OECD POLICY ROUNDTABLE ON
EQUAL ACCESS TO JUSTICE

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Session notes

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Preliminary version
The OECD is holding a Policy Roundtable on Equal Access to Justice on 22-23 May 2017 at its Conference Centre in Paris (France) under the purview of the Public Governance Committee (PGC). The meeting will bring together a group of governmental, non-governmental and academic experts from OECD member and partner states. The meeting will take place in the context of increasing efforts across OECD and partner countries to strengthen equal access to justice for inclusive growth and sustainable development, in particular in the context of the national implementation of Sustainable Development Goal 16 on inclusive institutions and access to justice.

**Session 1. Setting the context**

Access to justice is an important dimension of **inclusive growth** and can facilitate tackling inequality. Growing evidence highlights that the inability to access legal and justice services can be both a result and a cause of disadvantage, poverty, and inequality.

While income inequality can be a major contributor to inequality in access to justice, unequal access to justice may perpetuate existing inequalities in other non-income outcomes, including educational attainment, health conditions and employment opportunities, which are important determinants of growth and well-being (OECD, All on Board, 2014). The OECD Inclusive Growth Initiative underlines the multidimensional nature of inequalities in OECD countries, which spread far beyond income to affect many areas of individual’s lives (including access to justice), making it more difficult for disadvantaged groups to “climb the socio-economic ladder”. As highlighted in the 2017 OECD report on the implementation of the Inclusive Growth Initiative (forthcoming), inequality in education, health, employment and earnings, wealth, and well-being compound over the lifetime (OECD Preventing Unequally Action Plan (forthcoming)) and in turn may negatively affect multiple well-being outcomes, including in the long term (see Figure 1). These inequalities tend to be reinforced by the multiple barriers in accessing justice, thus perpetuating a vicious cycle (although to varying degrees). Many legal (and justiciable) problems tend to occur in combination, thus creating clusters of legal and justice needs (housing, employment for individuals and tax, regulation and employment for small businesses) and compounding legal issues. Although the data is limited, inability to obtain legal and justice services is often found to have a disproportionate impact on low-income and other disadvantaged groups, precisely because of their lack of individual economic resources. As such, providing suitable legal advice and assistance to access justice can contribute (among other factors) to helping people move out of some of the worst experiences of social exclusion and enabling equal access to economic opportunities.
This discussion aims to support the implementation of the Programme of Work of the OECD Public Governance Committee and builds on the outcomes of the OECD 2015 Roundtables and 2016 events held jointly by the OECD and Open Society Justice Initiative. In particular, it aims to highlight links between access to justice services and dimensions contributing to inclusive growth and citizen well-being, as part of the OECD Inclusive Growth Initiative and agenda on people-centred access to justice and legal services.
Session 2. Closing the gaps: What works in people-focused legal and justice services? How do we know when services are people-focused?

Questions for discussion

- What are the successful practices to ensure people-centric provision of different legal, justice and out-of-court services, based on legal needs? In what cases can targeted approaches to legal assistance and legal aid work? What can be considered a timely intervention? What are the challenges and barriers to people-centric approaches?

- What are examples of criteria of people and client-centricty and responsiveness in legal and justice services? Could generic criteria be identified for the delivery of legal, justice and out-of-court services to enhance their accessibility, quality and responsiveness?

- What lessons can be learned from other sectors? Which sectors could offer relevant insight?

This session will aim to highlight the latest developments in people-centred legal and justice service delivery across OECD member and partner countries. It will look at the practices that work in delivering timely, targeted and appropriate legal, justice and out of court dispute resolution services to those most in need. This will include discussion of unbundling legal services, self-help services in courts, the use of non-lawyers within the civil justice system and innovations of the for-profit legal community. It will also explore challenges and opportunities in delivering people-focused legal services in different areas of law and making them more responsive and accessible.

In addition, the session will explore a range of guiding principles and criteria for service delivery in legal and justice domains to support countries in designing and delivering people-centred services.

People-focused legal and justice services

While access to justice has been on the policy agenda of OECD members for many years, countries are now exploring innovative approaches to adopting citizen-centred perspectives, promoting access to legal and justice services to strengthen responsiveness to legal needs of citizens, community and businesses, and better targeting resources in the context of tight fiscal constraints. The shift towards a people-centred perspective is perceived as the guiding principle. In an institution-centred perspective, users are often seen as passive recipients of services, whereas in a user-citizen, or people-driven perspective, people voice their demands and needs, contribute to shaping the policy agenda, and evaluate service content and delivery. This focus is based on all people, especially members of vulnerable or marginalised groups. This renewed focus is sharpened by commitments under SDG No. 16 on inclusive institutions and access to justice.

For a number of countries, this involves a shift away from a more traditional focus on ‘access to a lawyer and a judge, towards seeing access to legal services and justice as entailing a continuum of services, including access to understandable legal information, access to legal representation, access to appropriate non-legal support, as well as support to participate in a range of alternative mechanisms that suit the needs and capabilities of citizens in a cost-effective way, in addition to formal adjudicative hearings in courts and tribunals (Figure 2).
This requires a substantial change in the legal and justice culture to facilitate greater access to justice, which can be seen as a precondition for the development and implementation of specific measures.

People-centred justice services encompass a growing spectrum of processes and procedures, including a range of alternative mechanisms for dispute resolution such as mediation, online dispute resolution, pre- and post-resolution support, as well as more formal judicial and non-judicial proceedings. In some cases, a justice service operates as a standalone service (e.g. a specialised mediation process) and in other cases a range of justice services are provided by one entity (e.g. problem-solving courts, justice access centres).

Figure 2. The relationship between the number of disputes and method of resolution

In many countries, public legal services, often referred to as legal aid, were mainly based on this comprehensive model of full legal representation. Today, public legal services can include a continuum of services and a range of service providers (including paralegals, public legal education providers, community advocates, collaborative service provision from legally-trained and other professionals, etc). The continuum is generally seen as a graduated scheme from least interventionist such as the passive provision of legal information, to advice, to various forms of limited legal assistance, to partial or limited forms of legal representation (such as ‘limited scope’ or unbundled legal services) to full representation in various ADR processes, non-judicial forums, and judicial forums (Figure 3). An important additional aspect of the legal services continuum is legal insurance.
Lessons from other sectors

Experience from other sectors suggests that a user-centred approach to enhancing access to services promises to raise quality, reduce waste and - most importantly - improve well-being. At the same time, the shift from a justice system perspective to a people-centred perspective while easy to grasp in general terms, can be difficult to action. To this end, justice and legal services may be able to learn from other sectors.

For example, the shift to people-centred legal and justice services mirrors the shift to patient-centred care within healthcare systems. There appears to be many similarities between healthcare and legal and justice services. Barriers to health and justice are complex and multiple strategies are required to overcome them. Relatively recently, there has been an increased understanding of the important role of health literacy and health capability in achieving and maintaining good health, just as now there are growing efforts to understand the importance of legal literacy and legal capability in achieving access to justice. Legal needs research has underscored the dynamic between unresolved legal problems and poor health outcomes and between health challenges and increased legal problems, as well as the links between health literacy and legal capability. The concept of legal health itself is gaining currency as a way of empowering people to take charge of their legal affairs as a preventative strategy. This encourages people to take responsibility for their ‘legal health’ in the same way that they do for their physical and mental health. For example, a Legal-Health Check-Up Project in Ontario aims to extend the reach of legal aid by asking clients about everyday legal problems concerning income, housing, education, employment, family, and social and health support. The Canadian Bar Association has also developed a wide range of legal health checklists designed to be directly used by individuals. (Note legal checklists are also used by service providers as a diagnostic tool and these are discussed below in the section on prevention, proactivity and timeliness.)
Criteria for people-focused services

What does it mean for legal and justice services to be people-focused? The experience, practices and policies in many countries point to the following criteria to consider if a service is “people-focused” (Figure 4):

- **Availability** – an analysis of country practices suggests that access to legal and justice services calls for the availability of five main components: **legal framework** - the rights and entitlements, regulations and safeguards defining the space within which citizens and the state can negotiate access to justice and justice outcomes; **justice machinery** - institutions and human resources essential to the provision of justice services; **legal services** - elements that enable people to seek remedies through the justice system; understanding of **legal and justice needs** – an understanding of the diverse legal and justice needs of the population; and the sound **enforcement** machinery. Strategies to ensure that these components are available include assessment of legal and justice needs for both the general population and for vulnerable and disadvantaged groups. A people-centred perspective recognises that there are various pathways to justice and these components should “mirror the unfolding of the justice chain”.

- **Empowerment** – countries’ experience suggest that access to justice interventions should aim to enable people’s participation: “The system empowers people. It builds people’s capacity to participate, by managing their own matters and having a voice in the system as a whole.” Individuals are empowered to resolve disputes between themselves when appropriate, without recourse to the institutions of the justice system. Legal and justice services can build empowerment through strategies that increase legal awareness, legal literacy, legal capability and trust and confidence in the justice system. Making legal information easily accessible is key. Most OECD and partner countries provide a wide range of legal information services in a wide range of formats. What is important is ensuring that the type of provided information works for different types of clients. In Ireland, there are a variety of web-based sources of legal information including those

![Figure 4. Criteria for people-focused services](image-url)
offered by the national government, the Law Society of Ireland, the human rights organisation Free
Legal Advice Centres which focuses on assisting people from disadvantaged groups, and specialised
agencies such as Inclusion Ireland, a self-advocacy website assisting people with disabilities. In
Israel, Pathlegal provides free online legal information and answers to common legal questions. The
website also allows people to submit questions to a panel of lawyers. In Estonia, Juristaitab a free
legal assistance portal is provided in cooperation between the Ministry of Justice and the
Lawyers Association to help people find answers to legal questions that they encounter in everyday
life.

- **Accessibility** - In order to be effective, the laws as well as legal and justice services need to be
  accessible. Complexity and formality can serve as barriers to accessibility. Access to justice
  interventions should “work to reduce the net complexity of the justice system”. For example, some
  country initiatives that create or alter rights, or give rise to decisions affecting rights, are found most
  effective when they include mechanisms to allow people to understand and exercise their rights.”
  One example of justice services that increase accessibility are simplified court procedures, such as e-
  court procedures for cash benefits in Poland. Another important initiative is the move towards e-
  courts that facilitate initiating claims, filing of documents, and the tracking of court dates online.
  Korea’s Supreme Court IT Centre provides technological and professional support to the courts and
  the registration offices nationwide and has developed a system that allows litigants and their
  attorneys to file and manage cases, and allows access to court information and procedures
  electronically.

- ** Appropriateness** – country experience suggests that appropriate legal and justice services are
  proportionate, simple and sustainable. They are also appropriate for specific legal needs and the
  types of groups that they are targeting. The criteria of appropriateness incorporate efficiency, in
  terms of time and resources expended by both the justice system and by those who seek to access it.
  The justice system should be structured to create incentives for people to resolve disputes at the most
  appropriate level. Legal and justice services are appropriate when they are provided on a timely
  basis and where early resolution is promoted whenever possible. Appropriateness also means that
  resources are directed to reflect how people access the system. In many countries, Small Claims
  Courts provide tailored and fast track procedures that are proportionate to the amount of money at
  issue. These free up court time and resources, reduce backlogs, and improve access to justice for
  people and small and medium businesses. There is also increasing evidence that Alternative
  Dispute resolution mechanisms (conciliation, mediation and evaluation) in taxation, when used
  appropriately and respecting procedural justice, can save time and cost and may facilitate trust and
  acceptance of government decision making. It is also found that a faster and more efficient
  resolution of tax-related disputes may promote better relationships between governments and
taxpayers.

- **Fairness** – The principle of fairness is found in the heart of people-centred legal and justice services
  in most OECD and partner countries. For example, the American Bar Association’s rule of law
  framework includes “fair procedure” as an essential element. Indicators of fair procedure include: to
  what extent do justice institutions, whether formal or informal, ensure citizens have an opportunity
to effectively present their case? Resolve disputes impartially and without improper influence?
Where disputes are resolved by mediation, citizens can make voluntary and informed decisions to settle.20

- **Equality and inclusion** - People-centred legal and justice services can often extend beyond the requirements of a fair and effective justice system to larger societal objectives such as substantive equality, poverty-reduction, social justice and social inclusion. Legal and justice services can be seen as ‘working’ when they are provided equally and inclusively. Legal and justice services can promote social inclusion by targeting the resolution and identification of broader issues which may be the cause of specific legal problems. Service providers, whose mandate includes wider legal advocacy goals in addition to providing legal assistance, are one example. Equality and inclusion as guiding principles require legal and justice service providers to pay attention to the specific needs and experiences of vulnerable and marginalised groups. Promising country practices highlight that people-centred services need to be based on knowledge about who they are designed to serve and pay attention to the legal needs of particular groups of individuals. Many legal service providers make their services available to vulnerable or marginalised groups. For example, in Japan services are available to assist foreigners (translation provided). Most European countries provide specialised legal assistance to refugees and migrants. Australia, Canada, New Zealand and the US all have specialised courts, other justice services, and legal assistance and legal aid services dedicated to meeting the needs of Indigenous persons.

- **Coherence** - Legal and justice services will work to meet people’s needs to the extent they are part of a coherent system. The administration of justice involves a chain of decisions by several actors and, therefore, “the system needs to be addressed as a whole, from the entry point to the end point of the process.”21 Coherence calls for ‘systems thinking’, a continuum of services that dovetail together, integration of services, collaboration among service providers and an effective triage or referral function that enables people to be directed to the most appropriate destination for resolution, irrespective of how they make contact with the system. In Canada and the United States, access to justice commissions or committees have been established to bring more coherence to the administration of justice.22 While focused on the superior courts rather than the broader sector, a similar function is played by the Civil Justice Councils in the United Kingdom23 and Scotland.24

- **Effectiveness** - The effectiveness of people-centred legal and justice services could be seen as a cumulative measure of the justice system which depends upon the fulfilment of the criteria set out here. The question of effectiveness also engages broader considerations of priorities and allocation of resources and integrates a people-centred perspective. The Australian Strategic Framework for Access to Justice defines effectiveness: “The interaction of the various elements of the justice system should be designed to deliver the best outcomes for users. Justice initiatives should be considered from a system-wide perspective rather than on an institutional basis.”25 Effectiveness is promoted through ongoing evaluation, including from a client or user perspective, and the employment of evidence-based best practices.26

**Challenges and barriers**

People-centred legal and justice services should be designed to overcome the range of barriers to access at work in each country. Common types of barriers include:
Cost-related barriers (e.g. direct cost of services, fines, time, transportation)

Structure-related barriers (e.g. formality and language, views of justice, court buildings and court personnel)

Social barriers (e.g. lack of information, perceptions of bias)

Specific barriers faced by at-risk groups (e.g. women, younger persons, older persons, migrants, ethnic minorities, linguistic minorities, persons with disabilities). For more information see the background papers for OECD 2015 Roundtables.

**Prevention, proactivity and timely intervention**

There is a growing recognition that people-focused legal and justice services should aim to intervene at an early stage to prevent more serious legal problems. This requires a shift away from formal mechanisms for dispute resolution towards meeting the “upstream” needs of individuals and SMEs for timely assistance. One possible analogy is that in many OECD and partner countries, legal and justice services provide an ambulance at the bottom of a cliff, whereas what is needed is proactive services and a focus on early resolution that act as a stronger barrier at the top of the cliff to prevent people from falling when legal problems remain unresolved.

The National Centre for Preventative Law is housed at the California Western School of Law and is dedicated to preventing legal risks from becoming legal problems. One aspect of this work is fostering “multidimensional lawyering” which broadens the traditional focus of lawyering as advocacy to include proactive and preventive roles, skills and mentalities.
**Session 3. What works in strengthening planning and cost efficiency of people-focused legal and justice services?**

**Questions for discussion**

- **Effective planning for meeting legal needs:** What are the successful examples of service and policy design and planning approaches, which specifically aim to respond to identified people and client needs (e.g., operationalising findings of legal needs surveys, planning resources)? Successful tools for evidence-based service planning and policy design in legal, justice and out-of-court services?

- **Enhancing efficiency while meeting legal needs:** How can an efficient utilisation of resources be ensured in service delivery? How can cost-efficiency of legal and out-of-court justice services be measured and improved, while ensuring responsiveness and effectiveness in meeting legal needs? How can ineffective spending and waste be tackled? What are the examples of concrete improvements found in OECD member and partner countries? What lessons can be learned?

This session will highlight good practice examples of service and policy design to respond to identified citizen needs (e.g., operationalising findings of legal needs surveys, planning resources), as well as successful tools for evidence-based service planning and policy design.

In particular, it will explore planning approaches at national, regional and local levels, as well as planning within individual legal assistance service organisations, given that service priorities are likely to vary between and within jurisdictions, and given differences in current service infrastructure, geography, demographics and the challenges faced. It will also explore examples of service redesign to enhance efficiency in service delivery while meeting legal needs.

**Planning of people-focused legal and justice service delivery**

Now that questions relating to how people-focused services may look like have been discussed, the next step is to plan delivering people-focused services to meet various legal needs, including of disadvantaged groups.

In planning legal assistance services it seems important to consider how to use available resources to meet strategic service priorities and legal needs of different groups of people. Planning services also require consideration of questions relevant to the ‘who’, ‘where’, ‘what’ and ‘how’ of appropriate legal service delivery. The sound measurement of relevant factors to inform decision-making will be an essential part of effective planning for access to justice.

Planning for people-centred legal and justice services is often found effective when it is based on knowledge of the client group and the environment. In the past, and still to a large extent today, services tend to be institution- and problem-focused (e.g. type of legal issue, area of law) rather than client-focused. In these cases it can be difficult to detect and address related legal and non-legal problems, which may lead to poorer, less sustainable outcomes. People-centred service delivery often implies that service responses “focus on mitigating the total impact of legal problems on a person’s life, rather than considering each legal problem separately.”

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Research evidence is one of a number of factors to consider in planning and establishing legal service delivery at different levels. Figure 5 describes types of questions that are likely to be relevant to the planning services that the legal needs research evidence can help inform. The figure also presents some other key considerations for planning and provides examples of other data and relevant information. Importantly, the Figure indicates service planning is necessarily shaped by strategic priorities, available resources and the existing political, socioeconomic and service environment. Thus, strategic frameworks concerning priorities, funding and the current service environment are key considerations for legal planning. Other potentially useful data sources include data held by local councils and contained in planning and research reports and toolkits. On-the-ground knowledge held by local legal and human services, as well as other stakeholders, can also contribute usefully to planning legal services. Having gained a sound understanding of the legal needs (at a jurisdictional (national or state) level), it is usually necessary for both policy development and the planning and delivery of legal services, to identify legal needs in data at regional and sub-regional levels within jurisdictions.

To develop effective service delivery planning, in a federal jurisdiction, the national level legal needs data may need to be ‘mapped’ first down to state/jurisdiction level. Overall, all countries may find it useful to ‘map’ (or estimate), legal need down to sub-regional or lower levels corresponding with lower levels of political governance and/or levels useful for planning and delivering services (at least down to the level at which individual legal services are planned and delivered).

For example, in large jurisdictions it is likely that planning will need to occur at multiple levels:

- At the national/strategic level, with the focus mainly on the setting of priorities (for example, priority groups for assistance), securing cross sectoral and cross government collaboration (to allow for legal and other human services to work collaboratively to address the holistic needs of citizens), and the allocation of resources on a needs basis to state jurisdictional levels. To carry out this task national/strategic level policymakers and planners could benefit from legal deeds assessments of the national and jurisdictional level, as well as service delivery administrative data.

- Depending on the size (geographically and demographically) of the state, region or province, policymakers and planners at the state/jurisdictional level may well focus in a similar way to those at the national level. That is, they will focus on the setting of priorities for addressing legal need within their jurisdiction, securing and facilitating cross sectoral collaboration, and then the allocation of resources by region and/or other criteria to facilitate detailed planning of the delivery of services at a more appropriate level.

- At the local level, planners could be primarily focused on detailed local planning within their regional local area. This may include the planning of individual delivery services to priority clients, but it could be important to consider the context in collaboration with other local services to ensure that through collaboration viable services can cover as much of the legal need as possible.
### Figure 5: Questions relevant to planning and establishing legal assistance services

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<thead>
<tr>
<th>QUESTIONS</th>
<th>EXAMPLES OF RELEVANT INFORMATION</th>
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<tr>
<td><strong>Service priorities</strong>&lt;br&gt;What are the strategic service priorities?</td>
<td>• National priorities&lt;br&gt;• Jurisdictional/state plans and policies&lt;br&gt;• Organisational plans and policies of individual service agencies</td>
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<td><strong>Resources and existing environment</strong>&lt;br&gt;What resources are available?&lt;br&gt;What is the existing strategic, political, socioeconomic and service environment?</td>
<td>• Federal/national funding&lt;br&gt;• State funding&lt;br&gt;• Other funding&lt;br&gt;• Information on current legal services and other infrastructure</td>
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<td><strong>Priority clients</strong>&lt;br&gt;Who are the priority clients with high need for legal assistance services and where are they located?</td>
<td>• Data on location of financially disadvantaged people with low capability&lt;br&gt;• Data groups with high need for legal assistance&lt;br&gt;• Other census, sociodemographic and administrative data (e.g. from local councils, courts, legal and human services)&lt;br&gt;• Local knowledge of legal and human services and stakeholders</td>
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<tr>
<td><strong>Legal needs</strong>&lt;br&gt;What are the legal needs of these priority groups?</td>
<td>• Data legal problem experience of target groups&lt;br&gt;• Administrative data held by legal services&lt;br&gt;• Local knowledge of legal and human services and stakeholders</td>
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<td><strong>Legal capability</strong>&lt;br&gt;What is the capability of these priority groups and what access barriers do they face?</td>
<td>• Concerning responses of target groups and the constraints they face&lt;br&gt;• Local knowledge of legal and human services and stakeholders</td>
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<td><strong>Appropriate and accessible services</strong>&lt;br&gt;What services would be appropriate to the needs and capabilities of these groups?&lt;br&gt;How can services be made accessible to these groups (i.e. via what modes of delivery)?</td>
<td>• Data on appropriate and accessible services for target groups&lt;br&gt;• Local knowledge of legal and human services and stakeholders</td>
</tr>
<tr>
<td><strong>Proportionate services</strong>&lt;br&gt;What services to these groups would be proportionate, affordable and sustainable?</td>
<td>• Funding sources relevant for these services&lt;br&gt;• Local knowledge of legal and human services and stakeholders</td>
</tr>
<tr>
<td><strong>Gaps in existing services</strong>&lt;br&gt;What are the gaps in appropriate and accessible services to these groups?</td>
<td>• Information from legal assistance services on: types of local legal services (e.g. specialist or generalist; in office or outreach by telephone, online video link) &amp; types of assistance offered by these services (e.g. CLE, advice, minor assistance, representation)&lt;br&gt;• Information from human services and other stakeholders</td>
</tr>
<tr>
<td><strong>Service innovation</strong>&lt;br&gt;What are the opportunities to serve these groups, including ideas for new service delivery strategies?</td>
<td>• Data concerning appropriate and accessible services for target groups&lt;br&gt;• Information on current legal services in the area&lt;br&gt;• Information on human services in the area&lt;br&gt;• Service innovation from other areas, jurisdictions, countries</td>
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Source: Adapted from Coumarelos, C., H. M. McDonald, S. Forell and Z. Wei (2015), Collaborative Planning Resource - Service Planning, Law and Justice Foundation of NSW
**Service delivery**

The evidence suggests that there will be no single or ‘ideal’ model of service delivery. Rather, strategies are better ‘made to measure’ – appropriately matched to the diverse legal needs and capability of clients, and informed by the existing service infrastructure and gaps across the community.

Within a jurisdiction this holistic, multifaceted approach may include a raft of strategies, such as self-help strategies for more straightforward problems and more able sections of the community, together with more intensive assistance strategies for disadvantaged people who are less able to resolve problems alone. Similarly, technology-based legal service delivery has the potential to broaden access through opportunities of scale, capital and centralised service delivery, but may be less appropriate for the needs and capability of more marginalised sections of the community. Thus, in any given jurisdiction, the suite of strategies which take account of differing needs and capability can include:

- legal information and education strategies
- self-help tools
- accessible legal services
- community legal education and referral training for non-legal problem noticers, relevant to the legal problems of their clients
- integrated legal services (able to assist with a range of legal problem types)
- integrated responses to legal and non-legal needs, including networking and service partnerships
- tailoring of services for specific problems
- tailoring of services for specific demographic groups.

Also relevant to service planning is geography and the existing infrastructure within a jurisdiction. For instance, in some rural areas, distance, poor public transport and fewer on-the-ground services may be relevant considerations in planning services. Conversely, population density and diversity, and complex human service environments, may influence planning in urban areas. In addition, there may be benefit in service providers considering their role within the broader system of available services. What gaps exist in service provision? How can these gaps be filled to successfully meet the needs and capabilities of clients, avoiding duplicating services and capitalising on relevant opportunities for networking and coordination?

While geography is important to service planning, services may also be planned in reference to *when* people experience legal problems (e.g. around crises such as family breakdown, loss of employment, sudden illness or death of a loved one), and the related pathways to legal help in these cases. Noting that people do not come directly to legal services as their first port of call, strategies such as effective referral and outreach legal services may make legal services more accessible.
Session 4. Putting citizens at the centre: organising legal and justice service delivery

Questions for discussion

- What does a people-centric approach to service delivery mean for the organisation and coordination of legal and justice services and systems and its specific streams? How can the variety of legal and justice stakeholders better organise around the needs of service users?
- How can citizens be more involved in the design and delivery of legal and justice services?
- What are the examples of integrated and coordinated approaches to the delivery of legal assistance and dispute resolution support, including on specific legal needs (e.g., Housing Courts, Problem-Solving Justice)? Also with other services (social, health or business)? What are the examples of mechanisms to facilitate seamless referrals?
- Can one-stop shop models for service delivery in legal assistance and justice become a reality? What are the barriers to joining-up different legal, justice and social services? How can they be overcome?
- What evidence is there on the effectiveness of joined-up legal service delivery?

Experience from other sectors suggests that a user-centred approach promises to raise quality, reduce waste and - most importantly - improve other life outcomes and well-being. This session will focus on identifying practical ways to put people at the centre of organising legal and justice service delivery.

Organising for a people-focused approach to service delivery

A people-focused starting point means employing effective needs and capabilities assessment, paying attention to the diverse needs of client groups to ensure inclusion, and integrating participatory design processes that involve users/clients. The Institute for Citizen-Centered Service, a Canadian organisation dedicated to pursuing excellence in public sector service delivery, highlights five implications of this shift to people-focused services (although it should be recognised that many legal and advice services fall outside of government (and NGO) services and funding):
Citizen-centred reforms are found to have “bottom-up, results-oriented dimensions [that] focus public entities on outcomes and impacts rather than inputs and process, and centres attention on citizens as the final principals of public entities.”

The main differences between citizen-centred reform and other common reform approaches are:

- The overall arrangement of reform around a participatory-decentralisation element;
- The central focus on results; and
- The inclusion of an evaluations component.

Citizen-centred governance incorporates “citizens’ concerns at every stage of the service design and delivery process; that is, citizens’ needs become the organising principle around which the public interest is determined and service delivery is planned.”

Several Canadian surveys found that the top factors that contribute to citizen satisfaction with public sector service delivery are: timeliness, outcome, staff going an ‘extra mile’ to help individuals get what they need, fairness and knowledge.

Another study found that four central concepts underlie effective citizen-centred service delivery that achieves improved outcomes for the individual, their family and the country. These concepts are:

- **Integrated outcomes-based policy**: Looking at what outcomes are desired; how the current government offerings achieve them; and the opportunities to reduce overlap, duplication and address gaps in the service offerings available (see Box 2);
“No Wrong Door” service delivery: Looking at the design, availability and alignment of service delivery channels and optimizing service delivery in each. No Wrong Door makes sure that wherever the citizen goes, they can access all the services they need (see Box 3);

Intelligent processing: Understanding how to take account of priority, complexity and risk so that processing applications for services and benefits are automated where possible and only ask people to do things that are truly required; and

Collaborative governments: Understanding the overlap between departments, governments and non-governmental organisations and leveraging their collaborative nature to achieve the outcomes that a government desires and citizens need.

Box 2. Medical-Legal Partnerships

One example of effective outreach practices comes from Medical Legal Partnerships (e.g., in the United States, Canada), when legal services are provided in hospitals. For example, some of the outcomes of the evaluation of the medical-legal partnership for children suggest an overall increase in knowledge and trust between medical providers, social workers and attorneys, greater understanding and identification of legal issues and a high rate of referral for legal services, particularly by medical providers. The study also reported that as a result of the project “many more families had access to community resources to which they were entitled.” Examples of the kinds of resources accessed include special education services in the public schools, disability accommodations in the schools, in-home nursing care, subsidised housing, and government benefits. Data from legal cases that have been closed indicate that patients are receiving legal assistance in the following areas: 20% government benefits, 18% housing, 17% education, 14% Medicaid, 11% family law, 6% consumer rights, 6% other, 4% immigration, 2% disability rights and 2% private insurance.

Legal outcomes show that out of the 209 closed cases, 36 increased their income because they accessed a new benefit, increased an existing benefit or had a reduction in debt due to legal intervention. Findings from the sub group of 24 families interviewed found that eight of these families decreased their debt by reducing uncovered medical expenses or increasing the amount of benefits they were receiving. In addition, 35 families obtained needed educational services, 38 families improved housing conditions, prevented an eviction or obtained a housing subsidy, and several families maintained custody of their children as a result of legal intervention. Many families had multiple legal needs and often more than one outcome was achieved as a result of the legal intervention.”


However, the experience from other sectors shows that, to be truly transformational, the four concepts need to be “implemented together with a deliberate focus on understanding the positive impact they can have on the citizen and their families.”

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Box 3. Effective location of legal outreach services

The Review of Evaluations of legal outreach services conducted by the NSW Law and Justice Foundation identified the following successful outreach locations as places:

- where there is currently a gap in legal service delivery to the target group,
- which the target group are familiar with and trust, such as places they already access,
- where (to ensure potential client numbers) there is a flow of target-group clients through the service (for instance, more clients access a community centre or welfare agency on a given day than a hostel which has a small number of residents staying for several months),
- that are physically accessible to target clients, including clients with disabilities and clients living in remote or regional areas, and
- that have private spaces in which clients and advisers can meet and discuss confidential issues.

The review also indicates that to most effectively use the host agency or community members as a source of referral the following needs to be in place:

- initial and ongoing relationships need to be forged between the host agency (and/or other referring agencies) and the outreach legal service,
- ‘problem noticers’ benefit from training by the outreach service in how to identify whether clients have relevant legal issues and what the outreach service can do for their clients, and
- the best sources of referrals are sources that are already trusted by the client group, such as case workers, community members or friends.

Source: Forell, S. and A. Gray (2009), Outreach legal services to people with complex needs: what works?, Justice Issues, no. 12, Law and Justice Foundation of NSW

Seamless referral and service integration

The provision of a continuum of legal services and a spectrum of justice services increases the availability of options that can be tailored to meet the needs of an individual, dealing with a specific problem or problems, at a given time and in particular circumstances. An effective intake system that is able to diagnose an individual’s situation and legal needs can serve as a critical first step in targeting services. Another important empirical finding from the legal needs research is that people pursue a range of justice pathways. Differing forms of assistance may be required at various points along these justice pathways – from prevention to post-resolution support.

The bigger the range of separate services and service providers, however, the greater the difficulty an individual may have in navigating the justice system. Fragmentation and lack of integration creates obstacles for individuals seeking assistance, particularly members of vulnerable and disadvantaged groups, and can lead to delays. Research has shown that individuals who are turned away from more than one service can suffer from “referral fatigue” and are more likely to leave legal problems unresolved even when they have serious consequences. Promising practices include robust seamless referral systems such
as a “no wrong number, no wrong door policy” and active or “warm” referrals between agencies for people who access the justice system through a ‘side door’.

Legal assistance websites operating on a jurisdiction-wide basis (national, regional, state, province or municipality) can be effective entry points for citizens navigating the justice system. Legal needs research has demonstrated that many people, particularly vulnerable populations, do not know where to seek legal help and these portals can address this initial barrier. Australian national access to justice website, Foolkit (stands for free legal toolkit), is a relevant example. One author concludes: “It is difficult to overestimate the importance of these state-wide Websites as foundational building blocks for transformational delivery changes. These sites provide the Internet framework on which to hang new services and new approaches to collaboration. Their authenticity and interface consistency make these sites viable platforms for information and service delivery innovation across the country.”

The requirement for integrated services extends beyond legal and justice services to include referrals to other types of human services in order to address an individual’s problems comprehensively and holistically. This flows from a people-centred approach and addresses the reality that many people experience problems that have both legal and other dimensions. The next step in expanding access to justice is providing integrated and holistic services. This is fundamental to the everyday legal problems paradigm of access to justice that views legal problems as part of the normal activities of everyday life and, therefore, sees legal problems as a human process. It is well established that legal problems trigger other legal problems and legal problems trigger, and are triggered by, a range of non-legal problems. Thus many people, particularly the disadvantaged, experience clusters of interconnected legal and non-legal problems that, like Gordian knots, cannot be disentangled.

Seamless referral and integrated services require greater cooperation and collaboration among legal and justice service providers and with other human services. Evidence has demonstrated that collaboration and cooperation between legal assistance providers themselves and organisations and institutions and breaking down silos between the justice system and other government services can contribute to effective service delivery, better outcomes, and cost-efficiency. For more information, see background papers prepared for the 2015 OECD Roundtables on Equal Access to Justice.
Box 4. Examples of people-focused services

Problem-solving courts

Some OECD countries have established problem-solving courts. These courts use their authority “to address the underlying problems of defendants, the structural problems of the justice system including jail and prison overcrowding by diverting certain offenders from incarceration and custody, and the social issues of communities”. They apply a holistic view and the “judicial case processing is partnered with treatment providers and community groups to follow-up and support victims and offenders alike in order to reduce recidivism”.

Most OECD countries have streamlined problem-solving principles in certain fields of criminal justice, i.e. without introducing a fully-fledged court. In this context, the case-management process or track is differentiated according to the circumstances of the case or of the defendants (e.g. juvenile offenders). These diversion schemes embody a problem-solving approach outside of a problem-solving court.

Victim-focus: Family-Justice Centres

Family-Justice Centres are initiatives that aim to improve the position of domestic-violence victims. Although not a problem-solving court, they share the ambition of domestic-violence courts to help victims and hold offenders accountable. Family-Justice Centres provide co-located, one-stop, multidisciplinary services to victims of family violence. A Family-Justice Centre may “offer comprehensive medical and legal services, counselling to victims and children, links to the court system, as well as access to on-site professionals providing civil legal services, job-training and placement assistance, public-benefits assistance, advocacy, and safety planning”.

Family-Justice Centres aim to fill the gap between collaboration and service integration by creating collaborative service arrangements leading to enhanced services for clients through specifically created partnerships. This continuum as envisaged in Family-Justice Centres links together various steps e.g. cooperation, coordination, and collaboration leading to the creation of integrated, wrap-around services.

Source: OECD (2016), Northern Ireland (United Kingdom): Implementing Joined-up Governance for a Common Purpose, OECD Public Governance Reviews
Session 5. Strengthening legal capability: towards legal and procedural literacy

Questions for discussion

- What role does legal and procedural literacy and capability play in enabling access to justice and citizen engagement in participatory governance? What are the country approaches to develop citizen legal and procedural literacy and capability?
- Are there examples of core competencies in legal and procedural literacy? Are there some literacy outcomes that may be considered universally relevant or important for accessibility of justice and citizen-well-being? Could these be differentiated from broader capability outcomes? What impact can legal and procedural literacy have on inclusive growth dimensions (health, employment and education)?
- What are the main barriers in these areas? What lessons can be learned? How can levels of legal and procedural literacy be measured and improved? What are some successful examples?
- How can assessment of individual and group legal capabilities be integrated into policy development and service provision?
- What lessons can be learned from other sectors (e.g., financial literacy)?

This session will consider a range of country approaches to strengthening legal empowerment and capability, and enhancing legal and procedural literacy for inclusive growth. Ensuring legal literacy in the population is a key goal of a successful national strategy for strengthening legal capabilities and education. Effective measurement of the state of legal literacy and capability can enable policy makers to identify gaps, design appropriate responses and benchmark themselves with other countries. The session will also present lessons learned from other areas, such as financial literacy.

Legal needs research has consistently highlighted that some people are less capable of managing legal problems themselves. Legal capability is defined as the personal characteristics or competencies necessary for an individual to resolve legal problems effectively. It generally comprises sufficient cognitive, communication and literacy skills to successfully seek and obtain legal information or assistance. Legal assistance services generally focus on people with low legal capabilities. These people are often less able to use self-help and unbundled services effectively and are unlikely to have access to a private lawyer due to financial constraints.

Legal empowerment is impaired under some conditions, including resource deficiency, lack of personal skills and/or abilities and knowledge, power imbalances in important relationships, and institutional failures. A wide range of factors determine individual legal capacity and legal capability (and literacy) is often particularly low among disadvantaged groups. These factors are not static and there is an important dynamic between legal problems and capabilities. Some life events affect personal capability (e.g., relationship breakdown, domestic violence) and also give rise to legal issues. Legal problems can contribute to illness, which in turn affects capability. This relationship can be seen in specific contexts but also in persistent patterns. Despite widespread legal need, there is no ‘rush to law’. Many people ignore their legal problems, only a minority seek legal advice and few finalise their problems via the formal
justice system. Sometimes these responses are appropriate and lead to successful resolutions – for example, through alternative avenues for resolution. Legal and justice services empower through strategies that increase legal awareness, legal literacy, legal capability and trust and confidence in the justice system. Making legal information easily accessible is key. Most OECD and partner countries provide a wide range of legal information services in a wide range of formats. What is important is ensuring that the provided information works for different types of clients. In Spain, the Administration of Justice Portal contains information about judicial bodies in the civil, commercial, criminal, family and labour legal systems providing in-court mediation services as well as on the various out-of-court mediation services offered through professional associations.  

People can also be empowered by increasing their legal literacy and capabilities through sharing of information, skills development and service provision that engages clients as active participants in the legal process. Evaluations of legal education / literacy programmes show that they have the potential to change participants’ behaviour in positive ways and improve their outcomes. For example, according to the systematic review undertaken by the NSW Law and Justice Foundation, the two studies on the effectiveness of public legal education show that these programmes were associated with changes in participants’ knowledge, skills or motivation, although precise correlation is difficult to establish. In addition, these programmes have the potential to increase court efficiency, as demonstrated in the study by Ellis and Anderson (2003), which found that participants in the Canadian divorce education programme used fewer court resources (fewer case conferences and mentions), and managed to finalise their cases sooner than non-participants.  

Lessons learned from financial education programmes show that they should be designed to meet the needs and financial literacy level of their target audience, as well as reflect how their target audience prefers to receive financial information. There is a recognition that financial education should be regarded as a life-time, on-going and continuous process, in particular in order to take account of the increased complexity of markets, varying needs at different life stages, and increasingly complex information. It should be integrated into the regulatory and administrative framework and considered a tool to promote economic growth, confidence and stability, together with the regulation of financial institutions and consumer protection (including the regulation of financial information and advice). Financial literacy could be considered an outcome of a successful financial education. Assessing the levels of financial literacy in the population is a key component of a successful national strategy for financial education. The financial education community considers that international comparisons increase the value of such an assessment by enabling countries to benchmark themselves with other countries, which could help identify patterns and support national authorities in finding common methods for improving financial literacy.
Session 6. Access to justice for all: towards gender equality before the law

Questions for discussion

- What are good practices in embedding gender considerations in legal and justice services?
- What role does the gender-balance among legal and justice professionals play?
- How can the needs of different sub-groups of men and women be accounted for (e.g., migrants, indigenous population, single parents, elderly, young or low income groups)? How can services be targeted to meet their needs?
- How can the impact be measured?
- What lessons can be learned from other sectors in improving gender-sensitivity of service delivery?

This session will aim to identify specific legal needs of women and girls and explore country approaches to integrating a gender lens into service delivery of justice systems. It will focus on identifying ways to addressing challenges in putting the needs of all women and girls, at the centre of legal and justice systems, including in dealing with violence against women. What coordination approaches are needed? What service delivery models proved most effective?

Empowering all women and girls to enjoy their rights and address disparities in accessing public services such as health, employment, education and justice as well as entrepreneurship is crucial for equal societies and inclusive economies. While decades of progress towards equality of women before the law has helped remove most discriminatory legal provisions, equality of opportunity is far from a reality.

A number of studies and reports by international actors – including the United Nations, the World Bank, the Council of Europe and the United Nations Committee on the Elimination of Discrimination against Women – have highlighted the unique challenges faced by women seeking to access justice and the importance of assessing them. All have indicated the lack of data measuring women’s access to justice and documenting successful interventions as an issue requiring immediate and focused attention (See Box 5).

Box 5. Steps towards gender-sensitivity of legal and justice services

The OECD event on “Gender Equality before the law” held on 10 March 2017 highlighted the following critical steps necessary to strengthen gender-sensitivity of legal and justice services:

- **Training initiatives within the justice sector to improve awareness of the specific legal needs of women and girls, particularly those who are most vulnerable** - the impact of gendered stereotypes within the justice system could be perceived both as a barrier to accessing the courts and receiving a just outcome. There exists the need for training initiatives within the justice sector that highlight specific legal needs, particularly of vulnerable women and girls. These training initiatives would ensure that members of the judiciary, legal professionals, court officials and law enforcement
officers are better equipped to identify biases, tackle stereotyping and eliminate discriminatory practices both within the courtroom and in the dispensation of justice.

- **Increased gender balance and diversity** - the gender balance and diversity within the judiciary and justice sector can serve as a source of improved access to justice for all women. There is an ongoing disparity between the number of male and female judges across higher levels of the judiciary, in both developed and developing countries. Closing this gap, particularly in the senior courts, would promote greater balance in legal decision-making and ensure women have a voice in high-level, ground-breaking legal cases. It is believed that parity requires both a concerted effort across the justice sector to support women in all stages of their legal careers and a greater emphasis on identifying diverse candidates for judicial appointments. Policy-makers should take an active role and consider the implementation of explicit targets or quotas to fast-track the process if the situation does not change.

- **Improved and disaggregated data collection, analysis and monitoring of women’s legal needs** - the improved data collection, analysis and monitoring of women’s legal needs is necessary for progress. Regular and accurate sex-disaggregated data collection is needed to identify specific legal needs and ensure that programs and initiatives are targeted effectively. The collection of data is also important for the effective evaluation of existing measures and illustration of the links between access to justice and gender equality. In advancing these important issues, national governments could be identified as integral to utilising the knowledge gained in their respective territories and disseminating their findings. There is great value in ongoing discourse and enhancing the broader understanding and awareness of the relationship between equal access to justice, gender equality, inclusive growth and sustainable development.

Source: OECD (2017), Highlights, Towards gender equality before the law, International Women’s Day, March on Gender 2017

Indeed, notwithstanding the increased relevance of access to justice in the development discourse, the specificity of women’s experience of law and justice – both as users and providers – is, as yet, little documented by statistical evidence. However, the fact that it is harder for women on average to gain access to institutional spaces to negotiate and protect their rights and obtain a fair resolution to their grievances is widely accepted. While many of the barriers limiting access to justice stem from factors other than gender (such as poverty, illiteracy, lack of knowledge of official languages and lack of legal knowledge and awareness), they often tend to affect women more than men. Indeed, a combination of social and institutional barriers can aggravate the difficulty women face in accessing justice institutions – across income quintiles, education levels and ethnic groups – creating higher barriers at entry and high attrition, and making women more vulnerable throughout the judicial process. In addition, barriers such as discriminatory laws and social stigma are gender specific, increasing dramatically the access gap. Some countries have established specific procedures and specialised courts to deal, for example, with violence against women (See Box 6).51
Box 6. Specialised Domestic Violence courts

Victim-focus: Domestic violence courts

Domestic-violence courts exclusively deal with cases related to intimate abuse. Although they function under the umbrella of problem-solving courts, they are different in the sense that protection of the victim rather than treatment and recovery of the offender has priority. Victims are provided with extensive services such as counselling, shelter and advocacy. Offenders are commonly required to participate in batterers’ intervention programmes and report to the judge on compliance. Yet, most domestic violence courts still emphasise the offenders’ accountability over his or her rehabilitation. Using a “carrot and stick” approach, the offender will receive a suspended sentence (probation) depending on his or her treatment or protective-order compliance. However, domestic-violence cases qualify for diversion programmes under certain court models.

Specialist Domestic Violence Courts in England and Wales

Specialist Domestic Violence Courts (SDVCs) are led by the public prosecution service of England and Wales. SDVCs’ primary concern is with victims. Lay magistrates preside over court sessions. SDVCs are characterised by multi-agency information sharing, fast-tracking of cases and the offering of comprehensive and immediate victim services. Safe courthouses and facilities are features of this innovation. Review hearings are not part of the court procedure. An exception to that rule is the Croydon court where a defendant’s compliance with community rehabilitation orders is reviewed after three months. Different types of domestic-violence court models exist. An important distinction is between dedicated courts and integrated-court systems. In an integrated domestic violence court, one judge handles criminal cases related to domestic violence as well as the accompanying civil matters such as custody, visitation, civil protection orders and matrimonial matters. These courts work on the principle “one family, one judge”. In non-integrated courts the family court judge might be uninformed of a protection order issued during criminal proceedings. Similarly, a criminal court judge might be unaware of relevant family-court proceedings relating, for example, to divorce or child-protection. The objectives of an integrated family domestic-violence court are: “1) a more holistic and multi-disciplinary approach to family problems; 2) more effective judicial monitoring to increase accountability for offenders and compliance with court orders; 3) improved judicial decision making as a result of the judge having more information about the family; and 4) better access to and co-ordination of support services (i.e. legal and social services) for the victims and children”.

Session 7. Towards better measurement of what works in access to justice and legal aid

Questions for discussion

- What are the most common approaches to measuring legal needs? What are the measurement and data collection challenges at the national level?

- Can evidence on legal needs be paired with administrative data on service and policy delivery in legal and justice systems to present meaningful pictures of access to justice? What could a comprehensive measurement framework for citizen-centric legal and justice service delivery and access to justice look like? What would be the indicators of effective access to justice?

- What are the cost effective ways to understand how legal and justice services perform and identify their impact? How can policy makers know if programmes make a difference? What are the considerations in conducting evaluations? What are the effective methodologies?

- How can a return on investment for provision of legal aid and other legal and justice services be best measured?

This session will review approaches for assessing relevance, outcomes, cost-effectiveness, and efficiency of legal assistance and justice services. It will highlight the outcomes of the joint OECD-OSF workshop “Understanding Effective Access to Justice”, which took place on 3-4 November 2016 at the OECD in Paris. In particular, it will discuss ways to advance the measurement of

- legal needs to facilitate the responsiveness of legal and justice services
- delivering people-focused services
- understanding cost-effectiveness, efficiency and effectiveness of people-focused services
- understanding economic and social impacts

It will also explore examples/dimensions of a measurement framework on effective access to justice, including legal needs from a citizen’s perspective, whether these needs are met, links with service delivery, and impacts of meeting/not meeting these needs. Finally, the session will explore current models and challenges in measuring access to justice and the efficiency/effectiveness of different legal assistance models.

There is growing evidence that justice systems and the rule of law contribute to sustainable development and inclusive growth. Indeed, the accessibility and efficiency of justice services directly affect the way employment and land disputes are resolved, government accountability is promoted, and how businesses make decisions to invest and enter contractual relationships. Current efforts to find common indicators to measure progress on access to justice as part of the SDG target 16.3 focus on two indicators related to the criminal justice system, namely the percentage of criminal detainees in pre-trial detention and the violent crime reporting rate. While important, there is an emerging agreement that these measures do not allow to fully capture the most frequent justice needs people face around the world (which are not criminal), as well as the many important contributions of the rule of law and access to justice to sustainable development. In measuring justice, governments and international organisations have historically focused on measuring
institutional performance, particularly as it relates to criminal justice. While important for achieving efficiency and sound functioning of the justice system, these measurement approaches are rarely based on an understanding of the types of justice problems people have, which institutions they engage with, the “effectiveness” of dispute legal mechanisms and what works, for whom and for what types of legal and justice needs. Although criminal justice is a pressing issue, findings from legal needs surveys reveal that the most frequent legal problems faced by people are civil. While it varies between countries, most common issues include consumer problems, employment issues, land and property disputes, family problems, conflicts with neighbours and debt. An effective understanding of people’s legal needs and experiences in accessing justice then seems to be a prerequisite for designing appropriate solutions to local justice problems. Understanding effective access to justice requires a focus on outcomes – i.e., the ability of people to address their justice problems in a fair, cost efficient, timely and effective manner.52

Measurement of legal needs and access to justice

Governments, researchers, service providers and others around the world have increasingly recognised the need for sound and comprehensive evidence to underpin the development of good policy and cost-effective service delivery. The sources of evidence can be wide-ranging, from administrative data to surveys of clients and broad populations, as well as needs assessment studies.

What might we want to measure?

An efficient and effective justice system that both provides appropriate access to justice for all parts of society, and yet is affordable for both the state and the citizen, will likely only be achieved when government, policy makers, service providers and ordinary citizens have access to reliable information that will inform their decision-making. This information is likely to be most effectively provided in the answers to key questions, such as those outlined below.

How can this information be obtained?

How can answers to questions such as the above be obtained and made available efficiently and cost effectively? Experience shows that effort should focus on providing useful information to potential decision-makers or audiences. Broadly, there are two approaches to obtaining the required information – specifically designed and tailored research methodologies (“bespoke research”), and monitoring and assessment through ‘administrative’ data collected by the agencies concerned.

In some cases, bespoke research may be most appropriate (or even the only viable) method. This can occur through specific legal needs research (including legal needs surveys), or through court or tribunal user surveys to gain, for example, a detailed understanding of the factors that influenced these 'users' to take their chosen dispute resolution path. Interesting practices for comprehensive needs assessments include legal needs surveys, qualitative needs assessments, collection of data on use and satisfaction, and mapping projects of legal and justice services relative to need.53 These assessments provide important information about the prevalence of legal problems experienced by specific groups, in particular circumstances, and/or by location. Life cycle methodologies can also be employed to understand patterns of legal problems as they are commonly experienced by people at specific stages of life, for example upon entering the workforce or in old age [e.g. legal health checks tailored to specific age groups].
One commonly used method to explore individuals’ and businesses’ experience of dealing with legal issues are “legal needs surveys”. Some surveys focus only on civil needs; others combine both civil and criminal. These surveys generally consist of in-person, telephone, or internet interviews that focus on problems experienced in a given time period by respondents that may have been addressable through the civil or criminal justice system. These surveys seek to understand legal problems from the perspective of people as opposed to whether they were brought to a particular institution, like a court. This allows policymakers to understand the total scope of legal need as opposed to the slice that reaches a particular institution. This is highly relevant given that surveys regularly reveal people with legal problems take no action to resolve them.

In parallel, other types of qualitative legal needs assessments are used. This alternative to the quantitative legal needs survey methodology typically focuses on more in-depth interviews with fewer respondents. For example, the Justicia Cotidiana initiative in Mexico identified, through testimonies of citizens, several common justice issues and presented a set of recommendations to the Government at a federal, state and local level. Other research initiatives have investigated the extent of legal needs and the capacity of justice services to respond to them through complex exercises known as "needs mapping", which may involve a combination of service inventories and focus groups. Most mapping projects have been carried out on a geographic basis, including a state-by-state portrait of the services available to assist the U.S. public in accessing civil justice and similar projects at a sub-national level in Alberta and Ontario in Canada. Some of these projects provide data on legal needs, what legal assistance services are available, how they are coordinated, who can access these services, how the available services align with community legal needs, and how legal services can be improved. For more information on the legal needs surveys and other mentioned types of assessments and related discussion, please refer to the documents related to the OSJI-OECD workshop Understanding Effective Access to Justice.54

At the same time, legal need surveys are often not able to provide detailed needs analysis by small geographic areas, or even below national or state levels. Sample sizes are usually such that only for larger geographic entities will there be sufficient survey respondent numbers to allow estimates of important parameters. On the other hand, well-collected and analysed 'administrative' data, when pertinent to key questions, may offer the potential, not just of answering specific questions, but also, of providing timely and (possibly) less expensive answers, including those that require observation of change over time.
Box 7. How to identify legal needs

When seeking to identify the legal needs of a community, questions to be answered for policy makers and service providers might include:

- What is the prevalence of legal problems across the community in a particular time period?
- What are the types/areas of law of the legal problems experienced?
- Are some demographic groups more likely to experience different types of legal problems?
- Are some demographic groups more likely to experience multiple legal problems?
- What do people do (including across different demographics) when faced with legal problems?
- For those who seek assistance, who do they seek assistance from? How do they reach that service provider?
- Why do some people not seek assistance?
- How do people resolve, or seek to resolve, their legal problems?
- Where are the geographic areas of high legal needs?
- What are the adverse consequences on other aspects of life (health, employment, housing or other areas of social engagement) for those with legal needs?
- What are the costs of meeting identified legal needs? What are the costs of not meeting them?

Legal assistance services

Identifying the needs is only the first step. To provide effective legal services to ensure that citizens have effective access to justice that allows them to enforce their rights and fully participate in economic and social life, regardless of economic or social disadvantage, the following information may be relevant for policy makers and service providers:

- Where are the areas (geographic, areas of law, etc.) of greatest legal need?
- What types of services are most effective and cost effective to meet which needs for which groups and in what circumstances?
- What services are available to meet the identified needs of individuals in the locations where they are?
- How can the most appropriate services be made available at the right time and place across the geographic and legal breadth of jurisdictions?
- How can we monitor and evaluate changing needs and the impact of service delivery to ensure the legal needs of the community continue to be met in the most effective and efficient way?

Formal dispute resolution processes (such as court, tribunal and ADR services)

When seeking to provide an evidence base to inform decision-making in civil justice in relation to the operation of formal civil dispute resolution organisations and processes (e.g. courts, tribunals, mediation services, etc.), questions to be answered (at any given time / period) might include:

- Who is suing whom in a particular court/tribunal?
- What types of civil claims are being litigated or mediated?
- Of what value are the claims being pursued?
• What matters are defended, and by whom?
• Who has legal representation and who does not?
• How are matters finalised? How long does it take to reach certain outcomes in a particular court / tribunal?
• What is the cost to the state for certain types of conduct? What is the cost to litigants of pursuing certain matters?56

For potential users of civil courts and tribunal services, other questions may be important in order to enable them to make decisions about the most efficient avenue for resolving their disputes or legal problems. Their questions might include:

• How long do various stages of the likely civil litigation process take, and in particular, what is the expected timeframe to obtain resolution?
• What is likely to be the personal / organisational time and effort (i.e. such as court attendance, etc.) required to obtain that resolution?
• What costs are likely to be incurred?
• On recorded experience of similar matters, what are the chances of success?


When beginning to look at methods for determining the legal needs of their communities, governments, service providers and researchers may often turn first to available administrative data relating to the use of existing legal services as a means of identifying legal needs. By looking at the data collected daily by legal service providers, it may be possible to answer questions such as:

• How many people are currently accessing services (such as Legal Aid, community legal centres, but also for courts, tribunals and ADR processes)?
• Who are these people (that is, what demographic do they represent)?
• Where do they live, and where are legal services needed?
• What are the legal matters they enquire about?
• Who inquires about which problem /matter types?
• Are there demographic groups that seem under-represented?
• What pathways do people take to reach this legal service, and what subsequent pathway may be taken after to resolve the legal problem?57
Box 8. Administrative data

‘Administrative data’ is, for the purposes of this paper, data collected from and about individual clients, matters and services for each occasional service provided by an agency. In the legal sector, administrative data can include that collected by courts, tribunals, ADR agencies, community justice centres and legal aid providers in relation to the demographic characteristics of clients, the matters assistance is sought for, the services provided, etc. Administrative data usually originates as a means of government and other agencies reporting to their funders for accountability purposes. The collection of administrative data is therefore primarily for administrative and management reasons, and not generally for research. Nevertheless, well collected and managed, administrative data provides valuable information to monitor and evaluate service provision.

‘Administrative data’ should be distinguished from what might be called ‘official data’, that collected and produced by national statistics agencies, such as national census data, etc.

‘Administrative data’, collected routinely with each provision of service, should also be distinguished from data obtained through bespoke research, using methodologies and data collection to answer specific questions.

Source: Law and Justice Foundation of NSW

How do we know what works? Approaches to measuring effectiveness

Understanding what works requires careful measurement of the effectiveness of different types of legal assistance and justice services. There are several approaches to measuring the effectiveness of legal services and access to justice, including but not limited to, programme evaluation of specific legal assistance services, justice pathway evaluation and empirical impact evaluations. In each case, a range of methodologies can be employed to measure indicators of effectiveness, which can be considered an assessment of whether or not the program achieved its aim or intended outcome. It should be noted that measuring effectiveness in terms of cause and effect requires planning, resources, and particular expertise and methodology.58

Understanding what works can help inform evidence-based decisions in planning and delivering legal and justice services. It is a widely used practice in other sectors, including early childhood education, public policy and well-being.

Programme evaluation

Governments and public legal service providers employ a range of methodologies to evaluate the quality and impact of the legal services they provide. Programme evaluation is a systematic, objective process for determining the success of a policy or program. Evaluations assess whether and to what extent the program is achieving its goals and objectives, although traditionally, in many countries, these evaluations have focused on experience in service delivery and some measurement of client satisfaction.
Box 9. Benefits of evaluation

- Improving the provider’s operations to inform necessary adjustments.
- Assessing success of innovative delivery techniques to support the decision-making on the roll-out.
- Informing planning and budgeting to guide allocation of resources.
- Informing training plans to ensure appropriate delivery capacity.

Source: American Bar Association (ABA) (2006), ABA Standards for the Provision of Civil Legal Aid

More recently, methodologies have expanded on the quality of procedure and outcomes experienced by individuals who receive assistance. It is seen as key to have “[…] an eye toward measuring the effectiveness of the assistance received in terms of case outcome, rather than accepting the mere facts of assistance as sufficient”. Particularly in the context of limited resources and unmet demand, “[M]easuring effectiveness is about measuring whether or not the program achieved its aim or intended outcome”.59 In rare cases, studies investigate the longer term impact of legal assistance such as “whether clients gained new confidence, knowledge or reassurance as a result of the legal services they received” 60

Procedure and outcomes can also be assessed from a systemic perspective, for example reduction in the length of a hearing or achievement of a broader policy goal such as reduction of poverty. Ideally, evaluation provides feedback needed to ensure both quality of service and as a feedback loop facilitating systemic reform where needed.

The report prepared by the NSW Law and Justice Foundation provides an overview of different evaluation designs and data collection methodologies, including quantitative (single-group design with a follow up, single-group design with both a baseline assessment and a follow up, non-equivalent control group design and randomised trials) and qualitative (focus groups, interviews).61 It highlights that some evaluation methods are more suitable to show if an intervention is effective, hence it is important to make a careful decision concerning evaluation design, depending on the considerations, resources, data quality and any known limitations. Examples of outcome benefits in different sectors are highlighted in the Figure 6.

In her in-depth comparative analysis of methodologies, Curran concludes that the most useful methodologies are:

- ‘Most Significant Change Technique (TMSCT)’ described as: “[…] a participatory form of evaluation that uses a story approach to explore the impact of a service or program. This challenges the conventional evaluation so commonly used and discussed above with its focus on predefined indicators. TMSCT is a process that ensures that the many stakeholders, including client, community, service providers and government are involved in deciding on what kind of impact and change is important and records and reflects on these. Case studies are often used in this approach”. [note this technique is more often referred to by the acronym MSCT]
- ‘Survey Research’ which “involves the use of questionnaires and structured interviews to collect quantitative data at a single point in time which is examined to identify patterns and relationships”
Figure 6. UK Legal Services Commission’s target benefits to be achieved by service provision

<table>
<thead>
<tr>
<th>Category of legal problem</th>
<th>Example outcome benefits</th>
</tr>
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</table>
| Consumer contracts        | The sum owed or liability is reduced  
                           | Goods or services are replaced or repaired       |
| Community care            | Provision of service is secured, or the costs are covered  
                           | A vulnerable adult is protected more effectively |
| Debts                     | A debt is reduced or written off  
                           | Affordable payment arrangements are negotiated on behalf of client |
| Employment                | The client receives increased periodical payment or a lump sum  
                           | An employer’s [adverse] action is delayed or prevented |
| Housing                   | The client is housed, re-housed or retains home  
                           | Repairs or improvements are made to the client’s home |
| Immigration               | Humanitarian protection is granted  
                           | Citizenship is granted |
| Family                    | The client receives a lump sum or property adjustment  
                           | The client’s liability to pay the other side is reduced or avoided |
| Clinical negligence       | The client receives damages, periodical payments or an apology  
                           | Other party's action benefits people other than client (e.g. changed policy) |
| Mental health             | Statutory recommendation for guardianship or supervised aftercare  
                           | Reclassification of form of mental disorder |
| Personal injury           | The client receives damages or periodical payments  
                           | The client receives an apology |

Source: Adapted from Digiusto, E. (2012), Effectiveness of public legal assistance services, Justice Issues, Paper 16, Law and Justice Foundation of New South Wales

- ‘Case Design Approach’ which “involves a range of qualitative and quantitative evaluation methods including interviews, questionnaires, participant observation (difficult in legal assistance research due to client professional privilege issues) and document analysis. It focuses on a very in-depth analysis of a case or service program and examines these to develop in depth understandings rather than causal explanations. Such approaches reveal particularity and diversity and are good at enabling greater sense to be made of a situation that might not be evident with a more superficial study”

- ‘Participatory action research’ which “involves the evaluator working with the client/service/community to identify research questions, to collect the data and analyse it. This approach sits within a critical theory which is designed to contribute to learnings and empower people in the process and into the future by learning about their situation and working with the service/community/client to work out ways of making improvements. It uses ‘quality criteria’ which involves reliability, measurement validity, credibility, transferability, dependability and confirmability. It requires that the participation be authentic and ensures that the cause and effect relationship holds”.

In some cases, services are evaluated on a broader basis that allows for a comparison of a variety of providers. For example, Community Legal Education Ontario undertook an in-depth assessment of effective formats and delivery channels for reaching low-income and disadvantaged communities in Ontario with information about their legal rights. One of the most thorough evaluation plans established by a service provider was used by the UK Legal Services Research Centre at the time Community Legal Advice Centres (CLACs) and Community Legal Advice Networks (CLANs) were introduced in England and Wales in 2009. This effort was designed to “constitute a new approach to the way that civil legal and
advice services are funded, purchased and delivered” in that country. The LSRC developed a research
framework based on four key areas against which the services were to be evaluated: accessibility,
seamlessness, integration and tailored services. The published studies provide a comprehensive review of
the initial period of these new service delivery models. As part of the reporting process, the LRSC
developed a set of outcome criteria for various types of legal matters against which results were to be
measured. Other examples of the development of substantive standards for the evaluation of outcomes
exist in the US and Australia.

Many US studies have investigated the impact of counsel in various settings that handle civil cases. These
reports consistently show that representation is a significant variable affecting a claimant’s chances for
success in a vast range of legal proceedings including eviction, custody, and debt collection cases, as well
as administrative proceedings. The type of proceeding involved has varied from uncontested, to claims
adjustment, to mediation, to arbitration, to various types of administrative adjudications, to court
proceedings (including specialised courts of limited jurisdiction). A recent California study carried out an
in-depth evaluation of partial legal services in housing-related cases. The outcomes assessed in this study
were both procedural and substantive in nature. The findings indicate was that the unbundled legal services
program was successful in furthering procedural justice, but that its impact on substantive case outcomes
was quite limited.

Until recently, the vast majority of these studies were observational in nature, that is the research design
was to compare outcomes in cases where the individual was represented by counsel to similar cases where
the individual was unrepresented. This approach has been the subject of a lively debate among scholars.

There are a number of recent and ongoing US projects carrying out what many consider more empirically
rigorous randomised evaluations of the need for legal representation, in which participants are randomly
selected to receive a type of legal assistance service and whose experience and outcome are compared to a
cohort which did not receive the service. Concerns are also raised about the ethical and practical limitations
of randomised studies and the limitations of their utility in providing meaningful evaluation of civil legal
services and policy formulation.

The Boston Bar Association’s Civil Gideon Task Force and the Shriver Pilot Projects in California have
established multi-year pilot projects engaging a range of research methods to evaluate the experience of
persons who have full legal representation to those who receive more limited forms of assistance in a
variety of court-based processes. Methodologies include: analysis of a randomised studies, assessment of
the court dockets, efforts to follow litigants after the period of the study, and interviews with judges,
advocates, and other personnel involved. These evaluation methodologies were developed through a
participatory process engaging practitioners, policy makers, experts and other stakeholders. This multi-
pronged methodological approach with its mix of quantitative and qualitative research methods is
considered to have strong potential for evaluating the effectiveness of legal services. Early results from the
Boston project conclude that people who receive full legal representation fare much better in court-based
processes, both in terms of legal outcomes and socio-economic outcomes.

Importantly, however, preliminary OECD analysis of various studies assessing the effectiveness of legal
and justice services conducted by many countries shows the scarcity of good quality evaluation studies. Yet
given that limited levels of citizen centred supporting institutions, including research institutes, in the
legal field there appears to be even a greater need to share good quality and critical evaluations and to
exchange knowledge of ‘what might work’ in country-specific context. Some possible considerations for conducting sound evaluations of effectiveness of legal and justice services, as well as the elements that would need to be made public by evaluations in order to understand their quality are highlighted in Box 10.

**Box 10. Key considerations in assessment of effectiveness of legal and justice services**

- Evaluation plays many roles. A four-stage taxonomy has proved useful in the legal services domain, distinguishing between evaluation centred on: service planning, establishment, operation and outcomes, each of which is associated with distinct evaluation questions and forms of evaluation.
- The first stage is associated with, for example, needs assessment and gap analysis. The second and third stages are associated with, for example, process evaluation and monitoring. The fourth stage concerns whether services are effective, efficient, cost-effective and cost-beneficial.
- In general, the desired outcomes of public legal assistance services relate to one or more of: usage (e.g. by target clients or in relation to priority issues), citizen capability (including empowerment), ‘case’ outcomes; procedural impact; and, wider (e.g. socio-economic) impact.
- Evaluation is an applied social science.
- Methods follow questions. The most critical task of evaluation is articulating evaluation purpose and questions.
- A simple categorisation of research designs includes experimental, quasi experimental, cross-sectional, longitudinal, case study, and comparative. Data sources include interviews/self-completion questionnaires, focus groups, administrative data, content, observation, and participation.
- While process evaluation is often associated with qualitative approaches, it can also follow quantitative approaches. In contrast outcome evaluation is often associated with quantitative approaches, but can also follow qualitative approaches. However, qualitative research falls short when quantification of impact is required.
- A significant number of studies have looked to quantify the impact of legal services on outcomes, but there have been few randomized experiments.
- The benefit of randomized experiments over other outcome evaluation designs is their high level of interval validity, important in the context of causation. However, randomized are often infeasible and can be too narrowly focused in the context of scarce resources.
- Not all approaches to ‘outcome’ evaluation rely on establishing cause and effect. For example, the benefits of services can be explored through inquiry into the value placed on them.
- Challenges to impact centred cost-benefit analysis include availability of measures and the diffuse nature of wider impact.
- With limited resources available for evaluation, they must be of good quality, useful and sustainable. As a minimum, they should: address the right questions, fully describe the nature of the evaluation and, adopt appropriate social research methods, engage (and respect) stakeholders, be impartial, be shared, adhere to norms and standards.
- The quality, utility and sustainability of evaluation in the legal services sphere does not only depend on efforts within individual exercises. Evaluation requires an enabling environment.
- There is an important role for meta-evaluation and other synthesis methods, to consolidate learning and...
explore emerging themes.

Prior to commencing evaluation exercises, prior research should be reviewed.

In drawing together examples of legal service evaluations, evaluations could be indexed according to: location of service, nature of service, commissioning organisation, evaluation lead, purpose of evaluation, evaluation questions, research methods, protocols followed, methodological recommendations, stakeholder engagement, use made of evaluation and publication.

Source: Pleasance, P. (2016)

Cost-effectiveness, cost-benefit and economic analysis

Meeting the civil legal services needs of various groups of the population through the delivery of people-focused services in the context of fiscal constraints is a challenging task. It requires an understanding of the relative costs of different strategies to achieving a desired outcome for specific groups of the population (for specific issues) to ensure that they generate value for money. There are several economic evaluation methods (such as cost-effectiveness and cost-benefit analysis). There are also economic impact analysis techniques that aim to understand the general economic value of investments in legal and justice services.

Box 11. The economic evaluations methods

- **Cost-effectiveness analysis** compares the relative costs and the outcomes (effects) of two or more interventions that are potentially competing for the same resources. It is used to determine which intervention achieves the most favourable outcomes or the greatest quantity of particular outcomes at a given cost.

- **Cost-benefit analysis** involves comparing the total expected cost of two or more options (i.e. including any negative consequences) against the total expected net benefits to see whether the benefits outweigh the costs and by how much. CBA generally requires that all outcomes are measured in (or converted into) monetary terms to make them comparable to each other and to the costs. CBA can be used to examine which of two or more interventions achieves a given level of benefit at the lowest cost, and it can provide a basis for deciding how best to allocate a budget in order to achieve the maximum ‘overall benefit’.


There are several models of economic impact evaluation methodologies, including the Perryman Group’s input-output assessment model, which use a variety of data (from surveys, industry information, and other sources) to describe the various goods and services required to produce another good/service. Examples of these studies are included in Box 12, including the estimation of the total economic impact (including multiplier effects) of legal assistance and justice services.
Box 12. Impact evaluations conducted in Australia, the United Kingdom and the USA

Economic Cost Benefit Analysis of Community Legal Centres, Australia

This study sought to conceptualise the value of CLC services within an economic framework, by applying the framework to quantify the economic benefits associated with CLC using an appropriate methodology (cost-benefit analysis at the whole of community level) and by using a sound empirical approach by calculating averages based on a sample of 160 case studies. A cost-benefit analysis provides for the transparent comparison of costs and benefits across various types of projects, policies and programs, using a common currency (dollars) and is the preferred method of government for the assessment of economic benefits.

The study found that, on average, CLC service have a cost benefit ratio of 1:18, that is, for every dollar spent by the government they return a benefit to society that is 18 times the cost. To express this in dollar terms, if the average held constant for CLCs across Australia, the $47.0 million spend on the program nationally in 2009/2010 would yield around $846.0 million of benefit to Australia.

The Socio-Economic Value of Law Centres, United Kingdom

This study aimed to capture the full economic value of the work of Law Centres. A methodology was employed that attempted to capture (and translate into financial value) all the impacts across all material stakeholders affected by a Law Centre intervention. The report based its approach to the measurement of the socio-economic value of Law Centres’ work on a methodology that captures social value by translating social outcomes into financial values. This allowed for a fuller picture of the benefits that flow from the investment of time, money, and other resources. The benefits can then be seen in terms of the ‘return’ for individuals, communities, society or the environment.

The study found that the socio-economic benefit to cost ratio is 6. This means that for every pound invested in the training programme, a socio-economic value of £6 was generated. The assumptions required to generate this figure mean that it should only be considered indicative of the real level of benefit of investing in public legal education programmes.

Economic Impact of Civil Legal Aid Organizations in Tennessee, USA

This study sought to identify economic outcomes produced by Tennessee’s civil legal aid organisations. The paper also took into consideration benefits that other segments of the community gain by ripple effects of civil justice. The estimates of economic impacts were based on outcome and case statistics from the year 2013 compiled by civil legal aid organisations in Tennessee.

It showed that for every dollar invested in civil legal aid, there was a $11.21 return to the state of Tennessee in terms of benefits to clients and their families, cost savings for the community and the impact on the economy. This led to $188.6 million USD in benefits and savings in 2013.

The study highlighted other advantages, including:

- Direct Benefits and savings for low-income families, including income to pay for daily necessities such as food, rent, electricity and transportation; for access to medical care; and for relief from
debt that threatened to drag them further into poverty;

- Cost savings for taxpayers from legal aid’s success in reducing problems that are costly for everyone (e.g. such as homelessness and domestic violence);
- Economic impacts on local economies, including an economic multiplier effect resulting from federal dollars coming into the state each year that otherwise would be lost to communities across Tennessee;
- Economic benefits for health care providers, including Medicaid reimbursements for costs of providing emergency care to uninsured low-income people that would otherwise have to be written off.


1 The term “justiciable” has been used to describe problems that raise legal issues, whether or not this is recognised and whether or not any legal service or process is used in their resolution (e.g. Genn, H. 1999). However, for ease of reference, in this report “legal problem” is synonymous with “justiciable problem”. Where possible and appropriate both terms are included.


3 This document focuses mainly on identifying impacts of people-focused access to justice and costs associated with its absence. It does not address issues related to economic impacts of access to justice for businesses, including SMEs, nor does it focus on the broader role of the rule of law in promoting economic development and positive investment climate (mainly though securing rights and contract enforcement).


5 CLEO Centre for Research and Innovation (2015), Don’t smoke, Don’t be poor, Read before signing: Linking health literacy and legal capability, Toronto, Canada.

6 Canadian Bar Association (2013), Reaching Equal Justice – an invitation to envision and act, Ottawa, Canada.


12 See: https://www.flac.ie/help/centres/

13 See: http://www.il.pathlegal.com/

14 See: http://www.juristaitab.ee/


The Report focuses on a sample of taxation and superannuation disputes involving 118 finalised Alternative Dispute Resolution (ADR) processes that were conducted between July 2013 and June 2014. This Report considers the effectiveness, cost, perceptions and approaches used in the ADR process. The Report explores data about disputes (de-identified) as well as structured survey material (qualitative and quantitative) from all who were involved in ADR processes – taxpayers, representatives, experts, staff of the Australian Taxation Office (ATO) and ADR practitioners. ACJI surveyed (online or by telephone) all participants who have been involved in the sample of finalised dispute resolution processes, including taxpayers and their advisors, ATO staff and dispute resolution practitioners. Surveys were undertaken in respect of matters concluded over a 12-month period commencing on 1 July 2013 and concluding on 30 June 2014. Types of disputants - micro-enterprises, individuals and non-businesses, large businesses, SMEs. The qualitative and quantitative data that is available indicates that ADR is effective in more than 70 per cent of disputes in either fully resolving the dispute, partly resolving the dispute or enabling facts or issues to be clarified. The outcome data reflects that more than 40 per cent of matters resolve completely in the ADR process, and about 25 per cent appear to resolve following the ADR process. In the context of cost, there is data that suggests that the ADR processes resulted in significant cost savings, even though many had already incurred substantial costs prior to the registered ADR event. One relevant factor may relate to the types of costs incurred and the significance of external professional costs. It is possible that these could be reduced by earlier narrowing of issues.


For a list of US Access to Justice Commissions see: http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice/atj-commissions/commission-directory.html. Access to justice committees have been established in most Canadian provinces and territories following the recommendation in Action Committee on Access to Justice in Civil and Family Matters (2013).

See: https://www.judiciary.gov.uk/related-offices-and-bodies/advisory-bodies/cjc/

See: http://www.scottishciviljusticecouncil.gov.uk/


Ibid.


Ibid.


Ibid.
40 Ibid. See also: Forell, S. and A. Gray (2009).
47 Administration of Justice Portal, Spain, https://www.administraciondejusticia.gob.es/paj/publico/ciudadano/home/?t=p/c5/Y_LCSiwEEW_SHJrxQu1aS1kewpNZsZQphTSrciODf6n6ILN2ZmeTgr9zrLL17u2bXu01/2i61nNrvGibbo-6SKNf6ARQQVfFesG8L/BelHRD55MtkWKLqUI0nF=RLehuzxtFay-9aBHv6dM9v209WnPM-5fy-ZDUHqeqq3ANFQoEDw=0OMhpuLH77YOpXqRZx+S3eckg!!di3/d3/L2JQSEvUUt3QS9ZQnZ3LzZfNehGT1BLQTE4NIA4MDBJSjQ0SjdVSTMtwMDA/.
51 Extract from: UN Women and the Council of Europe (2016), Guidance note, Framework on measuring access to justice, including specific challenges facing women, https://rm.coe.int/168069cf4e.
53 OECD-OSJI (2016).
54 OECD-OSJI (2016).
55 By legal assistance services we mean the full range of legal services targeted at poor and disadvantaged people. This would include services such as: legal aid, community legal centres, legal centres targeting particular groups (such as women, Indigenous people, refugees etc.), pro bono services provided by the profession, and others.
While the above questions may seem straightforward, and perhaps the data to answer them may seemingly lie within existing administrative data, in practice it maybe more complicated. For example, the data recorded for ‘who’ the parties are to litigation in court data can often conceal real actors (such as insurance companies, collection agencies, etc.) behind the ‘individuals’ on the record.


59 Ibid.


61 Ibid.

62 Ibid.
