



DELIVERY OF LEGAL SERVICES: SHOULD LEGAL SERVICES FOR WOMEN BE PROVIDED BY WOMEN?

[Research Report]

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INTRODUCTION / PURPOSE OF THE STUDY

Many women are invariably faced with, at some stage in their life, issues which 'the law' may determine. For many women, the predominant issues fall within the categories of family law, domestic violence laws, consumer credit/debt and contract law, criminal law as perpetrators though far more commonly as victims, and child protection laws. It is easy to appreciate that many of these issues are sensitive and personal, some particularly so.

Women who are in receipt of a government benefit; who feel the constraints of single parenthood; and indeed many women who are in paid employment, are often unable to afford private legal advice or representation. These women must rely on free services within their local communities for assistance.

Presently in Queensland there are some community services available for women in need of legal assistance who are unable to afford the fees of a private solicitor. These Services consist largely of Women's Legal Services, Generalist Legal Services, Legal Aid and Aboriginal Legal Services.

Women's Legal Services and Generalist Legal Services provide legal advice – usually on a one-off basis, without a qualifying means test. Clients are provided with some advice and assistance so that the client is essentially 'empowered' to 'sort the matter out for themselves' by settlement or continuing the legal process. The existence of Legal Services relies heavily on federal government funding.

Legal Aid is available to those who can satisfy a strict means and merit test, which is set by the Legal Aid office. This 'test' has become increasingly strict as federal government funding has been cut to these services. If a grant of legal aid is awarded to a client, a solicitor is appointed to act for the client within the guidelines of the legal aid grant and in some cases the legal aid

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grant has to be paid back by the client.¹ Legal Aid is funded by the federal and state governments. The Aboriginal and Torres Strait Islander Community Legal Service is also funded by Federal and State Governments but requires clients to satisfy a less strict merit and means test.

In this context, this project was conducted to obtain opinions from people engaged in delivery of community services to women. This report considers the question 'Should legal services be provided to women *by women?*', and to a lesser extent, the wider question of whether counselling, domestic violence resources and crisis accommodation services should also be provided to women by women.

RESEARCH METHOD

Research Design

By way of background, the original project question: *should legal services be provided to women by women?*, came about as a result of the author's involvement with the clinical legal studies course offered by the law school at James Cook University. A number of male and female students enrol in this subject each year. The subject operates from the Townsville Community Legal Service Inc. (TCLS), a free legal service, available to all members (female and male) of the community. The students, among other things, run an interview service from the TCLS. With a view to expanding the course, in 1998 the North Qld Women's Legal Service suggested that an additional interview service be run from the Townsville Office of the North Queensland Women's Legal Service Inc. The question then raised was whether it was appropriate to have male students involved in what was essentially an all-female legal service. Many different opinions were informally sought and given on the subject. There was an absence of published research on this topic, which gave rise to an idea for a research project to canvass what people who work with women everyday, thought on this question.

Accordingly, the research is an exploratory though essentially descriptive study which seeks the opinions of workers at Women's Community Legal Service's in Queensland and various other community organisations/services/groups,² as to the provision of legal (and non-legal) services for women.

In considering methodological approaches for this study, consequences and implications were contemplated. Participants gave responses in confidence. Accordingly, responses are not linked to individual participants or the service/organisation/community group they were employed by.

While themes have been identified in the various responses to each question, instead of quantitatively computing frequency of their occurrence, the

¹ For example; where the client received a pay-out from the legal claim they were awarded aid to pursue.

² This phrase is interchanged with 'agencies' throughout the body of this paper.

heuristic value of responses dominates this report. The author does not wish to reduce the importance of all findings, or de-contextualise the findings by focussing on one perspective only.

The Sample

In order to explore the question of provision of services for women, employees from the following organisations/services/groups were interviewed:

- ❖ North Queensland Women's Legal Service (Inc.) incorporating the Indigenous Women's Service.
- ❖ Townsville Community Legal Service Inc. (incorporating the General, Welfare Rights and Financial Counselling Services)
- ❖ Legal Aid Queensland – Townsville Office.
- ❖ Women's Legal Service Brisbane
- ❖ Women's Legal Aid – Legal Aid Queensland (Brisbane).
- ❖ Cairns Community Legal Service Inc.
- ❖ Domestic Violence Resource Service (NQ).
- ❖ Tugulawa – Women's Aboriginal Corporation Centre.
- ❖ Women's Centre - North Queensland Combined Women's Service Inc.
- ❖ Townsville Women's Shelter.
- ❖ Women's Community Health Townsville.

There were a total of 15 participants. Nine of these were from legal organisations/services/community groups and six were from non-legal agencies. There were fifteen responses to each question. All participants were employees of the various organisations/services/groups³ listed above.

To find participants, the Townsville and District Community Resource Directory was consulted. Various agencies were identified as being relevant. Agencies targeted to take part in the study were those which provide legal services (free or subsidised) to women. Also, non-legal, women specific agencies likely to refer women for legal assistance were included. A small number of organisations/services/community groups were contacted who did not participate in an interview. The response rate nevertheless was quite high (in excess of 75%) and provides a reasonable sample of persons involved in the provision of legal (and non-legal) services to women in Queensland.

It was thought that opinions of people who provide non-legal services to women in the North Queensland community were also of value to this

³ also referred to as 'agencies'.

project. Experiences in provision of services such as counselling, domestic violence resources, and crisis accommodation to women, are analogous to the provision of legal service and therefore contribute relevant knowledge.

In order to explore the topic of provision of legal services for women, it was crucial to gain the views of solicitors (and other staff) who worked at community agencies that provide legal services to women. In the North Queensland region, this includes 1, 2, 3 and 6 on the above table, and The Aboriginal and Torres Strait Islanders Legal Service.⁴

It was also considered appropriate, notwithstanding the North Queensland focus of this study, to obtain the opinions of solicitors from the Women's Legal Service Brisbane and Women's Legal Aid (Legal Aid Queensland – Brisbane). Importantly, this increased the number of participants with relevant legal experience. As is apparent, the only 'free' legal service available *specifically* for women in North Queensland is the North Queensland Women's Legal Service Inc.⁵

Private solicitors were not interviewed. It was thought that this went beyond the scope of this study in that this study was a sampling of opinions of those employed by agencies who provide, essentially, *free* legal (and non-legal) services to women.⁶

The study sample was identified as being able to make relevant and valuable contributions to the project. All had experience in assisting and referring women to appropriate agencies for legal assistance and in providing services⁷ to women.

All of the North Queensland groups listed above, are a part of a network and regularly refer women to various community services. Many of the 'non-legal' agencies refer women for legal advice when necessary and conversely, community legal agencies when appropriate, refer clients to an appropriate non-legal agency.⁸

Data collection

Representatives from each of the agencies listed above were contacted by phone to arrange suitable participants and interview times. Participants from non-legal agencies were full-time employees that had knowledge of the workings of the agency they were employed by. In the case of legal agencies, a full-time employed solicitor was interviewed.

⁴ No one was available to participate in an interview from this agency.

⁵ Incorporating the Indigenous Women's Unit.

⁶ Legal Aid is an exception to this in that it is not free – in some matters the client is charged a fee, and to be eligible for a grant of legal aid the prospective client must pass a means and merit test.

⁷ Legal or non-legal.

⁸ This undoubtedly occurs in the South Queensland region amongst community agencies.

All Townsville based participants were interviewed personally. Representatives from agencies outside of Townsville received by post an explanatory letter, consent form, questionnaire and a stamped addressed envelope for return of the questionnaire by post.

Gaining entry to this sample was relatively easy as potential interviewees were generally enthusiastic and supportive of the project.

Those who received questionnaires by post, hand wrote their answers in the allocated response spaces and posted the completed questionnaires back to the author. All participants appeared to have read the explanatory note and had signed the consent form. Interviews took place at the participant's workplace. The author filled in the responses in the allocated spaces and checked these notes with the participants. No interviews were conducted over the phone and no interviews were tape-recorded.

All questionnaires were completed during the period March – June 1999. Responses to all questions have been collated and will be destroyed in accordance with undertakings given by the author.

The Questionnaire

The questionnaire, which is attached as Appendix A, consists of sixty-one questions, divided into three parts. Part A contains quantitative questions about the participant and the organisation/service/community group they were employed by. Part B contains questions to gain the participant's opinions on the provision of services for women. Part C contains questions to gain participant's opinions of women's access to justice.

Responses to questions in Part B of the questionnaire are the focus of this report.⁹

Study Limitations

It would be beneficial to interview all legal service providers and indeed women who have received legal services. The resources of this project did not extend far enough to encompass this. The study does, however, give an accurate and insightful look into the perceptions of what key persons consider to be beneficial to women in the delivery of legal services to them.

The questionnaire is extremely broad and elicited information which goes far beyond the project question: *Should legal services be provided to women by women?* This report will necessarily be confined to the study question posed.

FINDINGS

The analysis of responses from participants working at legal community

⁹ Responses to questions in Part C are not addressed in this report. The author is happy to make available to any interested persons, responses to questions in Part A.

services and non-legal, women focussed, community agencies revealed a major finding:¹⁰

A female solicitor with feminist beliefs and a client-centered approach is the best person to provide legal assistance to a woman¹¹ where the matter is sensitive and essentially female in nature.

Sensitive female matters¹² include those where a woman has experienced, by the actions of a male: rape, sexual assault, and/or domestic violence. Family law issues – especially where the woman's partner has been violent to her, are also highly sensitive.

There are various reasons given by participants for this finding. It is important to also note that this is also the case in the delivery of *non-legal* services to women. The reasons for this finding are consistent with reasons given for why women should have access to a female solicitor.

Qualifications and an explanation of this finding will be explored below. Implications for practice derived by the author, from analysis of responses, are presented in '4' below.

Should Legal Services be provided to women by women?

All participants (except two) considered that the services provided by their respective agencies should be offered to women by women.¹³

The consistent response was that women feel as though women understand them better than men, and that women prefer to share problems with other women because they feel more comfortable with a woman. This feeling of 'comfort' arose from the outset of the interview or counselling session upon the client meeting the female¹⁴ service provider. It was generally thought that women empathise more readily and have more intuitive responses because of similar experiences they have had as a woman.

Almost half of the participants responded that it is desirable that services¹⁵ be provided by 'feminist' women who were 'women focussed'. This was described as being, empathetic, empowering, non-intimidating, and non-judgmental. It was recognised that 'just' being a woman does not necessarily equip a woman with all or any of these attributes.

¹⁰ This finding is premised on the notion that the client chooses to see a woman. If the woman expressed a desire to see a man, that should be accommodated.

¹¹ Seeking assistance from a woman.

¹² Refer to paragraph 3.1 for a more complete list of 'sensitive issues, essentially female in nature.'

¹³ Question 18.

¹⁴ As opposed to a male service provider.

¹⁵ legal and non-legal.

A third of all participants thought that women felt safe coming to a 'women only' organisation. The particular importance for Aboriginal and Torres Strait Islander women, of being able to seek assistance from women was noted.

One of the participants suggested that a male could interview a woman on sensitive legal issues, sensitively, having a female sit in and take part in the interview.

There were a variety of responses when asked whether a female solicitor was more beneficial for the woman client. Generally, all participants thought that it was beneficial for a woman to have legal assistance from a female solicitor. This was qualified with statements to the effect that the women service provider must possess certain specific qualities. The determination of this question on the basis of gender alone was widely regarded as too simplistic. The dominant qualified response was that 'yes', a woman was better, as long as she was competent in her knowledge of the law and able to interview in a client-centered manner expressing, empathy, sympathy, and understanding, in a non-judgmental, and non-intimidating way. The benefit for the client in this situation is that she would feel more comfortable with this interviewing style. Clients are likely to give more complete information when comfortable, and this would impact positively on the outcome of their legal matter.

All participants agreed that there were specific situations where it was definitely more appropriate for a woman to have assistance from a woman. Sensitive matters, especially those where the woman's experience was essentially *female* in nature, were considered to be appropriately addressed with a woman. All participants considered that sexual assault and rape fell into the category of 'sensitive'. Most participants also thought it appropriate for a woman to be the service provider in instances where violence had occurred and the perpetrator of the violence was a male. Other matters identified were: sexual harassment; lesbian rape; incest; child abuse; family matters involving children, and domestic violence; stalking; violence; and also emotional health matters including depression, reproductive issues, and breast cancer.

When asked why it was more appropriate in these situations, to have a woman service provider, again the predominant response was that women feel more comfortable with a woman. It was also thought that women feel better understood by a woman. And in cases where violence and abuse has occurred (by a male) there is a lack of trust in males generally.

It was also noted that the choice of confiding in a woman or a man is a cultural issue. In Indigenous communities, 'women go to women'. This is because it is more comfortable for the woman and because it is part of women's business – which is separate from men's business. There are certain matters indigenous women, especially if they are from remote communities, will not discuss with men. In this light, it was concerning that one participant responded that most indigenous women are relieved just to get some legal advice and they usually think it a bonus to 'get a female solicitor'.

All participants considered that women are satisfied obtaining assistance from a woman. This was premised on them obtaining quality advice/counselling.

When asked specifically if women are more satisfied than if they had obtained assistance from a man, various responses were elicited. Around half of the participants responded 'yes'. Some of these had received direct feedback from women that it was important for them to see a woman. One participant stated that '*services for women by women*' is a valid choice that all women should have until we have a truly equitable society. Another qualified their positive response by noting that the woman solicitor must be both competent and sensitive to the needs of female clients. Others pointed out that if a woman requested a male, she may be dissatisfied on obtaining assistance from a female.

The other participants responded that they did not know if women were more satisfied than if they had seen a male. They thought that this depended on the qualities of the service provider. If the service provider was properly skilled and trained – the client should feel comfortable regardless of gender. It was noted however, that at places such as a woman's shelter, it would likely be very uncomfortable for a woman client to have to deal with a male.

Women's expectations

Participants employed by agencies that provided services for women only, responded that most of their clients expected to see a woman, and actually preferred it. However, there was a general perception, that if women thought they were going to be assisted by a male, some would refuse assistance, and to some it would not be an issue.

When asked whether women were more likely to seek legal advice if they know they would be obtaining that advice/assistance from a female solicitor, most participants responded 'yes'. One responded that this may depend on the issues. It was also noted that there could be a positive side to women hearing positive, women-centered values from a male.

It is quite disturbing that some women may be put off from seeking legal advice, by the thought of seeing a male solicitor. If women don't seek legal assistance when necessary, how can they achieve justice and/or a solution to their problems?

Communicating: Are women better at it than men?

Almost all participants responded 'yes' when asked if they thought that women were generally more likely than men, to listen to a woman who has been subject to abuse/harassment/family problems (etc.) with empathy and confidentiality. It was also thought that women were generally better at questioning in a non-humiliating way.

It was commonly thought that women communicate better than men, especially in emotional matters. Women were thought to relate to other people's problems better than men, and could more readily show empathy/sympathy. Communication was considered to be 'gendered' and that understanding between women is more instant. There was also a perception that women come across as less judgmental than men.

Other comments included opinions that meaningful communication depended on the individual woman¹⁶ and although most women were generally more likely to listen better than men, there are 'some empathetic men' and 'some hard cold women'. It was also expressed that pro-feminist men understand the issues involved in what it means to take a women-centred approach when counselling or giving legal advice. The difficulties in overcoming issues of gender in circumstances where women have been abused by men, were recognised as complex to address. Others thought that all service providers should be properly trained in counselling from a feminist perspective.

When questioned about stereotypes involved where *women counsel women* contra to *men counselling women*, varied responses were given.

On women advising/counselling women:

The unanimous response was that this is a positive role. Various stereotypes were recognised, in particular that women when counselling/advising, were perceived to take on a caring, or mothering role. This was considered a positive stereotype. Nurturing is a positive quality, and an important role in our society, and all people should care for other people.

It was noted that social work, which is a relatively low paid occupation, attracts more women than men.

On men advising/counselling women:

There were various responses about this. The stereotype of men as dominant or superior when taking on such roles was recognised. If men have a directive approach (where they counsel/advise with an attitude: 'I have knowledge; I am the expert...') and if only men were in such roles then yes – it would definitely reinforce them as dominant. If however, they were a 'good' counsellor (which was described as 'having a feminist approach') then gender, to a large extent becomes a non-issue.

¹⁶ Service provider, ie solicitor/counsellor.

The main response was that gender alone should not disqualify men as service providers to women and that the approach taken by the male solicitor/counsellor should be the determining factor by which their appropriateness is considered.

Feminism

When asked what they considered the elements of a feminist philosophy to be, almost all participants responded with reference to concepts of equal opportunity, equality and equity for everyone. There were many and various other responses, which highlight the dynamic and diverse nature of feminism. Various responses included:

self-determination - being able to make choices; affirmative action; special measures; women participating in society in the same way as men without social stereotyping; removing patriarchy; recognition and understanding of oppression of women, race and power dynamics; awareness of the oppression of women; recognition that women are not yet in equal positions with respect to decision making; working to help women; improving women's rights; helping women to take control of their lives; helping women to overcome male dominance in their community; supporting and encouraging women in whatever direction they feel is right for them; informing women of their rights and options; being non-judgmental and inclusive; providing informed choices for women; gender analysis of violence; communication; society; realisation that domestic violence is exercising power/control over women – it is not the stress of a nagging wife; social justice; consultation and collaborative decision making structures and methods of practice; valuing difference and diversity in all of its forms; empowerment of women.

Indigenous perceptions of feminism were enlightening.¹⁷ It was thought that 'white' feminism (a white women's issue), is about not needing males, and that this is contra to the way many Aboriginal and Torres Strait Islander women live. ATSI women are very family orientated and are not interested in being independent from men. It is perceived that there is a lot of confusion amongst indigenous women about feminism, especially for those who have been bought up as white and later find out that they are not white. While it is very important that women go to other women with problems,¹⁸ the overall emphasis is that men and women walk together. It was thought that Indigenous women are still coming to terms with the issue of feminism. It was also noted that in many indigenous communities feminism is seen as unnecessary, as women, who are the nurturers and carers, do have rights 'as important' as men and that women and men are equal. One participant thought that the catalyst for ATSI women being left out of public life, was ATSI women being pushed into white mainstream.

¹⁷ At least to this author.

¹⁸ Because it is women's business – which is separate from men's business.

A male perception of feminism was that 'feminist women' (service providers) don't wish to deal with males and that this can often hinder women obtaining assistance from various services (which may not be solely women focussed).

All participants considered their description/ideals of feminism fitted in with the philosophies of the agency they were employed by. Many thought that being a 'woman only service' promoted ideals of feminism as this, at the very least, recognised that women generally don't have the financial means to access justice which men do. Others thought that pro-feminist philosophies were reflected in their organisation by the employment of workers who are empowering of other women, who respect women's choices, and who are non-judgmental and encouraging. However, not all participants considered that the agency they were with, employed workers with pro-feminist beliefs.

Feminist philosophy was also demonstrated by the fact that a number of women focussed agencies operate as a flat, non-hierarchical structure where all workers within the organisation participate in decision making. Further, a number of these agencies also form part of a collective. In this collective model, various organisations group together to develop collective practices. It was noted that the successful collective model involved a lot of trust and compromise – as no one group has more 'power' than another. The collective depends on all groups carrying out responsibilities.

All participants considered that feminist beliefs make a positive difference for women clients. The 'ethos' of the organisation very much affects delivery of services to clients. It was considered very important that workers at Community Legal Services do not have the same time constraints and budget pressures that solicitors have in private practice. There was a perception that such constraints and pressures often detrimentally affect the delivery of service to the client. It should be highlighted that community services have pressures of their own. Many have funding restrictions. This can be a weighty pressure in the sense that organisations need to be seen to be making the most of the financial resources they have been given. This, coupled with time-consuming requirements of preparing reports for funding bodies¹⁹ may impact on service delivery.

Physical environment

All participants considered physical environment to be very important to client comfortability. It is important for women to feel they have come to a place that is accessible, friendly, calm and non-intimidating. Participants felt that there were many ways this could be achieved, - a friendly greeting and an offer of a cup of tea or coffee on client arriving; comfortable chairs; reading material – informative brochures; staff dressed casually; posters which conveyed inclusionary messages; thematic displays; fish tanks; music; plants; toys, television and videos for children, and being informed of waiting periods were all ways in which women could be made to feel comfortable.

¹⁹ And indeed the time consuming process of constant preparation of funding submissions.

It was also noted that for many women, it may be important that they can access a place where they can feel physically safe.

Specific needs of specific women

Opinions of the particular needs of various groups of women when accessing community services and the legal system were sought. The needs of Indigenous and non-English speaking women, women with a disability, single parents, women from remote/rural areas, younger and older women, and various other women who are marginalised were considered. Various other matters came to light here particularly in regards to lack of access to the legal system. These matters are beyond the scope of this report. The needs which impact on delivery of legal services have been highlighted. The common concern for all women in accessing the legal system was lack of financial resources.

Indigenous women

All considered that it was vital that Aboriginal and Torres Strait Islander women have access to women counsellors/solicitors, and that it was preferable that the service providers be Aboriginal or Torres Strait Islander. It is culturally appropriate that women discuss women's business with women, not men. Matters such as domestic violence and sexual abuse are quite often not spoken about at all. They are sensitive, female issues. If they are spoken about at all – it is not to men.

Having similar cultural background is essential to understanding people and how issues affect them. This is particularly so in light of the racism that a lot of indigenous women²⁰ experience.

A welcome, comfortable environment where women can be assured of confidentiality was identified as being very important. It was generally thought that Indigenous people as a whole, do not want white advisors. There is limited understanding and a lack of trust in the white system, which communicates differently and does not truly cater for indigenous people. It was also thought that many indigenous women feel a 'shame factor' in admitting to a white person that something is wrong. This is especially the case when they feel that white society expects them to fail.

Many indigenous women do not understand the white legal system. Time needs to be taken to fully explain this so that the client understands. Interpreters may be necessary.

The conduct of family mediations needs to be examined so that the wider family is considered. Further, indigenous mediators need to be conducting mediations rather than white people. Solicitors need to have a better understanding of the concept of family in indigenous communities and an appreciation that to many indigenous women, 'family' comes before self. It

²⁰ And men.

was also considered particularly important that non-legal options be fully canvassed and explained.

Access to legal and other services pose a particular problem for women living in remote areas. Telephones were not considered to be very appropriate or effective in assisting indigenous women.

Most participants acknowledged that the establishment of Indigenous Women's Legal Services will assist in addressing some of the matters raised above.

Women of non-English speaking background

Access to an interpreter and support person may be required as language and communication may be a problem. Also, the presence of an interpreter may require advice to be pitched in a different way. More time may need to be allocated.

Many women from other cultures are used to a patriarchal system and are grossly undervalued. Service providers need to be aware of this. Time may need to be taken to obtain relevant information – especially in legal matters. Many clients may also fear an unknown, intimidating legal system, which they do not understand.

Many women with non-English speaking background experience racism, particularly when dealing with institutions. Many government services don't seem to be appropriate.

As with indigenous women, women clients were perceived to feel more comfortable with and relate better to other non-English speaking background women – particularly if they were women of the same cultural background. Service providers need to have skills in cross-cultural communication and have an understanding of the client's cultural background. It is important to recognise that each culture has its own particular issues and each cultural group has different needs.

Women with a disability

Participants considered that specific needs were dependent on each woman's special circumstances. Various special measures were identified.

Women who have a physical disability may require special measures such as: raised font on documents; wheelchair accessibility; TTY facilities; a signer; lift access; doorway access; public transport; home visits, etc.

Women who have intellectual disabilities may require special measures such as: allocation of extra time; mental health referrals where appropriate; home visits (which could include visits to psychiatric facilities), and an awareness on the part of the service provider that the client may be feeling frustrated and confused if they have been continually 'referred'.

It was noted that many of these women may feel an additional vulnerability due to their disability. Also, those who are victims of domestic violence, are

ill-treated and/or discriminated against, often lack knowledge of their legal rights. As a result they do not seek help. This can be very complicated where they have suffered violence by their carer. These women may feel unable to speak out because of the power imbalances in the relationship with the carer whom they are dependent upon. When and if such women do seek legal assistance, it may be necessary for the solicitor to determine, prior to an interview taking place, whether it is appropriate for the carer to be present.

There is a general perception that the legal system has a limited understanding of how to address people with special needs. This lack of understanding is particularly prevalent in the criminal justice system for both victims and perpetrators.

Single mothers

All agreed that the essential needs of single parents were: financial assistance; childcare; flexibility of appointment times, and transportation. If women are in paid employment and are also providing care for children, time to access assistance is obviously very limited. Although this falls into the access to justice issue, it was noted that a social perception of single parents, that they are unreliable and living off the state, impinges on single women's access to the legal system and to the outcome of their legal matters.

Women from remote/rural areas

The main problem facing these women is geographical isolation from services. Distance from infrastructure prevents them obtaining necessary assistance. Lack of financial resources; unavailability of transport, and living in patriarchal societies where men are in control, were all identified as prohibiting factors to women obtaining assistance. Financial constraints also exist as many women from rural areas, are 'asset rich but income poor'. There was a perception that many women²¹ from remote/rural areas find it difficult to identify themselves as victims of crimes – particular domestic violence.

Community safe rooms are necessary for women who need refuge and crisis accommodation. Support workers and community legal service solicitors are also needed. A '1800' phone line²² to legal and counselling support services is necessary. A place where women can privately access a phone and a fax is also needed. These measures would not solve all access problems, however they would assist women to a certain extent.

Other women

Older women were identified as a group with particular needs. Needs identified were: transportation; home visitation; more time in

²¹ Indigenous and white.

²² Specifically '1800' -so that the service cannot be identified on the family phone bill. I believe this has been established in the 0747 area in Queensland.

interview/counselling sessions; support and information; and social interaction. Many older women also have care needs.

Younger women need flexibility in delivery of services and specialist youth advocates when dealing with the police.²³

Mothers of children who have been abused, or who have children with drug problems need support services and flexibility in delivery of services.

Women who are poor; women who are unable to articulate; women who are housebound, and women who are marginalised, all have special needs. All women have different emotional needs. Service providers (legal and non-legal) need to be sensitive to these needs and respond to them appropriately.

IMPLICATIONS FOR PRACTICE

Best Practice

A female solicitor with feminist beliefs and a client-centered approach is the best person to provide legal assistance to a woman²⁴ where the matter is sensitive and essentially female in nature.

Sensitive female matters²⁵ include those where a woman has experienced, by the actions of a male: rape, sexual assault, and/or domestic violence. Family law issues – especially where the woman's partner has been violent to her, are also highly sensitive.

It is very important for a woman to feel comfortable, understood and valued when sharing personal experiences in a time of crisis and vulnerability.²⁷ Whilst *being female*²⁸ is important to achieving this for the client, it alone is not enough. It is vital that the female solicitor also have an understanding of and commitment to feminism. A *feminist client-centered* approach²⁹ is critical. The characteristics of such an approach include:

- an appreciation of social structures and systemic discrimination against women and how this affects them personally;
- an ability to interview in a client-centered manner, communicating appropriately: empathy, sympathy, encouragement, reassurance, and understanding, in a non-judgmental, and non-intimidating way.

²³ It was also considered that younger women need outreach on body-image issues.

²⁴ Seeking assistance from a woman.

²⁵ Refer to paragraph 3.1 for a more complete list of 'sensitive issues, essentially female in nature.'

²⁶ Refer to paragraph 3.1 above for a more complete list of 'sensitive issues, essentially female in nature.'

²⁷ It is also vital that the woman feels she can trust the solicitor.

²⁸ Solicitor/Service provider.

²⁹ Which should amount to a tautology.

Next Best Practice

It is better to have a male solicitor with feminist beliefs and a client-centered approach than a female solicitor who is anti-feminist or even benign in her views of feminism and where women fit into society, especially if she takes a traditional approach to legal interviewing and separates and disregards emotional issues from legal issues.

When obtaining assistance from a male, the client should have a support person of her choice attend the interview with her.

Recommendations

It is very important for legal service providers to:

1. Identify that the legal matter is sensitive and essentially female in nature;
2. Where possible, ensure that a female solicitor with a *feminist client-centered approach* to service provision, is available to assist the client;³⁰
3. If '2' is not possible, ensure that a male with a *feminist client-centered approach* to service provision is available to assist, and that the client is encouraged to bring along someone for support;
4. Solicitors³¹ need to receive ongoing education which should address:
 - appropriate communication skills for assisting women in crisis;
 - holistic, reflective, critical and client centered interviewing techniques;
 - how particular women perceive themselves and the problem/s they are facing;
 - social issues affecting particular women and how this impacts on them as individuals;
 - cultural sensitivity.

CONCLUSION

The focus of this study was the provision of *community* legal services to women. The findings are directly transferable to provision of legal services by private law firms.³² If, when assisting a female client,³³ a solicitor takes a *feminist client-centered approach*, which enables a client to feel comfortable, this establishes a relationship, which facilitates the flow of relevant and

³⁰ It is particularly critical for women solicitors/service providers to be available for indigenous women (preferably indigenous women) as this impacts on their access to justice. Indigenous women may not seek legal assistance if the only available solicitor is a male.

³¹ and non-legal service providers.

³² And to non-legal community and private services.

³³ In any matter, sensitive or not particularly.

complete information from the client³⁴. This allows a solicitor to advise fully on all legal and non-legal options available for the client. When this occurs, the client is getting the best possible service and should obtain best possible outcomes.

Critics of the above recommendations may consider that women's needs should not be indulged or patronised as women need to function in the 'real' world where men do affect women's lives. That may be the case, however, having an advisor who understands women's experiences in a society that prioritises men's needs and desires, would empower many women to achieve more satisfactory solutions to the problems they face.

³⁴ And from the solicitor to the client.

Appendix A**Questionnaire****Part A - Questions about you and your organisation/service/community group****Part B - Questions to gain your views on provision of services for women.****Part C - Access to Justice questions****Part A - Questions about you and your organisation/service/community group**

1. Are you female or male?
2. What age group do you fall into?
 under 20 20-30 31-40 41-50 51-60 61-70 over 70
3. What is the name of the organisation/service/community group with which you are affiliated?
4. How is your organisation funded?
5. What type of services does your organisation provide to women?
 non-legal legal
6. What is your position in this organisation?
7. What is your role in this organisation?
8. What type of matters do women seek assistance for? (Please be as specific as possible).
9. What type of assistance is available to women from your organisation/service community group?
10. What type of necessary assistance, which falls into the general area of expertise of your organisation, is not available to women from your organisation/service/community group? Why not?
11. Does your organisation refer women for legal assistance if it is necessary?
12. Where do you refer them?
13. How have most women clients come to know about the existence of your service/organisation/community group?
14. How did they come to make an appointment?
15. Does your organisation/service/community group advertise its services to women?
16. Statistical information: How many women have sought assistance from this service over the past 5+ years, and what type of assistance was sought?

Specific Information desired:

- Total # of women who sought assistance each year;
- # of those who had a mental or physical disability; are of Aboriginal or Torres Strait Island descent; from a non-English speaking background;
- Town/area that women are from;
- Family status (ie., single, defacto, married, separated, divorced, single parent etc.)
- Income range - Health status - Type of assistance sought

- Type of assistance given

Part B - Questions to gain your views on provision of services for women.

17. Is there a mission statement for your organisation/service/community group which sets out its fundamental goals/objectives? Are these goal and objectives being met? If so – why? If not- why not?
18. Do you think it is important that the service/s provided by your organisation should be offered to women, *by women*? Why?/Why not?
19. Do women client's have a choice of obtaining assistance from a woman or a man? Any comments?
20. Do you think that women seek assistance from your organisation expecting to obtain assistance from a woman?
21. **Are their particular situations where you consider that it is definitely more appropriate for a woman (client) to have assistance from a woman? When? Why?**
22. Do you think women clients are satisfied obtaining assistance from a woman?
23. Do you think women clients are more satisfied than if they had obtained assistance from a man? Any comments?
24. Do you think women would seek assistance from your organisation if they thought they may be assisted by a man? Why?/Why not?
25. Do you believe that women are generally *more likely than men* to listen to a woman who has been subject to abuse/harassment/family problems etc., with empathy, confidentiality and question in a non-humiliating way? Why?/Why not?
26. When a potential legal problem arises, do you think that women are more likely to seek legal advice if they know they will be obtaining that advice/assistance from a solicitor who is a woman? Why?/Why not?
27. When a legal problem arises for a (woman) client, do you consider that having a solicitor who is a woman, rather than a man, is beneficial for the client? Why?/Why not?
28. Approximately how many times have women (clients) expressed a desire for assistance from a man?
29. If your service/organisation/community group did not exist, could women seek assistance elsewhere? Why?/Why not?
30. Do you consider that the physical environment of your organisation is important to your clients? Why?/Why not?
31. What in your organisation, signals a welcoming environment to your clients? (For example: implicit welcoming messages in posters/signs, accessibility, putting clients at ease by offering a cup of tea on arrival....etc)
32. What do you consider to be the elements of a feminist philosophy?
33. Do philosophies of feminism fit in with the philosophy of your organisation/service/community group?
34. 34. If you answered 'yes' to question 33: How is this reflected in the running of your organisation/service/community group?
35. Do you consider that a feminist philosophy makes a positive difference for women clients? Why?/Why not?
36. How important do you think confidentiality is to your women clients?
 of little importance reasonably important very important
37. Do you think that '*women counselling women*' or '*women advising women*' reinforces them in a role as a 'primary nurturer'? Why?/Why not? What are your comments here?

38. Do you think that *'men counselling women'* or *'men advising women'* reinforces them in a role which is dominant or superior? Why?/Why not? What are your comments here?
39. Do you perceive any particular needs which Aboriginal or Torres Strait Islander women may have when accessing your service and the legal system? What are these needs (if any) and are they more prevalent in certain situations?
40. Do you perceive any particular needs which women from a non-English speaking background may have when accessing your service and the legal system? What are these needs (if any) and are they more prevalent in certain situations?
41. Do you perceive any particular needs which women who have a disability may have when accessing your service and the legal system? What are these needs (if any) and are they more prevalent in certain situations?
42. Do you perceive any particular needs which women who are single parents may have when accessing your service and the legal system? What are these needs (if any) and are they more prevalent in certain situations?
43. Do you perceive any particular needs which women who come from a rural area (outside a major city) may have when accessing your service and the legal system? What are these needs (if any) and are they more prevalent in certain situations?
44. Can you identify any other relevant groups of women and their particular needs when accessing your service and the legal system?

Part C - Access to Justice questions

45. Do you consider that there are barriers, which impede women obtaining/accessing necessary assistance? If you answered yes, what are these barriers? Are any of these barriers particular to North Queensland?
46. What problems do women face in accessing the legal system? Are any of these problems particular to North Queensland?
47. Do you think that women are generally aware of the existence of *'Women's Community Legal Services'*?
48. Do you think that women are generally aware of the services/assistance available to them from *'Women's Community Legal Services'*? Why?/Why not? Do you consider that these services are adequate?
49. Do you think that women are aware of the existence of general *'Community Legal Service's'* (which are available for both men and women)?
50. Do you think that women are generally aware of the services/assistance available to them from *Community Legal Services'*? Why/Why not? Do you consider that these services are adequate for women's needs?
51. Do you think that Women are aware of *'Legal Aid'*?
52. Do you think that women are generally aware of the services/assistance available to them from *Legal Aid'*? Why/Why not? Do you consider that these services adequate for women's needs?
53. If only *'Legal Aid'* existed, would this be satisfactory in allowing all women access to the legal system?
54. If only *'Women's Community Legal Service's'* existed, would this be satisfactory in allowing all women access to the legal system?
55. If only *Community Legal Service's* (for both men and women) existed, would this be satisfactory in allowing all women access to the legal system?
56. Does the current existence of *'Legal Aid'*, *'Women's Community Legal Service's'* and *'Community Legal Service's'* place all women in a position where they have access to the

legal system?

57. What are the main concerns, which exist for women who are not able to access the legal system?
58. Do unsatisfactory situations/outcomes arise for women who *are* able to access the legal system? Do you have any examples?
59. Are women clients aware that they have a need for legal assistance when in fact they do? If you answered no, how do you think this situation could be improved?
60. Are women clients generally aware of their legal rights?
61. Is it difficult to find women solicitors/ administrative staff/counsellors/volunteers willing to be involved in your organisation/service/community group?

Please feel free to make any other comments you wish to:

[end of questionnaire]