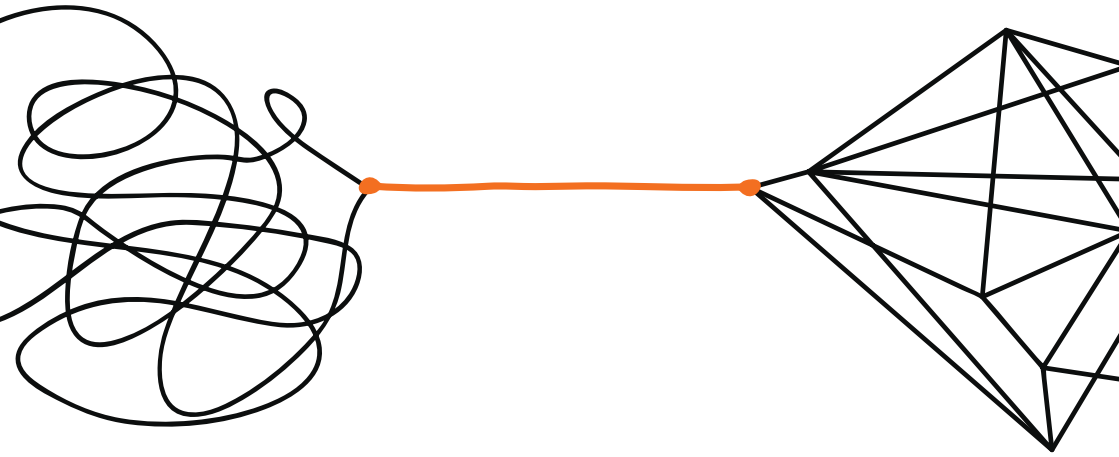


UNDERSTANDING JUSTICE NEEDS

The Elephant in the Courtroom



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SUMMARY: BRINGING JUSTICE HOME AT SCALE

We take stock of how people get access to justice

“Ensure equal access to justice for all.” That simple phrase became a global ambition when it was set out in the United Nations’ Sustainable Development Goals. In this report, we describe progress on that global challenge, building on data collected by the World Justice Project and from a range of other sources. Hiil interviewed 70,000 people in 12 countries. In their homes and at their kitchen tables, they told our interviewers how they cope with their legal problems.

Assisting those who take the lead in delivering justice

We also share experiences from our work with those who take the lead: innovators, judges, lawyers and managers in charge of courts and ministries. Our mission is to assist them to deliver “user-friendly justice”.

Each year, one billion people need basic justice care

In Chapter 1, we estimate the immediate need for justice from the data we collected. Every year, 100s of millions struggle to find fair solutions for their land problems or for issues at work. Families need help when disrupted by separation, violence or an accident. Neighbour conflicts, consumer problems and conflicts with authorities are frequent as well, an estimated one billion in total. One half of legal problems have a strong negative impact on people's lives.

Justice workers struggle to deliver fair solutions

Chapter 2 describes how solutions are delivered. An army of legal helpers in communities brings relief. Judges at court speak of fairness. Still, the big picture is that only one third of people in distress succeed in obtaining a complete or partial solution. If they get relief, it takes a long time. The process of getting a fair solution is experienced as mediocre. Judges, lawyers and prosecutors are overburdened. The way they work is seen as outdated.

Courts under strain and citizens losing faith in justice

Courts and legal systems are clearly under strain. We list 9 signals of the stress they are under. Increasing capacity does not seem to work. This situation is risky. Citizens, justice workers and society at large need to be able to rely on the rule of law, including the effective delivery of justice.

People need protection, understanding and agreement

We then focus on what works. If people get a solution, what does it look like? Where do they go and what are they asking for? What is most effective? Chapter 3 reveals that most justice is rendered by understandings, reaching agreement, guided by trusted third parties and courts. People living in fear or distress are protected by their friends, family, neighbours and police who stop the escalation.

Assembly lines aimed at verdicts

Most effort and money in legal systems is spent on evaluating people's behaviour against norms and establishing sanctions. This leads to processes based on accusations and defences, claims and counterclaims. The assembly lines of legal systems aim at verdicts. Settlement and fair solutions for the problems are a by-product of litigation. Few solutions are produced by the litigation process. Only 5-6% of problems that people experience is solved by judgments of courts.

Three innovation trends support journeys to just, cooperative solutions

In chapter 4, we describe the many innovations that are taking off. As can be expected, the trends are in the direction of what works. Instead of being informed about laws and rights, people in a conflict now increasingly get information about fair solutions and how to achieve them. Secondly, the role of a lawyer is transformed by a range of helpers, who reach out to the other party, often using mediation skills. Thirdly, judges reinvent themselves as problem-solvers, mobilizing the parties and the community to find fair solutions. Guardians of fair solutions, rather than issuers of verdicts.

Three more trends provide scale and quality

Most of these services now reach 100s or 1000s of people. The challenge is scaling up to assisting millions, and improving quality. Chapter 5 shows how evidence-based working can gradually replace the guild-like organization of legal services. Online supported platforms can deliver a smooth path from self-help, to mediated bridge-building and to interventions by judges. Websites now also deliver certified documents and agreements, a next and much better generation of wills, marriage contracts and smart employment agreements. Making relationships work, rather than waiting for them to fail. Apps expose and protect against violence or corruption.

A major transformation will bring relief

In order to let citizens benefit from these innovation trends, and to relieve justice workers from the strain of their daily work, a major transformation is needed. Courts and ministries of justice should reconsider their projects for digitizing litigation. A fundamental redesign of their work processes can enable justice workers to supply the high-quality understanding and agreement that clients are looking for. The classical roles of judges, prosecutors and lawyers, now defined by their place in litigation, will change. As will legal education. A welcoming climate for innovation is needed. Chapter 6 sketches how this transformation may look like.

Delivering justice at scale

In Chapter 7, we look at the numbers. There is a willingness to pay for solutions. The costs of delivering fair solutions have been estimated. Investors are looking for opportunities to deliver social impact. Start-ups are already delivering user-friendly documents by the millions. Cities can take up the challenge of guaranteeing basic justice care. One-stop-shop employment justice is being created. If donors would work with family justice courts worldwide, one major justice need can be met for millions of people.

Bold conversations bring justice home

The challenge is to make large-scale innovation happen, in legal systems designed for control and stability, under the strain of daily work. Bold conversations are needed. Disruption is inevitable. A growing number of governments and international organizations is now working on investments and partnerships to make this happen. A billion people a year with urgent legal needs could experience a just, peaceful, inclusive society.



MATERIALS:

- [The HiIL Justice Dashboard](#) allows you to browse key data: numbers per country, impact per problem, solution rates for women and for men, and much more.
- [Detailed reports on justice needs and solutions in 12 countries: Bangladesh, Kenya, Indonesia, Jordan, Lebanon, Mali, Netherlands, Nigeria, Tunisia, Uganda, Ukraine, Yemen and more following.](#)
- [Trend reports](#) by HiIL on trends in delivery of basic justice care, in rulemaking, at courts and in online dispute resolution.
- [10 investment proposals](#) to scale the delivery of justice.
- [Data collection methodology](#): explains the methodology for data collection and provides more background about the calculations in this report.
- [User stories](#) of people HiIL interviewed.

SEE FOLLOWING RESOURCES FOR INITIATIVES AND PARTNERSHIPS:

- [Pathfinders for Peaceful, Just and Inclusive Societies](#)
- [Task Force on Justice](#)
- [OECD efforts on Access to Justice](#)
- [ODI work on Access to Justice Global Fund](#)
- [World Justice Project Insights on Access to Justice](#)



LIVES IN DISTRESS: SIMILAR FAIRNESS NEEDS

A country of 8 million needs capacity to solve 1 million problems/year

50% of problems have major negative impact on people's lives

60% of problems relate to family, land, employment, neighbours or crime

Life events trigger conflicts in key relationships, close to where people live

Similar problems everywhere; more land problems in lower income countries

Prevention of violence works: life in most places is safer than ever before

1 billion problems per year need fair solutions

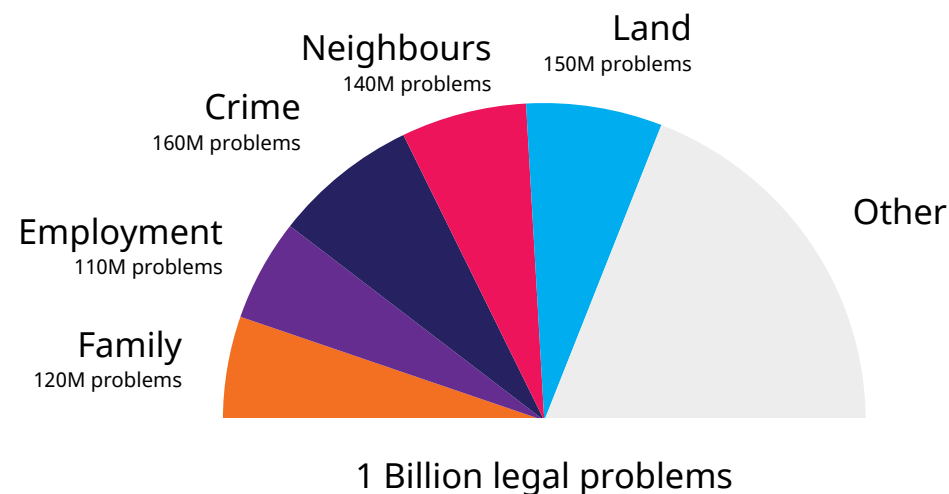
Fair solutions, through a fair process: that is in essence the justice that people need. In big quantities. Data from surveys about the epidemiology of legal problems are now available. In our own contribution to this effort, we organized interviews with 70,000 randomly selected citizens in 12 countries. In their houses, at their kitchen table, our well-trained interviewers asked adults about the problems for which they need access to justice. We ask people about their conflicts in a four year period before the interview. They talked about their issues within the family, at work or with the police. Extrapolating from these data, we can reliably assume one billion people suffer from a legal problem each year.



- *Country data reports can be found [here](#).*
- *The World Justice Project collected key [access to justice data](#) from 3 major cities in 45 countries.*
- *An overview and analysis of findings from legal needs studies by the OECD can be found [here](#).*
- *Suggested keywords for further search: legal needs, justiciable problems.*

60% of problems fall in 5 categories

60% of the more serious problems involved just five categories: family problems, employment disputes, land conflicts, crime and neighbour disputes. Under each of these categories, you will find problems close to home. Most family problems are related to separation or domestic violence, with inheritance issues a more distant third. Most land problems are related to boundaries or land grabbing. Most employment problems are about non-payment of wages, dismissal or harassment. Crime problems are mainly about violence and theft.





The factory chemical fumes where I used to work were incredibly dangerous. I had to undergo surgery on my lungs because of them. My employer did not pay my social security and fired me.



Read full story of Mohamed* in the HiiL report [Justice Needs and Satisfaction in Tunisia](#).

*The name and picture have been changed to protect the privacy of the individual



A country of 8 million needs to help 1 million clients yearly

So let us look at the implications of these numbers. If you are a Minister of Justice and your country has a population of 8 million, you need capacity for meeting the justice needs of around 1 million clients yearly.

Serving fairness needs in a megacity is a huge task

If you work in city hall of one of the world's megacities, your 8-million-people city will see 120,000 adults entering into family distress per year, with about the same number having employment problems. Up to 140,000 need help with neighbour issues, another 160,000 feel victimized by crimes and 400,000 more have to cope with other problems, such as debts, personal injury, consumer problems and damage to their reputation. Some people have problems with how you run your city: they do not get access to scarce public goods, social security, or they have conflicts with police and other authorities.

In that city or country, 500,000 problem-owners feel their life is disrupted

The impact of justice problems is next on the fact-finding agenda. Put yourself in the shoes of a Ugandan mother who is about to lose her little piece of farmland, where she grows some food and which provides a meagre income for light and firewood. Think of a father in Texas who comes home, telling his children he has lost his job, so the fees for school cannot be paid anymore. Imagine yourself having to recover from a serious car accident and not knowing how to deal with an insurance company that refuses to accept liability. Or living as a victim of rape. Half of problem-owners report "very" or "severe" when asked about negative impact on their life. So 500 million people per year see their lives being disrupted.



Injury, loss of earnings and stress are among the many consequences

Prolonged injustice makes people angry. It causes sadness. Angst. The surveys now produce reliable data on how many people with justice problems experience increased stress and diminished health. They suffer from mental problems and injuries. Their relationships suffer or fail. They lose money or jobs, family livelihoods are threatened. In extreme cases, media reports illustrate that family problems or neighbour disputes can lead to suicides, murders, abductions and violence.

In our first 12 surveys, we found that justice problems indeed have a severe average impact on people's lives:



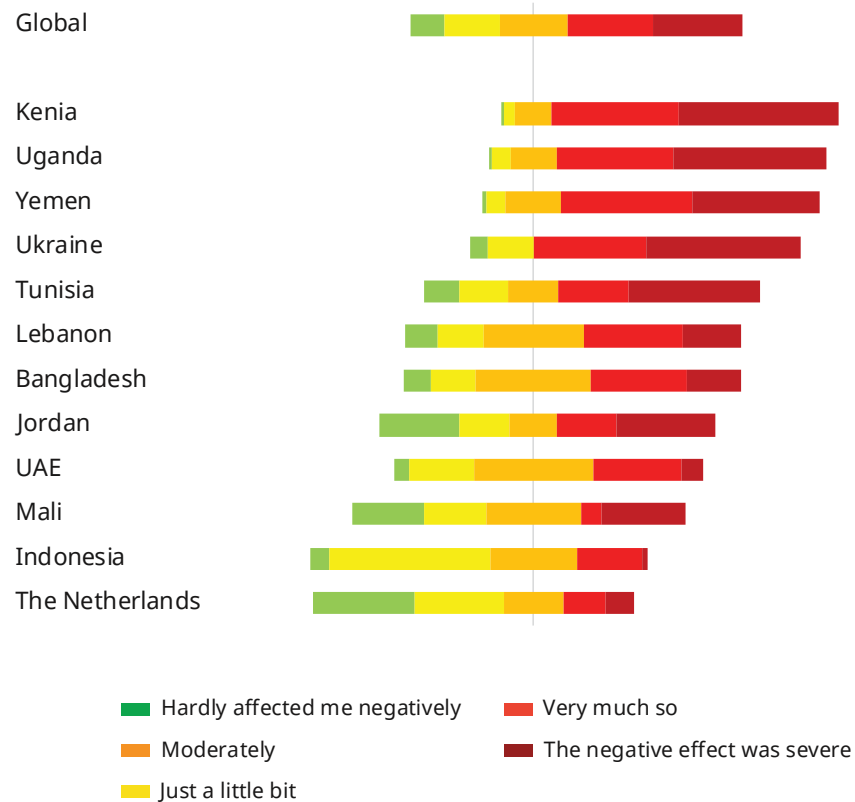
Data on impact on women and men can be found on [the Hiil Justice Dashboard](#)

More impact in some countries and for women

The data shows legal problems have more impact in some countries. These may be countries where lives are already stressful to begin with. Where people have less buffers when something goes wrong. The data on the HiL Justice Dashboard also show that impact tends to be different and higher for women, depending on the type of problem.



IMPACT OF LEGAL PROBLEMS



Prevention of violence and injustice is working

Although the impact of conflicts and crime is still major, we should also be aware that injustice is a less frequent event now than it has been before. The world has made great advances in preventing injustices. Murder rates have been dropping for centuries. Far less people die from armed conflict now, or from oppression by their governments, than in the 1960s, 1970s or 1980s. Traffic on roads and in the air becomes ever safer. Locks on windows and doors, new ways of building, better economic opportunities and evidence-based policing methods have dramatically reduced property crime. Consumer products became safer and call centres provide better service under the pressure of fierce competition. Legal systems, with their threats of sanctions for misconduct, and their norms protecting humans and their rights, contributed to this. As we will see, better contracts and better documentation can prevent even more conflicts.



Steven Pinker, The Better Angels of Our Nature, 2011; Hans Rosling, Factfulness, 2018; are key resources for these findings. Few countries have repeated legal needs surveys. The Netherlands is an exception. See Geschilbeslechtingdelta 2014 for prevalence of disputes in 2003, 2009 and 2014.



CONFUSED CLIENTS, STRESSED JUDGES, STRAINED SYSTEMS

Coping with 1 million problems per year

Many people do not take action

People seeking access to justice are unsure about helpful services

Only one third of serious justice problems are resolved

We see no clear leaders in the supply of fairness

Courts are on the defensive: delay, digitization is difficult, attacks by politicians

Nine warning signals that increasing capacity for litigation does not work

The justice gap

CITIZEN EXPERIENCE:

- Only one third of problems are solved completely (24%) or even partially (9%);
- Confusion about where to go and what will help;
- Different dimensions of fairness, for which they give ratings;
- Average fairness in solved problems is “not bad”;
- Most solutions are achieved locally, informally;
- Lawyers and courts look old-fashioned, intimidating.

JUDGES, LAWYERS, PROSECUTORS EXPERIENCE:

- Commitment, being overburdened;
- Outdated processes;
- Complex laws and adversarial procedures;
- No time and money for innovation, mediation, problem-solving;
- Not being empowered, trapped in system.

MINISTRY AND COURT LEADERS EXPERIENCE:

- High profile cases require attention;
- Justice sector development plans, building capacity of courts, prosecution and legal aid;
- Strong sector lobbies compete for limited resources;
- Mediation and informal justice have to be stacked on top, paid out of same budget;
- Nine warning signals suggest increasing capacity for litigation.



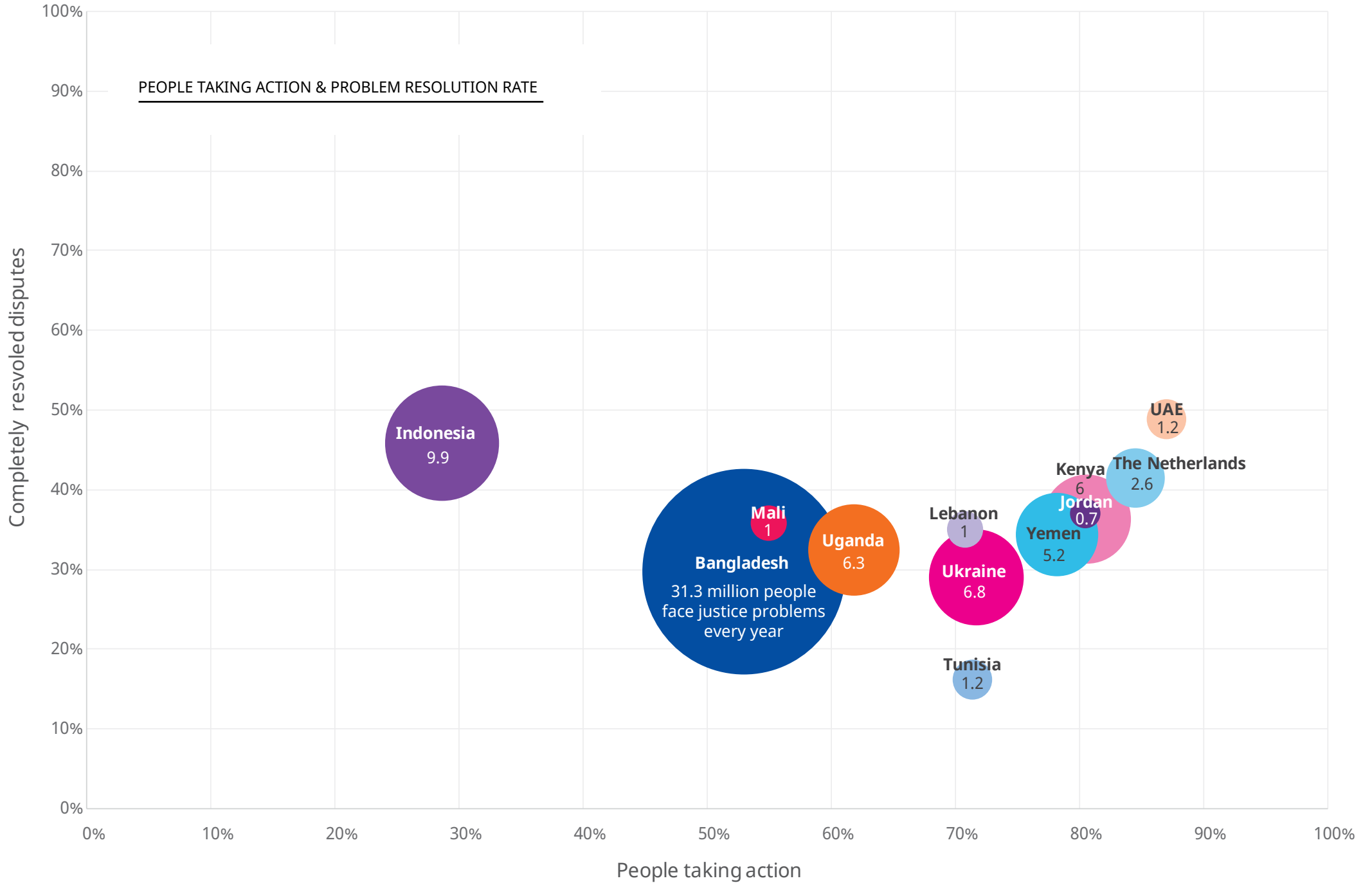
Coping with 1 million problems per year

Citizens, justice workers and ministries of justice in a country of 8 million have to handle 1 million problems, of which 500,000 are severe. We now turn to the experiences of citizens seeking access to justice. These are common problems between people living in close proximity. Problems that have been known for a long time. So you probably expect they can be solved effectively, in a timely manner, fairly and at a reasonable cost. This is not what we find.

Many people do not take action

In many countries, close to 30% of problem-owners do not even take action. In Uganda or Mali up to 40% of those faced with injustice remain passive. In other countries, people are more assertive. See the graph on the next page.





People seeking access to justice are unsure about helpful services

Asked for their reasons for not seeking access to justice, most people are unsure where to get assistance or whether seeking help would do any good. Money is not that much of a problem. In Bangladesh, for example, 11% mention lack of money as a reason not to seek advice and 14% as a reason for not taking steps to solve the problem. There is variation between countries. In South Korea, 20-26% mention concern about the financial cost as a reason not to take advice.

Only one third of serious justice problems are resolved

If people take action, they are not always successful in solving their problem. On average, in the countries we surveyed, only 24% say they reach a complete solution, and another 9% report a partial solution. The others do not even try, drop out of the resolution process or are still trying. Many have been for years.



Resolution rates per problem category can be found on [the HiIL Justice Dashboard](#). The less detailed World Justice Project Access to justice survey in 3 major cities in 45 countries reports a higher incidence of problems and a higher average resolution rate of 47%. This is explained by our survey focusing on the most impactful problem people report.

Surveys map the delivery of fairness

People involved can assess the process and the outcome of their path to justice. People value things like respect, a say in the outcome and fair sharing of burdens. In the HiIL surveys, people who reached a solution are asked to rate process and outcomes with 40 questions. The questions represent components of justice such as respect, undoing harm and how the outcome is explained. Each user of the justice system has a different path to justice, applying self-help, going to the police or filing a claim at a court. Together, the answers to this part of the survey give a detailed country-by-country map of how citizens rate the suppliers of access to justice on all components. And, more importantly, the surveys quantify how much fairness people actually get from the justice system.



Country data reports can be found [here](#).

See [HiIL Justice Dashboard](#) with country ratings by citizens of components of justice for each type of problem. The ratings are also available for each person or organization involved in the supply of solutions (courts and lawyers, police, friends and family, other neutrals, self-help).

“ *I married in Aura Town and after a while I moved with my husband to Kampala where things changed for the worse. There I realized that my husband had seven children with various women. He expected me to take care of all of them. I sold water and brooms to meet ends needs. We barely survived.*



[Read full story of Joan* in the HiIL report *Justice Needs and Satisfaction in Uganda*.](#)

*The name and picture have been changed to protect the privacy of the individual



Assessing fairness of processes and solutions

The question “What is justice?” has been studied for millennia. A consensus between philosophers and legal scholars is not yet available. Debates about fairness in high profile cases are media favourites.

Justice has also been studied empirically. Patterns emerge from this. People who suffer from an injustice tend to value respect, want to have a voice and wish to participate in the process towards an outcome. They want outcomes to be fair, transparent and effective. Harm needs to be undone and future harm needs to be prevented. If harm is inflicted intentionally, people tend to say some retribution is needed. We may not have a complete description of what justice entails, but the components of how we assess solutions for justice problems are fairly well known.



- [See this video on procedural justice of the Center for Court Innovation.](#)
- *Suggested keywords for search are: procedural justice, distributive justice, retributive justice, restorative justice, informational justice.*

Men and women suffering from a land problem or a crime can share their experience and answer questions about it. To what extent did you feel you were listened to? Feel respected during the process? Was the outcome fair? Was your emotional harm repaired? Do you expect the outcome to be observed by the other party?

In this way, the people involved can assess the process and the outcome of their path to justice. In theory, every time a justice problem is resolved, the participants can answer these questions. In a neighbour dispute, each of the fighting neighbours can give their opinion on all elements. Bystanders and other people affected can give their ratings for each element of justice as well.

This standard method developed by Hiil can be applied for each procedure in court or at any other supplier of legal services. The fairness of paths to justice and solutions can also be surveyed in a country or region.

We see no clear leaders in the supply of fairness

The data suggest that some providers of justice do a better job on some components than others. For land conflicts in Uganda, many people go to Local Council Courts, where trusted people from the community help to resolve disputes. These informal neutrals have higher average scores than courts and lawyers, but decisions from formal courts are better implemented. For family problems, the procedure at the official courts is valued more positively. The general pattern in the survey results regarding all countries is that there are no clear overall leaders in conflict resolution. When people get solutions for their problems, they are moderately satisfied with the outcome and the process. Not too good, not too bad.



Courts and lawyers have low market shares

The surveys also show where people find solutions. This is another surprise. The vast majority of those who do find partial or complete satisfaction do so outside the formal system of courts, prosecutors and lawyers. Somewhere in the network of friends, family members, local leaders, social workers and legal aid providers, these solutions emerge. People help themselves, go to the police or consult another person, who helps to solve conflicts as part of another job, or as a volunteer.



- *Market shares of courts, lawyers and various informal providers of justice in more countries can be found on [the Hiil Justice Dashboard](#).*
- *The World Justice Project [access to justice data](#) show that an average of 6% of problems reaches a court, 8% the advice of a lawyer (in the 3 biggest cities in 45 countries).*
- *In the Netherlands, only 4% of problems reach the courts. Only 13% of problem-owners consult a lawyer (see [this link](#) to the report on dispute settlement in the Netherlands by the Ministry of Security and Justice, in Dutch).*



- *In Australia, according to the [Legal Australia-Wide Survey](#) conducted by the Law and Justice Foundation (2012), only 9.8% of people dealing with legal problems went to a court or tribunal;*
- *In the US, low-income Americans do not seek professional legal help for 78% of the civil legal problems they face in a given year (see [this report](#) by the Legal Services Corporation of 2017);*
- *In Canada, according to a the [Access to Civil & Family Justice report](#) published by the Canadian Forum on Civil Justice (2013), only 6.5% of legal problems ever reach the formal justice system. Approximately 50% of the people try to solve their problems on their own;*
- *In South Korea, see [this research](#) by the judiciary, the market share of courts is 5-6.5%;*
- *In Uganda, the market share of formal courts and lawyers is: 15% for land problems, 5% for crime, 4% for family disputes, 2% for money issues, 1% for neighbour disputes;*
- *Self-help, the police and family and friends tend to have a far bigger market share. Informal neutrals (Uganda has a system of Local Council Courts and people also go to clan leaders) solve many more disputes.*

Visiting courts suggests why people stay away

The High Court in Kampala sits in a colonial building. Between the courtroom walls, covered by dark wooden panelling, parties sit in rows, waiting for a few minutes of attention from a judge looking down on them from the bench. Judges wear wigs and gowns. Uganda has imported English law and court procedures wholesale, and only made minor changes since independence. Isaac Muwata is the Acting Chief Registrar, overseeing a large room with fading files. Down the corridor, a dozen lawyers wave hands to get the attention of three assistants because they want to have a look at the files of their clients.

21st century justice delivered from an antique shop

Isaac sees the resolution of disputes and providing access to justice as the main task of the court. But how to achieve this in this building, for the many land and family problems that come to civil court, in procedures that are not adequate to resolve these issues? With pen and typewriters as tools? With people in the courtroom intimidated by the setting? Delays are 2 years and more. The court planning for 2009 showed that the court needed 82 judges. In 2018, only 54 positions are filled. The Kampala High Court is not the best- resourced court in the world. But entering a court in Nairobi, Lagos, Dhaka, Melbourne, London or Paris will also expose you to wood, gowns, paper and crowds of waiting people. Even in Dubai, Singapore and Silicon Valley, courts look like antique shops compared with what you see outside.

Courts need better methods for doing their job

What would his court need to be more effective? Isaac Muwata apologizes for not having thought about this question more deeply. Still, crisp and clear as a good judge can be, he quickly sums up the solutions that are required. Disputes should be prevented and resolved earlier, with the help of the Local Council Courts, using their capacity. Alternative dispute resolution methods are needed, integrated with an effective court system, which should have good processes for mediation, plea-bargaining and reconciliation. We should think of it as one supply chain. Concentration and specialization are required, because family conflicts involve different knowledge and skills than commercial conflicts between companies. And good technology is needed to support this.



Sector development plans give money and set targets

Every country or court system now seems to have a four-year development plan. It is funded by the government, and in Africa also by contributions from donors such as the European Union, the UN, the US or Switzerland. The plans distribute justice sector budgets. The police, the prosecution, the courts, legal aid and other justice sector institutions, such as the training institute for judges and the forensic lab, each get their take. Each organization agrees to targets for the number of judgments or prosecutions they will produce. The plan also has outcome measures, such as the percentage of prisoners awaiting trial and the number of crimes that are reported.



- [See the *Justice Law and Order Sector Plan* by JLOS, \(Uganda\), the *National Action Plan* by the Office of The Attorney General and Department of Justice, \(Kenya\), the *India Three Year Action Agenda* chapter 19, the *Singapore State Courts Workplan 2018 "Shaping Tomorrow's Justice"* and the *Ukraine 2020 Justice Sector Reform Strategy Action Plan*.](#)
- [The European Commission for the Efficiency of Justice \(CEPEJ\) provides an *interactive dashboard* of the reforms considered or under way in European Countries.](#)

Justice sector tries to increase capacity

All over the world, governments have tried, sometimes reluctantly, sometimes bigtime, to increase the capacity of the formal litigation system. Governments build more courthouses, with more judges, more prosecutors, and make more subsidies for legal aid available. This is their primary approach to improving the rule of law and to increase access to justice. They try to reduce delay. Some countries let their courts merge, hoping that the remaining ones can scale and improve productivity. Selling real estate at prime locations in towns and smaller cities, they are trying to fund reforms. They build huge computer systems supporting the current procedures.

Pushing cases through the litigation system

In short, governments and donors aim to pay and resource legal professionals so they can push more cases through the existing procedures faster. The plans also contain references to the kind of solutions that Isaac Muwata is promoting. Stimulating mediation, simplifying procedures, more settlement and new technology are mentioned. In Africa and Asia, the plans also talk about improving “the links with informal justice”. In Europe and North America mediation is mentioned and somewhat stimulated. Better technology is high on the agenda.

Doing more of the same and adding tasks does not help

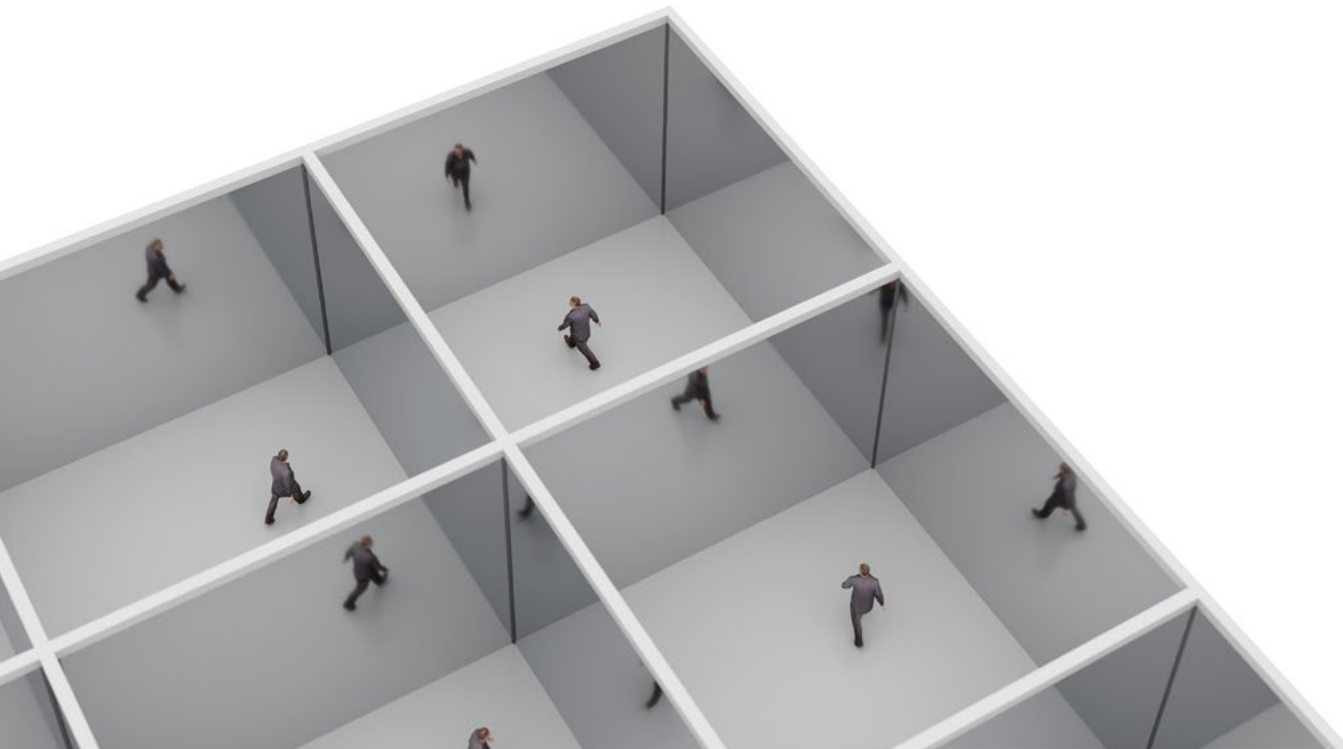
But mediation and informal justice are seen as add-ons to the current procedures. One effect of this is that procedures become even more complex. Moreover, budgets for the add-ons are lacking and compete with budgets for police, courts or prosecution. Integrating informal justice and mediation into user-friendly paths for citizens does not seem to be a priority. The plans do not yet include goals, targets or clear owners for these tasks.

Life at the helm of the justice system is challenging

Overburdened judges and waiting clients are not the only problem. The leadership also has to deal with high-profile cases. The scrutiny of media can be intense. Justice ministers have to defend the independence of the courts. They have to answer to parliament. There is always something requiring their immediate attention. A controversial law, an escape from prison, an atrocity, a new type of cybercrime or a problem at the police.

Nine warning signals to be monitored

We speak with ministers and court leaders who feel the tensions in the system. They pick up the signals from their systems that change is needed. They question whether the current system is sustainable. Are these challenges that can be addressed one by one? Or is a more fundamental transformation needed? We suggest to monitor nine warning signals in order to assess whether increasing capacity will work.



1. BACKLOGS BEING HARD TO MANAGE

Reducing backlogs has been a major objective in justice sector development plans during the past decades. The general trend is, however, that courts do not succeed in delivering solutions in time. The trend between 2010 and 2016 in European courts has been that courts resolve less cases and hardly succeed in improving disposition times. Average times courts in 46 European countries took to decide (in first instance) are now 138 days (criminal), 357 days (administrative) and 235 days (civil and commercial). We have to keep in mind that what courts measure is the time from filing to judgment. In people's lives, the problem started much earlier, and the judgment still needs to be implemented.



- *A range of guidelines and reports exist dealing with the reduction of court delay. See for instance the guides by CEPEJ, the Reducing Backlog and Delay Toolkit of the Pacific Judicial Development Programme.*
- *The CEPEJ 2018 report gives an overview of (the not too positive) trends in disposition times in 46 European countries on page 238.*
- *EU Barometer Justice 2013 asked people in 28 EU countries about their opinion on the length of court proceedings. The EU average is a rating of 21% good or fairly good, 65% bad or fairly bad.*
- *Justice sector development plans and annual reports of court organizations have data on delays in other countries.*

2. THE UNMET NEED COMPARED TO THE CAPACITY PLANNED

The justice gap ensures demand will outgrow increased supply. Of the 1 million problems in that 8-million-people country, 750,000 are not completely resolved. Only 80,000 reach the courts now.

3. THE SELECTION OF PEOPLE REACHING A DESTINATION

Another indicator is how demand and supply are matched. Ideally, the problems with the highest impact on people's lives would be prioritized. Because courts do not tend to have sophisticated systems for prioritizing cases, the most persistent people, or those having the time and money to outsource their problem to lawyers, are most likely to reach a destination.

4. MOTIVATION OF JUSTICE WORKERS

Most judges, lawyers, prosecutors and other justice workers are highly motivated for their work with families, employees, small businesses, neighbours and people causing trouble or victims of accidents. But having to work with slow processes, complex laws and adversarial procedures is a burden on them as well. Lawyers working for individuals tend to struggle. Work for individual citizens is poorly paid and many lawyers move on to commercial practice. In many countries, judges feel frustrated with how little they can do for people.

5. THE EFFECTS OF ADVERSARIAL PROCESSES ON WORKLOADS

Participants in adversarial procedures tend to create work for each other. Adding legal aid lawyers will soon create a need for even more judges and prosecutors, and the other way around. Average file sizes, numbers of legal points argued per case and hours spent can be monitored.

6. THE EFFECTS OF ONLINE FILING AND ONLINE CASE-MANAGEMENT

Online filing reduces the costs of submitting evidence and points of law. The back office of a court may become more efficient because manual filing and retrieving documents is no longer necessary. But every page of the larger files and all their legal issues still need to be studied and responded to. In a system where some participants tend to be paid by the hour (lawyers) and others by the number of procedures they take part in (prosecutors, courts) the incentives can easily lead to spending ever more resources per problem. Instead of solving more problems.

7. JUSTICE LEADERS LOSING FAITH?

Justice leaders are now facing the situation. We see court leaders who want to take the long-term view and acknowledge the problems. We also meet ministers and leaders at courts who seem to accept the current situation, because they see no solution or have tried hard and failed to solve the problems. How many justice leaders are losing faith? This is another warning signal that needs to be monitored carefully.

8. CITIZENS SUPPORTING THE THIRD BRANCH OF GOVERNMENT?

If the judiciary is criticized by those in power, which now happens in many countries, support from citizens is needed. Kenya, Poland, Hungary and Turkey are recent examples of tensions between the judiciary and leading politicians. This is an important signal to monitor. Will citizens give this support, when no judge was available when they needed help?

9. DONORS AND FINANCE MINISTRIES WILLINGNESS TO FUND

A recent report by the Overseas Development Institute, an independent think-tank, finds a low level of funding for justice systems. Donors spend a far smaller proportion of aid on justice compared to education or health care than is spent by their governments in their home countries. In the last five years justice aid has fallen. In 2016 it comprised only 1.3% of all aid, a 40% reduction on the peak share of 2.3% in 2012, where in OECD countries the average government spending on justice is 5%. Most aid is going to a few countries. Total justice aid in 2016 was just \$0.25 per person per year, compared to \$3.8 and \$12.8 per person per year for education and health. Governments in the US, the UK and the Netherlands are reluctant to finance courts and legal aid.

Continuing present policies is hardly an option

The signals in the system need to be monitored and put in perspective. Quite a few of the signals are blinking. The system does not seem to be ready to deal with the huge number of problems that require resolution. What would we say if health care was not really relieving 76% of injuries and illnesses? If most doctors and nurses felt they lacked the tools to work effectively? If the 300 million patients per year who have been cured would rate the result as mediocre? If the state system of trained doctors only reached 8% of serious problems? And if there would be no realistic plan to improve the performance of the system?





BEGIN WITH THE FAIR END IN MIND: MOSTLY JUST UNDERSTANDINGS

Most people seek solutions, information, contact with the other party, mediation, assistance in procedures; few seek judgments attributing blame

Most solutions are delivered locally, in communities

Solutions mostly have the form of agreements and understandings

Decisions by judges are sometimes needed for protection, interventions or stalemates

A punitive sanction can be part of a solution but is not a goal in itself

Adversarial litigation focusing on sanctions is not providing solutions effectively

A daughter wants her parents to separate in a good way

After her parents separate, a girl hopes she and her little brother will still have a true home. Ideally, her mother and father will work out a way to communicate respectfully. Her parents both need fair financial agreements, although the costs of living separately will be higher, causing stress on their finances. She can predict each of them will start a new life. She would like them to live close to each other, so she will continue seeing both her parents. If their parents get new partners, she wants them to fit in smoothly. Arranging this is what fairness and justice for separating families looks like. Page 53 pictures key outcomes that are safeguarded by separation agreements and family court interventions.



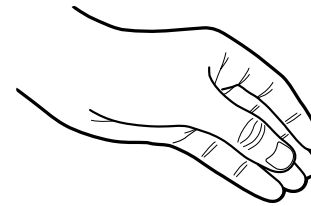
Children are cared for



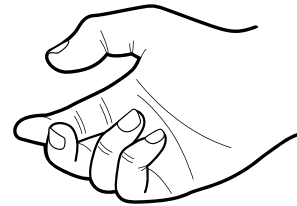
Secure homes



Secure incomes



SOLUTIONS FOR FAMILY CONFLICTS



No violence



Respectful communication



Fair shares

Fair solutions and justice are answers to life events

Justice is needed when life changes and current arrangements fail. So relationships have to be reorganized, often drastically. Parents die and leave their children with a small farm that needs to be continued by one of the siblings. The piece of land is also an asset for the others, so some form of compensation and cooperation has to be agreed. If the city spreads out to the rural area, farmers will need to find a new place to live, with adequate compensation, and respect for the unwanted loss of their livelihood.

Common clashes have common solutions

Disputes between neighbours can be resolved by agreements about how to talk and deal with noise. An employee and employer can settle their differences by helping the worker to transition to a new job, with some compensation and a recommendation acknowledging his skills. False accusations or nasty gossiping, in newspapers or on social media, can be corrected, and reputations can be restored, if not perfectly. When a man cannot pay his debts, some repayment and some restructuring is needed, with safeguards that no new debts will be added.



Even for violent crimes fairly good solutions are available

Even for homicides, beginning with the end in mind is revealing. Imagining what good solutions look like. Many homicides are happening in families or communities, as an unintended outcome of violence getting out of hand. Others are premeditated, for financial gain or to incite terror. Punishment is part of the outcome, most likely. In all these situations, survivors also need healing, prevention and want to know what, how and why this happened. Victims now routinely get many kinds of support. Perpetrators do trainings to manage their aggressive impulses. A range of therapies and programs aims to lead them to a more structured and crimeless life. Besides fair retribution, good solutions also have these restorative elements: future harm is prevented and harm that has been done is remedied.

Understandings are key elements of solutions

Often, perpetrators and victims will somehow continue living in the same community. The crime itself creates a relationship that needs very careful attention. Perpetrators and victims are not the only partners in dealing with crime. Friends, cousins and neighbours are shocked, need help and want to know what caused this. Members of the public are afraid, curious or want to show their support. It should never happen again. Solutions for this become available in the

form of truth and reconciliation sessions. Between victim and perpetrator, mediation can take place so that they get a better understanding. Ideally, relationships are improved. Ideally, the community in shock returns to a state of harmony.

Begin with the fair end in mind

If mutually agreed or cooperative solutions are the goal most people want to achieve, scaling access to justice ought to start with that end in mind. What type of outcomes do people want to achieve for the most frequent and urgent legal problems? This should be researched. Many interesting data are becoming available.

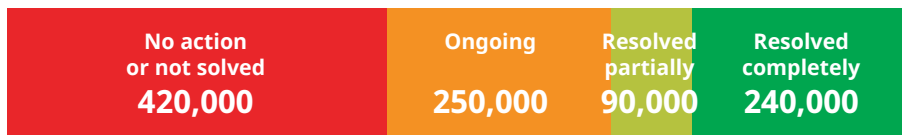
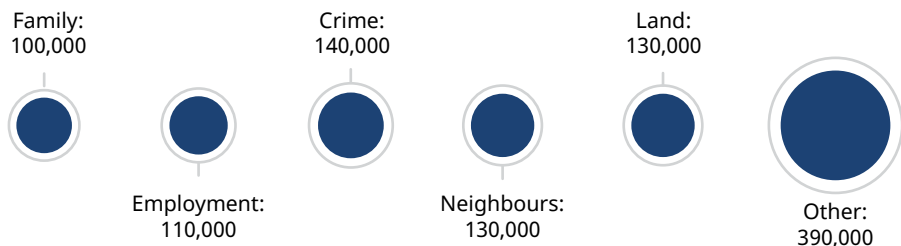
More than 80% of solutions come from informal procedures

Rather than looking at the justice gap of two thirds of problems not being resolved in our average country of 8 million people, we can learn from the 330,000 times people solve their problems completely or partially. 50,000 people reach a solution through a decision from a court or tribunal. Public authorities, local leaders and other third parties take a decision for the parties in less formal procedures for 110,000 people. 170,000 men and women reached some kind of understanding through other processes, mostly through agreements (120,000) and often assisted by someone acting as a mediator (45,000). So more than 80% of solutions are reached through less formal procedures.

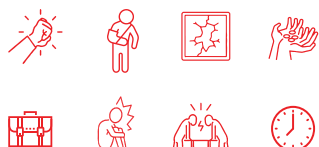
JUSTICE NEEDS AND SOLUTIONS IN A MEGACITY OR COUNTRY OF 8 MILLION PEOPLE

1 million problems per year

500,000 problems with **major negative impact** | 500,000 problems with **some negative impact**



Negative impact continues



Most helpful process

50,000 court tribunal
80,000 public authority

30,000 informal third party
40,000 agree with mediation
70,000 agree
60,000 other

Many third parties manage conflict on behalf of the community

The data clearly indicate that the role of the neutral third party has many different forms. Besides judges in formal courts of law, there are tribunals, panels, juries and experts. Disputes are resolved under the guidance of public authorities, committees or groups from the community. These various agents of the community speak from community values and norms.



- *In different cultures, the underlying values for solutions may be different. Many cultures emphasize values such as harmony in the community and authority.*
- *Jonathan Haidt, **The Righteous Mind: Why good people are divided by politics and religion**, 2012 is an easily accessible resource for this.*
- *William Ury, **The Third Side**, 2000 explores the different roles of judges and other third parties.*

Problems close to home need local and acceptable solutions

A next finding is that the pattern of finding solutions follows the pattern of problems. Most legal problems citizens experience occur very close to their homes. They have issues with family members, with their neighbours, with their landlord, with local authorities or with their employer. Even crimes are often committed by people they know. Good solutions thus require coordination with people you meet on a daily basis. People from your community, who know you both, or at least understand the local setting, can help to reach solutions. This is what the data clearly show: friends, family members with some authority, local authorities and elders, as well as the police and local helpers, are seen as most helpful by many owners of the problems.

Gacaca courts

One of the most remarkable justice stories of our time is that of the Gacaca Courts in Rwanda. Neighbours killed each other in a genocidal frenzy of 100 days, inspired by tribal hatred. One by one, 800,000 suspects were confronted with the communities from which the victims disappeared. In an organized process, each told what he had seen, thought and done. They shared feelings before a court of fellow citizens, but also submitted to punishment, in the form of labour for the community, for up to 18 years.

Some injustices went unremedied. Some suspects should have been acquitted. But overall 2 million serious crimes were processed. In a very poor country which needed healing, and could in no way afford to put hundreds of thousands of men behind bars. Mass murderers, rapists, and leaders who had incited killing were tried before the conventional courts and sent to prison. Majorities in the Rwanda population believe that Gacaca worked well and reached its objectives. Justice at scale is not perfect. Still, processes like Gacaca, striving for truth, reconciliation and punishment, are now a serious option for doing justice after large-scale suffering.



Agreeing is promoted during litigation

People come to understandings, make agreements or align their actions. That is also happening during the litigation procedures in courts. Disputes tend to be settled rather than decided. Even the number of years to be served in prison is plea-bargained between prosecutors and suspects.

Few look for judgments, most seek cooperative solutions

Being connected again, arriving at better agreements; that is also what people are looking for. Legal needs studies tend to ask people what they wanted when looking for legal assistance. Most people seek access to solutions for their problem, information about their rights and duties, contact with the other party, mediation, assistance in procedures. When asked for their main goals, few seek judgments on who is to blame. Most want solutions that require the cooperation of the other party.

| WANT FROM ASSISTANCE (MULTIPLE ANSWERS) | MAIN GOALS (ONE ANSWER) |
|---|---|
| 48% ways to resolve | Money, replacement, restoration (36%) |
| 45% advice rights and obligations | Prevention, change in behaviour (15%) |
| Help to connect with other party (24%) and mediation (20%) | Other housing-/work situation (8%) |
| Assistance (16%), advice (14%) or representation (9%) in procedures | Restored relationship, excuse, explanation (8%) |
| Financial advice (18%) and psychological help (9%) | Other decision by an authority (4%) |
| | Distribution assets, parenting arrangement (3%) |
| | Something else (12%) |
| | Justice/enforce rights (11%) |
| | Establish culpability (1%)/Innocence (1%) |
| | Public announcement who is to blame (0%) |

Dutch legal needs study (Geschilbeslechtingdelta 2014)



I'm a 29-years-old mother of two. An accident left me physically disabled. My husband used this as a primary motive when filing for divorce. Me and my children have lost everything because of this divorce.

I felt humiliated and frustrated, so I decided to take legal action and go to court. These difficult, lengthy legal proceedings left me physically exhausted.



Read full story of Luma in the HiIL report [Justice Needs and Satisfaction in Jordan](#).*

**The name and picture have been changed to protect the privacy of the individual*



| JORDAN | BANGLADESH |
|---|-----------------------------------|
| Improving relationship (29%) | Improving relationship (41%) |
| Receiving apology (24%) | Punishing someone (36%) |
| Realising/exercising rights (23%) | Recovering harm (34%) |
| Punishing someone for wrongdoings (22%) | Receiving apology (28%) |
| Recovering money (22%) | Realising/exercising rights (26%) |

Hiil Justice Needs and Satisfaction Survey in Jordan and Bangladesh

Doing justice assumes cooperation

Other indications about the kind of solutions people want can be found in research on procedural justice and outcome justice. As we have seen in Chapter 2, people evaluate outcomes and processes in similar ways. In Hiil surveys, we ask people questions about the elements of justice like:

*“To what extent did you feel you were listened to?
 Feel respected during the process? Was the outcome fair?
 Did each party get what they deserved?
 Was your emotional harm repaired?
 Do you expect the outcome to be observed by the other party?
 Could you compare your outcome to the ones obtained by others?”*

Most of these components of justice require the cooperation of the other party. They have to listen, explain, apologize, pay respect, help to repair harm done and carry a fair share of the burden. At the negotiation table or in court.



Doing justice requires protection

Rule of law is also a matter of protecting people. Stopping violence in their homes. Preventing torture in prisons. Avoiding revenge after an accident. Indeed, the authority of the police or a judge is also needed to stop injustice. So doing justice requires bringing people into a secure setting, where further escalation is unlikely. Violence is unacceptable and must cease. A setting which enforces clear rules can also be created with non-violent communication, by aiming at understandings, and thus reducing the risks of renewed escalation.

Judges decide and strive for acceptance

When the parties are unable to agree, the judge can take decisions for them. Most people also accept authority attached to public roles and informal leaders in their family, clan or community. A neutral third party can expect that the parties will accept solutions suggested on the basis of knowledge and experience. Supported by norms and knowledge about what worked for others. So judges, informal leaders and other third parties try to build their decisions on acceptance and coordination. Even judgments in high profile cases need agreed norms and acceptance. Otherwise the battle will continue.

Formal litigation brings protection, enforces rules and is transparent

Scaling litigation is causing severe headaches in courts and ministries. To what extent is formal litigation suitable for resolving the problems connected to the life events of citizens? Litigation certainly has some strengths: prisons and courts create security and safe places to deal with conflict. Confirming and enforcing rules is the goal. Hearings are accessible and decisions are published, so litigation creates some form of transparency.

Litigation is also at odds with the solutions people need

Beginning with the end in mind, and investigating how people actually get to understandings, also makes clear why litigation is not seen as that helpful. Litigation requires a mother to frame every need she has in the complexities of separation as problems of the father. He is not observing the norms. After a terrible accident, the solution can only be one of the remedies prescribed by law, such as paying damages or serving jail time.

Current litigation processes lead to serial denial

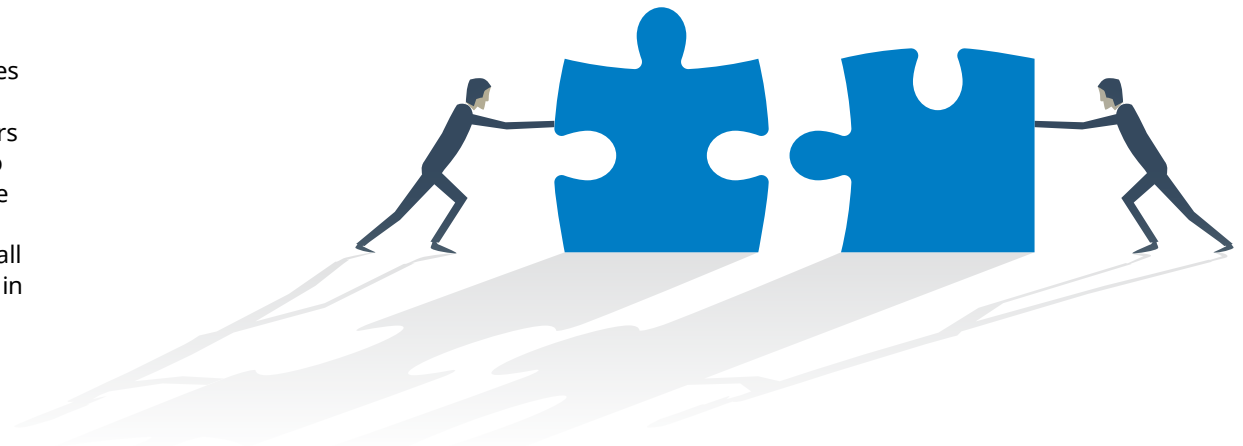
In traditional litigation, the neighbour, the landlord or the violent husband becomes a defendant. You have to accuse him. To place full responsibility on him. In litigation a defendant can only escape sanctions by serial denial. Each denial leads away from reaching understandings and solving the problem. Denying that this court has jurisdiction over the case leads to delay. Denying the norm leads to endless debate about interpretation of case law. Denying the defendant's role in what happened creates a need to review more evidence instead of clarifying what happened and why. Attacking the procedure and counter-attacking the other party leads to further alienation, instead of improving the relationship.

Processes at courts can also aim at agreed solutions

Litigation, following the formal procedures laid down in codes and court rules, has good elements. But it is not aimed at delivering the understandings people need. If judges, lawyers or prosecutors succeed in creating solutions, they usually do this by tweaking the rules or by doing things that are outside the litigation handbook. Could this be why scaling present systems does not work? Could this be the main reason why all these alarm signals are blinking? Could this be the elephant in the courtroom?

Understanding is at the heart of peace and justice

When we begin with the fair end in mind, we also see more clearly where to go next. Judgments are prominent. Underneath is a current of agreements and attempts to let people cooperate. Good legal processes allow people to jointly confront the crisis that entered their lives. To repair harm done and to accept punishment. To settle their future relationship. Hearts come to rest; eyes meet; hands touch briefly. That, probably, is what peace and justice look like.





THREE UPGRADES: INNOVATING FOR FAIR SOLUTIONS

1. From codes and precedents to “How to solve” (legal) information
2. From personal advisers to bridge-building lawyers, paralegals, mediators and facilitators
3. Specialized, local, settlement courts provide a judge



Innovation follows three trends reinventing litigation

If increasing litigation capacity is unlikely to work, and the need for better solutions is so urgent, you would expect creative minds to find a way out of the system. In our work with hundreds of justice entrepreneurs, we see this happening in three broad trends (picture on page 78). Start-ups work on providing better information or supporting mediation and facilitation as a way to secure good solutions. Entrepreneurial judges implement problem-solving procedures. In a 2012 report ([Towards basic justice care for everyone](#)), after consultation with 100 experts in access to justice, we found these three strategies to improve, or even reinvent, access to justice for the most urgent justice problems. We also identified strategies for scaling up and ensuring quality, which will be discussed in the next chapter. In this chapter, we sketch the three broad trends. Quantitative data are still scarce. So we mainly rely on the many committees and taskforces that have published reports on access to justice which reflect these trends. We also build on our own research and experience in working with justice sector innovators. The three trends represent a refocus from procedures that sanction wrongdoing to processes that promote fair solutions.

Commissions recommend alternatives to litigation

These trends are not new. During the 1990s and 2000s, justice commissions and task forces sprang up. They all stress mediation, alternative dispute resolution, fast, specialized courts. Countless reports emphasized the need to improve informal justice, seeing that many people find fairly good solutions in their local communities. Now task forces recommend setting up dispute resolution platforms online. Where courts should first inform the parties, assisting them with negotiation and then bringing them to a decision phase only if negotiations fail.



- See the [access to justice commissions reports from the UK and Wales, Australia, and Canada](#).
- See [informal justice reports by the UNDP, Saferworld, and the United States Institute of Peace](#).
- See [ODR reports of the Civil Justice Council, and the Joint Technology Committee](#).
- See [trend reports HiIL: Basic justice care, Trialogue and ODR](#).

Pilots, innovations, reforms and money join in a flow

Let us see how the world is working on these strategies. Innovators, pilots at courts, reform programmes and investor money flows; where are they going and growing? We describe the trends in detail, show how they deliver what the users need, and the bottlenecks they encounter that require further innovation.



From the HiIL innovation portfolio: Innovations in the justice sector are 59% non-profit, showing that many promising innovations can originate in the NGO sector. 83% of innovators is still active after 2 years, showing a huge survival rate compared to the 'normal' start-up world: apparently a group of innovators in the justice sector is able to push through the hardships to make it happen.



1. FROM CODES AND PRECEDENTS TO “HOW TO SOLVE” (LEGAL) INFORMATION

Somebody needing help on a legal problem usually wants advice on how to solve the problem, how to contact the other party and what his or her rights are. Besides knowing which outcomes would be fair, people seeking justice also need to understand themselves: How am I feeling and reacting? What do I need? Traditionally, the vision on legal information is that every citizen knows the laws, listed in a code or as principles of the common law, and refined by courts in an endless string of precedents. In today’s complex society, with so many different relationships and regulated interactions, this vision requires an upgrade.



User-friendly information is actionable and trustworthy

Research indicates that legal information is most useful if it is understandable, tailored to the problem at hand, and arrives just in time, when people actually experience the problem. Ideally, it is sufficient to cope with the problem, it offers two or three good options, and is easy to put into practice. If people work with the information, they tend to need reassurance from a help desk or a support group. Criteria for fair solutions, such as schedules for compensation, child support guidelines and standards for sanctions, are very helpful tools for settling zero sum issues. For legal information, the users also appreciate that it is certified by the government.



- [*Margaret Hagan, The User Experience of the Internet as a Legal Help Service, 2016.*](#)
- [*Pascoe Pleasence, Nigel Balmer and Catrina Denvir, 2016. Navigating the Legal Advice Maze – Knowledge, Expectations and the Reality of Advice Seeking.*](#)
- [*Hiil Basic justice care trend report 2012.*](#)

Many legal information websites explain the rules

Many lawyers and IT professionals build websites with enthusiasm. NGOs and start-ups build apps. They tend to inform people from a list of topics about wills, divorce or social security. The websites mostly explain the relevant rules: How the law says to divide assets between children and a spouse when parents die? How to file papers for divorce? When are you entitled to social security? Other channels for distributing legal information are used as well: radio shows, leaflets, trainings. As three leading experts have noted, navigating the legal advice maze is challenging. The number of entry points is vast.



Of all innovations in the HiIL Innovating Justice community during 2012-2016, 37% focuses on rights awareness. This includes websites, but also radio and other means to disseminate information.

We have not encountered a website that is generally appreciated as giving people the advice they need to solve their problem. There is no clear example or leader in this field that everybody is talking about. Citizensadvice.org.uk is sometimes mentioned as point of reference. For separation agreements, it links to outside sources. For neighbour noise problems, the site recommends to talk to the neighbour and to report to the city council if this does not work. Or to the police if you think your neighbour has broken the law. In the US, websites like LegalZoom and WeAgree cannot give legal advice, so they are restricted in how well they inform people.

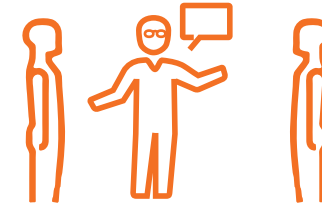
Nolo has a [list of US consumer-facing websites with legal information](#).

For information about solutions, people are mostly referred to lawyers or other helpers

Three clicks deeper in these sites, people get to the place where they expect to learn what they need to do to solve the problem. They may have found the relevant rules, but still be uncertain how they will be applied. At this stage, many of the websites refer users to an expert. This may be the law firm behind the website. Government websites provide links to the relevant court or tribunal.

The costs of designing actionable and trustworthy information is substantial

Most information seems to be written by lawyers with the implicit intention to inform people about their rights and to refer them to a specialist adviser. Diagnosing people's employment or family problems, informing them about possible solutions and guiding them to a specific solution is different. Getting this right requires user-centred design, testing and fine-tuning. Because issues may have no straightforward solution, research into what works may be needed. Legal systems are slightly different, so the information needs to be tailored to the country, province or state. Translation into different languages is needed. Visualisation is helpful as well. This, and keeping the information up to date, requires resources.



Scaling the supply of legal information requires a good value proposition

Why is it so hard to find resources for this and to supply high quality, actionable information? These are the most important barriers we found and how they could be addressed in innovative ways:

- Business models for selling legal information are poor. Advertising models do not bring in sufficient revenue. Selling information packages to end-users may be a difficult model as well. Self-help packages or combinations of information and services may be the answer.
- Models where lawyers or other service providers pay for referrals may not be trusted by the public. In many countries, lawyers are not allowed to pay referral fees, and sometimes not even to advertise. So new business models need to be found.
- In many countries that are seen as leaders in the field of access to justice (US, Germany, France, Spain, India, Nigeria, South Africa) lawyers admitted to the bar have a monopoly on giving legal advice. So websites not owned by these lawyers can only inform people about the law, not guide people towards a solution. Lobbying for new forms of regulation may be needed as part of an innovation strategy.
- In other countries, ministries of justice and courts are reluctant to deliver good information on their websites, because they feel giving advice is to be left to lawyers. Law firms working for individuals, however, lack the resources to invest and provide high quality information.

2. FROM PERSONAL ADVISERS TO BRIDGE-BUILDING LAWYERS, PARALEGALS, MEDIATORS AND FACILITATORS

The second strategy is an upgrade of the model where a lawyer or friend only helps one of the parties. The trend is now that more neutral helpers actively assist the owner of the problem to reach a solution. The helper will typically do an intake and diagnosis with the problem-owner. Then she approaches the other party, trying to work out a solution, by some form of assisted negotiation. Usually this leads to agreement, or at least some kind of understanding. The helper is most effective if she is trusted by both parties to facilitate a fair solution that works at both ends.



Lawyer's ways of working and paralegal models are not often researched. The active model, where the problem-owner approaches the bridge-builder, who uses mediation techniques to involve the other party, is sometimes evaluated as pre-mediation, sometimes as lawyer-led negotiation. See the key words paralegals, facilitadores judiciales.

Mediation is well researched. Most methods used have positive effects. Druckman and Wall, A treasure trove of insights: sixty years of JCR research on negotiation and mediation, 2017.

“ *For three decades, my family have been in an inheritance dispute. Legal routes have not worked - the dispute has now become violent. It has driven my once tight-knit family apart.*



Read full story of Omar* in the HiiL report [Justice Needs of Yemenis](#).

*The name and picture have been changed to protect the privacy of the individual



Lawyers, paralegals, facilitators, mediators are effective bridgebuilders

This core strategy is executed in many different forms. Most helpers are very committed. The work is emotionally rewarding. Empowering people when life is difficult; helping them to assert their needs; building a bridge from the other side; enabling people to move on with their lives. This is a very attractive role for many professionals and volunteers. In our portfolio of innovations and beyond, we find seven models for organizing bridge-building:

- Lawyers with a licence to practice law may work for individuals. They are paid by an hourly fee or by legal aid funded by the state. A barrier to this model is that lawyers are supposed by their professional rules and expected by clients to only work for one party. So the other party may end up hiring her own lawyer, which may or may not lead to further escalation. As we have seen, the market share of lawyers is around 10% in most countries. Innovators have set up online marketplaces for lawyers, but will this really help consumers of legal services to reach solutions? Some platforms have (free) Q&A services with lawyers, or involve lawyers in their workforce in order to create a business model that is more viable.
- Grassroots lawyers, or community paralegals, operate in communities. They have the backing of qualified lawyers for complicated cases. They are paid by an NGO, or by small contributions from clients, sometimes as part of microfinance projects. In Africa and South Asia, this model is used regularly. Law students work in similar roles in

university law clinics in North America. In user surveys, this model does not show up in large numbers. The model is effective as a service to customers. However, it is not easy to fund. NGOs typically help a thousand clients per year, rather than the hundreds of thousands in need. The market share of these services is probably around 1%. In some countries, major law firms working for companies may offer free legal advice to the poor or assist NGOs in delivering such services (pro bono).

- Judicial facilitators work in communities, under the supervision of judges in towns or cities. They are volunteers, doing this work out of personal vocation, or because it gives them a position in the community. This model is mostly used in Latin America, where some countries have hundreds of *facilitadores judiciales*. A country of 8 million people would need thousands of facilitators to solve the 100,000 problems that would increase the resolution rate by 10%.
- The ombudsman model is another variation. Here a person with government authority takes in complaints and tries to solve the problem informally. In Australia and the UK, this model is common as a specialized service.
- In some European countries, insurance for legal expenses covers help by the insurer. This can be a lawyer or paralegal, assisting the client with solving the conflict. Funding comes from the client paying a yearly insurance premium. This can work for neighbour problems, employment and personal injury. In Germany, Netherlands and Sweden (where legal expenses insurance is often part of the insurance for houses) 30% to 90% of middle-class families may have this type of insurance. Such insurers may deal with hundreds of thousands of problems each year. Insurers are reluctant to cover crime issues and family problems, however. They also have to manage the costs of the lawyers.

- Mediators offer their services to the parties to a dispute. Paid by the parties or as a volunteer. This model is hard to implement (according to estimates mediation takes place only in 1% of the disputes occurring in the EU). The bottleneck is that both parties have to agree to come to the table to work on a solution. This agreement is hard to obtain.
- Judges may act as mediators before a case is actually started (judicial mediation). Or refer the parties to a mediator before they can pursue their case in court (court annexed mediation). Or require them to do at least one mediation session before their case is accepted. Variations of this model are used in Italy, in parts of the US and in German-speaking countries. Whether this model works for users depends on how the mediation is integrated in the overall process. Mediation works better if it is the standard and accessible easily early on. Offering a few hours of mediation, after a difficult adversarial procedure with lawyers, just before or even after the hearing in court, is not very user-friendly. Asking both parties to sign a mediation agreement is also a barrier.



IDRC, LEF and OSF, [Developing a portfolio of financially sustainable, scalable basic legal services models](#), 2015 provides many examples of these models.


43% of all innovations in the Hiil Innovating Justice community during 2012-2016 focus on scalable legal services. This also includes many websites delivering documents and registrations, and thus mainly working on prevention, however.

Bridge-building services need to build trusted brands

The bridge-building model is promising and can be quite effective. Justice workers in the field like to empower others and to mediate. It is a service that can be delivered locally for problems that are often local. At the same time, delivering fair solutions is a consumer service in which equal treatment and thus standardization is important. Most countries do not yet have well-known brands of law firms or NGOs working for individuals. Legal expenses, insurance and judicial facilitators are slightly more scalable.

Legal services for individuals are not a well-organized market place

So what are the barriers to scaling up and what needs to be done to improve effectiveness? As we will see, the overarching issue is that legal services for individuals are not a well-organized market place.

- Funding models are a problem. Volunteer, paid and subsidized services compete. Government subsidies mainly go to lawyers, mainly to representation in court cases and mainly to criminal defence. They are best put to use for services that have the most positive impact. So subsidies may have to be targeted to supporting new types of services.
 - Users do not find the market very transparent. They see so many suppliers with different profiles. Quality is hard to define and predict. People have a legal problem once in seven years. So they do not become experienced buyers of legal services.
 - Investments in standardization and IT would drive down costs and increase quality. Suppliers work as sole practitioners, or in small groups. They need resources to invest in standardized, high quality services, and to build a brand.
 - Professional rules for lawyers make it difficult for them to act as bridge-builders. Lawyers are supposed to work for one party only and to withdraw from bridge-building if a conflict of interest comes up. Lawyers are also not allowed to bring in outside investors as owners of their firms, or work in the same company with therapists or financial experts, or pay referral fees. In short, they have no access to the business models that are generally available. These rules can be changed, or models may work where both parties have a bridge-building lawyer (collaborative lawyering, holistic defense are new models for this).
 - Bar associations (organizations of lawyers) can invoke their monopolies on legal advice. In countries with this monopoly, bridge-builders who are not lawyers may be punished for giving legal advice. In other countries, bar associations may object to lawyers having a role in bridge-building organizations, and threaten them with losing their license, because they do not observe the restrictions on business models for lawyers. The bar-associations may have to be convinced that opening up will create a bigger market with more opportunities for lawyers and non-lawyers alike.
- Bridge-builders cannot guarantee solutions. Agreements are voluntary. If negotiations fail, the bridge-builder would still be able to guarantee a solution if the problem can be taken to a judge for a decision. The service of a bridge-builder is much more effective if the parties know that a third party will quickly impose a fair outcome if they do not agree. So smooth transitions between bridge-building and judges, between informal and informal justice, between mediation and adjudication, need to be built.
 - Empowering citizens can be seen as a zero-sum power game. If basic legal services are directed against the state or local powers, this can create a disincentive for elites to provide or allow those services. If access to justice becomes an unfair burden on authorities, it is likely to be constrained. Gentler, more problem-solving forms of litigation may be less threatening for those in power.
- 
 - [*See for the elite incentives point: DRC, LEF and OSF, Developing a portfolio of financially sustainable, scalable basic legal services models, 2015.*](#)
 - [*See for the restrictions on giving legal advice and on bridge-building services by lawyers, IBA, Global Regulation and Trade in Legal Service, 2014.*](#)

3. SPECIALIZED, LOCAL, SETTLEMENT COURTS PROVIDE A JUDGE

If negotiations fail, and you need the other party to give back your land, pay you money or stop harassing you, you need access to “a judge”. Who is basically somebody the other party listens to. When you are arrested, or government takes action against you, even powerful government agents should listen to this authority. Depending on the type of problem, the “judge” could be a single person with authority, with a government role or without, or a number of judges, professionals or members of the community.



Judges can take decisions and enable understandings

The judge can take decisions on behalf of the parties on issues they could not agree on. She can ask them where they got stuck and suggest solutions that worked for others, or help them to use the law to find a solution. If one party is unwilling to cooperate, the judge can impose decisions, and help to design interventions.

Judges available just in time through a simple procedure

Judges intervene. Even more important is that they are available. Not through complex litigation, but through a simple process where each party has voice and can ask the judge to help solve the problem, issue by issue. The threat of submitting the problem to the judge makes people act reasonably at the negotiation table. Ideally, you would like to be able to call the judge to join if things get stuck during bridge-building efforts. She joins the dialogue, to see where she can help to get the talks unstuck. A judge available on two years' notice is much less effective.

Judges intervene in complex problems so need specialist knowledge

Ideally, the judge is specialized, or at least uses a specialized procedure and know-how. In a neighbour conflict, the judge needs to go to the parties' homes to see how they interact. For family problems, the judge needs to know how couples interact and how to talk with children, using methods that are also used by therapists. In case of a conflict with local authorities, the judge will need to protect the complainant and invite the authorities to be responsive, but also to shield civil servants from abuse.



See the [HiIL Trialogue trend report](#).

Court models have different levels of specialization and ease of use

These are some models that are in use throughout the world.

- Some countries have specialized employment tribunals, land tribunals or family courts. For other frequent and urgent conflicts, specialized third parties with the role of a judge exist as well: consumer ombudsman processes, financial services dispute systems, or tribunals for landlord-tenant problems.
- Problem-solving courts exist in the US, Canada and Australia. They may be specialized in drug offenses, people with mental health problems, or youth crimes. Usually, they create solutions together with the offender, the prosecution, therapists, social workers, family members, and the broader community.
- Local courts or justices of the peace at community level, in towns or in city neighbourhoods may exist as well. Community leaders, which may or may not have a law degree, act as judges, alone or in panels of three. The Abunzi system in Rwanda allows people to select members of the panel from a longlist. Local council courts are the Uganda version. Justices of the peace (*juez de pas, juge de la paix*) are known in many countries. In Anglo-Saxon countries, magistrates or magistrates' courts have a similar role.
- Traveling courts visit remote areas to solve disputes. Using eye-catching modes of traveling such as buses or river boats, and in the past, horses or camels.
- Informal third parties with a similar role include religious leaders, clan leaders or sheiks. Depending on the local situation, they are more or less visible and branded as the third party of preference.



Surveys show that informal courts (other third parties) can have substantial market shares (20%) for particular disputes. See [the HiIL Justice Dashboard](#).

The many kinds of problem-solving courts can improve and scale delivery

The trend towards specialized, easily accessible courts, being available locally, is promising. Yet judges in such courts still face many barriers that they need to overcome by innovation.

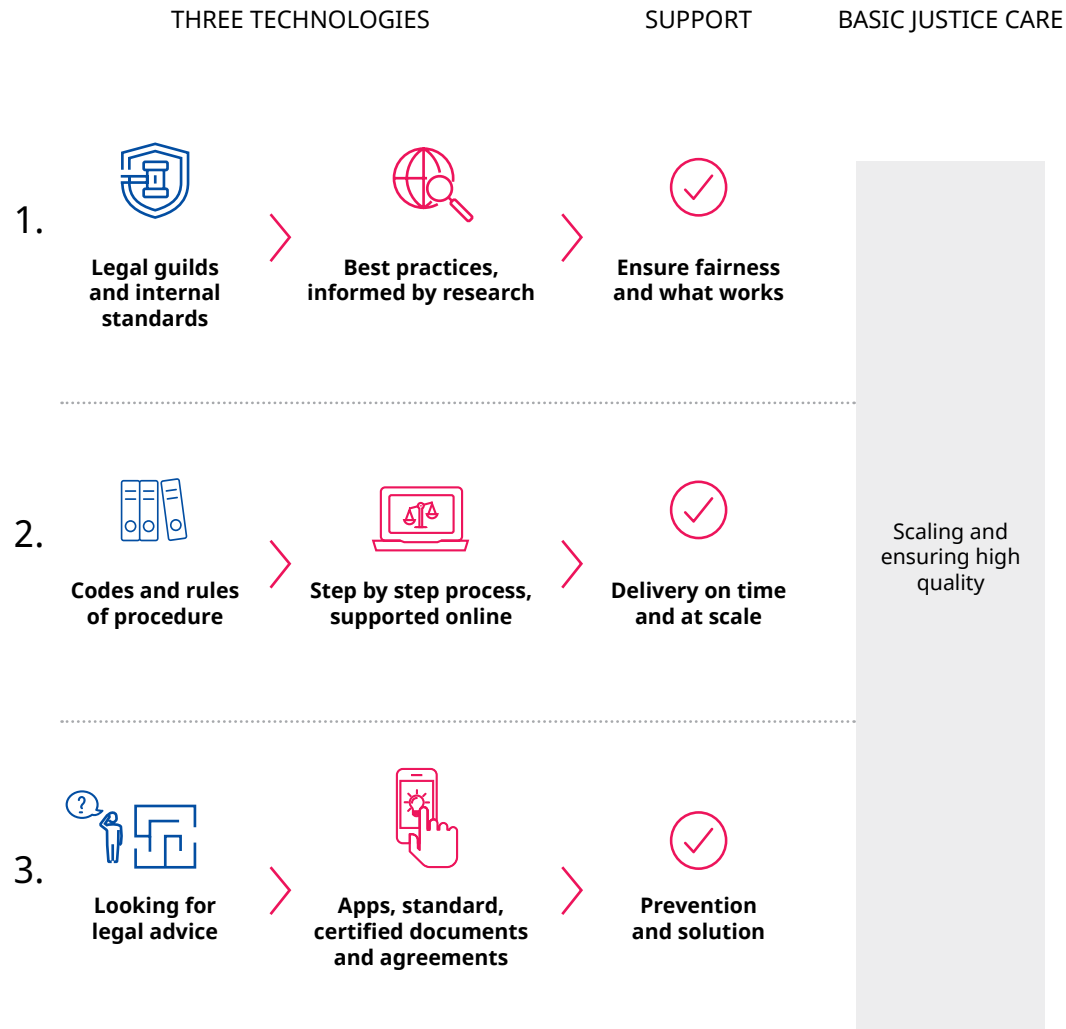
- Court funding models need to adapt. These tribunals get lump sums, or are paid per product by the government. They should be able to collect or set user fees to cover their costs. When they solve and attract more problems, their resources should grow. Funding models would then incentivize courts to scale their problem-solving services.
- Most current courts still use an adversarial procedure. The procedure is based on claims, defences and counterclaims, leading to hearing of evidence and a judgment. Settlement is designed into the procedure as a by-product whilst many judges now see that as their core business. Procedures aiming at fair agreements and solutions can be the next step.
- More generally, the courts cannot determine their own procedures. Rules of procedure are determined by general laws, to be “applied” by the judges. Courts need to negotiate more say over their procedures.
- The jurisdiction of judges in communities should be expanded. Local judges are now allowed to deal with small money claims or minor disputes, so they may not be accessible for the most impactful problems. If users have no realistic alternative, they get stuck. If the jurisdiction of local courts remains limited, user-friendly justice requires there is a well-functioning referral to higher quality services. If that is not available, lower quality is perhaps better than no assistance at all.
- Local courts need to address the worries about quality. The paradigmatic example of what can go wrong in local informal justice is that of a 14-year-old girl that is asked to marry a man that raped her. Quality and monitoring outcomes are essential.
- Within the organization of formal courts, solving everyday problems of individuals is one of many priorities. Court leaders often tell us courts are not just there to solve conflicts. Their role is also to make people comply with the law. To end impunity. Sometimes they create new rules, based on interpretation of existing laws. Between the powers that be and the branches of government, courts provide checks and balances, as an independent guardian of the rule of law. Commercial cases also need attention. Courts need to find ways to prioritize, resource, execute and monitor these different roles and tasks.





THREE TECHNOLOGIES CAN PROVIDE SCALABLE, HIGH QUALITY JUSTICE

1. Best practices, informed by research (shared through evidence-based guidelines)
2. Step by step process, supported by online platforms for information and dispute resolution
3. Apps, standard, certified documents and agreements, tailored by users or experts



The innovations need to scale and ensure quality

Most of the organizations supplying the new services are small scale: websites run by start-ups, small law firms, local NGOs, local courts, single ombudsmen with a small staff or a small team working on disputes in a public authority. We see three additional innovation trends aimed at providing quality and scale:

1. Best practices, informed by research (shared through evidence-based guidelines);
2. Step by step processes, supported by online platforms for information and dispute resolution;
3. Apps, standard, certified documents and agreements, tailored by users or experts.



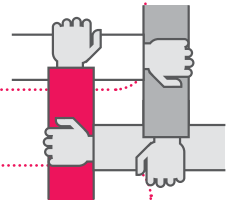
Scalable, high quality family justice for 24,000 people

If this vision is applied to family conflicts, the visualisation below shows how the many innovations now becoming available would work together. Let us assume this family justice process would not have a monopoly, but a substantial market share. So it would serve 20% of the people with family disputes in our country of 8 million people.

A woman going through separation would be informed about what happens to people in such a situation. Emotionally, financially and in terms of her relationship. She and her husband would learn about the process towards a sustainable agreement. What can they do themselves? What are the issues they have to work on? Divorce is complicated. What kind of outcomes they can expect? They get the information just in time, at the moment they need it. By video, in a personal conversation, or in a booklet. Infographics can picture dispute resolution processes; interactive board games explain to youth how to solve an issue; a WhatsApp or Facebook Group discusses the challenge.



They would get assistance from a bridge-builder. A paralegal, a lawyer or a mediator, using a rich knowledge base of how to communicate in situations of conflict. Perhaps accessible through an online platform, with a do-it-yourself legal chatbot. They ask the kind of questions that work. Reframe accusations into needs. Help to address hurt feelings. Help people to agree on solutions that work for each of a clearly articulated set of issues. Ask them how things are going after 6 months. With the result that new complications can be addressed in time, such as a second “mother” entering the house.



A judge would be available to help the parties to come to decisions about issues they cannot work out together, such as dealing with debts. Or avoiding disputes when the father brings back the children. Even with an issue about domestic violence. She is a problem-solving judge who does little judging, but has the authority of a neutral expert informed by law. A judge who facilitates agreement, filling the gaps in their understanding, and imposing a solution only if necessary, in a way acceptable to both parties. A judge who empowers them and oversees their negotiation process. So that they are more likely to behave wisely. A judge who can diagnose complex situations, and select appropriate interventions: system-therapy, assisted parenting, financial expertise, support by the social network.

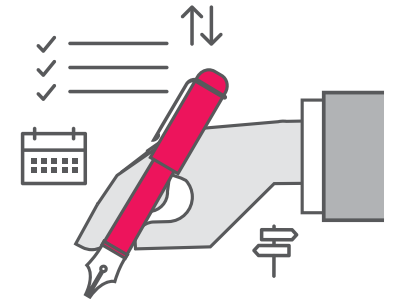


Everybody helping the family to reorganize their lives would have access to a global body of knowledge. Just as malaria is prevented, diagnosed, and treated in a uniform way throughout the world, the same could be done for families splitting up. A separation “guideline” would list knowledge from research and best practices. In a practical way, issue by issue, complication by complication. From a man not yet accepting the decision of his wife to separate, to child support and to dealing with a mother with a tendency towards depression. This knowledge informs the parties about what can best be done in which situation. So that they can come to the best possible agreement. Helped by the judge if necessary.



A well-resourced online system can help the wife and husband feel that they are helped in an impartial and consistent way. Step by step, they are guided through the questions. The platform asks them for their needs, and ideas for solutions, then matches their preferences. The platform also ensures that all solutions are fair, by asking them to review their solutions against common pitfalls, and by letting a lawyer check the agreement. For the bridge-builders, experts and judges, and for the parents themselves, the platform stores all information they exchange and logs all their actions.

Standard solutions would be available. When they marry, the couple would agree a number of principles of how they would raise their children. For dealing with their finances. This would be facilitated by an easy-to-understand visual contract. They would adjust it when their first child was born, with the contract process preparing them for this new phase of their lives. For their divorce, the standard arrangement through the online platform (certified by government) is completely trustworthy. It deals carefully with at least 16 issues that every couple with children has to work on when the family falls apart: from visiting rights to old age pensions. It can be completely tailored to their needs and preferences, warning them if they would make unusual arrangements or risky ones.





1. BEST PRACTICES, INFORMED BY RESEARCH (SHARED THROUGH EVIDENCE-BASED GUIDELINES)

Quality needs to be improved. Users and professionals agree on this. The evidence-based approach is a huge opportunity for upgrading legal services and bringing innovation to the courts.

Models for knowledge sharing are changing

The primary way to share knowledge in the justice sector is through studying laws and case law from courts. The law, and how to apply it to new problems, is what lawyers learn at university. Courts, law firms, prosecutors and NGOs now also tend to have service models, best practices, or guidelines internally. Local bridge-builders may do trainings on treating domestic violence problems or learn mediation skills. Professionals generally want to learn more about what works. They see the value of talking about best practices with other professionals, instead of being in a contest about who proposes the best way forward. So the basis exists for working in an evidence-based way.

Evaluation know-how and university research is becoming available

The habits of sharing knowledge are thus changing. Many of the projects and experiments in courts and innovative legal services have been evaluated to see whether they work. This is a rich source of knowledge. It is not easily accessible, however. Research centres have arisen that have randomized controlled trials as their core business. Empirical legal studies are a new brand at universities.

Evidence based guidelines are the next step

Among professionals in the health care sector, in juvenile justice, in crime prevention and in therapy, quality tends to be stimulated by professional guidelines. Doing what works to cure diseases or to relieve people from suffering is the goal of every intervention. Cures and treatments are researched at universities and debated by professionals. This knowledge is codified in guidelines. Professionals are supposed to use these guidelines AND their professional wisdom when they diagnose, advise and treat patients.

Building an evidence-based practice of law requires resources and determination

Bringing evidence-based ways of working deeper into the justice sector will be challenging. Developing the first versions of evidence-based guidelines for employment justice or neighbour disputes will be costly. Metrics for outcomes have to be designed and agreed. We've a way to go before the distribution of evidence bases and best practices can ensure the most effective interventions will be trained, internalized, used and improved. At law faculties in universities, the working methods are still based on studying and teaching the law. Teaching what works requires different skills, course design and exams. For research money, a different type of proposal will need to be written. Reviewed by a different type of research evaluator.



2. STEP BY STEP PROCESS, SUPPORTED BY ONLINE PLATFORMS FOR INFORMATION AND DISPUTE RESOLUTION

Online platforms represent ancient aspirations. Just as the grand codifications of Hammurabi, Justinian and Napoleon did, they seek to make the law accessible to all. In a structured way, from general rules, so that every citizen is treated similarly in similar circumstances. On top of this, platforms can provide procedures and rules of the game for human interactions. Just as Facebook or LinkedIn support friendships and networks, online legal platforms can guide the process of solving conflicts. For the parties involved in a problem – and the lawyers, judges and others who assist them – they can provide a secure environment. On a dedicated website, they can share information, build bridges and jointly take decisions. They can exchange payments, log events and be sure everybody is on the same page.



- [Hiil, ODR and the Courts: The promise of 100% Access to Justice, 2016](#) investigates the potential of online supported procedures.
- [Law, Technology and Access to Justice](#) is a blog following all relevant developments.
- [43% of innovations scouted and assisted by Hiil focus on providing online legal services.](#)

Delivering documents and access to lawyers

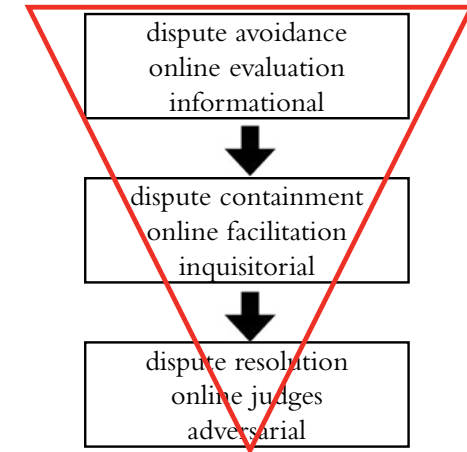
The most successful online platforms are selling legal documents to small businesses and families (see below under 6). Many of these websites also connect clients to legal advice. For the clients, they make it easier to find trustworthy advice from lawyers by delivering online reviews and rating options. They also negotiate reduced hourly fees or fixed fees for their clients, and may help to manage the relationship with the lawyers.



- See [here](#) for a recent review of US and UK services.
- An academic review of Chinese websites and their impact on access to justice has been conducted by Jing Li and can be found [here](#).
- Platforms supported by Hiil can be found [here](#).

Online Supported Dispute Resolution

Platforms for online dispute resolution are still scarce. Ideally, they integrate the three main stages of problem-solving: self-help, facilitation by a bridge-builder and coming to decisions under supervision of a judge.



Source: The Civil Justice Council report on ODR

Online retail platforms such as eBay have this kind of functionality integrated into their customer service. One court now covering the three stages is the Civil Resolution Tribunal in British Columbia, Canada.



- An in-depth analysis is Ethan Katsh and Orna Rabinovich-Einy, *Digital Justice; Technology and the Internet of Disputes*, 2017.
- The (US) National Centre for State Courts [reviewed](#) the most recent developments: *Studies in ODR for Courts: A view from the front lines*, 2017.
- An online family justice platform developed by Hiil, Modria (now Tyler) and legal aid boards is now available in Canada ([MyLawBC](#)) and in the Netherlands ([UitElkaar.nl](#)).
- The Civil Justice Council [report on ODR](#).

Case management systems for courts

Courts are also working on their IT. They are investing heavily in managing their caseloads with the help of online facilities. Online filing and online access to court files is becoming the international standard. These are usually large projects, managed by the courts or administrative agencies supporting them.



Low income countries in Asia and Africa are still considering which route to take. Singapore and Estonia are ahead.

A €200 million project in the Netherlands recently ran into trouble. The UK is embarking on a £1 billion project, mainly for bringing current procedures online, but with a plan to design an online process for small claims.

Scaling Court, DIY and ODR platforms

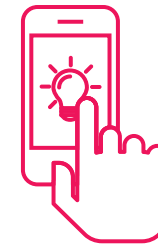
Do It Yourself (DIY), Online Dispute Resolution (ODR) and court case management platforms are part of the same supply chain. For users, they each represent one of the three steps towards solutions. What are the priorities for leaders working on these platforms?

- The first and foremost danger is that courts invest heavily in IT systems supporting litigation. They should first look at all the signals that current procedures cannot be scaled and will not close the justice gap. Upgrading and reinventing the procedures at courts should be combined with building online platforms.
- Few courts and ministries of justice are actively searching for and buying the best online platforms, or making them available for their citizens and for their justice workers. The tendency is to build dedicated platforms in house, by hiring system integrators. Configurable platforms for case-management, online dispute resolution and document assembly exist (VisionHall, Modria/Tyler, CrimsonLogic, Rechtwijzer/UitElkaar). These platforms can be used by any court and any tribunal. A way should be found to let courts in the world start using and buying these systems, so more can be invested in them.
- Courts are still hesitant to offer justice journeys, integrating legal information, bridge-building and court interventions. Facilitating negotiations and settlements happen in their courtrooms but still need to be built into their systems.

- Working on our own contribution to this field, Rechtwijzer for divorce, we found that the technological and human interaction challenges have been tackled. Providing useful information in time, along with interfaces for settlement and adjudication, are not problems any more. Case managers and bridge-building lawyers can have high-quality interactions with users. They have more time for crucial human connections and interventions, because administrative tasks and intake are guided online. Users give high ratings to the process and solution rates are high as well.
- Marketing is crucial and difficult. The transparency of the market for legal information, advice and dispute resolution is not improving when one more service is added. Even if it is highly rated and appreciated by users. Or offered by a government organization, including courts.
- For judges and lawyers, the platforms do not yet provide sufficient added value. Partly because the services of lawyers and the procedures of courts still need to be upgraded to deliver understandings and solutions. The platforms could also offer more benefits for judges and lawyers. They are also users that need to be served well.
- Platform builders also have to keep in mind the many volunteers and professionals with other tasks who are involved in solving legal problems. How can family-members, friends, police, mediators or community leaders be facilitated when they help to resolve neighbour disputes, land issues or employment problems?

3. APPS, STANDARD, CERTIFIED DOCUMENTS AND AGREEMENTS, TAILORED BY USERS OR EXPERTS

A final trend in innovation aims to scale prevention. Apps help people be aware of high-crime zones, SMS subscriptions remind people to take care of their land title documents. Apps can also help to signal corruption or to cope with domestic violence. Radio shows help people understand how to prevent conflicts at home or in the workplace.



Innovative services for documents and contracts are taking off

The most prominent innovations in this trend aim at contracts and other documents clarifying relationships such as company registrations, land registration and wills. Prevention is king. Good agreements ending conflicts prevent a new escalation. This is what we observe:

- Online platforms are selling legal documents to small businesses and families. Documents such as wills, trademarks filings, employment contracts and filings for incorporation are assembled for the user through an online questionnaire. These websites exist in the UK and US, and are profitable. LegalZoom and Rocket Lawyer have also entered other markets. Similar websites have now sprung up in many other countries, such as China, Nigeria, Kenya and the UAE. They mostly target small businesses.
- Making contracts more user friendly is another trend. Several start-ups and academic centres are working on visual contracts. Simplifying language and focusing on what users need to know first. User-centred design methods are promoted and applied.



See [here](#) for a recent review of US and UK services. Examples are LegalZoom, Avvo and Rocket Lawyer.

An academic review of Chinese websites and their impact on access to justice has been conducted by Jing Li and can be found [here](#).

Platforms supported by Hiil can be found [here](#).

Scaling up prevention requires size and incentives

Platforms are beginning to build global brands. This is a slow process, however. They tend to serve small businesses first. Understandably, because these are potential repeat customers. This customer segment is also easier to reach. The need for small and medium-sized enterprises to buy legal documents is clear and immediate: in order to attract investors and to get government licences companies need to be registered and documented at some stage. Having a will, a sound marriage arrangement or a smart employment contract is desirable, but is it also urgent and worth spending money on? Opening up this market is therefore still challenging.





6

ENABLING THE JUSTICE SECTOR TRANSITION

A new value proposition is emerging

We need to build the ecosystem for delivery at scale

Making justice attractive to invest in

Market transparency: clients can easily select and trust what they buy

Trade-offs and underlying values: much to gain

TRANSFORMATION AND SCALING UP INNOVATION REQUIRE:



Leadership
and vision



At times painful and
difficult process,
towards a new value
proposition



Investments
in quality and
scalability



Transparency of the
market with clear
value propositions for
citizens



Integration in
user-centred
justice journeys



User fees and
smart financing
models, sharing
costs



A welcoming
ecosystem for
innovations: buy,
partner, tender,
co-create, cross
borders



Broad trade-
offs that are
understood
and supported
systematically



A guided
transformation
process, well-
designed and
resourced

A new value proposition is emerging

For citizens, the access to the justice gap is huge. Justice workers and their leaders give strong signals that scaling litigation does not work. On the ground, a new value proposition is emerging. It is closer to what citizens need. More user-friendly. More in line with what the army of justice workers is actually doing, in courts and out there in communities.

Transformation is needed

In this and the following chapters, we build on the data and the trends identified. We sketch the challenges of transformation, exploring the costs and benefits of making legal systems more open to innovation and more responsive to human needs. In this chapter, we explore three broad scenarios.

For leaders at courts and in ministries this is a major challenge

Taken together, this is an unheard-of challenge for justice leaders. In the highly centralized justice system much depends on them. Let us look at the choices they have. So we feel the depth of the challenge they are facing.

Continuing incremental change is one option

One option is to continue managing the system in the way they always have. Then ministers of justice and chief justices would act on the belief that the nine signals of a system under strain will gradually lead to good policies. The innovation trends and the new value proposition will drive changes in laws and improvements on the ground. They could hope to remove bottlenecks one by one. They could slowly shift budgets in the direction of the new value proposition, away from current, burdensome litigation processes. But the tensions would continue for a long time, with a risk of further collapse of their systems. Innovation would probably stall because of the many barriers. Justice workers would move away from helping individuals and the burden of injustices would probably continue to increase.

Top down setting up assembly lines to produce solutions instead of litigation

A second option for justice leaders is to accept that the legal way of progress, always amending ancient laws and procedures, is what got us here in the first place. Ambitious leaders could restart with the end in mind. They could design and implement rules for new, problem-solving procedures, and impose a new ecosystem for the justice sector, supporting rapid innovation. Their budgets could stop paying for litigation rooms and new courthouses in city centres and start paying for solutions delivered by websites and mobile judges.

Such a top down approach may work. It is also likely to create huge opposition and uncertainty. Many mistakes will be made, because the top lacks the knowledge that is available in the field.

Transforming in tune

A third option is perhaps more realistic. The challenge is too big to leave to individual ministers or court leaders. Change cannot be forced. Deep change is needed. Not delivering burdensome litigation, but aiming processes at agreements and understandings requires changes in almost every routine and practice in legal services and at courts. Parting from adversarial forms of litigation will be painful for many judges and lawyers. We have to acknowledge that this is major. That it takes time to accept the need for change and the benefits of change as a reality. That all of us in the justice sector need to help one another to make this transition. Guided by a broad coalition of leaders, not only by ministers and chief justices.

Many innovators and justice workers already work on this

Transformation is already happening. Innovation is already making this happen. Both in courts and in legal services working for individuals. In government agencies and in start-ups. Fair solutions are crafted by local authorities in villages and by social workers in cities. The innovation trends supporting this value proposition are similar in the countries we work in. For most in the field, it is pretty clear what kind of solutions people need. Many turn this into new methods of delivery already.

We need to build the ecosystem for delivery at scale

The challenge is scale and speed: upgrading the tools and professions of the justice sector and rapidly implementing technologies. In Chapter 4 and 5, we listed the barriers experienced by those delivering a new value proposition. So what needs to be done to overcome these barriers during this transformation process?

Making justice attractive to invest in

Scaling up requires investments in high quality information products, platforms or standardized services. Even more money is needed to position a trusted brand. Resources

to invest are scarce, we find. Investors are not allowed to participate in law firms or courts. Donors, social impact investors and governments wanting to invest in justice see few convincing value propositions. They see a very non-transparent market with few convincing value propositions. They see regulation that restricts what may be delivered: advice by non-lawyers is forbidden, innovative court tracks must comply to rules of procedure. Governments are not thinking deeply about legal infrastructure as investments. They pay for courthouses and IT, because that is what courts are asking for. International donors seem to have adapted their preferred projects to the size of current NGO programs. They spend less and less money.

Market transparency: clients can easily select and trust what they buy

A next challenge is how to reach the customer and to be seen as a trustworthy resource. All organisations wanting to deliver basic legal services, from courts and lawyers to online platforms, seem to struggle with this. Many small suppliers together create a non-transparent market. Adding new things brings more confusion. Building trusted brands, with clear value propositions, is part of the answer. A regulator actively creating market transparency may also be needed for all access to justice products. Not just for lawyers, courts or mediation. A next-generation system for certification and the creation of market transparency is needed.

Ways of thinking we often encounter and invite leaders to explore

1. Justice is delivered by judgments
2. People seeking access to justice want to know who was right or wrong
3. If parties do not like what they get at courts, they can agree any other procedure
4. Fair solutions should be available for free, many people cannot pay
5. Each country has its own legal system, so justice problems and solutions are very different
6. The role of a judge is to decide on law and facts; no mix with other roles
7. The role of a lawyer is to advise and represent his client; no mix with other roles
8. People come to court with trivialities
9. We are already changing step by step; major changes are impossible
10. Procedures and IT platforms should be designed and owned by the state

Opening up for three step services: integrated supply chains

Few organizations deliver a one-stop-shop service. A client with a noisy neighbour might first go to a legal information website or listen to a radio show. Then she has to find a trustworthy bridge-builder. The negotiations might fail, however, so she also has to think about whom to address as a neutral “judge” with authority. So she needs to buy three separate services and somehow connect them. If she could buy one clear journey from her problem to a solution, that would be great progress. Self-help, mediated agreeing and coming to decisions with a judge at the table have clear synergies. Learning in phase 1, helping to agree in phase 2 and making it easier to decide in phase 3. Removing the many barriers between the phases would be beneficial.



Allow revenues to grow with scale and quality: better financing and sharing fees

Court financing models need to be revised to allow for scalable services. Otherwise courts – or the government paying for them – have disincentives to serve more people. This is a challenge courts have in common with free NGO services or websites. In this non-transparent market, it is difficult to ask higher prices for higher quality services. This is a well-known economic principle which predicts that in the presence of information asymmetry between buyers and sellers only degraded services will survive (Akerlof, “The Market for Lemons: Quality Uncertainty and the Market Mechanism”). Fee systems can be designed from a user perspective. Generally, consumers like paying fixed amounts for clearly defined services. In the field of justice, solutions always address two or more clients. Many others also benefit from peaceful resolution. Between all these beneficiaries, costs can be shared in smart ways.



Hiil Trend report [Dialogue on court financing models making it unattractive to improve access to justice](#).

See Chapter 7 for willingness to pay and financing mechanisms.

Together they can scale: if they buy, partner, tender, co-create, cross borders

Courts, small NGOs and legal aid lawyers have more clients than they can serve. Innovators developing apps, online platforms, or user-friendly court procedures need clients. They share the same ambition. Together they can scale. So they should merge, partner and learn how to create justice journeys together. We have to create a lively, open ecosystem and market. Where courts buy new procedures. Where legal aid lawyers become a partner in a brand of innovative bridge-building services. Where ideas are jointly developed into new standards instead of copied from other countries. Bridge-building where all can win.

Lawyers and innovators jointly reset rules that stand in the way

Many of the barriers to innovation are man-made: rules stand in the way. Platforms would like to be able to give high-quality legal advice. Legal aid lawyers would like to be able to attract capital. Courts would like to partner with trusted innovators. Courts would like to be able to co-create online platforms instead of needing to tender or build them in house. Innovators setting quality standards for the next level of services would like to partner with bar associations. A rule system that is truly welcoming innovations is a major issue.

Lawyers and judges will feel the pain of accepting and resisting change

All this has profound consequences. Improving, innovating and scaling services means the rules, funding methods, education and mental models of lawyers working in the sector will change. They are all oriented towards working in the corner of formal justice, with the attributes that are thought to be effective in the setting of a courtroom. Many people working in the justice sector would love to get out of that corner. At the same time this causes unrest that can turn into resistance. Experimenting with new processes is one thing, but changing almost every daily routine is different. This change is about values, about principles that were taught at university, about income security, about the daily interaction with colleagues and in courtrooms.

Trade-offs and underlying values: much to gain

There is also much to gain. If the justice sector can find the right trade-offs, many of the uncertainties can be managed. New opportunities can outweigh losses. The personal values of justice workers can be more aligned with their everyday workflow. The values of fairness and equal access to justice for all can be served. Legal work for individual citizens will be more rewarding, less stressful and more meaningful.

Possible trade-offs towards user-friendly justice

1. If bridge-building services, innovative courts and online legal platforms become trusted brands, citizens will pay for fairly priced high-fairness solutions.
2. If courts start buying and co-creating user-centred procedures, then innovators can attract capital so quality can rapidly increase.
3. If financial models are sound and budgets will not explode, ministries can stimulate innovation and scale.
4. If more than just legal talent is allowed to work and invest in the sector, each supplier can develop more valuable services.

Others already faced their transition

Similar transitions are under way. The world is transitioning towards renewable energy. In the 1990s, the health care sector finally succeeded in making a long transition to evidence-based medicine. Such transitions need to have focal points, and groups of people taking the lead, spreading ideas, monitoring progress. Using the know-how from other transition processes, this change process can now be set up and managed effectively. To make this tangible, the Table below gives indications of activities, possible partners and resources.



ENABLING THE JUSTICE SECTOR TRANSITION

| | |
|--------------------------------------|--|
| Goal | Enabling the justice sector in a country to make the transition. Empowering justice-sector leaders. Letting practitioners see that they can gain by adding more value to people's lives in a more effective way. Overcoming emotional and practical barriers to change. |
| Activity | Work with justice-sector leaders. Applying appropriate methodologies for major transitions. Such as: Social labs (Reos); Adaptive change (Heifetz); How to run a government (Barber). Focusing on the factors that are known to lead to effective transformations (McKinsey, Elements of Successful Government Transformation, 2018). |
| Deliverables | An action plan outlining the transformation process and justice delivery goals. Quick wins and broad support for focused execution. Fully integrated and resourced in Justice Sector Development Plans and strategies of courts, ministries of justice, prosecution, bar associations, legal aid boards, donors and large providers of basic legal services. |
| Proof of concept and partners | Transformation processes in other sectors. Energy. Climate. Telecom. Peace-building processes. HiIL Transformation Labs. Justice sector alignment in Scotland, Mexico. Reos partners. Pathfinders for Peaceful, Just and Inclusive Societies. |
| Business model | Government funding. Donor funding. Philanthropy. |
| First indication of resources needed | €5 million per country per year. |



DOING THE NUMBERS: LOW COST VALUES

Current costs of delivery are low

Indications of the level of costs and benefits are becoming available

People are willing to pay for fair solutions to their urgent problems

Costs can be shared between the parties and the beneficiaries of fair solutions

Better solutions are easier to finance

Costs of delivery may be low

In this short chapter, we look at the costs of delivering justice. This is another area where data are scarce. So we can mention only a few anchor points. To begin with, the costs of delivery of solutions per problem are likely to be rather low. Most solutions are delivered locally, by volunteers or by policemen and government officials paid for another job. If people are well informed, if bridge-builders work effectively and are backed up by fast, efficient, specialized and local courts, the process of delivery by professionals may in the future support this problem-solving.

INDICATORS OF MARKET SIZE, COSTS OF RESOLUTION

| | |
|--|---|
| World population | 7.5 billion |
| Estimated costs of national coverage for basic legal services in non-OECD countries (6.25 billion people; 5/6 world population) See estimates by IDRC, LEF and OSF, Developing a portfolio of financially sustainable, scalable basic legal services models , 2015 | <p>\$1 per capita</p> <p>\$6.25 billion annual budget</p> <p>840 million problems</p> |
| Estimated costs of national coverage for basic legal services in OECD countries (1.25 billion people; 1/6 world population), Idem | <p>\$6 per capita</p> <p>\$7.5 billion annual budget</p> <p>160 million problems</p> |

| | |
|--|---|
| Average annual public spending on justice sector (courts, prosecution, legal aid, other) in Council of Europe Countries (CEPEJ, 820 million people) | <p>€60 per capita</p> <p>(€36 courts, €12 prosecution, €9 legal aid)</p> |
| Estimated annual global spending on courts (based on average Council of Europe, divided by 4, assuming European courts are more costly than courts on average worldwide and low-income countries spend less on courts) | <p>€15 per capita</p> <p>\$80-150 billion</p> |
| Estimated size of global market for legal services (Legal Services Market Global Market Report 2017) | <p>\$650 billion</p> <p>(US=\$290 billion or 45%, UK \$45 billion or 7%, Germany \$25 billion, France \$20 billion)</p> |
| Estimated size of current global market for legal services to individuals (15% to 25% of legal services revenue) | \$100-150 billion |
| Justice share of all development aid (DRC, LEF and OSF, Developing a portfolio of financially sustainable, scalable basic legal services models , 2015). *Mostly in Afghanistan, Iraq, Gaza, Palestine and by US | <p>2%</p> <p>\$4 billion in 2013*</p> |
| Estimated revenues of online legal services industry (Ibis) | \$7 billion |

Market research can inform scaling up

What are these costs and what is the willingness to pay for these costs by citizens, by governments and by others? Most existing market research aims at the market for legal services in general in a particular country. This is primarily a market for major law firms serving companies and other big organizations. Detailed market research for legal services to individual end-users is scarce. The Table above summarizes some findings about market size globally.



The Legal Services Board in the UK has probably done the most comprehensive [market research](#).

Willingness to pay likely to be higher than costs

Estimates have been made that costs of delivery could be in the range of \$7 - \$50 for basic services, probably for low impact problems, depending on the income level. For high impact problems, this would be considerably more. But given the severe negative impact on people’s lives, the average client’s willingness to pay is likely to be considerable. Some indications of the willingness to pay compared to the costs are in the table below.

COSTS COMPARED TO WILLINGNESS TO PAY FOR SOLUTION

| | |
|--|---------------------------|
| Costs of resolution by basic legal services for non-OECD countries (see Table above) | \$7 per problem solved |
| Costs of resolution by basic legal services for OECD countries (see Table above) | \$50 per problem solved |
| Costs of resolution per problem formal system Europe assuming 50% of public sector justice budget spent on individual problems and 15% market share of public (formal) justice sector, 100 million problems annually, 15 million in formal sector, 820 million inhabitants, €50 per problem solved (see Table above) | €1,600 per problem solved |
| Willingness to pay solution low impact problem non-OECD countries (Estimates based on Models for sustainable legal aid: Experiences from NGOs in low-income countries, 2011) | \$1-10 |
| Willingness to pay solution high-impact problem non-OECD countries. Idem | \$10 - 100 |
| Willingness to pay solution low-impact problem OECD. Estimate. No data | \$100 - 1000 |
| Willingness to pay solution high-impact problem OECD. Estimate. No data | \$1000 - 10,000 |

People need solutions for a crisis so financing can be an issue

Even when there's a willingness to pay, cash can still be an issue. Legal services are often needed in times of crisis when incomes are under stress (debts, breaking up of a family, injury, land grabbing). So financing solutions require attention.

Better solutions will be easier to finance

If a solution is provided quickly and effectively, the financial situation of the client is likely to improve, and paying for the services becomes less problematic. Family members, communities or government agencies may be willing to contribute to the costs, because the problem also impacts them. A source of financing is also the other party to the conflict. Employers pay legal costs of employees. Insurance companies of car owners compensate the costs of victims of accidents. If costs are predictable and solutions effective, financing is much easier.

Quantifying impact is the next step

The benefits of fair solutions are at the other side of the equation. Governments and social impact investors want to calculate the benefits. Quantifying the impact of justice problems and calculating the social impact of good solutions is in early stages. How is a legal problem affecting people, compared to the impact of malaria, HIV or a severe depression? What is the social value of a good treatment? The expectation is that this can be quantified if a combination of methods can be integrated in a good model.



- *The measurement of social impact is a lively field. Rawhouser, Cummings and Newbert in [Social Impact Measurement: Current Approaches and Future Directions in Social Entrepreneurship Research \(2017\)](#), reviewed the literature and found that there are no standard methods yet for quantifying the impact of negative events or the social impact of remedies.*
- *The Holmes-Rahe scale is widely known and ranks 40 life events on a scale from 0 to 100 according to the amount of stress they cause. [The Global Burden of Disease](#) studies use Disability Weights for the impact on health of every disease on a scale from 0 to 1.*





STARTING TOMORROW: SMALL STEPS, BOLD PARTNERSHIPS

Justice leaders can reflect and prepare for change

Justice workers now carry much of the burden

As a citizen, you can plead for solutions

Donors can be more effective by supporting partnerships
for user-centred justice

Social impact investors can scale proven technologies

We also pitch 10 ambitious investments

What can be done, starting tomorrow

LEADERS AT COURTS AND IN MINISTRIES CAN:

- ✔ Check how current litigation processes work for them; explore the potential of problem solving procedures
- ✔ Reconsider investments that enhance current litigation processes
- ✔ Mobilize the best people and resources for problem solving processes

JUSTICE WORKERS (JUDGES, LAWYERS, PARALEGALS, LOCAL AUTHORITIES AND MANY MORE) CAN:

- ✔ Explain their true value proposition to users of their services
- ✔ Ask to be valued and paid for fair solutions
- ✔ Stop delivering interventions that do not work and replace them
- ✔ Scale and improve their services, leading to work that is more secure and more rewarding

USERS OF LEGAL SERVICES CAN:

- ✔ Ask for protection and solutions, through processes that work, with good information, some active mediation and a judge ensuring a fair outcome
- ✔ Ask for a judge who will solve the problem between you and the other party
- ✔ Ask for courts and legal services that are evidence-based

DONORS AND SOCIAL IMPACT INVESTORS CAN:

- ✔ Join an international movement to ensure we live peacefully and sustainably (SDG16)
- ✔ Support a justice sector that delivers understandings and protection, not overly legalistic procedures
- ✔ Make social impact investments in justice with high returns on well-being
- ✔ Lead and create a breakthrough: we suggest 10 major investments to make this happen
- ✔ Facilitate a new coalition between citizens using the justice system, justice workers, justice entrepreneurs and the leadership at courts and ministries

JUST, PEACEFUL AND INCLUSIVE SOCIETIES:

- ✔ 250 million problems resolved in time, 750 million to go
- ✔ Humanizing justice at scale

What stakeholders can start doing tomorrow

We explored the value proposition for citizens with urgent legal problems, the innovation trends and the challenges. In this final chapter, we move beyond what the data tell us. Based on our experience in the sector, we sketch how individual citizens, justice workers, justice leaders and investors may each contribute to making transformation happen. Starting tomorrow, by themselves, and in partnerships.

Justice leaders can reflect and prepare for change

Leaders in court and ministries, bar associations and justices in the highest courts may not be in a position to change course quickly. In their daily work, they can make a difference. First by checking the facts and investigate for themselves whether faster litigation will work to relieve the strain and bridge the justice gap. Then by opening up their strategies and development plans to innovation. Leaders can refocus proposals that currently strengthen litigation capabilities, such as pro bono, legal aid or improvements in procedures at the highest courts.

Support problem solving in communities

Much can also be done in everyday management of the legal system. Instead of building more litigation rooms in cities, courts can look for secure and friendly places in towns where they can conduct a problem-solving session. Instead of promoting their best judges to appeal courts, chief justices could let them oversee and coach a number of local bridge-builders and problem-solving judges. Citizens need judges that produce understandings and solutions. They will be grateful to leaders who provide this.

Justice workers now carry much of the burden

Judges, lawyers, paralegals, social workers, police, public servants, ombudsmen and all the others delivering justice now carry much of the burden. Right now, their income is often insecure and they work in small organizations that struggle to survive. They work more by trial and error than by applying the best knowledge about resolving conflicts. The system tends to pay judges, lawyers, experts and other helpers for their role in litigation, whereas they have to sell solutions to clients. Meanwhile, the public sees lawyers and judges as disconnected and associate them with the litigation process they dislike, rather than the brokers of good solutions that they often are.

Coming out as problem solvers would make them more attractive

For these justice workers it can be helpful to look at the data. It indicates that many citizens have unmet justice needs and are willing to pay for solutions, but not for litigation. Most justice workers already focus on fair solutions. That is their true value proposition. So that is what they can ask payment for, from their clients and from government. Scaling up their organizations and bringing in outside investors and expertise can make their jobs more secure and their work more interesting. Delivering more value to their customers.

As a citizen, you can plead for solutions

Citizens themselves can also contribute to improving delivery. Most people seeking access to justice are looking for relief from their hardship, wanting to understand what happened, to improve communication with the other party and to come to some kind of agreed solutions. As a citizen, you can make the law work for you by asking for that fair solution.

You can ask for processes that work

That is, you can ask for processes with good information, some active mediation, and a judge ensuring a fair outcome. You can ask for a safe procedure that brings you and the other party to the table. You can ask for a judge who will solve the problem between you and the other party. You can ask your politicians for a justice system that works for people. You can ask for protection, when you are in danger. You can refuse to buy inferior services from justice workers.

Donors can be more effective by supporting partnerships for user-centred justice

In order to live peacefully and sustainably (SG16), we need a justice sector that delivers understandings and protection, not litigation. This transformation is a challenge internationally. Getting this right is an opportunity for social investments with high returns. A new coalition is needed: between citizens using the justice system, justice workers, justice entrepreneurs and the leadership at courts and ministries. International donors, who are now hesitating how to improve the rule of law in unstable countries, can make this happen.

Social impact investors can scale proven technologies

Investors can use their expertise to scale up the services that people are looking for. The technologies for this, such as online platforms and evidence-based approaches, are available. In small scale settings, many innovations are now delivering proofs of concept.

We also pitch 10 more ambitious investments

Given the size of the justice gap, there is also space for more ambitious organisations who want to take the lead in developing a new value proposition. To enable breakthrough, we suggest giving voice to the idea that “users come first”. We have ten suggestions to boost trending innovations. We call for strengthening the value proposition of bridge-building legal services and problem-solving cities, courts and online platforms. Systematically eradicating one category of injustice. A world justice organization, or a similar entity, could ensure quality and monitor delivery. For each investment, we give ideas for the eventual pitch deck (accessible through the report website). Possible goals, deliverables, activities, partners, sources of revenues and social impact are all included.

BREAKTHROUGH INVESTMENTS FOR CLOSING THE JUSTICE GAP

1. Organizing the voice of the users;
2. An open ecosystem for justice sector innovation;
3. An exemplary city of problem-solving justice;
4. Scaling up paralegals and facilitators;
5. User-friendly courts with local reach;
6. Legal aid firms barring injustice;
7. Do-It-Yourself and Online Supported Dispute Resolution Platforms;
8. Fair solutions and designing agreements;
9. Eradicating one type of injustice;
10. The World Justice Organization ensuring quality.

Justice entrepreneurs, cities or countries can take the lead

Each of these ventures can be scaled up, scaled down or combined with others. The initiative can come from a private organization or from a public-private partnership. It can be started from one company, from a court, in one country, in a city or in a region such as the Arab world or the EU. Each of these ventures can build on what already exists, can count on highly motivated people and can mobilise promising technologies.

Relieving the strain in the system and facilitating a new coalition

At the same time, and connected to this, societies need to invest in a new coalition. New relationships have to grow between citizens using the justice system, justice workers, justice entrepreneurs and the leadership at courts and ministries. They must be based on data, a better understanding of each other's needs, and a vision of just outcomes for the most frequent and urgent problems that people encounter between them.

The elephant in the courtroom

In this report, we compare the landscape of legal problems to solutions delivered; both in courthouses and outside. The gap is huge. In a typical country of 8 million or a megacity, 250,000 conflicts are resolved in time and fairly each year. That leaves 750,000 to go. In a legal system that is supposed to relieve people from distress, signals of strain are blinking alarm. Most stress points are somehow related to the litigation process that is at the core of the current value proposition of the justice sector. In order to live in just, peaceful and inclusive societies, we need to make litigation less burdensome and more responsive to human needs.

Man-made barriers are there to overcome

Scaling processes that deliver more justice requires crossing borders, respectfully saying goodbye to ancient traditions and accepting new ways of working, suggested by start-ups, by judges turned innovators, and by experts in user-centred design. We need to open up a system that is designed for stability and internal consistency. We need better value propositions. A network of innovators, courts and ministries, talking, buying, tendering and co-creating. Barriers to this are all man-made. The trade-offs that are needed will be made by us as well.

Humanizing justice

The girl seeing her parents separate. The woman losing that piece of farmland. Tunisian youth needing fair employment. Men put behind bars. Victims of their violence. And even the registrar at the Ugandan High Court. Whatever they experience or do wrong, they need user-friendly justice. The United Nations set this goal for humanity: equal access to justice for all in 2030. In order to live peacefully and sustainably, we have to humanize justice at scale.

Less robotic judgments, more hands touching briefly

The data in this report suggest the future of justice is not robotic judges or artificial intelligence layered like frosting on a poorly baked cake. Good legal processes bring people together. They are social. Communal. Human. To prevent or confront a crisis that enters someone's life. To agree on a future relationship. To repair harm done and to accept sanctions if needed. Justice for all is one of humanity's greatest goals; to get there, we need to make the journey toward justice more humane. One billion hearts come to rest; eyes meet; hands touch briefly.



The Hague, November 2018

We hope to have provided useful facts.
To have facilitated your dialogue.
To have enabled you to take bold decisions.

Want to further explore these strategies?
Engage with these opportunities?
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About HiiL

HiiL (The Hague Institute for Innovation of Law) is a social enterprise devoted to user-friendly justice. That means justice that is easy to access, easy to understand, and effective. We will ensure that by 2030, 150 million people will be able to prevent or resolve their most pressing justice problems. We do this by stimulating innovation and scaling what works best. We are friendly rebels focused on concrete improvements in the lives of people. Data and evidence is central in all that we do. We are based in The Hague, City of Peace and Justice.

It is nice that we can make vacuum-cleaners user-friendly, but we think justice is a little bit more urgent.

We are friendly rebels who are passionate about social impact. We aim to empower 150 million people to prevent or resolve their most pressing justice problems by 2030. Why?

Each year, 1 billion people have a new justice problem. Shockingly, over 70% of those people do not find a satisfactory resolution. 30% don't even feel empowered enough to take action. This has a high impact on their lives and society: from violence to seriously damaged relationships and business conflicts.

To make a long story short: justice does not deliver what people need in their most difficult moments.

The problem is that we are still using the same models developed in the past centuries. It makes the process of getting justice today slow, tough, difficult and very expensive.

We truly believe basic justice care for everyone is possible. With data and technology we co-create high quality justice based on what we need now.

We at HiiL call it: user-friendly justice.

Justice that is affordable, accessible and easy to understand. It is justice that works.



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