

Evaluation of Queensland Public Interest Law Clearing House fact sheets

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EVALUATION OF FACT SHEETS

QPILCH provides fact sheets for access by lawyers and volunteers to give to clients during appointments via their website. They are also available in paper form. These fact sheets are available to the general public and allow anyone, particularly self represented litigants, access to basic information and practical knowledge of the processes and procedures in the civil courts. As a staff member from QPILCH said “it’s to provide a reference point for a client to work out what steps they need to go through and what key things they need to know when preparing their material in the process”.

Late last year, QPILCH dedicated a few weeks of time to add to and update those references. This was done by one of the employed solicitors who works directly with the clients. As a result, 23 fact sheets have been added to the pool of resources available on the QPILCH website. The process was funded by Legal Aid Queensland and this short independent evaluation done with clients of the service as to the efficacy of the fact sheets is part of that process.

As far as I am aware, there is no suggestion that the fact sheets are intended to be comprehensive or to cover the entire civil litigation process. The factsheets were primarily drafted as a support for the face to face advice i.e. to remind clients of the Self Representation Service how to do something that may have not been completed in the interview. The fact sheet was then to be used as reference tool at home to complete or continue a step in the proceedings. To avoid having to print them to keep up supplies, they were put on the QPILCH website for ease of access. One incidental side effect of this has been that they are now available to the public at large. QPILCH have made it very clear to me that the fact sheets are not intended to be a stand-alone service and are used in conjunction with other services, such as legal advice.

As mentioned, they are accessible to the public, and there is an ability to count the page views and visits which can give some indication which pages are being accessed, presumably in a set time frame, although this doesn’t tell us much more about the usage of the fact sheets, and so it is possible that people download them without seeking legal advice. While QPILCH has asked staff and volunteers to provide fact sheets to clients where appropriate, it has been suggested to me that it may not occur in all cases for a variety of reasons, such as changes in volunteers (inductions occur every six months but changes can occur between sessions) and doubt about the capacity of the client to use them. This may or may not be an issue depending on the objectives of the fact sheets, but there does not seem to be a policy of distributing the fact sheets to all clients of the service. As it was not clear from the outset of my research as to whether there was any clear process adopted by QPILCH of using the fact sheet accompanied by a detailed explanation by a legal expert and follow-up, it was my intention to pursue this indirectly with clients where possible, in addition to the general efficacy questions.

The fact sheets

Each fact sheet is available on the QPILCH website. They are in html format, contain links to other pages and fact sheets and would need to be printed from the webpage. They are not accessible as a download in pdf or word formats. I understand it is possible to receive the fact sheets in hard copy for clients that do not have access to a computer. The fact sheets usually provide general procedural information, are written in plain English and are not available in any other language.

There is a disclaimer on the fact sheets that says “This fact sheet is for general information purposes only. Independent legal advice should be sought for thorough advice about your legal matter.”

The Facts Sheets (all under the umbrella of Civil Litigation) that have been added are:

- 5 steps to drafting an effective reply and answer
- Amending court documents
- Bringing a civil appeal to the Court of Appeal
- Civil Appeals in the District Court of Queensland
- Court supervision of cases
- Dealing with Lawyers on the other side
- Default and summary judgments
- Enforcement of money orders in the Magistrates, District and Supreme Courts
- Fee reductions in the Queensland Courts
- Filing and serving court documents
- Filing documents in the Queensland Courts
- How to prepare for and represent yourself at trial
- How to progress civil proceedings
- Offers to settle
- Preparing an outline of argument or submissions
- Responding to a civil appeal in the Queensland Court of Appeal
- Responding to an enforcement warrant
- Serving court documents
- Setting a civil trial date
- Starting court proceedings
- Twelve steps to get through a court hearing
- Words that you may hear during a court hearing

The Facts Sheets (all under the umbrella of Civil Litigation) that have been updated are:

- Drafting a Defence – Tips and Examples
- Drafting a Statement of Claim – tips and examples

The facts sheets appear to be user friendly, clear, well written, really well set out, legally accurate and are obviously written for the layperson. The effort put into the

new fact sheets should be commended because they are much more responsive documents. By that I mean, they provide more hyperlinks and refer to each other in a way they have never done in the past. However, with all things, the proof of the efficacy is in how the clients view them, and this is the outcome of this evaluation.

THE RESEARCH

The research was originally designed to interview clients of the service who had specifically been provided with the fact sheets in a 6 week period. The rationale behind this process was that using the fact sheets would be fresh in their minds, and they would more cognisant about the efficacy of the fact sheets in relation to their own circumstances, particularly, whether the fact sheets assisted them with their preparation, provided them with more information and how they understood their proceedings. Unfortunately, in the first defined time frame none of the clients of the service were given fact sheets. Staff did, however identify approximately 10 people who had been given the fact sheets prior to the research commencing and one since. Those were the first rounds of interviews conducted.

Group 1

I interviewed 7 people from this pool of participants. These people had been provided the fact sheets, some who had recently closed files up to November 2012. Some of the clients said that they had the contact almost a year ago. All of the participants told me without prompting that the fact sheets were helpful because of the legal advice they had received. This appeared to suggest that the information sheet was reinforcing legal advice. Most of the interviewees conflated the usefulness of the sheets with the usefulness of the service. This is because all of the clients were keen to praise the service and staff for their assistance and as a result wanted to express that gratitude to me. It was difficult to get anyone of them to focus solely on the fact sheets. I believe it would have been easier to have done this, had the research been conducted in accordance with the original design.

All of the clients said they were literate and had had some legal advice. Almost all of the clients said that the fact sheets were useful but in a context where they had been given legal advice, human contact (lawyer) and perceived emotional support by the service.

Client's Understanding of the Fact Sheets

One of the clients said that the information sheet was available to assist them, but most of them could not respond other than to say things like "I can't remember, but I did use the sheet", "I can't really remember it was so long ago". One person did comment "Jeez I am not complaining but I'm really glad I speak English and am semi-literate".

This is an interesting point. Given what we know about literacy levels and the influence of self represented persons' vulnerability in the legal system it would be interesting to consider the influence of the client's existing knowledge on the use of the fact sheets which may appear to some as dense and complicated text if it is accessed on its own. Although on the face of it, the fact sheets do not present that way, we (QPILCH and myself) are reading those texts in a position of privilege (i.e. we are lawyers and highly educated). I believe clients of QPILCH would be greatly advantaged by more research as to what real benefit the fact sheets have for the majority of clients, however many that may be.

Client Use of the Fact Sheet

Client use of the fact sheets varied. Most people said they read it because they had been referred to it, it had been emailed or handed out during an appointment and that then allowed them time to "digest" or "consolidate" information given to them during the legal advice session. Four of the clients said they had used the fact sheets before and had found it confusing and sought more information from the website. Three of those four commented that there were gaps in the fact sheets, for example one client said "The information sheet referred to something, I can't remember what now, and when I went to the website to see what that meant, there was no more information, that was really frustrating". A couple of the participants said that the fact sheets just reminded them what to do, one person said "at the end of the day, taking out the *frustration and fear* of going to court, you just need to know what forms to fill out, how the court system works and what to say". A couple of the participants said they went to the website to use the links provided in the fact sheets to take them to the legislation.

All of the clients said they thought the fact sheets were useful and that they got most of the information they required from using the sheet, although as I have mentioned earlier, some of the clients hadn't used the service for some time and were trying to "dig" back into their memory. Clients had different needs for the fact sheets but only three of the fact sheets were identified as used by this cohort of clients:

- Drafting a defence
- Drafting a statement of client
- Mediation: a short guide.

Most of the clients said they understood the information in the fact sheets even though it was complicated. Some of the comments from the clients were "Yeah that was really helpful", "I think it was good to have the information reinforced", "I am pretty sure it was useful". A couple of the client's said that although the facts sheets were well set out the "gaps" [their words not mine] in more information on similar topics left more questions than not, and made them lose track in trying to find an answer to lingering questions.

Second stage of the research

Obviously, we would have a much better understanding of the efficacy of the fact sheets if we had a larger number of clients, and more of the fact sheets were part of the research. So we decided to conduct a second stage of the research in early 2013 for clients who had recently received legal advice and been referred to the fact sheets. The fact sheets were identified as used by this cohort of clients:

- Default and Summary Judgment
- Offer to Settle
- Deciding to commence proceedings
- Drafting a Statement of Claim
- Filing Court Documents in Queensland
- Amending Court Documents
- Court of Appeal; Outline of Arguments
- Amending Court Documents
- Responding to a civil appeal

Nine clients of the service were identified between mid February 2013 and end of March 2013. Seven were available for interview.

The issue with conducting the interviews as soon as the clients had been seen by the service (i.e. from 9 days to 6 weeks) was that many of the clients said they had had very little time to really consider the facts sheets in much detail. All but two had read them and one did not feel comfortable to continue with the interview. This left six participants to interview.

All of the clients said that there was little time to digest what was in the fact sheets and all of them would have preferred more time to ask questions about issues raised in the fact sheets with their lawyer and all of them said that those issues were directly relevant to their matter.

Most of the clients were still immersed in their proceedings and preoccupied with procedural concerns and were finding it frustrating that although the fact sheets gave them “good clear common sense information”, as commented by one participant, they did not feel they had follow through legal advice. One person said this, “I think it’s a great idea, I would never complain about what they are doing for me, but I think I just need some guidance about how it all fits together”.

Summary of the Findings from all of the Participants.

Usage

Usage	Yes	No
Group 1	6	0
Group 2	5	2

As discussed earlier, all of the participants in the first group had used the fact sheets. There were two participants in the second group that had not used the fact sheets referred to, one did not wish to proceed with the interview but the other person had read other facts sheets on the QPILCH website and had been doing previous research on the topic.

Reasons for Use

Reasons for use	Referral	Interest	Research	With legal advice	Instead of legal advice
Group 1	6	0	0	6	0
Group 2	7	0	4	7	0

All of the people interviewed from both groups said the reason they “used” the fact sheets in the first place was because they had been referred to them. Four people from the second group clearly recalled going on and using further fact sheets for more research. All of the participants said they used the facts sheets in conjunction with legal advice, and/or sought clarification or, in the case of the second group were intending to seek clarification from QPILCH in the form of legal or procedural advice as to information gleaned from the fact sheets.

Knowledge

Knowledge	QPILCH	Other	Website	CLC	Own
Group 1	6	0	0	1	0
Group 2	7	0	0	1	2

Participants were asked about how they knew about the fact sheets. Although I know that all of these people were referred to the website, it was also important to clarify whether they had knowledge from other providers or sources. The table above demonstrates that all of the participants knew about the fact sheets through referral but there were also some referrals from other Community Legal Centres and through their own research. This is good to know because it gives QPILCH some indication that other services are referring clients to their site for legal information.

Client's Experiences with Fact Sheets

All the clients were asked the same questions on a Likert scale. A Likert scale, is a commonly used psychometric scale in research employed using questionnaires (this version used semi structured interviewing with a small survey). It is one of the most widely used approaches to scaling responses (usually eight or more) in survey research. Given the time and resources available for this evaluation, the idea was to try and format a set of responses to some of the obvious "experience" questions to distinguished and score them on a scale. Those responses have emerged both out of direct questions from the Likert scale questions detailed in the boxes below. But there were also collective responses that arose because the semi structured nature of the research allowed the participants to elaborate if they wished to. Some of those comments have been provided elsewhere in this report as necessary.

GROUP 1					
EXPERIENCE WITH FACT SHEETS	Strongly agree	Somewhat agree	Unsure	Somewhat disagree	Strongly disagree
Did you find the fact sheet easy to use?	6	0	0	0	0
Were you confident using the fact sheet?	6	0	0	0	0
Did you understand the information?	3	2	1	0	0
Did you have enough time with the solicitor to discuss the fact sheet?	0	0	4	0	2
Did the fact sheet help you achieve the outcomes you wanted?	0	3	3	0	0
Were you satisfied with the fact sheet?	0	6	0	0	0
Did it provide sufficient Information?	0	2	0	0	0
Was the fact sheet what you expected?	0	5	1	0	0

As discussed earlier, the vast majority of the first group of clients had positive experiences with the fact sheets and found them, on the whole, useful, informative, easy to use and were satisfied. As I mentioned earlier, the clients had only used three types of fact sheets and had also used them sometimes earlier.

GROUP 2					
EXPERIENCE WITH FACT SHEETS	Strongly agree	Somewhat agree	Unsure	Somewhat disagree	Strongly disagree
Did you find the fact sheet easy to use?	5	0	2	0	0
Were you confident using the fact sheet?	0	5	2	0	0
Did you understand the information?	2	2	3	0	0
Did you have enough time with solicitor to discuss fact sheet	0	0	0	7	0
Did the fact sheet help you achieve the outcomes you wanted?	0	3	4	0	0
Were you satisfied with the fact sheet?	0	0	7	0	0
Did it provide sufficient Information?	0	0	0	6	0
Was the fact sheet what you expected?	0	0	5	2	0

The second group of clients presented very different results. Although ease of use and confidence using the fact sheets were still high, there was some variation in whether the fact sheets assisted with the outcomes and satisfaction levels. I suspect this coincides with the timing of the use of the fact sheets. Most of these participants are deeply enmeshed in their proceedings, are consumed and concerned about the potential for litigation and are grappling with, as one person said “an overwhelming volume of paperwork”.

A couple of people felt they really needed to know more about really simple issues like exactly what happened when you walked into court to file documents. One person said “this sounds so stupid but I read it all, and thought, great info, but now what? What the hell do I do with it, and how do I do it?”

One of the major concerns in this group of participants was the relationship between the fact sheets and the legal advice given to them. One person said to me “I felt it was a little tokenistic, because I really didn’t know how it was relevant when I read it” and another said “I think what they need to do, as much as this sounds silly, is to take a step backwards and realize that they need to explain *why things have to be done*, even if it’s just to say it’s the law, you see I think they take things a little bit for granted”. Another person said “putting things in context would help someone like me.”

From my discussions with the clients, the general theme that came out of these comments was that clients are seeking some linking of fact sheets to advice and fact sheets to court procedure. I believe it is important to reinforce here, that these clients, Group 2, were in early days in their contact with the service and had been,

to quote one client , “wading” their way through their paperwork. My understanding from the first group of clients is that the fact sheets worked well for them as reinforcing some of the advice they had been given by lawyers AND they had also had the benefit of hindsight about the type of rapport they had with the service and as a consequence, regardless of the outcome generally, more confidence in the legal system.

A final look at the total participants (n = 13) looks like this:

EXPERIENCE WITH FACT SHEETS	Strongly agree	Somewhat agree	Unsure	Somewhat disagree	Strongly disagree
Did you find the fact sheet easy to use?	11	0	2	0	0
Were you confident using the fact sheet?	6	5	2	0	0
Did you understand the information?	5	4	4	0	0
Did you have enough time with the solicitor to discuss the fact sheet?	0	0	4	7	2
Did the fact sheet help you achieve the outcomes you wanted?	0	3	8	0	0
Were you satisfied with the fact sheet?	0	6	7	0	0
Did it provide sufficient Information?	0	2	0	11	0
Was the fact sheet, what you expected?	0	5	6	2	0

CONCLUDING REMARKS

Although the research was conducted under two different sets of circumstances, it yielded some interesting and rewarding data to consider for future work.

We know that the fact sheets are a relatively inexpensive way for QPILCH to disseminate information. Clients on the whole find them very useful and were and continue to be appreciative of access to such resources. One of the observations to be made from this research is that while the intention of QPILCH may be to utilise the fact sheets in conjunction with legal advice and to reinforce the work done by a particular solicitor, some of this intention may be lost in the translation. By this I mean that, for a multitude of reasons, sometimes clients aren't seeing the connection. I can speculate and say from observation that it could be for a couple of reasons (1) clients are stressed and only have a limited capacity to retain all of the information given to them (hence the fact sheets in the first place) and may not

“hear” that the fact sheets are reinforcement rather than new information; (2) the information about linking the facts sheets and the legal advice may not be communicated as effectively as it could be by the solicitors or the volunteers for whatever reasons. Reasons aside, I believe it is in everyone’s best interest to ensure that if there is some follow up with clients on this issue it may go some way to ameliorating some of the issues identified by the clients in this study. It may not. Only further research will be able to identify any changes on this issue.

In any event, keeping a closer eye on the use of the fact sheets will only be beneficial for QPILCH that is trying to provide an excellent legal service that is streamline, user friendly with limited resources and assists people who often feel they have had to access multiple sources of other inadequate advice, are vulnerable, feel lost in a system that is overwhelming and are not eligible for legal aid or unable to pay for legal advice. Although time intensive and probably low on the priority lists of practitioners, reinforcing the organisations intention that clients may access a follow up discussion with a legal adviser to go through any questions raised by the fact sheets or anything else may be all it takes to change their understanding of what to us may seem to be simple but to them a major drama. If the fact sheets are to provide assistance to clients to prepare their material, it may be prudent to make follow-up calls or emails just to check whether there any questions about the fact sheets and whether there are any gaps that could be identified for future updating.

One observation about the fact sheets is that they are only available in English, which exclude Culturally and Linguistically Diverse clients and their families who will require referrals to other services. This may be related to the scope of the service and the limited funding resources of the service.

Given the emphasis of the number and presence of the fact sheets as part of the QPILCH service, it would be useful to conduct some further more structured and detailed research, following clients from beginning to end of a matter, tracing which fact sheets are used most frequently and in what areas, which intended audience uses them, how that audience can be assisted by the service, what supplementary face-to-face services are required to articulate the fact sheets in a way that can maximize their benefits and what the realistic goals are in managing clients who may not be able to make use of the fact sheets.

It also occurred to me during the discussions with clients of the service that briefing court network staff on the fact sheets, gaining some feedback from the volunteer networkers on the types of questions litigants ask when they come through the door of the court to file documents or appear unrepresented in court may also give a different perspective for further QPILCH fact sheets and address some of the concerns that the clients, particularly in Group 2, were raising about the usefulness of the fact sheets to them.

In addition, articulating and understanding the objectives of the fact sheets for the organization and some overall culture of use and referral to fact sheets for clients by volunteers and employees may also be advantageous to QPILCH so that clients get some consistency from the service as a whole given limited resources for instance,

not always having the luxury of a client speaking to the same lawyer. I understand staff are encouraged to provide the fact sheets as part of the service, if they are integral to the service in reinforcing legal advice, then some consistency may require some policies about providing fact sheets as part of the general advice sessions. While the feedback about the fact sheets has given some good fodder for further discussion, there is no doubt that they value add to the resources that QPILCH already provide to the community and flow into the overarching aims of access to justice.

This report was written by Dr Cate Banks from Cate Banks Consulting.



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