

EQUAL ACCESS TO JUSTICE

Second OECD Expert
Roundtable
Agenda



OECD HEADQUARTERS, PARIS

1 DECEMBER, 2015

AGENDA
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Room CC20
OECD Headquarters, Paris

Following consultations with member countries, the OECD is organising a series of expert roundtables on Equal Access to Justice, under the auspices of the OECD Public Governance Committee. This second roundtable will build on the results of the first roundtable held on 7 October 2015 by highlighting specific country strategies and innovations used to improve the accessibility and responsiveness of justice services to citizens' legal needs, and looking at how to overcome the remaining barriers to access (such as cost, time and complexity).

In particular, the second roundtable will aim to focus on three specific strategies employed by countries to improve citizen focus and responsiveness of justice services: impact and modernisation of public legal aid, including representation assistance; harnessing technology in justice service delivery; and deepening specialisation of justice services.

The roundtable will feature the participation of Public Governance Committee delegates, country officials responsible for the promotion of access to justice, academia, expert community and civil society. It will aim to facilitate interactive exchange and discussions. All participants will be invited to share their country experiences and participate in the discussions.

9:00- 9:30	Arrival of participants, welcome coffee
9:30 – 9:45	Introduction
<p>This session will outline the objectives of the 2nd roundtable and their relevance for the public governance agenda.</p> <ul style="list-style-type: none"> • Mr. Rolf Alter, Director, Public Governance and Territorial Development, OECD 	
9:45 - 12:30	Session 1: Business case and modernisation of public legal aid services: Fostering responsiveness to citizens’ needs?
	<p>This session will explore the ways to assess impacts of different models of legal aid (or lack of thereof), including on individuals’ well-being, public investments and broader socio-economic outcomes and inclusive growth. It will also highlight country initiatives to modernise the provision of public legal aid services, including public representation assistance.</p> <p><i>Coffee will be served at the discretion of the Chair</i></p> <hr/> <p>Questions for discussion</p> <hr/> <p><i>Impacts of legal aid services</i></p> <ul style="list-style-type: none"> – What is the business case for public legal aid? How can impacts of different types of legal aid (<i>e.g., full representation, self-help materials</i>) be assessed? What model works under which conditions? What impact does the lack of access to legal aid and hence to justice have on low-income groups? On communities, society and economy? – What are the impacts of legal aid on poverty, health, education? Can access to legal aid support access to other services (<i>e.g., health, education, social assistance</i>) and improve outcomes in other policy areas? – Do the current approaches to legal aid enable meeting legal and justice needs of citizens, especially in the low income groups? Help citizens resolve clusters of interconnected problems? How is it assessed? What are the biggest barriers for ensuring responsiveness to these needs? <p><i>Current context and country approaches to legal aid</i></p> <ul style="list-style-type: none"> – What are the current challenges and opportunities faced by public legal aid systems in the countries (<i>e.g., increasing number of claims for public legal aid,</i>

	<p><i>growing number of self-represented litigants, fiscal pressures, quality of public legal representation)?</i></p> <ul style="list-style-type: none"> – What are the country approaches to enhancing responsiveness of legal aid services to needs of different groups of low-income citizens? What legal aid innovations are being introduced (<i>e.g., types of assistance provided, legal matters covered, who can access (eligibility), at what stage, for which type of justice service (judicial and non-judicial)</i>)? Do they recognise multiple paths to justice and different legal needs? – What are the country approaches and considerations in providing legal aid for accessing non-judicial mechanisms for meeting legal needs of citizens (<i>e.g., early resolution system services, alternative dispute resolution</i>)? – Do governments have an obligation to provide legal aid or representation assistance? If so, is this obligation present only in criminal matters or also in civil matters? And if in civil matters, which kinds? Are there essential legal needs? – What are the challenges faced by public legal representation services? How to ensure their quality and responsiveness to citizen and business needs? Consistency in the type and scope or amount of legal assistance provided (quality)? Cost effectiveness? <p>Chair: Mr. Geoff Mulherin, Director, Law and Justice Foundation of New South Wales</p> <ul style="list-style-type: none"> • Mr. David Arellano Cuan, Head, Legal Affairs Unit, Ministry of Interior, Mexico • Mr. Stéphane Leyenberger, Head, Independence and Efficiency of Justice Division, European Commission for the Efficiency of Justice (CEPEJ), Council of Europe • Dr. Ab Currie, Senior Research Fellow, Canadian Forum on Civil Justice • Mr David McKillop, Vice President, Policy, Research & External Relations, Legal Aid Ontario, Canada • Pr. Maurits Barendrecht, Research Director, Hague Institute for Internationalisation of Law (HiIL)
12:30- 13:30	Lunch <i>Room CC 20</i>

13:30 – 15:30	Session 2: Harnessing technology in enhancing accessibility of justice services
	<p>This session will explore the role of technology in enhancing access to information, facilitating provision of legal and justice services and enabling integrated access to services in the justice sector, including in remote communities, to marginalised groups and self-represented litigants. It will also aim to identify the necessary capacities and conditions for using technology for justice services and ways to balance it with more traditional channels of service provision (e.g., face to face) in order to respond to the full variety of legal and justice needs.</p> <hr/> <p>Questions for discussion</p> <hr/> <p><i>Role of technology in enabling access to justice</i></p> <ul style="list-style-type: none"> – <i>Access to information:</i> In what ways can technology facilitate access to legal information and legal awareness of citizens? What are the successful country examples? How can the governments foster trust in technology as a tool to access to justice services? – <i>Service delivery and communication:</i> What are the examples of country initiatives and innovations in using technology to improve the delivery and hence access to justice and legal services (e.g., courts, tribunals, alternative mechanisms)? Communication with justice service providers? In remote communities (e.g., e-filing and e-courts)? For marginalised groups? Self-represented litigants (e.g., interactive court forms)? Can technology facilitate the delivery of justice services in all legal domains (or whether some areas are more prone to be addressed via traditional methods, such as criminal cases)? – <i>Seamless and integrated access:</i> How can technology facilitate better triage of cases to identify the most suitable legal and justice services? Are there examples of online “one-stop shops” for dispute resolution services in various areas? <p><i>Identifying what works</i></p> <ul style="list-style-type: none"> – What are the pros and cons of online justice services? Are there examples of “hybrid” service delivery models (combining online and other service delivery channels)? What are the regulatory barriers to innovation and to the use of technology in promoting access to justice? What is required for successful use of technology in providing access to justice (e.g., special regulations, training of IT and legal experts)?

	<p>Chair: Mr. Peter Van Den Biggelaar, Executive director, Legal Aid Board, The Netherlands</p> <ul style="list-style-type: none"> • Mr. Glenn Rawdon Program Counsel for Technology, Legal Services Corporation, United States • Mr. Jin-woong Lee, Director of Judicial Procedure, National Court Administration, Korea • Mr. Gianluca Forlani, Head, Discipline and Proceedings, General Direction on Magistrates, Department of Judicial Organisation, Personnel and Services, Ministry of Justice, Italy & Pr. Daniela Piana, Professor of Political Science, University of Bologna; Associate Fellow, Institut des Hautes Etudes sur la Justice • Dr. Andrej Ekart, Judge, Enforcement Department, Maribor District Court, Slovenia • Ms. Victoria Becerra Osses, Project Coordinator, Studies Unit, Ministry of Justice, Chile
15:30–16:00	Coffee break
16:00-17:50	Session 3: Towards understanding impacts of specialised justice services on access to justice?
	<p>This discussion will explore country initiatives to establish specialised and differentiated justice services (<i>e.g., courts, tribunals, ADRs, early resolution system services</i>) and their impact on access to justice by citizens and business. It will also discuss their advantages and disadvantages and will aim to identify conditions for their success.</p> <hr/> <p>Questions for discussion</p> <hr/> <ul style="list-style-type: none"> – What are the country practices in establishing specialised justice and legal services (e.g., specialised courts, tribunals, ADRs, specialised processes within regular courts)? – What is the business case and impact of specialised justice services? What are the country approaches to assess costs and benefits of specialisation? What impacts may specialisation have on access to justice? On inclusive growth? On meeting citizen needs? Under which condition is specialisation effective and may promote accessibility of justice services, and under which may it hinder it? – What are the countries’ considerations in specialisation of justice services? What are the pros and cons of specialisation? Country specific lessons learned? For example, what are the country experiences with the kinds of procedures that

	<p>may be used in specialised courts? Which mechanisms could enable procedural simplicity in those courts? What are the examples of enabling access to specialised justice services in remote areas?</p> <p>– What are the examples of areas and subjects which could benefit from specialised consideration? Are there successful country examples to developing specialised approaches to court adjudication and dispute resolution which respond to citizen / business needs (as opposed to legal issues)?</p> <p>Chair: Mr. Phil Bowen, Director, Centre for Justice Innovation</p> <ul style="list-style-type: none"> • Ms. Maha Jweied, Deputy Director, Office for Access to Justice, Department of Justice, United States • Mr. Johannes Gerds, Judge, Staff Counsel Justice, Civil and Labour Procedure, Federal Ministry of Justice and Consumer Protection, Germany • Ms. Merja Muilu, Head, Legal Aid and Civil Law Enforcement Unit, Ministry of Justice, Finland • Ms. Lidia Rabinovich, Head, Child Representation (National), Department of Legal Aid, Ministry of Justice, Israel
17:50-18:00	Concluding remarks
18:00-19:00	Cocktail