

Introduction to Legal Needs Surveys



The importance of Legal Needs Surveys

Our knowledge of the wider legal needs of the whole community has been transformed over the last 20 years with the implementation of Legal Needs Surveys (LNS). When well conducted, LNS provide the only comprehensive picture of legal need across a community or country as they capture the legal needs of everyone, not just those who find their way to legal services. Significantly, LNS do not require respondents to know or identify that a problem is 'legal'.

The findings of LNS can be used in policy development and service delivery, in particular to improve reach and response to potential clients whose needs are greatest. Regular LNS monitor variations in legal need over time and can capture emerging issues to inform law reform and access to justice strategies.



LNS provide insight into :

- the types of problems different people experience
- the context within which they occur
- the impact they have
- what, if anything, people do in response to them

A comprehensive picture of legal needs

Many everyday activities take place within a legal context, including purchasing goods and services, employment, financial arrangements, driving a vehicle, renting and purchasing housing, and interactions with government. These events may or may not create a need for legal assistance, and even when they do, that need may not be recognised or acted on.

The legal issues that are resolved through the formal justice system are only part of the picture of legal need. The concept of legal need is closely related to the concept of access to justice.

Unmet legal need inhibits access to justice. Legal need surveys provide a measure of legal issues from the perspective of the person experiencing them.



The value of LNS is that they provide:

- A comprehensive picture of the extent of experience of 'everyday' legal issues
- An understanding of the types of legal issues that have the greatest consequences, and the nature and scale of that impact
- Awareness of the options for responding to legal issues, including the accessibility of legal assistance and self-help resources
- The actions taken in response to legal problems and how successful these are in improving outcomes
- How legal issue experience and response to legal issues varies across population sub-groups, and in particular how legal capability affects legal need

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Legal needs of community groups

Nationwide large-scale LNS that collect information about socio-demographics are a cost-effective method of researching the needs of many community groups, but when the groups of interest are not well captured perhaps because their absolute number is small or they are clustered in specific locations, then small-scale, localised LNS may be more appropriate. LNS can be conducted amongst specific groups of people, such as attendees at a community event, or people receiving social services, small business owners, or people living in an institution or in specific geographic areas, such as a suburb, a remote township or an area affected by natural disasters.

Limitations of Legal Needs Surveys

A limitation of legal needs surveys is that for reliable findings they require an adequate and representative sample of the group of interest, and even if technically feasible this may be prohibitively expensive to achieve for smaller groups such as smaller geographic areas, the rarer priority client groups and people experiencing specific types of legal problem. All findings from surveys where only a sample of the population are interviewed have some degree of imprecision. This means that poorly designed surveys will not be able to identify differences between groups of interest with a sufficient level of confidence for policy or operational decision making.

When survey data alone cannot provide sufficient level of detail, findings can be applied to administrative data to provide an alternative source of information on potential legal need, such as the Foundation's [Need for Legal Assistance Service \(NLAS\)](#) indicators.

The Legal Australia Wide (LAW) Survey

The best overall picture we have of legal need in Australia comes from the Foundation's LAW Survey (2012). This LNS interviewed almost 21,000 people across Australia, identifying the legal problems they experienced and what they did in response to these. About one **half of the population** experiences a legal problem in a year, yet the experience of legal problems is not evenly distributed across the population. Generally, the more indicators of **disadvantage** a person has, the greater likelihood they will experience **multiple legal problems**.



Victims of domestic violence, people with disability, single parents, unemployed people and people living in disadvantaged housing are **most vulnerable**.



Most people attempt to resolve their legal problems without lawyers or through the formal justice system, with an estimated **3%** of legal problems resolved through court or tribunal.

Legal Needs Survey Question Topics

- Experience of legal issues in 'everyday' language
- Nature of the legal issues(s) including type, other party, length, current status, impact on respondent
- Response to the legal issue(s), including any action taken, reasons for no action, barriers to assistance, use and usefulness of self-help, non-legal assistance, legal assistance, formal justice system
- Personal capability, including problem solving ability/confidence legal capability, including perceptions of the lawyers, the law, and the justice system and awareness of legal assistance options
- Socio-demographic questions to enable research on individual community groups

