
C Survey of court users

C.1 Survey design and distribution

With the assistance of the South Australian courts, the Commission conducted a survey of parties who used the Magistrates, District and Supreme Courts of South Australia. Information elicited from survey respondents included the costs of obtaining legal representation, the amounts at stake for parties, the time taken to resolve disputes, reasons for a lack of representation, and important factors in parties' decisions to settle or withdraw their cases.

The survey was sent to parties via post on 18 February 2014. Postal addresses for potential respondents were supplied by the courts from samples of cases finalised in the 12 months prior to February 2014. Parties who responded to the survey had the option of submitting their response via reply-paid post or online.

A total of 779 surveys were distributed (table C.1). The Commission received a total of 86 responses. Another 64 survey forms were returned to the Commission without completion, due to the intended recipients no longer residing at the street addresses listed in the courts' records. Overall, this represented a net response rate of 12 per cent. Given the low response rate, the results of the survey should be treated with some caution. Nonetheless, they provide some insights into the experiences of some parties in using the formal justice system in South Australia.

Table C.1 Summary of surveys sent, received and response rate
By South Australian court

<i>Court</i>	<i>Surveys sent</i>	<i>Returned to sender</i>	<i>No. of responses</i>	<i>Net response rate^a</i>
Magistrates Court	430	32	57	14 per cent
District Court	176	16	11	7 per cent
Supreme Court	173	16	18	10 per cent
Total	779	64	86	12 per cent

^a The net response rate was calculated as the number of responses divided by the total number of surveys distributed minus the number of surveys 'returned to sender'.

A copy of the questionnaire sent to users of the South Australian Magistrates Court is reproduced in this appendix. The questionnaires sent to users of the District and Supreme Courts were identical to the questionnaire below, with the exception of the name of the court identified in the 'About this survey' section.

The survey of court users



Australian Government
Productivity Commission

Survey of legal costs for Productivity Commission inquiry into access to justice study

About this survey

Recently you were involved in a civil legal dispute that was lodged in the Magistrates Court of South Australia. You have been sent this survey by the Magistrates Court to assist the Productivity Commission with its report into access to justice.

The survey contains up to 10 questions about some basic details of your *most recent* civil legal dispute in the Magistrates Court, and what it cost you to resolve your dispute. The Productivity Commission intends to use the information from this survey to better understand how much it costs to get legal representation and how this might differ depending on the type of dispute.

How can I complete the survey?

You can complete this survey in one of two ways:

Option one -- you can complete the survey electronically by going to <http://www.pc.gov.au/projects/inquiry/access-justice> and clicking on the survey link provided and input the password [REDACTED] when prompted.

Option two -- you can fill out the enclosed survey and post it back using the postage-paid envelope provided.

What about my privacy?

The Productivity Commission is interested in broad patterns and will not be reporting individuals' survey responses. The Commission has **not** received any information about you or your case. If you choose to answer this survey you can do so anonymously.

How long do I have to answer the survey?

You have until 3rd of March 2014 to submit your response to the survey.

Background to the survey

The Productivity Commission has been asked by the Australian Government to report on how to improve access to justice for those who experience civil disputes. This includes disputes about matters such as family relationships, education, employment, money, debt, injury, health, housing and dealings with governments. As part of this work, the Productivity Commission has been asked to explore how much people have to pay for legal representation.

More information about what the Productivity Commission has been asked to do is available from the Access to Justice project website: <http://www.pc.gov.au/projects/inquiry/access-justice>.

If you would like further information about the Commission's project or this survey please contact Pragma Giri on 02 6240 3250.

This is a strictly confidential survey. Please answer these questions by writing your answer in the space provided or by selecting the appropriate response.

Q1. Which of the following best describes the nature of your dispute?

- ☐ Motor vehicle accident - no injury
- ☐ Personal injury (including motor accident, workers compensation, clinical negligence)
- ☐ Consumer
- ☐ Credit/debt/money (including repossession of property)
- ☐ Retail/commercial leasing
- ☐ Residential tenancy
- ☐ Neighbours (fences, trees, noise)
- ☐ Employment
- ☐ Government - licencing, planning, development, land acquisition
- ☐ Government - tax assessment/debt
- ☐ Intervention order
- ☐ Corporations Act matter
- ☐ Intellectual property
- ☐ Wills/estates/probate
- ☐ Discrimination (outside work)
- ☐ Defamation
- ☐ Other

Q2. How was your case finalised?

- ☐ Judgment by default (matter was not contested)
- ☐ Settled before trial
- ☐ Settled during trial
- ☐ Judgment after trial
- ☐ Withdrawn

Q3. How long did it take from initial lodgment for your case to be finalised?

- ☐ Up to 3 months
- ☐ More than 3 months and up to 6 months
- ☐ More than 6 months and up to 9 months
- ☐ More than 9 months and up to 12 months
- ☐ More than 12 months and up to 24 months
- ☐ More than 24 months

Q4. Did you have a lawyer represent you at any stage during your case?

- ☐ Yes for all of the time
☐ Yes, for the majority of the time
☐ Yes, for part of the time
☐ No (go to Question 8)

Q5. What was the total amount billed to you by your lawyer for this case? (please fill out to your best knowledge)

Amount:

Don't know ☐

No charge ☐

Q6. If you received an itemised bill what were you charged for each of the following?
(please fill out to your best knowledge)

Solicitor fees:

Total disbursements:

If possible, please provide a breakdown of the following disbursements:

- Barrister/Counsel fees:
- Court fees:
- Experts:
- Transcripts:
- Office expenses
- Other:

Q7. When you instructed your lawyer to act in your case did he or she provide you with:

(a) an estimate of the total costs of the case? ☐ Yes ☐ No

If yes, what was the amount specified in the cost estimate?

(b) sufficient information about the amount you might receive in the event that the case was decided in your favour? ☐ Yes ☐ No

(c) sufficient information about the amount you might have to pay in the event that the case was not decided in your favour? ☐ Yes ☐ No

Q8. What was the value of: (provide all relevant amounts)

(a) What was at stake for you (e.g. amount of money claimed or monetary value placed on desired outcome)?

OR

was not seeking money ☐

(b) the settlement amount if your case settled?

OR

the amount awarded if a judgment was made?

Q9. If for all or part of your case you were not represented by a lawyer, why was that? (check most important)

- ☐ Could not afford legal representation
- ☐ Application for legal aid grant rejected
- ☐ Did not want a lawyer
- ☐ Other

Q10. If your case was withdrawn or settled, what was important in your decision to withdraw or settle all or part of your case? (check all relevant)

- ☐ Concern about legal costs
- ☐ Advice from lawyer
- ☐ Advice from an expert (eg. counsellor, doctor or mediator)
- ☐ Comments by a registrar, judge or magistrate
- ☐ Concern about whether you would be successful at a hearing
- ☐ Being nervous or unsure about conducting the case yourself
- ☐ Fear of the other party
- ☐ The settlement was close to what you wanted
- ☐ Delay in obtaining a hearing date
- ☐ Frustration with the legal process
- ☐ Other