SUMMARY
2016
Understanding Effective Access to Justice
Understanding Effective Access to Justice
3-4 November 2016
OECD Conference Centre, Paris

SUMMARY OF PROCEEDINGS

Context

Over the past years, the work of the Open Society Foundations on legal empowerment and OECD work on citizen-centred access to justice under the purview of the Public Governance Committee underlined the importance of access to legal and justice services as a significant contributor to inclusive growth and sustainable development. Indeed, an estimated four billion people around the world live outside the protection of the law, mostly because they are poor or marginalised within their societies. As such enabling all people to access justice is central to the achievement of national well-being and development. In this context, as part of the Sustainable Development Agenda, all countries have agreed to “promote the rule of law at the national and international levels, and ensure equal access to justice for all” (Sustainable Development Goal 16).

What does this means for countries in terms of their policy, service delivery and monitoring agenda on access to justice? How can states and civil society ensure effective efforts to implement SDG target 16.3 on access to justice? How can states and civil society ensure that these efforts contribute to economic growth and inclusive development that benefits all? How can measurement approaches and data collection enable countries to track progress in this area? How can we understand what works in access to justice? How can this effort help build a more credible business case for investment in legal and justice services?

In this perspective, the Open Society Justice Initiative (OSJI) and the OECD convened a two-day technical workshop on measuring people’s legal needs and effective access to justice on 3-4 November 2016 in Paris. The meeting brought together a group of governmental, non-governmental and academic experts to discuss the people-focused measurement approaches to access to justice, including legal needs surveys and their practical use. The workshop was specifically focused on civil and administrative justice. The objectives of the meeting were two-fold:

- Discussing current approaches to understanding people’s legal needs and the effectiveness of various dispute resolution mechanisms
- Exploring models and methodologies for measuring the effectiveness of different legal assistance models

More particularly, it aimed at assessing methodologies and building momentum towards more regular national and international measurement of people’s legal needs, their experiences with accessing legal and justice services and the impact of different legal service models. The discussion sought to support effective implementation and monitoring of SDG target 16.3 and the OECD Inclusive Growth agenda. This workshop aimed to deepen the methodological basis to support ongoing policy dialogue, including OECD Policy Roundtables on Equal Access to Justice.

This document summarises the content of each session and identifies the main trends. The agenda and participants list are attached in Annex A and Annex B respectively. For more information interested parties can contact Chloé Lelievre and Tatyana Teplova at the OECD (chloe.lelievre@oecd.org; tatyana.teplova@oecd.org) and Peter Chapman and Zaza Namoradze at the Open Society Justice Initiative (peter.chapman@opensocietyfoundations.org; zaza.namoradze@opensocietyfoundations.org).

This workshop took place further to the calls to strengthen a methodological basis for understanding what works and deepening a business case for access to justice. It also built on the discussion during the joint OECD and Open Society Foundations high-level event “Leveraging the SDGs for Inclusive Growth: Delivering Access to Justice for All” and a Technical brainstorming meeting on the margins of the UN General Assembly (held on 18-19 September 2016, New York, United States), which aimed to support countries in developing their approaches in implementing the Sustainable Development Agenda on access to justice.
Session 1° - Towards People-focused Approaches in Measuring Access to Justice: Delivering on the Promise of the SDGs and Inclusive Growth Agenda

Moderator: Mr David Arellano Cuan, Ministry of Interior, Mexico

Speakers:
- Ms Sofia Carvalho, Ministry of Justice, Portugal
- Mr Allen Beck, Department of Justice, United States
- Ms Diani Sadiawati, Ministry of National Development Planning, Indonesia
- Ms Isabel Schmidt, Statistics South Africa
- Mr Per Ibold, Directorate-General for Justice and Consumers, European Commission
- Mr Celso Herminio Soares Ribeiro, National Institute of Statistics, Cabo Verde

This session highlighted a range of country practices aiming to integrate people-focused approaches to measuring access to justice at the national level. Several of these approaches specifically seek to respond to the implementation and monitoring of the SDG target 16.3 on ensuring equal access to justice to all. Participants discussed how an improved understanding of people’s experiences in accessing justice help deliver more effective public policies, both in the areas of justice and other sectoral policies (such as employment, education, social policies, health). There is a need to complement increasingly robust measures of criminal justice with broader measures of access to justice, especially from people’s perspective. Participants also stressed the importance of focusing on identifying people’s legal needs across sectors and the steps they take to resolve their problems in measuring and realising equal access to justice and, by extension, equal access to opportunities.

Importantly, it was stressed that methodologies to measure civil justice needs need to improve alongside strategies to measure elements of the criminal justice system. Current global efforts to advance common indicators to measure progress on access to justice as part of the SDG target 16.3 mainly focus on criminal justice system. Workshop participants stressed that on their own, these criminal justice measures do not allow governments to fully capture the most frequent justice needs people face around the world, as well as the many important contributions of the rule of law and access to justice to sustainable development.

In the area of civil and administrative justice however, participants underlined remaining gaps in countries’ understanding of the types of justice problems people face, the institutions they engage, the effectiveness of dispute legal mechanisms and strategies to promote more equitable resolutions across different forums. Current measures of civil and administrative justice are frequently based on administrative data from courts and legal aid providers. This administrative data tells an important story of progress within systems but ignores the significant percentage of legal issues that are addressed outside of the formal court process.

As such participants called for deeper efforts to develop citizen-focused access to justice measures and indicators, especially in civil and administrative justice. The current efforts undertaken by the Praia City Group to identify good practice on governance statistics and develop a Handbook on Governance Statistics (due in 2020) were seen as providing an important opportunity to reflect on strategies to measure civil justice. These efforts can, by extension, support implementation and broader national measures of progress under the SDG target 16.3.

Some countries presented on their steps to develop citizen-focused approaches on access to justice:

- Ministry of Justice of Portugal has done an impact assessment study to understand the level of access to the law and courts, to identify challenges and to make proposals to improve the system. The study focused on highlighting the strengths and weaknesses of the system, the appointment of legal representatives and the expenses and interactions with beneficiaries. The study measured the views of the general public, beneficiaries, and the lawyer’s appointment of the beneficiaries, and involved a wide range of stakeholders going beyond justice administration to include social security bodies.
In the **United States**, one of the tasks of the Legal Aid Interagency Working Group, established by the Presidential memorandum in 2015, is to assist the U.S. with the implementation of goal 16, including the advancement of the relative evidence based research, data collection and analysis of civil political aid. One of the challenges in this context is to build a statistical infrastructure in the U.S. that measures access to both civil and criminal justice, given the historic focus on criminal access to justice statistics by the US Bureau of Justice Statistics (e.g., the trajectory of offenders in the system, assistance available to victims, etc.). In consultation with domestic civil society organisations, the Interagency Working Group has begun collating an inventory of existing data and indicators that has been previously collected by the participating federal agencies to identify the gaps, investments needed to collect any missing data and alternative ways of measuring access to civil justice (e.g., measuring demand and supply of civil justice (governments providing for citizen’s needs) as well as outcomes (trust in system, perception of fairness)).

**The Government of Indonesia**, in close partnership with civil society, developed an approach on formulating access to justice measurement based on its national strategy on Access to Justice 2016-2019. This approach built on the Mid-Term National Development Plan 2015-2019 and its four components (access to and provision of basic rights; access to courts and other conflict resolution mechanisms; access to natural resources use and management; access to legal aid). There are plans to integrate different sources of civil society and government data sources into a national Index of Access to Justice moving forward. Workshop participants were eager to discuss the planned national composite index to measure access to justice in Indonesia. The index will be composed of measures on access and provision of basic rights, access to courts and other conflict

A representative from the statistical agency in **South Africa** described the government’s strategy to develop holistic measures of access to justice. Statistics South Africa will hold a national consultation on indicators to deliver on the SDGs in order to integrate broader dimensions of justice into their assessment of progress towards SDG 16.3. There are plans to amend their victimization survey to include a focus on governance, public safety and justice and this survey could include more focus on civil justice.

A representative of the **European Commission** described how they have expanded the scope of The EU Justice Scoreboard, a tool that assists the EU and Member States to achieve more effective justice, by providing data on the quality, independence and efficiency of their justice systems, and feature indicators related to access to justice in civil, commercial and administrative cases. These indicators include the online accessibility of legal information and judgments, the annual approved public budget allocated to legal aid, income thresholds for legal aid in consumer disputes and the promotion of Alternative Dispute Resolution. The European Commission plans to extend its coverage to penal proceedings and is currently refining its indicators to that effect.

The Vice President of Cabo Verde’s statistical agency described efforts of the **Government of Cabo Verde** to establish the House of the Citizen in 2009, a source of legal assistance for female breadwinners, which received widespread community support. In addition, the National Institute of Statistics and the Ministry of Justice signed a Memorandum of Understanding in 2012 to identify methods of collecting data and measuring access to justice. Further, the National Institute of Statistics established a group, with the support of the United Nations Development Programme, to develop further methodologies to measure access to justice and ensure Cabo Verde is able to meet all the sustainable development goals. This cooperation has resulted in data collection through surveys, focusing particularly on the disparity between access to justice in rural and urban areas, as well as the publication of annual statistical reports.

Following these introductory presentations, participants described additional activities in their respective settings. For example, in **Australia**, a government-mandated research institute is studying how disadvantaged groups are able to obtain legal assistance and participate effectively in the legal system through a comprehensive access to justice and legal needs research programme. In the UK a policy case for shifting legal aid is being implemented, based on findings from legal needs surveys.
Session 2° - Using Legal Needs Surveys as a Strategy for People-focused Measurement of Access to Justice

Moderator: Mr Peter Chapman, OSJI

Speakers:
• Ms Rebecca Sandefur, University of Illinois at Urbana-Champaign
• Mr Pascoe Pleasence, University College London

One well regarded and widely utilised method for exploring a person’s experience of dealing with legal issues is through legal needs surveys. Numerous countries have used these surveys over the past several decades and surveys have focused on nationally-representative samples, as well as particular geographies and populations. Examples of countries undertaking large-scale surveys include Australia, Canada, Colombia, the United States, Japan, England and Wales, and Kenya. The increase in this people-focused measurement approach can be primarily explained by increasingly robust methodologies and a desire to promote more equitable resolutions of legal problems, regardless of whether they are taken to court.

The two presenters described how, using a rigorous methodology, legal needs surveys identify the determinants of access to justice from a person’s perspective - the problems they experience, the action they take, the assistance they seek and utilise (or not), the outcomes they receive and their subjective assessments of performance of different institutions engaged in the process. Participants agreed that people facing “legal” or “justiciable” problems often do not characterize them as such and these surveys help policymakers analyse the response of a person whether or not they categorized the problem as legal. The majority of recent legal needs surveys thus adopt the approach of not asking about “legal” issues, but rather about justiciable problems (defined without reference to law) that are easier to comprehend by most people. These surveys reveal that many problems faced by people are not resolved because they are often unaware that they can do something about them. This inaction can be viewed as a lack of empowerment. Effectively navigating dispute resolution processes is fundamental for citizens to build trust in the system.

Stratifying analysis of legal needs surveys into subgroups of the population provides the opportunity to identify specific needs of vulnerable groups and gain insight into the inequality of experiences of legal problems. Indeed for an individual, existing surveys suggest that the probability of facing legal problems tends to rise with other social issues (for example related to employment status or income, health issues, family problems, etc.). Yet the use of these surveys or other methodologies to map citizen legal needs and experiences in accessing justice appears to be uneven (in particular for geographically marginalised populations), which was seen as possibly undermining the development of citizen-centred justice and legal services. Tracking people’s legal needs over time, by conducting additional rounds of surveys and adjusting the survey design accordingly, was viewed as particularly promising in several contexts.

In discussion, several participants also highlighted that methodologies related to criminal matters often received more attention and resources of researchers and policy-makers. SDG implementation presented an opportunity to advance measures of civil justice, which typically constitute the majority of legal issues faced by the population. Participants identified that the costs and administrative issues associated with conducting surveys can be a significant challenge, especially when they target very specific population subgroups. There was general agreement that we could make more effective use of the existing data, to track surveyed cohorts over time (by following up on people interviewed in past surveys, to obtain panel data) and to promote data sharing between agencies at both the national and international level. Participants also discussed the steps needed to identify a core question module on legal needs in order to integrate these questions into existing household surveys either on justice or other policy areas. Proposals were made to discuss and develop a module of common questions, offering methodological guidance to conduct these surveys. Such an initiative could help facilitate the implementation of country commitments under SDG16.3 as well as contribute to the work of the UN Praia City Group on Governance Statistics.
Based on the information provided by these surveys, the challenge for policy-makers is to strengthen the ways in which the justice system responds to the needs of the population. This could include reform of specific judicial and administrative services to make these services more accessible and user-friendly (by introducing more effective strategies for outreach or through the development of standardised methods for civil justice cases). Several surveys also highlighted that many legal problems can be solved efficiently through administrative processes and alternative dispute resolution models which do not involve court procedures or lawyers. Several countries described how legal aid policies shifted based on findings from legal needs surveys (including in the United Kingdom as well as Ukraine).
Session 3° - Methodologies in practice for People-focused Measurement of Access to Justice

Moderator: Ms Zsuzsanna Lonti, OECD

Speakers:
- Mr Alejandro Ponce, World Justice Project
- Mr Martin Gramatikov, HiiL
- Mr Andri Gunawan, Indonesian Legal Roundtable
- Mr Paul Samoei, National Bureau of Statistics, Kenya

This session explored methodological and practical considerations of using surveys to measure access to justice. More specifically, it discussed how people-focused access to justice measures and data collection methodologies can be used to respond to specific service delivery needs and guide policy decisions. Speakers spoke from the perspectives of government, national civil society and international organisations.

Discussion started with the recognition that there were no internationally comparable standards for measuring civil justice. Several countries and civil society organisations discussed plans to refine strategies to measure access to justice in the context of SDG 16. The World Justice Project presented that, in 2016, they began fielding a legal needs and dispute resolution module in their global general population poll. This year, this survey reached 1,000 participants in each of 65 countries and asked about the problems and legal issues respondents face, where they went for legal information, what institutions they engaged to resolve their problems and their subjective assessment of this process. When initial country profiles are released in early 2017, this will be the first globally comparable survey data on legal needs.

HiiL presented on their Justice Needs and Satisfaction tool, which they have fielded at a national level in nearly 10 countries. This in depth, often national, survey focuses on the experiences of the population in their justice journeys – looking at what problems people have, where they go for resolution and how they assess this progress. In Kenya, the government’s statistical agency recently fielded a focused justice model in their public expenditure survey. This module provides the first national look at the types of legal problems the population has in Kenya. Finally, in Indonesia, the Indonesian Legal Roundtable puts out an annual rule of law perception index. This index relies on expert surveys to track progress at a national level.

Participants discussed the need for increased collaboration between justice sectors’ stakeholders and the exchange of good practices between countries in line with the SDG 16.3 objectives. Furthermore, the participants noted that the justice journey has different steps, and that justice processes vary by types of problems and providers of justice. As such, identifying how people respond to their legal issues was recognised as a crucial step to strengthen dispute resolution by identifying where people are going to receive justice, ultimately facilitating evidence-based policy making. Findings across countries suggest that formal justice mechanisms often resolve only a small percent of legal issues (in the range of 10%) and many problems are addressed through administrative and community-based mechanism, while many other problems are left without any resolution at all. From this perspective, participants highlighted the importance of understanding how people experience various legal processes through standardised questions particularly targeting procedure and outcome (e.g. the cost of justice; did the outcome restore damages; was it implemented/enforced; was the outcome fair for both parties?). Employing this focus on people’s subjective experience also should seek to assess economic, emotional and social costs, which are often significant (e.g. travel time, lost wages, search for information, filling out forms, etc.).

One of the mentioned methods to explore individuals’ experience in dealing with legal issues was the design of specific cluster measurements for target groups (e.g. measuring access to legal aid for juveniles, women or indigenous groups). In designing these surveys the importance of understanding local trends and realities before finding the most relevant focus groups (e.g. does the country have a population with unusually high numbers of young people that should be given special attention? What are the particularly vulnerable groups in this region?).
Yet, while many countries are increasingly aiming to use citizen-centric ways to measure access to justice, such as legal needs surveys, participants nonetheless highlighted a number of challenges in this regard, especially when it comes to designing and conducting large sample general population surveys, especially at a granular level (reaching vulnerable groups and underserved regions). Noted challenges included the costs associated with surveying as well as the identification of the most effective actors in collecting data on justice needs and experiences actors. Strengthening the collaboration between public and civil society actors can help governments to obtain more comprehensive, standardised and reliable data. Others also mentioned the importance of building a statistics infrastructure to collect the right data and construct the appropriate indicators on civil justice.

The discussions in this section again stressed that one way to deal with the noted challenges was seen to develop a common survey module on the basis of international good practices, which could be made available to various actors across the globe to possibly facilitate its integration into national household surveys. As mentioned previously, such initiative could be in support of the Praia City Group process and the implementation of the SDG 16.3. Provision of guidance of how to conduct legal needs surveys was also seen as important, in order to provide practical hands-on assistance, based on lessons learned from the international practice.

In designing people-focused access to justice measures in surveys, participants also highlighted the possibility of new data sources. Here, participants advised that surveys might be improved by tapping into new sources such as online platforms. Social media and other sources of “big data” provide potential avenues into the everyday legal issues of the population.
Session 4° - Challenges and Opportunities for Adopting People-focused Measurement Approaches to Access to Justice

Moderator: Ms Melina Buckley, Canadian Bar Association

Speakers:
- Mr Geoff Mulherin, Law and Justice Foundation of New South Wales
- Mr Andriy Vyshnevsky, Coordinating Centre for Legal Aid, Ukraine
- Mr Ben Oppenheim, NYU & Institute for the Future
- Mr Eduardo Freire, Administrative Department of National Statistics, Colombia

This session highlighted the challenges and opportunities of people-focused access to justice measurements, particularly legal needs surveys, to improve our understanding of access to justice in practice. In this context, participants discussed principles for survey design as well as strategies to translate findings into effective policies.

In terms of design, several participants stressed the need to undertake rigorous and sustained assessments of legal needs, especially the needs of disadvantaged people. They noted the need for a comprehensive measurement framework to understand citizens’ access to justice. Discussion focused primarily on the three methodological tools used to surface these concerns: service provider data, legal needs surveys and targeted qualitative studies.¹

The session demonstrated that while service provider data, such as administrative data from courts or community legal centres, illustrates the legal needs being met by state authorities, this supply-side focus confines any analysis to ‘expressed’ needs. Importantly, service provider data is unable to identify ‘unexpressed’ needs, that is, the needs of those who face legal issues but do not access traditional service providers. Legal needs surveys, on the other hand, are demand-side focused and identify legal needs irrespective of whether they are met by service providers. To ensure that all needs are assessed, service provider data and surveys are complemented by qualitative studies that are tailored for specific communities who may be difficult to reach through conventional data collection, for example, people with a mental illness, homeless people or Aboriginal and Torres Strait Islander Australians who reside in remote communities. It was concluded that the combination of these methodological tools provides for a broader understanding of legal needs, both expressed and unexpressed.

Legal needs surveys can also help capture the developmental links of justice problems. Countries are increasingly conducting comparative analysis of the justice system with different dimensions of household welfare data (e.g. Colombia, Quality of Life Survey). Possibilities of integrating legal needs questions into sectoral and victimisation household surveys were mentioned, like what was done in Kenya, as a way to mainstream the understanding and resolution of legal needs in other life areas. As described above, participants discussed that people-centred surveys help one understand the impact of access to legal services (or lack thereof) on socioeconomic outcomes such as access to education, health services and livelihoods.

The workshop also discussed the challenges associated with understanding how marginalised populations address their justice problems. Participants discussed that marginalised populations are often not captured in traditional household survey sampling frames. Such data gaps are often caused by the inaccessibility of the groups as they may be informal, migratory or reluctant to be publicly identified. Their lack of identification may also be caused by a lack of recognition when generating administrative statistics on the part of government officials, or because the group is too small to be accurately captured in nationally representative surveys.

¹ Several participants also mentioned additional measures of access to justice, including reports from NGOs, international organisations, governmental institutions (e.g. ombudsperson), recommendations of independent assessment missions (e.g. CoE), internal studies and surveys done by the legal aid system experts, statistical data collected within the legal aid system, information from lawyers providing legal aid and information exchange with human rights bodies were listed as relevant sources of information for policy-making on access to justice.
Population specific surveys were identified as a possible strategy to address these systematic data gaps as was done with the Nubian community in Kenya in 2015. Administering specific surveys to such population poses its own challenges, however, and participants discussed some of the tools to reach marginalised populations. Using non-governmental community liaisons for population outreach and sensitisation is one strategy. Participants stressed that civil society can provide context and impart critical tacit knowledge that can inform research design (sampling, QRE design), as well as provide operational access to insecure environments all while overcoming community suspicions or anxieties. Despite these strengths, steps are nonetheless needed to ensure that access via civil society groups does not systematically bias data.

Participants also discussed the use of data on the populations’ justice problems by policymakers to facilitate evidence-based policy-making and service delivery on justice. The fact that the vast majority of the population’s legal issues are not taken to formal justice institutions has important implications for resource allocations for legal assistance and justice services. Indeed, there are some examples of countries using the results of legal needs surveys to inform the design and delivery of justice services. For example, the Government of Colombia’s access to justice index emphasises the necessity to compile and compare information coming both from the “supply side” as well as the “demand side” of justice services, at the municipal level. Other countries such as Ukraine developed access to justice instruments in response to research in the justice sector (e.g. a new Code of Criminal Procedure including a new mechanism of early access to legal aid for all detainees), which helped shift allocation and prioritisation within the justice sector. Notably this research was led by government as well as based on several civil society reports. Similarly, Australia developed a National Partnership Agreement on Legal Assistance Services, which provides Australian Government funding to states and territories to distribute to legal aid commissions and community legal centres. This agreement seeks to improve access to justice for disadvantaged people and maximise the delivery of legal assistance services within available resources, in response to the findings of legal needs surveys and other research.

Participants underlined that translating data to effective policy requires a long-term view as large surveys take time and valuable data enhancement will typically take years. Hence, emphasis was placed on a long-term methodological framework to promote policy development and cost-effective service delivery while at the same time deploying additional tools to track more short-term effects. The common survey modules were seen as very useful to facilitate this work.

In addition, participants stressed that there is scope for advancing common approaches to and closing the gaps in collecting administrative data which would provide insight into the legal needs of citizens and effectiveness of addressing them. This could also be a part of a comprehensive measurement framework for access to justice. Finally, the discussions identified a strong need to highlight innovative and effective ways of connecting evidence on citizen legal needs and experiences with the access to justice policy and delivery of legal assistance and justice services.
Session 5° - Impact of Unmet Legal Needs and Emerging Research Trends

Moderator: Ms Tatyana Teplova, OECD

Speakers:
- Mr Trevor Farrow, Canadian Forum on Civil Justice
- Mr Pascoe Pleasence, University College London
- Mr Paul Prettitore, World Bank

This session focused on how legal problems relate to other areas of life and development affecting inclusive growth (e.g., health, employment, education). The three speakers presented their respective work to explore how legal problems link to broader development challenges and, ultimately, poverty. They discussed that in diverse contexts – from Canada and the UK to Jordan and Mexico – civil and criminal legal problems were seen to be clearly linked with social and economic well-being.

Extensive research demonstrates that justice problems create and perpetuate social problems. Participants pointed to reports of links with health impacts (e.g. observed links with morbidity) as particularly common and compelling. A cited 2004 survey found that adverse consequences, defined as health and wellbeing concerns, such as physical or mental ill health, and changes in circumstances, such as damage to a family relationship, were reported to follow from as much as 52% of justiciable problems. Notably, family and employment problems were noted to be particularly impactful. A 2004 survey conducted in England and Wales found that the cost of justiciable problems to individuals, health and other public services was estimated at £13bn in total over a 3.5 year period in one country (The English and Welsh Civil and Social Justice Survey, 2004). A 2014 Canadian survey estimated the costs to the state to C$800m and the costs of attempts to resolve problems to C$7.7bn each year in the country.

To more meaningfully understand these dynamics, participants highlighted the need to collect, coordinate and analyse data and information on the cost, value, and trends of accessing justice. In other words; what does it cost to deliver an effective justice system, and what are the costs of not doing so? What is the analytical framework that could guide this work? Country participants noted that the majority of people experiencing one problem were likely to experience two or more problems (CFCJ’s Everyday Legal Problems and the Cost of Justice in Canada survey, 2014). In addition, the more problems, the more likely people were to face further non-legal problems, and such variables frequently coincided with predictable variables (e.g. age, disability, number of children, education, employment, gender, income). Here, low income, vulnerable and marginalised groups were seen to experience more problems overall. In this environment of spiralling legal issues, particularly for vulnerable demographics, country representatives indicated that legal problems had a severe bearing on annual state-incurred costs in other sectors (i.e. Canada: Social Assistance $248 million, Employment Insurance: $450 million, Health Care $101 million).

The discussion further reiterated the need to find a way to quantify the benefits of legal services in a systematic manner. One way is to ask users themselves about their perceptions of the value of services (e.g. HSRC cost-benefit analysis of CAOs in South Africa). Participants also stressed the value of enquiring about the impact of various legal service uses (e.g. formal court process, mediation, arbitration) on case outcomes both in terms of costs avoided and benefits gained. They called on the OECD and OSJI to continue these efforts, building on their multidisciplinary expertise. Discussions in small groups to advance on this agenda were seen as a fruitful ways forward. Finally participants emphasised the need to more effectively measure the impacts of justice problems while identifying the key elements to building a robust business case that supports this agenda.
Session 6° - Towards Measuring the Impacts of Different Models of Legal Service

Moderator: Ms Lotta Teale, OSJI

Speakers:
- Ms Rebecca Sandefur, University of Illinois at Urbana-Champaign
- Mr Bilal Siddiqi, World Bank
- Mr David Udell, National Center for Access to Justice

This session sought to highlight several different approaches used to understand the effectiveness of legal assistance models, also to guide the investment decisions and service delivery choices. Presenters discussed efforts in the United States and West Africa and participants brought in additional perspectives. All presentations began with the understanding that the choice of the evaluation design depends on (and has to reflect): the context, the programme features and scale, the research budget and the specific outcomes targeted by the programme. Professor Sandefur offered a methodological frame for assessing the effectiveness of non-lawyer models of legal assistance: appropriateness, efficacy and sustainability of programs.

Presenters also discussed their experiences in using randomized control trials (RCT) to understand access to justice. They described how RCTs can be an effective tool to prove causation in particular instances. In RCTs, the units of observation (generally the individual or the household) are randomly assigned to either receive a treatment (e.g. programme of legal assistance) or belong to the comparison group (“control”). Data for each group is collected before and after the intervention (differences-in-differences approach) and, at the end of the treatment period, observed differences between the treated and comparison groups for the outcomes of interest can be attributed directly to the effect of the intervention. The randomization procedure tries to ensure that the treated and comparison groups are equivalent in all aspects other than the treatment. The comparison group therefore serves as counterfactual and demonstrates what would have happened in the absence of the programme. Although considered the “gold standard” in medical research, RCTs are difficult to conduct with governance issues and account for the range of issues in a justice intervention. RCTs are also typically quite expensive given the multitude and frequency of surveying and difficulties can arise when randomly assigning subjects to the treatment and comparison groups and offering intervention to one group but not another raises significant ethics concerns.

Notwithstanding these challenges, there are increasing examples of using RCTs to measure performance of justice issues. Several surveys have proliferated in the United States, Europe and developing contexts in recent years. For example, in Liberia researchers used an RCT to understand the effect of free legal advice offered by non-government community-based paralegals on a range of social outcomes, including food security, gender equity and other social dynamics. In the US the method is being used to understand the impact of legal services on particular legal problems.

In addition to RCTs, researchers in the justice sector are also using quasi-experimental designs. Although the assignment to treatment is not random in this framework, it also allows the effects of a treatment to be estimated by using a differences-in-differences strategy. Such an approach was used in the criminal justice system in Sierra Leone. Key findings from this Sierra Leone study on the effects of daily visits of criminal justice paralegals to police stations and prisons were presented. The main challenge faced by evaluators of this approach was to find a valid counterfactual, since strict equivalence between the two groups that are being compared cannot be assumed as with RCT designs. To build an appropriate comparison group, differences at baseline (i.e. prior to the treatment) must be identified and account for any demographic or behavioural differences in the analysis. Indeed, significant differences at baseline between the treated group and the counterfactual would not allow the evaluators to assess whether observed differences after the treatment are attributable to the programme or to exogenous factors.
Experts presented several methods to manage this issue, including matching procedures. This method aims to improve the comparability of groups by identifying the units of observation from the comparison group that are most similar to the treated group on all relevant characteristics, such as age, education, income and other factors associated with programme exposure. Another key aspect of the impact evaluation that was mentioned is to control for other sources of bias, such as spill over effects (counterfactual exposed to the treatment), observer effects (when individuals’ behaviour changes due to their awareness of being observed) or high rates of dropouts (individuals assigned to the treatment that do not take the treatment). With this in mind, some participants suggested how the OECD could play an important role in promoting these evaluations and advancing this work by for instance guiding the mapping (e.g., advice on sources, framing etc.) of methodologies, approaches and criteria for assessing service impact, outcomes and effectiveness, cost-efficiency and policy relevance. Participants also highlighted the importance of this mapping to understand what works and for whom in delivering legal and justice services. Such approach could be supported by further expertise and dialogue to share related data and indicators in order to support Governments in implementing and assessing such tools.
The final session of the workshop offered an opportunity for participants to brainstorm strategies to improve measures and impact assessment of access to justice. Participant recommendations supported a broad agenda to identify what works in addressing people's legal needs. These recommendations prioritized activity in a few specific areas.

First, there was consensus on the need for more frequent and accurate measurement of people's legal needs and the effectiveness of access to justice services in a cost-effective and sustainable manner. The use of surveys and other citizen-centred measurement approaches needs to be expanded and facilitated, in order to accelerate the implementation of effective programmes that deepen access to justice for all. Participants called for support of the development of the tools, modules and common approaches to survey civil justice. As discussed at the outset, the Praia City Group process aimed at developing a Handbook on Governance Statistics presents a particularly timely opportunity.

Second, participants stressed that increasingly nuanced data (both perception and administrative) is needed to meaningfully track progress. The survey methods described above should be complemented by broader measurement efforts to support effective planning and delivery of legal and justice services. Some participants recommended that OSJI and the OECD could help to develop a comprehensive measurement framework for understanding people's access to justice, including the impacts on other well-being, growth and development dimensions, was noted. Participants called on the OECD and OSJI to further advance work on citizen-centred measurement of access to justice, especially civil and administrative justice.

Third, workshop participants suggested that policymakers would benefit from a more nuanced and comprehensive understanding of what types of legal assistance and justice services are most effective in different settings. Criteria for legal assistance and justice services were seen as currently underdeveloped or lacking. OECD and OSJI were asked to provide leadership and guidance to support these country initiatives.

Next steps will require solidarity and commitment from all actors, at both national and international levels. There was a call for strengthening peer-to-peer collaboration between countries and a recommendation that technical guidance could benefit from input from government officials, civil society representatives as well as those representing international organisations. Participants wanted to see OECD and OSJI take active roles in helping states move towards citizen-centred approaches to the delivery of legal and justice services and a proactive model of legal empowerment. This could be advanced through common efforts of data collection, sharing methodologies and lessons on evaluation. Strengthened cooperation does not necessarily mean the standardisation of methods and indicators at the national level and there should continue to be room for experimentation.

To move forward, participants recommended that OECD and OSJI convene a series of targeted discussions on topics identified during the workshop including common approaches to legal needs surveys, broader measurement efforts on access to justice, impact evaluations and the role of access to justice in promoting inclusive growth and sustainable development, in order to advance the work and feed the broader policy dialogue on these topics as part of the forthcoming events and roundtables on access to justice.
Conclusions and Next Steps

Moving forward, OECD and OSJI intend to engage interested countries and stakeholders in small discussion streams to support the development of the work in the identified priority areas, in accordance with the programmes of work of both institutions. These discussion streams will prepare materials for the next expert and policy meetings, including the upcoming OECD policy roundtable on Access to Justice on 22-23 May 2017 and the OSJI-OECD meeting on civil justice statistics on 24 May 2017. All of these will benefit from a continued participation by members of the Praia City Group.

In particular, the discussion streams would include:

1) **Measurement of access to justice**: This stream will facilitate discussion on citizen-centred measurement of access to civil and administrative justice. It will support the development of tools, modules and common measurement approaches for interested stakeholders to support country’s implementation and monitoring of the SDG 16.3 target on ensuring access to justice for all. This work will begin with a focus on lessons learned from administering legal needs surveys. The stream will also aim to advance work on background materials to support the implementation of the mandate of the Praia City Group to develop access to justice statistics for potential inclusion into the UN Handbook on Governance Statistics (due in 2020). This activity will bring together experts and policymakers to discuss methodological trade-offs in legal needs surveys and produce an annotated legal needs survey module, annotated survey and background document. Overtime, the stream will also explore a broader measurement framework on supply and demand sides of access to justice as well as overall quality of data (including administrative data) on legal and justice services to support policy discussions with all interested countries and stakeholders. This work will also support the identification of practices that “work” in responding to people’s legal needs and the development of the evidence based approaches to access to justice.

2) **Identifying what works**: This discussion stream will aim to inform the efforts on identifying countries’ strategies, programmes and legal and justice service models that are considered effective in terms of cost and in meeting legal needs in given circumstances. It will also explore methodologies for measuring effectiveness and cost-efficiency.

3) **Access to justice for inclusive growth**: This stream will advance the development of an analytical framework and supporting analysis of evidence on the links between Access to Justice and Inclusive Growth.

The participation in the discussion streams will be open to interested stakeholders. The results of the discussions will feed into the preparation of the OECD policy roundtables on equal access to justice and OECD-OSJI workshop on civil justice statistics.
Annex A. Agenda

The Open Society Justice Initiative (OSJI) and Organisation of Economic Co-Operation and Development (OECD) will convene a 2-day technical workshop on measuring people’s legal needs and effective access to justice on 3-4 November 2016 in Paris. The meeting will bring together a group of governmental, non-governmental and academic experts to discuss the people-focused measurement approaches to access to justice, including legal needs surveys and their practical use. The objectives of the meeting are two-fold:

- Discuss current approaches to understanding people’s legal needs and effectiveness of various dispute resolution mechanisms in meeting them
- Explore models and methodologies for measuring the effectiveness of different legal assistance models (identifying what works)

The goals of the meeting are to assess methodologies and build momentum towards more regular national and international measurement of people’s legal needs, their experiences with accessing legal and justice services and impacts of legal service models. The discussion seeks to support effective implementation and monitoring of the target 16.3 of the Sustainable Development Goals and the Inclusive Growth agenda. The meeting will employ a round table format where initial presenters will offer presentations followed by group discussion

Thursday, 3 November 2016

<table>
<thead>
<tr>
<th>09.00 – 9.15</th>
<th>Welcome</th>
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<tbody>
<tr>
<td>This session will outline the objectives of technical workshop over the next two days</td>
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<tr>
<td>- Mr Rolf Alter, OECD &amp; Mr Zaza Namordadze, OSJI</td>
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<thead>
<tr>
<th>9:15 – 10:30</th>
<th>Session 1: Towards people-focused approaches in measuring Access to Justice: Delivering on the Promise of the SDGs and Inclusive Growth Agenda</th>
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<tbody>
<tr>
<td>This session will highlight some of the country practices aiming to integrate people-focused approaches in measurement of access to justice, as part of the implementation and monitoring of the Sustainable Development Goal target 16.3 on ensuring equal access to justice to all and fostering inclusive growth. Why focus on people in measuring access to justice? What are the core methodologies to measure access to justice that focus on people’s needs? What proved effective in these areas?</td>
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<tr>
<td>Moderator: Mr David Arellano Cuan, Ministry of Interior, Mexico</td>
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<tr>
<td>- Ms Sofia Carvalho, Ministry of Justice, Portugal</td>
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<td>- Mr Allen Beck, Department of Justice, US</td>
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<td>- Ms Diani Sadiawati, Ministry of National Development Planning, Indonesia</td>
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<td>- Ms Isabel Schmidt, Statistics South Africa</td>
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<td>- Mr Per Ibold, Directorate-General for Justice and Consumers, European Commission</td>
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<tr>
<td>- Mr Celso Herminio Soares Ribeiro, National Institute of Statistics, Cabo Verde</td>
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<tr>
<th>10.30 – 11.30</th>
<th>Session 2: Using legal needs surveys as a strategy for people-focused Measurement of Access to Justice</th>
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<tbody>
<tr>
<td>This session will offer an overview of why governments, civil society organisations and academics are increasingly adopting people centred measurement approaches to access to justice, including legal needs surveys. The expert presentations will highlight the current approaches, methodologies, key findings and potential policy and service delivery implications.</td>
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<tr>
<td>Moderator: Mr Peter Chapman, OSJI</td>
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<tr>
<td>- Ms Rebecca Sandefur, University of Illinois at Urbana-Champaign</td>
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<tr>
<td>Time</td>
<td>Session/Activity</td>
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<tr>
<td>11.30 – 12.00</td>
<td>Coffee break</td>
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</table>
| 12.00 – 13.30| **Session 3: Methodologies in practice for people-focused Measurement of Access to Justice**
|              | This session will discuss methodological and practical considerations in designing and using people-focused access to justice measures in surveys. How can these measures and data collection methodologies be contextualised to respond to the specific service delivery and policy-making needs in promoting effective access to justice? How can the concepts of “legal capability” and “effectiveness” of the service be integrated? How can specific clusters of legal problems (e.g., gender-based violence) be addressed? The discussion will offer reflections on entry points, methods and strategies for policy impact.  
**Moderator: Ms Zsuzsanna Lonti, OECD**  
- Mr Alejandro Ponce, World Justice Project  
- Mr Martin Gramatikov, HiiL  
- Mr Andri Gunawan, Indonesian Legal Roundtable  
- Mr Paul Samoei, National Bureau of Statistics, Kenya |
| 13.30 – 15.00| Lunch                                                                            |
| 15.00 – 16.30| **Session 4: Challenges and opportunities for adopting people-focused measurement approaches to access to justice**
|              | This session will highlight the ways in which people-focused access to justice measurement, including legal needs surveys, are being used to understand access to justice and inform the design and delivery of justice services. How can these measures inform policy and service programming and its evaluation in the countries? How can the evidence be presented so that it is useful for governments to use to inform policy-making?  
**Moderator: Ms Melina Buckley, Canadian Bar Association**  
- Mr Geoff Mulherin, Law and Justice Foundation of New South Wales  
- Mr Andriy Vyshnevsky, Coordinating Centre for Legal Aid, Ukraine  
- Mr Ben Oppenheim, NYU & Stanford University  
- Mr Eduardo Freire, Administrative Department of National Statistics, Colombia |
| 16.30 – 16.45| Coffee break                                                                     |
| 16.45 – 18.00| **Session 5: Impact of unmet Legal Needs and Emerging Research Trends**
|              | This session will focus on conceptualising and measuring the impacts of legal needs, including on other SDG areas and inclusive growth (e.g., health, employment, education). Questions explored will include: How can people-centred measurement approaches, including legal needs surveys be used to support the analysis of impacts of justice problems? What are the key elements of an analytical framework to measure impacts of justice problems? What are the practical and methodological challenges and opportunities in understanding impacts of justice problems?  
**Moderator: Ms Tatyana Teplova, OECD**  
- Mr Trevor Farrow, Canadian Forum on Civil Justice  
- Mr Pascoe Pleasence, University College London  
- Mr Paul Prettitore, World Bank |
| 18.00 – 18.15| Wrap up and Conclusions - Day 1                                                 |
| 18.15        | Cocktail reception                                                              |
### Friday, 4 November 2016

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
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<tbody>
<tr>
<td>09.00 – 9.15</td>
<td>Welcome</td>
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<td>This session will outline the objectives of technical workshop for the day.</td>
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<td>• OECD &amp; OSF</td>
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<tr>
<td>09.15 – 11.00</td>
<td>Session 1: Towards measuring the Impacts of different Models of Legal Service</td>
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<td></td>
<td>This session will highlight national and international approaches and methodologies to measure impacts of different models of legal assistance. How can we measure the impacts of different models of legal assistance services? How do we know “what works”, for whom and when? How to identify the strategies that help address the legal needs for specific groups, at what cost, and particular circumstances? What are the examples of impact evaluation methodologies used in practice?</td>
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<td>Moderator: Ms Lotta Teale, OSJI</td>
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<td></td>
<td>• Ms Rebecca Sandefur, University of Illinois at Urbana-Champaign</td>
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<td></td>
<td>• Mr Bilal Siddiqi, World Bank</td>
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<td></td>
<td>• Mr David Udell, National Center for Access to Justice</td>
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<tr>
<td>11.00 – 11.30</td>
<td>Coffee break</td>
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<tr>
<td>11:30 – 13:00</td>
<td>Session 2: Where to go from here: Brainstorming strategies for more coherent collection of people-focused access to justice data?</td>
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<td>This session will discuss strategies for 1) enabling more frequent and effective measurement of people’s legal needs and effectiveness of access to justice services in a cost-effective and sustainable manner; 2) understanding what works in provision of legal assistance and justice services to enable “effective” access to justice. How can international organisations, governments, civil society and academics work together to advance people-focused measures of access to justice? How can these efforts support the implementation and monitoring of the SDG commitments under the target 16.3 on equal access to justice?</td>
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<tr>
<td></td>
<td>Moderator: Martin Forst, OECD &amp; Zaza Namoradze, OSJI</td>
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<td><em>A roundtable discussion</em></td>
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<tr>
<td>13.00 – 13.30</td>
<td>Wrap up and Close</td>
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<td>• OECD &amp; OSJI</td>
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<tr>
<td>13.30 – 15.00</td>
<td>Lunch</td>
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Annex B. Participants List

Argentina  Ms. Rosa Delia GÓMEZ DURAN
Counsellor
Embassy of Argentina to France

Cabo Verde  Mr Celso SOARES
Vice-President
National Institute of Statistics

Colombia  Mr Eduardo FREIRE
Director of Methodology and Statistical Production
Director of Censuses and Demographics
Administrative Department of National Statistics (DANE)

Finland  Ms. Merja MUILU
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Legal Aid and Civil Law Enforcement Unit
Ministry of Justice

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Sous-directrice des études et de la statistique
Secrétariat général
Ministère de la Justice

Mr Patrick LE MENES
Conseiller
Ministère des Affaires Etrangères

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Good Governance and Rule of Law
GIZ

Indonesia  Ms Diani SADIAWATI
Director
Analysis of Laws and Regulations
Ministry of National Development Planning (BAPPENAS)

Italy  Mr Luigi CARBONE
Authority Electricity, Gas and Water System Supply

Mr Gianluca FORLANI
Magistrate
Ministry of Justice

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Professor
Department of Political and Social Sciences
University of Bologna

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National Bureau of Statistics

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Ministry of Justice

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Ministry of Interior

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Permanent Delegation of Mexico to the OECD

Mr Oscar SILVA LÓPEZ
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Permanent Delegation of Mexico to the OECD

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Mr Mohammed Sarwar KHAN
Federal Secretary
Law and Justice Commission

Peru
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Director of Demographics
Technical Direction of Demographics and Social Indicators
National Institute of Statistics and Informatics (INEI)

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Department of Strategy and European Fund
Ministry of Justice

Mr. Mateusz BETTIN
Statistician
Department of Strategy and European Fund
Ministry of Justice

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Ministry of Justice

South Africa
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Statistics South Africa

Ukraine
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Director
Coordinating Centre for Legal Aid Providing

United Kingdom
Mr Cris COXON
Head
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Analytical Services Directorate
Ministry of Justice

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Advisor for Anticorruption, Governance, and Financial Affairs
Permanent Delegation of the US to the OECD

Mr Allen BECK
Senior Statistical Advisor
Bureau of Justice Statistics
Department of Justice

**European Union**

Mr Per IBOLD
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Directorate-General for Justice and Consumers
European Commission

**IDRC**

Mr Adrian DI GIOVANNI
Senior Program Specialist
Law and Development
International Development Research Centre

**OECD**

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Director
Public Governance and Territorial Development Directorate

Mr Martin FORST
Head
Governance Reviews and Partnerships
Public Governance and Territorial Development Directorate

Mr Marco MIRA D’ERCOLE
Head
Household Statistics and Progress Measurement
Statistics Directorate

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Deputy Head/ Senior Analyst
Governance Reviews and Partnerships
Public Governance and Territorial Development Directorate

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Senior Project Manager – Government at a Glance
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Open Society Justice Initiative

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Policy Officer  
Open Society Justice Initiative

Ms Sumaiya ISLAM  
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Open Society Justice Initiative

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United States Programs

Ms Zsanett BORSOS  
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Open Society Justice Initiative

World Bank  
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Governance Global Practice

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Impact Evaluation Group

Experts  
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Canadian Bar Association

Mr Trevor FARROW  
Chair of the Board  
Canadian Forum on Civil Justice

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Head of Measuring Justice
Senior Justice Sector Advisor
HiiL

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Researcher
Indonesian Legal Roundtable

Ms Olga HALCHENKO
Manager
Human Rights and Justice Program Initiative
International Renaissance Foundation

Mr Nicolas FLORQUIN
Senior Researcher Research Coordinator
Small Arms Survey

Ms Oksana KIKOT
Deputy Director
Quality and Accessible Legal Aid Project
Canadian Bureau for International Education

Ms Teresa MARCHIORI
Justice Reform Specialist

Mr Artem MIROSHNICHENKO
Head
Qualitative Methods Department
Kyev International Institute of Sociology

Ms Eleanor MITCH
Researcher and Strategy Consultant
Centre International de Droit Comparé de l’Environnement (CIDCE)

Mr Geoff MULHERIN
Director
Law and Justice Foundation of New South Wales

Mr Ben OPPENHEIM
Non-Resident Fellow
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New York University

Mr Pascoe PLEASENCE
Co-director of the Centre for Empirical Legal Studies
University College of London

Mr Alejandro PONCE
Chief Research Officer
World Justice Project

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Associate Professor of Sociology and Law
University of Illinois at Urbana-Champaign

Mr David UDELL
Executive Director
National Center for Access to Justice
Fordham Law School