



# EVALUATION OF THE LEGAL AID REFORMS

## Public perceptions of legal aid – June 2011

April 2012

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The Ministry of Justice surveyed the general public in June 2011 about their perceptions of New Zealand's legal aid system and attitudes towards some of the changes being made to the system. Overall, the results appear to reflect a public climate receptive towards making changes to the legal aid system, and general support for a number of the changes being implemented.

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### **A sample of the general public was surveyed in 2011 about their perceptions of the legal aid reforms**

The Government is reforming the legal aid system with the aims of raising quality and ensuring that legal aid is sustainable into the future. The reforms affect who is eligible for legal aid, and how legal aid services are funded and managed.

The Ministry of Justice is evaluating the implementation and impact of the legal aid reforms. As part of the evaluation the Ministry intends to measure various stakeholders' perceptions of the legal aid system and attitudes towards some of the changes the Government is making to the system. Legal aid lawyers, court staff, the judiciary, prosecutors and the general public are being asked the same survey questions to allow comparison across different stakeholder groups.

Public perceptions are being measured using an online survey of the general public. This paper presents the results of the first public perceptions survey which was undertaken in June 2011. A random sample of 1,000 people aged 18 years and over, throughout New Zealand, answered the survey. The survey results have established a baseline against which future measures of public perceptions can be compared.

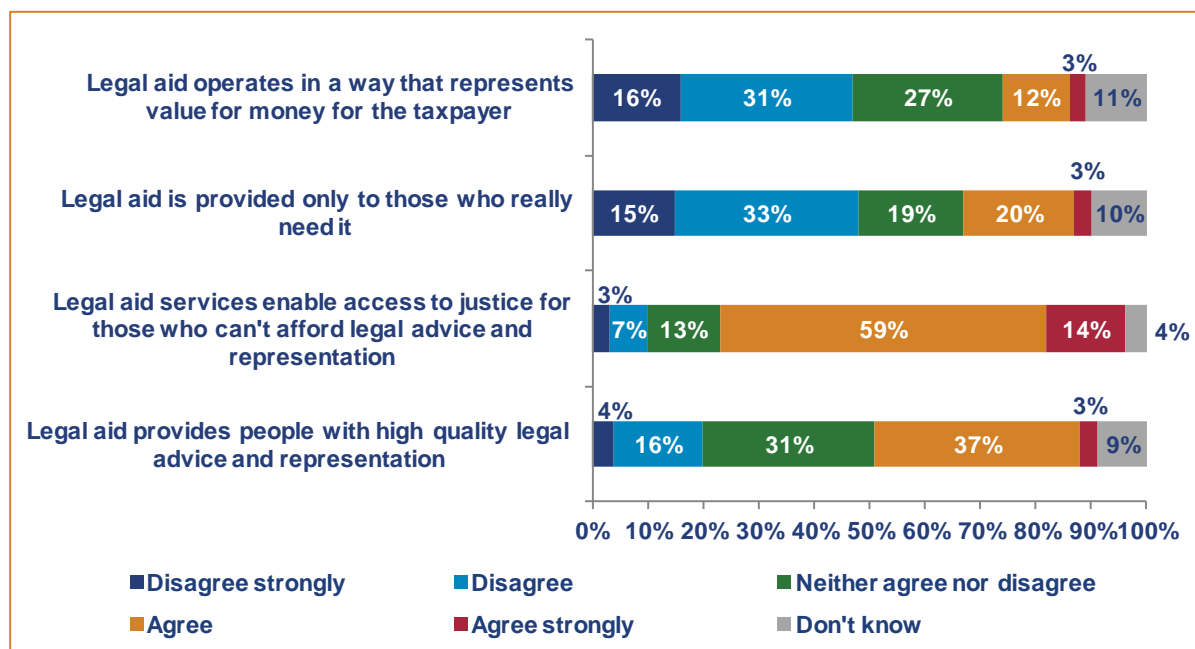
## EVALUATION OF THE LEGAL AID REFORMS

### Public Perceptions of Legal Aid – June 2011

#### Public perceptions were more positive about legal aid being high quality and enabling access to justice, than its value for money or being provided only to those who really need it

Survey respondents were asked to indicate how strongly they agreed or disagreed with four statements about the legal aid system.<sup>1</sup>

**Figure 1: Level of agreement with statements about the legal aid system**



- Fifteen percent of respondents believed that *legal aid operates in a way that represents value for money for the tax payer*. Three times as many (47%) disagreed that legal aid represents value for money. A further 27% neither agreed nor disagreed, and 11% said they did not know.
- Twenty-three per cent of respondents thought that *legal aid is provided only to those who really need it*. The public appeared to lack confidence that legal aid is provided only to those who really need it, with twice as many (48%) disagreeing with this statement as agreed. This indicated a likelihood of public support for the tightening of eligibility for access to legal aid.
- Seventy-three percent of respondents agreed that *legal aid services enable access to justice for those who can't afford legal advice and representation*. There was little disagreement or neutrality, or people saying they 'don't know'.
- Forty percent of respondents agreed that *legal aid provides people with high quality legal advice and representation*. Twice as many agreed (40%) than disagreed (20%). Forty percent said they neither agreed nor disagreed, or did not know.

<sup>1</sup> The report text collapses into one figure the percentage of respondents who 'disagreed' and 'disagreed strongly', or 'agreed' and 'agreed strongly'.

### A majority agreed with two of the changes to the legal aid system

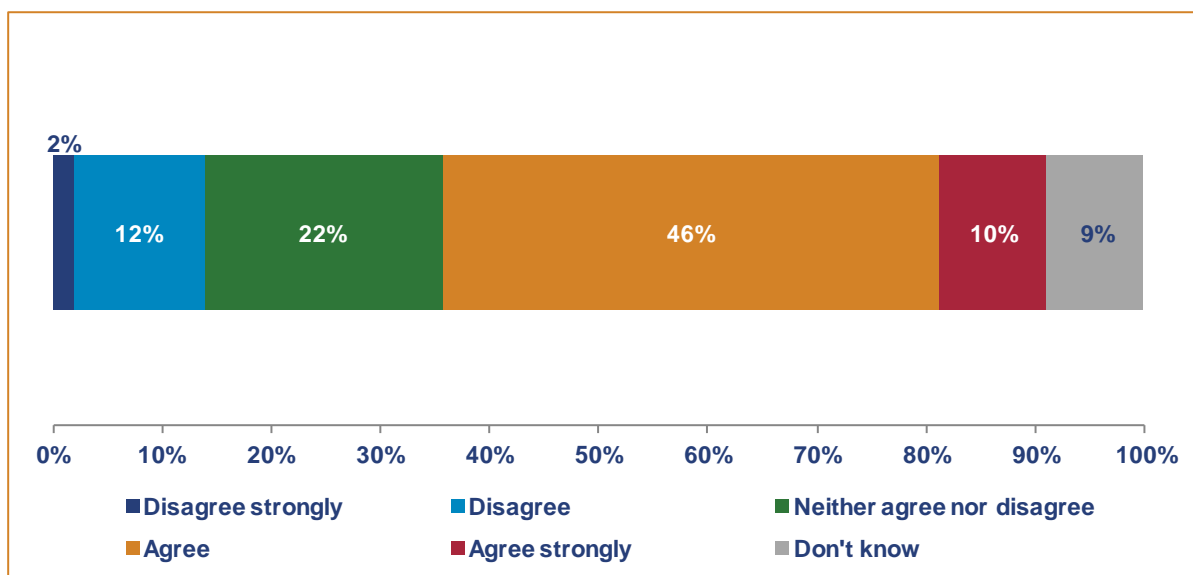
The survey sought to measure public attitudes towards two of the changes to the legal aid system — the expansion of the Public Defence Service, and the rotational assignment of legal aid lawyers for people who are facing less serious criminal charges.

#### A majority agreed with expansion of the Public Defence Service

The Public Defence Service provides lawyers who are government employees as an alternative to private lawyers funded by legal aid. The service is being expanded and this means that more legal aid cases will be handled by Public Defence Service lawyers.

Survey respondents were asked to indicate how strongly they agreed or disagreed with the statement *people whose cases are handled by a Public Defence Service lawyer, rather than a private practice lawyer funded by legal aid, still receive quality legal advice and representation.*

**Figure 2: Level of agreement with: *people whose cases are handled by a Public Defence Service lawyer, rather than a private practice lawyer funded by legal aid, still receive quality legal advice and representation***



Fifty-six percent of respondents agreed that people whose cases are handled by a Public Defence Service lawyer, rather than a private practice lawyer funded by legal aid, still receive quality legal advice and representation. Fourteen percent disagreed with the statement, and 22% neither agreed nor disagreed.

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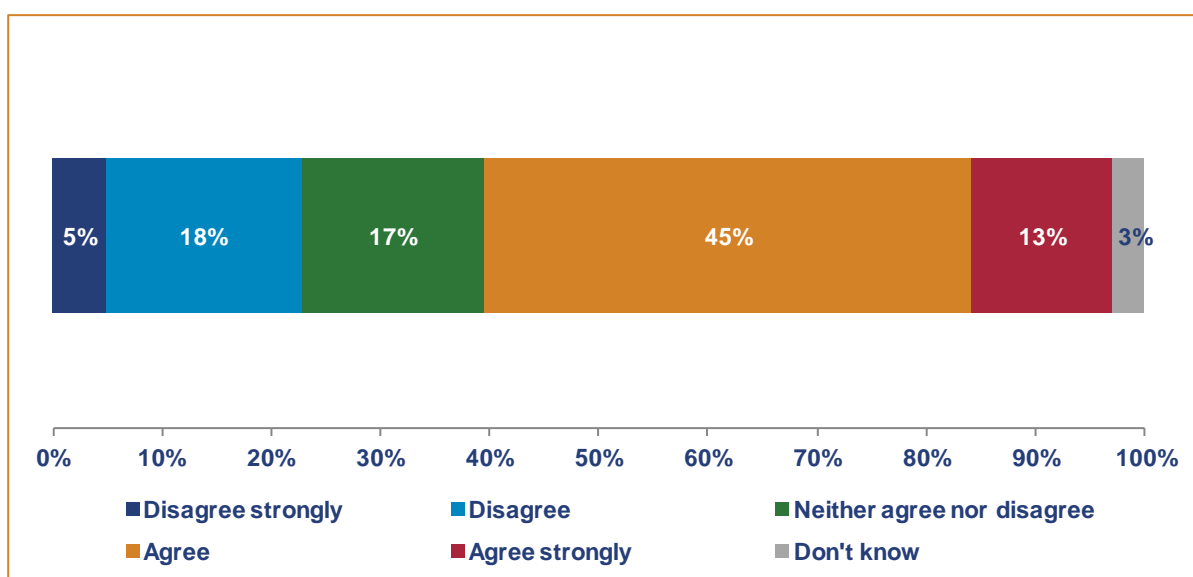
### Public Perceptions of Legal Aid – June 2011

#### A majority agreed with rotational assignment of legal aid lawyers

People receiving legal aid who are facing less serious criminal charges (categories 1 and 2), are now assigned a lawyer to defend them, rather than being able to choose their own lawyer. The lawyer is assigned from the Public Defence Service or from a private practice on a rotational basis.

Survey respondents were asked to indicate how strongly they agreed or disagreed with the statement *being assigned a legal aid lawyer, rather than choosing one, still enables fair legal advice and representation*.

**Figure 3: Level of agreement with: *being assigned a legal aid lawyer, rather than choosing one, still enables fair legal advice and representation***



Fifty-eight percent of respondents believe that being assigned a legal aid lawyer, rather than choosing one, still enables fair legal advice and representation. Twenty-three percent of respondents disagreed.

## How the survey was carried out

A random sample of 1,000 people aged 18 years and over, throughout New Zealand, answered the survey during the period 23 to 29 June 2011. The results were weighted for gender, age, ethnicity and region, although the actual sample closely matched true population proportions.

The survey was a Nielsen online or internet based survey, where respondents recruited from a panel were invited to take part. The error rate for the survey was approximately plus or minus 3%.

Survey respondents were asked to rate six statements about legal aid on a five point scale; Agree Strongly, Agree, Neither Agree nor Disagree, Disagree, or Disagree Strongly.

There were also questions to ascertain respondents' awareness of changes occurring in the justice system, their experience of courts, and the personal and household characteristics of the respondents to help contextualise the responses to the six statements.

A third (33%) of respondents reported that they had heard of, or read about, changes to the justice system recently. Twenty-eight percent were unsure and 39% had not.

A third (33%) of respondents had sought legal advice on any matter within the last two years. Of those who had sought legal advice, the use of services was as follows: the majority (69%) used a private lawyer, paid for privately; 32% were given free advice by a private lawyer; 16% used a community law centre lawyer; 8% received advice from a duty solicitor; 7% used a private lawyer paid for by legal aid; 1% used a Public Defence Service lawyer; and 9% stated 'other'.<sup>2</sup>

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<sup>2</sup> These figures do not add up to 100% because respondents could select more than one source of legal advice.