



Artificial intelligence and access to justice at the 'shop front' legal service

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Catherine Hastings

Western Sydney University

Art Cotterell

University of New South Wales

Farzana Bruce

Canberra Community Law

**WESTERN SYDNEY
UNIVERSITY**



Institute for Culture
and Society

INTRODUCTION

Artificial Intelligence (AI) is increasingly framed as a way to close the 'access to justice gap' for people who cannot afford a lawyer. As AI becomes mainstream in private legal practice,¹ parts of the legal assistance sector are also exploring AI use cases.

Maybe AI can improve efficiency, the reach and accessibility of services, simplify client triage or improve how people are directed to suitable help?

The legal assistance sector in Australia is currently considering this question. For example, the recent *Independent Review of the National Legal Assistance Partnership 2020-25* described a sector neglected by government.² It documented an increase in legal need driven by socioeconomic conditions and policy changes. Then, it identified the critical role of technological innovation in meeting unmet legal needs by increasing the reach of legal assistance, empowering people to solve their own legal problems, and assisting with triage, minor assistance, and practice management.

This research examines the potential and limitations of using AI to increase access to justice at the 'shop front' services of Community Legal Centres (CLCs). To develop its conclusions, the research asks what we know about the nature of legal need and how CLCs deliver services to meet clients' needs. The questions raised – about capability, help-seeking, and the risks of entrenching access barriers through technology – are relevant to the whole legal assistance sector, as well as policymakers and practitioners interested in social justice in the broader not-for-profit sector.

The research incorporated a review of policy documents and peer-reviewed literature as well as secondary analysis of interview and workshop data collected from legal assistance sector workers in the *Legal Needs Project*.³

ARTIFICIAL INTELLIGENCE

AI has been an evolving domain of computer science for decades, but OpenAI's release of ChatGPT in late 2022 precipitated its rapid move from the margins to the mainstream.⁴ Its prompt-and-response conversational 'chatbot' interface made AI meaningful to everyday, non-specialist users and easier to incorporate into personal and professional life. Generative AI is a newer field of AI and machine learning that uses large language models trained on vast troves of data. It can simulate aspects of human intelligence in static or controlled environments, but remains confined to the data available to it. It is therefore known as 'narrow' or task-specific AI.

Although the legal profession worldwide is investing in AI, the most reliable uses currently are those that do not rely on legal reasoning, such as document review and predicting court case outcomes.⁵ Additionally, Generative

AI outputs can be lower quality than human work, and large language models can "hallucinate", producing false citations and incorrect statements of law.⁶ Importantly, AI does not exist in a technological vacuum; it reflects the social, cultural and institutional environments of the training data available to it.⁷ Existing human biases in the datasets used to train AI models create algorithmic bias that can perpetuate discrimination (for example, racial and gender bias), raising serious ethical and human rights concerns.⁸

THE NATURE OF LEGAL NEED

CLCs and other parts of the legal assistance sector assist people with a legal problem who are experiencing disadvantage and cannot afford private legal services. This type of need is referred to internationally as *legal need*.⁹

Defining legal need adequately has proved a persistent challenge.¹⁰ Legal need is more than just 'having a legal problem'. Based on research capturing the legal assistance sector's perspectives on legal need,¹¹ it is helpful to think of legal need as a combination of legal *knowledge*, *capability* and *accessibility* needs.

legal knowledge needs: clients can self-assist if provided with appropriate rights education and legal information

legal capability needs: require more intensive and ongoing assistance and indicate that there are barriers to a person's ability to 'self-assist'

legal accessibility needs: occur if the legal needs of clients are 'unmet' because services are not accessible due to service resource constraints or because people are unable to seek assistance.

Focus on capability

Participants in the research centred client capability and the client's ability to self-assist as central to their service delivery models and triage decision-making.

They shared that meeting a client's legal needs can be challenging due to a range of personal characteristics and adversities in the client's individual circumstances. Also, a person's level of confidence, prior negative experience with legal and institutional systems, trauma, or being overwhelmed by challenges they face, may impact a person's capacity and engagement with services, increasing the need for more intensive and personalised intervention. The complexity of legal issues and increasingly difficult-to-navigate administrative, legal, and other systems amplify the demands on clients, especially when other socioeconomic challenges are also present.

Our research found that the most noteworthy factors associated with clients needing more assistance, and

relevant to thinking about client interaction with AI tools, are:

- low digital literacy and lack of access to technology
- low literacy, low levels of English, and low levels of education
- disability
- being an older person
- feelings of shame and being overwhelmed
- complex non-legal issues and complex systems and processes
- lack of trust in the legal system and poor experiences with the legal system.

Likewise, but conversely, the factors that enable a client's capability to self-assist include:

- English as a first language
- education
- literacy
- confidence in the legal system
- digital advantage.

Other barriers identified by participants include personal characteristics, knowledge and skills; factors that enhance or deplete a person's emotional or psychological reserves and resources; and the impacts of disadvantage, discrimination and a broad range of other non-legal problems.

IMPLICATIONS OF THE RESEARCH

1. Keep the focus on clients, capability and legal need

CLCs should anchor choices about technology use in the questions '*who are the clients of CLCs?*' and '*what is the nature of their legal need?*', rather than being steered solely by what is cheaper or scalable.

Who are the clients?

Clients of CLCs, by definition of the funding model and eligibility requirements, are less financially resourced and more likely to experience structural inequalities and marginalisation than the general population. They experience the impacts of disadvantage variously as forms of deprivation and poverty, social exclusion and marginalisation and a lack of capability – the access to resources, opportunities and rights enabling people to achieve the positive life outcomes they desire.¹² The consequences of disadvantage are evident in our study. Multiple non-legal needs intersect with legal needs, exacerbating the resolution of problems when clients seek assistance from a CLC, and forming barriers to clients' capability to self-assist.

This research made it very clear that any discussion of AI's potential to enhance access to justice must explicitly consider clients' capabilities. Inspired by Sen and by a

sociological understanding of the reality and power of social structures, we argue that it is important to interpret capability through the lens of structural inequalities – socioeconomic, of course – but also in terms of unequal distributions of social¹³ and human capital,¹⁴ power, inclusion and the other resources people use to develop and exercise their capabilities. This approach to thinking about capability shifts the understanding of capability away from a purely individualistic, deficit approach.

What is the nature of legal need?

The three-dimensional model of legal need suggests three important questions for CLCs to consider when designing client-facing AI tools:

Knowledge needs: How can applications of AI assist in delivering tailored, accessible and accurate knowledge about rights, the law and legal processes to meet the needs of CLC clients?

Accessibility needs: How can applications of AI increase accessibility by enhancing service capacity through productivity gains or removing barriers for clients seeking help from services?

Capability needs: How must AI tools be designed to meet knowledge and accessibility needs in the light of client capability needs such as low digital literacy, lack of access to technology, low literacy, low levels of English, and low levels of education, disability, being elderly, feelings of shame and being overwhelmed, complex non-legal issues and complex systems and processes, lack of trust in the legal system and poor experiences with the legal system?

AI development that ignores these questions risks misfitting the technology to the legal need, shifting burdens onto clients least able to bear them, or undermining the relational and holistic elements of service delivery that many clients need.

2. Design for capability and inclusion

The experiences of sector workers in our analysis highlight the lack of access many clients have to digital devices, data to connect to the internet, and the digital literacy they need – and warn us not to assume all clients will have access to the technology required. Whether technology helps meet legal needs depends on clients' ability to use it and act on the information provided. AI tools must be suitable for clients with low digital access, poor literacy and the other intersecting barriers to 'self-help' described above. Otherwise, AI may deepen the digital divide, worsen inequality and widen the access to justice gap.

CLCs have developed to meet the needs of specific communities with intersecting identities, needs, strengths, and vulnerabilities. AI technologies must likewise be appropriately responsive and differentiated. In

particular, digital tools for Aboriginal and Torres Strait Islander peoples must centre the needs of communities and be led, designed and implemented either by community members or through genuine, co-design partnerships.¹⁵ These partnerships require Indigenous leadership in AI governance, with formal decision-making roles rather than mere consultative input.¹⁶ Any AI use must also respect Indigenous data sovereignty and data governance, support AI literacy and culturally appropriate use, and ensure self-determination in the development and implementation of AI tools.

Participatory design, with users and other stakeholders deciding what problems need to be solved and how, is likely to lead to access to justice technologies that fulfil their promise, compared to those designed by and reflecting only lawyers’ perspectives.¹⁷ In contexts where poverty ‘captures and monopolizes an individual’s attention’, leaving little ‘cognitive bandwidth’ for help-seeking, it is even more vital to adopt design thinking to develop human-centred legal technology that is cognisant of client needs.¹⁸

3. Use cautious, narrow, well-governed AI, where appropriate

Many legal assistance sector stakeholders, as well as the 2024 Mundy review of the national legal assistance partnership agreement,¹⁹ appear to recognise both the opportunities and risks of AI. A cautious, incremental approach seems to be emerging, focused on improving service efficiency and accessibility while largely centring on clients’ needs. CLCs do not seem to be pursuing generative AI or LLMs, but rather are looking at discrete, ‘narrow’ use cases for AI, which is exactly where others have identified opportunities to leverage AI for good and limit the potential harms (including algorithmic bias).²⁰

For example, Justice Connect’s project integrating AI into their online intake and triage processes demonstrates a narrow use case, or a smaller AI language model. Justice Connect also provides an example of proactive efforts to safeguard against algorithmic bias and to generate ethical principles to guide the use of AI. In the legal sphere, narrow use cases for client-facing AI applications also help counter the risk that AI-powered tools could provide legal advice in breach of professional rules.

4. AI should augment, not replace, the “shop front”

Fundamentally, in designing AI tools to improve A2J for clients of ‘shop front’ community-embedded legal services, the focus must remain on how clients’ legal needs are currently actually met by CLCs – not merely on what is easier, cheaper or superficially appears to increase access. Increased access does not necessarily translate into greater justice.

CLCs have developed responsive service delivery models over the past fifty years to meet the specific legal needs of

their clients. AI cannot replace CLCs’ current offerings, and clients will still need the ‘shop front’ CLCs offer. Person-to-person support remains essential. Nevertheless, well-designed AI tools may *augment* CLC service delivery via new and innovative ‘digital shop fronts’, appropriate and helpful for *some clients but not all*.

Thinking about AI through the lens of legal capability needs suggests that AI may more effectively bridge the access to justice gap for the ‘missing middle’ – those who do not meet strict eligibility criteria for publicly funded legal services but lack the financial resources to afford a private lawyer. In addition to having more (but not sufficient) financial resources, this group may have higher levels of human and social capital than CLC clients, accompanied by correspondingly greater legal and digital capability, and are more likely to navigate online forms and unbundled service delivery successfully.

5. Sector-wide governance and ethics matter

Our argument that AI use should be responsive to diversity, equity and inclusion aligns with our concern about the impacts of algorithmic bias and the imperative to pursue algorithmic justice. The ethical AI principles by Justice Connect are a welcome model.²¹ They address beneficial social impact, fairness and inclusivity, privacy and security, transparency, accountability and the environment. Technical accountability, such as publishing algorithms for transparency and requiring developers to meet specific benchmarks to combat algorithmic bias, is also important.²² The national accreditation scheme for CLCs could incorporate these principles into policies for CLCs adopting AI, both for inward and client-facing purposes. The sector must manage risks such as algorithmic bias, as well as the danger of inexpensive, but inferior, AI-driven legal assistance producing an inequitable ‘two-tiered’ system of legal services.²³

A sector summary of the article

Hastings, C., Cotterell, A. & Bruce, F. (2026) "Artificial Intelligence and Access to Justice at the 'Shop Front': The Potential and Limitations of Meeting Legal Need Through Technology." *Australian Journal of Social Issues*. Free Download: <https://doi.org/10.1002/ajs4.70115>.

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- ² Warren Mundy, *Independent Review of the National Legal Assistance Partnership 2020-25 – Final Report* (Australian Government, 2024).
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- ⁷ K. Crawford, "Conclusion," in *The Atlas of AI: Power, Politics, and the Planetary Costs of Artificial Intelligence* (Yale University Press, 2021).
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- ⁹ Rebecca L. Sandefur, "What We Know and Need to Know about the Legal Needs of the Public," *South Carolina Law Review* 67, no. 2 (2016): 443–60.
- ¹⁰ Liz Curran and Mary Anne Noone, "The Challenge of Defining Unmet Legal Need," *Journal of Law and Social Policy* 21 (2007): 63–90; OECD, *Equal Access to Justice for Inclusive Growth: Putting People at the Centre* (OECD Publishing, 2019), <https://doi.org/10.1787/597f5b7f-en>.
- ¹¹ Hastings, *Sector Perspectives: Legal Need in Australia*.
- ¹² Rosalie McLachlan et al., *Deep and Persistent Disadvantage in Australia* (Productivity Commission Staff Working Paper, 2013).
- ¹³ *Social capital* is various forms of financial, emotional and practical assistance available through family and friend networks
- ¹⁴ *Human capital* includes personal attributes such as experience, knowledge, skills, education and health
- ¹⁵ First Nations Digital Inclusion Advisory Group, *First Nations Digital Inclusion Roadmap: 2026 and Beyond* (Commonwealth of Australia, 2024).
- ¹⁶ Bronwyn Carlson and Tamika Worrell, *Relational Futures: Indigenous Sovereignty and the Governance of Artificial Intelligence (AI)* (Macquarie University, 2026), <https://doi.org/10.25949/D8DH-H034>.
- ¹⁷ Margaret Hagan, "Participatory Design for Innovation in Access to Justice," *Daedalus* 148, no. 1 (2019): 120–27, https://doi.org/10.1162/daed_a_00544.
- ¹⁸ Lois R. Lupica et al., "The Apps for Justice Project: Employing Design Thinking to Narrow the Access to Justice Gap," *Fordham Urban Law Journal* 44, no. 5 (2017): 1367.
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