

20223 International Legal Aid Group Conference

The role of modern communications in providing legal assistance

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Introduction: The client

“Where do I start? Who can I trust? How can I pay for this?” These are common questions heard across the legal assistance sector, particularly from those vulnerable members of the community who can least afford legal advice and representation.

When confronted with a legal issue, a person will be emotionally challenged. For many, navigating the legal system is filled with fear, anxiety, anger, frustration, confusion, and guilt.

Fear: Legal issues can be intimidating and may evoke a sense of fear in some people. This may be particularly true if the person is facing serious consequences such as criminal charges or the loss of property or child custody rights.

Anxiety: Legal issues can also be stressful and may cause anxiety about the unknown outcome of the situation. This can be exacerbated by the length of time legal processes can take, and the complexity of legal proceedings.

Anger: People may also experience anger when facing legal issues, particularly if they believe they have been wronged or if they feel that the legal system is unfair or unjust.

Frustration: Legal issues can be complicated and time-consuming to navigate. This can lead to frustration and a feeling of being overwhelmed, particularly if the person does not have legal knowledge, access to legal resources or must repeatedly tell their story to access the support they need.

Confusion: Legal terminology and processes can be difficult to understand, particularly for people who have not had prior experience with legal issues. This can cause confusion and a feeling of being lost or unsure about what steps to take.

Guilt: In some cases, people may feel guilty or ashamed when faced with a legal issue, particularly if the issue is related to their own actions or behaviour.

While the emotions experienced will vary depending on the specific circumstances of the situation, it is important to note these emotions transcend geographical borders.

Legal assistance in Australia and in the South Australian context

In Australia, there are eight state and territory legal aid commissions. Each agency is an independent statutory body that provides legal assistance services to the public, with a

particular focus on the needs of people who are economically and/or socially disadvantaged.¹ Services are provided both inhouse and by private practitioners acting on grants of legal aid.

Funding comes from the Federal and State governments plus a contribution from the legal profession through interest earned on trust accounts.

At Legal Services, we are passionate about ensuring justice is available and accessible for all South Australians.

Our agency ensures that South Australians have access to a quality lawyer when they need help to be heard, trusted ways to learn about their rights and responsibilities, and access to support services to find answers to their legal questions.

For legal aid commissions, being client-centric and having the client at the centre of the decision-making process is a high priority. But do we today truly understand our clients, their motivations and expectations?

To answer this question Legal Services commissioned research to map the emotional journey of its seeking help from legal issue identification through to resolution.

About the journey mapping

The legal assistance sector regularly delivers programs that are aimed at making justice accessible and affordable to all, but too often the approach is influenced by past behaviours, perceived community need and reactionary program development.

To test those approaches the research developed a two-staged method, with in-depth interviews used to understand the journey people took before reaching legal advice or help, followed by an online survey designed to quantify findings and ensure confidence in the resulting conclusions.

Understanding the experiences and journey of people who have sought legal help is an important way of predicting the route that others in a similar situation may take in the future.

The data was weighted to ensure it was representative of the South Australian community, in terms of age, gender and whether they live in a metropolitan or regional area.

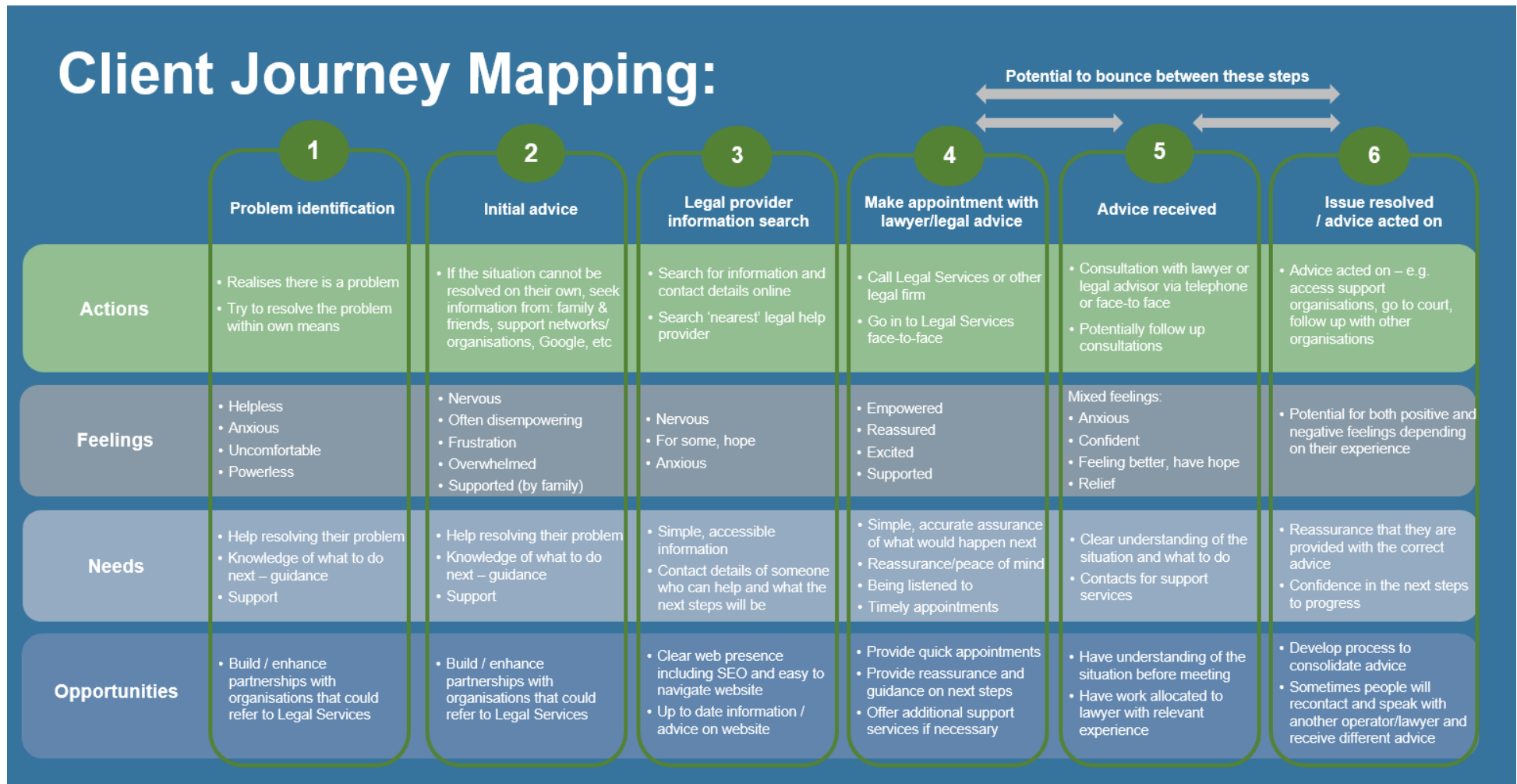
What was found was that the quicker a person with a legal problem can be speaking with a legal professional, the quicker their anxiety levels will reduce.

The research identified that a person with a legal problem will often first turn to their trusted circle, for guidance and direction and those seeking legal assistance have a diverse range of experiences when it comes to seeking legal advice. However, the one unifying factor that leads to a smoother process was the pre-existing awareness of the legal support services available – those who were referred to Legal Services, generally made contact quickly, received timely support and were generally happy with the experience.

¹ <https://www.nationallegalaid.org/about-us-2/>

Figure 1.1 maps the emotional journey of a Legal Services client.

Figure 1.1 – Client Journey Mapping



As illustrated in Figure 1.1, the first three steps of the client journey are filled with trepidation, fear, and anxiety, but once the client advances to “step 4” and “step 5”, where they are speaking to a lawyer, the better their mental health becomes.

The client journey has been validated by recent research commissioned by National Legal Aid, conducted by Price Waterhouse Coopers (PwC), which found for every \$1 allocated to legal aid commissions (in Commonwealth funding) a return of \$2.25 in quantitative benefits are generated. This includes the reduced burden on government funded mental health services as a result of helping individuals to navigate the justice system, better advance their matter efficiently, reducing potential pain and suffering for the individual.²

In the Australian context, legal assistance agencies are funded to provide services with a particular focus on the needs of people who are economically and/or socially disadvantaged.³

Communicating with these groups is our core work but broadening the traditional audience segments through which legal education and information is targeted, as well as the mechanisms through which these activities are delivered, can yield widespread results.

If the Legal Services Client Journey map is applied more broadly across the legal assistance sector, the challenge is to accelerate a potential client through their journey, having them reach “step 4” as quickly as possible, so the client is speaking with a legal professional or has access to credible and easy to read information to enable informed and empowered decisions to be made.

But what could the benefits to the community be if the legal assistance sector could reach prospective clients ahead of time before they knew they had a legal problem or to provide legal help to those that don't yet know they need it?

The COVID-19 pandemic has introduced new communication opportunities and changed community acceptance to the way they receive and seek information.

What has the COVID-19 pandemic taught us about communication?

The COVID-19 pandemic has taught us several important lessons about communicating.

During the pandemic, clear and accurate information was essential for keeping the public informed and safe. We learned that effective communication requires transparency, consistency, and credibility. The situation with COVID-19 was constantly evolving, and information was changing rapidly. This highlighted the need for timely and frequent updates from health officials and government agencies to keep the public informed.

The pandemic has been a difficult time for many people. Effective communication requires empathy and compassion. We learned that it is important to acknowledge people's concerns and to provide reassurance and support whenever possible.

² National Legal Aid (2023), [The benefits of providing access to justice](#)

³ <https://www.nationallegalaid.org/about-us-2/>

But the way we communicated also changed. Social media played a significant role in communicating information about the pandemic. We learned that social media can be an effective tool for sharing information and connecting with others, but it can also spread misinformation and cause confusion.

At the peak of the COVID-19 pandemic, the public education messaging in Australia was comprehensive and multi-faceted, with messages disseminated through a variety of channels to reach as many people as possible. The messaging was developed and coordinated by the Australian government in collaboration with state and territory governments, health experts, and other stakeholders.

The messaging was kept simple, emphasising the importance of following public health measures to prevent the spread of COVID-19, such as wearing masks, practicing good hand hygiene, maintaining physical distance, and getting vaccinated. The messaging also encouraged people to stay informed about the latest developments and guidelines related to the pandemic.

To support this call to action, the Australian government, in addition to each state and territory government, launched dedicated COVID-19 websites that served as a central hub for information and resources related to the pandemic. The websites provided greater details on the virus and its symptoms, advice on how to protect yourself and others, the latest news and updates, and links to resources for mental health and financial support.

The empirical evidence of Australia's successful COVID-19 response in early 2020 is supported by scholarly research.⁴ Overall, there is agreement that the Australian government's COVID-19 public health messaging, through the application of social marketing principles, was successful in containing and managing the spread of the virus in the country.

The success of the government's COVID-19 messaging can be attributed to several factors, including clear and consistent messaging, tailored messaging for specific demographics, and the use of multiple channels to disseminate information. The messaging was also delivered in a variety of languages to ensure it was accessible to everyone.

The pandemic also forced many organisations and individuals to adapt to new communication technologies, such as video conferencing and virtual. Many of these technologies were relatively untested on a mass scale prior to 2020. But the ability for people to embrace and learn new ways to communicate became automatic. Today, many of these new technologies continue to be important tools for communicating and will remain well into the future.

Beyond communications, the COVID-19 pandemic forced many organisations to adapt quickly to a rapidly changing environment and has highlighted the importance of resilience, flexibility, and innovation in service delivery.

⁴ Toward effective government communication strategies in the era of COVID-19; Bernadette Hyland-Wood, John Gardner, Julie Leask & Ullrich K. H. Ecker; January 2021

In Australia, organisations had to change the way they delivered services overnight. Due to the introduction of social distancing guidelines and lockdowns, healthcare providers had to adopt telehealth and virtual care models, while retail and hospitality businesses had to adapt to online ordering and roadside pickup.

The legal assistance sector was not immune, face to face interactions transferred to video conferencing and discussions by telephone, virtual court hearings were invented, hard copy documents became electronic. Today many of these changes have remained in place, as both clients and practitioners have become more comfortable and adapted to communicating in this way.

Applying Social Marketing principles to the legal assistance sector

Whilst the COVID-19 pandemic shone a light on the principles of social marketing, this is not a new phenomenon. But what can we learn from those service organisations that operate outside the legal assistance sector that have been applying these principles with great success for many years?

Social marketing as a discipline has made enormous strides since the practice was formally launched 40 years ago by Philip Kotler and Gerald Zaltman.

Social marketing is about influencing behaviour change that positively benefits a primary audience as well as the broader community through the delivery of targeted messaging.

Social marketing campaigns are a common strategy for raising awareness about social problems and have had a profound impact on social issues in the areas of public health, social justice, human rights and injury prevention as they leverage the power of marketing and communication techniques to promote social good.

Social marketing campaigns are cited as an effective strategy for raising awareness about societal problems for several reasons.⁵ The campaigns use messaging and communication strategies that are tailored to specific target audiences. This approach helps to increase the relevance and effectiveness of the campaign by addressing the unique needs and concerns of different groups of people.

Social marketing campaigns are often focused on specific behaviours or actions that individuals can take to address societal problems. These campaigns use persuasive messaging and communication strategies to encourage people to make changes to their behaviour.

Campaigns often employ a variety of marketing channels and tactics, such as social media, television ads, billboards, and public events, to reach a broad audience. These campaigns are designed to create a pervasive and memorable message that resonates with the public and creates lasting change.

⁵ Social marketing and its efficacy in creating responsible and respectful societies; International Journal of Economics, Commerce and Management United Kingdom Vol. IV, Issue 3, March 2016

The principles have been used to help reduce tobacco use, decrease infant mortality, stop the spread of HIV/AIDS, raise awareness about gender inequality, create understanding on the importance of wearing sunscreen, to make drink driving socially unacceptable and to make wearing a seatbelt when travelling in a motor vehicle a social norm (in Australia).

But how does this apply to legal assistance?

In the legal assistance context, particularly for those organisations that provide general legal advice in addition to their representation services, clients and potential clients need to be aware of the support services that are available and, in some contexts, changes in law that may impact their lives. Knowledge ahead of time, with a direct call to action has the potential to create a paradigm shift and may be the difference in a person needing or not needing legal help – through greater awareness of their rights and duties within the law.

From a societal perspective, such activity has the potential to prevent legal problems from occurring, avoid legal problems from escalating and reduce the burden on the justice system by resolving disputes outside of time-consuming and expensive court proceedings.

What makes for a successful social marketing campaign:

Several factors can contribute to the success of a social marketing campaign. The key elements include:

1. **Clear and measurable objectives:** A successful social marketing campaign starts with clear and measurable objectives. These objectives should be specific, realistic, and achievable, and should be designed to address a specific social issue or problem.
2. **Understanding the target audience:** it is important that the needs, motivations, and behaviours of the target audience are understood. This involves conducting research to gather insights into the target audience's attitudes, beliefs, and behaviours, and using this information to develop messaging and communication strategies that resonate with them.
3. **Effective messaging and communication:** this involves using clear, concise, and compelling language, visuals, and media channels that are tailored to the target audience.
4. **Creative and engaging content:** the use of creative and engaging content that captures the attention of the target audience and motivates them to take action. This may involve using humour, emotion, or storytelling to make the message more memorable and relatable.
5. **Strong partnerships and collaborations:** this often involves working in partnerships or collaborating with other organisations or stakeholders that can help to amplify the message and reach a wider audience. This may involve working with government agencies, non-profit organisations, or private sector companies that share a common goal.

6. **Evaluation and adaptation:** using appropriate metrics and data sources to measure the effectiveness of the campaign. This allows for changes to be made based on the results of the evaluation.

Acknowledging the challenges:

It is acknowledged that implementing an effective social marketing campaign does come at a cost and that evaluating a social marketing campaign can be challenging.

One of the main challenges in evaluating a social marketing campaign is defining and measuring the campaign's objectives and outcomes. Social marketing campaigns often have complex goals, such as changing social attitudes or behaviours, and it can be difficult to measure the impact of the campaign on these outcomes.

Accessing the appropriate metrics and data sources to measure the campaign's impact can also be challenging. This may involve collecting data on a variety of factors, such as awareness levels, attitudes, behaviours, and social outcomes. Depending on the nature of the campaign, this data may be difficult to obtain or require specialised skills or resources to collect and analyse.

Organisations may be hesitant to measure the effects of their social marketing campaigns out of fear the immediate impact is not on a large scale, resulting in the activity being seen as failing and damaging to the organisation's reputation – particularly where funding may be limited.

The value of brand awareness

Brand awareness will impact the acceptance of a social marketing campaign message.

When people are more familiar with a brand, they are more likely to accept and engage with the campaign, share it with others, and take action based on its message. On the other hand, if a brand is not well-known or has a negative reputation, people are less likely to engage with the campaign, even if the campaign is well-crafted and persuasive.⁶

Therefore, increasing brand awareness needs to be an important part of a social marketing strategy, as it can help to build familiarity and trust with the target audience which will ultimately lead to greater acceptance and engagement.

Brand awareness refers to the level of familiarity that people have with a particular brand or product. For organisations operating in the legal assistance sector, brand awareness is often seen as a secondary area of priority, with the focus on effort being the delivery of key services to the community and reporting to our funding providers. Whilst this is understandable, the effort to grow organisational awareness should not be neglected.

⁶ Building Brand Equity through Corporate Societal Marketing; Steve Hoeffler and Kevin Lane Keller; 2002

In traditional marketing, brand awareness is crucial because it is often seen as the first step in the customer journey. If people are not aware of a brand, they are unlikely to consider a particular product when making a purchase decision.

There are different levels of brand awareness, including:

1. Brand recognition: The ability for a brand to be recognised when a visual or auditory cue is present.
2. Brand recall: The ability to recall a brand from memory when prompted with a related cue.
3. Top-of-mind awareness: The ability of consumers to immediately recall a brand name when asked about a specific product category.

The same principle applies for organisations in the service delivery sector.

If we reflect on the Legal Services Client Journey mapping (refer page 2), increased brand awareness can play a critical role in accelerating a person with a legal problem through their legal assistance journey – having them reach “step 4” quickly, alleviating the associated emotional toll seeking legal assistance can generate.

Increasing brand awareness does not need to be an expensive exercise, but it takes a sustained effort over time, discipline, and consistency.

Delivering community legal education

In Australia and for many legal aid agencies around the world, there is a defined obligation to deliver legal education programmes.

The legislation under which Legal Services was created clearly states⁷:

“...carry out educational programmes to promote an understanding by the public (and especially those sections of the public who may have special needs) of their rights, powers, privileges and duties under the laws of the Commonwealth or the State; and inform the public by advertisement or other means of the services provided by the Commission, and the conditions upon which those services are provided.”

In the case of Legal Services this responsibility has been delivered over many years through traditional engagement approaches with key target audiences and organisations that support particular cohorts.

Workshops and group training sessions are often used to provide in-depth education on a specific topic. These sessions are delivered in person, led by a legal educator with experience or knowledge in the subject field.

⁷ https://www.legislation.sa.gov.au/_legislation/lz/c/a/legal%20services%20commission%20act%201977/current/1977.25.auth.pdf

Public events such as expos, community fairs and other community gatherings have also been accessed to reach a large audience with information about a particular issue. These events generally provide for one-on-one engagement on topics themed with the event's target audience.

Considerable effort also goes into maintaining printed materials such as brochures, booklets, and fact sheets as a cost-effective way to distribute complex information, and serve as materials that can be left with a person who is seeking information that can be consumed later.

In much the same way the COVID-19 pandemic has reset the expectation within the community on service availability and delivery, the application of social marketing principles also presents the opportunity for legal aid agencies to rethink their engagement strategies.

Case example of the application of social marketing

While debate continues at a policy level in South Australia on the introduction of legislation to define and criminalise coercive control as a standalone offence, Legal Services has applied a social marketing approach with respect to growing community awareness of coercive control behaviours.

Coercive control is an insidious form of domestic violence that involves tactics of emotional and mental abuse that undermine the victim's autonomy and sense of identity and worth. Coercive and controlling behaviour may include isolating a person from their friends and family, controlling finances, controlling what a person can or can't say, controlling what a person can wear, when they can sleep, what they can eat and when they can leave the house.

Despite the significant harm through isolation, subordination, humiliation and loss of liberty caused by coercive and controlling behaviours, victims/survivors are likely to downplay the impact of these controls and are unlikely to seek help if they have not also experienced physical or sexual forms of abuse. The impact of coercive control behaviours are linked to serious mental harm and psychiatric outcomes including depression and post-traumatic stress disorder. Some victims/survivors may not believe they are experiencing violence, or minimise their experience, because non-physical violence has traditionally been viewed to be less harmful or traumatic than physical or sexual violence.

Currently, Legal Services delivers a number of domestic violence support services and programs, which positions the organisation as the logical voice to deliver a social marketing campaign focused on coercive control behaviours.

Promotion of the services delivered, through the engagement of stakeholders acting as referral agencies, has been the organisation's priority previously, but the application of a social marketing approach will allow for a deeper message to be created, and allows for a greater audience to be targeted.

Legal Services' approach is being produced with the support of the South Australian government, with the recent Scottish experience to prevent and eradicate violence against

women and girls being studied closely. What is clear from this approach is that public education and communication was best delivered before introducing an offence for coercive control.

In undertaking this activity, the initial priorities were to define clear objectives for the campaign and identify the primary and secondary target audiences.

The campaign is about generating greater awareness amongst the general community of the insidious behaviour, leading to a wide target audience being selected (18 to 55+ years), with the following objectives set:

- introduce the South Australian public to the term “coercive control” and spotlight common coercive and controlling behaviours
- provide information about where a person experiencing coercive control, a victim’s family, friends or acquaintance or perpetrators can seek help
- articulate that intervention orders can be sought by anyone subjected to these behaviours and trying to remove themselves from the environment where this is occurring
- promote Legal Services as a trusted source of legal help.

The campaign, being produced on a limited budget in partnership with the South Australian government, will be broadcast via:

- Digital platforms
 - Broadcast Video on Demand (BVOD) executions
 - Social media (Facebook, Instagram and TikTok) static and video executions
 - YouTube TrueView video executions
- Radio
- Outdoor
 - Street furniture
 - Venue ads

Legal Services has relied heavily on its internal expertise to ensure the scripting remains factual and relatable, with the lived experiences of victims of coercive and controlling relationships, shared with the Legal Services’ Domestic Violence Unit and Women’s Domestic Violence Court Assistance Service being incorporated.

Further consultation on the campaign’s development and scripting has occurred with clients and stakeholders providing support services across this sector.

The importance of the campaign tag line and call to action, driving the audience to further information and the details to access support services has not been overlooked.

“**See the Signs** of Coercive Control” is provoking whilst memorable, with a standalone website created which directs visitors to greater information and highlights the support services available.

To ensure the campaign's effectiveness is measurable, key metrics were identified with the current awareness levels of the behaviour sourced pre-campaign, allowing for comparison with post-campaign activity.

The campaign is in market until 6 August 2023 and the results and learnings will be critical to future communications initiatives.

Conclusion

As legal aid commissions there is no disputing we punch above our weight to ensure access to justice is available and accessible to all. We deliver important programmes and services, targeted to help many priority client groups, with our promotion of these activities focused on the clients they are designed to support.

But as organisations what can we learn from the last 36 months, where our eyes have been opened to new opportunities to push the communication boundaries from conservative to innovative? Now is the time for legal aid commissions to reflect and harness alternate ways to communicate, not losing sight of our primary objectives, but expanding the breadth of our activity to create greater exposure and understanding beyond our traditional target groups.

By applying a social marketing lens to our communication plans, opportunities will become obvious where a change in approach can deliver a far greater community outcome and impact.