

Ms. Heather Moore
Chief Executive Officer
Legal Services Council
Level 3, 19 O'Connell Street
SYDNEY NSW 2000

16 January 2023

RE: Costs Disclosure Thresholds Review

Dear Ms. Moore and Dr. Butlin,

Thank you for the opportunity to provide input into the Legal Services Council's Review of the Costs Disclosure Thresholds in the Legal Professional Uniform Law.

Justice Connect is committed to providing evidence-based insights and recommendations informed by the experience of our clients to law reform consultation processes. **Due to the focus of Justice Connect's work and our prioritisation of clients that cannot afford legal assistance, we do not have specific practice experience nor insights into user experience of the costs disclosure threshold provisions to share with the review.**

However, based on our experience improving access to justice for people who have low legal literacy, or limited experience navigating the legal system, we welcome the focus in the terms of reference on 'enhancing the protection of clients of law practices', and make two recommendations.

1. Threshold for costs disclosure

The focus on enhancing the protection of clients of law practices is relevant to any reconsideration of the threshold for costs disclosure, and we welcome the inclusion of this focus in the review.

The ability to pay for legal support is a significant access to justice barrier. We know from [research](#) most people either cannot afford a lawyer, nor can they access free public or community legal assistance (due to means tests set by legal aid commissions and community legal assistance organisations that prioritise limited resources). In Australia this group is known as the 'missing middle' or the 'missing majority'.

Costs disclosure provides important transparency and assist clients to make informed decisions about whether to proceed with legal representation and the associated cost. With many clients already experiencing financial stress when seeking to engage legal representation, even relatively small legal costs can be difficult to meet. As such, **we recommend the information needs of clients be prioritised in any consideration to increase the 'lower threshold', alongside acknowledgement that the current cost-of-living crisis is causing additional financial pressures for many clients.**

A large, stylized teal wavy graphic that starts from the left edge of the page and curves upwards and to the right, ending near the bottom right corner.

Melbourne Office
PO Box 16013
Melbourne VIC 8007
DX 128 Melbourne
T +61 3 8636 4400

Sydney Office
PO Box 463
Darlinghurst NSW 1300
T +61 2 8599 2100

admin@justiceconnect.org.au
justiceconnect.org.au
nfplaw.org.au
ABN 54 206 789 276
ACN 164 567 917

2. The importance of plain language

Self-help resources and legal information are a significant part of the access to justice toolkit and can assist with the protection of clients of law practices. **We recommend plain language explainers are made available to support clients to understand costs disclosure obligations of legal practitioners and the disclosure forms used.**

Our report, [Seeking Legal Help Online: Understanding the 'missing majority'](#), provides insights that are relevant including:

- Publicly funded legal information available online is more likely to be trusted and used by help-seekers. The review may wish to consider who is providing information on costs disclosure to consumers and whether these are trusted sources.
- Consumers will often prepare online before seeing a lawyer. The review may wish to consider where legal information about costs disclosure is available to consumers to support this preparation.
- Legal writing is a barrier to understanding with even highly educated, fluent English speakers struggling with legal writing. The review may wish to consider the currently available information and opportunities to improve the accessibility of forms and information.

Justice Connect's report also provides guidelines for improving legal information that Dr Butlin and the review team may find useful.

If the Council wishes to discuss this input, please contact [REDACTED] Head of Access Program at Justice Connect at [REDACTED]

Thank you again for the opportunity to input to the review.

Kind regards,



Chris Povey
Chief Executive Officer
Justice Connect

About Justice Connect:

We are a registered Australian charity that has been providing legal services for over 30 years. We deliver services that assist both people and not-for-profit organisations. In the face of major unmet legal need, we are focused on increasing access to legal support and progressing social justice.

Melbourne Office
PO Box 16013
Melbourne VIC 8007
DX 128 Melbourne
T +61 3 8636 4400

Sydney Office
PO Box 463
Darlinghurst NSW 1300
T +61 2 8599 2100

admin@justiceconnect.org.au
justiceconnect.org.au
nfplaw.org.au
ABN 54 206 789 276
ACN 164 567 917