe mental illness. Differences by gender, geography and educational qualifications are also clearly visible.

Figure 3. Difference between some key demographic groups and all survey respondents in the average number of problems where lawyers were considered important



First-hand experience and second-hand accounts of court and lawyers

Respondents' actual experience of courts and lawyers, as well as accounts they could recall from friends, family or colleagues were both related to the views on the relevance of law and importance of lawyers. Compared to those who had not attended or had contact with a court in the past five years, those who had and considered the process fair were significantly less likely to consider lawyers important.³⁶ Their odds of identifying lawyers as important were 0.9 times those who had not attended/contacted court, which equated to 1.8 less problems on average where a lawyer was seen to be important. Conversely, again compared to non-court users, those who had contacted/attended court and considered the process unfair were significantly more likely to consider lawyers important.³⁷ Their odds of identifying lawyers as important were 1.3 times those who had not attended/contacted court, equating to 3.6 more problems on average where a lawyer was seen to be important. There was also evidence of contacting/attending court in general being associated with an increase in seeing the law as relevant, though the differences were relatively modest compared to findings for lawyer importance.

Interestingly, first-hand lawyer use (and satisfaction with use) had little association with the likelihood of viewing lawyers as important.³⁸ However, it was related to perceived law relevance, with those who had used lawyers and were dissatisfied significantly less likely than others to view the law as relevant.³⁹ Compared to those who had not used a lawyer in the past five years, those reporting negative use had 0.7 times the odds of perceiving the law as relevant. This equated to 5.1 fewer problems viewed as legal.

Compared to those who were unable to recall second-hand accounts of courts, positive accounts in particular were associated with a significant increase in seeing both the law as relevant and lawyers as important.⁴⁰ They had 1.6 times the odds of seeing the law as relevant and 1.2 times the odds of seeing lawyers as important, equating to an increases of 3.8 and 2.8 problems respectively.

Compared to those who could not recall accounts of lawyers from friends, family or colleagues, any second-hand accounts of lawyers (positive, negative or both) were related to an increase in the likelihood of seeing the law as relevant.⁴¹ Positive accounts were associated in an increase of 1.0 problems, negative accounts 2.3 problems and both positive and negative accounts 2.8. Since both positive and negative accounts involve more than one account, it may be that more accounts simply result in perceiving more problems as legal. Second-hand accounts of lawyers had a more modest relationship to seeing lawyers as important, though both positive and negative accounts (and by definition multiple accounts) were associated with lawyers being viewed as important for fewer problems.⁴²

Figure 4 shows the difference between those with varying first-hand experience and second-hand accounts of courts and lawyers and all survey respondents in the number of problems where the law was viewed as being relevant. Again, this aims to provide a simple picture of some of the key differences between groups. As shown, second-hand accounts of lawyers were associated with increases in problems viewed as legal, while positive accounts of courts specifically were clearly related to a particularly large increase. Conversely, unsatisfactory lawyer use relates to a large decrease in the number of problems viewed as legal.

36 Testing the 'court and process fair' term; $X^2_1 = 14.03$, $p < 0.001$.

37 Testing the 'court and process unfair' term; $X^2_1 = 25.38$, $p < 0.001$.

38 Jointly testing the 'lawyer and satisfied' and 'lawyer and dissatisfied' terms; $X^2_2 = 0.14$, $p = 0.93$.

39 Compared to those who had not used a lawyer in the past five years; $X^2_1 = 36.90$, $p < 0.001$.

40 $X^2_1 = 40.04$, $p < 0.001$ (law relevance) and $X^2_1 = 14.99$, $p < 0.001$ (lawyer importance) respectively.

41 Positive only; $X^2_1 = 9.19$, $p = 0.002$. Negative only; $X^2_1 = 32.12$, $p < 0.001$. Both positive and negative; $X^2_1 = 29.00$, $p < 0.001$.

42 Compared to those who count not recall accounts of lawyers; $X^2_1 = 13.52$, $p < 0.001$.

Figure 4. Difference in the average number of problems where law was considered relevant by first-hand experience and second-hand accounts of courts and lawyers

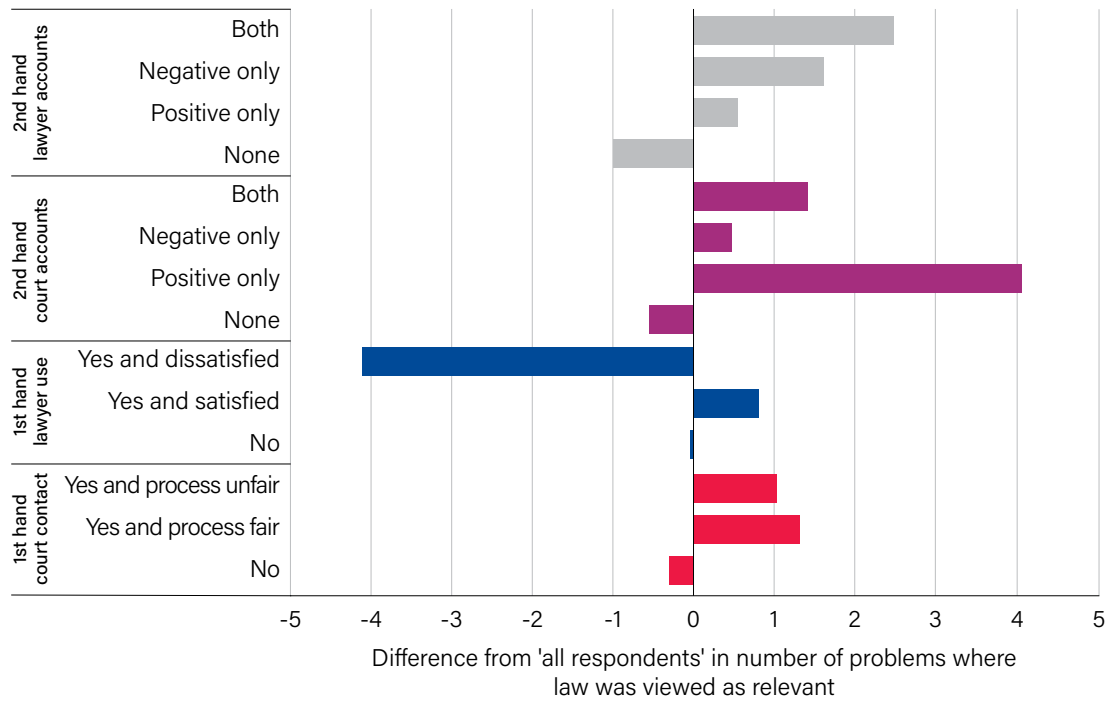
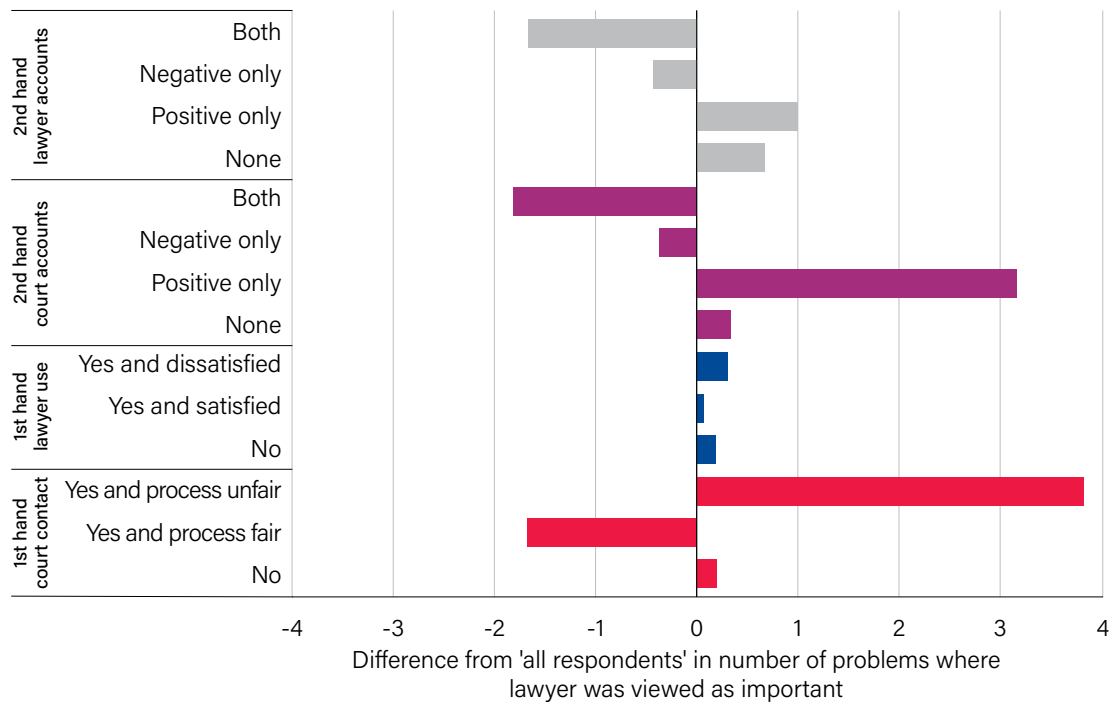


Figure 5 shows the same first-hand experience and second-hand account groups, comparing them to all respondents in the number of problems where lawyers were viewed as relevant. Second-hand accounts of both courts and lawyers can both be seen to be related to lawyer importance, while court processes viewed as unfair were associated with a particularly large increase in the number of problems where lawyers were thought of as relevant.

Figure 5. Difference in the average number of problems where a lawyer was considered important by first-hand experience and second-hand accounts of courts and lawyers



Note, that while some differences in numbers between groups appear relatively modest for several of the problem types, this may simply reflect the lack of scope for differences for some problem types. For example, problems such as 'you break your spine in a cycling accident caused by another rider's mistake' or 'you are injured while at work when a ceiling section falls' were almost universally seen as legal, with a lawyer seen as almost universally important. Nonetheless, as detailed above, there were highly statistically significant differences in perceived law relevance and lawyer importance between a number of groups of respondents. The following section looks at some key differences between groups of respondents in finer detail, focussing on differences by gender, language spoken at home, mental health and age for individual problem types.⁴³

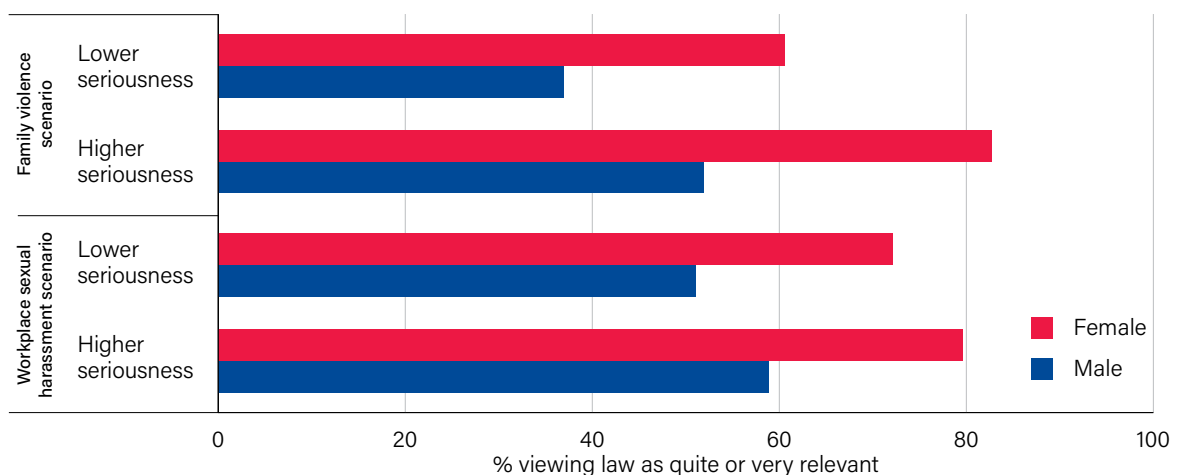
3.4 Key individual demographics in detail

Gender and legal consciousness

Overall, female respondents were significantly more likely than men to view the law as relevant and lawyers as important (see Figures 6 and 7), with the discrepancy particularly stark for some problem types. Specifically, there was a substantial difference in how women and men perceived the scenarios centred on workplace sexual harassment (jokes about sexual performance (x2),⁴⁴ bullying (being shouted at by your boss)⁴⁵ and family violence (being slapped by your partner as a punishment for forgetting an anniversary (x2)).⁴⁶ Both the sexual harassment and family violence scenarios were presented in two (thus x2 – more and less severe) version, as set out earlier in Table 6. The sexual harassment scenario varied based on whether the colleague made repeated jokes or a single joke about sexual performance. In the family violence scenario, the 'slap' was either made 'lightly' or 'forcefully.'

As can be seen from Figure 6 and 7, in both the more and less serious of the two pairs among these problem scenarios, women more often both saw law as relevant (Figure 6) and a lawyer (Figure 7) as needed. On all eight occasions, a majority of women saw relevance or need, and in the case of the higher seriousness family violence scenario the figure rose to 83 per cent. For men, a majority figure was reached for just three of these eight scenarios, with the highest figure being 59 per cent in the higher seriousness workplace harassment scenario.

Figure 6. Percentage of male and female respondents viewing the law as quite or very relevant for more and less severe versions of the family violence ('slap') and workplace sexual harassment ('sexual performance') scenarios



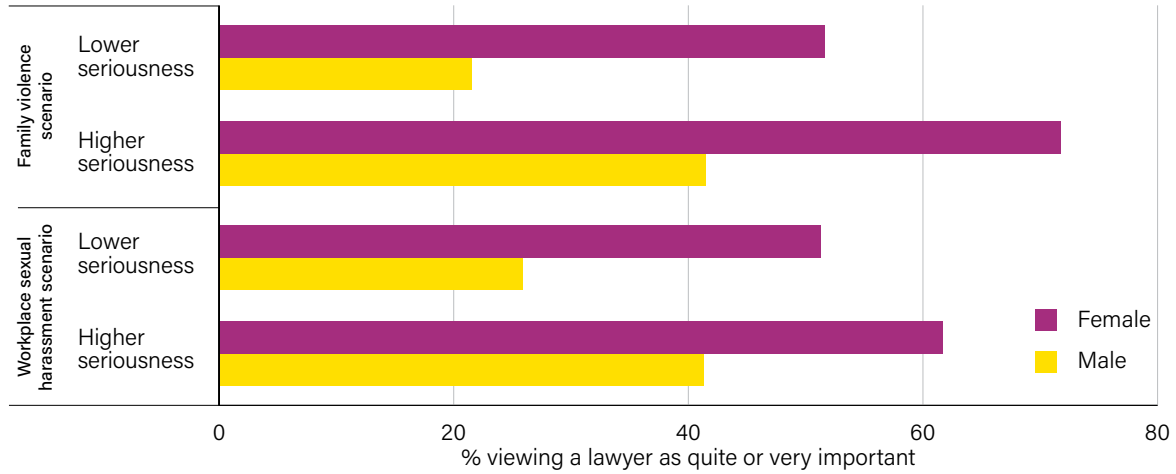
⁴³ In addition to gender, language, mental health and differences, there were also a range of other differences between other groups for individual problem types. There is scope to explore these further in future analyses.

⁴⁴ 'You are unhappy because of a work colleague's joke/regular jokes about your sexual performance.'

⁴⁵ 'Your boss twice shouts at you in public.'

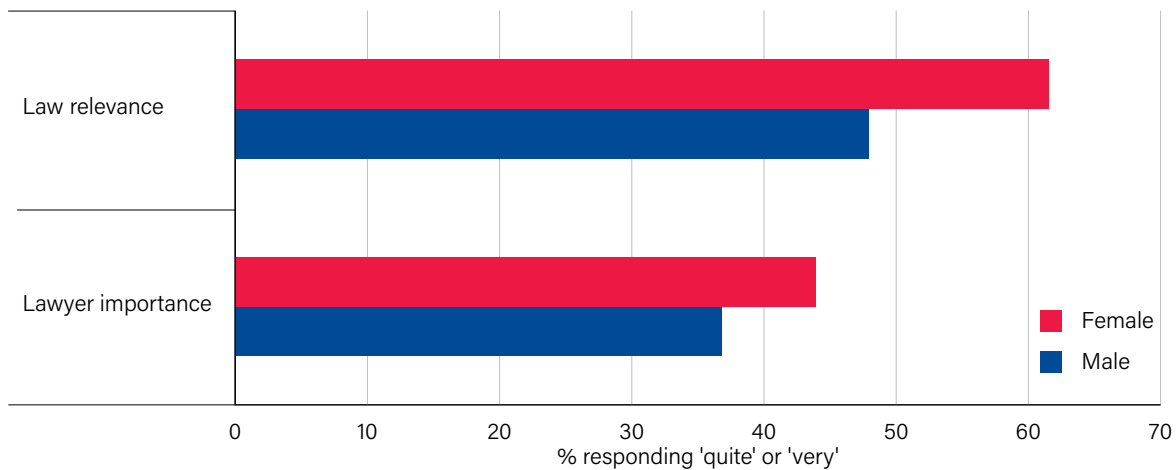
⁴⁶ 'Your spouse or partner lightly/forcefully slaps you because you forgot your anniversary.'

Figure 7. Percentage of male and female respondents viewing the lawyer as quite or very important for more and less severe versions of the family violence ('slap') and workplace sexual harassment ('sexual performance') scenarios



Similarly, in the bullying (being shouted at by your boss) scenario (Figure 8), a majority of women also saw law as relevant, although slightly fewer (44 per cent) saw it as important to obtain advice from a lawyer. For men, there were minorities seeing both law as relevant and advice from a lawyer as important.

Figure 8. Percentage of male and female respondents viewing the law as quite or very relevant or lawyers quite or very important in the workplace harassment scenario (being shouted at by your boss)



The two biggest disparities between female and male response patterns both related to the importance of obtaining advice from a lawyer in relation to family violence. In the higher seriousness scenario, 72 per cent of women saw lawyer advice as important and 41 per cent as very important, compared to 42 per cent and 14 per cent of men, respectively. In the lower seriousness scenario, 52 per cent of women saw lawyer advice as important and 23 per cent as very important, compared to 22 per cent and just seven per cent of men, respectively.

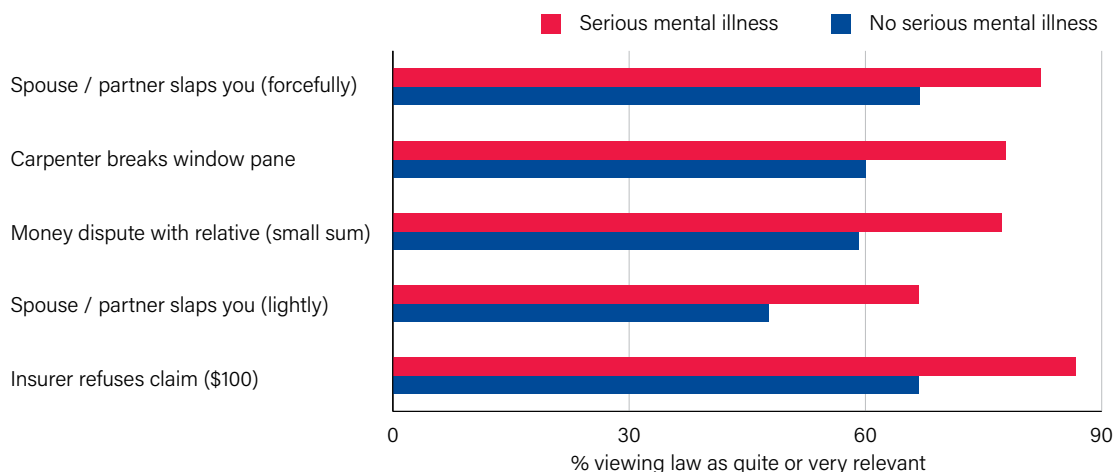
For no other scenarios was a significant difference in the rates at which women and men saw law as relevant. However, there were a further 16 scenarios in which women more often saw obtaining advice from a lawyer as being important. These included all three further relationship related scenarios and six of the 11 employment related scenarios.

Mental health and legal consciousness

Respondents reporting a severe mental illness were significantly more likely than other respondents to view the law as relevant and lawyers as important (see Figures 9 and 10), and again, the difference was particularly pronounced for a subset of problem scenarios.

Those with a severe mental illness were far more likely to see the law as important for low value 15.3% (forcefully) insurance problems (19.9% more likely),⁴⁷ family violence (both more and less severe versions – 18.9% (lightly) and more likely),⁴⁸ disputes with relatives over small sums of money (18.1% more likely),⁴⁹ and the tradesperson scenario concerning a carpenter breaking a windowpane (17.8% more likely).⁵⁰ Figure 9 illustrates problem types with some of the largest difference in perceived law relevance by mental health.

Figure 9. Percentage seeing the law as relevant for those reporting severe mental illness and other respondents, for problems scenarios where the percentage for those with a severe mental illness was substantially greater



There were also some problems with particularly large differences between the two groups in perceived lawyer importance. As for law relevance, those with severe mental illness were far more likely than other respondents to see a lawyer as important for the issue involving a carpenter breaking a windowpane (34.1% more likely). They were also far more likely to see a lawyer as important for unmanageable credit card debt (22.1% more likely),⁵¹ Centrelink incorrectly demanding a small sum (\$100) returned in overpaid benefits (21.7% more likely)⁵² and for police fines and warnings for not crossing the road at a pedestrian crossing (21.2% more likely for 'fine' and 19.4% more likely for 'warning').⁵³ Figure 10 illustrates problem types with the largest difference between groups in perceived lawyer importance.

47 'Your insurer refuses to pay up to \$100 for sports equipment stolen from your car.'

48 'Your spouse or partner (lightly or forcefully) slaps you when you forget your anniversary.'

49 'You have fallen out with a relative over how to interpret a will for a small sum.'

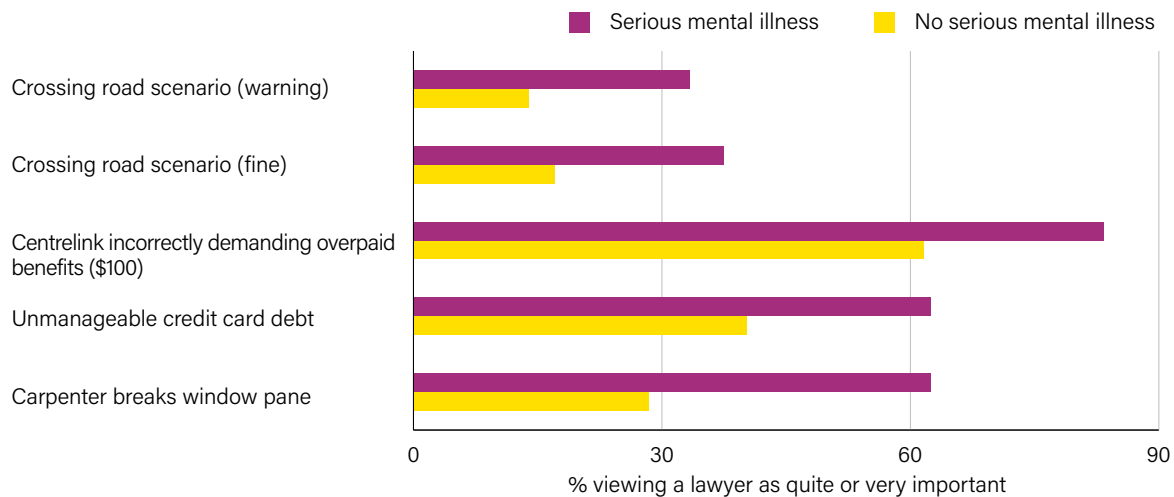
50 'A carpenter breaks a windowpane while working on a window frame in your house.'

51 'You are behind with, and unable to pay your credit card debt.'

52 'Centrelink is demanding \$100 for overpaid benefits. You think they have made a mistake.'

53 'You are stopped by police and receive (a fine or a warning) for not crossing at pedestrian crossing.'

Figure 10. Percentage seeing a lawyer as important for those reporting severe mental illness and other respondents, for problems scenarios where the percentage for those with a severe mental illness was substantially greater

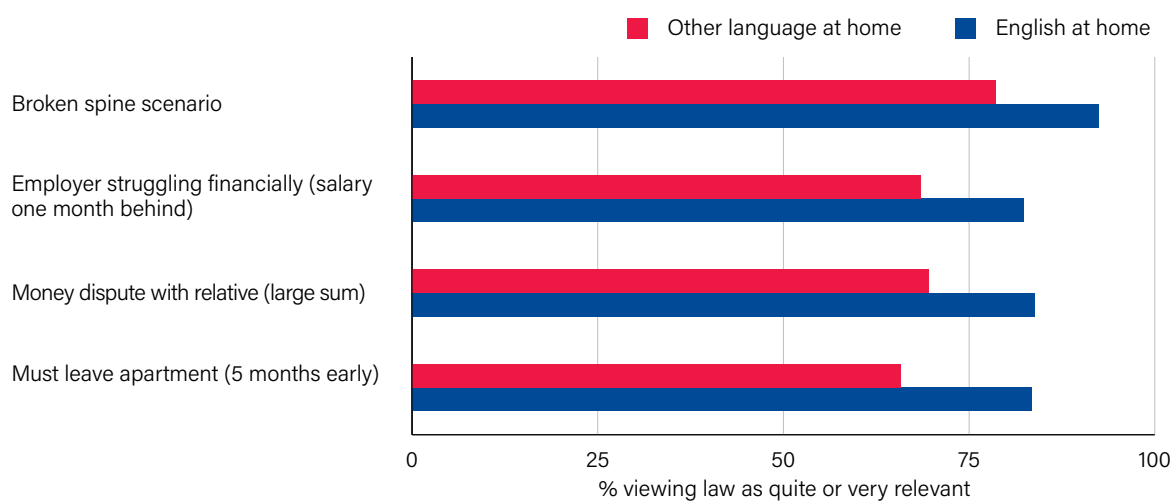


Language spoken at home and legal consciousness

Looking at all problems together (Figures 11 and 12), respondents who spoke a language other than English at home were significantly less likely than other respondents to see the law as relevant, but significantly more likely than other respondents to see lawyers as important. Again, however, there were some problems where differences were particularly marked.

Those who spoke a language other than English at home were less likely than others to feel that the law was important for one of the rented housing scenarios (17.6% less likely),⁵⁴ falling out with a relative over a will (14.2% less likely),⁵⁵ unpaid wages (14.0% less likely)⁵⁶ and the most serious accident scenario (13.9% less likely).⁵⁷ Figure 11 shows some of the problem types where those who spoke a language other than English at home were substantially less likely than other respondents to view the law as relevant.

Figure 11. Percentage seeing the law as relevant for those who spoke English at home and those who spoke a language other than English, for problems scenarios where the percentage for non-English speakers was substantially less than other respondents



⁵⁴ 'Your landlord says you need to leave 5 months before rental period ends.'

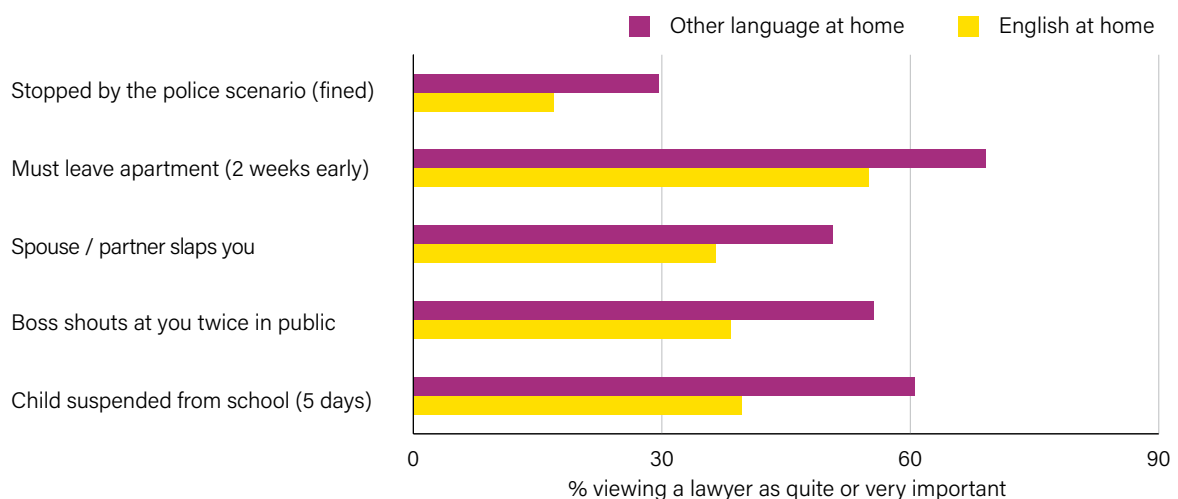
⁵⁵ 'You have fallen out with a relative over interpretation of a will.'

⁵⁶ 'Your employer is struggling financially and is a month behind on your pay.'

⁵⁷ 'You break your spine in a cycling accident, caused by another person's mistake.'

In contrast, those who spoke a language other than English at home were more likely than others to feel that lawyers were relevant where children were suspended from school (20.8% more likely),⁵⁸ workplace harassment (17.2% more likely),⁵⁹ the less severe family violence scenario (light slap – 14.1% more likely),⁶⁰ being asked to leave rental accommodation before the end of a rental agreement (14.1% more likely)⁶¹ and being stopped and fined by the police (12.6% more likely).⁶² Figure 12 illustrates problem types where those who spoke a language other than English at home were substantially more likely than other respondents to view lawyers as important.

Figure 12. Percentage seeing lawyers as important for those who spoke English at home and those who spoke a language other than English, for problems scenarios where the percentage for non-English speakers was substantially greater than other respondents



Age and legal consciousness

Overall, across all sixty problem scenarios, respondents aged 35 to 64 were less likely than 18 to 34 years olds and particularly those aged 65 or older to see lawyers as important (see Figure 2). This section uses narrower age groups (particularly 18 to 24 year olds and those aged 75 or older) and explores differences by age for some individual problem types in greater detail.

Eighteen to 24 year olds were more likely than other age groups to suggest a lawyer is important for scenarios highly salient to their stage of life, including those relating to rented housing (e.g. being asked to leave your apartment before the end of the rental period, landlord entering your house to do maintenance), as well as utility issues concerning being incorrectly charged for electricity four months in a row, financial/debt issues (e.g. unmanageable credit card debt, inability to obtain a credit card),⁶³ being denied carers leave,⁶⁴ a carpenter breaking a window pane, being fined by the police⁶⁵ and being forcefully slapped by a spouse or partner. Conversely, a handful of problems where 18 to 24 year olds felt the law was less important than other groups included antisocial behaviours by neighbours (excessive noise, or neighbours driving damaging your drive edging), and some issues generally less currently relevant to their stage of life, such as issues with children's education⁶⁶ and being prevented from extending a home.⁶⁷

58 'Your child is suspended from school for five days for behaviour that doesn't warrant a suspension.'

59 'Your boss shouts at you in public twice.'

60 'Your spouse or partner lightly slaps you because you forgot your anniversary.'

61 'Your landlord says leave your apartment two weeks before rental period ends.'

62 'You are stopped by police and fined for crossing the road near a pedestrian crossing.'

63 'You are unable to obtain a credit card because of an incorrect credit report.'

64 'You are denied emergency leave to care for ill household member.'

65 'You are stopped by police and fined for crossing the road near a pedestrian crossing.'

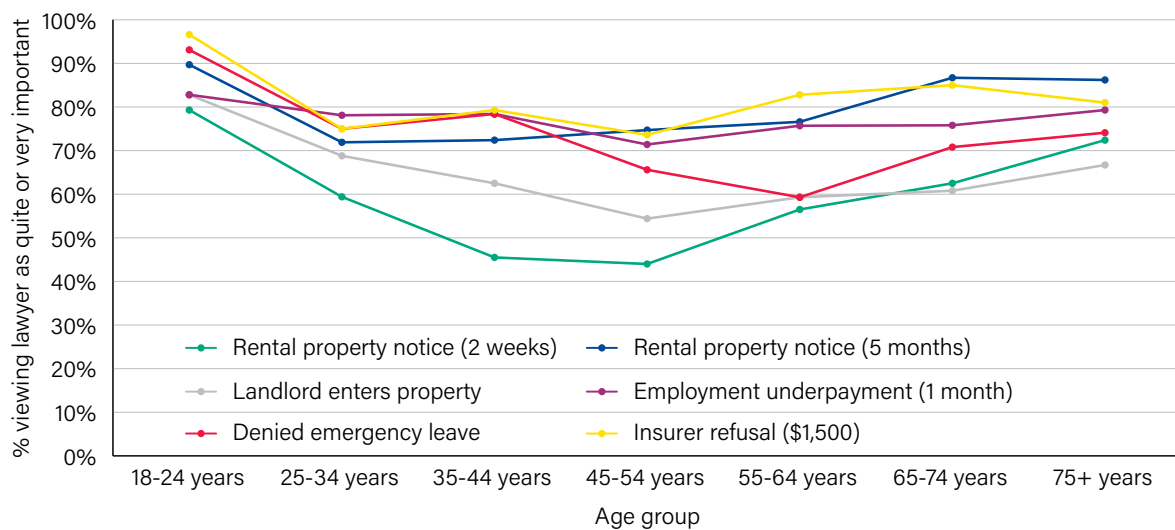
66 'Your child is not being protected from bullying at school' and 'Your child is suspended from school for 20 days, for behaviour that doesn't warrant a suspension.'

67 'You want to extend your home, but council placing restrictions.'

Those aged 75 or older meanwhile were more likely than others to think a lawyer was important for problems including an insurer refusing to pay for low value goods that had been stolen,⁶⁸ some problems associated with housing,⁶⁹ consumer/utility problems (e.g. a faulty fridge⁷⁰ and being overcharged for electricity)⁷¹ and unmanageable credit card debt.

For a number of problem scenarios, there was also an evident U-shaped relationship between age group and percentage seeing a lawyer as important, as illustrated in Figure 13.

Figure 13. The U-shaped relationship between age group and percentage seeing a lawyer as important for a selection of problem scenarios



68 'Your insurer refuses to pay for \$100 of stolen sports equipment.'

69 'Your tenant is having regular parties with noise levels above body corporate rules.'

70 'You purchase an expensive fridge that stops working, the shop has closed.'

71 'You have been incorrectly overcharged four months in a row for electricity.'

4. Perceptions of Paths to Justice: Measuring Accessibility of Courts and Lawyers

This chapter explores the Australian public's views of the accessibility of courts and lawyers, asking them the extent to which they agreed or disagreed with a range of simple descriptions (e.g. relating to accessibility, complexity, approachability, ease of use, communication). It uses responses across the descriptions to construct scales quantifying the perceived inaccessibility of courts (PIC) and lawyers (PIL). It then investigates how perceptions vary with respondents' characteristics, their first-hand experience of courts and lawyers, and second-hand accounts of courts and lawyers from friends, family or colleagues.

4.1 General perceptions of accessibility / inaccessibility

Table 8 shows the percentage of respondents who agreed/strongly agreed or disagreed/strongly disagreed with each of the forty accessibility of courts or lawyers items. The items coloured in red are those where more than half of the respondents viewed lawyers or courts negatively. For example, where more than half agreed that courts were 'difficult to understand.' Items in green are those where more than half of the respondents viewed lawyers or courts positively. For example, where more than half agreed that lawyers are 'welcoming.'

Table 8. Respondents' perceptions of the accessibility of courts and lawyers

Courts / Lawyers in (State)...	Courts		Lawyers	
	Strongly agree/agree	Disagree/strongly disagree	Strongly agree/agree	Disagree/strongly disagree
Negatively worded items				
Are difficult to understand	73.7%	26.3%	45.8%	54.2%
Are expensive	93.3%	6.7%	98.1%	1.9%
Are difficult to find	24.1%	75.9%	23.2%	76.8%
Are not somewhere/people I feel confident going	78.5%	21.5%	44.4%	55.6%
Are complex	90.2%	9.8%	75.0%	25.0%
Are not something/people I'd be happy to use	73.1%	26.9%	36.3%	63.7%
Are the last place/people I would ever go for help	52.5%	47.5%	24.7%	75.3%
Are not interested in the issues I face	52.1%	47.9%	29.5%	70.5%
Are poor value for money	74.4%	25.6%	60.9%	39.1%
Are too expensive to use	85.5%	14.5%	84.5%	15.5%
Are not concerned with real people's lives	52.5%	47.5%	42.6%	57.4%

Courts / Lawyers in (State)...	Courts		Lawyers	
	Strongly agree/agree	Disagree/strongly disagree	Strongly agree/agree	Disagree/strongly disagree
Are not geared up for ordinary people to use	82.4%	17.6%	55.3%	44.7%
Are out of reach for people like me	57.7%	42.3%	45.6%	54.4%
Are slow	92.4%	7.6%	60.1%	39.9%
Are intimidating	89.9%	10.1%	51.8%	48.2%
Are not worth the hassle	57.3%	42.7%	35.1%	64.9%
Are a mystery	68.5%	31.5%	37.2%	62.8%
Use complicated and technical language	88.6%	11.4%	72.5%	27.5%
Don't take people like me seriously	43.8%	56.2%	25.6%	74.4%
Take too long to deal with issues	90.8%	9.2%	64.4%	35.6%
Positively worded items				
Are easy to use	25.3%	74.7%	54.3%	45.7%
Are places/people with an open door	39.9%	60.1%	59.7%	40.3%
Are easy to explain things to	31.5%	68.5%	70.7%	29.3%
Are accessible	55.7%	44.3%	70.2%	29.8%
Are good for resolving problems	55.2%	44.8%	73.1%	26.9%
Are efficient	34.1%	65.9%	58.2%	41.8%
Are easy to get to	68.0%	32.0%	69.2%	30.8%
Are approachable	36.0%	64.0%	72.9%	27.1%
Are welcoming	27.0%	73.0%	72.5%	27.5%
Are easy to communicate with	28.4%	71.6%	66.6%	33.4%
Are able to enforce my rights	66.6%	33.4%	83.5%	16.5%
Are clear in how they communicate	34.5%	65.5%	60.3%	39.7%
Help people like me get justice	60.6%	39.4%	60.3%	39.7%
Make a real difference to people's lives	66.6%	33.4%	70.9%	29.1%
Resolve issues promptly and efficiently	17.6%	82.4%	40.4%	59.6%
Would try to make me feel at ease	40.8%	59.2%	74.8%	25.2%
Treat people like me with respect	66.9%	33.1%	79.1%	20.9%
Stand up for people like me	49.4%	50.6%	70.5%	29.5%
Make a real effort to help people who use them	49.6%	50.4%	74.2%	25.8%

As shown in Table 8, respondents were presented with a broad range of accessibility items, approximately evenly split between negatively worded items (inaccessibility – top half of the table) and positively worded items (accessibility – bottom half of the table).

Respondents typically viewed courts negatively, with the majority viewing them inaccessible for 31 of 40 items. This included all but two of the negatively worded items, with the majority only disagreeing for 'difficult to find' and 'don't take people like me seriously'. Respondents were particularly likely to be negative for items concerning cost, complexity, speed and communication. Among the positively worded items the majority still viewed courts as inaccessible, though there was more positivity for items concerning physical access, problem resolution and respect.

Using similar items, the picture for lawyers was very different, with the majority viewing them as accessible for 30 of 40 items. The ten items where the majority viewed lawyers as inaccessible included those concerning cost/value for money, complexity/technical language and speed. Conversely, they were particularly positive about lawyer approachability and the ability to enforce their rights.

Section 4.2 immediately below reduces the 40 items in Table 8 into smaller sets of items designed to provide measures of perceived inaccessibility of courts and lawyers respectively. Section 4.3 explores some of the factors associated with these measures, with findings from the chapter summarised in section 4.4.

4.2 How to measure Perceived Inaccessibility of Courts (PIC) and Lawyers (PIL)

The forty items focussed on personal views on accessibility/inaccessibility of courts and lawyers. The focus was on respondents or people like them, with the short items relating to practical aspects of using/accessing courts and lawyers. Despite this focus, the items covered more than one aspect of accessibility (i.e. they were multidimensional). Simple accessibility scales should be unidimensional, only measuring a single trait. This allows them to be compiled into single scores which can be compared between groups of respondents.

In order to construct perceived accessibility scales, the sets of 40 items had to be reduced to coherent subsets. Constructing these scales followed the methodology set out in Pleasence and Balmer (2019b), with the result being two simple ten item scales, which are straightforward (and quick) to implement and score in other settings. They provide a simple method to measure perceived inaccessibility of both courts and lawyers. Comprehensive technical details of the scales, their development and psychometric properties will be set out in a forthcoming paper,⁷² though both had good psychometric properties⁷³ and measured single accessibility traits.⁷⁴ The final scales are set out in Box 2 for courts and Box 3 for lawyers.

Box 2. The VLF Perceived Inaccessibility of Courts (PIC) Scale

The following questions are about your general *impression and experience of courts in <STATE>*.

We are not concerned with crime. We are concerned with the other types of issues that *courts* deal with, such as: being unfairly sacked by your employer, injured where it was someone else's fault, involved in a dispute over money as part of a divorce, being kicked out of your home, or a serious dispute with a neighbour.

Thinking about issues like this, to what extent do you agree or disagree that

Courts in <STATE> are...?

Are not somewhere I feel confident going

Are not something I'd be happy to use

72 They can be treated as being normally distributed, allowing common tests such as analysis of variance or t-tests.

73 For the 'perceived inaccessibility of courts' scale, the Rasch model fitted had a nonsignificant item trait interaction ($X^2_{40} = 62.90$, $p = 0.012$ (a p-value greater than the Bonferroni adjusted value of 0.005 for 10 items)) indicated overall fit to the Rasch model. Item (fit residual standard deviation = 1.11) and person (fit residual standard deviation = 1.49) were both acceptable. The person separation index of 0.88 suggested very good internal consistency and ability to discriminate between respondents with differing levels of perceived accessibility. For the 'perceived inaccessibility of lawyers' scale, the Rasch model fitted had a nonsignificant item trait interaction ($X^2_{40} = 59.67$, $p = 0.023$ (a p-value greater than the Bonferroni adjusted value of 0.005 for 10 items)) indicated overall fit to the Rasch model. Item (fit residual standard deviation = 1.20) and person (fit residual standard deviation = 1.44) were both acceptable. The person separation index of 0.86 again suggested very good internal consistency and ability to discriminate between respondents with differing levels of perceived accessibility.

74 They can be treated as being normally distributed, allowing common tests such as analysis of variance or t-tests.

Are the last place I would ever go for help
 Are not interested in the issues I face
 Are not concerned with real people's lives
 Are unapproachable
 Are out of reach for people like me
 Are not worth the hassle
 Are a mystery
 Don't take people like me seriously

Response options – strongly agree, agree, disagree, strongly disagree

Box 3. The VLF Perceived Inaccessibility of Lawyers (PIL) Scale

The following questions are about your general *impression and experience of lawyers in <STATE>*.

We are not concerned with crime. We are concerned with the other types of issues that *lawyers* deal with, such as: being unfairly sacked by your employer, injured where it was someone else's fault, involved in a dispute over money as part of a divorce, being kicked out of your home, or a serious dispute with a neighbour.

Thinking about issues like this, to what extent do you agree or disagree that

Lawyers in <STATE> are...?

Not people I'd be happy to use
 The last people I would ever go to for help
 Not interested in the issues I face
 Not concerned with real people's lives
 Unapproachable
 Not geared up for ordinary people to use
 Slow
 Not worth the hassle
 Don't take people like me seriously
 Take too long to deal with issues

Response options – strongly agree, agree, disagree, strongly disagree

The two scales shared several items, with seven of the ten items common to both scales.⁷⁵ It was possible to construct scales for lawyers and courts with identical items and acceptable psychometric properties, though the focus was to construct scales best able to discriminate between respondents, which resulted in some differences in items. The majority of items focus on pragmatic accessibility issues such as whether courts/lawyers were actually viewed as something respondents would use or were relevant to them and their issues.

Assigning a score of zero to strongly disagree, one to disagree, two to agree and three to strongly agree results in an overall score from zero to thirty, with higher scores indicating greater perceived inaccessibility. These raw scores are converted to an interval scale (Wright & Linacre, 1989) as shown in Table 9, which makes them appropriate for a wider range of common statistical analyses.⁷⁶

⁷⁵ Subject to some minor wording differences (e.g. people vs. places) to tailor items to either courts or lawyers.

⁷⁶ They can be treated as being normally distributed, allowing common tests such as analysis of variance or t-tests.

Table 9. Scoring for the VLF Perceived Inaccessibility of Courts (PIC) and Perceived Inaccessibility of Lawyers (PIL) scale

Raw Score	PIC Score	PIL Score	Raw Score	PIC Score	PIL Score
0	0	0	16	64.5	56.4
1	17.3	6.7	17	66.5	58.9
2	25.6	11.7	18	68.5	61.3
3	29.6	15.5	19	70.6	63.7
4	32.6	18.7	20	72.6	66.0
5	35.2	21.7	21	74.7	68.3
6	37.7	24.6	22	76.7	70.6
7	40.1	27.7	23	78.8	72.9
8	42.7	30.9	24	80.8	75.3
9	45.6	34.4	25	82.9	77.9
10	49.0	38.1	26	85.2	80.6
11	52.4	41.7	27	87.6	83.7
12	55.3	45.0	28	90.6	87.5
13	58.0	48.2	29	94.6	92.8
14	60.3	51.1	30	100	100
15	62.4	53.8			

4.3 Factors associated with PIC and PIL

The mean score on the Perceived Inaccessibility of Courts Scale was 67.5 (standard deviation = 11.8), with a minimum of 32.6 and maximum of 100. The mean score on the Perceived Inaccessibility of Lawyers Scale was 50.1 (standard deviation = 12.5), with a minimum of 15.5 and maximum of 100. The following section explores how perceived inaccessibility varies by social and demographic characteristics, as well as first-hand experience and second-hand accounts of courts and lawyers. PIC and PIL scores were modelled on the basis of a range of social and demographic characteristics, as well as first-hand experience and second-hand accounts of courts and lawyers (from friends, family or colleagues).⁷⁷

Respondents' characteristics

Serious mental illness

While the number of respondents reporting a severe mental illness was relatively small, when compared to other respondents, those with a severe mental illness (based on the K6 measure) scored both courts (an increase of 7.5 on the inaccessibility of courts scale) and lawyers (and increase of 7.7 on the PIL scale) as significantly less accessible.⁷⁸ Figure 14 shows the distribution of PIC scores by whether or not respondents reported a serious mental illness. Figure 15 shows the similar distributions for PIL scores. In both cases, those with serious mental illness have a greater representation as perceived inaccessibility increases.

⁷⁷ This involved fitting normal generalized linear models. These are interpreted in simple terms in the main text, with statistical output in Appendix C.

⁷⁸ A statistically significant increase of 7.5 for inaccessibility of courts (testing the 'severe mental illness' term; $X^2_1 = 12.06$, $p < 0.001$) and 7.7 for inaccessibility of lawyers (again, testing the 'severe mental illness' term; $X^2_1 = 6.51$, $p = 0.011$).

Figure 14. PIC scores by whether or not respondents reported serious mental illness

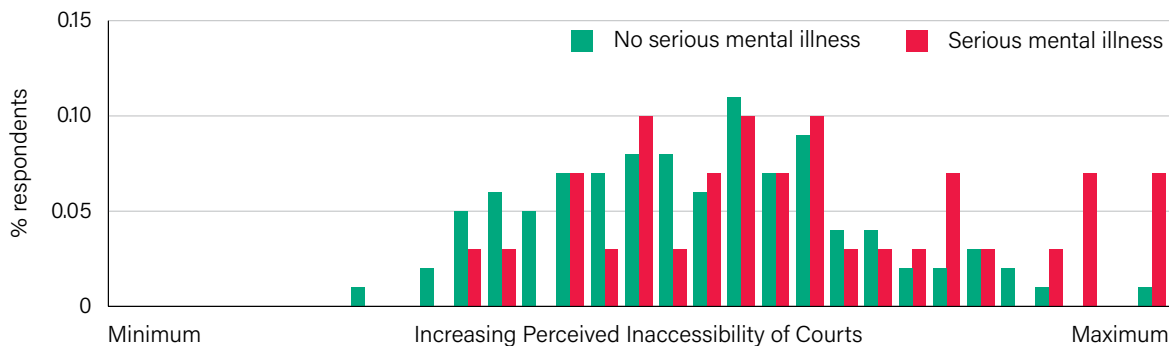
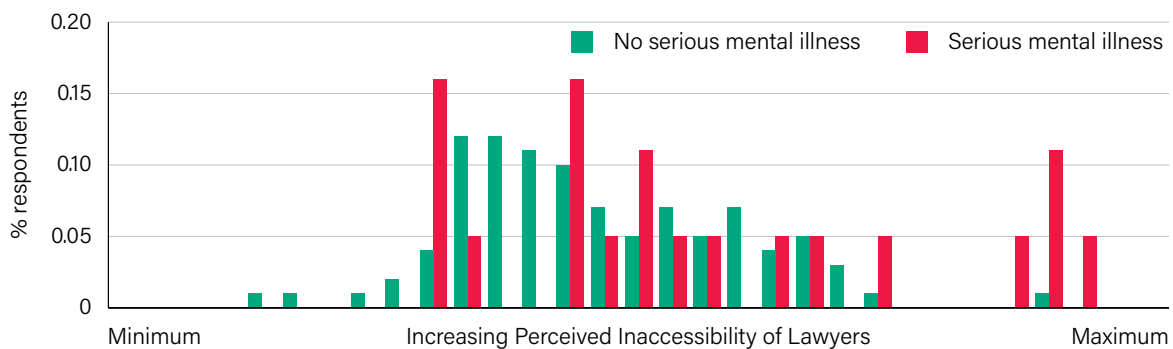


Figure 15. PIL scores by whether or not respondents reported serious mental illness

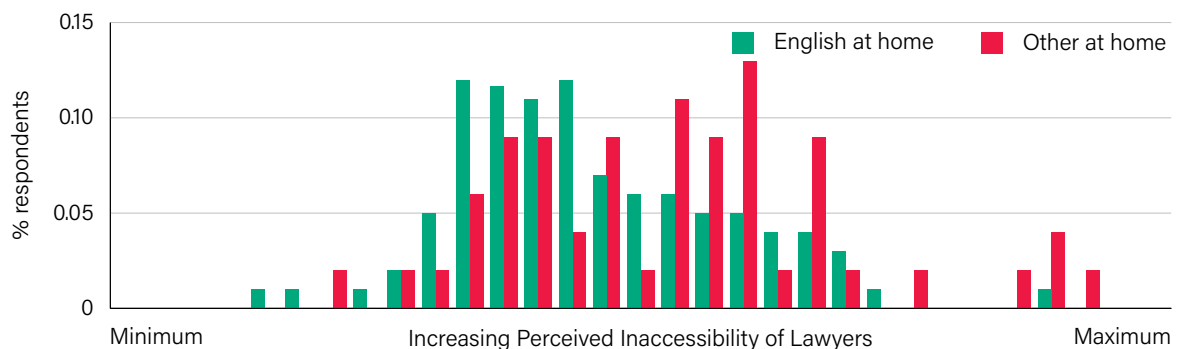


Further analysis of all 40 court accessibility/inaccessibility items (not just those used in the PIC scale) showed that those with serious mental illness not only had greater representation as perceived inaccessibility increased, but also perceived particular items differently compared to those without serious mental illness. Respondents with serious mental illness were more likely to have negative perceptions for items exploring whether courts were ‘for them’, whereas other respondents were more likely to respond negatively towards more logistical barriers such as cost and timeliness. For example, respondents with serious mental illness were 34 per cent more likely to agree to the item ‘courts are not concerned with real people’s lives’ than those without serious mental illness. Similarly, they were 22 per cent more likely to disagree with the item ‘courts treat people like me with respect.’ There was a broadly similar picture when looking at all 40 items for lawyers. Again, respondents with serious mental illness are more likely to respond negatively to interpersonal items such as lawyers are ‘welcoming’ or ‘out of reach for people like me’ and respond less negatively to items such as ‘expensive’, ‘poor value for money’ or ‘slow.’

Language spoken at home

There was little or no relationship between whether or not respondents first language was English and perceptions of court accessibility. However, compared to respondents whose first language was English, non-English speakers viewed lawyers as significantly less accessible (with an increase 5.3 on the PIL scale).⁷⁹ The difference in distribution of PIL scores by language spoken at home is clearly illustrated in Figure 14, with non-English speakers far more prominent as inaccessibility scores increased.

79 Testing the ‘language other than English’ term; $\chi^2_1 = 6.17, p = 0.013$.

Figure 16. PIL scores by whether respondents spoke English or another language at home

Digital capability

There were also some differences in PIL scores on the basis of respondents' digital capability. Compared to those with basic digital skills (the highest level of digital capability) and basic online skills (intermediate digital capability), those with 'less than basic skills' saw lawyers as significantly less accessible. Their PIL score was 4.87 higher than those with basic digital skills⁸⁰ and 7.5 higher than those with basic online skills.⁸¹

Examining all 40 court accessibility/inaccessibility items, respondents with less than basic digital skills were more likely to have negative perceptions for items related to communication. For example, they were 37 per cent more likely to disagree with the item courts are 'easy to explain things to' and 27 per cent more likely to disagree with the item courts are 'easy to communicate with.' In addition, similar to the respondents with serious mental illness, respondents with less than basic digital skills were more likely to respond negatively to items that assessed whether courts were 'for them.' They were 25 per cent more likely to agree with the item courts 'don't take people like me seriously' and 23 per cent more likely to agree with the item courts are 'not concerned with real people's lives.'

There were no significant differences in perceptions by gender or age group.⁸² PIC scores were somewhat higher for New South Wales and other states when compared to Victoria, though in both cases, differences fell short of statistical significance.⁸³ There was little difference in PIL scores between states. Those outside capital cities saw lawyers as somewhat less accessible,⁸⁴ though the difference fell marginally short of statistical significance. More comprehensive analysis of urban, rural, regional differences will be an important avenue for future research. There was little difference between capital cities and the rest of states in inaccessibility of courts scores. Interestingly, there was little or no difference in either PIC or PIL scores by highest educational qualifications and while dependent children were associated with increases in both PIC and PIL scores (of 2.38 and 2.45 respectively), both fell short of statistical significance. Nonetheless, further research relating accessibility to family composition is merited, as numbers in the current survey were too small to separately analyse lone parents.

First-hand experience and second-hand accounts of court and lawyers

Respondents were asked a range of questions about their legal problem experience, as well as past use of lawyers (including satisfaction with service) and courts or tribunals (including perceived fairness of outcome). Most respondents (1,413 of 1,845 (76.6%)) had not obtained help from a lawyer (for any issue) in the past five years. However, of the 432 who had used a lawyer, the majority (336 of 432 (77.8%)) were generally satisfied with the assistance they received, as illustrated in Figure 15. Similarly, most respondents (1,501 of 1,845 (81.3%)) had not attended or had contact with a court in the past five years. However, where respondents had attended or had contact with a court, the majority felt the process was fair (238 of 344 (69.2%)).

80 $X^2_1 = 5.49$, $p = 0.019$.

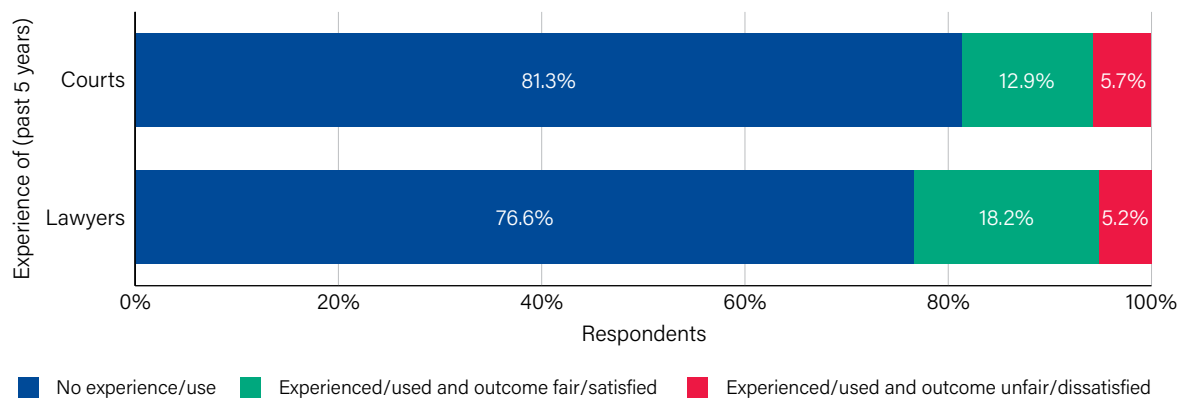
81 $X^2_1 = 4.52$, $p = 0.034$.

82 Numbers were too small to allow analysis of PIC and PIL differences across a broad range of age groups, with age split into 18 to 34, 45 to 64 and 65 or older. The relationship will be revisited in future larger-scale survey research.

83 Increases of 2.38 ($X^2_1 = 1.94$, $p = 0.16$) and 2.80 ($X^2_1 = 3.16$, $p = 0.076$) respectively.

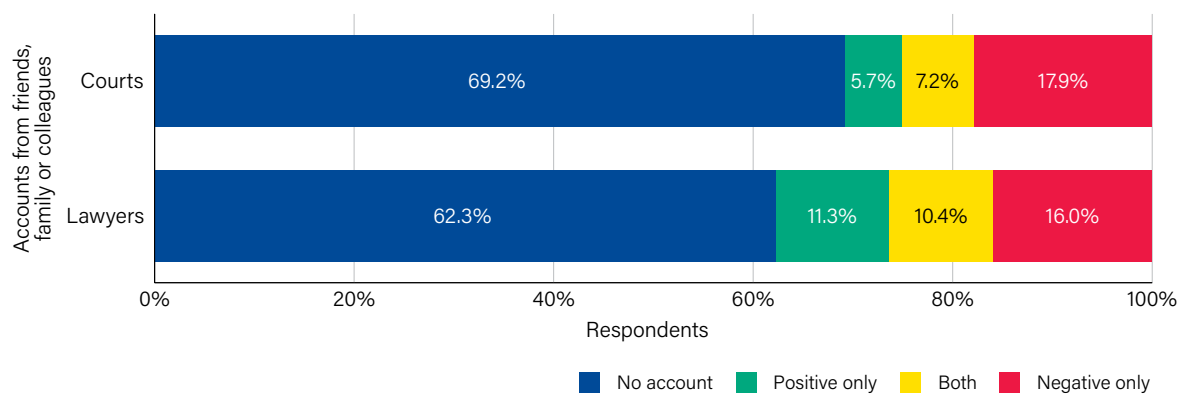
84 An increase of 2.68. Testing the 'rest of state' term.

Figure 17. Respondents' first-hand experience of courts and lawyers in the past five years, including whether they felt the process was fair (courts) or help satisfactory (lawyers)



Independently of their first-hand experience, respondents were also asked whether they could recall second-hand accounts of lawyers and courts from friends, family or colleagues. Figure 18 shows whether respondents could recall accounts of courts and lawyers, and whether accounts were positive, negative or both positive and negative. Most respondents (1,150 of 1,846 (62.3%)) could not recall a second-hand account of a lawyer in the past five years. Of the 696 who could recall an account, 209 (30.0%) were positive, 295 negative (42.4%) and 192 mixed (27.6%). Of 1,846 respondents, 1,277 (69.2%) could not recall an account of a court. Of the 569 who could recall an account, 106 (18.6%) were positive, 330 negative (58.0%) and 133 mixed (23.4%).

Figure 18. Second-hand accounts of courts and lawyers from friends, family or colleagues, including whether accounts were positive, negative or both



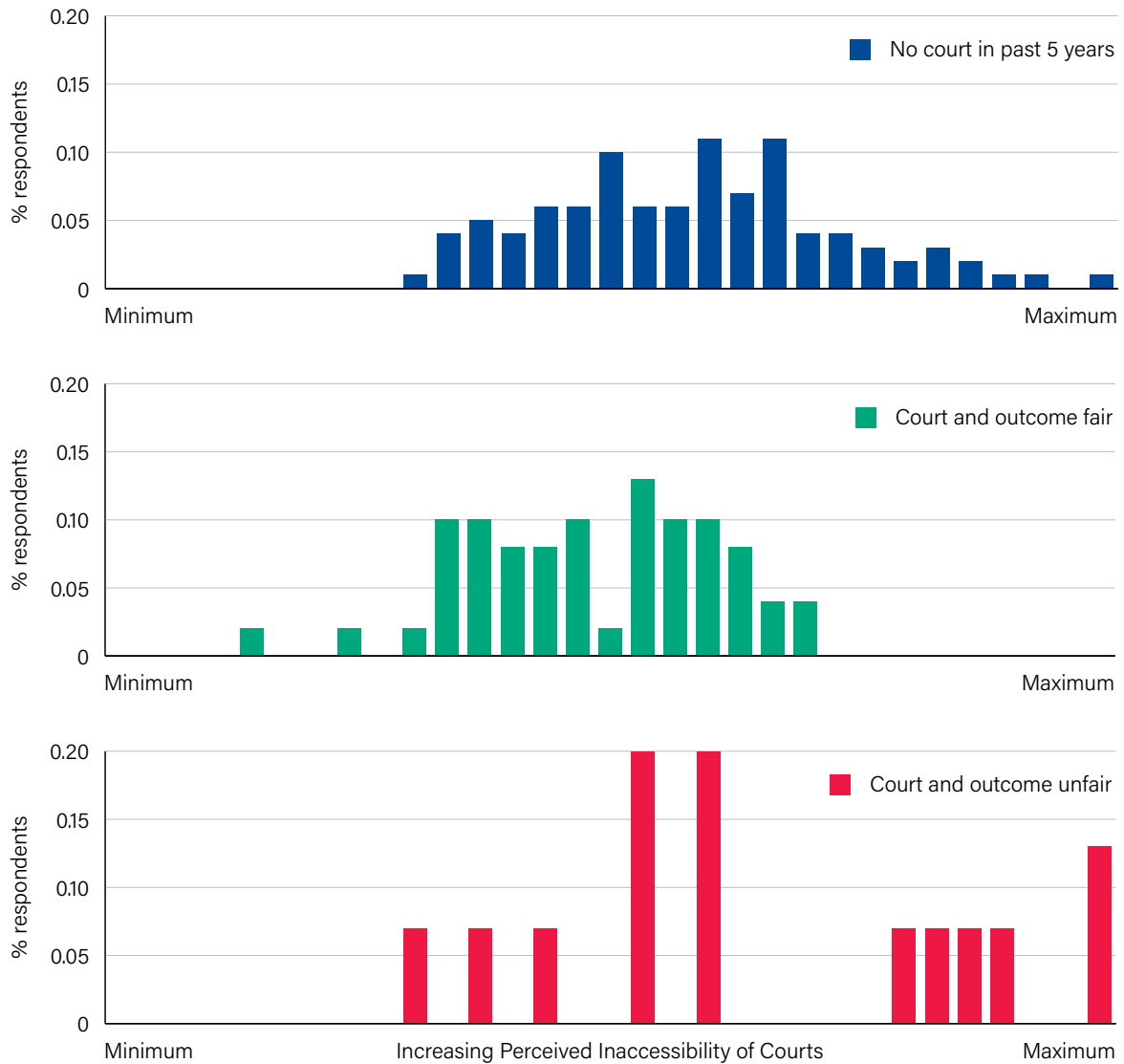
Comparing Figures 17 and 18, two things are clear. First, it is more likely that respondents will have heard accounts from friends, family or colleagues of lawyers and courts than they are to have had first-hand experience. Of our respondents, 18.6 per cent had first-hand experience of courts and 23.4 per cent had used lawyers, while 30.8 per cent could recall second-hand accounts of courts and 37.7 per cent accounts of lawyers. Second, accounts of courts and lawyers from friends, family or colleagues were far more likely to be negative than first-hand experience. Respondents perceived the outcome to be unfair for 30.8 per cent of their first-hand experience of courts and were dissatisfied with 23.4 per cent of lawyer use. In contrast (ignoring cases where respondents recalled both positive and negative accounts), 75.7 per cent of accounts of courts and 58.5 per cent of accounts of lawyers from friends, family or colleagues were negative. The following analysis explores how first-hand experience and second-hand accounts related to perceived accessibility of lawyers and courts.

Perceived accessibility and first-hand experience

Perceived accessibility of courts was modelled based on previous court and lawyer experience. Previous experience of lawyers and courts, and particularly positive experience, were both related to perceived accessibility

of court. Those who had experienced court and felt the process was fair also perceived courts as more accessible than others. Compared to those without first-hand court experience, those who had attended court and felt the process had been fair saw courts as significantly more accessible (a change of -6.0 on the inaccessibility of courts scale).⁸⁵ Conversely, again compared to those without first-hand court experience, those who had attended court and felt the process had been unfair saw the courts as less accessible (a change of 3.7 on the scale), though the difference fell short of statistical significance.⁸⁶ Figure 19 shows PIC scores by first-hand experience of courts and perceived fairness of the process.

Figure 19. PIC scores by first-hand experience of courts and perceived fairness of the process



There was also a relationship between having used lawyers and perception of court accessibility. Compared to those who had not used lawyers, those who had used lawyers and been satisfied with the help received saw courts as significantly more accessible (a difference of 3.2 on the inaccessibility of courts scale).⁸⁷ Figure 20 shows PIC scores by first-hand experience of lawyers and satisfaction with help received.

⁸⁵ A statistically significant difference; testing the 'attended court and process fair' term; $X^2_1 = 14.17, p < 0.001$.

⁸⁶ Testing the 'attended court and process unfair' term; $X^2_1 = 1.60, p = 0.21$.

⁸⁷ A statistically significant difference; testing the 'used lawyer and satisfied' term; $X^2_1 = 5.72, p = 0.017$. The difference was greater still when compared to those who used a lawyer and were dissatisfied with a difference of 4.72 on the court inaccessibility scale; testing the difference between satisfied and dissatisfied; $X^2_1 = 9.43, p = 0.002$.

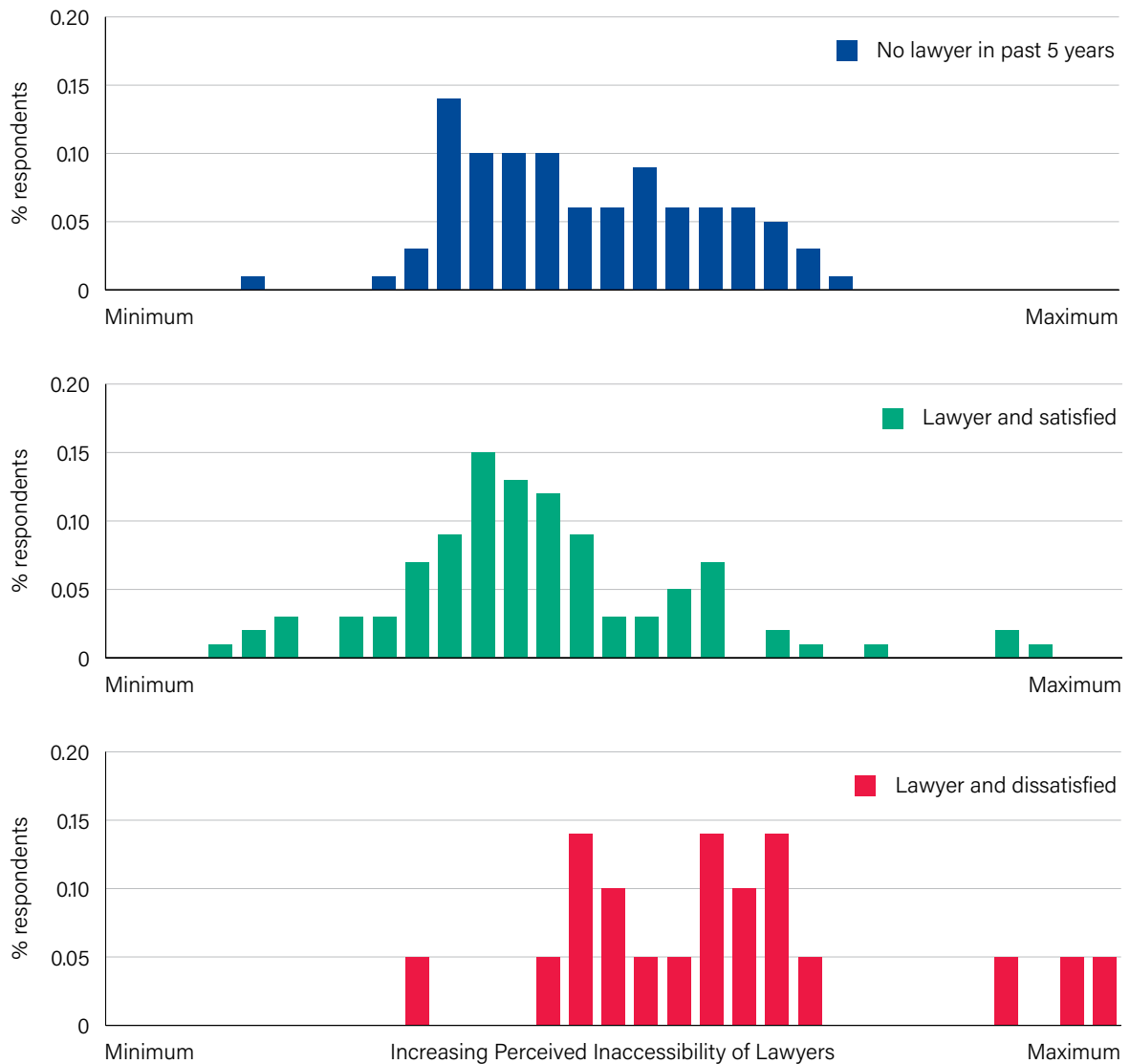
Figure 20. PIC scores by first-hand experience of lawyers and satisfaction with help received



Perceived accessibility of lawyers was then modelled on the basis of previous court and lawyer experience, and again both court experience and lawyer use were related to accessibility, though the nature of the relationship was different to courts. Previous experience of lawyers and courts, and particularly negative experience, were both related to perceived inaccessibility of lawyers. Compared to those who had not used a lawyer, those who had used a lawyer, but been dissatisfied with help saw courts as significantly less accessible (a change of 9.1 on the inaccessibility of lawyers scale).⁸⁸ In contrast, having used a lawyer and been satisfied with the help received was associated with a still statistically significant, but somewhat smaller change (a change of -4.7 on the inaccessibility of lawyers scale). Positive experience of lawyers was associated with increased perceived accessibility of lawyers, while negative experience was associated with a particularly large decrease in perceived accessibility. Figure 21 shows PIL scores by first-hand experience of lawyers and satisfaction with help received.

88 A statistically significant difference; testing the 'used lawyer and satisfied with help' term; $\chi^2_1 = 9.72, p = 0.002$.

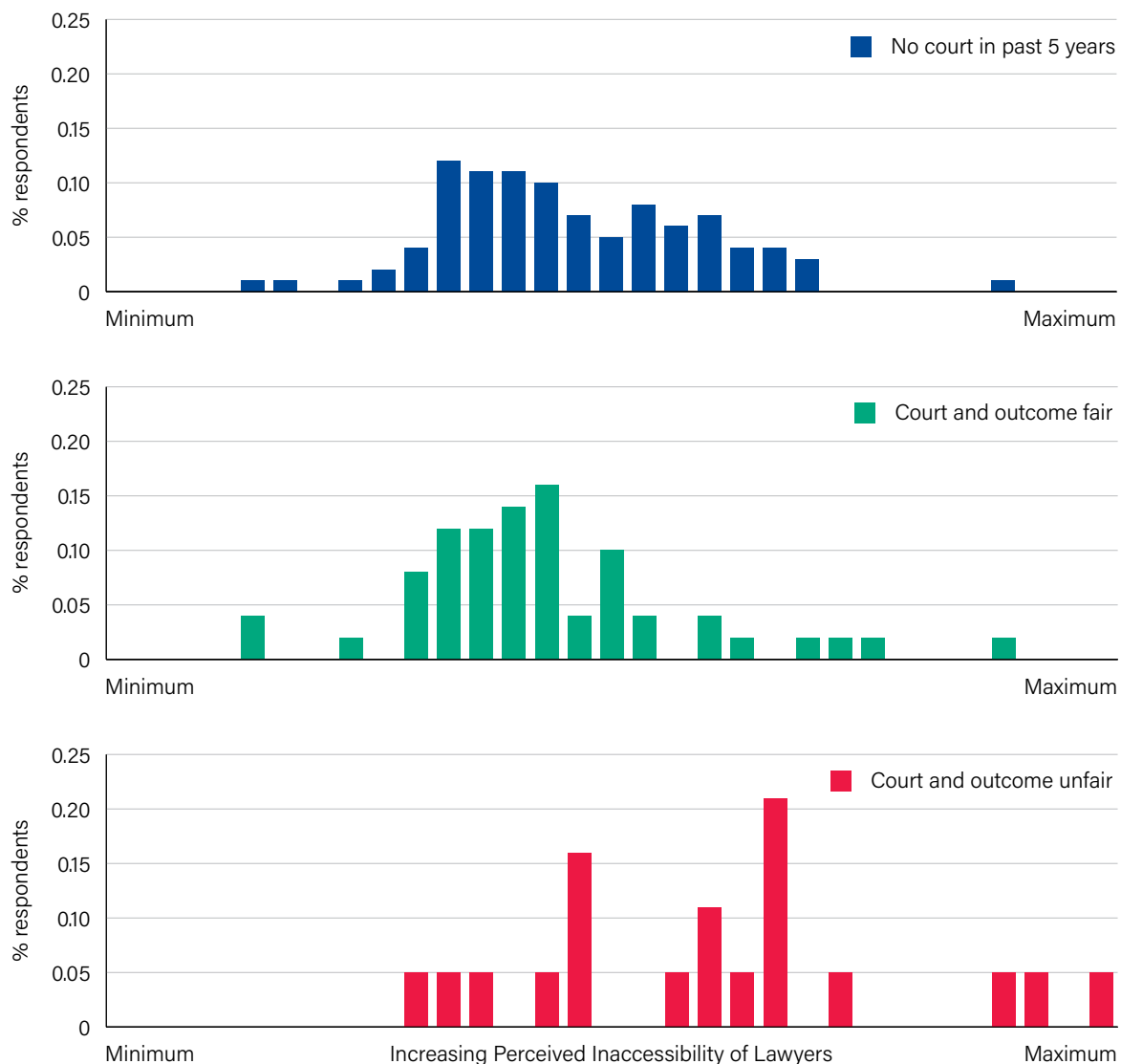
Figure 21. PIL scores by first-hand experience of lawyers and satisfaction with help received



There was also a relationship between having experienced courts and perception of lawyer accessibility. Compared to those who had not experienced court, those who had been to court and judged the process to be unfair saw lawyers as significantly less accessible (a difference of 9.21 on the inaccessibility of courts scale).⁸⁹ Figure 21 shows PIL scores by first-hand experience of courts and perceived fairness of the process.

⁸⁹ A statistically significant difference; testing the 'experienced court and process unfair' term; $\chi^2_1 = 9.31$, $p = 0.002$. The difference between those who had not experienced court and those who had and judged the process to be fair was relatively modest and clearly non-significant; testing the 'experienced court and process fair' term; $\chi^2_1 = 1.06$, $p = 0.30$.

Figure 22. PIL scores by first-hand experience of courts and perceived fairness of the process



Perceived accessibility and second-hand accounts

Independently of personal experience of courts and use of lawyers,⁹⁰ second-hand accounts of courts and lawyers from friends, family or colleagues were both related to a respondent's perceived accessibility of courts. Furthermore, the increase in perceived accessibility of courts associated with positive second-hand accounts was a larger difference than that associated with first-hand positive experience of courts. Compared to those who did not recall accounts of courts, negative accounts were associated with a significant decrease in perceived accessibility (a change of 3.8 on the inaccessibility of courts scale)⁹¹ while positive accounts were associated with a particularly large and significant increase in perceived accessibility (a change of -6.9 on the inaccessibility of courts scale).⁹² Where respondents could recall both positive and negative accounts of courts, perceived accessibility of courts was broadly comparable to respondents who did not recall any accounts of courts.⁹³ Figure 22 shows PIC scores by second-hand accounts of courts from friends, family or colleagues.

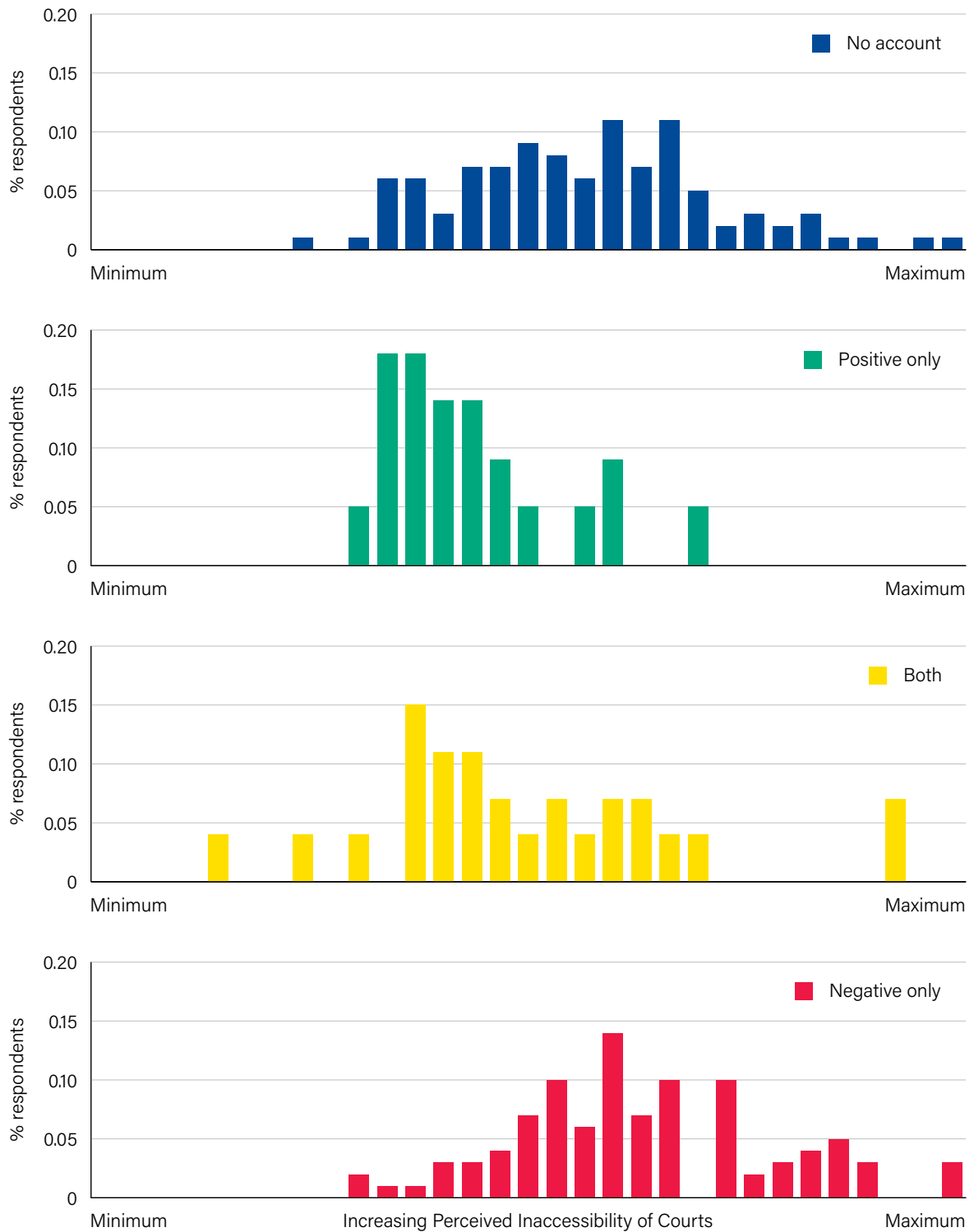
90 First-hand experience of courts (and fairness of process) and lawyers (and satisfaction with help) were retained in the statistical model so the relationship between accessibility and second-hand accounts of courts and lawyers could be explored while controlling for actual experience.

91 A statistically significant difference; testing the 'negative accounts only' term; $X^2_1 = 6.24, p = 0.013$.

92 A statistically significant difference; testing the 'positive accounts only' term; $X^2_1 = 8.16, p = 0.004$.

93 Testing the 'both positive and negative accounts' term; $X^2_1 = 0.14, p = 0.71$.

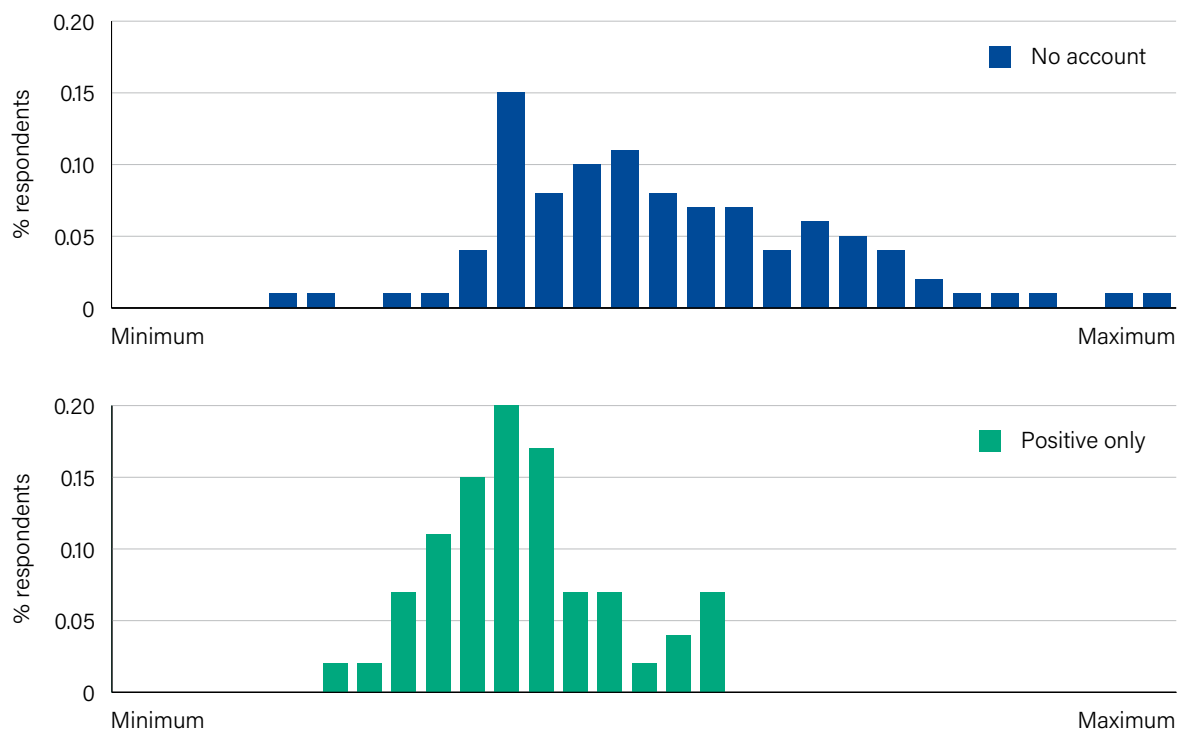
Figure 23. PIC scores by second-hand accounts of courts from friends, family or colleagues



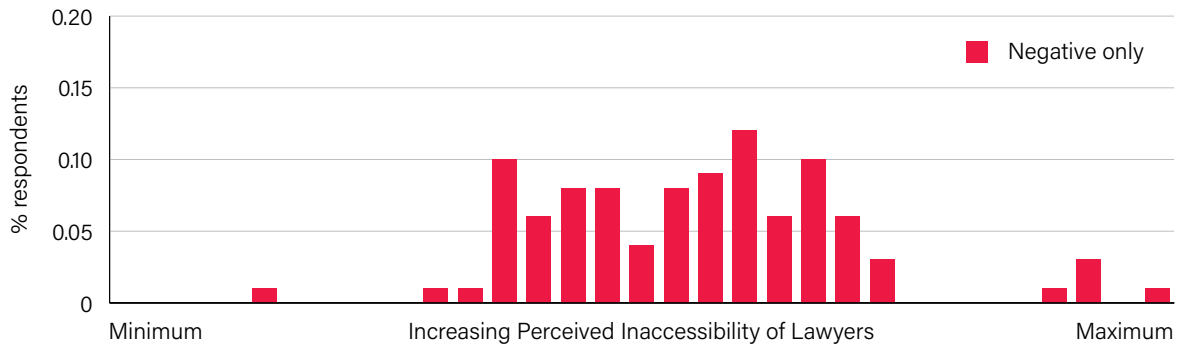
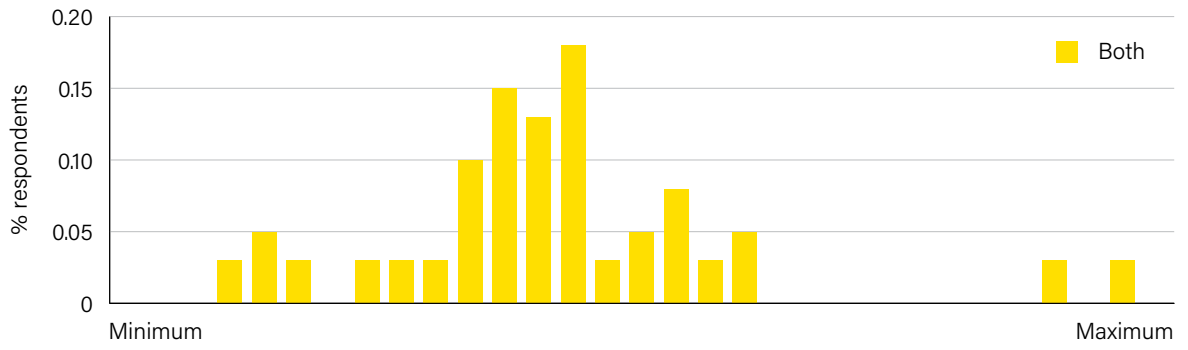
Interestingly, accounts of lawyers from friends, family or colleagues were also related to respondents perceived accessibility of courts, with the change in accessibility score larger than that associated with first-hand experience of lawyers. Again, compared to those who did not recall accounts, positive and mixed accounts of lawyers were both related to increased perceived accessibility of courts (changes of -3.8 and -5.0 respectively

on the inaccessibility of courts scale).⁹⁴ Conversely, negative accounts were associated with a small decrease in perceived accessibility (a change of 2.40 on the scale).⁹⁵ Independently of personal experience of courts and use of lawyers,⁹⁶ second-hand accounts of lawyers from friends, family or colleagues were related to a respondent's perceived accessibility of lawyers. Moreover, differences in perceived accessibility associated with second-hand accounts of lawyers were of a similar scale to those associated with first-hand experience. Compared to those who did not recall accounts of lawyers, mixed accounts (both positive and negative) and particularly solely positive accounts were associated with significantly increased perceived accessibility of lawyers (changes of -4.8 and -5.9 respectively on the inaccessibility of lawyers scale).⁹⁷ In contrast, negative accounts were associated with a significant decrease in perceived accessibility (a change of 4.9 on the scale).⁹⁸ There was little evidence of an association between accounts of courts from friends, family or colleagues and perceived accessibility of lawyers. Figure 24 sets out PIL scores by second-hand accounts of lawyers from friends, family or colleagues.

Figure 24. PIL scores by second-hand accounts of lawyers from friends, family or colleagues



94 Testing the 'positive accounts only' term; $X^2_1 = 3.33$, $p = 0.068$ (marginally short of statistical significance. Testing the 'both positive and negative accounts' term; $X^2_1 = 5.63$, $p = 0.018$.
 95 While the difference between 'negative accounts only' and the 'no accounts' reference category fell short of statistical significance; $X^2_1 = 2.21$, $p = 0.14$, the difference in inaccessibility score between 'negative accounts only' and 'positive accounts only' or 'both positive and negative accounts' were both statistically significant (absolute differences in score of 6.19 and 7.37 respectively).
 96 First-hand experience of courts (and fairness of process) and lawyers (and satisfaction with help) were retained in the statistical model so the relationship between accessibility and second-hand accounts of courts and lawyers could be explored while controlling for actual experience.
 97 Testing the 'both positive and negative accounts' term; $X^2_1 = 4.20$, $p = 0.041$. Testing the 'positive accounts only' term; $X^2_1 = 8.27$, $p = 0.004$.
 98 Testing the 'negative accounts only' term; $X^2_1 = 6.20$, $p = 0.013$.



5. Next steps

This chapter summarises findings from chapters 3 and 4, places them in a wider research and policy context, and explores directions for future work.

5.1 Summary of findings

In Chapter 3 we presented the survey findings where respondents were asked about a broad range of short justiciable problem scenarios. For each problem they were asked either the extent to which they felt the law was relevant, or the extent to which they thought a lawyer would be important.

Not all justiciable problems were 'legal' problems

There was significant variation in the perceived relevance of law and importance of lawyers across different problem types, with some problems almost universally seen as 'legal' and others not. On average the law was seen to be relevant or very relevant for almost three-quarters of the scenarios. Lawyers were considered quite or very important for around two-thirds. While perceptions as to the relevance of law and lawyer importance were correlated, in general, lawyers were considered important less frequently than the law was considered relevant.

Law relevance and lawyer importance were not always the same

In some (typically less serious) cases, lawyer importance was far lower than law relevance. In such cases, lawyers may not be seen as cost beneficial, despite law relevance. On the other hand, in other (typically very serious) cases, lawyer importance exceeded law relevance, with lawyers viewed as a necessity, irrespective of the perceived legal nature of the problem. In such cases, professional legal help may be necessary in order to establish the relevance and applicability of law.

More serious problems were more legal

Some problems were presented to respondents in more and less serious versions (e.g. varying the impact or money at stake).⁹⁹ In all cases, where the more serious version was presented, the law was considered more relevant and lawyers more important. Law relevance and lawyer importance was not simply a function of the type of problem described – problem severity dictated how problems were seen.

How you saw the importance of law and relevance of lawyers related to who you are

Considering all problems together, the law was considered less relevant outside capital cities, among those with fewer educational qualifications and for those who spoke a language other than English at home. In contrast, those with a severe mental illness were far more likely to see the law as relevant.

Lawyers were also considered less important outside capital cities, while non-English speakers, those with fewer educational qualifications, those aged 65 or older, female respondents and those reporting a severe mental illness, were all more likely to feel that a lawyer was important.

⁹⁹ For example, \$500 compared to \$5,000 in overpaid benefits or a spine compared to an arm injury. See question A5 in the questionnaire (Appendix B) for all more serious/less serious problem pairs.

Differences point to deficits in knowledge and capability, differences in experience, the geographic reach of law, the differing character of problems for some groups and the role of lawyers in addressing power imbalances and providing voice or agency. This was reinforced by exploring individual demographic groups in greater detail.

Understanding differences in perceptions by respondent characteristics

Female respondents indicated the law was more relevant and lawyers more important for problems involving power imbalances and gender dynamics, including workplace bullying, workplace sexual harassment and family violence. Compared to other groups, those reporting severe mental illness viewed the law as more relevant for family violence, as well as a number of comparatively less serious problems, including those concerning modest sums of money and tradespeople. They also saw lawyers as more important for minor police sanctions and again, some superficially less serious issues.¹⁰⁰ Non-English speakers felt a lawyer was more important than others for several problems dealing with a figure of authority.

First-hand experience was generally positive, second-hand anecdotal accounts were generally not

First-hand experience of courts and lawyers (in the past five years) was uncommon, but predominantly positive (with court processes generally viewed as fair and help from lawyers satisfactory). Second-hand accounts from friends, family or colleagues were more common and far more negative. Given the positivity of first-hand experiences, second-hand anecdotal accounts appeared unrealistically negative.

Experience and anecdote in relation to the perceived relevance of law

Considering all problems together, previous experience with legal advice was related to a respondent's current views on the relevance of law. Those who were dissatisfied with help received from lawyers in the past, saw the law as less relevant. Second-hand anecdotal accounts were also influential. Those who recalled any second-hand accounts of lawyers, and particularly those recalling positive accounts of courts were more likely to perceive the law as relevant.

Experience and anecdote in relation to the perceived importance of lawyers

Again, considering all problems together, first-hand experience of courts was also strongly related to the perceived importance of lawyers. Perceptions of unfairness were associated with an increase in the perceived importance of lawyers. Second-hand accounts were also associated with the perceived importance of lawyers, with positive accounts of courts in particular associated with an increased perception of lawyer importance.

In **Chapter 4** we explored how the Australian public perceived courts and lawyers, asking them the extent to which they agreed or disagreed with a range of words and short phrases focussed on accessibility (e.g. complexity, approachability, ease of use, communication).

How the public perceived courts and lawyers

Courts were typically viewed as inaccessible, particularly with regards to matters of complexity, cost, speed of process and communication.¹⁰¹ Conversely, lawyers were largely viewed as accessible, particularly with respect to their approachability and their ability to enforce rights. However, a significant percentage still viewed lawyers as inaccessible, particularly where questions referred to their cost, complexity or speed.

Methods to measure the perceived inaccessibility of courts and lawyers

Survey questions were used to develop two measures; the Perceived Inaccessibility of Courts (PIC) Scale and Perceived Inaccessibility of Lawyers (PIL) Scale. The scales can be applied in any setting where researchers or policy makers are interested in measuring the public's perceptions of inaccessibility of courts or lawyers.¹⁰² Findings below refer to scores on the PIC and PIL scales.

¹⁰⁰ Such as police warning for crossing a road without using a pedestrian crossing, Centrelink demanding \$100 in overpaid benefits and a carpenter breaking a windowpane. Compared to many of the problems set out in Table 3, these might be considered less serious.

¹⁰¹ They were viewed more positively where questions concerned physical access, problem resolution and respect, though for the majority of items they were generally thought inaccessible.

¹⁰² Full details of the scales and how they should be implemented and scored are set out earlier in the report.

Personal characteristics and perceptions of courts and lawyers

Perceived accessibility related to aspects of vulnerability.¹⁰³ Respondents who spoke a language other than English at home and those with limited digital capability both viewed lawyers as significantly less accessible. Those reporting a severe mental illness viewed both courts and lawyers as significantly less accessible than other respondents.

First-hand experience of court and lawyers related to perceived accessibility of courts

Previous positive experience of courts and lawyers related to current views of accessibility of courts. Those who had personally attended/contacted court and particularly those who felt the process was fair, perceived courts as more accessible. Similarly, those who had used lawyers and been satisfied with the help received also saw courts as significantly more accessible.

First-hand experience of court and lawyers related to perceived accessibility of lawyers

Previous experience of courts and lawyers also related to current views of accessibility of lawyers. Positive lawyer use related to increased perceived accessibility of lawyers, and negative experience was associated with a particularly large decrease in perceived accessibility. Similarly, those reporting experience of unfair court processes saw lawyers as significantly less accessible.

Exposure to second-hand anecdotal accounts of court and lawyers was related to the perceived accessibility of courts

Second-hand accounts (which were more common and more often negative than first-hand experience) also related to perceptions of courts. Those exposed to negative second-hand anecdotal accounts of courts demonstrated a significantly lowered perception of the accessibility of courts, while exposure to positive anecdotal accounts were associated with particularly large increases in perceptions of accessibility. Exposure to second-hand accounts had a stronger association with perceived accessibility of courts than first-hand experience.

Exposure to second-hand anecdotal accounts of court and lawyers was related to the perceived accessibility of lawyers

Second-hand accounts (which again were more common and more often negative than first-hand experience) also related to perceptions of lawyers. Positive second-hand accounts of lawyers related to an increase in the perceived accessibility of lawyers and negative accounts were associated with a decrease in perceived accessibility. Exposure to second-hand accounts had as strong an association with perceived accessibility of lawyers as first-hand experience.

5.2 Moving from research to practice

Policy and perceptions of a law-thick world

While people commonly regard law as being relevant to everyday justiciable problems, and lawyers as important, recognition was far from universal. Sometimes 'justiciable' problems were just seen as problems or simply bad luck, and lawyers not regarded as pivotal to resolution.

Encouragingly, some of those more vulnerable to the adverse consequences of inequality or power imbalances, such as women and those with mental health problems, are more conscious than others of the law's role in defining rights and offering protection. And the situation is more positive still in relation to perceptions of the importance of lawyers, who represent a key means through which, to use Galanter's (1974) language, the field can be levelled for 'have nots' when it comes to dispute resolution.

Nevertheless, some groups associated with societal disadvantage, such as those with fewer educational qualifications and those who speak a language other than English at home, less often recognised law within the 60 justiciable problem scenarios. Moreover, despite the fact that these same groups more often saw lawyers as

¹⁰³ Respondents' characteristics included in the survey were limited, since the research was predominantly to inform the development of the larger Public Understanding of Law Survey (PULS).

important to resolving such problems, the results of earlier legal needs studies (OECD/Open Society Foundations, 2019) tells us that people often struggle to find sources of help when they look for them.

This again serves to confirm the importance of continuing to review the functioning of the justice system from a 'bottom-up' perspective, prioritising the needs and capabilities of individuals, rather than a 'top-down' perspective, focused on formal processes. (Pleasence & Balmer, 2019a). This means recognising "that the different needs of individual members of the community call for different responses," and that these responses must necessarily accommodate an individual's "capacity to engage with the justice system" (Victorian Government, 2016).

Past legal needs surveys also reveal that those who do not see law as relevant to the problems they face are less likely to seek help (Pleasence & Balmer, 2014). The natural 'bottom-up' policy response to this is to encourage increased outreach/targeting initiatives by legal assistance services and to improve the integration of legal assistance services within the wider public facing services (e.g. in education, health or community settings). Legal need research also shows that people frequently set out on unpromising paths to justice, seeking legal advice from sources either unlikely or unable to provide it. For those who have difficulty in finding appropriate legal advice, outreach, targeting and integration increase the opportunities for efficient signposting towards more appropriate routes. There are numerous prominent examples of this in Australia, particularly among Community Legal Centres.¹⁰⁴ Targeting and co-ordination are two of the four main policy themes that comprise the 'direction of travel' for reform of legal assistance services to meet the legal needs of the community: in addition to timeliness and appropriateness (Pleasence et al., 2014). But, as Hadfield (2019) notes, to these can also be added regulation of the legal assistance services market, as restrictions to the provision of legal services can narrow routes to appropriate help.

Previous UK findings highlighted that problems raising legal issues were commonly characterised as 'non-legal' by the public, noting the important contribution of the 'non-legal' generalist advice sector (such as Citizens Advice Bureaux in the UK) in supporting access to civil justice (Pleasence & Balmer, 2014). People use 'non-legal' sources of help irrespective of how they categorise problems or perceive law or lawyers, and as such, these non-legal sources provide an important route to obtaining legal advice. The contribution of the non-legal generalist advice sector in the UK is enabled by the fact that the majority of legal activities can be provided by anybody who wishes to do so, irrespective of qualifications or expertise (Handford & Roy, 2011).¹⁰⁵ This is in contrast to Victoria, where legal advice is restricted to qualified legal professionals.¹⁰⁶ In the absence of an expansion of the range of service providers able to deliver legal services,¹⁰⁷ co-ordination with non-legal professionals as 'problem noticers' (Pleasence et al., 2014), further integration of human services (e.g. Lewis, Adamson, & Hawthorne, 2018; Pleasence et al., 2014), and well understood primary entry-points (Victorian Government, 2016) are critical to ensuring that there is no wrong door for those who look for help with justiciable problems (Productivity Commission, 2014; Pleasence et al., 2014; Victorian Government, 2016).

Policy and perceptions of paths to justice

A significant percentage of respondents viewed lawyers and particularly courts as inaccessible. Perceptions were also related to aspects of vulnerability, as well as both first-hand experience and second-hand accounts of courts and lawyers.

For legal services, perceived inaccessibility is a likely barrier to use. Responses might include clear pricing, outreach,¹⁰⁸ non-legal branding, and again, well understood primary entry-points and integration of services.

¹⁰⁴ In Victoria alone, a few examples include Inner Melbourne Community Legal's health-justice partnerships (including the first in a major metropolitan hospital) and training for front-line health professionals, the WEstjustice and Barwon Community Legal Service school lawyer programs, the St Kilda Legal Service/Thorne Harbour Health LGBTIQ outreach lawyer, the Victoria Legal Aid/Fitzroy Legal Service duty lawyer service at the Neighbourhood Justice Centre and Moonee Valley Legal Service and Northern Community Legal Service's providing support at Family Relationships Centres.

¹⁰⁵ The exceptions being six areas of 'reserved activities', see Handford and Roy (2011).

¹⁰⁶ For example, in Victoria, the Legal Profession Uniform Law Section 10(1) indicates that an entity must not engage in legal practice in this jurisdiction, unless it is a qualified entity. The Legal Profession Uniform Law prohibits anyone from engaging in legal practice unless they are qualified.

¹⁰⁷ For example, expanding the services which can be undertaken by paralegals (e.g. in Ontario, Bonkalo, 2016). See also Trabucco (2018) for a discussion of the reality of lawyer's supposed monopoly on legal service provision in Canada and the reality of non-lawyer legal assistance.

¹⁰⁸ E.g. Through community leaders and effective collaboration with host agencies, including co-location (Pleasence et al., 2014)

It again reinforces the idea that service design should start and end with the needs and capabilities of the users, by being timely, appropriate (i.e. matched to client's capabilities), joined-up and targeted (Pleasence et al., 2014).

The Productivity Commission (2014) recognised the lack of clarity regarding prices and recommended a taskforce to develop a centralised resource reporting typical fees for common legal problems experienced by individuals and small businesses (recommendation 6.2). It also identified unbundling legal services as a potential way to make costs more predictable and manageable (recommendation 7.2). Again, findings point to co-location, integrated service delivery and non-legal professionals as problem noticers as a means to negate perceived inaccessibility of legal services and processes. Health-justice partnerships are a prominent example of all three.¹⁰⁹

For courts, increased transparency might be achieved through education programs (e.g. those in the Victorian Supreme and County Court),¹¹⁰ conveying processes and decisions to the public in plain language¹¹¹ and even court open days (e.g. in Victoria as part of the VLF's Law Week).¹¹² While these types of 'just in case' (Maule, 2014)¹¹³ programs hold some promise, there is also scope for 'just in time' interventions,¹¹⁴ addressing issues around understanding, transparency and perceived accessibility at times of greatest need. In the case of lawyers, perceived inaccessibility is a likely barrier to use. For courts, many users will have little choice but to attend court (e.g. having received a summons). They are likely to attend while viewing the court as inaccessible, potentially feeling anxious and with little concept of how matters will proceed. Addressing the issues might involve the provision advice or information in user-friendly forms,¹¹⁵ such as resources setting out 'your day in court'.¹¹⁶ The Productivity Commission (2014) recommended courts and tribunals further embrace the use of plain language in their forms and guides, assist self-represented litigants to understand process, and review case management practices to identify whether they can be made easier for self-represented litigants. Findings also point to the potential of interventions designed to empower and instil confidence in courts users, such as Court Network in Victoria and Queensland, and the New York City Court Navigator Scheme.¹¹⁷

5.3 Future research directions

The Community Perceptions of Law Survey was primarily designed to provide initial research for the planned *Victorian Public Understanding of Law Survey* (PULS). The survey facilitated the development of new methods, questions and tools to explore legal consciousness (Chapter 3) and accessibility of courts and lawyers (Chapter 4), as well as yielding a dataset that will facilitate a range of additional analyses.¹¹⁸ It also shed light on some key aspects of legal capability, as detailed above. The next step is to use the lessons deriving from this research project in the development of the PULS. This survey will study legal literacy in the Victorian community in detail, exploring what people know about the justice system and its institutions, and how they see it playing a part in their lives.¹¹⁹ As recognised by the Victorian Government's Access to Justice Review (2016), there is a significant knowledge gap that currently hinders efforts by government and service providers to design efficient and effective services to meet the needs of the Victorian community. "At the centre of every justice system are the individuals experiencing legal issues... efforts to improve their knowledge, skills and readiness to act in the face of these issues must form

109 See <https://www.healthjustice.org.au/> and Forell (2018).

110 Both the Supreme Court and the County Court have programs for VCE students allowing them to engage with judges and learn about and observe court proceedings.

111 For example, Chief Judge Kidd's sentencing remarks in DPP v George Pell provided accessible communication of the legal process with the aim of enhancing public understanding of the justice system. See <https://www.lawyersweekly.com.au/wig-chamber/25247-why-kidd-cj-broadcast-the-pell-sentence>

112 <https://lawweek.net.au/ht/courts-open-day/>

113 'Just in case' refers to information provided before a decision needs to be made to resolve a legal problem, whereas 'just in time' refers to assistance provided at the point of crisis when a decision needs to be made.

114 One of the issues identified with a 'just in case' approach is that information previously provided may not be recalled during the decision making process, and further, even if the information is recalled, other perceived barriers may still hinder the decision making process (Maule, 2014). 'Just in case' responses that focus on shifting perceptions and attitudes towards court accessibility may therefore be more successful than information alone.

115 A significant research effort is currently focussed on how to make such materials as accessible as possible (e.g. see Greiner, Jimenez & Lupica, 2016).

116 <https://www.legalaid.vic.gov.au/find-legal-answers/free-publications-and-resources/your-day-in-court>

117 Which was recently evaluated by Sandefur and Clarke (2016).

118 For example, testing the General Legal Confidence (GLC) Scale in Australia and exploring the relationship between digital and legal capability.

119 This survey will be the first comprehensive, large-scale, representative survey of legal knowledge, legal capability and attitudes to justice conducted worldwide.

an important first step" (Justice Project, 2018). Information gleaned from the PULS will provide an evidence base for policy-makers and those involved in service delivery to better understand and quantify public legal need and capability, so as to inform broad structural reforms to the justice system (Justice Project, 2018).¹²⁰

Where there is activity intended to increase transparency, enhance knowledge, address deficits in capability or improve perceived accessibility of legal services and processes, proper evaluation is critical. This evaluation could take a range of different forms (Rossi, Lipsey, & Henry, 2019), including testing the need for a program, or exploring questions of theory, design, process, efficiency or impact.

In the present context, assessing need might include identifying deficits in knowledge or legal capability. Both the current study and the planned PULS provide questions and tools to assess need, and to understand that need in context. Well-developed scales with good psychometric properties provide outcome measures, which alongside rigorous impact assessment, allow changes associated with programs to be quantified. The use and development of these scales are particularly important in the context of measuring dimensions of legal capability and attitudes to justice, where direct measurement of the trait under investigation is not possible.

These tools complement the use of other methods capable of measuring impact and informing an assessment of 'what works', such as randomised trials, which when well executed, are considered the best choice for quantifying program effects, due to high levels of internal validity (Rossi et al., 2019). Positive impact can provide powerful arguments for funding and expansion of programs. Even negative or 'null' results provide crucial information.¹²¹

Conducting methodologically rigorous evaluations of programs facilitating access to justice, including addressing deficits in legal knowledge or capability, will form a key focus for VLF's research function. These evaluations will build on the findings of this study and further insights generated by the PULS. As a whole, this work will build an evidence base to support a better justice system for Victoria.

120 The PULS will reveal strengths and weaknesses in public understanding, deficits in capability and variation in attitudes by topic, demography and geography. It will also develop public facing, interactive online resources that will allow the public to understand their legal literacy in an engaging way and provide researchers and service providers with resources to monitor progress, evaluate programs and research clients.

121 For example, in Greiner & Pattanayak's (2012), findings suggesting that the offer of legal representation had little impact on the probability that claimants would prevail, prompted questions regarding whether the client base produced by the outreach and intake systems yielded a group in particular need of assistance. That is not to say there are not alternative forms of impact assessment (Berk, 2011; Bonell et al., 2009; Gertler, Martinez, Premand, Rawlings, & Vermeersch, 2016) or that randomised approaches are without practical and ethical challenges (Gertler et al., 2016; Pleasence, 2008; Rossi et al., 2019). However, they constitute high quality evidence (Guyatt et al., 2008), and within empirical legal research (and related fields) there is a rapidly growing body of research and expertise to draw upon (see J-PAL (<https://www.povertyactionlab.org/research-resources/introduction-evaluations>), Harvard Access to Justice Lab (<https://a2jlab.org/>), Greiner & Matthews, 2016).

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Appendix A. Legal Capability Framework

Table 1. Framework of legal capability

Stage	Knowledge		Skills		Attributes	Resources/ Environment
Recognition of issues	Core legal concepts / principles	<ul style="list-style-type: none"> Distinction between criminal and civil law Types of rights and obligations (incl. nature of law) Impact of law on oneself and others Other core concepts (rule of law, right to a fair trial, etc.) 	Recognise issues	<ul style="list-style-type: none"> Identify justiciable problems as contentious / problematic 	Legal consciousness Open mindedness Self-awareness Self-esteem Social awareness Attitude (to)	Time
			Recognise relevance of law	<ul style="list-style-type: none"> Identify that justiciable problems have a legal dimension Frame issues / situations in legal terms 	<ul style="list-style-type: none"> Law Etc. 	
	Content of (substantive) law	<ul style="list-style-type: none"> General Situation specific 	Legal reasoning / analytical	<ul style="list-style-type: none"> Apply law to issues / situations Determine legal position(s), etc. 	Intelligence	
Information / assistance	Capability limitations	<ul style="list-style-type: none"> Knowledge Skills Attributes Resources (time, Money, etc.) 	Recognise capability limitations	<ul style="list-style-type: none"> Knowledge Skills Attributes Resources 	Self-awareness Self-esteem	Time Money Social capital Availability of services Etc.
	Sources <ul style="list-style-type: none"> Information Advice Representation 	<ul style="list-style-type: none"> Common sources (incl. main types of legal professional, main sources of generalist advice, etc.) Situation specific sources Accessibility <ul style="list-style-type: none"> Location Cost Eligibility Etc. How to access 	Information literacy <ul style="list-style-type: none"> Generic Law specific 	<ul style="list-style-type: none"> Recognise when information required (incl. about sources) Understand what information required Locate information sources Assess costs / benefits of information sources Compile information Evaluate information (incl. sources and substance) Apply information (incl. advice) 	Open mindedness Patience Persistence Confidence (in/to) <ul style="list-style-type: none"> Ability to acquire information Ability to understand / evaluate information Seek help Communicate Ask about law related issues In sources of help Etc. 	
			Digital literacy	<ul style="list-style-type: none"> Technical / functional Social Etc. 	<ul style="list-style-type: none"> Confidence (in/to) Technology use Etc. Attitudes (to) <ul style="list-style-type: none"> Technology Etc. 	

Stage	Knowledge		Skills		Attributes	Resources/ Environment
			Communication <ul style="list-style-type: none"> • Generic • Law specific 	<ul style="list-style-type: none"> • Textual (reading and writing) • Verbal (speaking and listening, face-to-face and remote) • Non-verbal • Visual • Clarity • Comprehension • Listening • Questioning • Etc. 	Adaptability Assertiveness Empathy Open mindedness Persistence Self-awareness Self-esteem Confidence (in/to) <ul style="list-style-type: none"> • Break the ice • Communicate • Ask questions • Seek clarification • Challenge • Etc. Attitudes to <ul style="list-style-type: none"> • Lawyers • Etc. 	
			Inter-personal	<ul style="list-style-type: none"> • Rapport building • Relationship • Conflict management • Etc. 	Emotional intelligence Empathy Self-awareness Self-esteem	
Resolution	Process / resolution options	<ul style="list-style-type: none"> • Forms of process • Parties • Perspectives (of different parties) • Individual / collective process • Legal / extra-legal • Institutions <ul style="list-style-type: none"> – Common – Situation specific • Accessibility <ul style="list-style-type: none"> – Location (real/ virtual) – Cost – Eligibility – Etc. • How to use (incl. steps involved) 	Legal reasoning / analytical Information literacy Digital literacy Communication (incl. with other parties, arbitrators, mediators, etc.)	(as above)	Adaptability Assertiveness Empathy Fortitude Open mindedness Persistence Readiness to act Self-awareness Self-esteem Confidence (in/to) <ul style="list-style-type: none"> • Challenge behaviour • Start / progress informal / formal dispute / process • Negotiate • Advocate • Etc. Attitude (to) <ul style="list-style-type: none"> • accessibility of process (general / specific) • Fairness of process (e.g. trust) • Etc. 	Time Money Social capital Availability of services Availability of processes Etc.
	Evidence	<ul style="list-style-type: none"> • Forms of evidence • Admissibility • How to obtain • How to build a case 	Organisation	<ul style="list-style-type: none"> • Record keeping • Time management • Etc. 		
	Outcomes	<ul style="list-style-type: none"> • Common forms • Situation specific forms • Means of enforcement • Consequences of failure to resolve • Possibilities • What is wanted 	Planning	<ul style="list-style-type: none"> • Goal setting • Forecasting • Etc. 		
Wider influence and law reform	Nature of law-making / regulatory process	<ul style="list-style-type: none"> • Judicial precedent • Origins of legislation • Legislative process (incl. options for achieve goals) • Influences on legislative process 	Legal reasoning / analytical Information literacy Digital literacy Communication (incl. with other parties, arbitrators, mediators, etc.)	(as above)	Adaptability Assertiveness Empathy Fortitude Open mindedness Persistence Readiness to act Self-awareness Self-esteem Social awareness Confidence (in/to) <ul style="list-style-type: none"> • Enter public discourse Attitude (to) <ul style="list-style-type: none"> • Accessibility of process (general / specific) • Utility of process 	Time Money Social capital Availability of services Availability of processes Etc.
	Institutions involved in law-making / regulatory process	<ul style="list-style-type: none"> • General • Situation specific • Accessibility • How to access • Internal process 	Empathy Organisation Planning Problem solving Negotiation Advocacy	Problem solving		
	Outcomes	<ul style="list-style-type: none"> • Possibilities • What is wanted • Individual and broader outcomes / impact 	Conflict resolution Evaluation / judgment	Dispute resolution		

Appendix B. Community Perceptions of Law Questionnaire

*(ALL)

ORDER DUMMY VARIABLE, RANDOM ASSIGNMENT

1. Normal code frame order [50%]
2. Reverse code frame order [50%]

*(ALL)

COMPUTE RANDOMLY ALLOCATED DUMMY VARIABLE 'Q_ASKED':

1. Ask A1 and D-E, Skip B, C & F [30%]
2. Ask A2 and D-E, Skip B, C & F [30%]
3. Ask B-F, Skip Section A [40%]

Module A – Legal consciousness

Module A1 – Lawyer importance

*(Q_ASKED=1, ASKING SECTION A1)

A1

This section sets out disputes people sometimes face in their everyday life. You may feel that you would be unlikely to be in some of these situations, but... Thinking about the following problems, to what extent do you think it would be **important to obtain advice from a lawyer** in these situations...?

[RANDOMLY REVERSE ORDER OF STATEMENTS] [WITHIN STATEMENT ALTERNATES IN RED TO BE RANDOMISED]

- a) Your employer is struggling financially and is <a month / five months> behind with your salary
- b) You are unhappy because of a work colleague's <'joke' / regular 'jokes'> about your sexual performance
- c) Your spouse or partner <lightly / forcefully> slaps you when you forget your anniversary
- d) Your child is suspended from school for <5 days / 20 days> for behaviour that doesn't warrant a suspension
- e) You can't agree on the level of child support payments <[BLANK] / and living arrangements> for your children with your ex-spouse or partner
- f) You <[BLANK] / repeatedly> asked your neighbours to stop their excessive noise at night, but nothing has changed
- g) You are stopped by the police and <receive a warning / are fined> for crossing a road without using a nearby pedestrian crossing
- h) You break your <arm / spine> in a cycling accident caused by another rider's mistake
- i) Your landlord says you must leave your apartment <two weeks / five months> before the rental agreement period ends because it is being sold

- j) You are <a month / five months> behind with your mortgage and unable to pay. The bank sends a default notice saying you have 30 days to pay or you will lose your home
- k) Centrelink are demanding <\$500 / \$5,000> for overpaid benefits. You think they have made a mistake.
- l) You are unable to obtain a <credit card / mortgage> because of an incorrect credit report
- m) Your insurer refuses to pay up for <\$100 worth / \$1,500 worth> of sports equipment stolen from your car. They say you left the door unlocked. You did not
- n) You purchase <a kettle / an expensive fridge> that stops working after ten months. The shop has closed and the manufacturer refuses to repair it
- o) You have fallen out with a relative over how to interpret the terms of a will concerning a <small / large> sum of money

[ROTATE 1-4 AND 4-1 BASED ON ORDER VARIABLE]

- 1. Very important
- 2. Quite important
- 3. Not very important
- 4. Not at all important

*(Q_ASKED=1, ASKING SECTION A1)

A2

Now, thinking about employment or injury related disputes. To what extent do you think it would be important to obtain advice from a lawyer in these situations...?

[RANDOMISE ORDER OF STATEMENTS]

- a) You didn't get a job you applied for. The employer was straight up and said they wanted to maintain an equal gender balance
- b) Your employer is struggling financially and says you are to be made redundant
- c) You are denied emergency leave to care for an ill household member
- d) You find out there is an asbestos risk at work. You tell your employer, who says it's not worth the cost to repair it
- e) You think your employer is underpaying you for the hours you have worked. They disagree
- f) You are injured while at work when a ceiling section falls
- g) Your boss twice shouts at you in public
- h) Your doctor may have made a mistake during minor surgery that has left you with chronic pain in one arm
- i) Your dentist accidentally removes the wrong tooth during treatment
- j) You break your ankle slipping on a milk puddle on the floor of a supermarket

[ROTATE 1-4 AND 4-1 BASED ON ORDER VARIABLE]

- 1. Very important
- 2. Quite important
- 3. Not very important
- 4. Not at all important

*(Q_ASKED=1, ASKING SECTION A1)

A3

Now, thinking about **disputes related to housing**. To what extent do you think it would be **important to obtain advice from a lawyer** in these situations...?

[RANDOMISE ORDER OF STATEMENTS]

- a) Your body corporate is intending to change the rules to stop you short-term letting your apartment
- b) Without telling you, while you are away your landlord enters your apartment to do maintenance
- c) Your neighbour damaged your garden fence, but denies it and won't fix it
- d) You want to extend your home, but the local council are placing greater restrictions on your plans than for others in the area
- e) Your neighbour repeatedly cuts across your drive in their ute, damaging the drive edging
- f) A leaking pipe on your neighbour's property is damaging the foundations of the house you own
- g) You are two weeks' behind with your rent. Your landlord gives you a 14-day Notice to Vacate
- h) Your asthma is being aggravated by mould caused by a leaking window in your rented home. Your landlord won't repair it
- i) A homeless person has started sleeping in your garden
- j) Your tenant is having regular parties with noise levels above those stipulated in the body corporate rules

[ROTATE 1-4 AND 4-1 BASED ON ORDER VARIABLE]

- 1. Very important
- 2. Quite important
- 3. Not very important
- 4. Not at all important

*(Q_ASKED=1, ASKING SECTION A1)

A4

Now, thinking about a range of **other disputes**. To what extent do you think it would be **important to obtain advice from a lawyer** in these situations...?

[RANDOMISE ORDER OF STATEMENTS]

- a) You believe you are eligible for significantly higher Centrelink payments, but Centrelink says the amount is correct
- b) Your child's school is not properly protecting them from bullying
- c) The Child Protection Service says it has received a report of neglect concerning your child
- d) Poor advice from a financial adviser lost you a significant sum in your superannuation
- e) You have been incorrectly overcharged for your electricity for 4 months in a row
- f) You are behind with, and unable to pay, your credit card bill
- g) While at a pub, you are told to leave by the management for being drunk
- h) A carpenter breaks a window pane while working on a window frame in your house
- i) Without telling you, your ex-spouse / partner arranges to take your children on a holiday on dates they would normally be with you
- j) You are refused carer allowance. Centrelink inform you that your disabled parent does not meet the criteria. You do not agree

[ROTATE 1-4 AND 4-1 BASED ON ORDER VARIABLE]

1. Very important
2. Quite important
3. Not very important
4. Not at all important

*(Q_ASKED=1, ASKING SECTION A1)

A5

The disputes listed below are **similar to the first 15 items** in this questionnaire **but the situations are more or less serious**. We are interested in whether your views differ based on the seriousness of the situation. This is the only list that will be repeated. To what extent do you think it would be **important to obtain advice from a lawyer** in the following situations...?

[STATEMENTS IN SAME ORDER AS A6] [USE ALTERNATE STATEMENT TO A1]

- a) Your employer is struggling financially and is **<a month / five months>** behind with your salary
- b) You are unhappy because of a work colleague's **<'joke' / regular 'jokes'>** about your sexual performance
- c) Your spouse or partner **<lightly / forcefully>** slaps you when you forget your anniversary
- d) Your child is suspended from school for **<5 days / 20 days>** for behaviour that doesn't warrant a suspension
- e) You can't agree on the level of child support payments **<[BLANK] / and living arrangements>** for your children with your ex-spouse or partner
- f) You **<[BLANK] / repeatedly>** asked your neighbours to stop their excessive noise at night, but nothing has changed
- g) You are stopped by the police and **<receive a warning / are fined>** for crossing a road without using a nearby pedestrian crossing
- h) You break your **<arm / spine>** in a cycling accident caused by another rider's mistake
- i) Your landlord says you must leave your apartment **<two weeks / five months>** before the rental agreement period ends because it is being sold
- j) You are **<a month / five months>** behind with your mortgage and unable to pay. The bank sends you a default notice saying you have 30 days to pay or you will lose your home
- k) Centrelink are demanding **<\$500 / \$5,000>** for overpaid benefits. You think they have made a mistake
- l) You are unable to obtain a **<credit card / mortgage>** because of an incorrect credit report
- m) Your insurer refuses to pay up for **<\$100 worth / \$1,500 worth>** of sports equipment stolen from your car. They say you left the door unlocked. You did not
- n) You purchase **<a kettle / an expensive fridge>** that stops working after ten months. The shop has closed and the manufacturer refuses to repair it
- o) You have fallen out with a relative over how to interpret the terms of a will concerning a **<small / large>** sum of money

[ROTATE 1-4 AND 4-1 BASED ON ORDER VARIABLE]

1. Very important
2. Quite important
3. Not very important
4. Not at all important

MODULE A2 – Law relevance

*(Q_ASKED=2, ASKING SECTION A2)

A6

This section sets out disputes people sometimes face in their everyday life. You may feel that you would be unlikely to be in some of these situations, but... Thinking about the following problems, to what extent do you think **the law** is **relevant** to these situations...?

[RANDOMLY REVERSE ORDER OF STATEMENTS] [WITHIN STATEMENT ALTERNATES IN RED TO BE RANDOMISED]

- a) Your employer is struggling financially and is <a month / five months> behind with your salary
- b) You are unhappy because of a work colleague's <'joke' / regular 'jokes'> about your sexual performance
- c) Your spouse or partner <lightly / forcefully> slaps you when you forget your anniversary
- d) Your child is suspended from school for <5 days / 20 days> for behaviour that doesn't warrant a suspension
- e) You can't agree on the level of child support payments <[BLANK] / and living arrangements> for your children with your ex-spouse or partner
- f) You <[BLANK] / repeatedly> asked your neighbours to stop their excessive noise at night, but nothing has changed
- g) You are stopped by the police and <receive a warning / are fined> for crossing a road without using a nearby pedestrian crossing
- h) You break your <arm / spine> in a cycling accident caused by another rider's mistake
- i) Your landlord says you must leave your apartment <two weeks / five months> before the rental agreement period ends because it is being sold
- j) You are <a month / five months> behind with your mortgage and unable to pay. The bank sends you a default notice saying you have 30 days to pay or you will lose your home
- k) Centrelink are demanding <\$500 / \$5,000> for overpaid benefits. You think they have made a mistake
- l) You are unable to obtain a <credit card / mortgage> because of an incorrect credit report
- m) Your insurer refuses to pay up for <\$100 worth / \$1,500 worth> of sports equipment stolen from your car. They say you left the door unlocked. You did not
- n) You purchase <a kettle / an expensive fridge> that stops working after ten months. The shop has closed and the manufacturer refuses to repair it
- o) You have fallen out with a relative over how to interpret the terms of a will concerning a <small / large> sum of money

[ROTATE 1-4 AND 4-1 BASED ON ORDER VARIABLE]

- 1. Very relevant
- 2. Quite relevant
- 3. Not very relevant
- 4. Not at all relevant

*(Q_ASKED=2, ASKING SECTION A2)

A7

Now, thinking about employment or injury related disputes. To what extent do you think the law is relevant in these situations...?

[RANDOMISE ORDER OF STATEMENTS]

- a) You didn't get a job you applied for. The employer was straight up and said they wanted to maintain an equal gender balance
- b) Your employer is struggling financially and says you are to be made redundant
- c) You are denied emergency leave to care for an ill household member
- d) You find out there is an asbestos risk at work. You tell your employer, who says it's not worth the cost to repair it
- e) Your employer reduces your work hours despite you asking them not to
- f) You are injured while at work when a ceiling section falls
- g) Your boss twice shouts at you in public
- h) Your doctor may have made a mistake during minor surgery that has left you with chronic pain in one arm
- i) Your dentist accidentally removes the wrong tooth during treatment
- j) You break your ankle slipping on a milk puddle on the floor of a supermarket

[ROTATE 1-4 AND 4-1 BASED ON ORDER VARIABLE]

- 1. Very relevant
- 2. Quite relevant
- 3. Not very relevant
- 4. Not at all relevant

*(Q_ASKED=2, ASKING SECTION A2)

A8

Now, thinking about disputes related to housing. To what extent do you think the law is relevant in these situations...?

[RANDOMISE ORDER OF STATEMENTS]

- a) Your body corporate is intending to change the rules to stop you short-term letting your apartment
- b) Without telling you, while you are away your landlord enters your apartment to do maintenance
- c) Your neighbour damaged your garden fence, but denies it and won't fix it
- d) You want to extend your home, but the local council are placing greater restrictions on your plans than for others in the area
- e) Your neighbour repeatedly cuts across your drive in their ute, damaging the drive edging
- f) A leaking pipe on your neighbour's property is damaging the foundations of the house you own
- g) You are two weeks' behind with your rent. Your landlord gives you a 14-day Notice to Vacate
- h) Your asthma is being aggravated by mould caused by a leaking window in your rented home. Your landlord won't repair it
- i) A homeless person has started sleeping in your garden
- j) Your tenant is having regular parties with noise levels above those stipulated in the body corporate rules

[ROTATE 1-4 AND 4-1 BASED ON ORDER VARIABLE]

- 1. Very relevant
- 2. Quite relevant
- 3. Not that relevant
- 4. Not at all relevant

*(Q_ASKED=2, ASKING SECTION A2)

A9

Now, thinking about a range of **other disputes**. To what extent do you think the **law is relevant** in these situations...?

[RANDOMISE ORDER OF STATEMENTS]

- a) You believe you are eligible for significantly higher Centrelink payments, but Centrelink says the amount is correct
- b) Your child's school is not properly protecting them from bullying
- c) The Child Protection Service says it has received a report of neglect concerning your child
- d) Poor advice from a financial adviser lost you a significant sum in your superannuation
- e) You have been incorrectly overcharged for your electricity for 4 months in a row
- f) You are behind with, and unable to pay, your credit card bill
- g) While at a pub, you are told to leave by the management for being drunk
- h) A carpenter breaks a window pane while working on a window frame in your house
- i) Without telling you, your ex-spouse / partner arranges to take your children on a holiday on dates they would normally be with you
- j) You are refused carer allowance. Centrelink inform you that your disabled parent does not meet the criteria. You do not agree

[ROTATE 1-4 AND 4-1 BASED ON ORDER VARIABLE]

- 1. Very relevant
- 2. Quite relevant
- 3. Not very relevant
- 4. Not at all relevant

*(Q_ASKED=2, ASKING SECTION A2)

A10

The disputes listed below are **similar to the first 15 items** in this questionnaire **but the situations are more or less serious**. We are interested in whether your views differ based on the seriousness of the situation. This is the only list that will be repeated. To what extent do you think the **law is relevant** in the following situations...?

[STATEMENTS IN SAME ORDER AS A6] [USE ALTERNATE STATEMENT TO A6]

- a) Your employer is struggling financially and is <a month / five months> behind with your salary
- b) You are unhappy because of a work colleague's <'joke' / regular 'jokes'> about your sexual performance
- c) Your spouse or partner <lightly / forcefully> slaps you when you forget your anniversary
- d) Your child is suspended from school for <5 days / 20 days> for behaviour that doesn't warrant a suspension
- e) You can't agree on the level of child support payments <[BLANK] / and living arrangements> for your children with your ex-spouse or partner
- f) You <[BLANK] / repeatedly> asked your neighbours to stop their excessive noise at night, but nothing has changed
- g) You are stopped by the police and <receive a warning / are fined> for crossing a road without using a nearby pedestrian crossing
- h) You break your <arm / spine> in a cycling accident caused by another rider's mistake
- i) Your landlord says you must leave your apartment <two weeks / five months> before the rental agreement period ends because it is being sold

- j) You are <a month / five months> behind with your mortgage and unable to pay. The bank sends you a default notice saying you have 30 days to pay or you will lose your home
- k) Centrelink are demanding <\$500 / \$5,000> for overpaid benefits. You think they have made a mistake
- l) You are unable to obtain a <credit card / mortgage> because of an incorrect credit report
- m) Your insurer refuses to pay up for <\$100 worth / \$1,500 worth> of sports equipment stolen from your car. They say you left the door unlocked. You did not
- n) You purchase <a kettle / an expensive fridge> that stops working after ten months. The shop has closed and the manufacturer refuses to repair it
- o) You have fallen out with a relative over how to interpret the terms of a will concerning a <small / large> sum of money

[ROTATE 1-4 AND 4-1 BASED ON ORDER VARIABLE]

- 1. Very relevant
- 2. Quite relevant
- 3. Not very relevant
- 4. Not at all relevant

MODULE B – General Legal Confidence (GLC)

*(Q_ASKED=3, ASKING SECTIONS B-F)

B1

This question asks about legal disputes people sometimes face.

If you found yourself facing a **significant legal dispute** – such as being unfairly sacked by your employer, injured where it was someone else's fault, involved in a dispute over money as part of a divorce, being kicked out of your home, or a serious dispute with a neighbour – **how confident are you that you could achieve an outcome that is fair, and you would be happy with**, in the following situations...?

- a) The disagreement is substantial
- b) The other side says they 'will not compromise'
- c) The other side is represented by a solicitor, but you are not
- d) The other side will only speak to you through their solicitor
- e) The other side threatens you with 'legal action'
- f) You receive a letter from the other person's solicitor threatening court action
- g) You receive notice from a court stating that legal proceedings have been commenced against you
- h) The notice also says you must complete certain forms, including setting out your case.
- i) You receive a letter telling you that you must appear in court
- j) The problem goes to court, a barrister represents the other side, and you are on your own
- k) As you present your case, the other side's barrister argues that much of your evidence is inadmissible or irrelevant
- l) The court makes a judgement against you, which you see as unfair. You are told you have a right to appeal

[ROTATE 1-4 AND 4-1 BASED ON ORDER VARIABLE]

- 1. Very confident
- 2. Quite confident
- 3. Not very confident
- 4. Not at all confident

MODULE C – Accessibility of justice

MODULE C1 – Courts

*(Q_ASKED=3, ASKING SECTIONS B-F)

COMPUTE RANDOMLY ALLOCATED DUMMY VARIABLE 'Q_ASKED_C':

1. Ask C1 [50%]
2. Ask C2 [50%]

*(Q_ASKED_C=1, ASKING SECTION C1)

C1

The following questions are about your general **impression and experience of courts in <STATE>**.

Again, **we are not concerned with crime**. We are concerned with the other types of issues that **courts** deal with, such as: being unfairly sacked by your employer, injured where it was someone else's fault, involved in a dispute over money as part of a divorce, being kicked out of your home, or a serious dispute with a neighbour.

Thinking about issues like this, to what extent do you agree or disagree that

Courts in < STATE > are...?

[RANDOMISE ORDER OF STATEMENTS]

- a) Easy to use
- b) Places with an open door
- c) Easy to explain things to
- d) Accessible
- e) Good for resolving problems
- f) Efficient
- g) Difficult to understand
- h) Expensive
- i) Difficult to find
- j) Easy to get to

[ROTATE 1-5 AND 5-1 BASED ON ORDER VARIABLE]

1. Strongly agree
2. Agree
3. Disagree
4. Strongly disagree

*(Q_ASKED_C=1, ASKING SECTION C1)

C2

Still thinking about issues like this, to what extent do you agree or disagree that...?

Courts in <STATE> are...?

[RANDOMISE ORDER OF STATEMENTS]

- a) Not somewhere I feel confident going
- b) Complex

- c) Not something I'd be happy to use
- d) Approachable
- e) The last place I would ever go for help
- f) Not interested in the issues I face
- g) Poor value for money
- h) Welcoming
- i) Too expensive to use
- j) Easy to communicate with

[ROTATE 1-5 AND 5-1 BASED ON ORDER VARIABLE]

- 1. Strongly agree
- 2. Agree
- 3. Disagree
- 4. Strongly disagree

*(Q_ASKED_C=1, ASKING SECTION C1)

C3

Still thinking about issues like this, to what extent do you agree or disagree that...?

Courts in <STATE> are...?

[RANDOMISE ORDER OF STATEMENTS]

- a) Able to enforce my rights
- b) Not concerned with real people's lives
- c) Clear in how they communicate
- d) Unapproachable
- e) Not geared up for ordinary people to use
- f) Out of reach for people like me
- g) Slow
- h) Intimidating
- i) Not worth the hassle
- j) A mystery

[ROTATE 1-5 AND 5-1 BASED ON ORDER VARIABLE]

- 1. Strongly agree
- 2. Agree
- 3. Disagree
- 4. Strongly disagree

*(Q_ASKED_C=1, ASKING SECTION C1)

C4

And again, thinking about issues like this, to what extent do you agree or disagree that...?

Courts in <STATE>...?

[RANDOMISE ORDER OF STATEMENTS]

- a) Help people like me get justice
- b) Use complicated and technical language
- c) Don't take people like me seriously
- d) Make a real difference to people's lives
- e) Take too long to deal with issues
- f) Resolve issues promptly and efficiently
- g) Would try to make me feel at ease
- h) Treat people like me with respect
- i) Stand up for people like me
- j) Make a real effort to help people who use them

[ROTATE 1-5 AND 5-1 BASED ON ORDER VARIABLE]

- 1. Strongly agree
- 2. Agree
- 3. Disagree
- 4. Strongly disagree

MODULE C2 – Lawyers

*(Q_ASKED_C=2, ASKING SECTION C2)

C5

The following questions are about your general **impression and experience of lawyers in <STATE>**.

Again, **we are not concerned with crime**. We are concerned with the other types of issues that **lawyers** deal with, such as: being unfairly sacked by your employer, injured where it was someone else's fault, involved in a dispute over money as part of a divorce, being kicked out of your home, or a serious dispute with a neighbour.

Thinking about issues like this, to what extent do you agree or disagree with the following statements.

Lawyers in <STATE> are...?

[RANDOMISE ORDER OF STATEMENTS]

- a) Easy to use
- b) People with an open door
- c) Easy to explain things to
- d) Accessible
- e) Good for resolving problems
- f) Efficient
- g) Difficult to understand
- h) Expensive
- i) Difficult to find
- j) Easy to get to

[ROTATE 1-5 AND 5-1 BASED ON ORDER VARIABLE]

- 1. Strongly agree
- 2. Agree
- 3. Disagree
- 4. Strongly disagree

*(Q_ASKED_C=2, ASKING SECTION C2)

C6

Still thinking about issues like this, to what extent do you agree or disagree that...?

Lawyers in <STATE> are...?

[RANDOMISE ORDER OF STATEMENTS]

- a) Not people I feel confident going to
- b) Complex
- c) Not people I'd be happy to use
- d) Approachable
- e) The last people I would ever go to for help
- f) Not interested in the issues I face
- g) Poor value for money
- h) Welcoming
- i) Too expensive to use
- j) Easy to communicate with

[ROTATE 1-5 AND 5-1 BASED ON ORDER VARIABLE]

- 1. Strongly agree
- 2. Agree
- 3. Disagree
- 4. Strongly disagree

*(Q_ASKED_C=2, ASKING SECTION C2)

C7

Still thinking about issues like this, to what extent do you agree or disagree that...?

Lawyers in <STATE> are...?

[RANDOMISE ORDER OF STATEMENTS]

- a) Able to enforce my rights
- b) Not concerned with real people's lives
- c) Clear in how they communicate
- d) Unapproachable
- e) Not geared up for ordinary people to use
- f) Out of reach for people like me
- g) Slow
- h) Intimidating
- i) Not worth the hassle
- j) A mystery

[ROTATE 1-5 AND 5-1 BASED ON ORDER VARIABLE]

- 1. Strongly agree
- 2. Agree
- 3. Disagree
- 4. Strongly disagree

*(Q_ASKED_C=2, ASKING SECTION C2)

C8

And again, thinking about issues like this, to what extent do you agree or disagree that...?

Lawyers in <STATE>...?

[RANDOMISE ORDER OF STATEMENTS]

- a) Help people like me get justice
- b) Use complicated and technical language
- c) Don't take people like me seriously
- d) Make a real difference to people's lives
- e) Take too long to deal with issues
- f) Resolve issues promptly and efficiently
- g) Would try to make me feel at ease
- h) Treat people like me with respect
- i) Stand up for people like me
- j) Make a real effort to help people who use them

[ROTATE 1-5 AND 5-1 BASED ON ORDER VARIABLE]

- 1. Strongly agree
- 2. Agree
- 3. Disagree
- 4. Strongly disagree

*PROGRAMMER NOTE: IF Q_ASKED_C=2, ASKING SECTION C2, ASK C9 BEFORE C10; IF Q_ASKED_C=1, ASKING SECTION C1, ASK C10 BEFORE C9)

*(Q_ASKED=3, ASKING SECTIONS B-F)

C9

Still thinking about issues like this, how comfortable would you be communicating with a lawyer entirely online?

IF ASKING C9 FIRST: Again, **we are not concerned with crime**. We are concerned with the other types of issues that **lawyers** deal with, such as: being unfairly sacked by your employer, injured where it was someone else's fault, involved in a dispute over money as part of a divorce, being kicked out of your home, or a serious dispute with a neighbour.

[ROTATE 1-4 AND 4-1 BASED ON ORDER VARIABLE]

- 1. Very comfortable
- 2. Comfortable
- 3. Uncomfortable
- 4. Very uncomfortable

*(Q_ASKED=3, ASKING SECTIONS B-F)

C10

If an issue like this went to court, how comfortable would you be if the entire court process was online?

IF ASKING C10 FIRST: Again, **we are not concerned with crime**. We are concerned with the other types of issues that **courts** deal with, such as: being unfairly sacked by your employer, injured where it was someone else's fault, involved in a dispute over money as part of a divorce, being kicked out of your home, or a serious dispute with a neighbour.

[ROTATE 1-4 AND 4-1 BASED ON ORDER VARIABLE]

1. Very comfortable
2. Comfortable
3. Uncomfortable
4. Very uncomfortable

MODULE D – Previous Experience of Law

*(ALL) [MULTI-RESPONSE]

D1

Now some questions about your personal experience of the justice system.
Have you, personally, faced any of the following problems in the past 5 years?

Please say yes or no after each. / *Please select all that apply.*

1. A dispute with an ex-partner over arrangements for children, financial support, etc.
 2. A dispute with an employer
 3. A dispute with a landlord
 4. Falling behind with rent or mortgage payments
 5. A dispute with neighbours over noise, fencing, trees, behaviour, etc.
 6. A significant injury caused by someone else
 7. A dispute over a will
 8. A dispute with a government agency over an application, service, payment or fine
97. No, none of the above ^

[PROGRAMMER NOTE: LOOP THROUGH NUMBER OF TIMES PROVIDED AT D1_1-D1_8]

*(ALL)

D2

Thinking about the most recent problem concerning <D1_>, how well do you think you handled it?

[ROTATE 1-4 AND 4-1 BASED ON ORDER VARIABLE]

1. Very well
2. Quite well
3. Not very well
4. Not well at all

*(ALL)

D3

Thinking about the most recent problem concerning <D1_>, how fair do you think the resolution was?

[ROTATE 1-5 AND 5-1 BASED ON ORDER VARIABLE]

1. Very fair
2. Quite fair
3. Not very fair
4. Not fair at all
5. Problem is still ongoing

*(ALL)

D4

Was there any time during the past 12 months when, in your opinion, you personally needed expert help in order to resolve a dispute you faced, but did not receive any?

For example, the dispute could be with a business, employer, government agency, family or friend, landlord / agent, financial institution, doctor or health professional, neighbour, educator, etc.

1. Yes
2. No

*(D4=1, NEEDED HELP IN LAST 12 MONTHS)

D5

Briefly, what was the most recent dispute about?

1. VERBATIM RESPONSE

*(ALL)

D6

Have you obtained help from a lawyer at any point in the past 5 years for any issue?

1. Yes
2. No

*(D6=1, OBTAINED HELP FROM LAWYER)

D7

In general, how satisfied have you been with the help provided by lawyers?

[ROTATE 1-4 AND 4-1 BASED ON ORDER VARIABLE]

1. Very satisfied
2. Quite satisfied
3. Not very satisfied
4. Not at all satisfied

*(ALL)

D8

Have you attended any court or tribunal or had contact with any court or tribunal in the past 5 years for any reason?

1. Yes
2. No

*(D8=1, ATTENDED COURT OR TRIBUNAL) [MULTI-RESPONSE]

D9

Why did you attend or have contact with a court or tribunal, was it because...?

Please say yes or no after each. / Please select all that apply.

1. You were making a claim against someone and took them to court
2. Someone was making a claim against you and took you to court
3. You were charged by police and appeared in court
4. You work in the justice system
5. You were supporting someone else attending a court or tribunal
6. You were a spectator or tourist
7. You were doing jury service
8. You were a victim in a criminal case
9. You were a witness in a criminal case
10. You were a witness in a non-criminal case
96. Some other reason (please specify)

*(D8=1, ATTENDED COURT OR TRIBUNAL)

D10

How fair would you say that the court or tribunal process(es) you have recently experienced have been?

[ROTATE 1-4 AND 4-1 BASED ON ORDER VARIABLE]

1. Very fair
2. Quite fair
3. Not very fair
4. Not fair at all

*(ALL) [MULTI-RESPONSE]

D11

Do you recall friends, family, or colleagues ever telling you about any of the following...?

Please say yes or no after each. / Please select all that apply.

[ROTATE 1-6 AND 6-1 BASED ON ORDER VARIABLE]

1. Positive accounts of lawyers
2. Positive accounts of courts
3. Positive accounts of tribunals
4. Negative accounts of lawyers
5. Negative accounts of courts
6. Negative accounts of tribunals
97. Haven't been told about any of these experiences ^
98. (Don't know) / Not sure ^
99. (Refused) / Prefer not to say ^

MODULE E – Demographics

*(ALL)

DEM1

The following questions ask about how you have been feeling during the past 30 days. For each question, please indicate the option that best describes how often you had this feeling.

During the past 30 days, about how often did you feel...?

- a) Nervous
- b) Hopeless
- c) Restless or fidgety
- d) So depressed that nothing could cheer you up
- e) That everything was an effort
- f) Worthless

[ROTATE 1-5 AND 5-1 BASED ON ORDER VARIABLE]

- 1. All of the time
- 2. Most of the time
- 3. Some of the time
- 4. A little of the time
- 5. None of the time

SECTION F – Digital capability

*(Q_ASKED=3, ASKING SECTIONS B-F) [MULTI-RESPONSE]

F1

Finally, some questions about the internet.

Do you have any of the following internet connections at home?

Please say yes or no after each. / Please select all that apply.

- 1. Dial-up
- 2. Broadband
- 3. Mobile broadband
- 4. Mobile data through your phone
- 97. Don't have internet access at home ^
- 98. (Don't know) / Not sure ^
- 99. (Refused) / Prefer not to say ^

*(Q_ASKED=3, ASKING SECTIONS B-F) [MULTI-RESPONSE]

F2

Have you accessed the internet from the following locations in the past 12 months?

Please say yes or no after each. / Please select all that apply.

- 1. Home
- 2. Work
- 3. Neighbour, friend, or relative's house
- 4. Educational institution
- 5. Public library
- 6. Public space (e.g. internet café, shopping mall, airport, or similar)
- 96. Anywhere else (please specify)

- 97. None of the above ^
- 98. (Don't know) / Not sure ^
- 99. (Refused) / Prefer not to say ^

*(Q_ASKED=3, ASKING SECTIONS B-F)

F3

Over the last month, how often have you used the internet? This includes at work, school, or in your free time.

1. Several times a day
2. Daily
3. At least weekly
4. Once a month
5. Have not used in the last month

97. Never use the internet
98. (Don't know) / Not sure
99. (Refused) / Prefer not to say

*(F3=1-4, 98, 99, USE INTERNET)

F4

Have you **ever** done any of the following online and, if not, could you?

[RANDOMISE ORDER OF STATEMENTS]

- a) Online banking
- b) Paying bills online
- c) Shop for an item or buy services
- d) Sell a product online (e.g. using e-Bay)
- e) Use online Government Services (e.g. tax return, Medicare claim or Centrelink benefit)
- f) Use email, social networks or online forums
- g) Communicate via video, text, or voice messaging (e.g. Skype)
- h) Search for or gather general information from websites (e.g. news, weather, sport, maps)
- i) Search for specific information (e.g. jobs / government information, health / medical information)
- j) Participate in online education
- k) Complete online application forms or sign up to websites
- l) Scan a document and attach it to an email or upload online
- m) Create or manage an online blog, website or share a video / images
- n) Solve a problem with a device or service using online help
- o) Verify sources of information you found online
- p) Use a mobile phone to download an app
- q) Stream, play, or download games or entertainment software

1. Yes – have done this
2. No – could do this, but have not
3. No – would not know how to do this
4. No – do not even know what this is / means

98. (Don't know) / Not sure
99. (Refused) / Prefer not to say

Appendix C. Statistical Model Output

The following tables set out statistical output for some of the models fitted in the report. They are interpreted in lay terms in the main text above. For further details of the models fitted, technical details of the survey and its conduct or questions relating to the data (which will be made available on the Victoria Law Foundation website), please contact the authors.

Table C1. Binomial generalized linear models (with logit links) modelling the number of problems where the law considered relevant (model 1) or a lawyer important (model 2) of a total of sixty problems, on the basis of on a range of social and demographic variables

Variable	Level	Model 1 – Law relevance			Model 2 – Lawyer importance		
		Est.	SE	p	Est.	SE	p
Serious mental illness	No	0.000	-		0.000	-	
	Yes	0.332	0.052	<0.001	0.268	0.045	<0.001
Gender	Male	0.000	-		0.000	-	
	Female	0.072	0.026	0.006	0.202	0.024	<0.001
Age group	18-34	-0.058	0.037	0.114	0.094	0.034	0.006
	35-64	0.000	-		0.000	-	
	65+	-0.061	0.033	0.063	0.389	0.030	<0.001
State	Victoria	0.000	-		0.000	-	
	NSW	0.220	0.036	<0.001	0.042	0.033	0.206
	Other	-0.074	0.031	0.017	-0.019	0.031	0.529
Geography	Capital city	0.000	-		0.000	-	
	Rest of State	-0.106	0.029	<0.001	-0.202	0.026	<0.001
Highest educational qualification	Below year 12	0.000	-		0.000	-	
	Year 12 or below	-0.253	0.031	<0.001	0.182	0.030	<0.001
	Adv. Dip / Certificate	0.026	0.032	0.415	0.163	0.029	<0.001
Language spoken at home	English	0.000	-		0.000	-	
	Other	-0.384	0.037	<0.001	0.209	0.037	<0.001
Dependent children	No	0.000	-		0.000	-	
	Yes	0.083	0.032	0.009	-0.101	0.029	<0.001
	Unknown	0.366	0.064	<0.001	-0.165	0.054	0.002
Constant		1.128	0.039	<0.001	0.374	0.038	<0.001

Law relevance - n = 537, Log likelihood = -4965.91, AIC = 18.54, BIC = 4667.40; Lawyer importance - n = 542, Log likelihood = -3800.09, AIC = 14.07, BIC = 2027.35

Table C2. Binomial generalized linear models (with logit links) modelling the number of problems where the law considered relevant (model 1) or a lawyer important (model 2) of a total of sixty problems, on the basis of first-hand experience and second-hand accounts of courts and lawyers

Variable	Level	Model 1 – Law relevance			Model 2 – Lawyer importance		
		Est.	SE	p	Est.	SE	p
Court in past 5 years	No	0.000	-		0.000	-	
	Yes and fair	0.148	0.043	0.001	-0.135	0.036	<0.001
	Yes and unfair	0.121	0.068	0.074	0.287	0.057	<0.001
Lawyer in past 5 years	No	0.000	-		0.000	-	
	Yes, satisfied	0.074	0.032	0.021	-0.008	0.028	0.782
	Yes, dissatisfied	-0.334	0.055	<0.001	0.010	0.049	0.841
Accounts of courts	None	0.000	-		0.000	-	
	Positive only	0.445	0.070	<0.001	0.219	0.056	<0.001
	Negative only	0.091	0.041	0.025	-0.054	0.036	0.133
	Both	0.179	0.078	0.021	-0.160	0.053	0.003
Accounts of lawyers	None	0.000	-		0.000	-	
	Positive only	0.135	0.045	0.002	0.024	0.040	0.542
	Negative only	0.231	0.041	<0.001	-0.084	0.036	0.020
	Both	0.313	0.058	<0.001	-0.172	0.047	<0.001
Constant		0.918	0.017	<0.001	0.726	0.017	<0.001

Law relevance - n = 550, Log likelihood = -5158.06, AIC = 18.80, BIC = 4894.50; Lawyer importance - n = 558, Log likelihood = -4131.22, AIC = 14.85, BIC = 2501.89

Table C3. Normal generalized linear models of perceived inaccessibility of courts and lawyers modelled on the basis of a range of social and demographic predictors

Variable	Level	PIC			PIL		
		Est.	SE	p	Est.	SE	p
Serious mental illness	No	0.00	-		0.00	-	
	Yes	7.53	2.17	0.001	7.67	3.00	0.011
Gender	Male	0.00	-		0.00	-	
	Female	-0.09	1.22	0.943	0.46	1.40	0.745
Age group	18-34	-1.80	1.73	0.299	1.34	1.99	0.499
	35-64	0.00	-		0.00	-	
	65+	0.38	1.49	0.801	0.52	1.86	0.782
State	Victoria	0.00	-		0.00	-	
	NSW	2.38	1.71	0.164	-0.06	1.92	0.977
	Other	2.80	1.58	0.076	1.39	1.71	0.417
Geography	Capital city	0.00	-		0.00	-	
	Rest of State	-1.10	1.35	0.416	2.68	1.52	0.076
Highest educational qualification	Below year 12	0.00	-		0.00	-	
	Year 12 or below	0.76	1.59	0.633	-0.81	1.82	0.657
	Adv. Dip / Certificate	-0.35	1.45	0.808	0.11	1.68	0.948

Language spoken at home	English	0.00	-		0.00	-	
	Other	-0.38	1.88	0.839	5.26	2.12	0.013
Dependent children	No	0.00	-		0.00	-	
	Yes	2.38	1.45	0.101	2.45	1.59	0.125
	Unknown	4.15	4.22	0.325	-1.18	3.67	0.747
Digital capability	Basic digital	0.00	-		0.00	-	
	Less than basic	1.71	2.01	0.395	4.87	2.08	0.019
	Basic online skills	3.27	2.28	0.151	-2.63	3.05	0.389
Constant		62.82	1.94	<0.001	45.47	2.15	<0.001

PIC - n = 321, Log likelihood = -1204.01, AIC = 7.60, BIC = 32269.97; PIL - n = 325, Log likelihood = -1270.87, AIC = 7.91, BIC = 45621.50

Table C4. Normal generalized linear models of perceived inaccessibility of courts and lawyers modelled on the basis of first-hand experience of courts and lawyers

Variable	Level	PIC			PIL		
		Est.	SE	p	Est.	SE	p
Court in past 5 years	No	0.00	-		0.00	-	
	Yes and fair	-6.03	1.60	<0.001	-1.93	1.87	0.302
	Yes and unfair	3.65	2.89	0.206	9.21	3.02	0.002
Lawyer in past 5 years	No	0.00	-		0.00	-	
	Yes, satisfied	-3.19	1.33	0.017	-4.65	1.45	0.001
	Yes, dissatisfied	1.53	2.52	0.543	9.06	2.91	0.002
Constant		67.76	0.71	<0.001	50.57	0.85	<0.001

PIC - n = 337, Log likelihood = -1264.90, AIC = 7.54, BIC = 33986.98; PIL - n = 342, Log likelihood = -1333.67, AIC = 7.82, BIC = 46866.49

Table C5. Normal generalized linear models of perceived inaccessibility of courts and lawyers modelled on the basis of first-hand experience and second-hand accounts of courts and lawyers

Variable	Level	PIC			PIL		
		Est.	SE	p	Est.	SE	p
Court in past 5 years	No	0.00	-		0.00	-	
	Yes and fair	-5.46	1.54	<0.001	-2.03	1.83	0.269
	Yes and unfair	2.97	2.73	0.276	7.57	2.94	0.010
Lawyer in past 5 years	No	0.00	-		0.00	-	
	Yes, satisfied	-2.68	1.28	0.036	-3.11	1.43	0.029
	Yes, dissatisfied	-1.07	2.43	0.659	7.00	2.83	0.014
Accounts of courts	None	0.00	-		0.00	-	
	Positive only	-6.93	2.43	0.004	-1.29	2.79	0.643
	Negative only	3.80	1.52	0.012	1.18	1.94	0.544
	Both	0.96	2.58	0.711	1.61	3.23	0.618
Accounts of lawyers	None	0.00	-		0.00	-	
	Positive only	-3.78	2.07	0.068	-5.90	2.05	0.004
	Negative only	2.40	1.62	0.137	4.87	1.96	0.013
	Both	-4.96	2.09	0.018	-4.85	2.37	0.040
Constant		67.57	0.83	<0.001	50.34	1.00	<0.001

PIC - n = 337, Log likelihood = -1239.89, AIC = 7.42, BIC = 29068.24; PIL - n = 342, Log likelihood = -1317.02, AIC = 7.77, BIC = 42370.75

