



Public
Understanding
of Law
Survey

In brief

Mental distress and experience of legal problems

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About the Public Understanding of Law Survey

The Public Understanding of Law Survey (PULS) is a state-wide survey exploring how Victorians experience, understand, and engage with the law.

Using a probability sample, 6,008 respondents from across Victoria were surveyed face-to-face about their personal experience of navigating the law.

The PULS explored questions relevant to:

- people's knowledge of the civil justice system and its Institutions
- people's experience of civil legal problems and how they respond to such problems
- how people see the law as relevant to their lives.

The findings in this briefing paper are drawn from the Public Understanding of Law Survey Volume 1: Everyday Problems and Legal Need by Balmer, N., Pleasence, P., McDonald, H.M. & Sandefur, R. (2023).

Papers drawn from the Public Understanding of Law Survey (PULS) explore a range of family and civil legal needs, problem experience and its social patterning across the community.

Reports and papers from the PULS are available at www.victorialawfoundation.org.au.

Mental distress and experience of legal problems

This briefing paper presents data from the Public Understanding of Law Survey (PULS) concerning experience of justiciable problems and mental distress.

Psychological distress and mental illness has been shown to be among the factors most powerfully associated with justiciable problem experience across numerous legal needs surveys.¹ The PULS included the K-6 inventory (K6) measure, a six-item screening tool used to assess risk of serious mental illness in the general population.² Using the K6 measure, respondents were categorised into three levels of mental distress: 'none or low', 'moderate' and 'severe'.

Of the 6,008 PULS respondents, 3,902 (65%) had no or low mental distress at the time of the interview, 1,792 (30%) were experiencing moderate mental distress, and 314 (5%) severe mental distress.

People experiencing higher mental distress had higher problem prevalence, were more likely to have multiple problems and their problems lasted longer.

Experience of justiciable problems

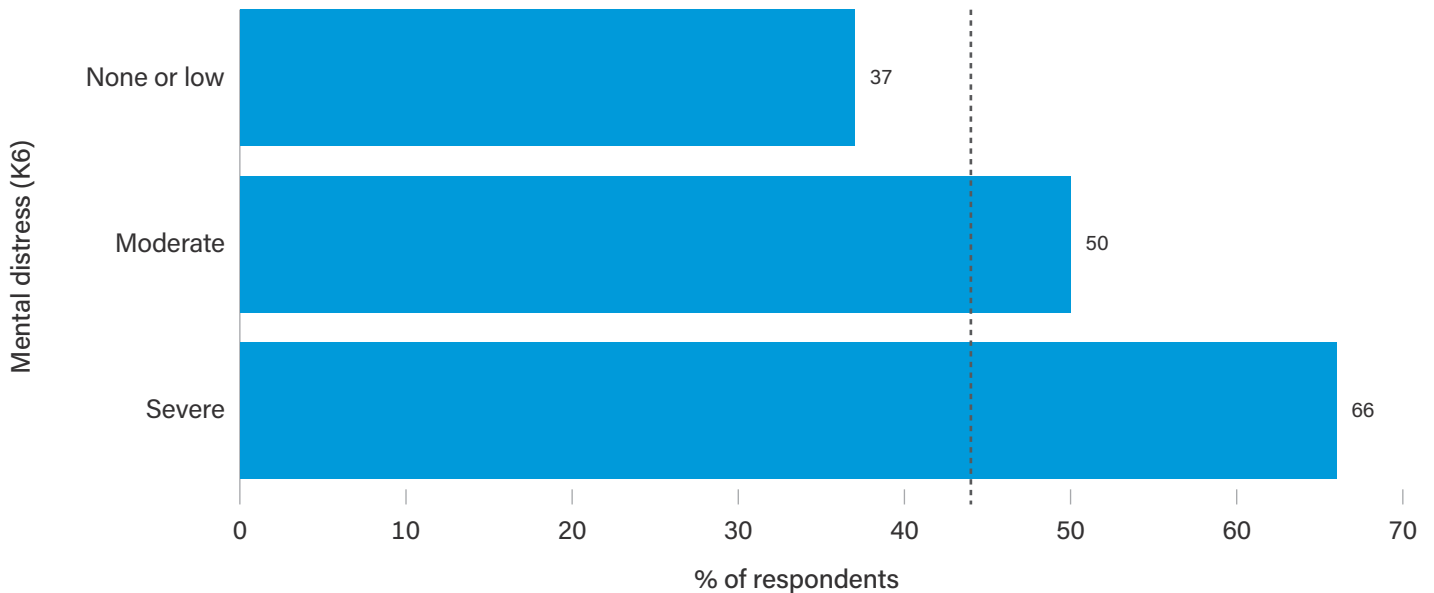
The PULS focuses on people's experience of problems that are 'justiciable'. This refers to problems arising in people's lives that raise legal issues (e.g. problems with rented housing, being injured in a car accident, being unfairly sacked from work), even though they might not necessarily recognise them as legal.³

Justiciable problems are not experienced equally throughout the Victorian community. In fact, PULS revealed strong relationships between experience of legal problems and different population groups. One group where the relationship was pronounced was people experiencing higher levels of mental distress. This remained the case even after controlling for other variables.⁴

Overall, 42% of PULS respondents (2,525 of 6,008) reported experiencing one or more justiciable problems in the previous two years.⁵ People experiencing moderate or severe mental distress had higher prevalence of justiciable problems compared to PULS respondents overall. Prevalence refers to the proportion of a population or sample exhibiting a specific characteristic over a specific period.⁶ For example, the proportion of PULS correspondents who had one or more justiciable problems in the previous two years, or who had multiple justiciable problems, or who reported one or more problems of a particular type.

Amongst those reporting one or more justiciable problems, problem prevalence clearly increased with the severity of mental distress (see Figure 1).

Figure 1. Justiciable problem prevalence by mental distress (K6) (overall problem prevalence indicated by broken line)



Breaking this down across PULS respondents, compared to those with no or low mental distress, people with moderate mental distress reported 0.6 more problems on average, and those with severe mental distress around 1.5 more problems.

The association between mental distress and experience of justiciable problems is consistent with other survey findings from Australia and overseas, as well as other PULS findings.⁷ There is evidence of a bi-directional relationship between experience of justiciable problems and adverse mental health. That is, those who experience problems with mental health are more likely to also experience justiciable problems, and justiciable problems are likely to cause stress and exacerbate poor mental health. For example, the PULS also found that stress was the most frequently reported adverse consequence of justiciable problems (72% of problems), followed by loss of confidence (38%) damage to a family relationship (21%) and ill-health or injury (20%).⁸

These findings clearly demonstrate a link between experience of justiciable problems and mental distress. This association is one of the ways the PULS and other legal needs surveys in Australia and overseas have found distinct and often distinct social patterning in justiciable problem experience.⁹ Other social patterning includes associations between justiciable problem experience and age, Indigenous status, employment status, family status, and health status; economic factors such as income and financial distress; and geography. For further information about specific findings, see PULS Volume 1 report on everyday legal problems and legal need.¹⁰

Problem type

Apart from problems concerning businesses they ran or investment properties, problem prevalence increased with level of mental distress for every other type of problem examined in the PULS (see Table 1).

Table 1. Problem type by respondent’s mental distress (K6 scale) (green shading indicates lower prevalence and red shading higher prevalence)

Problem type	Level of mental distress (K6)% one or more problems		
	None or low	Moderate	Severe
Goods and services	18.3%	25.3%	28.6%
Housing	8.2%	13.5%	21.5%
Fines	7.3%	12.7%	17.6%
Employment	4.3%	10.9%	16.6%
Family	3.6%	6.2%	18.1%
Government payment	2.6%	7.1%	13.3%
Debt or money	2.3%	6.4%	15.2%
Injury or illness	2.5%	5.1%	14.1%
Government and public services	2.5%	4.9%	10.4%
Business or investment	2.7%	2.5%	3.1%

Overall, for PULS respondents problem prevalence was highest for goods and services problems. Table 1 shows even higher prevalence for people experiencing mental distress.¹¹

Table 1 further shows that the prevalence of some types of problem types was particularly elevated amongst people experiencing moderate and severe levels of mental distress. For instance, compared to those with no or low mental distress, prevalence more than doubled for housing and fines problems amongst people with severe mental distress; more than tripled for employment problems; and in excess of four times higher for government and public services, family, government payment, injury or illness, and debt or money problems.

Multiple problem experience

People experiencing higher levels of mental distress were more likely to experience higher numbers of justiciable problems (see Figure 2).

Figure 2. Number of problems reported by respondent's mental distress (K6 scale)

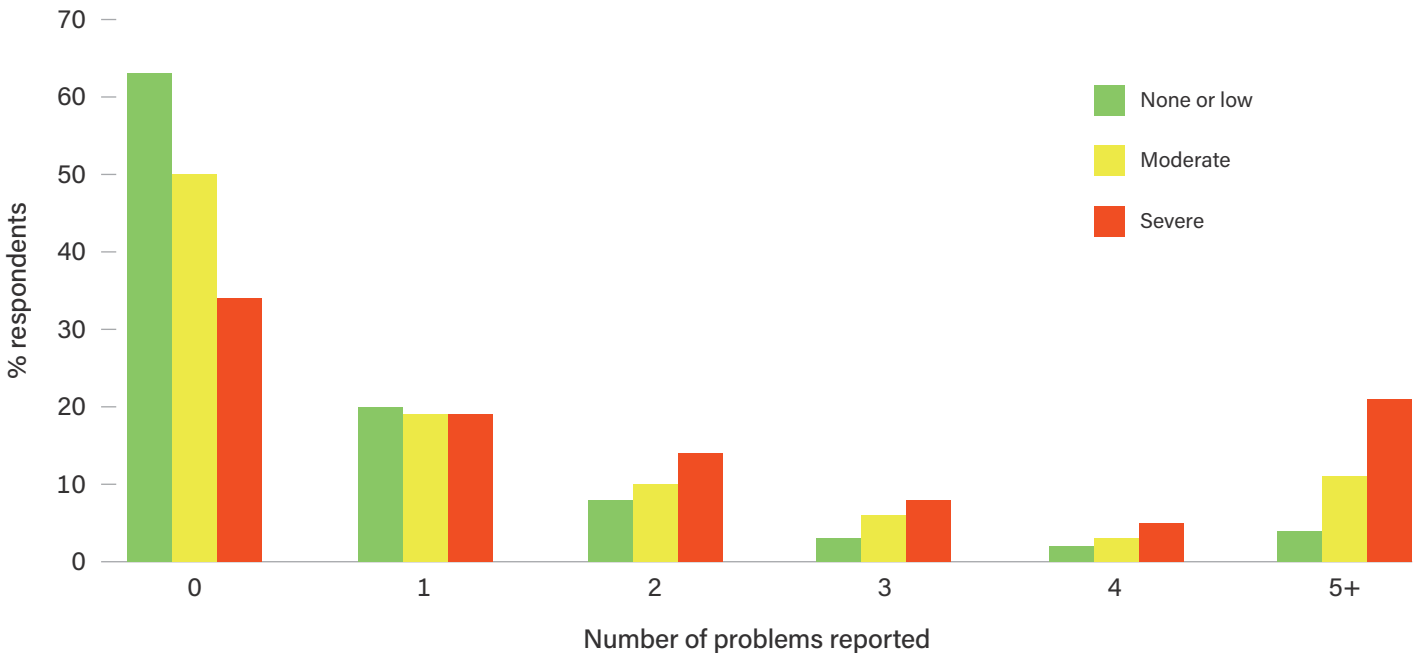


Figure 2 shows that the percentage of respondents experiencing two or more problems increased with increasing mental distress. The association was even clearer amongst those experiencing five or more legal problems, where only four per cent of those experiencing no or low mental distress reported five or more problems, but the percentage more than doubled (11%) for those with moderate mental distress, and more than quintupled (21%) for respondents experiencing severe mental distress.

Responding to problems

PULS respondents who reported one or more justiciable problems were asked a series of questions about how they responded to one problem. What respondents did in response was associated with the level of mental distress they were experiencing.

Table 2 shows that use of independent help and legal services both increased with level of mental distress, while handling problems either alone or with informal help from family or friends decreased with higher mental distress. A similar percentage of respondents in each category of mental distress, around four per cent, did nothing in response to their justiciable problem.

Table 2. Broad problem-solving strategy for followed-up problems (n=2,474) by respondent’s mental distress (K6 scale) (green shading indicates being underrepresented and red shading overrepresented for each strategy)

		Broad problem-solving strategy							
		Did nothing		Handled alone / Informal help from family or friends		Independent help		Legal service independent help	
		N	%	N	%	N	%	N	%
Mental distress (K6)	None or low	50	4.5%	549	49.3%	312	28.0%	202	18.2%
	Moderate	39	3.8%	456	44.2%	300	29.1%	236	22.9%
	Severe	14	4.4%	120	36.4%	110	33.3%	86	26.0%

The findings in Table 2 indicate that people experiencing higher levels of mental distress are less likely to try to solve their justiciable problems using self-help strategies and are more likely to obtain help from legal services. The PULS found relatively higher use of legal services among populations perceived as facing disadvantage. See PULS Volume 1 on everyday legal problems and legal need for further details.¹²

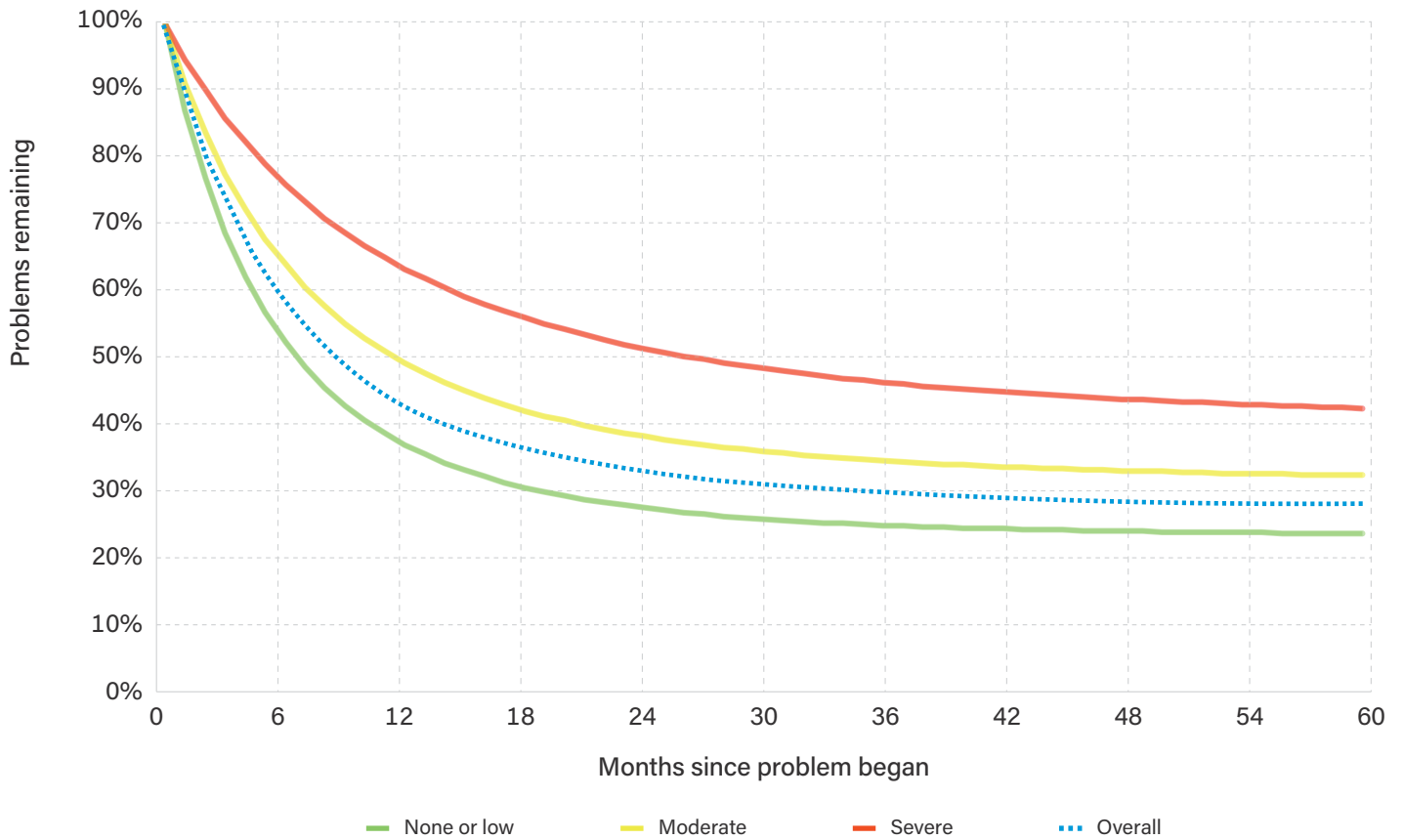
Problem duration

While many justiciable problems resolved quickly, a sizable minority, just under 30%, lasted far longer and were still ongoing after five years, and this is elevated in people with higher levels of mental distress.

Figure 3 shows the duration of justiciable problems with around 40% concluded within six months, just over 55% after one year, and around 70% after three years.

Figure 3 also clearly shows that an even higher percentage of justiciable problems persisted for people experiencing moderate and severe mental distress.

Figure 3. Duration of justiciable problems by respondent’s mental distress (K6 scale)



Around a quarter (24%) of problems of people experiencing severe mental distress concluded within six months, and 37% of problems after a year. After five years, 43% of problems experienced by people with severe mental distress were still ongoing, compared to only 33% of problems experienced by people with moderate mental distress, and only 24% of problems experienced by people with no or low mental distress.

Legal need, met and unmet

Adopting the Organisation for Economic Cooperation and Development /Open Society Foundation (OECD/OSF framework)¹³ for measuring legal need, PULS categorised justiciable problems in three categories: where there was no legal need, a legal need which was unmet, and a legal need which was met.¹⁴ The PULS used two measures of expert help to determine if legal needs had been met: expert help only from legal services (narrow definition), or help from any independent source of advice, including advice from legal services (broad definition).¹⁵

Applying the broad definition, the PULS found that 38% of the justiciable problems reported did not amount to a legal need, 49% of problems had an unmet legal need, and only 14% of problems had a legal need that had been met.

Unmet legal need was even higher for PULS respondents experiencing moderate and severe mental distress (see Table 3).

Table 3. The existence of legal need and whether or not it was met by respondent’s mental distress (K6 scale)

		Legal need					
		Unmet legal need		Met legal need		No legal need	
		N	%	N	%	N	%
Mental distress (K6)	None or low	418	39.0%	139	13.0%	514	48.0%
	Moderate	516	52.9%	137	14.1%	323	33.1%
	Severe	215	66.6%	56	17.4%	52	16.1%

Table 3 shows how rates of unmet and met legal need both increased with level of mental distress. The rate of problems where there was no legal need was almost three times as high for people with no or low mental distress, compared to those experiencing high mental distress.

Table 3 indicates how higher levels of mental distress can have a compounding impact on justiciable problem experience and unmet legal need. The rate of unmet legal need was clearly higher amongst those with moderate mental distress than those with no or low mental distress, and higher still amongst people with severe mental distress.

The PULS also found elevated rates of unmet legal need for people in financial distress (i.e. those unable to eat, or heat or cool their home), Aboriginal and Torres Strait Islanders, people with the fewest educational qualifications, single parents, and people who were not working. See further, PULS Volume 1 report on everyday legal problems and legal need.¹⁶

Summary

Mental distress is a key predictor of justiciable problem experience, problem-solving behaviour, problem duration and legal need.

Experience of justiciable problems is clearly associated with higher mental distress, as is the likelihood of:

- experiencing justiciable problems of nearly every type
- having a higher number of justiciable problems
- using self-help action at lower rates
- using legal services at higher rates
- legal problems taking longer to conclude
- having unmet legal need.

Psychological distress/mental illness has been shown to be among the factors most powerfully associated with justiciable problem experience. Several studies point to a bidirectional relationship between justiciable problems and ill-health, including psychological and mental distress. Not only are people experiencing mental distress more likely to experience justiciable problems, but the nature and number of problems experienced may impact negatively on mental and other aspects of people’s lives and well-being.¹⁷ The strength of this relationship has led to a worldwide move towards better co-ordination between legal and health services to improve both health and justice outcomes.¹⁸

Endnotes

- 1 Balmer N.J., Pleasence, P., McDonald, H.M. and Sandefur, R.L. (2022). *The Public Understanding of Law Survey (PULS) Annotated Questionnaire*. Melbourne: Victoria Law Foundation, p.60.
- 2 Kessler, R.C., Green, J.G., Gruber, M.J., Sampson, N.A., Bromet, E., Cuitan, M., Furukawa, T.A., Gureje, O., Hinkov, H., Hu, C., Lara, C., Lee, S., Mneimneh, Z., Myer, L., Oakley-Browne, M., Posada-Villa, J., Sagar, R., Viana, M.C. and Zaslavsky, A.M. (2010). Screening for Serious Mental Illness in the General Population with the K6 screening scale: Results from the WHO World Mental Health (WMH) Survey Initiative. *International Journal of Methods in Psychiatric Research*, 19(S1),pp.4–22.
- 3 For more comprehensive discussion of justiciable problems, and the justiciable problem legal needs survey approach, see Genn, H. (1999). *Paths to Justice: What People Do and Think About Going to Law*. Oxford: Hart; and Balmer, N.J., Pleasence, P., McDonald, H.M. and Sandefur, R.L. (2023). *The Public Understanding of Law Survey (PULS) Volume 1: Everyday Problems and Legal Need*. Melbourne: Victoria Law Foundation, p.9.
- 4 See Tables 3.2, A3.1 and A3.13 in Balmer, N.J., Pleasence, P., McDonald, H.M. and Sandefur, R.L. (2023). *The Public Understanding of Law Survey (PULS) Volume 1: Everyday Problems and Legal Need*. Melbourne: Victoria Law Foundation.
- 5 Balmer, N.J., Pleasence, P., McDonald, H.M. and Sandefur, R.L. (2023). *The Public Understanding of Law Survey (PULS) Volume 1: Everyday Problems and Legal Need*. Melbourne: Victoria Law Foundation, p.45.
- 6 In the context of the PULS Survey, prevalence measures respondents who experienced one or more legal problems within the scope of the survey period. This enables the prevalence of those with one or more problems to be calculated. See further National Institute of Mental Health at [What is Prevalence? - National Institute of Mental Health \(NIMH\) \(nih.gov\)](https://www.nimh.nih.gov/health/about-nimh/what-is-prevalence/) (accessed April 2, 2024).
- 7 Balmer, N.J., Pleasence, P., McDonald, H.M. and Sandefur, R.L. (2023). *The Public Understanding of Law Survey (PULS) Volume 1: Everyday Problems and Legal Need*. Melbourne: Victoria Law Foundation, p.47.
- 8 See further Balmer, N.J., Pleasence, P., McDonald, H.M. and Sandefur, R.L. (2023). *The Public Understanding of Law Survey (PULS) Volume 1: Everyday Problems and Legal Need*. Melbourne: Victoria Law Foundation, p.82.
- 9 See further Balmer, N.J., Pleasence, P., McDonald, H.M. and Sandefur, R.L. (2023). *The Public Understanding of Law Survey (PULS) Volume 1: Everyday Problems and Legal Need*. Melbourne: Victoria Law Foundation, p.48.

- 10 See further Balmer, N.J., Pleasence, P., McDonald, H.M. and Sandefur, R.L. (2023). *The Public Understanding of Law Survey (PULS) Volume 1: Everyday Problems and Legal Need*. Melbourne: Victoria Law Foundation.
- 11 See further Balmer, N.J., Pleasence, P., McDonald, H.M. and Sandefur, R.L. (2023). *The Public Understanding of Law Survey (PULS) Volume 1: Everyday Problems and Legal Need*. Melbourne: Victoria Law Foundation, p.45.
- 12 See further Balmer, N.J., Pleasence, P., McDonald, H.M. and Sandefur, R.L. (2023). *The Public Understanding of Law Survey (PULS) Volume 1: Everyday Problems and Legal Need*. Melbourne: Victoria Law Foundation.
- 13 The OECD/OSF framework for the measurement of legal need sets out a logic tree comprising seven components (problem duration, seriousness, legal awareness/ understanding, legal confidence, process fairness, expert help, adequacy of support) for determining whether or not legal needs have been met. It See further OECD/ Open Society Foundations. (2019). *Legal Needs Surveys and Access to Justice*. Paris: OECD Publishing.
- 14 Balmer, N.J., Pleasence, P., McDonald, H.M. and Sandefur, R.L. (2023). *The Public Understanding of Law Survey (PULS) Volume 1: Everyday Problems and Legal Need*. Melbourne: Victoria Law Foundation, p.149.
- 15 The broader definition includes advice provided by professionals and services that may not be appropriate sources of help in the circumstances but is abated by considering the adequacy of that support in classifying legal need. See further Balmer, N.J., Pleasence, P., McDonald, H.M. and Sandefur, R.L. (2023). *The Public Understanding of Law Survey (PULS) Volume 1: Everyday Problems and Legal Need*. Melbourne: Victoria Law Foundation, pp.149–152.
- 16 Balmer, N.J., Pleasence, P., McDonald, H.M. and Sandefur, R.L. (2023). *The Public Understanding of Law Survey (PULS) Volume 1: Everyday Problems and Legal Need*. Melbourne: Victoria Law Foundation, pp.154–157.
- 17 See Coumarelos, C., Macourt, D., People, J., McDonald, H.M., Wei, Z., Iriana, R. and Ramsey, S. (2012). *Legal Australia-Wide Survey: Legal Need in Australia*. Sydney: Law and Justice Foundation of New South Wales. Pleasence, P., Coumarelos, C., Forell, S. and McDonald, H.M. (2014). *Reshaping legal assistance services: building on the evidence base. A discussion paper*. Sydney: Law and Justice Foundation of New South Wales.
- 18 See further, the work of Health Justice Australia, <https://healthjustice.org.au/>.

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