

# Access to justice for children and young people in Aotearoa New Zealand

Working paper No. 12 - Legal service delivery, non-lawyer services, and integrated services

1 June 2023

Author: Jennifer Braithwaite LLM (Hons), MSCL (Hons)

This research study was made possible thanks to a Justice Fellowship from the Michael and Suzanne Borrin Foundation.



© June 2023 Jennifer Braithwaite

# Table of contents

Context.....	3
Legal services for children and young people.....	4
Child Protection system.....	5
Criminal Justice System .....	6
Conclusion .....	7
Different ways of delivering legal services .....	8
Specialist services.....	8
Targeted services.....	9
Pro bono services .....	10
Unbundling.....	12
Law students.....	13
Non-lawyer legal services.....	15
Non-legal roles in legal services .....	15
Non-legal roles external to legal services.....	15
Risks and regulation .....	16
Further reading .....	18
Developing the capacity of non-lawyers .....	19
Legal Secondary Consultation .....	19
Legal health check.....	21
Integrated services.....	25
Challenges and enablers .....	26
Different forms of joined-up services.....	28
Existing examples in New Zealand.....	29
Co-location.....	29
Lawyer embedded in non-legal service .....	30
Multi-disciplinary teams .....	34
Partnerships.....	37
References.....	41

# Context

This working paper considers the role of legal service delivery, non-lawyer services, and integrated services in closing the justice gap for children and young people in Aotearoa New Zealand. It forms part of an overall research project exploring the extent to which children and young people are able to access to justice in Aotearoa New Zealand. The findings of the research study are presented in three parts:

**Part One** contains my analysis of data from key informant interviews with adults with expertise in the justice system and/or working with particular groups of children and young people, as well as from a survey of children and young people aged 14 to 24.

**Part Two** discusses the meaning of access to justice and other related concepts such as legal empowerment as well as the specific meaning of access to justice for children and child-friendly justice. It then discusses the justice problems experienced by children and young people generally, as well as common barriers to accessing justice. The analysis in this report is based on my review of the research and literature in New Zealand and overseas as well as analysis of information obtained from the government and Crown entities.

This report is supported by a series of ten working papers discussing the justice problems and barriers to accessing justice experienced by particular groups of children and young people and is broken up into a series of reports relating to groups identified as likely to experience differing justice problems or barriers to access. These working papers are:

1. Children and young people in care or with care experience;
2. Disabled and neurodiverse children and young people;
3. Tamariki and rangatahi Māori;
4. Pacific children and young people;
5. Rainbow and takatāpui children and young people;
6. Girls and young women;
7. Boys and young men;
8. Poverty and socio-economic disadvantage;
9. Trauma; and
10. Intersectionality.

**Part Three** explores possible solutions or ways to close the justice gap for children and young people in Aotearoa New Zealand. This part of the study is also supported by a series of working papers in relation to possible solutions. At the time of writing these working papers consider the following topics with additional working papers likely to follow:

11. Strategic litigation;
12. Legal service delivery, non-lawyer services, and integrated services;
13. Data, evidence and measuring change;
14. Technology;
15. Training for professionals;
16. Legal education and continuing professional development for lawyers and judges; and
17. Law-related education for children and young people.

## Legal services for children and young people

Emerson et al.'s research in relation to the legal needs of children and young people in Northern Ireland which involved both children and young people and adult stakeholders asked participants how they would describe an "ideal legal advisor" or 'ideal solicitor' or 'ideal adult in the legal system'.<sup>1</sup> They identified four main areas of competence:<sup>2</sup>

- Being professionally capable – qualified and well trained on the law generally and with specific knowledge and expertise as relevant to the context. Some participants also said it was important that they understand the young person's context and community.
- Having a caring personality – young people said the ideal person would be "caring, helpful, trustworthy, non-intimidating, non-judgemental, and patient".
- Experienced with young people – this includes being able to communicate effectively with children and young people, able to explain complicated things clearly in an engaging, interesting and honest manner without being patronising.
- Recognising that children are rights-holders – while participants did not necessarily use this language they described key aspects of children and young people's rights including listening, taking young people seriously, providing information in an appropriate manner, and maintaining confidentiality.

Hasan's research asking children with experience of the criminal justice system what they needed from their lawyer when they were in the criminal justice system identified very similar themes: honesty and not being patronising; trustworthiness; friendliness tempered with professionalism and proper boundaries; an open, non-judgmental approach; giving clear, direct and comprehensive advice; and respecting the child's agency instead of pushing a particular outcome.<sup>3</sup>

Other reviews not directly involving children and young people also point to similar features of child or youth friendly legal services. For example, the Law Council of Australia cite submissions from the Western Australian Commissioner for Children and Young People that legal services for children and young people should be:<sup>4</sup>

- Staffed by culturally competent people who have experience working with young people and developing trusting, respectful relationships with them;
- Accessible including being open at hours young people are available and located somewhere safe on public transport routes;
- Provided in language that is appropriate for young people; and
- Designed involving young people to maximise their accessibility.

UNICEF ECARO have also developed guidelines for the provision of child-friendly legal aid focussing on the "attitudes, knowledge and skills that are required for a child client to receive the best possible legal representation and support".<sup>5</sup> The guidelines describe competence when acting for children including the need to "have knowledge of relevant domestic law and

---

<sup>1</sup> Emerson, L., Lloyd, K., Lundy, L., Orr, K., & Weaver, E. (2014). [The legal needs of children and young people in Northern Ireland: the views of young people and adult stakeholders](#). Queens University Belfast at 107.

<sup>2</sup> Ibid at 107-108.

<sup>3</sup> Hasan, Z. (2022). [Fighting Racial Injustice Background, childhood, legal representation & trauma](#). Youth Justice Legal Centre; Just for Kids Law; the Transition to Adulthood Alliance at 13.

<sup>4</sup> Law Council of Australia. (2018). [The Justice Project: Final Report Part 2 Legal Services](#) at 45-46.

<sup>5</sup> UNICEF ECARO. (2018). [Guidelines on child-friendly legal aid](#). UNICEF at 8.

procedures, children's rights, children's developmental stages and how to communicate with children".<sup>6</sup> In particular, they should:<sup>7</sup>

- *know about children's rights and how they can be applied in practice including, at a minimum, the provisions of the United Nations Convention on the Rights of the Child and the Council of Europe Child-Friendly Justice Guidelines;*
- *have a good understanding of the civil, criminal and administrative legal procedures for children, including the various measures that can be taken, such as diversion or restorative justice processes;*
- *know when and how to seek specialized advice and support from appropriate professionals such as psychologists and social workers;*
- *have working knowledge of various stages of children's physical, cognitive, emotional and social development;*
- *be aware of how children communicate and how this can change over the course of their childhood;*
- *be able to communicate effectively with children;*
- *have awareness and sensitivity when dealing with child victims and witnesses to avoid secondary victimization;*
- *have undertaken any required vetting, such as disclosure of criminal convictions; and*
- *take responsibility to attend training on an ongoing basis and keep updated as to developments in law and practice relating to children.*

Guidance has also been developed in relation to legal services for children and young people in specific contexts, most notably in the child protection system and criminal justice systems.

## **Child Protection system**

In Aotearoa New Zealand there is fairly limited guidance for lawyers representing children in child – a practice note from the Chief Family Court Judge which primarily focusses on procedural matters<sup>8</sup> and a single seven page best practice guidance note that relates to both private family law proceedings and proceedings under the Oranga Tamariki Act 1989.<sup>9</sup> In contrast, Victoria Legal Aid produce a detailed guide for lawyers representing children in child protection proceedings which includes child participation principles adapted from the basic requirements for the implementation of the right of the child to be heard as identified by the United Nations Committee for the Rights of the Child.<sup>10</sup> The VLA guide discusses the importance of considering the particular child's needs:<sup>11</sup>

---

<sup>6</sup> Ibid at 14.

<sup>7</sup> Ibid.

<sup>8</sup> Principal Family Court Judge. (2020). [Family Court Practice Note. Lawyer for the Child: Selection, appointment and other matters](#). Principal Family Court Judge's Chambers.

<sup>9</sup> Family Law Section. (2018). [Lawyer for the child best practice guidelines: Acting for children under the Care of Children Act 2004 and the Oranga Tamariki Act 1989](#). New Zealand Law Society.

<sup>10</sup> Victoria Legal Aid. (2019). [Representing children in child protection proceedings: A guide for direct instructions and best interests lawyers](#).

<sup>11</sup> Ibid at 29.

*[A] child's physical and mental health, cultural and religious identity, family and peer relationships, education, disability, housing situation, or sexuality will impact on a child's experience of the world around them and of the child protection system. In some cases they may indicate the child is at particular risk of disadvantage or marginalisation, has certain entitlements to services or resources, or may need special assistance to participate in proceedings.*

*All lawyers should consider how these factors impact a child they are acting for and identify the strategies, services and resources that may assist the child and promote their best interests. This means lawyers need to have a working knowledge of the child and family service system, and of policies, initiatives or legislative entitlements relevant to children involved with child protection.*

The VLA guide also contains sections in relation to the needs of specific groups of children and young people good practice in working with Aboriginal and Torres Strait Islander children, children with a disability, education needs, cultural and religious diversity and LGBTIQ+ young people.<sup>12</sup> While this guidance is specific to child protection proceedings, some aspects will be of general relevance.

In the United States there are a series of guides produced by the National Association of Counsel for Children, the National Quality Improvement Center on the Representation of Children in the Child Welfare System, and the Family Justice Initiative.<sup>13</sup> These guidance documents are discussed in more detail in *Working paper No. 1: Children and young people in care or with care experience*.

## **Criminal Justice System**

In other jurisdictions a range of guides in relation to how to represent children and young people in the criminal justice system have also been developed. For example, in the United Kingdom the Solicitor's Regulation Authority have developed a good practice for youth court solicitors including the key competencies in relation to knowledge and skills, awareness of background and needs, communication and engagement, and awareness of key organisations.<sup>14</sup>

The Youth Justice Legal Centre in the United Kingdom have also developed a series of guides to best practice when representing children in the criminal justice system:<sup>15</sup>

- Turning 18: the impact of turning 18 on young people in the criminal justice system;
- Intermediaries for child defendants: identifying whether a child defendant needs an intermediary and how to apply for one.
- Child Criminal Exploitation: representing children who have been exploited and are charged with offences arising out of that exploitation.
- Criminal Behaviour Orders: representing children who are subject to an application for a Criminal Behaviour Order (CBO).

---

<sup>12</sup> Ibid at 29-35.

<sup>13</sup> Family Justice Initiative. (2021). [Improving the lives of children and families through high-quality lawyering](#); Duquette, D.N., Orlebeke, B., Zinn, A., Pott, R., Skyles, A. & Zhou, X. (2022). [Children's Justice: How to Improve Legal Representation of Children in America's Child Welfare System](#). National Quality Improvement Center on the Representation of Children in the Child Welfare System; National Association of Counsel for Children. (2022). [Recommendations for Legal Representation of Children and Youth in Neglect and Abuse Proceedings](#).

<sup>14</sup> Solicitor's Regulation Authority. (n.d.). *Good practice guide for youth court solicitors*. <https://www.sra.org.uk/solicitors/resources/continuing-competence/cpd/youth-court-advocacy/good-practice-guide/>

<sup>15</sup> Youth Justice Legal Centre. (2021). *Legal Guides and Toolkits*. <https://yjlc.uk/resources/legal-guides-and-toolkits?page=0>

- Trauma Informed Lawyering: what trauma informed lawyering in the youth justice system is and why it matters.
- Criminal Practice Directions: explains how the Criminal Practice Directions can support when representing children in the criminal courts.
- Effective participation and fitness to plead: the legal framework for fitness to plead including practical advice on the work that needs to be done by the defence at each stage.
- Police Bail and Remand for Children: an overview of the law on the pre- and post-charge detention of children by the police including practical tips on how to reduce the time spent by children in police custody.
- Court Bail and Remand: an overview of the law on bail and remand for children in court including practical tips on what can be done by practitioners to prevent the pre-conviction detention of child clients.
- Reporting restrictions for children in criminal cases: an overview of the law on reporting restrictions for children in criminal courts in England and Wales including practical tips for practitioners to help prevent children being named in the press.
- Children facing sexual allegations: an overview of the law on allegations of sexual offences made against children including practical advice on the work that needs to be done by the defence at each point in the proceedings.
- Sexting: an overview of 'sexting' and will explain how to defend a child who has an allegation of sexting made against them.
- #1 Fighting Racial Injustice: A three-part series designed to equip practitioners with knowledge and strategies for identifying and challenging racism facing Black, Brown and Racialised children and young adults in the criminal justice system.

The Youth Justice Legal Centre also offer training courses. This includes a one day training course for lawyers wishing to practice in the Youth Court developed in partnership with the Law Society and delivered by experienced youth justice lawyers together with young people with experience of the criminal justice system.<sup>16</sup> They also offer a shorter evening course focussed on how to explain the law and legal processes to child or young person.<sup>17</sup>

## Conclusion

The research and literature in relation to legal services for children and young people identifies a fairly consistent set of key competencies relating both lawyers' knowledge and skills (knowledge about the law, children and young people's needs, and wider support services) and how they work with children and young people (strong communication skills, accessibility, and empowerment of the child or young person). These core competencies could be used as a basis to develop similarly comprehensive guidance, resources and training for lawyers working with children and young people in Aotearoa New Zealand, tailored to our context and the needs of children and young people in this country.

---

<sup>16</sup> See Youth Justice Legal Centre. (2023). *Training for Solicitors*. <https://yjlc.uk/training-and-events/youth-justice-training/training-solicitors>

<sup>17</sup> See Youth Justice Legal Centre. (2023). *Explaining Law & Process to Children: A YJLC Workshop for Lawyers*. <https://www.eventbrite.co.uk/e/explaining-law-process-to-children-a-yjlc-workshop-for-lawyers-tickets-604709180437>

## Different ways of delivering legal services

### Specialist services

The provision of specialist services is one way to provide tailored, targeted and person-centred services. As the Law Council of Australia explains, specialist services can:<sup>18</sup>

*[B]ring in-depth knowledge of the backgrounds and experiences of target client groups, the kinds of problems they commonly experience, their likely barriers to seeking legal help, their specific needs, and best practice responses.<sup>360</sup> This prompts quicker identification of core issues,<sup>361</sup> and facilitates tailored and informed service delivery.<sup>362</sup> Clients may feel safer and more welcome at specialist services which are designed to meet their needs*

The downside is that specialist services can rarely meet every aspect of a person's identity. Resource limitations also mean that specialist services cannot realistically be available everywhere and for all groups or sub-groups. For example, the Law Council of Australia identified concerns that those in remote in rural areas were disadvantaged by an absence of accessible, specialist services including for children and young people.<sup>19</sup> Online services are theoretically available to meet the gap in in person specialist services, at least for those who have sufficient technological and legal capability.<sup>20</sup> However, as discussed in *Working paper 14. Technology* – this may rule out many of the most marginalised children and young people.

In Aotearoa New Zealand there are two specialist community law centres: YouthLaw Aotearoa which provides “free legal services to anyone aged under 25 who are unable to access legal help elsewhere, or those acting on their behalf”,<sup>21</sup> and Auckland Disability Law, a specialist disability law centre which provides free legal services to disabled people in relation to their disability related legal issues, legal education on disability law in the community and within disability and legal organisations, and works with the Disability and Deaf communities on community engagement and law reform.<sup>22</sup>

In Australia, there are both specialist services for children and young people generally,<sup>23</sup> as well as services targeting different groups of children and young people for example:

- The Level UP project which provided specialised legal advice, education and support to young people transitioning from out of home care;<sup>24</sup>

---

<sup>18</sup> Law Council of Australia, [The Justice Project: Final Report Part 2 Legal Services](#) at 53.

<sup>19</sup> Ibid at 55.

<sup>20</sup> Ibid.

<sup>21</sup> YouthLaw Aotearoa. (n.d.) *About YouthLaw*. <https://youthlaw.co.nz/about-youthlaw/>.

<sup>22</sup> Auckland Disability Law. (n.d.). *Welcome to Auckland Disability Law*. <http://aucklanddisabilitylaw.org.nz/>. Auckland Disability Law and other specialist disability law centres in other jurisdictions are discussed in *Working paper no. 2: Disabled and neurodiverse children and young people*.

<sup>23</sup> Youthlaw Australia. (n.d.). *About us*. <https://yla.org.au/about-us/>; YouthLaw (Victoria). (n.d.). *About Youthlaw*. <https://youthlaw.asn.au/about-youthlaw/>. Specialist services for children and young people also operate in other jurisdictions such as Just for Kids Law. (n.d.). *About us*. <https://www.justforkidslaw.org/about-us> in England; Youth Justice Legal Centre. (n.d.). *About us*. <https://yjlc.uk/about-us> in England; Clan Childlaw. (n.d.). *About us*. <https://www.clanchildlaw.org/about-us/jin> Scotland; and Justice for Children and Youth. (n.d.). *About JFCY*. <https://jfcy.org/en/about-us/> in Canada.

<sup>24</sup> Peek & Kallmier, [LevelUP: An innovative legal project to help young people in Out Of Home Care](#) at 3. The LevelUP Project is discussed in more detail in *Working paper no. 1: Children and young people in care or with care experience*.



- The Shopfront, a legal service tailored to the legal needs of homeless youth based in inner Sydney, New South Wales;<sup>25</sup>
- Balit Ngulu, a specialist legal service for Aboriginal children and young people operated by the Victorian Aboriginal Legal Service;<sup>26</sup> and

Research and literature often highlights the need for both specialist services, and for generalist services to be more accessible for marginalised groups. For example, Mitchell et al.'s research study exploring trans and gender diverse people's experiences with the Victorian criminal justice system asked participants to identify services, or improvements to current services, that were required to address their needs.<sup>27</sup> Some participants advocated for establishing cultural competency and cultural safety across the service landscape, others argued for specialist services, and a third group supported a combination of the two.<sup>28</sup> One of the roles of specialist services can also be to support generalist services as discussed by Diesfeld et al in their service delivery proposal for a specialist disability law service:<sup>29</sup>

*A disability law project will provide community law centres (CLCs) and other legal services with:*

- *support, knowledge and a robust referral process for disability law issues*
- *advice regarding access, including language/interpretation*
- *relevant networks of expertise in disability and legal services*
- *a repository of expertise in an over-taxed community law system*
- *resource to build capacity in a little-known area of law*
- *opportunity to share legal reform strategies*
- *expansion of a model of law based on a community of interest.*

Each of the working papers in relation to different groups of children and young people discusses the research and literature regarding specialist services for that group.

## Targeted services

Targeted or 'outreach' services involve "reaching out' to marginalised communities which are unlikely to access mainstream legal assistance despite having high levels of legal need, due to lower levels of knowledge, skills and readiness to act as well as distrust of legal services."<sup>30</sup> Outreach services are often delivered in partnership with non-legal organisations working with the target group. For example, in Australia Marrickville Legal Centre provides outreach to the Bankstown Migrant Youth Service and Headspace and in Canada, the Hamilton Outreach Project involves legal clinics at a range of community agencies including local food banks, a shelter for homeless youth, an Aboriginal health centre, mental health crisis centre, and other

<sup>25</sup> Shopfront Youth Legal Centre. (2018). *About the Shopfront*. <https://www.theshopfront.org/>. The Shopfront is discussed further below and in *Working paper no. 8: Poverty and socio-economic disadvantage*.

<sup>26</sup> Victorian Aboriginal Legal Service. (n.d.). *Balit Ngulu*. <https://www.vals.org.au/balitngulu/>. Balit Ngulu is discussed further below and in *Working paper no. 3: Tamariki and rangatahi Maori*.

<sup>27</sup> Mitchell, M., McCrory, A., Skaburskis, I., & Appleton, B. (2022). *Criminalising Gender Diversity: Trans and Gender Diverse People's Experiences with the Victorian Criminal Legal System*. *International Journal for Crime, Justice and Social Democracy*, 11(2), 99-112 at 9.

<sup>28</sup> Ibid.

<sup>29</sup> Diesfeld, K., Patston, P., McLean, M., Miller-Burgering, W., Vickery, R. & Phelan, T. (2006). *Service delivery proposal 2006/2007, Disability Law Project, report No. 2*. Legal Services Agency at 17.

<sup>30</sup> Law Council of Australia, *The Justice Project: Final Report Part 2 Legal Services* at 67.

community locations to provide legal services.<sup>31</sup> Many community law centres in Aotearoa also provide outreach services in partnership with various community organisations.<sup>32</sup>

Outreach services are recognised as one of the most effective ways to deliver legal services but are particularly resource intensive which presents challenges when resources are constrained.<sup>33</sup>

## Pro bono services

Pro bono services are often identified as a part of the solution to the access to justice gap.<sup>34</sup> In Aotearoa New Zealand pro bono advocacy led to the establishment of Te Ara Ture, a pro bono clearinghouse that connects those seeking assistance with lawyers who are prepared to volunteer their time to assist them.<sup>35</sup> However, many of those who advocate for pro bono services are also explicit in recognising that they are not a complete answer.<sup>36</sup> In my view, there are a number of factors that mean that pro bono services are unlikely to be a significant disruptor in relation to legal services for children and young people.

The Auckland Community Law Centre's report on its litigant in person pilot which provided the genesis of the clearinghouse proposal identifies a key challenge:<sup>37</sup>

*Where pro bono providers choose to provide services is really a matter of personal choice. It is firms, individual lawyers, and other legal organisations who have the human resource. The motivations and interests of the profession will determine the amount of pro bono and the type of pro bono that occurs in the future.*

Daniels and Martin's research in the United States found that law firms had two primary areas of organisational interest in undertaking pro bono work: "[o]ne area is more internal to the firm and centres on the recruitment, retention, and training of lawyers. The other is more external and focuses on marketing, image, and client relations."<sup>38</sup> Stewart et al.'s research in Aotearoa New Zealand also identified similar motivations as well as benefits for individual lawyers (training, experience, leadership opportunities, psychological benefits from altruistic behaviour, and development of new expertise) and the profession as a whole (justifying the reserved areas of work for lawyers although many New Zealanders are unable to afford them).<sup>39</sup>

---

<sup>31</sup> Hamilton Community Legal Clinic, The Hamilton Outreach Project: Meeting People Where They're At at 364-366. The Hamilton Outreach Project is discussed further below.

<sup>32</sup> For example, Community Law Wellington and Hutt Valley offer clinics at various community organisations in their region: Community Law Wellington and Hutt Valley. (n.d.) *Free Legal Advice in Your Neighbourhood*. <http://www.wclc.org.nz/our-services/outreach-clinics/>

<sup>33</sup> Law Council of Australia, *The Justice Project: Final Report Part 2 Legal Services* at 73.

<sup>34</sup> New Zealand Bar Association Working Group on Access to Justice. (2018). *Access to Justice Āhei ki te Ture* at 33; Auckland Community Law Centre (Aclc). (2019). *Pro Bono - Unlocking potential through the Litigant-in-Person challenge* at 17-21; Stewart, K., Toy-Cronin, B. & Choe, L. (2020). *New Zealand lawyers, pro bono, and access to justice*. University of Otago Legal Issues Centre at 4-5, 26.

<sup>35</sup> Te Ara Ture. (n.d.) *About us*. <https://tearature.co.nz/about/>

<sup>36</sup> Auckland Community Law Centre, *Pro Bono - Unlocking potential through the Litigant-in-Person challenge* at 19; Stephen, C. (2020). *Pro bono clearing house. It may make a difference, but is it the answer?* *LawTalk* 941; Stewart et al., *New Zealand lawyers, pro bono, and access to justice*. at 26-27.

<sup>37</sup> Auckland Community Law Centre, *Pro Bono - Unlocking potential through the Litigant-in-Person challenge* at 17.

<sup>38</sup> Daniels, S., & Martin, J. (2009). *Legal services for the poor: Access, self-interest, and pro bono*. *Access to Justice: Sociology of Crime, Law and Deviance*, 12, 145-166 at 153. The research was a case study of the legal services market in Cook County, IL and Chicago and drew from "documentary research on over 50 private legal service providers in Cook County; interviews with 31 lawyers participating in the market for legal services in Cook County; and a focus group with 10 lawyers participating in that market." (p.45)

<sup>39</sup> Stewart et al., *New Zealand lawyers, pro bono, and access to justice* at 7-8.

Daniels and Martin also found that pro bono interest was “unlikely to be focused on one of the most pressing areas of demonstrated legal need” with other substantive areas being far more attractive to firms and their lawyers:<sup>40</sup>

*Firms will take on legal issues in which there is substantial need only if it serves one of the firm’s practical needs like recruitment or training – assuming, of course, there are no conflict of interest issues. The top three areas of legal need in Illinois, according to the 2005 survey, are consumer, housing, and family (Chicago Bar Association et al., 2005, p.17). These areas involve the nitty-gritty matters of everyday life and they may not be interesting or challenging enough or provide the kinds of opportunities needed to meet the firms’ practical needs....Individual lawyers’ decisions are not particularly likely to follow demonstrated legal need either.*

Another issue is that when pro bono lawyers do take on these everyday law cases, they may not have any relevant experience as Rubinson explains:<sup>41</sup>

*In the rare instances where pro bono lawyers do engage in those seemingly routine poverty law cases, there exists risks of incompetent representation because such lawyers have neither the experience nor the training to gain expertise in these challenging areas.*

However, Stewart & Toy-Cronin make the point that legal practice can mean many different things with “[s]ome lawyers’ client base is primarily made up of large corporations and others work almost exclusively for low-income people in distress” which arguably affects who should bear the burden of pro bono service provision as a quote from criminal barrister Len Andersen (now a QC) illustrates:<sup>42</sup>

*I’d be pretty disturbed if there was an expectation that criminal lawyers did pro bono. It is good marketing for the large law firms to do it and good on them for picking that up, but it’s not the same sacrifice as it would be for criminal lawyers. It suits those firms to do pro bono work because it is something they can trumpet about what good corporate citizens they are and they have the resources to do it.*

While this is a point very well made, the problem is that criminal lawyers are more likely to have both the specialist expertise and experience of working with clients experiencing disadvantage required to work with those who need pro bono services.

My own experience when working at a community law centre with a pro bono programme was that firms generally sent along their most junior members of staff, law clerks who had not yet been admitted as lawyers, often with no previous experience working directly with clients and few of the soft skills required to do this work effectively (particularly with the client group we served). They also had very little in the areas of law in which we practiced and required training and very close supervision. There was also little continuity with each person often only coming to the law centre once or twice so staff had to repeat this training every time someone came to the office. Overall, the amount of training required meant that the pro bono partnership placed more of a burden on community law centre staff than a benefit and the decision was made to pause and then end it. It is also questionable whether the training that the law centre gave the law clerks was particularly relevant to their roles in a large commercial law firm. However, I have also had experience where an experienced barrister successfully took on a strategic litigation case for the law centre pro bono.

---

<sup>40</sup> Daniels & Martin, [Legal services for the poor: Access, self-interest, and pro bono](#) at 160-161.

<sup>41</sup> Rubinson, [A Theory of Access to Justice](#) at 139.

<sup>42</sup> Stewart et al., [New Zealand lawyers, pro bono, and access to justice](#). at 10.

In summary, pro bono legal services are unlikely to make a significant difference to children and young people's everyday access to justice for the following reasons:

- There is a mismatch between the skills and experience of those who have the capacity to provide pro bono services and the skills and experience needed to provide effective services to vulnerable clients.
- There is also a mismatch between the reasons that firms are prepared to provide pro bono services and the nature of unmet legal need. That is, their young lawyers need training but the training they need is in the areas of law and interpersonal skills required to do their paid roles, not the kind of training that is required to work effectively with vulnerable children and young people (both in terms of legal expertise and soft skills). Other motivations such as those relating to marketing may be met by high profile cases e.g. the public interest cases<sup>43</sup> or strategic litigation discussed below. However, the lion's share of unmet legal need relates to much more mundane, every day issues which are nonetheless very important for the person experiencing them.

However, there is potential for other forms of voluntary service provision such as law student volunteers to be of benefit as discussed further below.

## Unbundling

Unbundling is another potential tool to reduce the cost of litigation whilst still having the benefit of legal assistance.<sup>44</sup> Cunninghame & Toy-Cronin explain that litigation services can be unbundled in various different ways including the following arrangements:<sup>45</sup>

- 1. The litigant represents themselves in court and engages a lawyer for strategic advice or to assist in the preparation of documents; or*
- 2. The litigant and the lawyer divide the tasks of litigation (possibly including some elements of the proceeding in court) between themselves; or*
- 3. The lawyer is solicitor on record but the litigant conducts some elements of the work themselves, which could include preparing some documents and/or attending some appearances.*

Cunninghame & Toy-Cronin made a series of recommendations for change to facilitate unbundled legal services / limited retainers.<sup>46</sup> The New Zealand Bar Association Working Group on Access to Justice have also recommended further consideration of the "utility of, and demand for, unbundled legal services",<sup>47</sup> and the New Zealand Law Society released practice guidance on limited retainers in 2020.<sup>48</sup>

Community law centres often undertake various forms of unbundled legal services. When I worked at the law centre it was not unusual for us to assist clients by reviewing their draft documents such as statements of problem to the Employment Relations Authority or letters to

---

<sup>43</sup> See Te Ara Ture. (n.d.). *About us*. <https://tearature.co.nz/about/>

<sup>44</sup> Cunninghame & Toy-Cronin, *Unbundling Litigation Services in New Zealand: Where to next? (Working Paper)* at 3.

<sup>45</sup> Ibid at 2.

<sup>46</sup> Toy-Cronin, B. (2016). *New Business Models for Legal Services (Working Paper). Paper prepared for the New Zealand Bar Association Access to Justice Working Group*. University of Otago Legal Issues Centre at 13.

<sup>47</sup> New Zealand Bar Association Working Group on Access to Justice, *Access to Justice Āhei ki te Ture* at 49.

<sup>48</sup> New Zealand Law Society. (2020). *Guidance to lawyers considering acting under a limited retainer*. <https://www.lawsociety.org.nz/professional-practice/practice-briefings/guidance-to-lawyers-considering-acting-under-a-limited-retainer/>

the other party in a dispute. As such, while unbundled services are undoubtedly of some benefit, they aren't really a game changer.

## Law students

My view is that partnerships between community law centres and law schools contribute to access to justice in two ways:

1. Providing additional capacity for the law centres; and
2. Education and training for the next generation of lawyers both in relation to the practical application of the law and of community needs.

Many community law centres run student volunteer programmes. For example, YouthLaw Aotearoa operates a student volunteer programme for law students in year two or above where students assist with answering phone calls, legal research, client interviews, and assisting lawyers.<sup>49</sup> Community Law Otago also operate a student volunteer programme involving clinics staffed by a volunteer lawyer and a group of law students.<sup>50</sup>

Some student volunteer programmes are organised by student led organisations but also work in partnership with community law centres. For example, Equal Justice Project, a student run organisation at the University of Auckland, works with Auckland Community Law Centre, Waitematā Community Law Centre, Māngere Community Law Centre and Shakti Legal Centre to provide student volunteers to support paid staff.<sup>51</sup> The Equal Justice Project also have a team providing pro bono support to practitioners, academics and community groups.<sup>52</sup> The pro team's work has involved supporting organisations working with children and young people including research assistance to VOYCE-Whakarongo Mai on the support and services available to young people with care experiences transitioning out of state care and making submissions to the United Nations Committee on the Rights of Children in conjunction with Action for Children and Youth Aotearoa.

Wellington Community Justice Project is another student run organisation at Victoria University of Wellington. The Wellington Community Justice Project Advocacy Team run three projects, one of which focusses on school students and is operated in partnership with Community Law Wellington and Hutt Valley:<sup>53</sup>

1. Welfare Advocacy: Volunteers support people in the court system at the Wellington District Court to access community services and resources
2. Student Rights: Where advocates provide support to students and caregivers who have issues at school or are unsure of their rights.
3. Howard League Prisoner Support: Recently established in partnership with The Howard League in 2017, involving the receiving of letters from prisoners who are in need of assistance and responding to their requests.

Wellington Community Justice Project also have an education team which runs another two projects:<sup>54</sup>

---

<sup>49</sup> YouthLaw Aotearoa. (n.d.). *Volunteer and Internship Programmes*. <https://youthlaw.co.nz/about-youthlaw/volunteer-for-us/>

<sup>50</sup> Community Law Otago. (n.d.) *About Us*. <https://communitylawotago.com/about-us/>

<sup>51</sup> Equal Justice Project. (n.d.). *Community*. <https://www.equaljusticeproject.co.nz/community>

<sup>52</sup> Equal Justice Project. (n.d.) *Pro bono*. <https://www.equaljusticeproject.co.nz/pro-bono>

<sup>53</sup> Wellington Community Justice Project. (n.d.). *Advocacy*. <https://www.wellingtoncjp.com/advocacy>; Community Law Wellington and Hutt Valley. (n.d.). *Student Rights Service*. <https://www.wclc.org.nz/our-services/the-student-rights-service/>

<sup>54</sup> Wellington Community Justice Project. (n.d.). *Education*. <https://www.wellingtoncjp.com/education>

1. Rights Education Project (REP): Students work with Community Law Wellington to deliver modules on the law and an individual's legal rights to schools and community groups throughout the Wellington region.
2. Know Your Rights: An information project in conjunction with VUWSA to inform Victoria University students of their rights in areas like tenancy.

In Christchurch, Law for Change Canterbury work with Community Law Canterbury on two projects:<sup>55</sup>

1. The Prison Education Project (delivered in collaboration with the Department of Corrections and 'Crimsoc' (UC Criminal Justice Society)). Student volunteers go inside the youth unit in a Christchurch prison to give informative seminars about applicable areas of law including employment, tenancy, family law, wellbeing, money, protection orders and harassment.
2. Acting as 'the face' of Community Law Canterbury (CLC) on the UC campus. This includes hosting information sessions about the different volunteering roles at CLC, advertising these positions to the UC Law School as well as being the first point of contact if there are any inquiries about these applications.

While all of these programmes appear to be of benefit to the community law centres, the students and those receiving services, my understanding is that none have been formally evaluated. The Equal Justice Project's article on public interest law in Aotearoa New Zealand also identifies some other challenges:<sup>56</sup>

- Student-led programmes are often reliant on a few dedicated students or lecturers to maintain momentum which can affect their longevity, consistency and the relationship with the profession as students come and go. These challenges can be managed through good handover processes proactive nurturing of professional relationships;
- Initiatives that are reliant on student work face which needs to be supervised by a legal academic or practitioner;
- Some community law centres also experience difficulty attracting student volunteers because of their location and distance from main city centres and law schools; and
- Being able to volunteer time to these initiatives is a privilege and those students who are not in the position to do so are excluded.

Looking overseas, there are also a number of interesting models operating that could provide inspiration for new or additional programmes here in New Zealand. For example, the Street Law program which originated at Georgetown University Law Center in 1972 as a practical course in the law for high school students taught by law students for academic credit and now operating at more than 50 law schools in the United States, dozens of international law schools, and in a variety of community and non-profit partnerships.<sup>57</sup> *Working paper no 16: Legal education and continuing professional development for lawyers* discusses some other interesting programmes.

---

<sup>55</sup> Law for Change. (n.d.). *University of Canterbury*. <https://www.lawforchange.co.nz/canterbury>

<sup>56</sup> Equal Justice Project (Pro Bono Team). (2020). [The State of Public Interest Law in Aotearoa New Zealand](#). *Public Interest Law Journal of New Zealand*, 7, 5-34 at 30.

<sup>57</sup> Arthurs, S., Cooperman, M., Gallagher, J., Grealy, F., Lunney, J., Marrs, R., & Roe, R.L. (2017). [From zero to 60: Building belief, capacity and community in Street Law instructors in one weekend](#). *International Journal of Clinical Legal Education*, 24(2), 118-241 at 124.

## Non-lawyer legal services

*Resolving justice problems lawfully does not always require lawyers' assistance, as a growing body of evidence shows. Because the problem is unresolved justice issues, there is a wider range of options. Solutions to the access-to-justice crisis require a new understanding of the problem. It must guide a quest for just resolutions shaped by lawyers working with problem-solvers in other disciplines and with other members of the American public whom the justice system is meant to serve.*<sup>58</sup>

### Non-legal roles in legal services

There are numerous examples of legal services with non-lawyer members in their teams:

- The Law Council of Australia describes non-legal officers working in 'bridge-building' roles to gain the trust of disenfranchised communities including Aboriginal and cultural liaison officers, disability advocates, youth engagement officers and community representatives.<sup>59</sup>
- Aboriginal Legal Services in Australia employ Youth Engagement Officers. Solicitors from the ALS Perth office were quoted saying: "[t]he kids relate to the workers, they trust them, they're Aboriginal and they understand the humour."<sup>60</sup>
- The Aboriginal Youth Court in Canada employs Aboriginal court workers who identify youth as Aboriginal then explain the AYC option to them, provide information regarding the circumstances and needs of individual youth to the court, liaises with family members, care givers and agencies, develops pre-diversion plans for youth and provides progress reports to the court.<sup>61</sup>
- Paralegals have long been employed by legal practices "to carry out less complex tasks, under legal practitioners' direct supervision and the protection of their professional indemnity insurance policy".<sup>62</sup>

In Aotearoa New Zealand a number of community law centres employ non-lawyers. For example, YouthLaw Aotearoa employ a legal education coordinator with a background in the education and community sectors,<sup>63</sup> and Waitematā Community Law Centre employ a Kaihāpai (Māori Community Worker).<sup>64</sup>

### Non-legal roles external to legal services

Matthews and Wiseman's discussion paper for the Law Council of Ontario summarises the key findings of reports reviewing the quality of outcomes from various forms of legal assistance, both legal and non-legal, including that:<sup>65</sup>

---

<sup>58</sup> Sandefur, R. (2019). [Access to What?](#) *Dædalus, the Journal of the American Academy of Arts & Sciences*, 148(1), 49-55 at 51.

<sup>59</sup> Law Council of Australia, [The Justice Project: Final Report Part 2 Legal Services](#) at 29.

<sup>60</sup> Ibid at 30.

<sup>61</sup> Clark, S. (2016). [Evaluation of the Aboriginal Youth Court](#). Toronto Aboriginal Legal Services at 44.

<sup>62</sup> Law Council of Australia, [The Justice Project: Final Report Part 2 Legal Services](#) at 18-19.

<sup>63</sup> YouthLaw Aotearoa. (n.d.). *Staff*. <https://youthlaw.co.nz/about-youthlaw/staff/>

<sup>64</sup> Waitematā Community Law Centre (n.d.). *Kaupapa Māori Legal Services*. <http://www.waitematalaw.org.nz/kaupapa-maori-legal-services.html>

<sup>65</sup> Matthews, J. & Wiseman, D. (2020). [Community Justice Help: Advancing Community-Based Access to Justice A discussion paper](#). Community Legal Education Ontario, The Law Foundation of Ontario at 37-38.

- Formal legal training may be less important than expertise and day-to-day experience in particular aspects of legal processes and legal settings;
- Lawyers' potential impact is greater in relation to more complex legal issues or procedures and in adversarial forums;
- Lay advocates' effectiveness is determined by whether they have received specialised training in the particular context they are working;
- The greater the power imbalance, the more important it is to have a skilled advocate with expertise in the forum; and
- Trained non-lawyers, backed by lawyers when necessary, can give effective help to people with legal problems.

They draw on these findings to develop a framework for "good quality" community justice services including three features of good quality community justice help:<sup>66</sup>

1. Have the knowledge, skills and experience they need to help people with the legal aspects of their problems and to navigate relevant legal processes.
2. Work within a not-for-profit organization that protects the dignity, privacy and consumer welfare of the people they are assisting.
3. Provide support that responds to their clients' needs in a holistic way, based on an understanding of all aspects of their needs, their life context, and the availability of other services in the community.

Matthews and Wiseman's framework also proposes markers or indicators for each of these three factors.<sup>67</sup> For example, the indicators for the first feature include specialisation in relation to clients' particular problems, regular training and other learning opportunities, ongoing relationships with legal service providers, access to internal and external mentors, and appropriate oversight.<sup>68</sup> They are also careful to emphasise that their proposal for community justice workers is not intended to replace the role of lawyers, rather it is a complementary one that counts on a well-resourced legal aid system.<sup>69</sup> In my view, this is an important point that should be built into the development of any non-legal service provision in Aotearoa New Zealand.

## Risks and regulation

Concerns are often expressed about the risks of non-lawyers providing any form of legal services. For example, the Law Council of Australia argued:<sup>70</sup>

*[S]ignificant risks do arise when people who are not legally trained and regulated undertake legal work unsupervised. Lawyers, similar to medical practitioners, are required to undertake extensive education and training, are subject to stringent regulatory frameworks, must hold professional indemnity insurance and are subject to overarching duties to the Court and fiduciary obligations to their clients. Those who receive advice or assistance with any aspect of a potential legal problem from a non-lawyer should be routinely cautioned that the advice or recommendation does not constitute legal advice.<sup>85</sup> The Law Council does not support allowing unqualified persons to practice law as 'lay advocates'.<sup>86</sup>*

---

<sup>66</sup> Ibid at 22.

<sup>67</sup> Ibid at 23-25.

<sup>68</sup> Ibid at 23.

<sup>69</sup> Ibid at 35-37.

<sup>70</sup> Law Council of Australia, [The Justice Project: Final Report Part 2 Legal Services](#) at 18-19.



The desire to balance these concerns with the potential access to justice benefits of non-lawyer providers has led a number of jurisdictions to explore creating some form of licenced non-lawyer practitioners. In particular, in the United States there has been substantial discussion of the potential for ‘alternative legal professionals’ (ALPs) “licensed or regulated nonlawyers authorized to perform substantive law-related work without an attorney’s supervision” to be a disruptive force.<sup>71</sup> However, existing programmes have not been entirely successful. For example, the Washington State program has now come to an end although it was never evaluated and there were no clear measures against which it could be assessed.<sup>72</sup> One issue was that the entry requirements were seen as too onerous and therefore likely to deter people from pursuing this career path. This included the amount of coursework and hands on experience required.<sup>73</sup> Another barrier was the question of who pays: “[i]f it is a private market model... it would cut out the indigent or the money must come from somewhere else. If people are required to pay, it will cut out a huge swath of potential clients.”<sup>74</sup>

The regulation of non-lawyer providers of legal services seems to have been more successful in Canada. Trabucco explains:<sup>75</sup>

*[E]vidence reveals that paralegal regulation in Ontario has been successful in making legal services more accessible, and that licensed paralegals are at least as capable as lawyers of providing certain legal services. ...After the first five years of paralegal regulation, Ontario’s law society concluded that the regulation had been “effective and efficient.”<sup>204</sup> The law society reported that paralegal clients were highly satisfied with the regulated services they had received, and that consumer protection had been balanced with maintaining access to justice and the public interest had thereby been protected.<sup>205</sup> In addition, David Morris, who conducted an independent five-year review, also proclaimed the introduction of regulation to be “by any objective measure...an unqualified success.”<sup>206</sup>*

Trabucco also points to reports from tribunals in Ontario “that paralegals excel at paperwork and advocacy in less complex cases” and that “[t]he numbers of complaints filed against lawyers and paralegals in the same two years are proportionate to their membership numbers. That is, there has been no higher proportion of complaints filed against paralegals than against lawyers”.<sup>76</sup> Trabucco points to three main reasons in favour of regulating paralegals as independent providers of legal services:<sup>77</sup>

*First, non-lawyers already provide a wide range of legal services in Canada. Second, the relationship between non-lawyer legal services provision and greater access to justice has long been recognized, and some sort of paralegal regulatory scheme has been advocated for. Third, evidence reveals that paralegal regulation in Ontario has been successful in making legal services more accessible, and that licensed paralegals are at least as capable as lawyers of providing legal services.*

The Independent Review Panel considering the regulation of lawyers in New Zealand also considered this issue noting in its consultation document released in 2022 that the Panel was:

---

<sup>71</sup> Daniels, S. & Bowers, J. (2022). [Alternative Legal Professionals and Access to Justice: Failure, Success, and the Evolving Influence of the Washington State LLLT Program \(The Genie is Out of the Bottle\)](#). *DePaul Law Review* (77), 227-278 at 228.

<sup>72</sup> Ibid at 273.

<sup>73</sup> Ibid at 263.

<sup>74</sup> Ibid at 266.

<sup>75</sup> Trabucco, L. (2018). [What Are We Waiting For? It’s Time to Regulate Paralegals in Canada](#). *Windsor Yearbook of Access to Justice*, 35, 149-176 at 171.

<sup>76</sup> Ibid at 172.

<sup>77</sup> Ibid at 167.

“aware of claims from consumers and judges that the performance of some employment advocates is substandard and that some consumers suffer very negative outcomes.”<sup>78</sup> The Independent Review Panel identified four options including two options involving regulation of non-lawyers providing legal services, the first a “a parallel ‘light-touch’ regime for specific categories of legal services provided by non-lawyers”, and the second, requiring “the registration and regulation of all ‘providers of legal services’, whether legally qualified or not” with the regulatory obligations varying “depending on the degree of risk to the public interest or to consumers (particularly those who are vulnerable)”.<sup>79</sup>

After reviewing submissions on the consultation document, the Independent Review Panel concluded that there was “no compelling reason to change the scope of regulation as it currently applies to lawyers and legal services, both in terms of the areas reserved for lawyers and bringing non-lawyers within the existing regulatory framework”.<sup>80</sup> They noted that their consultation did not find any “widespread consumer harm arising from unregulated legal service providers that might justify the costs of bringing non-lawyers within the same regulatory framework as lawyers”.<sup>81</sup> The New Zealand Law Society and the Government are yet to respond to the review report but it is also worth noting that the Review Panel’s focus in these comments was bringing non-lawyer advocates into the scope of regulation applying to lawyers and they specifically noted that if the Government was interested in regulation, “there are likely to be more suitable (and lighter-touch) methods for than extending doing so than extending the scope of regulation currently applied to lawyers”.<sup>82</sup>

## Further reading

American Academy of Arts and Sciences (2020) [Civil Justice for All: A Report and Recommendations from the Making Justice Accessible Initiative](#). American Academy of Arts and Sciences.

Cohl, K., Lassonde, J., Mathews, J., Smith, C.L. & Thomson, G. (2018) [Trusted help: The role of community workers as trusted intermediaries who help people with legal problems. Part 1: Key findings and recommendations](#). The Law Foundation of Ontario.

Daniels, S. & Bowers, J. (2022) [Alternative Legal Professionals and Access to Justice: Failure, Success, and the Evolving Influence of the Washington State LLLT Program \(The Genie is Out of the Bottle\)](#). *DePaul Law Review* (77), 227-278.

Houlberg, M. & Drobinske, J. (2022) [The Landscape of Allied Legal Professional Programs in the United States](#). Institute for the Advancement of the American Legal System.

Mathews, J. & Wiseman, D. (2020) [Community Justice Help: Advancing Community-Based Access to Justice A discussion paper](#). Community Legal Education Ontario, The Law Foundation of Ontario.

Trabucco, L. (2018). What Are We Waiting For? It’s Time to Regulate Paralegals in Canada. *Windsor Yearbook of Access to Justice*, 35, 149-176.

---

<sup>78</sup> Independent Review Panel. (2022). [The Regulation of Lawyers and Legal Services in Aotearoa New Zealand Te Pae Whiritahi i te Korowai Rato Ture o Aotearoa](#). New Zealand Law Society at 7. See Bell, J. (2022). Legal profession groups push for employment advocate regulation. *Newsroom*. <https://www.newsroom.co.nz/legal-profession-groups-back-employment-advocate-regulation>

<sup>79</sup> Ibid at 8.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

# Developing the capacity of non-lawyers

## Legal Secondary Consultation

Legal Secondary Consultation is one tool that has been effective in developing the capacity of non-lawyers to identify legal issues, strengthen referral pathways, and expand the reach of legal assistance services.<sup>83</sup> Leading academic Liz Curran defines legal secondary consultations (LSCs) as:<sup>84</sup>

*[W]here a lawyer offers a non-legal professional (such as a doctor, nurse, youth worker, social worker or financial counsellor) legal information or advice on legal processes for their client through the non-legal professional as an intermediary or assists the professional in their role (such as what happens at court, and how to give evidence or structure reports for a court to provide the required considerations), or on their professional and ethical obligations, or guides the non-legal professional through tricky situations involving their client or their work for clients. It is 'secondary' in that the legal information is provided to the professional intermediary who is already supporting a client and then this intermediary uses this information to assist their client or patient or the information is used to enable the professional to better support the client.*

Curran & Taylor-Bennett explain that secondary consultations can be particularly valuable for some groups such as young people who are unlikely to present for legal help themselves due to a lack of trust in authority or the fear exposure.<sup>85</sup> Their evaluation of the Invisible Hurdles Project, an integrated justice practice focussing on young people experiencing family violence in North East Victoria, explains the benefits of LSC:<sup>86</sup>

*All non-legal professionals noted the value of secondary consultations and some said it was the way they tested out the lawyer before being prepared to hand over clients. All those who had legal secondary consultations noted that it helped them assist young people and that this information could be useful and used again and again, rather than just for the one youth. Many reported that SC enhanced the professional's ability to navigate the system for, or with, young people, and also improved their consideration of choices and perspectives so they could also better inform young people. Some noted that the mere mention of a lawyer sent stress and anxiety levels of young people upward, and that this could result in no-shows. Strategies to address this were for the lawyer to be seen in an array of contexts at cultural events, in the staff room and activities that young people participate in, and in co-facilitating information sessions.*

Research also suggests that other professionals such as health professionals often think of legal problems as being limited to criminal and family law and do not turn their minds to other areas of law that may provide solutions or responses to their clients' problems. Some may not

---

<sup>83</sup> Victoria State Government. (2016). [Access to Justice Review \(Full report\)](#) at 188.

<sup>84</sup> Curran, L., (2017). Lawyer Secondary Consultations: improving access to justice: reaching clients otherwise excluded through professional support in a multi-disciplinary practice. *Journal of Social Inclusion*, 8(1), 46–77. DOI: <http://doi.org/10.36251/josi.117> at 48.

<sup>85</sup> Curran, L. & Taylor-Barnett, P. (2018). [Overcoming the Invisible Hurdles to Justice for Young People](#). Hume Riverina Community Legal Service at 94.

<sup>86</sup> *Ibid* at 49.

be confident in questioning powerful authorities.<sup>87</sup> LSC can involve lawyers providing advice on legal rights, how to navigate legal processes, or facilitate negotiated outcomes thereby building the capacity of non-legal professionals to assist with legal problems and reducing the professionals' sense of anxiety as they know that they can rely on the information provided by the lawyer.<sup>88</sup> LSC can also be a way for non-lawyers to build trust in a lawyer allowing them to feel comfortable referring their clients to the lawyer in the future.<sup>89</sup>

Writing in Canada, Ab Currie gives two reasons for LSC's promise as a potential tool for increasing access to justice.<sup>90</sup> The first stems from what we know about the nature of legal problems and legal need – legal problems are “aspects of the normal problems of everyday living” and are “often parts of inter-related clusters of legal and non-legal problems” yet people generally don't “recognize legal problems or the legal aspects of other problems and, therefore, do not take appropriate action”. However, people generally know that they have a problem and may seek help from “a variety of government service agencies and non-governmental organizations”. The second reason is that there is a large gap between the extent of legal need and the resources available to meet that need which means it is necessary to find “new and cost-effective ways to provide people with the legal help they need” and LSC can form part of an overall strategy to partner with community organizations and engaging community resources.<sup>91</sup>

Currie also identified some risks in providing LSC, in particular that intermediaries may not fully understand the advice they are given and therefore they may not incorporate it with complete accuracy in helping their clients.<sup>92</sup> The lawyers providing LSC manage this risk by “monitoring discussions with service providers and where necessary recommending that some clients should be referred to the legal clinic to receive direct service”.<sup>93</sup> Other risks I can see drawing from my own professional practice, are where the intermediary is reality seeking advice for themselves (e.g. what their legal obligations are towards a young person) or where the advice is not passed on or not passed on in full because the intermediary does not agree with it, or it

---

<sup>87</sup> Curran, Lawyer Secondary Consultations: improving access to justice: reaching clients otherwise excluded through professional support in a multi-disciplinary practice at 58.

<sup>88</sup> Ibid at 58; Curran & Taylor-Barnett, [Overcoming the Invisible Hurdles to Justice for Young People](#) at 94.

<sup>89</sup> Curran, Lawyer Secondary Consultations: improving access to justice: reaching clients otherwise excluded through professional support in a multi-disciplinary practice at 50-51. Curran describes her observations as being based on her empirical research and professional experience: “The studies consist of different evaluations and quality frameworks in a range of settings in urban, outer urban and rural settings in Australia. These include the author's field research for the Health Justice Partnerships (HJP) of ARC Justice Ltd in Bendigo with the Bendigo Community Health Service; advisory work for the Redfern Community Legal Centre project in the Royal Prince Alfred Hospital's through a partnership ‘Aboriginal Medical Legal Service’ in inner Sydney; advisory work undertaken for the Legal Services Board and Commissioners, Victoria (LSB) on eight LSB funded HJPs so as to develop common measures additionally with the author facilitating quarterly ‘supported evaluation workshops’ (involving sixteen partner agencies) around Victoria utilising the author's on-the ground experience of HJP and field research. This article also draws on findings from the research of a specialist Consumer Action Law Centre (CALC)'s where the author has been an advisor since June 2012 through a part-time secondment by her university to the agency. As noted earlier the discussion also draws on the author's experience as a lawyer (2001- 2010) in a legal service that was co-located with a health service where the value and benefits of SC became critical to reaching clients, and sparked personal interest in further empirical research on SCs.”

<sup>90</sup> Currie, A. (2018). ‘Legal Secondary Consultation: How Legal Aid Can Support Communities and Expand Access to Justice’. In A. Currie (Ed.), [The Communities Being Served are the Resources that are Needed: Innovations in Community Based Justice in Ontario, An Anthology of Canadian Research](#) (pp.167-201). Canadian Forum on Civil Justice.

<sup>91</sup> Ibid at 1.

<sup>92</sup> Ibid at 3.

<sup>93</sup> Ibid.

does not align with how the intermediary thinks the situation should be resolved. The first of these risks can generally be identified through careful questioning and if the advice sought is for the adult, whether it is provided will likely depend on the scope of the service. The second risk could likely be managed through monitoring and recommending direct referral if appropriate.

Stewart & Currie evaluated the Canadian Lawyer Secondary Consultation (LSC) pilot in 2016-2017 using data from requests for the LSC service for each clinic, interviews with LSC advisors, interviews with social service providers and community organizations that used the LSC service, and case notes from each clinic.<sup>94</sup> Key findings included that the LSC service:

- Allowed each clinic to extend the reach of their services to individuals that would otherwise not seek legal help because they “were not likely to recognize that they had a legal problem, were reluctant to contact a clinic on their own, and were unlikely to follow-up on a referral or follow-through on the clinics advice”.<sup>95</sup>
- Built the professional capacity and confidence of non-legal professionals to better help their clients by being more “able to more easily identify or quickly verify that a problem their client has is capable of a legal solution, allowing for more effectively and timely referrals” and in some cases, most likely frequent and/or simple problems, being able to assist future clients with the same problem without the assistance of a legal professional.<sup>96</sup>
- Had relatively minimal implementation costs directly attributable to the LSC service although the service relied on existing clinic infrastructure and depended upon strong relationships with community organizations and social service providers which require time to develop, both of which had a cost.<sup>97</sup>

## Legal health check

Legal health checks are a screening tool which can assist non-lawyers identify legal problems particularly when used in conjunction with other strategies such as training and building collaborative relationships.<sup>98</sup> Legal health checks were first proposed in 1974 but are now popular internationally particularly in the Australia, the United States and Canada.<sup>99</sup> They are based on a series of assumptions about disadvantaged populations’ legal needs including:<sup>100</sup>

- The likelihood of multiple, complex and interlinked legal and non-legal needs;
- Problems are not necessarily seen as legal problems;
- If people seek help for their problems, they are more likely to go to non-legal services or agencies than to go to a lawyer;
- Those in non-legal agencies may not be best placed to assist with legal problems and would benefit from being able to appropriately refer clients to legal services; and

---

<sup>94</sup> Stewart, B. & Currie, A. (2020). Legal Secondary Consultation, Expanding the Reach of Ontario’s Community Legal Clinics Through Community Partnerships. In A. Currie (Ed.), [\*The Communities Being Served are the Resources that are Needed: Innovations in Community Based Justice in Ontario, An Anthology of Canadian Research\*](#) (pp.202-219). Canadian Forum on Civil Justice at 208-209.

<sup>95</sup> Ibid at 211.

<sup>96</sup> Ibid at 212.

<sup>97</sup> Ibid.

<sup>98</sup> Victoria State Government, [\*Access to Justice Review \(Full report\)\*](#) at 188. Training for non-legal professionals is discussed in *Working paper no. 15: Training for professionals*.

<sup>99</sup> Currie, A. (2017). Engaging the Power of Community to Expand Legal Services for Low-Income Ontarians. In A. Currie (Ed.), [\*The Communities Being Served are the Resources that are Needed: Innovations in Community Based Justice in Ontario, An Anthology of Canadian Research\*](#) (pp.64-115). Canadian Forum on Civil Justice at 72.

<sup>100</sup> Queensland Public Interest Law Clearing House Incorporated. (2015). [\*Legal Health Check online portal for community workers Project Report\*](#). National Association of Community Legal Centres Inc at 5.

- People will benefit from holistic, joined-up services and assistance that is tailored to their needs and capacities.

There is evidence to support each of these assumptions in relation to children and young people generally, as well as in relation to the specific groups discussed in this report.<sup>101</sup>

Legal health checks are a structured list of effective and appropriate questions that can be used by non-legal workers to diagnose a possible need for legal help.<sup>102</sup> The non-legal worker will then refer the person to a suitable source of legal assistance e.g. a community law centre or legal aid for help with the legal aspect of a problem or problems.<sup>103</sup> As such, the legal health check is designed to facilitate collaboration between legal and non-legal services rather than just giving non-legal workers more knowledge about legal issues.<sup>104</sup> However, research overseas has found that non-legal workers using the tool do increase their legal knowledge and legal health checks are often used in conjunction with legal education for non-legal workers.<sup>105</sup>

Writing in Canada, Currie and Stewart describe how the legal health check had become the basis for a new way of working for some legal services including the development of a new, outreach-focussed service delivery infrastructure involving co-location between legal and non-legal services, establishment of satellite intake locations at public libraries and food banks, the delivery of public legal education to community groups, and a community court outreach project.<sup>106</sup>

Youthlaw in Victoria have developed a Legal Health Check for youth workers to use when working with young people.<sup>107</sup> The tool goes through a series of topics including going to court, money troubles, police, safety, relationships, home, work, being a parent, and other with simple questions youth workers can ask young people about each topic. This tool was originally developed for research but developed into a legal education tool for youth workers.<sup>108</sup>

The Legal Health Check website developed by the Queensland Public Interest Law Clearing House<sup>109</sup> also contains a series of sample legal health checks, tutorials, and other resources including a legal health check for at-risk youth.<sup>110</sup> This legal health check covers many of the same topics as the YouthLaw one but has both more questions and more detailed ones. However, despite being created by an organisation leading work on legal health checks in Australia, the language and question structure is far too complicated for use with at-risk youth

---

<sup>101</sup> See *Part One: Analysis of interview and survey data, Part Two - Justice problems and barriers for all children and young people* and working papers 1-10.

<sup>102</sup> Queensland Public Interest Law Clearing House Incorporated, [Legal Health Check online portal for community workers Project Report](#) at 5.

<sup>103</sup> Moore, L. (2022). [Crossing Boundaries: Exploring Multi-Disciplinary Models for Legal Problem Resolution](#). Canadian Forum on Civil Justice at 26.

<sup>104</sup> Queensland Public Interest Law Clearing House Incorporated, [Legal Health Check online portal for community workers Project Report](#) at 5.

<sup>105</sup> See Currie, A. & Stewart, B.D. (2020). The Unintended Benefits of Innovation: The Legal Health Check-Up Revisited. In A. Currie (Ed.), [The Communities Being Served are the Resources that are Needed: Innovations in Community Based Justice in Ontario, An Anthology of Canadian Research](#) (pp.140-159). Canadian Forum on Civil Justice at 150; Queensland Public Interest Law Clearing House Incorporated, [Legal Health Check online portal for community workers Project Report](#) at 7.

<sup>106</sup> Currie & Stewart, The Unintended Benefits of Innovation: The Legal Health Check-Up Revisited at 150.

<sup>107</sup> Youthlaw. (n.d.). *Legal health Check*. <http://youthlaw.asn.au/wp-content/uploads/2021/06/Legal-Health-Check-final.docx>

<sup>108</sup> Australian Child Rights Taskforce. (2014). [Submission DR285 \(Response to Draft Report\) to Productivity Commission, Inquiry into Access to Justice Arrangements](#) at 18.

<sup>109</sup> Legal Health Check. (n.d.). *About*. <https://legalhealthcheck.org.au/>

<sup>110</sup> Legal Health Check. (n.d.). *Legal Health Check Youth*. <https://legalhealthcheck.org.au/wp-content/uploads/2015/06/LHC-Youth.pdf>

as well as assuming knowledge about the law that may be unrealistic. For example, the questions about employment and training included: “[i]f you have been / are enrolled to study, are you satisfied...That the learning institution has taken your circumstances into account, as relevant?” This question is both complex in structure and language and assumes that the young person would be aware which of their circumstances would be considered relevant. Another question, “[i]f you are/were employed... Did you receive all your entitlements when you left (e.g. annual leave)?” both uses legal jargon (e.g. ‘entitlements’) and makes similar assumptions that the young person would know what they were entitled to. In short, while I see considerable value in the legal health check approach, I would not endorse using the legal health check for youth developed by the Queensland Public Interest Law Clearing House. Rather, I would suggest using simple, everyday language with the questions either developed together with young people or if this is not possible, that have been tested with the cohort of young people the test is designed for.

Other tailored legal health checks have also been developed including ‘Law Yarn’ which was developed by an indigenous designer in collaboration with Indigenous legal services, LawRight and Wuchopperen Health Service staff for use in a Health Justice Partnership (HJP) between these organisations.<sup>111</sup> The Law Yarn was intended to help staff in the health service (who had no or little legal knowledge) and the legal partners of the HJP to identify legal issues “and to communicate about legal needs with Aboriginal and Torres Strait Islander people in a culturally specific way.”<sup>112</sup> The objectives of Law Yarn also included building the capacity of health workers and the knowledge of the Aboriginal and Torres Strait Islander community.<sup>113</sup>

Law Yarn is a two-sided document with graphic images on both sides<sup>114</sup> which are used to talk with people about the law and any legal problems they might be experiencing. There are four focus areas all of which had previously been identified as key areas of legal need for Aboriginal and Torres Strait Islander people: ‘criminal law’, ‘family law’, ‘money law’ and ‘housing law’. Any legal issues identified are recorded on the document and prioritised in order of importance or urgency.<sup>115</sup> Unlike some other legal health checks, the Law Yarn doesn’t include questions to ask the client, instead there are lists of sub-topics in relation to each area of law e.g. the list under family law includes DVO, break-up, feeling unsafe, family arrangements for removal of children, and removal of children.<sup>116</sup>

An evaluation of the HJP and the Law Yarn tool found that all staff responding to a question about the tool answered positively with key elements of the tool identified by staff including “its focus on a small number of specific areas of law...; its simplicity (overcoming literacy and language issues); and that it was culturally safe.”<sup>117</sup> The evaluation also identified some factors that had affected the use of LawYarn that should be considered in the development of similar tools in Aotearoa New Zealand including:<sup>118</sup>

*Lack of resources inhibited a more comprehensive roll out but also impacts on capacity of the legal clinic to respond to need likely to be uncovered through broad use of the Law Yarn. Staff also require much more training to improve understanding*

---

<sup>111</sup> Allison, F. (2020). [Evaluation of the Law Right Wuchopperen Health Justice Partnership and Law Yarn](#). LawRight at 17.

<sup>112</sup> Ibid at 17-18.

<sup>113</sup> Ibid at 18.

<sup>114</sup> Ibid at Appendix A.

<sup>115</sup> Ibid at 18.

<sup>116</sup> Ibid at 110 / Appendix A.

<sup>117</sup> Ibid at 11.

<sup>118</sup> Ibid at 12.

*about how to use this tool. Further issues related to the fact that it was not embedded within existing WHS processes, impacting on uptake by staff.*

It is unclear whether the need for training about how to use the tool was related to it including lists of topics rather than providing example questions. This is something that could be explored during testing if a similar tool is developed in the future.

Another tailored tool is the legal health check used in the LevelUp project, a service providing legal services for young people transitioning from out of home care (OOHC) to independence.<sup>119</sup> Young people involved in the programme have regular 'Legal Health checks' using a template focussing on the legal needs commonly experienced by this cohort of young people. The legal health check facilitates a discussion between the lawyer and the young person in relation to both current legal issues and those they may experience in the future e.g. employment issues. These checks are repeated every six months to identify any emerging needs and advice was provided accordingly. Young people also have access to dedicated lawyers, legal education, and warm referrals to other legal and non-legal services.<sup>120</sup>

The LevelUp legal health check template includes a combination of questions and part-sentences or prompts which likely makes it easier to use than other templates which require users to formulate their own questions. For example:<sup>121</sup>

*Do you have a problem with something that you bought or a service you paid for?  
Product was faulty/did not work as promised? Been refused a refund? Dispute over  
product warranty? Tricked into a scam or an unfair deal? Door-to-door sales?  
Service was unsatisfactory?*

However, it also includes some jargon e.g. “[h]ave you ever been put on TICA blacklist” and “[a]re you under a guardianship, FMO or community treatment order?”.<sup>122</sup> It may be that these terms are so well known in Australia that there would not be any concern that all young people would understand them. Even so, at minimum questions like these would require anyone using the tool to have a good understanding of this terminology and the ability to explain its meaning. Given young people’s reluctance to say that they do not understand something, my view is that a better approach would be to use simpler, jargon free language in the first instance.

---

<sup>119</sup> Peek, C. & Kallmier, M. (2021). [LevelUP: An innovative legal project to help young people in Out Of Home Care](#). Mid North Coast Community Legal Centre at 3. The LevelUP Project came to an end in December 2019 but its learnings are still useful when considering the provision of legal services to care-experienced children and young people. See *Working Paper no. 1: Children and young people in care or with care experience* for further information.

<sup>120</sup> Ibid at 3.

<sup>121</sup> Ibid at Appendix 3.

<sup>122</sup> Ibid at Appendix 3.



## Integrated services

*Multiple, complex and interconnected problems have a significant impact on the communities and individuals who experience them. This is accentuated for disadvantaged and socially excluded communities. One approach to addressing these problems is an integrated service response that seeks to provide a range of services and supports and engage the community to achieve economic, social, health and legal benefits.<sup>123</sup>*

The benefits of joined-up or integrated service delivery include that a wider range of legal problems can be detected and resolved earlier with clients able to access “stream-lined, wrap-around services more easily”<sup>124</sup> and resulting in people getting “assistance not only with legal issues, but potentially with other social, emotional and financial issues which may be impacting on their life and potentially exacerbating or compounding their legal issues”.<sup>125</sup> They can be easier to access including by eliminating the need to travel to different places for help or to repeat their stories to different professionals.<sup>126</sup> Non-legal service providers also bring something fundamentally important to the partnership with legal clinics: they are trusted intermediaries with the confidence of their clients and substantial knowledge of their clients’ situations.<sup>127</sup>

The five key features of an integrated legal service are:<sup>128</sup>

- 1. It meets a common purpose with another organization/s or service providers...*
- 2. It increases the community’s access to services and support to meet complex and interconnected needs...*
- 3. It assists with identifying complex and interconnected needs and developing responses...*
- 4. It shares common values and understandings with another organization/s or service providers...*
- 5. It engages the community in problem solving and solutions*

The Law Council of Australia identified a series of groups for whom joined-up service models can work well which mirror many of the groups I have focussed on for this study: Aboriginal and Torres Strait Islander people, homeless persons, young people at risk, disabled people, different LGBTI+ groups, and people experiencing economic disadvantage.<sup>129</sup>

---

<sup>123</sup> Noone, M.A. & Digney, K. (2010). *[‘It’s hard to open up to strangers’: improving access to justice: the key features of an integrated legal services delivery model](#)*. La Trobe University at 216.

<sup>124</sup> Law Council of Australia. (2018). *[The Justice Project: Final Report Part 2 Legal Services](#)* at 78.

<sup>125</sup> Eastern Community Legal Centre (ECLC). (2021). *[Integrated Practice – Better Practice Principles](#)* at 3.

<sup>126</sup> Law Council of Australia. (2018). *[The Justice Project: Final Report Part 2 Legal Services](#)* at 78; Eastern Community Legal Centre, *[Integrated Practice – Better Practice Principles](#)* at 3.

<sup>127</sup> Currie, Legal Secondary Consultation: How Legal Aid Can Support Communities and Expand Access to Justice at 3.

<sup>128</sup> Noone & Digney, *[‘It’s hard to open up to strangers’: improving access to justice: the key features of an integrated legal services delivery model](#)* at 217.

<sup>129</sup> Law Council of Australia. (2018). *[The Justice Project: Final Report Part 2 Legal Services](#)* at 74-75.

## Challenges and enablers

Access to justice academic Pascoe Pleasance sets out both the challenges<sup>130</sup> and enablers<sup>131</sup> of joined up working. He explains that the challenges include:<sup>132</sup>

- Awareness. Much as individuals often do not recognise their problems as legal problems, non-legal services do not always recognise the legal aspects of their clients' problems and therefore, the value of legal services to their client.
- Resources. Working collaborative can be time-consuming and resource intensive. Cross-government interest in bringing services together can also mean that agencies become involved in an unmanageable number of partnership activities at the same time.
- Distance. In rural areas the distance between services can pose a significant challenge to partnerships and limit opportunities for regular interaction and referrals.
- Differences in objectives / philosophies. Pleasance gives the example of the tension between rights-based and welfare-based services. However, he also suggests that common ground can still be found between services with differing philosophies e.g. collaboration could be based on addressing social disadvantage and/or improving coordination.
- Trust. A lack of trust or commitment can create challenges for collaboration because trust is a cornerstone of the movement of users between partner organisations. Prior collaboration between partners or starting with realistic but modest goals to build trust can improve the likelihood of success.
- Changes in membership. Individual relationships are often the building blocks of successful collaboration and as a result, changes in individual or organisational members can challenge partnerships.
- Competition. If partner organisations are in a context that requires them to compete with each other for funding this can limit willingness to collaborate and the extent of any involvement.
- Differences in professional language, culture and ethics. Crossing professional boundaries can present challenges particularly where professionals are asked to change their working practices to fit those of another profession. For example, lawyers' professional ethical requirements such as those relating to conflicts of interest, mandatory reporting and duties to their client can differ from professionals in other professions such as health and social work.
- Differences in ways of working. These differences can cause tension but it is emphasised that partners should not be expected to do things the same way.
- Protocols. The level of formality governing the relationship can vary significantly with the appropriate level dictated by the nature of the partners and the collaboration.
- Policy change. Collaborations can be vulnerable to external and internal changes in policy and funding. For example, changes to community law centres' funding model resulted in significant changes to entities providing legal services.
- Mirroring user behaviour/wishes. Some users may be reluctant to use partner services leading to it being stressed that development of joined-up services should involve the communities to be served.
- Poor / unrecognised outcomes. Attempts to join up services can result in 'collaborative inertia' resulting in poor outcomes and the partnership coming to an end. However, even when partnerships do achieve positive outcomes, they can be difficult to identify or

---

<sup>130</sup> Pleasance, P. (2014). [Reshaping Legal Assistance Services: Building on the evidence base](#). Law and Justice Foundation of New South Wales at 72-82. See also the table at 72.

<sup>131</sup> Ibid at 83.

<sup>132</sup> Ibid at 73-82.

demonstrate e.g. because expectations are set too high / too long-term or due to the complexity of the operating environment.

- Tensions between client groups. Where services come together they may bring differently constituted client groups which can lead to some clients being uncomfortable with the arrangement.

In Aotearoa New Zealand the existing regulatory regime creates an additional barrier to permanent merger - both the shareholders and directors of an incorporated law firm must be lawyers and non-lawyers cannot own shares in or act as a director of an incorporated law firm.<sup>133</sup> The Independent Review Panel's report released in March 2023 recommends the removals of these restrictions on alternative business structures (ABSs) and multi-disciplinary practices (MDPs) which would open the door for some exciting new structures.<sup>134</sup> The Review Panel concluded, and I agree, that "consumers of legal services will be better off if lawyers have the flexibility to choose the corporate form through which they provide services".<sup>135</sup> The Review Panel also found that there were "no compelling public policy grounds for the retention of these restrictions on corporate form" with analysis of those jurisdictions which have permitted lawyers to "operate in ABSs and MDPs indicates no consumer harm that can be traced back to these new business structures".<sup>136</sup> The panel also made some recommendations in relation to common features of regulations in other jurisdictions that could be adopted here including individual regulation of lawyers and direct regulation of entities wishing to act as ABSs and/or MDPs.<sup>137</sup>

Pleasance explains many of the facilitators of collaboration are simply the reverse of the challenges identified above.<sup>138</sup> To this list, he also adds co-location of services and individuals (discussed in more detail below in the section relating to different forms of integrated services) and champions who inspire change.<sup>139</sup> Pleasance describes champions as individuals who inspire change and work to drive and mould collaborative activities are a key part of successful collaborations. Noone and Digney identify a series of additional facilitators:<sup>140</sup>

- Services are accessible to the community. There is an easy transition from one service or staff member to another, services are friendly and welcoming and there is an open door approach.
- Services are delivered to the same community.
- Staff have the rights skills to deliver outcomes to the community. Staff who were skilled in their profession and could provide good outcomes were more likely to be referred to and more likely to engage the community to make referrals to another organisation.
- Staff have a holistic approach to service delivery and are willing to work with other services to assist the community. Having a holistic understanding of a community member's situation, including knowing the supports they are linked into, is essential for the recognition that a common purpose exists with another service.

---

<sup>133</sup> [Lawyers and Conveyancers Act 2006](#), ss6, 16 and 30.

<sup>134</sup> Independent Review Panel, [Regulating Lawyers in Aotearoa New Zealand: Te Pae Whiritahi i te Korowai Rato Ture o Aotearoa](#) at 127.

<sup>135</sup> Independent Review Panel, [Regulating Lawyers in Aotearoa New Zealand: Te Pae Whiritahi i te Korowai Rato Ture o Aotearoa](#) at 127.

<sup>136</sup> *Ibid.*

<sup>137</sup> *Ibid.*

<sup>138</sup> Pleasance, [Reshaping Legal Assistance Services: Building on the evidence base](#) at 82. See also the table on 83.

<sup>139</sup> *Ibid* at 82-85.

<sup>140</sup> Noone & Digney, ['It's hard to open up to strangers': improving access to justice: the key features of an integrated legal services delivery model](#) at 218-222.

- Staff are aware of other services and what they are able to do. Knowing and building a relationship with staff in other organisations assists with opportunities for recognising a common purpose. Staff need to have the opportunity and a willingness to work with other services in order to know how they can help their work with the community.

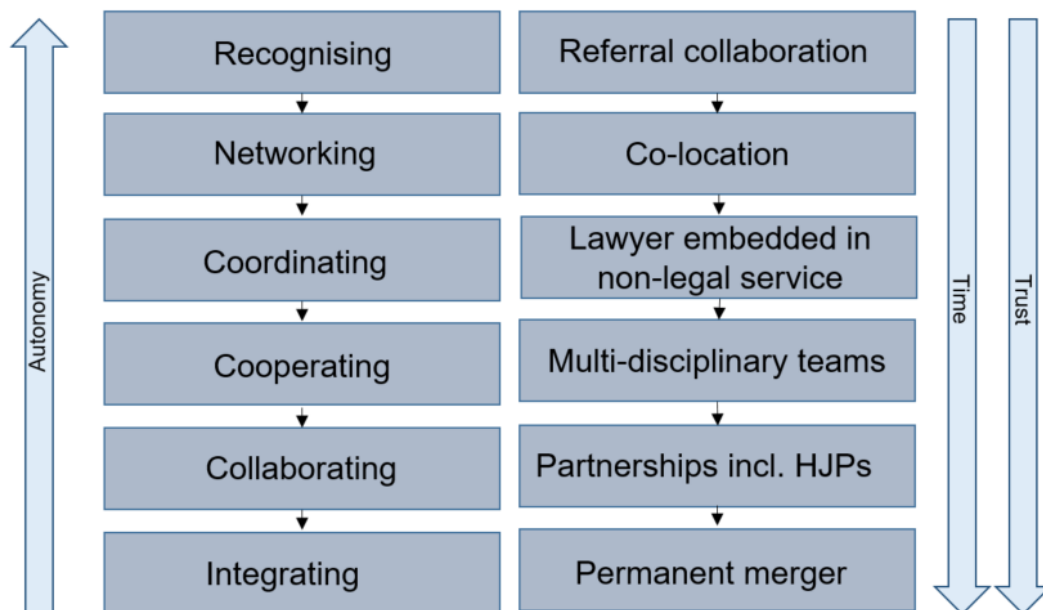
## Different forms of joined-up services

As Pleasance explains, joined-up services can take a wide variety of different forms:<sup>141</sup>

*Services may be joined-up formally (through contracts or memoranda of understanding) or informally (through practice), episodically or continuously, horizontally (e.g. as with separate specialist services) or vertically (e.g. as with generalist and specialist services), within sectors or between sectors, visibly or invisibly, physically or remotely, voluntarily or forcibly, for private purpose or for social goals,<sup>61</sup> and they may be joined to any extent on a continuum that extends from near complete separateness to full integration. Services may also be joined-up internally, within organisations, and externally, between organisations.*

These different forms of joined-up services differ in terms of the trust and time required as well as the degree of autonomy retained by project partners as depicted in **Figure 1**. The boxes on the right-hand side depict the different forms and levels of integration discussed in the Eastern Community Legal Centre’s guide to best practice principles for integrated services.<sup>142</sup> It is also important to note that there are many and varied models within each type of integrated practice and including varying degrees of integration.<sup>143</sup>

**Figure 1: The continuum of joined-up services**<sup>144</sup>



The Law Council of Australia found that there was particularly strong stakeholder support for three forms of joined-up services: integrated services (which employ legal and non-legal professionals under the same banner), co-located services (which legal services operate from

<sup>141</sup> Pleasance, [Reshaping Legal Assistance Services: Building on the evidence base](#) at 69.

<sup>142</sup> Eastern Community Legal Centre, [Integrated Practice – Better Practice Principles](#) at 3.

<sup>143</sup> Ibid.

<sup>144</sup> Pleasance, [Reshaping Legal Assistance Services: Building on the evidence base](#) at 71.

the same location) and health justice partnerships.<sup>145</sup> I have discussed each of these models below together with examples in other jurisdictions. I have also discussed two other forms of joined-up services of which there are successful examples for children and young people – a lawyer embedded in a non-legal service and multi-disciplinary teams.

## Existing examples in New Zealand

In Aotearoa New Zealand the only community law centre operating with an integrated approach is 155 Whare Roopu Community House in Whangārei which incorporates a free legal service through 155 Community Law centres in Whangārei and Kaikohe,<sup>146</sup> offers whānau support,<sup>147</sup> housing navigation and support,<sup>148</sup> provides food support through a social supermarket, 155 Whare Kai,<sup>149</sup> and offers free meals twice a day, six days a week as well as other support for homeless people at the 155 Open Arms day centre.<sup>150</sup> In Christchurch, Te Pae Oranga - Iwi Community Panel is provided by a trust in association with Community Law Canterbury & Ngā Hau e Whā Marae in partnership with Police, Iwi and the wider community.<sup>151</sup> Many other community law centres operate less formal joined-up services for example, operate outreach services based at other community organisations.<sup>152</sup>

## Co-location

Co-location involves multidisciplinary teams of service providers working together in the same physical location to provide a range of services.<sup>153</sup> Co-location provides greater opportunity for staff contact, trust building and knowledge sharing as well as assisting in the management of clients from one service to the other.<sup>154</sup> It can also be more convenient for clients and result in more client awareness of partner services simply from physical proximity and seeing them when attending another service. It can also reduce travel costs and time and therefore, the stress and anxiety some community members experience when accessing services.<sup>155</sup> Noone and Digney's research in relation to the integrated (holistic) legal practice based at the West Heidelberg Community Legal Service and Banyule Community Health found a range of benefits of co-location for staff including:<sup>156</sup>

*The collocation of services helps staff assist the community in accessing services. It assists in providing timely and appropriate referrals and capacity building of staff through secondary consultations and informal, in person referral approaches. As a result of collocation, staff were able to check accuracy of information, were able to*

---

<sup>145</sup> Law Council of Australia, [The Justice Project: Final Report Part 2 Legal Services](#) at 74.

<sup>146</sup> 155 Whare Awhina. (n.d.). *155 Community Law Taitokerau*. <https://www.155.org.nz/155-community-law-taitokerau/>

<sup>147</sup> 155 Whare Awhina. (n.d.). *Whānau support*. <https://www.155.org.nz/whanau-support/>

<sup>148</sup> 155 Whare Awhina. (n.d.). *Housing navigation and support*. <https://www.155.org.nz/housing-support/>

<sup>149</sup> 155 Whare Awhina. (n.d.). *Whare Kai*. <https://www.155.org.nz/155-whare-kai/>

<sup>150</sup> 155 Whare Awhina. (n.d.). *155 Open Arms*. <https://www.155.org.nz/155-open-arms/>

<sup>151</sup> Community Law Canterbury. (n.d.). *Te Pae Oranga - Iwi Community Panel*. <https://www.canlaw.org.nz/te-pae-oranga>

<sup>152</sup> For example see Community Legal Services South Trust. (n.d.). *Outreach Services*. <https://clsstlaw.com/outreach-clinics/>; Community Law Wellington & Hutt Valley. (n.d.). *Free Legal Advice in Your Neighbourhood*. <https://www.wclc.org.nz/our-services/outreach-clinics/>; and Community Law Otago. (n.d.). *Central Otago/Oamaru Advice Sessions*. <https://communitylawotago.com/central-otagoamaru-clinics/>

<sup>153</sup> Sandefur, R., (2015). [Bridging the Gap: Rethinking Outreach for Greater Access to Justice](#). *University of Arkansas at Little Rock Law Review*, 37(4), 721-740 at 730.

<sup>154</sup> Pleasence, [Reshaping Legal Assistance Services: Building on the evidence base](#) at 82.

<sup>155</sup> Noone & Digney, ['It's hard to open up to strangers': improving access to justice: the key features of an integrated legal services delivery model](#) at 222.

<sup>156</sup> *Ibid* at 223.

*have greater in-depth conversation about issues, were able to quickly find a solution or access support for community problems and were able to divert the community from a number of other problems because of this responsiveness. ... The physical ease of access to WHCLS staff (no travel involved, access to WHCLS staff offices or by telephone) facilitated quick and personalised referrals for a community member.... The research identified the formal, informal and incidental opportunities for staff to know each other through collocation and sharing work spaces increased staff service awareness, professional knowledge and recognition of opportunities for solving community problems and so increased the community access to these services.*

However, others caution against seeing co-location as a panacea because it does not necessarily mean that services and their staff will talk to each other or work together – the key factor is the relationships and ensuring services are client-focussed rather than service-focussed.<sup>157</sup>

### *Neighbourhood Justice Centres*

Neighbourhood Justice Centres are a form of co-location and house a multi-disciplinary team of professionals and services to assist the court in its problem-solving role.<sup>158</sup> For example, the Neighbourhood Justice Centre in Collingwood, Victoria houses the Magistrates Court, Children's Court, Victims of Crime Tribunal, Victoria Legal Aid, Fitzroy Legal Services (a community law centre), Community Correctional Services Victoria, and Police Prosecutions.<sup>159</sup> They also house a wide range of support services including services specialising in alcohol and other drugs, court network volunteers, mental health, family violence, victims of crime, housing and accommodation, financial counselling, refugee and migrant, and Aboriginal and Torres Strait Islanders.<sup>160</sup> Miller argues that this holistic approach is a significant advantage as compared with other problem saving courts as it means that that services are on site and available to meet court users' multiplicity of problems rather than simply being focussed on one area of difficulty.<sup>161</sup>

### **Lawyer embedded in non-legal service**

An example of a lawyer embedded in a non-legal service of considerable relevance to access to justice for children and young people is lawyers being placed in schools. Lawyers in schools programmes have operated in Victoria, New South Wales and the Australian Capital Territory as discussed further below. Another example of lawyers embedded in non-legal services is the Invisible Hurdles Project which involves lawyers from the Hume Riverina Community Legal Service (HRCLS) spending a day a week with youth focussed non-legal services. This project is also discussed briefly below.

### *Victoria: WEstjustice School Lawyer Project*

In 2015, WEstjustice launched the school lawyer project in which a lawyer is placed full-time at the Grange P-12 College in Melbourne's outer suburbs. The on-site lawyer provide services to students and their parents but their primary focus is to provide legal advice and actual legal

---

<sup>157</sup> Pleasence, [Reshaping Legal Assistance Services: Building on the evidence base](#) at 84-85.

<sup>158</sup> Miller, A. (2017). Neighbourhood Justice Centres and Indigenous Empowerment. *Australian Indigenous Law Review*, (20), 123-153 at 127.

<sup>159</sup> Neighbourhood Justice Centre. (2022). *What we do*.

<https://www.neighbourhoodjustice.vic.gov.au/about-us/our-story/what-we-do>

<sup>160</sup> Neighbourhood Justice Centre. (2022). *Support services*.

<https://www.neighbourhoodjustice.vic.gov.au/our-services/support-services>

<sup>161</sup> Miller, Neighbourhood Justice Centres and Indigenous Empowerment at 127.

representation to the students who come from a diverse range of cultural and socio-economic backgrounds. The program “aims to increase students’ legal knowledge and subsequently decrease their interaction with the justice system” and “increase students’ engagement with the education system”.<sup>162</sup> Common legal issues include public transport fines, criminal matters, family violence and tenancy related matters.<sup>163</sup> The programme has also been the subject of media coverage.<sup>164</sup>

The success of the School Lawyer Project led to the ‘Expanded School Lawyer Project’ which aims to explore a model which could be delivered across a cluster of schools at the one time, including alternative education settings and additional needs schools. The project will also develop and trial a ‘transient youth clinic’ focussed on re-engaging and support students who have disengaged from and/or left the school.<sup>165</sup> In 2018 Westjustice also developed a framework for the School Lawyer Program with the assistance of Social Ventures Australia Consulting.<sup>166</sup> There key purposes for the Framework were:<sup>167</sup>

- to define what a School Lawyer Program is;
- to promote the benefits of School Lawyer Programs to encourage other communities to establish their own; and
- to provide practical guidance to organisations on how to establish and operate a School Lawyer Program.

Victoria Legal Aid also operated a Lawyer in School program which was profiled on the Victoria Legal Aid website. However, the link to the article is no longer active which suggests that the service may have come to an end.<sup>168</sup> One of the schools involved was the Newcomb Secondary College in Geelong where a lawyer began coming into the school once a week in 2016 to provide assistance to students and their parents primarily in relation to family violence, employment issues and criminal offences.<sup>169</sup> Reported benefits of the programme included that the familiar environment of the students’ school meant that legal assistance was easy to access and reduced the risk of stress or anxiety.

---

<sup>162</sup> Anika, J. (2021). *A Legal Liaison Project for Young People: International Legal Aid Group Paper* (Conference Paper for International Legal Aid Group (ILAG) Conference, June 2021) Legal Aid NSW at 5.

<sup>163</sup> Ibid at 6.

<sup>164</sup> Story Carter, J. (2017, February 8) Australia's first school lawyer offers support to disadvantaged kids. ABC News. <https://www.abc.net.au/news/2017-02-08/meet-vincent-shin-australias-first-school-lawyer/8243872>

<sup>165</sup> West Justice. (n.d.). *School Lawyer*. <https://www.westjustice.org.au/community-development-and-law-reform/community-development-and-law-reform-projects/school-lawyer> [Accessed 20 March 2023]

<sup>166</sup> Social Ventures Australia. (2018). *School lawyer program framework*. Social Ventures Australia & WEstjustice.

<sup>167</sup> Social Ventures Australia, *School lawyer program framework* at 4.

<sup>168</sup> Victoria Legal Aid. (2019). *Geelong students benefit from embedded school lawyer*. <https://www.legalaid.vic.gov.au/about-us/news/geelong-students-benefit-from-embedded-school-lawyer>. See also Victoria Legal Aid. (n.d.). *The Lawyer in School Program* <https://www.newcombsc.vic.edu.au/uploads/Newsletter-2021/School-Lawyer-Information-Sheet.pdf>.

This also refers to the programme being expanded into other countries.

<sup>169</sup> Anika, *A Legal Liaison Project for Young People: International Legal Aid Group Paper* at 6.

## *New South Wales: Mid North Coast Community Legal Centre / Macleay Valley Workplace Learning Centre*

Prior to the Covid-19 pandemic a lawyer from the Mid North Coast Community Legal Centre provided monthly sessions at the Macleay Valley Workplace Learning Centre, a school catering to the needs of young people that are disengaged from the education system.<sup>170</sup>

## *Australian Capital Territory: The College Legal Liaison Initiative*

In September 2020, Legal Aid ACT commenced the College Legal Liaison Initiative which involves embedding a lawyer in ACT secondary schools “to provide free, confidential legal advice to students and families” in order to improve access to justice for young people.<sup>171</sup> The College Legal Liaison Initiative was a response to the unmet demand for legal assistance among young people in relation to a wide range of complex legal issues, such as family violence, criminal activity and victims of crime, employment, and housing problems.<sup>172</sup> Legal Aid ACT has employs 3 lawyers to act as a Legal Liaison Officers in nine government funded secondary schools. The way the system operates is that:<sup>173</sup>

*The lawyer attends the college campus from 9am-4pm on their designated day, offering services to all students (aged 16-19), their families and College staff. When onsite at a College campus, the lawyer is on duty and available to speak with students by appointment, referral (usually by College staff who have identified the students as at risk) or on a ‘walk-in’ basis. The lawyers’ services are also available to the families of students by appointment.*

The LLOs provide legal assistance services to students, their families and College staff, across a wide array of legal issues including family and domestic violence, sexual assault/victims of crime, employment law, young people’s rights (e.g. leaving home, access to medical records etc.), and bullying or harassment. The LLOs also hold regular Community Legal Education sessions to make sure students are aware of their legal rights and help them to identify legal issues.<sup>174</sup>

## *Invisible Hurdles Project*

The Invisible Hurdles Project involves a lawyer from the Hume Riverina Community Legal Service (HRCLS) spending a day a week with the following youth focussed non-legal services (an additional day at AWAHS was added following receipt of additional funding):<sup>175</sup>

- Albury Wodonga Aboriginal Health Service (AWAHS), an Aboriginal community-controlled health service.
- Wodonga Flexible Learning Centre, a school for vulnerable young people who are struggling with attending other schools; and
- North East Support and Action for Youth Inc. (NESAY), a service supporting young people to address issues around adolescence, family life and homelessness.

---

<sup>170</sup> Ibid at 6.

<sup>171</sup> Ibid at 2.

<sup>172</sup> Ibid.

<sup>173</sup> Ibid at 3.

<sup>174</sup> Ibid at 4.

<sup>175</sup> Curran & Taylor-Barnett, [Overcoming the Invisible Hurdles to Justice for Young People](#) at 5-6.



The lawyer was embedded in the other organisations rather than just providing outreach at their premises including by attending team meetings, providing connected client care, and offering legal secondary consultations to non-legal professional staff at each partner agency.<sup>176</sup>

The Invisible Hurdles Project was evaluated in 2018 and then again in 2021. The first evaluation found that:<sup>177</sup>

- The project was effective, efficient and had an impact reaching clients who would otherwise not have been reached.
- Engagement and collaboration improved throughout the project as awareness grew about the possibilities that legal problem solving could present.
- The lawyer's presence was seen to enhance decision-making of both the young person and their worker, as well as enhancing decision-making and increasing understanding of legal options at the agency and organisational level.
- Word of mouth between young people about the project took time to develop, but there was evidence that young people were starting to self-present due to the experiences of other young people.
- Young people experiencing family violence were likely to test out a lawyer first before opening-up with the type of lawyer critical to engagement.
- Young people will wait and observe how the lawyer interacts with others first before they are comfortable approaching the lawyer or their worker about a legal issue.
- Many young people rely on family or friends for legal opinions and because these sources were often suspicious of lawyers and the legal system, opportunities for early intervention were not utilised. However, the lawyer being on site, visible, available and approachable meant that more young people sought legal help either directly or through a trusted non-legal professional than would otherwise have been the case.

The first evaluation also made a number of findings in relation to the value of secondary consultations as discussed in more detail in **Legal Secondary Consultation**.

The second evaluation took place during the COVID-19 pandemic during which Government restrictions including work from home requirements and sometimes more severe lockdown rules which both had an impact on how services were provided, and on the community being served by the partner organisations.<sup>178</sup> The evaluation found that the relationships between the partners and staff that had been built up prior to the pandemic meant that services were able to be delivered consistently and in some cases, increased despite these disruptions.<sup>179</sup> The second evaluation also made similar findings including that the program was “efficient and effective in reaching young people who would not otherwise have been reached” and that “ongoing nature of the project, the relationships established and the awareness and visibility of the project and its staff and their availability to help is increasing. This is enabling this project to continue to gain traction and to reach more young people”.<sup>180</sup> The evaluation also found that the team had moved from working together for service delivery to working together on policy and law reform.<sup>181</sup>

---

<sup>176</sup> Ibid at 6.

<sup>177</sup> Ibid at 6-7.

<sup>178</sup> Taylor-Barnett, P. & Curran, L. (2021). [Pathways to Empowerment and Justice: The Invisible Hurdles Stage II Research and Evaluation Final Report](#). Australian National University at 25-31.

<sup>179</sup> Ibid at 7.

<sup>180</sup> Ibid at 6-7.

<sup>181</sup> Ibid at 8.

## Multi-disciplinary teams

The difference between a multi-disciplinary team and some of the other models of integration is that the different professionals are employed by the same organisation as opposed to staff of different organisations working together to support the same client. Three examples of multi-disciplinary teams in a legal service for young people is Youthlaw's Pre-court Support for Adolescents using violence in the home pilot model discussed below. Other examples of multi-disciplinary teams include The Shopfront (discussed in the Partnerships section) and Balit Ngulu, a specialist legal service for Aboriginal children and young people operated by the Victorian Aboriginal Legal Service (discussed below).

### *YouthLaw Pre-court Support for Adolescents using violence in the home*

The YouthLaw Pre-court Support for Adolescents using violence in the home pilot model is delivered through a specialist, multidisciplinary team of Youthlaw practitioners who work together to deliver integrated legal and non-legal support to young people.<sup>182</sup> The multidisciplinary team is made up of a Program Lawyer and Youth Family Violence Practitioner who work together to assess and respond to a young person's legal and non-legal needs including by utilising core social work skills such as communication and building rapport to support more effective communication between the lawyer and client.<sup>183</sup>

The Program Lawyer and Youth Family Violence Practitioner jointly undertake the initial intake and assessment process which includes a risk assessment, needs assessment and preliminary discussion of safety needs and considerations.<sup>184</sup> Information obtained through the joint intake and assessment process informs responses to the young person's risk and needs and may be used in legal advocacy (with the consent of the young person).<sup>185</sup> Both the Program Lawyer and Youth Family Violence Practitioner are also present for key meetings or conversations with the young person wherever possible and all interactions are clearly documented within a joint case file, with critical information being proactively shared.<sup>186</sup> If the case involves in-person court attendance, the Program Lawyer and Youth Family Violence Practitioner work together to guide the young person through the court day e.g. explaining what to expect at court; meeting with the young person somewhere outside of the court building so that they did not have to go inside alone; and supporting the young person to leave the court building safely.<sup>187</sup>

An evaluation of the program found that the specialist nature of the multidisciplinary team meant that they used a range of developmentally appropriate practices to support young people to engage including using easy to understand language, staggering information or reiterating information across multiple interactions, providing information in multiple formats and in contexts in which the young person is more likely to be able to absorb and comprehend information.<sup>188</sup> The evaluation also found that the joint working approach "enabled young people's legal and non-legal needs to be assessed holistically, while simultaneously reducing the need for the young person to re-tell their story" and that "the role of the Youth Family Violence Practitioner (and the nature of support provided through this role) contributed to improved engagement with legal support by scaffolding the young person's engagement with

---

<sup>182</sup> Centre for Innovative Justice. (2022). [Evaluation of the Pre-court Support for Adolescents using violence in the home \(AVITH\) Pilot: Final Report](#), RMIT University at 20.

<sup>183</sup> Centre for Innovative Justice, [Evaluation of the Pre-court Support for Adolescents using violence in the home \(AVITH\) Pilot: Final Report](#) at 15.

<sup>184</sup> Ibid at 48.

<sup>185</sup> Ibid.

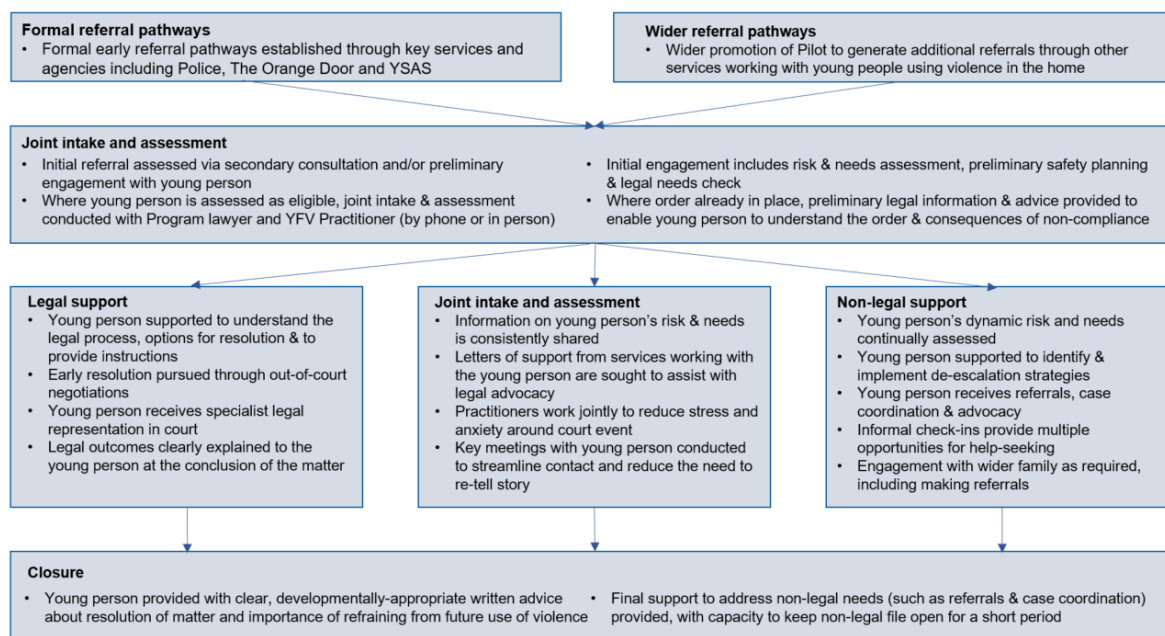
<sup>186</sup> Ibid at 58.

<sup>187</sup> Ibid at 46.

<sup>188</sup> Ibid at 57.

the Program Lawyer.”<sup>189</sup> Case files also recorded instances where the young person sought further legal information and advice through the Youth Family Violence Practitioner, who was then able to link in with the Program Lawyer.<sup>190</sup> **Figure 2** sets out the key features of the Pre-court Support for AVITH Pilot.

**Figure 2: Key components of the Pre-court Support for AVITH Pilot**



## Balit Ngulu

Balit Ngulu is a specialist legal service for Aboriginal children and young people operated by the Victorian Aboriginal Legal Service,<sup>191</sup> which provides “holistic support and case management for Aboriginal and Torres Strait Islander youth and children that come into contact with the Justice System.”<sup>192</sup> Balit Ngulu provides two streams of support:<sup>193</sup>

- Lawyers who provide high quality legal advice, assistance and representation; and
- Youth support officers who provide culturally safe holistic support and case management.

Balit Ngulu’s integrated service model is based on four principles: embed self-determination, be culturally safe, take a holistic approach, and prioritise and value youth participation.<sup>194</sup> Although each of these principles is an important feature of the Balit Ngulu model, in this case study I will focus on cultural safety. The 2020 evaluation of Balit Ngulu defines culturally safe services as “services which see and value the full identity, relatedness and worth of an Aboriginal and Torres Strait Islander person. They also put that recognition into practice and, by doing so, create a safe setting for people to access the support they need to thrive.”<sup>195</sup> A summarised version of

<sup>189</sup> Ibid at 58.

<sup>190</sup> Ibid at 59.

<sup>191</sup> Victorian Aboriginal Legal Service. (n.d.) *Balit Ngulu*. <https://www.vals.org.au/balitngulu/>

<sup>192</sup> Ibid.

<sup>193</sup> Ibid.

<sup>194</sup> Nous Group. (2020). *Evaluation of Balit Ngulu*. Victorian Aboriginal Legal Service at 10.

<sup>195</sup> Ibid at 11.

the strategies for culturally competent services in Balit Ngulu service model is set out in the table below.<sup>196</sup>

**Table 1 Balit Ngulu service model**

Strategies for culturally competent services	Features of Balit Ngulu’s service model
Embed cultural knowledge in the structure of the service	<ul style="list-style-type: none"> <li>• Involve community in identifying the services needed and how they can be delivered.</li> <li>• Employ staff, especially youth support officers, who are members of the community with connections and cultural knowledge as well as professional expertise.</li> <li>• Establish a governance Board of elders and other community members who have community recognition and relevant professional experience.</li> </ul>
Employ specific practices and strategies	<ul style="list-style-type: none"> <li>• Engage a male youth support officer and a female youth support officer so they can conduct men’s business and women’s business with clients.</li> <li>• Embed a relationship-based service culture including service continuity and clear expectations about the responsibility of workers’ responsibility to gain and maintain clients’ trust and deliver consistent service.</li> <li>• Actively prepare the young person to attend and participate in court and to be seen by the court as a whole person.</li> <li>• With the client’s consent, liaise with family members/carers and provide support and advice when requested.</li> </ul>
Selection, training, and actions of individual staff members	<ul style="list-style-type: none"> <li>• Employ Aboriginal and Torres Strait Islander staff members with professional expertise and/or experience working with Koorie young people who understand and foster culturally-relevant ways of working.</li> <li>• Invite ‘elders-in-residence’ with justice sector experience to provide cultural support to the youth support workers and train Balit Ngulu lawyers to work with community.</li> <li>• Establish a Balit Ngulu service style and ethic – staff are expected to get to know their client as a whole person, beyond their legal circumstances.</li> </ul>
Define what success looks like using measures and definitions grounded in the culture of the community being served.	<p>Success measures included:</p> <ul style="list-style-type: none"> <li>• The support officer and lawyer know about how life is going for a child or young person, apart from their legal proceeding/outcome.</li> <li>• Young people are prepared for, and not too stressed or feeling sick about, the court process, what might happen, and what their voice is in it.</li> </ul>

<sup>196</sup> Ibid at 11-12. The text in the table has also been amended from past tense to present tense. The evaluation was in past tense as the Balit Ngulu had ceased operating due to lack of funding. The service was relaunched in 2021 with new funding from the Victorian Government: Premier of Victoria. (2021). *Supporting Aboriginal Children And Young People*. <https://www.premier.vic.gov.au/supporting-aboriginal-children-and-young-people>

- Members of the court are prepared to hear the young person's voice in court.
- The support officer works with the child or young person to identify their long-term pathway and assist them to work towards it.

## Partnerships

An increasingly common type of partnerships between legal and non-legal service providers is health justice partnerships. Proponents of health justice partnerships identify a range of ways that they can reduce access barriers faced by clients including by:<sup>197</sup>

- Building health and legal practitioner capability through cross-disciplinary training and exchange of expertise thereby enabling both professionals to better meet their clients' needs.
- Reducing the risk of lost referrals by providing services at the same location.
- Providing a bridge of trust between a legal practitioner and the client through the pre-existing relationship of trust between a patient and a health practitioner (warm referral).
- Allowing coordination between the provision of legal help and care that addresses mental health and social needs in order to optimising the impact of each.

A systematic scoping review of international literature undertaken by Beardon et al. found that there was strong evidence for the effectiveness of HJPs in “resolving legal problems and thereby improving the socioeconomic circumstances of individuals... strong evidence that HJPs improve access to legal assistance for patient groups that would otherwise not seek help for social welfare issues” and “overall there was strong evidence among the studies (both quantitative and qualitative) for improvements in mental health, particularly stress, depression, anxiety and wellbeing, and that these improvements occurred as a direct result of the legal interventions [16, 35–38, 40].”<sup>198</sup> The Central Highlands Health Justice Partnership, a health justice partnership focussed on young people, is discussed below.

The second example discussed in this section is the Hamilton Outreach Project which is a partnership between two different legal services providers in different areas of the law: the Hamilton community Legal clinic (HcLc) and Legal Aid Ontario (LAO). The last partnership is the Shopfront which is operated by Herbert Smith Freehills, Mission Australia and The Salvation Army.<sup>199</sup>

### *Central Highlands Health Justice Partnership*

The Central Highlands HJP is a partnership initially established by Ballarat Community Health, Central Highlands Community Legal Centre and Federation University Australia which provides an early intervention programme for disadvantaged young people experiencing multiple health and legal issues in the Central Highlands region of Victoria.<sup>200</sup> Victoria Legal Aid (Ballarat Office) (VLA Ballarat) was also involved in the project as an interested agency due to its experience

<sup>197</sup> Nagy, M.T. & Forell, S. (2020). [Legal help as mental healthcare](#). Health Justice Australia at 5.

<sup>198</sup> Beardon, S., Woodhead, C., Cooper, S., Ingram, E., Genn, H., & Raine, R. (2021). [International Evidence on the Impact of Health-Justice Partnerships: A Systematic Scoping Review](#). *Public Health Review*, 42, 1603976 at 7.

<sup>199</sup> See below.

<sup>200</sup> Justice Connect. (n.d.). [Starting a health justice partnership: toolkit](#) at 17.

dealing with the downstream legal issues experienced by young people. In 2018 the partner agencies expanded to include Youthlaw.<sup>201</sup>

The programme involves both student volunteers and secondees from health, social work and legal professions: “[i]nvolving students and emerging practitioners at these early stages in their career broadens the learning and reach of the HJP concept.”<sup>202</sup> Another interesting feature of the programme is the commitment to evaluation with university students studying for a BA (Criminal Justice) administering surveys, and staff from Federation University conducting the evaluation.<sup>203</sup>

The initial idea arose because there was a high incidence of young people with mental health, drug and alcohol issues experiencing multiple legal problems<sup>204</sup> but few young people in the region were accessing legal services in a timely way or at all.<sup>205</sup> The HJP is an integrated medical and legal service, with a lawyer from Youthlaw based at Ballarat Community Health on the basis that it was a convenient, trusted, and safe environment for the young people which had the potential to facilitate the early identification and management of their legal problems.<sup>206</sup> Embedding the lawyer within the youth team at Ballarat Community Health also resulted in secondary consultations between the lawyer and health centre staff which increased their capacity to respond to their immediate clients as well as other clients in the future.<sup>207</sup>

Another key aspect of the programme was the STUCK website:<sup>208</sup>

*This site was developed in conjunction with the youth lawyer, the Youth Team Leader and two young people. The aims of the website were to promote the CHHJP program, bring information about legal issues commonly experienced by young people into one site and outline referral processes and provide access to the LHC. The CHCLC also developed material in the form of ‘FACT sheets’ about issues such as family violence, sexting and a range of other issues that were made available on the website.*

A 2018 evaluation of the programme found that the service delivery model was an important consideration for this programme:<sup>209</sup>

*Aspects of this integrated model enhanced the accessibility to the service. For example, the importance of an integrated model where young people are referred by a worker with whom the young person has developed a trusting relationship, cannot be underestimated. Similarly, the flexible nature of the legal service, where young people would have an appointment quickly, sometimes on the same day, was also of prime importance. The youth lawyer also provided outreach to some clients through this service. Anecdotal evidence suggests that this may have been beneficial, particularly for clients with mental health and or substance abuse issues.*

---

<sup>201</sup> Federation University. (2023). *Central Highlands Health Justice Partnership*.

<https://www.cerdi.edu.au/CentralHighlandsHealthJusticePartnership>

<sup>202</sup> Justice Connect, *Starting a health justice partnership: toolkit* at 20.

<sup>203</sup> Ibid.

<sup>204</sup> Federation University, *Central Highlands Health Justice Partnership*.

<sup>205</sup> Justice Connect, *Starting a health justice partnership: toolkit* at 17.

<sup>206</sup> Federation University, *Central Highlands Health Justice Partnership*

<sup>207</sup> Ibid.

<sup>208</sup> Camilleri, M., Ollerenshaw, A., Corbett, J., Taylor, M., & Burrows, T. (2018). *Central Highlands Health Justice Partnership: Evaluation report*. Centre for eResearch and Digital Innovation, Federation University at 16.

<sup>209</sup> Ibid at 3-4.

The evaluation also found other benefits of this approach including that partner agencies reported that the Legal Health Check tool “built capacity by enhancing their understanding of certain legal issues and increased their confidence in working with young people” with some indicating that it had become an integral part of their consultations with young people.<sup>210</sup> The evaluation concluded with a series of recommendations that would be of benefit to others considering establishing a similar model.

### *The Hamilton Outreach Project*

The Hamilton Outreach Project is a partnership between the Hamilton community Legal clinic (HcLc) and Legal Aid Ontario (LAO) which involves lawyers and a systems navigator from HcLc and legal staff from LAO.<sup>211</sup> Traditionally the legal services provided by HcLc and LAO had been siloed but the partnership creates seamless access to a wide range of legal services involving criminal, family, immigration/refugee, landlord tenant issues, disability benefits, and other poverty law problems.<sup>212</sup> An evaluation of the HLO found that “the collaborative partnership between LAO and HcLc staff functions to provide seamless legal services to hard to serve/reach clients”.<sup>213</sup>

Other key features of the HLO which are themselves different forms of integration include the multi-disciplinary team from HcLc which includes both lawyers and a systems navigator who:<sup>214</sup>

*[W]orks one on one with clients and service providers to assist with systems navigation, connecting them to legal services (i.e. family court, criminal court, obtaining legal aid certificates, finding a lawyer, etc.), and additional community supports (mental health supports, immigration supports, etc.). The systems navigator receives referrals from staff lawyers, community partners and various community agencies to coordinate access to legal services for their clients.*

*The systems navigator also facilitated meetings and delivered presentations to promote and maintain HLO services in the community.*

An evaluation of the HLO found that systems navigation was a key feature of the model which ensured that clients had support navigating legal and social services.<sup>215</sup> The HLO involves collaboration with community services through which the HLO delivers legal clinics at community agencies who have already formed a relationship of trust with clients and can provide safe spaces for including local food banks, a shelter for homeless youth, an Aboriginal health centre, mental health crisis centre, and other community locations to provide legal services.<sup>216</sup> All members of the HLO team have also completed certified training in mental health, addictions, and suicide prevention.<sup>217</sup>

---

<sup>210</sup> Ibid.

<sup>211</sup> Hamilton Community Legal Clinic. (2019) ‘The Hamilton Outreach Project: Meeting People Where They’re At’. In A. Currie (Ed.), [\*The Communities Being Served are the Resources that are Needed: Innovations in Community Based Justice in Ontario, An Anthology of Canadian Research\*](#) (pp. 358-393). Canadian Forum on Civil Justice at 362.

<sup>212</sup> Ibid.

<sup>213</sup> Ibid at 382.

<sup>214</sup> Ibid at 372.

<sup>215</sup> Ibid at 372.

<sup>216</sup> Ibid at 364-366.

<sup>217</sup> Ibid at 362.

## *The Shopfront*

The Shopfront is a legal service tailored to the legal needs of homeless youth based in inner Sydney, New South Wales. The Shopfront was established in 1993 and is operated jointly by Herbert Smith Freehills, Mission Australia and The Salvation Army.<sup>218</sup> The Shopfront provides:

- Legal representation and advice to homeless and disadvantaged young people aged 25 and under;
- Legal education for young people and youth services; and
- Campaigning and law reform for better laws and policies for disadvantaged young people.

A key aspect of the Shopfront's service is the integration of legal and case work services. The Shopfront website describes how this works:<sup>219</sup>

*Many of our clients have complex needs which are inextricably linked to their legal problems. The Shopfront's two case workers collaborate with our solicitors to ensure that our clients receive a truly holistic service.*

*Our case workers provide long-term intensive case management for clients with particularly high and complex needs (for example, a serious mental illness or intellectual disability coupled with substance misuse problems and chronic homelessness).*

*For other clients, they provide short-term therapeutic interventions, crisis management, general social and emotional support, and referral to other services.*

The Shopfront also provides legal services in relation to a range of legal issues commonly experienced by homeless young people including:<sup>220</sup>

- Court representation in criminal matters including offences relating to poverty, street offences relating to interaction with the police, apprehended violence orders, offences relating to mental health or substance misuse, and traffic offences.
- Legal advice on a range of criminal law issues including police interviews, rights and obligations of witnesses, traffic and licensing issues, and the effect of criminal records.
- Assistance with outstanding fines including reviewing fines or converting them to Work and Development Orders.
- Legal advice and seeking compensation for young people who have experienced sexual assault, child abuse and other forms of violence.
- Legal advice (and occasionally representation) on a range of other issues including family law, care and protection, civil and administrative matters.
- Referrals to other legal services where we lack the capacity or expertise to assist.

---

<sup>218</sup> Shopfront Youth Legal Centre. (2018). *About the Shopfront*. <https://www.theshopfront.org/>

<sup>219</sup> The Shopfront Youth Legal Centre. (2014). [\*The Shopfront Youth Legal Centre: Celebrating 21 Years 1993-2014\*](#) at 10.

<sup>220</sup> *Ibid* at 8.



## References

- Allison, F. (2020). [Evaluation of the Law Right Wuchopperen Health Justice Partnership and Law Yarn](#). LawRight.
- Anika, J. (2021). [A Legal Liaison Project for Young People: International Legal Aid Group Paper](#) (Conference Paper for International Legal Aid Group (ILAG) Conference, June 2021). Legal Aid NSW.
- Auckland Community Law Centre. (ACLC). (2019). [Pro Bono - Unlocking potential through the Litigant-in-Person challenge](#).
- Australian Child Rights Taskforce. (2014). [Submission DR285 \(Response to Draft Report\) to Productivity Commission, Inquiry into Access to Justice Arrangements](#). Australian Productivity Commission.
- Beardon, S., Woodhead, C., Cooper, S., Ingram, E., Genn, H., & Raine, R. (2021). [International Evidence on the Impact of Health-Justice Partnerships: A Systematic Scoping Review](#). *Public Health Review*, 42, 1603976.
- Camilleri, M., Ollerenshaw, A., Corbett, J., Taylor, M., & Burrows, T. (2018). [Central Highlands Health Justice Partnership: Evaluation report](#). Centre for eResearch and Digital Innovation, Federation University.
- Centre for Innovative Justice. (2022). [Evaluation of the Pre-court Support for Adolescents using violence in the home \(AVITH\) Pilot: Final Report](#), RMIT University.
- Clark, S. (2016). [Evaluation of the Aboriginal Youth Court](#). Toronto Aboriginal Legal Services.
- Cunninghame, A., & Toy-Cronin, B. (2019). [Unbundling Litigation Services in New Zealand: Where to next? \(Working Paper\)](#). University of Otago Legal Issues Centre.
- Curran, L. (2017). Lawyer Secondary Consultations: improving access to justice: reaching clients otherwise excluded through professional support in a multi-disciplinary practice. *Journal of Social Inclusion*, 8(1), 46–77. DOI: <http://doi.org/10.36251/josi.117>
- Curran, L. & Taylor-Barnett, P. (2018). [Overcoming the Invisible Hurdles to Justice for Young People](#). Hume Riverina Community Legal Service.
- Currie, A. (2017). Engaging the Power of Community to Expand Legal Services for Low-Income Ontarians. In A. Currie (Ed.), [The Communities Being Served are the Resources that are Needed: Innovations in Community Based Justice in Ontario, An Anthology of Canadian Research](#) (pp.64-115). Canadian Forum on Civil Justice.
- Currie, A. (2018). Legal Secondary Consultation: How Legal Aid Can Support Communities and Expand Access to Justice. In A. Currie (Ed.), [The Communities Being Served are the Resources that are Needed: Innovations in Community Based Justice in Ontario, An Anthology of Canadian Research](#) (pp.167-201). Canadian Forum on Civil Justice.
- Currie, A. & Stewart, B.D. (2020) The Unintended Benefits of Innovation: The Legal Health Check-Up Revisited. In A. Currie (Ed.), [The Communities Being Served are the Resources that are Needed: Innovations in Community Based Justice in Ontario, An Anthology of Canadian Research](#) (pp.140-159). Canadian Forum on Civil Justice.
- Daniels, S., & Martin, J. (2009). [Legal services for the poor: Access, self-interest, and pro bono](#). *Access to Justice: Sociology of Crime, Law and Deviance*, 12, 145-166.

- Daniels, S. & Bowers, J. (2022). [Alternative Legal Professionals and Access to Justice: Failure, Success, and the Evolving Influence of the Washington State LLLT Program \(The Genie is Out of the Bottle\)](#). *DePaul Law Review*, 71, 227-278.
- Diesfeld, K., Patston, P., McLean, M., Miller-Burgering, W., Vickery, R., & Phelan, T. (2006). *Service delivery proposal 2006/2007, Disability Law Project, report No. 2*. Legal Services Agency.
- Duquette, D.N., Orlebeke, B., Zinn, A., Pott, R., Skyles, A., & Zhou, X. (2022). [Children's Justice: How to Improve Legal Representation of Children in America's Child Welfare System](#). National Quality Improvement Center on the Representation of Children in the Child Welfare System.
- Eastern Community Legal Centre (ECLC). (2021). [Integrated Practice – Better Practice Principles](#).
- Emerson, L., Lloyd, K., Lundy, L., Orr, K., & Weaver, E. (2014). [The legal needs of children and young people in Northern Ireland: the views of young people and adult stakeholders](#). Queens University Belfast.
- Equal Justice Project (Pro Bono Team). (2020). [The State of Public Interest Law in Aotearoa New Zealand](#). *Public Interest Law Journal of New Zealand*. 7, 5-34.
- Family Justice Initiative. (2021). [Improving the lives of children and families through high-quality lawyering](#).
- Family Law Section. (2018). [Lawyer for the child best practice guidelines: Acting for children under the Care of Children Act 2004 and the Oranga Tamariki Act 1989](#). New Zealand Law Society.
- Hamilton Community Legal Clinic. (2019). The Hamilton Outreach Project: Meeting People Where They're At. In A. Currie (Ed.), [The Communities Being Served are the Resources that are Needed: Innovations in Community Based Justice in Ontario, An Anthology of Canadian Research](#) (pp. 358-393). Canadian Forum on Civil Justice.
- Hasan, Z. (2022). [Fighting Racial Injustice Background, childhood, legal representation & trauma](#). Youth Justice Legal Centre; Just for Kids Law; the Transition to Adulthood Alliance.
- Independent Review Panel. (2022). [The Regulation of Lawyers and Legal Services in Aotearoa New Zealand Te Pae Whiritahi i te Korowai Rato Ture o Aotearoa](#). New Zealand Law Society.
- Justice Connect. (n.d.). [Starting a health justice partnership: toolkit](#).
- Law Council of Australia. (2018). [The Justice Project: Final Report Part 2 Legal Services](#).
- Matthews, J. & Wiseman, D. (2020). [Community Justice Help: Advancing Community-Based Access to Justice A discussion paper](#). Community Legal Education Ontario, The Law Foundation of Ontario.
- Miller, A. (2017). Neighbourhood Justice Centres and Indigenous Empowerment. *Australian Indigenous Law Review*, 20, 123-153.
- Mitchell, M., McCrory, A., Skaburskis, I., & Appleton, B. (2022). [Criminalising Gender Diversity: Trans and Gender Diverse People's Experiences with the Victorian Criminal Legal System](#). *International Journal for Crime, Justice and Social Democracy*, 11(2), 99-112.

- Moore, L. (2022). [Crossing Boundaries: Exploring Multi-Disciplinary Models for Legal Problem Resolution](#). Canadian Forum on Civil Justice.
- Nagy, M.T. & Forell, S. (2020). [Legal help as mental healthcare](#). Health Justice Australia.
- National Association of Counsel for Children. (2022). [Recommendations for Legal Representation of Children and Youth in Neglect and Abuse Proceedings](#).
- New Zealand Bar Association Working Group on Access to Justice. (2018). [Access to Justice Āhei ki te Ture](#). New Zealand Bar Association.
- Noone, M.A. & Digney, K. (2010). [‘It’s hard to open up to strangers’: improving access to justice: the key features of an integrated legal services delivery model](#). La Trobe University.
- Nous Group. (2020). [Evaluation of Balit Ngulu](#). Victorian Aboriginal Legal Service.
- Peek, C. & Kallmier, M. (2021). [LevelUP: An innovative legal project to help young people in Out Of Home Care](#). Mid North Coast Community Legal Centre.
- Pleasence, P. (2014). [Reshaping Legal Assistance Services: Building on the evidence base](#). Law and Justice Foundation of New South Wales.
- Principal Family Court Judge. (2020). [Family Court Practice Note. Lawyer for the Child: Selection, appointment and other matters](#). Principal Family Court Judge’s Chambers.
- Queensland Public Interest Law Clearing House Incorporated. (2015). [Legal Health Check online portal for community workers Project Report](#). National Association of Community Legal Centres Inc.
- Rubinson, R. (2005). [A Theory of Access to Justice](#). *Journal of the Legal Profession*, 29, 89-156.
- Sandefur, R., (2015). [Bridging the Gap: Rethinking Outreach for Greater Access to Justice](#). *University of Arkansas at Little Rock Law Review*, 37(4), 721-740.
- Sandefur, R. (2019). [Access to What? Dædalus](#), *the Journal of the American Academy of Arts & Sciences*, 148(1), 49-55.
- Social Ventures Australia. (2018). [School lawyer program framework](#). Social Ventures Australia & WEstjustice.
- Stephen, C. (2020). [Pro bono clearing house. It may make a difference, but is it the answer?](#) *LawTalk*, 941.
- Stewart, B. & Currie, A. (2020). Legal Secondary Consultation, Expanding the Reach of Ontario’s Community Legal Clinics Through Community Partnerships. In A. Currie (Ed.), [The Communities Being Served are the Resources that are Needed: Innovations in Community Based Justice in Ontario, An Anthology of Canadian Research](#) (pp.202-219). Canadian Forum on Civil Justice.
- Stewart, K., Toy-Cronin, B. & Choe, L. (2020). [New Zealand lawyers, pro bono, and access to justice](#). University of Otago Legal Issues Centre.
- Taylor-Barnett, P. & Curran, L. (2021). [Pathways to Empowerment and Justice: The Invisible Hurdles Stage II Research and Evaluation Final Report](#). Australian National University.
- The Shopfront Youth Legal Centre. (2014). [The Shopfront Youth Legal Centre: Celebrating 21 Years 1993-2014](#).

Toy-Cronin, B. (2016). [\*New Business Models for Legal Services \(Working Paper\). Paper prepared for the New Zealand Bar Association Access to Justice Working Group.\*](#) University of Otago Legal Issues Centre.

Trabucco, L. (2018). [\*What Are We Waiting For? It's Time to Regulate Paralegals in Canada.\*](#) *Windsor Yearbook of Access to Justice*, 35, 149-176.

UNICEF ECARO. (2018). [\*Guidelines on child-friendly legal aid.\*](#) UNICEF.

Victoria Legal Aid. (2019). [\*Representing children in child protection proceedings: A guide for direct instructions and best interests lawyers.\*](#)

Victoria State Government. (2016). [\*Access to Justice Review \(Full report\).\*](#)

