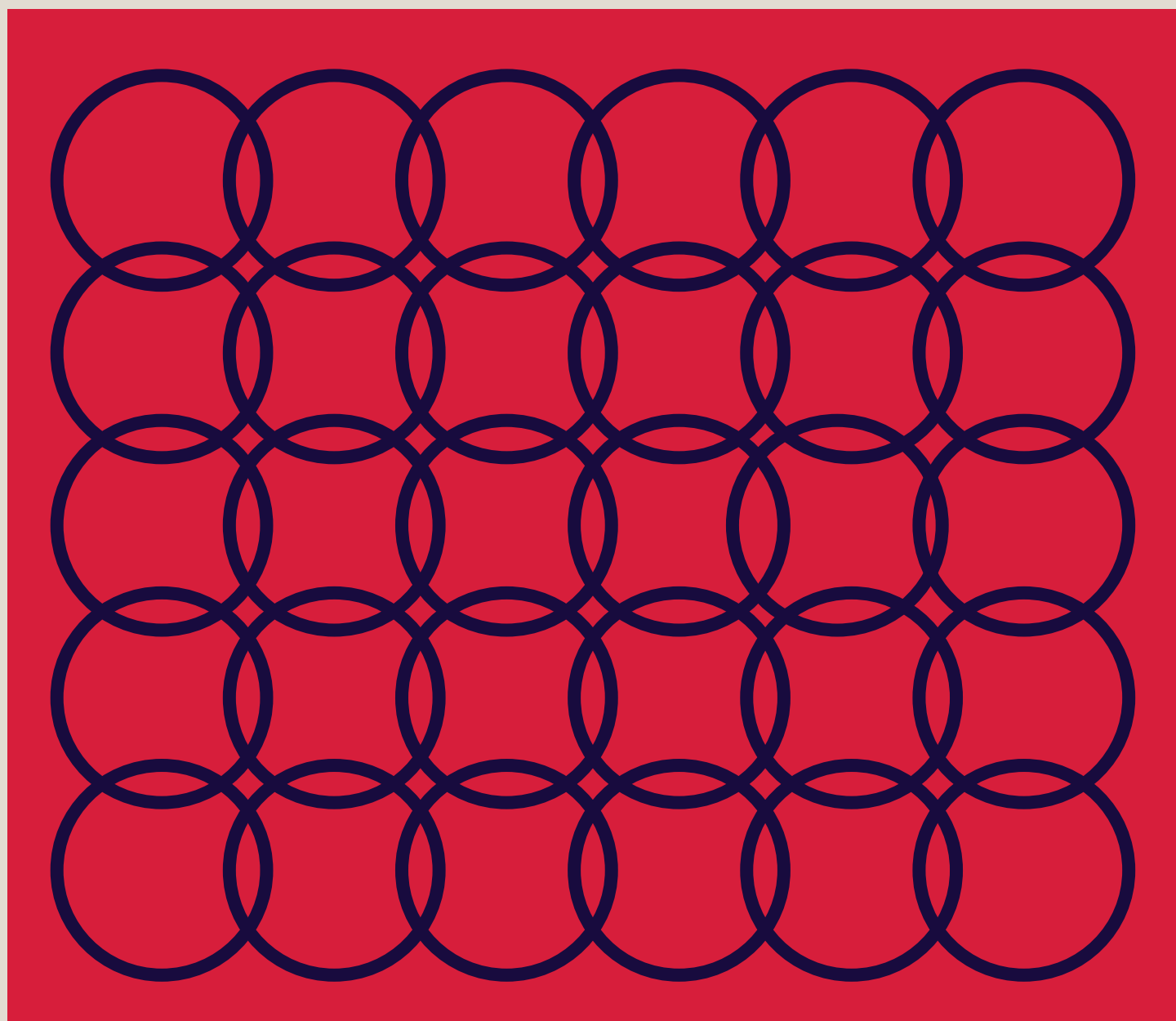

New Vision for a New Future: The Pilot Victorian Legal Understanding and Lawyer Use (V-LULU) Survey

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Legal Services
Research Centre

Victorian Legal Services
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- protect and empower consumers
- maintain and enhance legal practice and ethics; and
- improve access to justice.

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The Victorian Legal Services Board and Commissioner acknowledge Aboriginal and Torres Strait Islander peoples as the Traditional Custodians of the land, and pay respect to their Elders past and present.

New Vision for a New Future: The Pilot Victorian Legal Understanding and Lawyer Use (V-LULU) Survey

Prof Pascoe Pleasence, Prof Nigel J Balmer and Dr Karen Nokes

This report brings together the key insights, themes and lessons to be drawn from the pilot Victorian Legal Understanding and Lawyer Use (V-LULU) survey,¹ a new survey conducted by the Victorian Legal Services Board and Commissioner (VLSB+C) to monitor people's use and experience of legal issues and legal services in Victoria.

The survey reveals a transformed landscape, both in services available to the public and in how people address legal challenges. With technology evolving rapidly, and findings from the Victorian Public Understanding of Law Survey (PULS) and pilot V-LULU survey bringing about a paradigm shift in our understanding of people's individual capabilities to engage with and benefit from law, opportunities now exist to better align services with needs, customise approaches to individual capabilities, and enable more efficient and effective resolution of everyday legal matters.

Seizing these opportunities is a key challenge for the institutions and practitioners that comprise the justice system, with an important role for the VLSB+C to maintain an appropriate framework for change that protects consumers, while guiding and incentivising the efficient resolution of legal matters and promoting access to justice. The goal should be to optimise legal services for all users and all legal matters, from routine and non-contentious transactions to complex disputes that go to the heart of people's lives and welfare.

1. Using findings drawn from Pleasence & Balmer (2025).

Unique, timely and critical new insights

The pilot V-LULU survey provides unique, timely and critical insights into the need for, demand for, capability to benefit from, and provision of legal services in Victoria. To do this, it reimagined the way legal needs surveys² capture data concerning how people obtain help to assist with everyday legal issues, while also building on the PULS's approach to measuring legal capability.³

First, the survey provides a unique and detailed quantitative picture of the way in which Victorians navigate law and everyday legal issues. This includes new understanding of the level and mode of help people seek; their paths to, and success in, obtaining help and achieving objectives; and the relationship that different forms of help, success in obtaining help, and success in obtaining objectives have with legal capability.

Second, the survey provides timely findings, coinciding with the coming to prominence of the large language model (LLM) based generative artificial intelligence applications that herald a revolution in the delivery of 'one-to-many' (OTM) legal services. Such services, which can blur the already cloudy threshold between generic and personalised forms of information and advice, present a challenge to regulation, which, while looking to support legal service innovations that improve access to justice, must maintain practice standards and protect consumers.

Third, the survey provides findings critical to the informed development of appropriate policy and practice that both keep up with and exploit changes in technology and associated behaviour to improve consumer options and outcomes. The findings paint a picture of public engagement with legal services that is quite different from that assumed from prior research. They reveal huge changes in consumer behaviour over the decade since the Law Australia Wide (LAW) survey findings were published. They also point to enormous commercial and resourcing opportunities, as they support better targeting of scarce public resources in a manner that reflects the diverse capabilities of Victorians. The findings also constitute a baseline against which to measure changes in the reach and utility of legal services going forward.

2. OECD/Open Society Foundations (2019).

3. Balmer et al. (2023, 2024a, 2024b). Which in turn built upon Balmer & Pleasence (2017), Balmer et al. (2019), and Pleasence & Balmer (2017, 2018, 2019a).

Expanding the big picture

Pilot V-LULU survey findings confirm the major patterns of experience of legal problems reported through the LAW survey, the PULS, and related surveys worldwide.

Everyday legal problems, or ‘justiciable’ problems,⁴ are ubiquitous, often centre on basic social welfare needs (e.g. housing, employment and relationships) and/or financial distress (e.g. debt, fines and government payments), inter-link (between themselves and wider social, economic and health issues), commonly last a long time, and are generally resolved without the active involvement of legal professionals and at a considerable distance from formal legal processes. The findings also confirm that many people take no action to deal with apparently serious problems, that people often struggle to obtain help when they seek it, and that there is a high level of unmet legal need.

Importantly, expanding upon earlier Australian surveys, the pilot V-LULU survey also investigated whether justiciable problems were perceived to have involved discrimination (on the basis of protected characteristics under the *Equal Opportunity Act 2010* (Vic)) and explored the experience of non-contentious and contentious justiciable issues, with both yielding significant new insights.

Endemic discrimination

Far from being the exception, discrimination represented a defining characteristic of a significant proportion of all contentious justiciable issues.

Overall, more than 2 in 5 contentious issues were perceived to involve discrimination, most often related to age, ethnicity, sex and/or disability. Age discrimination was the most common form of discrimination reported for the broadest range of issues. Disability discrimination was the most common form of discrimination reported in relation to government services. Ethnicity-based discrimination was the most common form of discrimination reported in relation to issues concerning business ownership.

The contentious and non-contentious: 2 worlds of experience and of practice

Issues surveyed by the pilot V-LULU survey span routine, non-contentious transactions to the most challenging disputes people face in their lives. While legal needs surveys have historically, and understandably, focused on the latter,⁵ in doing so, they have failed to consider the full range of legal matters, services or resolution behaviours. Fully understanding how people navigate law and the diversity and reach of legal services, means understanding both the contentious and non-contentious. The pilot V-LULU survey followed-up both non-contentious and contentious justiciable issues, providing a complete picture, and allowing direct comparison between the two.

4. The term adopted by Genn (1999) to recognise that problems that might potentially be resolved through legal process need not, and often should not, involve either reference to, or use of, law.
5. An exception is the smaller tradition of business legal need surveys, which recognise the importance of non-contentious issues and transactional legal service (OECD/Open Society Foundations, 2019).

Reflecting their nature, a far narrower range of non-contentious issues was included within the survey. Also, owing to the prioritising of contentious issues for follow-up, the sample of non-contentious issues was less representative. However, the picture of contrast the survey paints is profound and rings true. It is a picture of 2 very different types of issues, which are perceived in very different ways and dealt with on very different bases within different service ecosystems.

Compared to contentious issues, non-contentious issues tend to be considerably shorter in duration and transactional in nature. They are better defined by those facing them, as well as better understood and confidently dealt with, using a narrower range of better recognised services. Non-contentious issues also much more often result in an outcome that is at least equivalent to what was hoped for.

With respect to the services employed to help deal with non-contentious issues, private solicitors predominate. The far simpler service ecosystem and the fact that non-contentious issues are much more often seen as being 'legal' in nature, mean that those facing non-contentious issues have a far clearer idea of where to go to obtain help, if needed.

The services provided in relation to non-contentious issues are also more often described as being 'legal' in nature and less often seen as being replicable by those purchasing them, completing a picture of need and service delivery framed in professional terms.

While people much more often pay the full cost of services to help with non-contentious issues, they are much less likely to try to negotiate on price. Services for non-contentious issues also tend to cost more to those who pay, although they are more often seen as providing value for money and are associated with much higher satisfaction levels.

The characterisation of services for non-contentious issues, along with their generally transactional nature, allows the public to see them in the same terms as they would, say, the services of car mechanics: necessary, but routine, expert services required to complete tasks that allow life to continue as normal.

Contentious issues, in contrast, are much more often seen in terms other than 'legal', constitute problems rather than tasks, are commonly wrapped up with wider life problems, and present more diverse routes to resolution. They are also faced with less confidence and lesser awareness of sources of help, which, in turn, exist within a much more complex service ecosystem. Contentious issues involve more action, to less effect. They are more often characterised as difficult to deal with, though much more often involve less help being obtained than needed. Those facing them are more akin to those involved in car crashes than those approaching their annual car service.

Changing services in a changing world

In a relatively short space of time, how people address justiciable issues and interact with services has changed beyond recognition. Pilot V-LULU survey findings underscore the internet's increasingly central role in how people navigate justiciable issues and, related to this, reveal a radically changed picture of the extent and manner of engagement with legal services.

Online first

For those facing justiciable issues, over just a few years the internet has shifted from being a relatively infrequently utilised resource to being the default first port of call. The pilot V-LULU survey reveals how the internet is being used today and how many people's 'online first' approach to help-seeking relates to use of offline services. In doing so, the survey demonstrates the evolution of justiciable issue resolution behaviour, the pattern of use of online and offline services, and the fact that 'digital by default' in service design, though mirroring much consumer behaviour, brings with it new forms of marginalisation.

The role of the internet in how people address justiciable issues has changed beyond recognition since the 2008 LAW survey, which barely addressed the issue. That survey's only substantive reference to the internet was a finding that 6% of respondents sourced independent help using the internet. In contrast, in the case of contentious issues, the pilot V-LULU survey found that 34% of legal service users first became aware of services via the internet and 59% had made use of the internet (including social media) to research services. This research included searching for services, prices, reviews and recommendations. Research was generally considered to be relatively straightforward, although more than one-quarter of people reported some difficulties in undertaking it.

Most starkly, the pilot V-LULU survey found that just 5% of those who sought independent help about contentious issues did so only offline. Moreover, just 11% of those who obtained help did so only offline. These headline figures mask important differences across age groups. Younger people both sought and obtained online help at a much higher rate than older people. They also much more often sought and obtained online help in combination with offline help. So, while 86% of those aged 18-24 sought help either online or both online and offline, the figure was just 56% for those aged 65+. For obtaining help, the figures were 80% and 44%, respectively.

This suggests that younger people have a greater tendency to go online first, but also more smoothly transition between and combine online and offline behaviour. In contrast, older people were much more likely to both seek and obtain help only offline. Although even the oldest age group sought help offline on fewer than one-quarter of occasions and obtained help offline on only one in 6 occasions.

As would be expected, generic information was most often obtained online (93% of occasions), although on one-third of these occasions it was also obtained offline. In contrast, advice and delegation of issue-handling were most often obtained offline, although on one in 8 occasions they were also obtained online. They were obtained exclusively online on 23% of occasions.

Against a backdrop of 98% of Australians having access to the internet at home,⁶ these findings point to the general importance of co-ordinated, multi-channel and multi-level legal service provision, as well as to a substantial and addressable emerging market in online service provision at all service levels.

The expanding reach of legal services

Technological innovation has revolutionised legal services, transforming them from somewhat peripheral to central players in everyday justice. A picture of this silent revolution is captured through the pilot V-LULU survey's comprehensive recording of all levels and form of service provision. Through this lens, we see a reach of legal services far greater than previously imagined.

Legal needs surveys upended the perception of courts as sitting at the heart of everyday lived law. They have repeatedly found courts and tribunals to rarely feature in the resolution of justiciable problems. Even lawyers have been found to be largely peripheral to people's experience of justiciable problems.⁷ The PULS found that 21% of those facing justiciable problems obtained help from a lawyer (13% from a private solicitor); a figure noted to appear 'high relative to other legal needs surveys.'⁸

The absence of lawyers and courts from the everyday experience of law can be a cause for real concern. But it need not be. Proportionality dictates that only more serious, intransigent or technical justiciable issues should require active legal assistance.

However, contrary to the picture painted in the past, the pilot V-LULU survey has revealed – thanks to its remit to explore all levels and forms (including emerging forms) of legal service provision – that legal services today have far greater reach than supposed. In fact, taken together, legal services were found to have provided help in relation to 71% of contentious issues involving help, amounting to 53% of all contentious issues. This figure is substantially higher than any suggested previously.

The pilot V-LULU survey findings suggest that the expansion of legal services at the periphery of traditional legal practice – specifically, those that involve no in-person communication – has moved legal services to a much more central position in everyday lived law.

6. Australian Communications and Media Authority (2024), *How We Use the Internet*, accessible at <https://www.acma.gov.au/publications/2024-12/report/communications-and-media-australia-how-we-use-internet>

7. E.g. OECD/Open Society Foundations (2019), Pleasence & Balmer (2014).

8. Balmer et al. (2023), 10.

Within this silent revolution, the most common sources of legal help remain familiar: private solicitors, legal aid, Consumer Affairs and community legal centres. But their presence is more widely felt. For example, private solicitors and legal aid were each the source of help for 20% of respondents who obtained independent help in relation to contentious issues. In the case of non-contentious issues, private solicitors predominated, providing help in 41% of all cases.

Taken with the findings relating to mode of service delivery, the pilot V-LULU survey shows the importance of understanding all aspects of legal service delivery, not just the more traditional forms. It also shows the emerging challenges to regulation that are accompanying the increasing reach of online forms of generic and personalised information. This is not just from legal services, but also more broadly.

Prescription of service, not prescriptive services

Research has established that legal capability defines what you get when facing justiciable problems.⁹ The pilot V-LULU survey articulates the mechanism; showing how legal capability shapes what is sought, what is received and, importantly, the frequent mismatch between the two. Addressing capability differences can help to minimise this mismatch, better ensure service levels mirror consumer needs, help to promote fairer and more effective resolution of justiciable issues, and transform vicious cycles of behaviour and disadvantage into virtuous ones.

A critical finding of the pilot V-LULU survey is that, both within and beyond broad observable patterns of behaviour, different individuals look for very different levels of support when dealing with justiciable issues.

Evidently, the level of support people seek links to the nature of issues faced. For example, there is clear evidence that people seek a higher level of independent help when faced with more serious issues. Some types of issue are also more closely associated with legal services than others. Thus, the survey found that private solicitors were more often sources of help for issues relating to owned housing, divorce, wills and injuries.

Equally important, the level of independent help people seek links to their legal capability – which we conceptualise as ‘the freedom and ability to navigate and utilise the legal frameworks which regulate social behaviour to achieve fair resolution of justiciable issues.’¹⁰ The pilot V-LULU survey measured a variety of aspects of legal capability, including the extent to which respondents saw issues as legal, understood the law, were aware of sources of help, were confident in dealing with issues, had the practical and digital skills to do so, and had trust in lawyers.

9. Balmer et al. (2024b).

10. Balmer et al. (2024b), 6.

A general capability-related theme powerfully running through the pilot V-LULU survey's findings was that those with higher levels of capability were more likely to seek help, more successful in efforts to obtain help and, consequently, more often obtained help. If an issue was characterised as legal, respondents were more likely to have sought help, sought help from a lawyer, obtained help, and obtained help from a lawyer. If an issue was characterised as legal, people were also more likely to have sought and obtained a higher level of help (particularly delegation of issue resolution).

Greater awareness of sources of help and confidence in dealing with contentious issues were also associated with more frequent help-seeking and greater success in obtaining help when sought. Reflecting an apparent tendency for people to match services to capability deficits, people who were confident in their ability to act alone were more likely to seek generic information than others. However, they were also more likely to obtain a higher level of help than sought, suggesting they may sometimes have eventually become aware that issues were more complex to resolve than initially appreciated.

Contrasting with the above, a somewhat different picture was evident in relation to people's practical legal literacy (PLL) scores, or 'capability to obtain, understand and navigate information and services needed to deal with everyday justiciable issues.'¹¹ Again suggesting that people recognise the extent to which they need to balance their own practical capability with help from others, lower PLL scores were associated with higher levels of help being sought and the lowest scores were associated with particularly high levels of personalised (as opposed to generic) information, advice and delegation. As might be expected, trust in lawyers was also associated with higher rates of obtaining personalised help.

Turning to digital legal capability (DLC) scores, the predominance of online service delivery goes a long way to explaining why low DLC scores were associated with low levels of success in searches for help and low levels of help being obtained. Low DLC scores were also associated with higher rates of delegation being sought.

Overall, the behaviour of higher capability individuals might be characterised as balanced – with efforts taken to complement knowledge and skills with services. The behaviour of lower capability individuals is more polarised, tending to either fall short or involve higher levels of services to make good capability deficits.

These findings have clear policy and practice implications. They point to the value of promoting awareness and trust in legal services. They also point to the importance of outreach in relation to public legal services, to extend the reach of services to those who need help but do not currently seek it. The findings of the earlier PULS are helpful here in setting out the demographic profile of those population groups that tend to exhibit lower levels of the various dimensions of legal capability explored through the pilot V-LULU survey. The findings also point to a significant, and most likely fast-growing, interest on the part of more capable individuals in OTM forms of personalised information and advice.

11. Balmer et al. (2024b), 7.

Importantly, these findings – along with those in the previous section – also point to the importance and efficiency of making available different forms and levels of services, and matching (particularly resource-constrained) services to the capability of service users. There is no great value in providing passive services to those who need active help and much inefficiency in providing high levels of service to those who don't need them.

In policy and practice terms, the fact that practical legal literacy and digital legal capability can be easily measured opens up opportunities for enhanced forms of triage and routing of users within and between services, which can allow service provision to best reflect user capability.

The inadequacy of current legal service provision

Despite the volume of legal service provision revealed by the pilot V-LULU survey, for too many people the just resolution of justiciable problems remains out of reach. A significant gap persists between the nature and level of legal assistance people require and that they ultimately receive, leaving legal needs chronically unmet. The consequences of this disconnect extend beyond individuals to affect the legal system and society as a whole.

The PULS revealed that over one-third of respondents who obtained help from legal services in relation to justiciable problems failed to obtain all the expert help needed. This directly contributed to a picture of widespread unmet legal need.

The findings of the pilot V-LULU survey reveal a central reason for this. Thirty-nine per cent of pilot V-LULU survey respondents who sought independent help in relation to a contentious issue failed to obtain the level of help they sought. Twenty-four per cent obtained some, but a lower level of help than sought, while the remaining 15% obtained none of the help they sought. As was noted in the previous section, failures to obtain help or the level of help sought link to legal capability, which means inadequacy of legal service provision links to capability deficiencies.

As the shortfall in level of help increased, so too did the rate at which help was deemed inadequate. However, even among those who obtained the same level of help as sought, 28% of people indicated they did not get all the help they needed. Indeed, the figure was 25% even among those who delegated contentious issue resolution to a legal service.

Of course, even a considerable and appropriate level of help will not always be felt to be enough on the part of the recipient, particularly in the case of legal services that are (as discussed further in the next section) credence goods. However, the fact that many people report both that they obtained less help than they sought and less than needed is a concern in the context of the nature of services provided and utility of legal services. The concern is heightened by the fact the pilot V-LULU survey suggests even greater unmet legal need than the PULS.

Given what is understood about the impact of unresolved justiciable problems on individuals and wider society, and the role of negative experience of justiciable problems on individual capability, this is a concern for both those with an interest in the formal justice system and those with broader interest in social justice.

Communication and the route to satisfaction

The inherent technical complexity of legal services gives rise to information asymmetries, which in turn hinder clients' capacities to fully grasp the nature and value of services delivered. The pilot V-LULU survey findings demonstrate that clear communication between providers and clients correlates strongly with client satisfaction and serves as a key pathway to conveying quality, building trust, and promoting retention.

Legal services are credence goods. Not being experts, members of the public are poorly placed to evaluate many aspects of legal service delivery, even after issues conclude. This is one reason why legal services are tightly regulated.

Pilot V-LULU survey findings make clear that people's expectations of what types of help will be provided by legal services are not always met. For example, more than half of those who expected legal services to manage the resolution of contentious issues did not receive that level of support. Nevertheless, almost 8 in 10 contentious issue legal services users indicated they received everything they were told they would receive, and satisfaction levels were generally high. Just 16% were dissatisfied with the service they received and only one-quarter of those dissatisfied were very dissatisfied.

The main reason provided for dissatisfaction was that services didn't do enough to help. This was mentioned on 36% of occasions. However, failure of communication was also mentioned on 23% of occasions. Importantly, communication is something the pilot V-LULU survey suggests could be much improved. It also suggests that improvement would reap great reward in terms of service satisfaction.

As information provided to clients at the outset of service delivery may not always appear particularly salient and some information may be technical in nature, the pilot V-LULU survey was not well-positioned to determine the precise form and details of information that users were provided with. However, the survey did provide an excellent account of the effectiveness of communication and how it was perceived.

When asked about whether they had received information about, for example, the identity of the person who would deal with their issue, likely cost, likely duration, likely outcome, complaints processes and insurance, fewer than 30% of contentious issue legal service users recalled having been provided with any of these types of information aside from likely outcome. Even in the case of likely outcome the figure was just 38%. Moreover, 16% reported they had not been provided with any information at all.

The picture was better for private solicitors, whose users recalled information about likely cost and outcome on around half of occasions, and the identity of the person who would deal with their issue and duration on 44% of occasions. But, still, much information is either not provided or, more likely, not retained. Reflecting their more transactional nature, in the case of non-contentious issues 94% of users recalled having been provided with information about cost.

The link between communication and satisfaction was starker than the above might suggest. Looking at those respondents who reported they received no information about services at the outset of service delivery for contentious issues, just 52% were satisfied with the service overall. Moreover, when looking at those respondents who reported being very dissatisfied with the information they received on the 'services to be provided', the figure was just 25%, with 42% very dissatisfied. In contrast, for those who were very satisfied with this information, 96% were satisfied with the service overall and just one person (out of 375) was very dissatisfied. Similar, though not quite as stark, differences were also observed in relation to satisfaction levels with information concerning cost, options and progress made.

The message is clear. Communication is essential, must be easily understood, and should be in a form that promotes retention. Communication also needs to be ongoing, with information about key aspects of service delivery reinforced and updated as appropriate.

Change, innovation and regulation

A changed picture

The pilot V-LULU survey offers unique insights into the Victorian public's changing experience of justiciable issues and legal service use. Its findings can inform policy and practice innovation in the context of the silent revolution in legal services marked by the rise of OTM service models. The survey shows legal services now have far greater reach than previously supposed, as they are used in 53% of all contentious issues. This expansion is driven by increased online access to services, with just 11% of those seeking help with contentious issues doing so exclusively offline. Younger people appear more adept at navigating this landscape: 80% of those aged 18-24 obtained help online or both online and offline, compared to just 44% of those aged 65+.

Crucially, individuals seek very different levels of support when dealing with justiciable issues. Yet 39% of those who sought independent help for contentious issues did not receive the level of support they needed, with legal capability playing a role. Overall, people with higher legal capability appear to adopt a balanced approach to help-seeking, looking to complement their own knowledge and skills with services, with relatively high success. In contrast, those with lower capability tend to either receive too little support or rely heavily on services to compensate for capability gaps.

The survey also provides new insights into the nature of contentious justiciable issues, as more than 2 in 5 of them are perceived to involve discrimination, and details the contrasting nature of, experience of, and use of legal services in relation to contentious and non-contentious issues.

The findings also highlight the value of co-ordinated, multi-channel, and multi-level service provision, and the importance of aligning services (especially when resources are limited) with the capabilities of users.

From a policy and practice perspective, the fact that practical legal literacy and digital capability can be readily measured opens up new possibilities for enhanced triage and routing, enabling services to better reflect user needs and abilities.

The findings also underscore the need to build awareness and trust in legal services, engage populations with lower capability, and explore both public service and commercial opportunities linked to the growing demand, particularly among more capable users, for OTM services. They further reveal a substantial and addressable emerging market in online service provision at all service levels.

Finally, the findings suggest that legal service communication could be significantly improved. Communication must be clear, memorable and ongoing. Improvements in this regard would greatly enhance user experience and satisfaction.

System shaping

The pilot V-LULU survey provides a unique evidence base for service providers, policy makers and regulators to reflect on the pressing and continuing issue of unmet legal needs, the increasing public use of online legal services, and access to justice more broadly.

As the survey highlights, the institutional and environmental context in which legal services are delivered is complex, dynamic and rapidly evolving. The challenge for regulators is to operate in a way that is sensitive to institutional and environmental change while remaining focused on achieving regulatory objectives.

The survey highlights a range of areas of concern, including trust in legal services, public awareness of the nature and availability of services, the nature and quality of OTM services, the nature and effectiveness of communication with clients, and the match between individual client needs and services provided.

A broad range of regulatory tools and strategies can be deployed to encourage and/or compel behaviour that promotes desired outcomes. Among these are the use of rules and guidance to promote adherence to standards set by the regulator. Rules provide a set of mandatory, enforceable requirements that define what actions are permitted, required or prohibited.¹² Guidance, on the other hand, is usually a non-mandatory¹³ means of assisting services to interpret the rules that are prescribed, supporting the legal profession to understand their obligations, and promoting the likelihood of compliance. One option to assess incorporation and compliance following the issue of guidance is thematic review,¹⁴ the output of which can itself feed back into regulatory strategy regarding the specific area(s) of focus.

12. Rules themselves can be of varying types. For example, the promotion of 'principles-based regulation' signalled a move by regulators to depart from the use of prescriptive/brightline rules to more high-level, broadly stated standards. For example, see Black, 'Principles-based regulation: risks, challenges and opportunities' (paper presented at Banco Court, Sydney, March 27 2007).

13. Guidance can however be marked as mandatory and compliance expected in the same way as that which would be expected under rules, although this is a less commonly used approach.

14. For example, the Solicitors Regulation Authority, which regulates solicitors and law firms in England and Wales, has conducted a number of thematic reviews, the latest of which is on professional obligations – <https://www.sra.org.uk/sra/research-publications/professional-obligations-thematic-review/>

Rules are central to regulatory efforts to promote trust in legal services and can also ensure specific behaviours permeate throughout the legal services sector. However, rigidity and divided authority (with rule-making powers shared)¹⁵ mean they may consolidate rather than catalyse innovation. Consequently, guidance has a critical role in bringing about change, as does regulator engagement and discussion of sector concerns. In supporting improvements to legal service delivery, full consideration should also be given to the power and impact of organisational culture. Behaviour within legal services providers is often not the result of regulatory pressure (real or perceived) but a result of the prevailing culture or prevailing norms in the sector at the time. Soft levers, such as guidance and wider resources of support, are best-suited to being deployed in organisational environments that possess a strong, visible culture of compliance, where professional standards matter, and all staff within the organisation know their individual obligations. Organisational culture has a critical role in supporting compliance and promoting positive consumer-centric behaviour, and regulators have an important role in promoting and supporting such organisational culture.

The balance between encouraging innovation and protecting consumers is particularly challenging in the context of the rapid technological advances being made in relation to artificial intelligence, which promise a revolution in the form and reach of OTM services. These services, which will increasingly provide personalised advice and assistance, have fallen below the radar of previous legal needs surveys. Regulators have a clear role to play in understanding barriers to continuing innovation,¹⁶ including uncertainty about the scope of permitted technology, and trust in the use of technology by both lawyers¹⁷ and consumers. Here, a more collaborative and engaged approach to regulation might best promote beneficial change, provided it is allied with a clear demarcation of what constitutes legal service delivery.

The VLSB+C has established an ‘innovation inbox’ as a mechanism for legal services providers to explore practice innovations within the existing regulatory framework.¹⁸ This approach functions primarily as a regulatory guidance service with certain sandbox-like elements, emphasising consultation rather than implementing the regulatory waivers, exemptions, or defined testing periods typically associated with traditional regulatory sandboxes.¹⁹

15. E.g. Under the Legal Profession Uniform Law framework in this jurisdiction.

16. For example, see *Technology and Innovation in Legal Services – Main Report: An Analysis of a survey of legal service providers*, Legal Services Board, November 2018.

17. For example, in England and Wales, see Hodgkinson et al. (2023). The Legal Services Research Centre will publish its own findings on the Victorian legal profession’s attitudes towards, and use of, AI later in 2025.

18. The ‘innovation inbox’ creates a means for lawyers to explore how new approaches, including those leveraging new technologies, fit within regulatory provisions. The intention is to explore ways in which to broaden the scope and accessibility of services, overcoming perceived regulatory barriers to innovation. <https://lsbc.vic.gov.au/lawyers/practising-law/innovation>

19. Such as those in adjacent sectors in Australia (e.g. <https://asic.gov.au/for-business/innovation-hub/enhanced-regulatory-sandbox-ers/>) or legal sectors in other jurisdictions (e.g. the English and Welsh Solicitors Regulation Authority’s regulatory sandbox framework, existing within its *Innovation Space* and inspired by the Financial Conduct Authority’s regulatory sandbox model (Ford & Ashkenazy, 2025)).

Questions persist about the most effective methods to foster innovation and fulfil the ambition of developing ‘legal services that are more affordable and accessible to a greater range of people in the community.’²⁰ For certain innovations, consultative models may be sufficient, while others may require relaxation of regulatory requirements coupled with formal testing periods and structures to create the controlled environment necessary for ‘the regulator and sandbox participants to learn from experience.’²¹

Transforming justice

In this period of significant change, the pilot V-LULU survey significantly advances our understanding of public engagement with legal services and the current utility of this engagement. Today, we understand better than ever before the nature of the justiciable issues people face, the nature of people’s actions and motivations in seeking to resolve issues, the reach and impact of different channels and levels of legal service delivery, and the barriers preventing the equitable resolution of justiciable problems.

It is clear that access to justice extends beyond access to legal services. Even when assistance is obtained, significant needs remain unmet.²² The pilot V-LULU survey reveals why this is; painting a picture of legal capability as central to the level of assistance sought, level of assistance received, and level of success in justiciable issue resolution. In addition, the survey demonstrates the importance of diverse forms, channels and levels of legal service, to both facilitate access to legal services and enable appropriate matching of services to needs. However, in tension with this, it also reveals – at least in relation to contentious issues – that the legal services ecosystem is fragmented, complex and difficult to navigate, and that when it is accessed there is frequent mismatch of level of service and need. Services need to better understand and respond to different levels of legal capability if they are to meet the challenge of increasing access to justice.

Importantly, legal service engagement is sought for more than problem-solving or dispute resolution. A substantial portion of legal service engagement is focused on transactional and non-contentious matters. Here, the picture painted by the pilot V-LULU survey is much more positive. This picture is one of reasonably high levels of awareness of services, more deliberative engagement with services, more successful outcomes, and high levels of service satisfaction. While the legal services sector is struggling to meet consumer needs in relation to contentious issues, it appears to be functioning reasonably well in relation to transactional matters.

20. <https://lsbc.vic.gov.au/lawyers/practising-law/innovation>

21. Ford & Ashkenazy (2025), 4. In England and Wales, the Legal Services Board also issued statutory guidance in 2024 requiring regulators to (i) enable the use of technology and innovation to improve access to justice and address unmet legal need, (ii) balance benefits, risks, opportunities and costs in the interest of the public and consumers, and (iii) actively foster a regulatory environment open to technology providers and innovators.

22. Balmer et al. (2023).

Last words

The pilot V-LULU survey highlights the need for those who shape the justice system to recognise and better accommodate the diversity of public experience, need and capability. By revealing how capability shapes not only what is sought and received, but also outcomes, the survey underscores the need for responsive, differentiated services that align support with need. Delivering justice in this context demands that difference is recognised, complexity is embraced, and reform is based on the best evidence.

As observed at the outset, this is a challenge that must be met by the institutions and practitioners that comprise the justice system, with a critical role for legal regulation, regardless of model.²³ Regulation has transformative potential, both independently and collaboratively, to address barriers to justice. This requires governments and regulators to work in tandem to establish and implement effective structures. Regulatory frameworks shape service design and delivery, either restricting or enhancing innovation, accessibility and equity. Where they are bottom-up and focused on the ability of individuals to resolve problems²⁴ there is potential to do the latter and truly meet needs. This means actively promoting awareness of the nature and availability of legal services, helping legal services communicate more clearly before and during service delivery, facilitating innovation while maintaining essential protections, and creating a system in which services are encouraged and able to determine and respond appropriately to different levels of legal capability. To bring about a new and better future we need a new and better vision; one that does not simply amplify advantage, but that leverages our understanding to ensure equality and accessibility of justice for all.

23. From those with independent consumer-focused oversight (such as the VLSB+C), through hybrid co-regulatory models, to profession-controlled self-governance (Paterson et al., 2023).

24. Pleasence & Balmer (2019b).

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