The Legal Education Foundation

DIGITAL DELIVERY OF LEGAL SERVICES TO PEOPLE ON LOW INCOMES

THE CONTEXT

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This Report was commissioned by The Legal Education Foundation and we are very pleased to publish it as a contribution to identifying the advances being made in the use of information technology to aid the provision of legal services for people on low incomes.

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Table of contents

1. Introduction

For advocates of the digital world, there is good news and bad news. On the one hand, use of the Internet in the United Kingdom and in similarly developed countries is high and is growing - reaching upwards of 80% of households. What is more, lower income households are catching up - nearly 60% of all households with earnings of less than £12,000 ($19,180 or €15,047) used the Internet in 2013 as opposed to just over 40% two years previously. Also rising is the number of 'next generation' users who have more than one way to access the Internet (and more than two Internet-based applications on their mobile phone): they now represent two-thirds of Internet users. More than half of the population has access to the Internet through their mobile phones.

> *Mobile Internet use has had the most dramatic increase. Next generation use has risen by 20 percentage points: in 2013 half of the population (or 67% of Internet users) went online using multiple devices and locations. This continuing trend indicates that mobile Internet use is likely to make the Internet a more integral part of everyday life and work. The downside is that the likelihood that ex-users and non-users will get online in the future has declined; thus about one-fifth of the population that is not online may become even more excluded. This last 20% will be the most difficult to bring online over the coming years.*[1]

On the other hand, a stubborn - and quite sizeable - group in the population remain non-users or ex-users of the Internet.

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[1] p12, William H. Dutton and Grant Blank with assistance from Darja Groselj Cultures of the Internet in Britain Oxford Internet Survey Report 2013, University of Oxford, 2013, from which quotes relating to the United Kingdom are taken.

2. Internet Usage in the United Kingdom

The authors of the definitive Oxford Internet Survey (OIS) divide Internet users into five groups - the last being the most relevant for our purposes: these are the "e-mersives", "pragmatists", "cyper-savvies", "moderates" and the "adigitals". The last are disproportionately over 45, retired, a combination of lower income or manager-professional and urban.

> *This final group does not feel that the Internet makes them more efficient, nor do they enjoy being online simply to pass the time or escape from the real world. To members of this culture, the Internet is likely to be perceived as out of their control, potentially controlled by others.*
> *For example, they feel frustrated because the Internet is difficult to use and harbours too much 'immoral material'. Compared to the other cultures, the adigital group appears to resonate mostly with the problems generated by the Internet. They feel more excluded from a technological context that is 'not made for them'. This adigital culture fits about 14% of the United Kingdom's online population.[2]*

The OIS figures are indicative but require care. The sample size is only just over 2,500. However, they would suggest that over a third of the population - 20% of households plus 14% of users - do not use, or do not like using, the Internet. Amongst users, there is a considerable range in the self-assessment of skills:

> *The percentage of Internet users with good or excellent self-rated Internet use skills has steadily increased from 60% in 2003 to 74% in 2013. Self-rated ability still varies by lifestage and gender, however, compared to 2011, the gap between men and women has shrunk from 12 percentage points to 7 percentage points (in 2013: 77% vs 70%). By contrast, big differences between individuals at different stages of their lives persist: students (92%) are more likely to say they are confident of their skills than are employed (77%) and particularly retired people (49%).[3]*

As you might expect, there is evidence that use of the Internet is not static. Not only are women rating their Internet skills higher, low income groups and those with a disability show increasing use of the Internet.

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[2] As above p14.

[3] As above p17.

Access does not blindly follow class or income because of the high use of the Internet through mobile phones by all young people. However, lack of educational qualifications remains a stubborn characteristic of non-users. In 2013, 40% of those with no educational qualifications did not use the Internet - compared with rates of 80% and above for those with basic or higher qualifications. The retired still have low (though increasing) access at 45%. Those with a disability are another group with low rates of access - only just over half in 2013 (though also rising).

The researchers concluded that gender was no longer a factor in exclusion.[4] Overall, around two-thirds of Internet users access a Government service at least once a year - although access to any individual category of service remains below half. This is likely, however, to prove a malleable figure as more Government services go online and people become more familiar with using them. People express a healthy scepticism about information obtained online - overall, users rated its accuracy at 3.5 out of 5:

> *Trust in the reliability of the information on the Internet has changed very little in the last 10 years. There may have been a slight increase in 2003–2009, but there is no increase at all for the past four years. This stability suggests that users have learnt to what extent they can trust information online. In this light, we can see that people have a learned level of scepticism about information that can be found online, which is contrary to many expectations of people being unduly influenced by misinformation distributed online.[5]*

Users report a rather surprising - and perhaps also healthy - scepticism about Government as a source of information, something which is relevant to legal websites.

> *Internet users and non- and ex-users agree that the Government is the least trusted organisation … followed by newspapers, major companies and television news. Users indicate that the Internet is similar to the most trustworthy source, television news … In contrast, non- and ex-users say that the Internet is similar to the least trustworthy source, roughly the same as the Government.[6]*

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[4] A difference between men and women of 1% now falling within the margin of error.

[5] As above p46.

[6] p47

The researchers had this to say on digital exclusion:

> *Non-use of the Internet has declined substantially during the past two years. In 2013 about 18% of the population had never used the Internet, compared to 23% in 2011. This five percentage point decline in two years is greater than the five percentage point decline in the four years from 2007–2011. This is real progress in addressing the digital divide, but one in five remain without access, making the digital divide a continuing issue even at the basic level of access …*
>
> *There is no single stated reason for not using the Internet; instead, reasons are multiple and interrelated. Cost, access, interest and skills are all important; however, their relative importance varies across individuals and their circumstances. Lack of interest remains the most important reason for non-users. Many non-users are simply not interested in being online. Retired people also give "not for people my age" as a major reason, but that is very similar to lack of interest. There is an element of choice at work here: this reason suggests that many people choose to remain offline. There is no evidence that they are opposed or resistant or restricted from going online, rather the Internet is not important to them: they just don't care.[7]*

The researchers also make the point that direct access may not be the point: there are ways around this for someone who feels that they need to use the Internet:

> *Proxy use remains very important: almost 90% of ex-users and almost 70% of non-users said they could find someone to access the Internet for them. Over two-thirds of non-users have a link to the Internet if they need it, but their access is indirect via another, proxy user. Proxy access may not be quick access or high quality access - depending on someone else means going online at their convenience - but it can make the Internet accessible to many who would otherwise be offline completely. These issues are important as the United Kingdom Government embarks on tests of a "digital by default" strategy.[8]*

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[7] p54

[8] p54

3. Internet Usage in the USA

It is helpful perhaps to cross-check this United Kingdom information with a similar jurisdiction such as the USA, where the prime source of information is the Pew Research Center's Internet and American Life Project.[9] The Pew Center reveals a pattern of Internet use in the USA similar to that in the United Kingdom.

The Pew Center is particularly alert to picking up and examining trends. Particularly relevant for our purposes are those who do not use the Internet. In the USA, as of May 2013, the Pew Center estimates that usage rates are at 85% of American adults, slightly higher than the United Kingdom figure (there may be differences in exactly what or who is being measured but, nevertheless, the figures seem broadly comparable). However, that leaves 15% who do not use the Internet plus a further 9% identified by the Pew Center who only use the Internet outside the home. This group includes disproportionately more Blacks and Hispanics as well as adults with lower levels of income and education.

The Pew Centre found the same phenomenon as the OIS researchers of 'proxy users': those without the Internet or Internet skills but who had access to assistance. Just under half of offline adults had asked a friend or family member to use the Internet for them (44%). Just under a quarter lived in a household where someone else used the Internet. A larger proportion than in the United Kingdom (14%) had once been online but were not at the point of the survey. About a third put their non-use down to perceiving the Internet as irrelevant to them; a similar percentage do not find it easy to use, and about a fifth cite cost as a barrier.[10]

And who are the non-users? The data suggests pockets of non-users that correlate to age, race and probably class. Overall, they still include disproportionately higher percentages of African Americans (80% access as against 87% for White Americans). But the figures correlate even more strongly with age and income. African Americans aged 65 or over have particularly low usage rates (45% as against 63%). By contrast, access rates amongst the young and the relatively well off 'are identical to Whites of similar ages, incomes and education levels'.[11] There is little difference either in

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[9] http://www.pewinternet.org/about/

[10] http://www.pewinternet.org/2013/09/25/whos-not-online-and-why/#

[11] http://www.pewinternet.org/2014/01/06/african-americans-and-technology-use/

mobile or smart phone ownership. Poor elderly people - of whatever ethnicity - are a particularly evident pool of exclusion.

> *Two different groups of older Americans emerge. The first group (which leans toward younger, more highly educated, or more affluent seniors) has relatively substantial technology assets, and also has a positive view toward the benefits of online platforms. The other (which tends to be older and less affluent, often with significant challenges with health or disability) is largely disconnected from the world of digital tools and services, both physically and psychologically.*[12]

The survey explored the barriers and challenges for the elderly. These include, as one might expect, physical challenges through health or other conditions that impede use; sceptical attitudes to its benefits; and difficulties learning to use new technology. Interestingly, there is evidence that once seniors get online, they like it:

> *Despite some of these unique challenges facing the older adult population when it comes to technology, most seniors who become Internet users make visiting the digital world a regular occurrence. Among older adults who use the Internet, 71% go online every day or almost every day, and an additional 11% go online three to five times per week.*

> *These older Internet users also have strongly positive attitudes about the benefits of online information in their personal lives. Fully 79% of older adults who use the Internet agree with the statement that "people without Internet access are at a real disadvantage because of all the information they might be missing," while 94% agree with the statement that "the Internet makes it much easier to find information today than in the past".*[13]

Also, perhaps understandably, there is evidence that seniors prefer the larger size of tablets and e-book readers to smartphones as a way of access - with those 65 and over using them more than those who are younger.

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[12] http://www.pewinternet.org/2014/04/03/older-adults-and-technology-use/

[13] As immediately above

4. World Internet Usage

The World Internet Project (WIP) found broadly compatible usage and non-usage amongst similar countries. This is the report from Sweden in a 2013 seven country study:

> *Sweden, along with the other Nordic countries, has been at the forefront of Internet diffusion. Sweden remains in the leading position and, depending on what age range the estimate is based, 94% (where those over the age of 75 are excluded) or 89% of adults are online. Recently there has been special interest in the older generations as 18% of the population is older than 65 and most non-users belong to this group. A campaign to increase the digital participation among those who still are non-users has been launched with involvement of libraries and a variety of educational associations.*[14]

In all seven countries, a gender disparity remained (unlike that noted as absent in the United Kingdom by the OIS) though it had closed to four percentage points or less in Poland, Taiwan and the USA. Interestingly, it was exactly double that in Sweden - although that still left 83% of women using the Internet. In both Sweden and the USA, the countries most similar to the United Kingdom, Internet use correlated strongly with education: the range being quite wide between those with primary school or lower education and those with degrees being 57% to 97% (Sweden) and 28% (high school not primary) to 95% (USA). Age disparity is common to all of the countries but the hopeful sign is that in Cyprus, Poland, Sweden, Taiwan and the USA (a fairly disparate group of countries) rates of access for those between 18 and 24 are over 90% - and will presumably continue high as this group ages. Internet usage correlates with income - though for both Sweden and the USA it is relatively high for both poor and rich (78% of those with the lowest 50% of household incomes in Sweden compared with 98% with those with the highest, compared with figures for the USA of 72% and 95%).

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[14] http://worldinternetproject.com/_files/_//307_2013worldinternetreport.pdf, p18

The research reported:

> *Internet non-users reported a variety of reasons for not going online: no interest or not useful, lack of knowledge or confusion about going online, no computer or Internet connection, the expense, or lack of time.*
>
> *In the previous WIP study, the primary reason reported in almost all of the reporting countries for not going online was "no interest/not useful." However, in the current study, the largest reason varied from country to country.*
>
> *For example, the largest percentage of non-users in Cyprus (both Greek and Turkish) and Mexico said "don't know how to use," while in Poland, Russia, Sweden, and Taiwan, the reason cited by the largest percentage of non-users was "no interest." In the USA, the largest percentage of non-users reported "no computer" as their reason for not being online.*
>
> *The cost of going online was not a significant factor for non-use in any of the WIP countries; only Mexico reported more than 10% of non-users (13%) who said that a reason they were not online was it was too expensive. In Cyprus, Poland, Sweden, and Taiwan, 3% or less of non-users cited expense as a reason they were not using the Internet.[15]*

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[15] http://worldinternetproject.com/_files/_//307_2013worldinternetreport.pdf, p31

5. Conclusions for the United Kingdom

The relevance of all this research is what conclusions we may reasonably make about Internet access, particularly in this study for the United Kingdom. There seems little reason why, apart from minor variations, there should not be pretty common usage by other countries that are broadly similar, e.g. with relatively high education levels, developed economies, democratic politics. What matters in particular is not what the situation is now but what it is likely to be within the forward planning period for any project designed to use digital delivery (say 10 years). The results from these sources of research seem pretty well in line with what one might intuit:

(a) almost everyone can get physical access to the Internet if only through a library, at work or through a 'proxy user';

(b) Internet access at home or on mobile phone seems likely to rise to something around 90% of the population over the foreseeable future;

(c) Internet usage is different from Internet access - cultural, belief or skills barriers will probably impede a further percentage of people from using the Internet, even if they have access on their mobile phone or at home (say 10%);

(d) as those who are now young age, so their familiarity with the Internet will continue and usage rates rise in those groups now disproportionately excluded, such as the elderly - but this will take time;

(e) for the foreseeable future a stubborn rump of people will not use the Internet even if they could. The precise size of this group is unclear. Various factors will affect its size - including the increasing use of online provision by Government and commercial firms;

(f) those digitally excluded will disproportionately be the elderly, less well educated and poorer. It may also - despite the OIS findings - include more women.
One would predict other clusters not revealed by the OIS survey mechanisms - particular ethnic minority groups as a whole, women in some minority groups, those without mobile phones, those with low skills in English, the illiterate, those with cognitive disorders. Use amongst those

with a disability is rising (up from 36% in 2007 to 51% in 2013) but is still significantly below that of the able-bodied population. This seems to be as the result of other factors (e.g. age, education and income) rather than any direct effect of disability;[16]

(g) the digitally excluded are likely to be disproportionately represented in the population traditionally served by legal aid and other mechanisms for providing legal assistance to those on low incomes. If we assume that their rate of digital exclusion will be double that of the overall rate then we need to plan for the foreseeable future for the fact that perhaps as many as 50% of people in this group will not be assisted by Internet delivery.

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[16] http://oxis.oii.ox.ac.uk/blog/almost-half-people-disabilities-dont-use-internet-why

6. Computing Power

No one gets to read a paper on the use of digital delivery without encountering a reference to Moore's Law - which was, as originally predicted in 1965, that the number of transistors per square inch on integrated circuits would double every year and the key component costs of computers would reduce by half each year. Brynjolfsson and McAfee, two of the gurus of what they name in their book as The Second Machine Age, report that:

> *In 1975 Moore revised his estimate upward from one year to two; and today it is common to use eighteen months as the double period for generating computer power. Still, there is no doubt that Moore's law has proved remarkably prescient for almost half a century.*[17]

In other words, capacity to exploit the Internet is - as we all know - changing fast. What is more, the two experts identify the impact of tipping points in such a situation:

> *'Moore's Law has added up to the point that we're now in a different regime of computing'. The effect of quantum leaps in computing is effectively made by examples. A Sony PlayStation 3 made in 2006 matched the performance of the world's fastest supercomputer in 1997 - which had cost $55m and used 1600 square feet of floor space, having been built to simulate nuclear explosions. A 2011 iPad 2 tablet is as fast as a 1985 Cray supercomputer and has a superior specification.*[18]

The fundamental thesis of Brynjolfsson and McAffee is that we approach a second machine age which will transform society as thoroughly as did the first. All will not be as it has been, that seems clear, and at the heart of the revolution will be the digitalisation of information:

> *the exponential, digital and recombinant powers of the second machine age have made it possible for humanity to create two of the most important one-time events in our history: the emergence of real, useful artificial intelligence (AI) and the connection of most of the people on the planet via a common digital network.*[19]

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[17] Norton, 2014, p41

[18] As above, p53

[19] As above, p91

7. Impact on Legal Services

This is not the place to pursue millenarianist fantasies of the future world but there is one consquence of this development of an interconnected data-rich world which has been noted over decades in the writings of Professor Richard Susskind above all: the impact on lawyers and the law. He summarises his conclusion at the end of The Future for Lawyers:

> *a new interface will emerge between the non-lawyer and the law, between the citizen and the State … Traditionally, in a print-based industrial society with an advanced legal system, much of the law (legislation, case law, and standard practice) is inaccessible to most lay people. There is too much law; it is too complex, and its impact is often not at all obvious to the non-lawyer. The legal profession has evolved to help to manage, interpret, and apply the law. This body of lawyers has become the principal interface between the law and the people. However, I am suggesting that new interfaces are emerging; so that lawyers will not, in the long run, be the only means of securing access to legal understanding and justice. Indeed, it will transpire, for the ordinary affairs of most citizens, that lawyers are not even the dominant interface.[20]*

For our purposes, we need to pursue the big picture no further, except to note the likelihood of major change both to our societies in general and to the work of lawyers in particular, but should concentrate on some of the specific trends relevant to developments in digital delivery to those on low incomes in the near future. We might note that it is pretty inconceivable that the rest of society and the practice of law is in for major change that will pass this area by. Meanwhile, there are a number of immediately relevant trends. These include:

(a) the Internet 'will be so effortlessly interwoven into daily life that it will become invisible, flowing like electricity, often through machine intermediaries':[21]

> *Joe Touch, director at the University of Southern California's Information Sciences Institute, predicted, "The Internet will shift from the place we find cat videos to a background capability that will be a seamless part of how we live our everyday lives. We won't think about 'going online' or 'looking on the Internet' for something - we'll just be online, and just look." [22]*

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[20] Susskind The End of Lawyers: rethinking the nature of legal services OUP, 2010, p283-4

[21] as above

[22] Susskind The End of Lawyers: rethinking the nature of legal services OUP, 2010, p283-4

(b) the Internet will increasingly be accessed by mobile smartphone. The Pew Center reports:

> *mobile connectivity through cell phones, and later smartphones and tablet computers, made anytime-anywhere access to information a reality for the vast majority of Americans. Mobile devices have changed the way people think about how and when they can communicate and gather information by making just-in-time and real-time encounters possible. They have also affected the way people allocate their time and attention.[23]*

The USA Legal Services Corporation noted the need to adapt to mobile technologies at its Technology Summit in 2013 and one of the objectives of its Technology Initiatives Grants Programme is that:

> *Information websites will be redesigned for easy access by, and interaction with, mobile devices by providing information in smaller, simplified sections that are readable on a smartphone screen.[24]*

(c) The increasing use of video. This was noted in a Pew Center study in 2013.[25] Internet users, particularly the young, are uploading and watching videos:

> *The percent of online adults who watch or download videos has also grown over the past four years, from 69% of adult Internet users in 2009 to 78% today. That figure includes online adults who say they do at least one of the following:*
>
> > *Watch videos on a video-sharing site like YouTube or Vimeo - 72% of adult Internet users have done this.*
> >
> > *Watch videos online, including on social network sites or using mobile apps - 56% of adult Internet users have done this.*
> >
> > *Download video files onto a computer or cell phone so they can play them at any time they want - 36% of adult Internet users have done this.*

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[23] *http://www.pewinternet.org/three-technology-revolutions/*

[24] *http://tig.lsc.gov/resources/summit-report/components-integrated*

[25] *http://www.pewinternet.org/2013/10/10/online-video-2013/*

The impact of this can be seen in various legal websites where there is increasing use of video and an increasing expectation on the part of users that video will be used as a means of communication. This has a potential downside in that a professionally shot video will add to the cost of a website, which may be particularly difficult for a small business or non governmental organisation.

(d) Social media has a growing importance and a very fast impact, spike and decline: 'Average social media article reaches half total social referrals in 6.5 hours on Twitter, 9 hours on Facebook'.[26]

The Pew Research Center reports:

> *the rise of social media and social networking has affected the way that people think about their friends, acquaintances, and even strangers. People have always had social networks of family and friends that helped them. The new reality is that as people create social networks in technology spaces, those networks are often bigger and more diverse than in the past. Social media allows people to plug into those networks more readily and more broadly – making them persistent and pervasive in ways that were unimaginable in the past. One of the major impacts was that the traditional boundaries between private and public, between home and work, between being a consumer of information and producer of it were blurred.*[27]

(e) Healthcare may show the way for legal services. There are four trends here worth observing. First, there is the growing use of health discussion forums by those suffering from a shared condition in and which give detailed information on managing and experiencing conditions (such as *http://www. patient.co.uk/forums* or *http://healthtalkonline.org/*). Second, the National Health Service (NHS), having been forced to drop NHS Direct as the result of a decision by the then newly-elected Coalition Government, is now developing an NHS Choices site (*http://www.nhs.uk/Pages/HomePage. aspx*) with a variety of health information assisting self-management, understanding and self-diagnosis. It also includes online communities and online clinics. Third, the NHS has developed an 'Information Standard' (IS) as a form of accreditation for health websites as a way of encouraging adequate standards:

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[26] http://www.exacttarget.com/blog/50-technology-and-internet-trends-for-2014/

[27] http://www.pewinternet.org/three-technology-revolutions/

> *Across England, thousands of organisations produce health and care information for the public which varies greatly in terms of quality and reliability. So how can the public tell whether information is truth or myth? The Information Standard (IS) is a certification programme for all organisations producing evidence-based health and care information for the public. Any organisation achieving The IS has undergone a rigorous assessment to check that the information they produce is clear, accurate, balanced, evidence-based and up-to-date. The IS is a certification programme that is run by NHS England. It is governed by its Executive Council which is led by 2 independent Co-Chairs; … and comprises representatives from the NHS England and member organisations, as well as other stakeholders including health and care experts.[28]*

Finally, moves towards unbundling and the self-management of legal problems parallel the growth of self-management of health conditions. The read across from medicine is very clear. This is from a 2009 report on self-management of diabetes by Diabetes UK.

> *Diabetes UK has identified the essential elements that people with diabetes need to be able to access, and what it considers to be the minimum services that need to be in place to ensure that people are supported to self-manage. These have been categorised as: Personalised care planning, Access to healthcare professionals and trained specialist advice when required, High quality, tailored information, Emotional and psychological support, Access to structured education, Support from peers, family, friends and carers.[29]*

A virtually similar list could be drawn up for, say, the legal and emotional needs of those going through divorce. As a further incentive for innovation in the field of healthcare, it has been identified in the USA as a major market for digital services: '52% of consumers want access to tools/website ranking for quality/satisfaction/patient reviews for doctors and hospitals'; instead of '$765bn of healthcare spend estimated from excess costs … This represents a huge opportunity for technology to make an impact'.[30] It would seem likely that a concentration on health in the USA will have a consequent impact even in the United Kingdom on law, since the issues and processes are likely to be so similar.

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[28] http://www.theinformationstandard.org/about

[29] http://www.diabetes.org.uk/Documents/Reports/Supported_self-management.pdf

[30] as above, summary of Mary Meeker's review of trends.

(f) Doubts remain as to how well the Internet is actually used, particularly by young people. As *Face to Face* reported:

> *evidence from a detailed study of young people suggests a perhaps surprising lack of digital literacy and capacity to identify the best forms of assistance.*[31]

This research was undertaken by a team formerly at the Legal Services Research Centre run by the Legal Services Commission, and now disbanded.[32] It was based on simulated problems given to students (which may have affected their concentration) but it certainly suggests that there may be a need to look empirically at the way that users actually search the Internet for the best source of information. However, the problem was also highlighted in other research on young people that was published by Youth Access in 2009:[33]

> *Young people want to get advice from services that are informal, confidential and focussed on young people; and from individual advisers whom they can trust and who can offer powerful independent assistance to resolve their complex problems. The available evidence challenges common assumptions about young people's use of technology to get advice.*

These findings were repeated in a more recent survey published in September 2014. This reported:

> *Choice was seen as essential by many, as every young person has different needs and preferences and each method has its advantages and drawbacks. Online services were liked for their anonymity, speed of access and 24 hour accessibility, but seen often only as a first port of call and not available to all young people. Face-to-face services were seen as more personal and tailored to individual needs, allowing you to build up trust so you could open up about your problems and get more in-depth advice. Telephone services were disliked by many as they didn't feel comfortable speaking on the phone, but were seen as an important option to have available.*[34]

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[31] p16

[32] C Denvir, N Balmer, P Pleasance, 'Surfing the web - recreation or resource? Exploring how young people in the UK use the internet as an advice portal for problems with a legal dimension' in Interacting with Computers 2011, 23, pp96-104.

[33] http://www.youthaccess.org.uk/uploads/documents/Advice%20Publications/YPs_Access_to_Advice_briefing.pdf

[34]   p12, JustRights Young People's Views on Rights and Advice Services September 2014

(g) Finally, there will be digital exclusion - both from the economy and from the Internet. Brynjolfsson and McAfee take, by and large, an optimistic view of the digital future but even they admit that some will be excluded from the 'bounty' that digitalisation can bring most in society. The rich are likely to get richer and the poor, poorer. There will be a collapse of 'the share of GDP going to Labour:[35]

> *Other data - about poverty rates, access to health care, the number of people who want full-time jobs but can only find part-time work and so on - confirm the impression that while economic bounty from technology is real, it is not sufficient to compensate for huge increases in spread.[36]*

Others trying their hand at futurology - such as Google's Eric Schmidt and Jared Cohen - have used the phrase 'digital caste system'[37] - to indicate that some will gain immensely; the majority will gain much, but a few will lose. They are talking about the world stage:

> *This population will drive the revolutions and challenge the police states and they'll also be the people tracked by governments, harassed by online hate mobs and disoriented by marketing wars.[38]*

Less cataclysmically, there will be, as we have seen above, those excluded - or excluding themselves from a digitally based future. Brynholfsson and McAffee recommend such responses as retooling and reorienting education from its current origins in Victorian job training.

For those more humbly engaged in giving legal assistance, the lesson for the foreseeable future is that we can move forward to a digital future - and it would be bizarre not to do so, not least in the minds of members of society so imbued with digital experience elsewhere - but a sizeable proportion of those at the bottom levels of income will need traditional, face-to-face assistance.

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[35] as above, p145

[36] as above, p170

[37] eg in E Schmidt and J Cohen The New Digital Age Alfred Knopf 2013, p254

[38] as above

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