

The Perceived Inaccessibility of Lawyers (PIL) Scale

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This guide describes how to use and score the Perceived Inaccessibility of Lawyers (PIL) Scale, which measures the extent to which people perceive lawyers in their state, region or country are inaccessible.

This guide is one of a series setting out scales designed to measure legal capability in research and evaluation. Legal capability is the capability to achieve fair outcomes to problems involving law

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Using the scale

The PIL scale is shown in Box 1, including the preamble, items and response format.

Box 1. The Perceived Inaccessibility of Lawyers (PIL) Scale

The following questions are about your general **impression and experience of lawyers in <STATE/REGION/COUNTRY>**.

We are not concerned with crime. We are concerned with the other types of issues that lawyers deal with, such as: being unfairly sacked by your employer, injured where it was someone else's fault, involved in a dispute over money as part of a divorce, being kicked out of your home, or a serious dispute with a neighbour.

Thinking about issues like this, to what extent do you agree or disagree that

Lawyers in <STATE/REGION/COUNTRY>...?

Are not people I'd be happy to use
Are the last people I would ever go to for help
Are not interested in the issues I face
Are not concerned with real people's lives
Are unapproachable
Are not geared up for ordinary people to use
Are slow
Are not worth the hassle
Don't take people like me seriously
Take too long to deal with issues

Response options – strongly agree, agree, disagree, strongly disagree.

Scoring the scale

Assigning a score of zero to strongly disagree, one to disagree, two to agree and three to strongly agree results in an overall score from zero to thirty, with higher scores indicating greater perceived inaccessibility. These raw scores are converted to an interval scale as shown in Table 1, which makes them appropriate for a wider range of common statistical analyses.ⁱⁱ

Table 1. Scoring for the Perceived Inaccessibility of Courts (PIC) scale

Raw Score	PIC Score
0	0
1	6.7
2	11.7
3	15.5
4	18.7
5	21.7
6	24.6
7	27.7
8	30.9
9	34.4
10	38.1
11	41.7
12	45.0
13	48.2
14	51.1
15	53.8
16	56.4
17	58.9
18	61.3
19	63.7
20	66.0
21	68.3
22	70.6
23	72.9
24	75.3
25	77.9
26	80.6
27	83.7
28	87.5
29	92.8
30	100

Scale scores can also be converted into categories.ⁱⁱⁱ Using the Australian Community Perceptions of Law data, scores less than 40 could be regarded as 'low', 40-57 as 'medium' and scores over 57 as 'high'

Additional information

The legal capability context

Legal capability is the **knowledge, skills, attributes and resources** required to deal with legal problems, as problems progress from recognition of issues to information/assistance, resolution, and wider influences and law reform.^{iv} It is a multifaceted concept and a number of frameworks of legal capability have been developed setting out core elements, including by Balmer et al., (2019).^v

Legal capability is central to gaining a better understanding of why people take particular paths to justice and how we might make these paths easier to follow. Measuring capability can help to give a better understanding of understanding of the type, level and complexity of services that different people might need, and highlight opportunities for policy intervention. Tools enabling measurement, can be used to produce baseline measures, compare and contrast specific groups, identify deficits, monitor change, and paired with appropriate methods, quantify the impact of interventions.

The PIL scale is a short 10-item scale which measures a specific legal capability – the extent to which people see lawyers as inaccessible. It is an attribute of legal capability particularly relevant to the information/assistance stage.^{vi} The scale can be used with members of the public in a range of research, evaluation, and practical settings.

Scale development

The scale was developed using data from the VLF's Community Perceptions of Law Survey (Balmer et al., 2019^{vii}) using the steps set out in DeVellis (2012). As part of the survey, respondents were presented with forty simple descriptions of lawyers (the item pool), both positive and negative, and asked the extent to which they agreed or disagreed with them using a four-point Likert scale. These forty items were reduced to a final ten-item scale which is quick and simple to administer. The process of reducing the initial item pool to a final ten-item scale and verifying its psychometric properties followed the protocol described by Pleasence and Balmer (2019b). Comprehensive technical details of the scale, its development and psychometric properties will be set out in a forthcoming paper, though the PIL scale had good psychometric properties^{viii} and measured a single accessibility trait.^x

Baseline scores

Using the Australian Community Perceptions of Law data, the mean score on the Perceived Inaccessibility of Lawyers Scale was 50.1 (standard deviation = 12.5), with a minimum of 15.5 and maximum of 100. Categorising scores as 'low', 'medium' or 'high' as set out above yielded 21.2% 'low', 55.4% 'medium' and 23.4% 'high'.

Some findings to date

Some early analysis using the PIL scale can be found in Balmer et al., (2019). For example, those with a severe mental illness (based on the K6 measure), those whose first language was not English, and those with limited digital capability all perceiving lawyers as less accessible (i.e., scoring higher on the PIC scale). Compared to those without first-hand experience of using lawyers, positive first-hand experience was associated with perceiving lawyers as more accessible, and negative experience with perceiving lawyers as far less accessible. Those who had been to court and considered the process to be unfair also saw lawyers as significantly less accessible. Second-hand accounts of lawyers from friends, family or colleagues also related to perceptions, with positive accounts relating seeing lawyers as more accessible, and negative accounts to seeing lawyers as less accessible.

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ii They can be treated as being normally distributed, allowing common tests such as analysis of variance or t-tests. See Wright and Linacre (1989).

iii Or more accurately strata. Further details can be found in Pleasence and Balmer (2019b) and Linacre (2013).

iv From a practical measurement perspective. For a discussion of legal needs within the context of the concept of legal capability, see Pleasence & Balmer (2019a).

v p.60. For more on legal capability and why it is important, see Pleasence & Balmer, (2019a), McDonald (2021) and OECD & Open Society Foundations (2019).

vi In Balmer et als., (2019) *Legal Capability Framework* (p.60), it is described as 'attitude to lawyers' – an attribute relevant to the 'information/assistance' stage.

vii Which also sets out technical details of the survey and its administration.

viii Developing the scale and establishing its psychometric properties involved Rasch analysis. The final scale/Rasch model had a nonsignificant item trait interaction ($X^2_{40} = 59.67, p = 0.023$ (a p-value greater than the Bonferroni adjusted value of 0.005 for 10 items)) indicated adequate overall fit. Item (fit residual standard deviation = 1.20) and person (fit residual standard deviation = 1.44) were both acceptable. The person separation index of 0.86 suggested very good internal consistency and ability to discriminate between respondents with differing levels of perceived inaccessibility. Individual item thresholds were ordered indicating the response format was appropriate and there was no evidence of response dependence or multidimensionality. The scale was well targeted and scale scores related to similar constructs (e.g., actual lawyer experience), giving some indication of construct/external validity.

ix Note, that the scale contains only negatively framed items, since analysis indicated that positively and negatively framed items were understood differently and were not unidimensional (i.e., they did not measure a single accessibility trait). Traditionally both positively and negatively phrased items have been included in scales or item pools to reduce response bias (e.g. Sondereren, Sanderman & Coyne, 2013) though recent studies have questioned the effectiveness of the approach and potential for multidimensionality (e.g. Dalal & Carter, 2015) which is what we found analysing accessibility of lawyers data. It would also be possible to construct a solely positively framed 'accessibility of lawyers' scale, rather than 'inaccessibility', and those interested in working with the data should contact the authors. The scale was developed and validated in Australia, though there is no reason why it should not be implemented in other countries.