

Delivering Justice, Rigorously

A guide to people-centred justice
programming



Summary

When injustices occur, people need effective redress. This report describes how people-centred justice services can be programmed systematically. It is written for “justice reform task forces:” commissions, justice leaders and private initiatives asserting ownership for the availability of high-quality justice services.

Members of task forces tend to agree about the urgency, which has become more prominent during the Covid-19 crisis. The effectiveness and reach of justice services need to be increased. Resolution rates for pressing justice problems hover around 30 percent, with many people getting stuck on their path to justice. Too many injustices occur that can otherwise be prevented. The impact of continuing injustice on people’s lives can be devastating: violence, loss of work, damaged relationships, loss of money, debts, loss of freedom and enduring stress related to unsolved problems.

The cumulative impact of personal injustices on social harmony and economic development is severe, as shown by quantifying the yearly burden of injustice. Based on this, a task force can project whether current justice services will meet the demand for justice.

Task forces are increasingly the guardians of a significant transition in the way justice gets delivered. During the 20th century, the main roads to justice have been designed as adversarial processes. In such processes, prosecutors indict and lawyers claim. Two parties present facts, argue their case and turn to courts to decide on sanctions.

The processes that actually work for people often prove to be different. Data show people mostly solve conflicts through interacting, negotiating and discovering a way forward. Prosecutors now routinely divert criminal cases to alternatives, in which punitive sanctions are only one of many possible interventions. Courts of law and government policies guide people away from litigation towards informal or judicial mediation. Specialised interventions are being developed for many types of pressing injustices.

Based on Hiil’s experience with justice reform programs, policy-trends and the increasing body of research, this report sketches how task forces can ensure better outcomes for people seeking justice. We show how task forces can focus on strengthening justice services that are game-changing. These services can sustainably deliver processes for justice problems based on best practices and evidence.

We describe five strategic interventions that can guide task forces. Each of them builds on best practices for justice reform that are increasingly accepted internationally:

1. Implementing [evidence-based processes](#) for resolving crime issues and disputes;
2. Standardising and [scaling justice services](#) in a financially sustainable way;

3. Creating an [enabling regulatory and financial environment](#): a level-playing field for more effective processes and game-changing justice services;
4. [Monitoring](#) justice problems, justice journeys and outcomes achieved to ensure continuous improvement;
5. Cooperating nationally and internationally to address this common challenge actively.

The report details how task forces can make a case for reform and how to mobilise resources. They have to build capacity to work in a multidisciplinary way. They need to bring in diverse capabilities from outside and reconcile them with the operational culture within the broader justice ecosystem in which they need to acquire legitimacy.

Successful task forces scope their work and set an agenda early. They formulate indicators regarding outcomes for people they want to achieve. They are fully aware of how implementation happens. They focus on the most pressing justice problems and services that can be truly game-changing, enabling them by establishing a level playing field.

Task forces add momentum to the change processes needed to transition from mostly adversarial legal procedures to mostly people-centred justice. They are guided by what people need to cope with injustices and by what works to prevent new injustices.

Overview of the report

This report is based on Hiil's many years of collecting data about people's justice needs and experiences. This work was done together with partners including the World Justice Project, UNDP, the OECD and the Open Society Justice Initiative.

We had conversations with many ministers of justice, chief justices and their immediate teams. They told us about their struggles to set agendas, get them funded and implement them effectively. Dialogues with stakeholders aimed at pathways for reform, now one of the core activities of Hiil, have been an invaluable source of information.

The report is also based on working with many legal help organisations, in Africa and the MENA region, and also in Bangladesh, Indonesia, Ukraine and Western Europe, including our home country, the Netherlands. These organisations operate close to the people that experience the access to justice gap: mothers, fathers, workers, landowners, victims of crime, perpetrators of aggression, clients of public services and small businesses. We saw how legal help organisations interact with law firms, government bodies and religious organisations to deliver more effective justice.

In our work with justice innovators we have been close to the realities and experiences of more than one-hundred justice start ups in the past six years. Why did they fail? What allowed them to succeed? What do they and their funders need?

The team further explored this in case studies for this report regarding Legal Zoom in the US, problem-solving courts in several countries, houses of justice in Colombia, a criminal justice case-management system in Sierra Leone and local council courts in Uganda.

Our [trend reports](#) integrate these experiences with the latest research on access to justice. Academic research from many disciplines is contributing to this challenge. Evaluations and best practices inform the field and an informal coalition guides the research and developmental work to support people-centred justice. Our work greatly benefits from intensive dialogues and project cooperation with colleagues from the World Justice Project, UNHCR, the World Bank, Namati and the Open Government Partnership.

People make the case

In [Chapter 1](#), we provide examples of task forces and how they organised during the 2010s. We show how an international best practices approach is emerging. Access to justice initiatives by the [Pathfinders for Peaceful, Just and Inclusive Societies](#), the [OECD](#) and the EU is supported by a network of specialised organisations working on the rule of law and access to justice including HiIL. One of the driving forces is Sustainable Development Goal 16:

"Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels."

The [case](#) for developing sound justice strategies is now moving hearts and minds. Injustice is a [powerful motivator](#). When injustice is systemic, people gather on the streets to ask for fairness and redress. When the effects of globalisation threaten livelihoods, feelings of injustice heighten. A task force ideally also engages with positive emotions. Justice encourages finding peace, improving relationships and enabling growth.

The [business case](#) for improving access to justice is strong and can be quantified. Justice problems occur frequently. In a typical megacity or state with eight million people, 1 million residents will experience a pressing justice problem each year. Half of those problems will have a major negative impact. The annual [burden of injustice](#) imposed by only one category of problems (land justice, employment justice, crime) can easily add up to hundreds of millions of euros.

This calculation illustrates what can happen if the justice ecosystem fails to give people a voice and provide effective remedies. Data suggest that a substantial proportion of the population will experience feelings of frustration or neglect within a few years.

Governments across the world rightly see this as a threat to stability. In 2011, the World Bank already established the link between effective grievance mechanisms and the prevention of armed conflict.

The business case is also positive: more fairness will improve well-being. When people are relieved of an existential threat to their livelihood and can manage their relationships through more effective contracts, their contribution to the [economy can grow](#).

Future-focused, well-scoped and smart about implementation

In [Chapter 2](#), we look at how justice leaders are [coming together](#) in various kinds of groupings. In this report, we call them task forces: multidisciplinary groups that have committed to improving access to justice in one way or another. These task forces appear because ownership for the quality of justice is unclear and distributed among several institutions, each working independently. Court managers, administrative (labor, housing, family) agencies, ministries, prosecutors, private suppliers of justice services and “justice startups” need the skills, resources and resilience to [navigate these challenges](#). We detail how justice task forces have been formed, how they build up legitimacy and what can be learned from their experiences.

Task forces need to be [resourced](#) in a way that matches the size of their challenge. Early on, they envision a [pathway forward](#), which includes implementation in terms of budgets and operations. They are familiar with the political, legal, administrative and financial environment. Most importantly, task forces build coalitions that ensure that their plans and designs become a reality. Smart task forces know how to turn ideas into organisations, programmes and policies by harnessing the public and the private sector’s potential.

In the past, task forces have carried out ambitious analyses of justice gaps. They have identified flaws in the procedures and organisation of justice sector institutions. The reports they produced suggested long lists of improvements. Other task forces have focused on one class of injustices that happened in the past. One task force dealt with the impact of 9/11. Others designed remedies for crimes committed by members of religious organisations.

Successful task forces are now future-oriented and start with [determining their work scope](#) ([Chapter 3](#)). Based on data, they [prioritise](#) the most pressing justice problems that need resolution now. They may focus on domestic violence or land problems. Alternatively, they may set out to improve the conditions for a particular relationship: informal and formal marriage, work relationships or to contract land and housing. State-of-the-art task forces set [goals, establish indicators and set outcome-based targets](#). Benefiting from lessons learned, they try to avoid “[justice innovation traps](#).” Instead, they focus on a few [promising categories of justice services](#). These potential game-changers are developing across countries in response to the massive demand for justice.

People-centred justice builds on what works

In past decades, justice task forces have focused on laws, court infrastructure or more affordable legal services. Most experts now suggest that task forces commit to a people-centred justice approach. This builds on the successful 30 percent: improving what already works in courts, informal justice and other settings where people prevent and resolve issues. By systematically delivering better results for people, and by leveraging the contributions of other providers of justice, formal justice institutions can increase their legitimacy.

When people experience justice problems, they often rely on friends and family for advice. Police officers, judges and lawyers deliver justice as a calling and for a living. Data reveals that the everyday practice of law trends towards coordinated problem solving with appropriate sanctions where needed. Research confirms this fits better with the outcomes people demand once they feel heard and respected. This approach also reflects how most communities respond to injustice, driven especially by a collective desire to restore harmony and prevent escalation. Politicians responsible for justice increasingly try to build on informal justice and restorative practices to aim for fair and prosperous societies. Social impact investors and philanthropists are prepared to sponsor the cause of inclusive societies and with equal access to justice for all.

The people-centred way of solving justice problems differs from what viewers see on Netflix and what law schools teach. There, justice is depicted as an adversarial game driven by a flow of accusations, claims and defenses, and culminating in verdicts providing relief. Cases reported by the media tend to be outliers, hardly representative of the one million justice problems that occur every year in a typical country of eight million. Task forces and justice innovators thus need to reflect on their communication strategy.

Game-changing justice services are around the corner

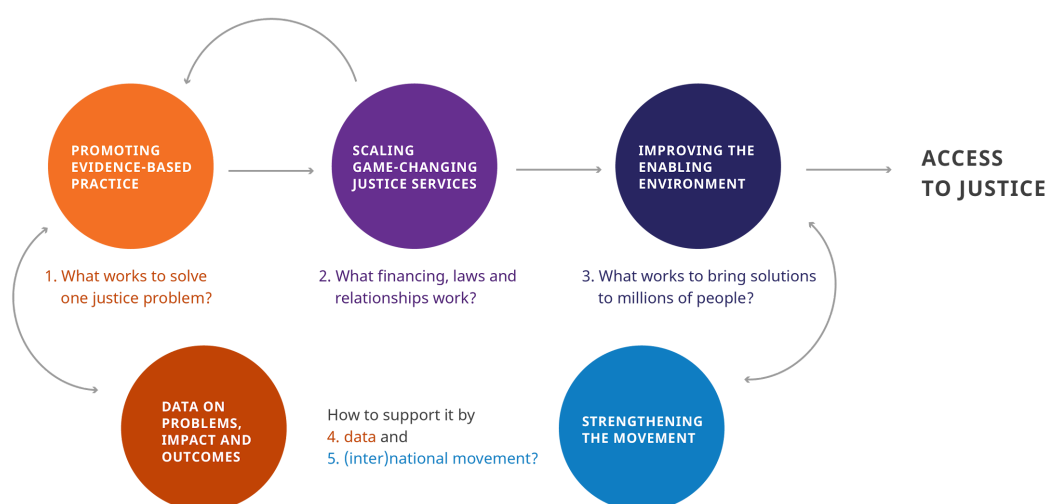
What are task forces recommending and how do they approach implementation? Seven game-changing justice services are already on their radar or should be considered. Many initiatives seek to improve informal justice in communities, using interdisciplinary expertise to turn them into high-quality services for basic justice needs. User-friendly contracts can strengthen the ties and exchanges key to a sustainable livelihood: relationships at home, at work and about land or housing.

Adjudication and mediation can merge into one-stop-shop procedures, supported online and focused on increasing the capacity of courts to settle and decide more complex conflicts. Problem-solving courts specialising in the most common causes of crime are a success story that can be replicated. Claiming services already help people to access vital government services and increase accountability. Prevention of violence, theft and fraud can be programmed. Advice and legal assistance by lawyers can be facilitated online, offering a step-by-step resolution.

The case studies for this report illustrate how game-changing justice innovation relies on coordination. Bottom-up innovation of dispute resolution systems is hampered by regulation that is focused on producing verdicts through litigation. While courts and the rule of law need to be strengthened as government foundations, courts are only part of the picture. Successful justice systems encompass multiple coordinated avenues to resolve disputes. The transition towards more responsive justice institutions must occur in a setting where courts and other government agencies are overburdened. People-centred justice should, therefore, both change and reinforce institutions, thus increasing their legitimacy. This underlines the need for a systematic approach.

Five strategic interventions are needed

FIVE STRATEGIC INTERVENTIONS FOCUSED ON STRENGTHENING GAME-CHANGING JUSTICE SERVICES



We argue that justice task forces should consider five strategic interventions focused on strengthening potential game-changers:

1. [Promoting evidence-based practice](#): justice practitioners and informal justice providers make high impact interventions in people's lives. Task forces should ensure that interventions by justice practitioners are focused on the outcomes that people need, and that progress is monitored. Interventions should be standardised and improved continuously, based on best practices and informed by research. This will increase resolution rates and prevent new injustices.
2. [Innovating service delivery through potential gamechangers](#): Better and demonstrable results will attract more users. If justice services can be standardised and improved, they will generate more sustainable revenue

streams for courts and other providers of justice services. The often difficult work can be better rewarded and interest from investors can grow. Improved organisational models, leadership and teams can ensure that justice services are scalable, gradually moving towards equal access for all (Chapter 5 and 6).

3. [Improving the enabling environment for gamechangers](#): Innovation often requires new types of regulation, budgeting and public-private partnerships. Capital for investments needs to be mobilized and must lead to acceptable returns with social impact that can be measured (Chapter 7).
4. [Setting up the support structure of data and know-how](#): Systematic programming requires real-time data on the prevalence of justice problems, the ways problems are currently resolved by different segments of the population, outcomes and impacts. Applying and promoting international standards for data collection is necessary to ensure that results can be compared within and across jurisdictions, and that progress can be measured (Chapter 8).
5. [Maintaining momentum nationally and internationally](#): Demand for justice from people needs to be channelled and supply needs to be coordinated. New institutions will be needed to support and provide services that meet the demand. Existing institutions will face an acute need to change. Task forces, therefore, need to strengthen the incentives on courts and other institutions, stimulating them to use the innovation potential in society. We sketch how a task force can turn into a permanent unit ensuring access to justice (Chapter 9).

In the pages that follow, we present the logic and knowledge base behind each strategic intervention. We also describe the methods HiiL and others are developing to support people-centred justice programming. The supporting case studies can be found [here](#).

A massive undertaking with a worthy cause

What needs to be done is urgent, necessary and difficult. COVID-19, [the global economic crisis](#) and the [decline in the rule of law](#) make change even more paramount. Much effort has been put into strengthening justice systems in recent decades. Some things have worked, while others have yet to make an impact. Justice leaders at the top work to improve institutions: strengthening and increasing their capacity with training, new IT systems and better performance management. Grassroots leaders and justice practitioners resolve conflicts and cope with crime, improving and scaling how they work in villages and city neighbourhoods. But is all of this done in a systematic and coherent way that leads to real change?

Ministers of justice have short mandates. They are limited by short-term election cycles and their lives are dictated by unexpected crises for which they must take responsibility. Many of the skills necessary to make change are not the kind of skills that justice practitioners and their leaders have learned in law schools. The justice sector is full of opposing interests that need to be turned into shared opportunities:

judiciaries, bar associations, civil society organisations and the many agencies that compete for government budgets.

With that said, our analysis suggests that the effort needed to systematically bridge the justice gap is less massive than what is needed to solve other wicked problems affecting governments: poverty, COVID-19 or climate change. Economist Mariana Mazzucato has made the case for governments to identify and address “moonshot” challenges that require cooperation and the adoption of new technologies. Most of the technologies needed to take on justice challenges are known. Life is often peaceful, and humans have vast experience in resolving conflict and preventing crime. Implementing the best ways of working systematically and through new forms of cooperation is the primary challenge.

The emerging picture of an improved justice system is inspiring. Instead of signposting a long and winding path to relief, task forces can now actually take steps to ensure fair outcomes for people when injustices threaten their livelihoods. Most injustices have many causes and need to be addressed by a combination of interventions, in which the individuals affected and the broader community have a role. Pursuing peace and justice for each pressing justice problem can restore and transform relationships between people and increase individual well-being. The macro-level task is hard but people have found fair solutions, recovered from injustices and achieved peace of mind countless times. Learning from experience and innovating justice systematically can help resolve at scale the most pressing justice problems.

References

- Estimates of the number of people who face injustices are based on a HiIL report, [Understanding Justice Needs: The Elephant in the Courtroom](#), 2018.
- The [World Development Report 2011: Conflict, Security and Development](#) by the World Bank (2011) provides an overview of factors that contribute to violence and insecurity and offers recommendations to regional and global institutions to address conflict and spur development.

Table of contents

Summary	2
Overview of the report	3
Table of contents	10
1. Making the case for people-centred justice	12
Reforming justice: high on agendas	12
Much to learn: an emerging paradigm	14
Making the case for systematic programming: speaking to the heart	16
Quantifying the burden of injustice and how justice contributes to GDP	17
Assessing the current system	18
2. Owning people-centred justice	20
Bringing together a task force	20
Resourcing a people-centred justice program	23
Navigating a special public sector	24
Envisioning equal access for all	26
3. Agenda-setting: pressing problems, goals and gamechangers	27
Where core human needs are at stake	27
Setting goals, indicators and targets	28
Considering pathways	30
Justice innovation traps: learning from experience	31
Selecting promising types of services: seven gamechangers	35
Taking local capabilities and needs as the starting point	38
Mapping existing services: upgrading, renewing or replacing?	40
4. Strategy 1: promoting evidence-based practice	43
Making the case for evidence-based working	43
Defining and monitoring outcomes	46
Sharing best practice and research through treatment guidelines	48
Developing effective treatments: recurring building blocks	50

Involving two parties: solving the submission problem	52
Turning top down legal thinking into people-centred design	53
Implementing evidence-based working	54
5. Strengthening gamechangers: main points (text is in Dashboard)	57
Community Justice Services: scaling quality	57
User-friendly contracts: building a brand and certification	60
One stop shop procedures: integration, submission and smart fees	62
Problem-solving courts: becoming the default for crimes	63
Claiming platforms: a delicate balancing act	65
Prevention programmes: business models are challenging	66
Online info, advice and representation: outcomes are key	66
6. Strategy 2: scaling game-changing justice services	68
Pilots, startups and new courts: the potential gamechangers	69
Proving the concept: conducting a feasibility study and piloting	71
Standardising delivery: channels and value proposition	71
Bringing in sustainable revenues: the financial model	73
Scaling the service: reaching the target population	74
Securing investments: an investment plan that entices funders	77
Enhancing leadership and team	79
7. Strategy 3: improving the enabling environment	81
Timing of dialogue on regulation of justice services	82
Transforming the political environment: possible coalitions	83
Budgeting for people-centred justice: increasing the pie	84
Leveling the playing field: independent certification of justice services	87
Procurement system: improving make-or-buy decisions	91
Navigating the vested interests: a pathway towards growth	92
8. Strategy 4: data on problems, impact and outcomes	94
Measuring justice delivery: the benefits of further standardisation	94
Regular national surveys: needed and difficult to fund	95
Triangulation with other data	96

9. Strategy 5: strengthening the movement	97
Understanding incentives: justice and monopolies	97
Creating public engagement	99
Professional and trade organisations for people-centred justice	100
Supporting the movement: a people-centred justice unit	101
Organising the international body of knowledge	102
Methodology	104

1. Making the case for people-centred justice

Reforming justice: high on agendas

Leaders across the world realise the need to upgrade justice. During the 2010s, the World Bank financed [justice sector reforms](#) through multi-million dollar loan agreements in Azerbaijan, Kazakhstan, Kenya, Morocco and Peru, among others. The [European Commission](#) and United Nations Development Programme ([UNDP](#)) supported reforms in civil and criminal justice. The United Nations Office on Drugs and Crime (UNODC) coordinated efforts to improve [criminal justice](#) standards and norms. UN Habitat developed methods to prevent and resolve problems related to land and housing. Altogether, most of these organisations recognise delivering fair solutions as a top priority in a broad portfolio of activities.

In Canada and elsewhere, chief justices support task forces and think tanks on access to justice. Many countries in Africa and Latin America have justice sector development plans. Ministers of justice in Argentina, France, Portugal and the UAE have established groups in their justice ministries to lead innovation efforts, each of which has introduced game-changing justice services.

Political agendas vary but many reform efforts go in similar directions. The Supreme People's Court organised efforts to scale up and professionalise the Chinese court system, encouraging mediation as well as rule-based adjudication. Russia set up a countrywide system of justices to aid peace. In January 2017, outgoing US President Barack Obama published an article in Harvard Law Journal outlining a strategy for criminal justice reform. In a rare instance of bipartisan cooperation, his successor Donald Trump signed the [First Step Act](#), which aims to improve rehabilitation of offenders and protection of victims. Incoming governments in Italy, Germany and the Netherlands promise justice system reforms in coalition agreements. Each political party may have different priorities: being tough on crime, access to justice for the

disadvantaged, or serving the police and the legal profession as powerful constituencies. Even so, improvements can be agreed on.

Each of the 47 countries that are members of the Council of Europe have committees and groups that implement reforms in the judiciary, the prosecution and the legal aid system. The Organisation of American States and USAID have supported justice reform initiatives throughout Latin America. To address large scale injustices, countries set up truth and reconciliation commissions or special tribunals. Each of these organisations is tasked with finding solutions for injustices and preventing them from happening again.

- Examples of task forces with ambitious strategies: [Michigan Justice for All Task Force](#), [Supreme People's Court China](#), [Systems of Civil Justice Task Force of Canada](#), [Access to Justice Task Force of Australia](#), the [Justice Reform Commission of Peru](#).
- [Hiil](#) worked with groups of justice leaders on systematic reform informed by justice needs data in Jordan, Kenya, Mali, Netherlands, Nigeria, Syria, Tunisia, the UAE and Ukraine.
- Many countries have permanent [law reform commissions](#) that are mostly recommending changes in laws and drafting those changes. For instance, the [Law Commission of India](#) was set up by the Government of India for periodic review of legislation and judicial system.
- The National Centre for State Courts in the USA gives [an international overview of access to justice task forces](#), including Access to Justice Committee of the Law Council of Australia, Access to Justice Asia, Access to Justice in China, European Agency for Fundamental Rights, Canadian Access to Justice Committee, United Nations Development Project Tajikistan, The Japan Federation of Bar Associations, Access to Justice Foundation in the United Kingdom, United Nations Development Project in Bosnia and Herzegovina.
- The American Bar Association lists [criminal justice task forces](#) and has a directory of [Access to Justice Committees](#).
- Other countries have commissions that oversee the codes of civil or criminal procedure, either permanently, or for a substantive overhaul.
- [Canadian Forum on Civil Justice](#) aims to make the civil justice system more accessible, effective and sustainable by supporting citizen-centred initiatives.
- An example of the many ad hoc commissions and initiatives for more limited reform is the [state of New York eliminating](#) pretrial detention and cash bail for offenders charged with nonviolent felonies in 2019.
- [Canadian Forum on Civil Justice](#) aims to make the civil justice system more accessible, effective and sustainable by supporting citizen-centred initiatives.

Much to learn: an emerging paradigm

Not all reform efforts have been successful. Quite a few have been temporary and many [law reform commissions](#) have [lost their momentum](#). programmes have been criticised for spending too much on legislation, building courthouses or training the police. Reform agendas contain long lists of findings and recommendations but are not always specific on how these can be prioritised or implemented. Task force leadership is often dominated by people primarily trained as lawyers, which is reflected in reports calling for changes in legislation and budget increases for legal institutions. As vital as these institutions are, they are only one part of the system needed to deliver people-centred justice effectively.

In many low- and middle-income countries, the services provided by police, prosecutors, judges and private attorneys are mostly available in major cities. Reports by the European Commission for the Efficiency of Justice ([CEPEJ](#)) – the Council of Europe organisation collecting justice system input data – show considerable differences in the way justice systems are organised, funded and scaled. Few of these differences can be explained by a local culture of conflict resolution.

The following EU best practices reflect important lessons learned:

EU best practices on justice reform

The EU uses the following [best practices](#) for cooperation with partner countries on justice support and reforms:

- Legal empowerment: People need to be made aware of their rights and the services at their disposal, especially vulnerable groups.
- Equal access to justice: We need to ensure that everyone everywhere has access to justice. That means focusing not only on institution building in capital cities but also on supporting and reforming regional and local institutions, as the most vulnerable people usually live in remote rural areas.
- Institutional accountability: Focus on oversight mechanisms to enhance transparency and hold justice institutions accountable for their commitment to change.
- Research-based actions: Comprehensive research helps to understand local dynamics. Applying a scientific method is also key to developing indicators that measure the results and impact of interventions on people's lives.
- System-wide perspective: When analysing and reforming the justice sector, we need to consider all aspects of it, including civil, criminal,

public, and international law, as well as traditional justice mechanisms.

- Service-delivery approach: Justice sector support needs to move to a service delivery approach. The constraints impairing justice delivery to beneficiaries need to be addressed.
- Results-focused approach: Each intervention needs to be implemented with realistic objectives and expected results, taking into account the specific context and whether it is resistant or favourable to change. A suitably long timeframe also needs to be set to ensure the success of an intervention.
- Balancing different types of actions: Financial support or investment in equipment or facilities is not enough in itself. It needs to be combined with technical assistance to help local actors build their capacities. Political dialogue throughout the entire reform process is also essential to ensure that local actors are on board and take ownership of the reform process.
- Human rights and gender equality: Human rights and gender equality must be protected and promoted throughout the reform process.
- Donor coordination: Donor duplication should be avoided and cooperation between low-income countries should be promoted (South South cooperation).

The emerging consensus – which we expand on below – indicates that reform agendas have state-of-the-art ways to measure [outputs, outcomes and impact](#). A results-based approach with clear [objectives](#) is needed. Research and [evidence-based working](#) when interacting with parties in a justice problem is combined with systematic improvements of the ways services are delivered at scale. The [service delivery](#) approach involves [local institutions and traditional justice mechanisms](#) have their role. [Political dialogue](#) - in which high-level participants take [ownership](#) of and [accountability](#) for justice institutions - is also needed.

[Survey data on justice needs](#) are now widely available and support this consensus. The World Justice Project, HiiL and ad hoc research groups collected data about justice problems, impact and justice journeys in more than 100 countries. The general trend suggests that few people rely on formal justice institutions when they have to cope with conflicts or crimes. The [justice gap](#) has now been quantified and is considerable in almost every major country surveyed. The unmet demand for justice is striking.

Making the case for systematic programming: speaking to the heart

Systematic programming for people-centred justice starts with making the case. Although the reason for setting up a task force may be evident, a strong initial proposal is needed to set up a task force with adequate resources. The following may help to inform this proposal.

Justice speaks to hearts and minds. Both can be addressed. Injustice is easy to spot, emotionally. Anger has been called the emotion of injustice. Compassion and outrage are quickly triggered. Justice task forces are often established in situations of broadly shared indignation. A [particular group is victimised](#) or a high profile crime has been committed. A task force is formed to rectify the injustice.

Justice is emotionally more complex than injustice. It comes from being heard, feeling respected, obtaining remedies and sharing resources fairly. Assuming responsibility for one's role in an injustice, forgiving someone who caused harm or exacting retribution: these moral choices can be confusing. Most police fiction and media reports have the shape of a whodunit, thereby simplifying or overlooking this complexity. The storyline of justice ends when the good guys find out what happened and make an arrest. That is when the complex task of delivering justice really begins.

A task force will therefore often be initiated in a setting where the media call for retribution. We think a task force will be better positioned if it can connect to the feelings of people involved in everyday disputes, and to society's collective awareness that at least a degree of social harmony must be restored.

Questions to answer may be: Is it possible to design a process that makes all those involved feel that, while they might not have obtained everything they initially wanted, they were at least heard and respected? What will people experience emotionally when the injustice is remedied?

A task force may also want to connect to concrete situations people are familiar with: How would the country look if all land conflicts are resolved on time and fairly? What would the effect on work life be if all workers had a sound, balanced contract, and were able to access their benefits via a user-friendly claiming platform? How would people feel if conflicts that inevitably arise were resolved by a one-stop procedure at courts, leading to standardised settlement agreements that are tailored to individual needs? What if domestic violence was prevented and treated in an evidence-based way, delivering the outcomes women need to feel safe?

In our projects, we encounter many other reasons to consider people-centred justice programming. Task force members and their funders mentioned the following qualitative reasons to support justice programs: less polarisation; reduced need for migration; human rights protection; protection of the vulnerable, prevention of civil

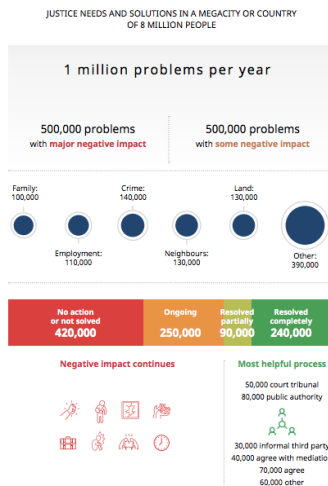
unrest crime prevention through improved conflict resolution; and greater government accountability for public services. Each of these reasons makes sense intuitively.

- Justice is related to being heard, feeling respected, obtaining remedies and fair sharing. Clara Sabbagh and Manfred Schmitt, Handbook of Social Justice Theory and Research, 2016.
- The emotional response of just deserts (punishment proportionate to the moral wrong) is well researched: Carlsmith, K. M., Darley, J. M., & Robinson, P. H. (2002). Why do we punish? Deterrence and just deserts as motives for punishment. Journal of Personality and Social Psychology, 83(2), 284–299.

Quantifying the burden of injustice and how justice contributes to GDP

The rational, quantitative business case for people-centred justice can be built on data that are now widely available. Quantifying the yearly burden of particular types of justice problems can help make the case for investment. This yearly burden can be calculated in a similar way as the burden of disease. The number of new problems per year in a country can be derived from legal needs surveys. Impact can be quantified (in \$) using data on self-reported severity, consequences (violence, loss of job, stress related illness) and money/time spent on resolution. The cost of state resources used to address these justice problems should also be factored in.

This is how such a calculation might look. In a typical megacity or state with a population of 8 million, 1 million people can be expected to experience a pressing justice problem each year. 500.000 problems will have a major negative impact. If only 30 percent of these problems are resolved fairly and effectively, the annual burden of injustice can be assessed in the billions of dollars. If the average negative impact of a land problem in an African country of 40 million people is estimated to be \$1000, and the resolution rate is now 30 percent, the burden of land injustice on this country can be quantified at approximately \$455 million per year (see the numbers in the infographic, which comes from our [2018 trend report](#)).



Quantifying the possible contribution of justice to GDP is more complicated, but possible.. Resolving a land justice problem may increase the productivity of a farmer who is able to cultivate the formerly disputed land. Solutions that address the consequences of deadly crimes can contribute to the recovery of survivors and the reintegration of perpetrators into the economy. When people are relieved of an existential threat to their livelihood, and can manage their relationships through more effective contracts, their contribution to the economy can grow. Justice also sits well with the movement towards broader concepts than GDP: more fairness will improve well-being.

Existing research sheds light on the negative effects of unresolved justice problems. Some people move on, while others will feel resentment and suffer more significant consequences. These consequences can be quantified. When justice institutions fail to give people a voice and provide remedies, this contributes to feelings of frustration or neglect within a substantial portion of the population. Governments around the world rightly see this as a threat to stability.

- The international Taskforce on Justice in the report [Equal Access to Justice for All, 2019](#), p. 19 estimated that conflict costs the world around \$2,000 per person each year. Just three types of impact resulting from justice problems – lost income, damaged health, and the cost of seeking redress – cost OECD countries between 0.5 and 3 percent of their annual GDP. Everyday justice problems cost more than 2 percent of GDP in the majority of low income countries.
- Conflict resolution as approach to prevent violent crime: see this [article](#).

Assessing the current system

Another way to make the case for people-centred justice is to look at indicators from justice sector institutions and assess how these institutions are perceived by the population.

In our [2018 Trend Report](#), we suggested a low-cost and simple way of diagnosing the condition of the current system. It can be applied to a national justice system, to one institution or to the supply chain for one type of justice problem.

9 indicators for assessing urgency

1. Backlogs: Are they diminishing and is this decrease sustainable?
2. Capacity: How many problems do formal institutions solve compared to the number of pressing justice problems
3. Prioritisation: Are institutions helping the people who need it most or is successful access depending on money, stamina and other resources?
4. Motivation: Is the motivation of front line justice practitioners in/decreasing?
5. Workload per case: Are (adversarial) processes increasing the size of files over time or is the workload decreasing?
6. Digitization: Are online and IT systems increasing the number of cases handled and/or improving outcomes for citizens?
7. Confidence: To what extent do justice leaders believe in how work is done and try to attract more cases in order to help more people effectively?
8. Support: What % of citizens are willing to support the courts and justice sector institutions and believe the system will solve their problem when they need it ?
9. Funding: To what extent can donors and ministries of finance be convinced to invest in better justice?

The effects of this way of assessing urgency need to be considered. In India, Tata Trust sponsored an [assessment of the capabilities of the justice institutions](#) in each state. The indicators collected in 2019 were not positive and were summarised in a strongly-worded message:

“Sadly, taken collectively the data paints a grim picture of justice being inaccessible to most. Findings highlight that each individual subsystem is starved for budgets, manpower and infrastructure; no state is fully compliant with standards it has set for itself; gender and diversity targets are improving only sluggishly, and are not likely to be met for decades; and governments are content to create ad hoc and patchwork remedies to cure deeply embedded systemic failures. Inevitably, the burden of all this falls on the public.”

Signals of system stress may help to convince individual leaders in the justice sector to take action. Whether a negative system assessment motivates funders or outsiders to help out remains to be seen. A negative appraisal, and a sense of crisis, may also lead to denial or resignation. In 1974, the U.S. government created the Legal Services Corporation to address the nationwide access to justice crisis. Numerous task forces have since used this language. If a crisis already continues for half a century, is it really a crisis? Or is it a disease for which no cure is in sight?

A more [positive case](#) - one that quantifies how solutions can contribute to well-being - is likely to be more effective. Pathways out of the crisis - and an explanation of how a task force can identify and facilitate them - need to be provided as well. A newly established task force can now benefit from a [growing body of knowledge](#) on how to position the need for justice reform.

2. Owning people-centred justice

Improving the quality of justice requires greater accountability. This is not straightforward given how many institutions have a role in the justice system and the challenges of the broader justice system culture. Task forces have to find their place in this environment, taking ownership primarily by stimulating others to assume ownership.

Bringing together a task force

Task forces are initiated in a variety of ways. Depending on how the case for people-centred justice has been made, the initiators may come together as an independent initiative with private funding. Academics and leading judges are often involved in access to justice task forces. Bar associations may form groups to investigate innovation of legal services. NGOs may play a role as well.

More often, task forces are formed under the auspices of a ministry of justice, chief justice, attorney general, or chief prosecutor. In England and Wales, a government decision to digitise the courts led to the establishment of a task force. We saw decisions to establish a task force being formalised as a MoU between a ministry of justice and an NGO or a UN organisation supplying resources. In countries where the rule of law is an international concern, a group of ambassadors or a UN organisation may suggest setting up a task force. In Sierra Leone, justice innovation has been linked to the national development strategy.

These examples illustrate that task forces need some form of legitimacy and political space. Justice leaders need that to be able to participate in a private initiative. Ministers of justice, chief justices, senior civil servants or politicians specialising in justice matters are likely to be involved. They are the main players in the justice sector. Ministers can take initiatives beyond business as usual. Chief justices can reach out to leaders from the police, the prosecution and the legal profession.

In most countries, a minister of justice has a coordinating role. He or she represents the justice sector in the cabinet. Depending on the constitutional arrangements, a minister may also be in charge of the budgeting processes. The justice department can provide resources for a task force. Often the ministry of justice will have a role in

implementing programs, which will require new legislation that the ministry can initiate. Task forces, therefore, tend to seek cooperation with ministers or chief justices and need to be aware of how they see the need for reform.

A ministerial meeting on people-centred justice

In October 2020, ministers of justice representing 20 countries gathered for a meeting co-hosted by Pathfinders for Justice, the OECD, and the Open Government Partnership to [share their experiences](#) in dealing with the COVID-19 crisis. The ministers sought to ensure the safety of justice practitioners in their respective ministries. They shared concerns about budgets and how they worked hard to maintain the proper function of existing procedures.. COVID-19 outbreaks in prisons forced them to make tough decisions.

Some of the ministers alluded to a desire for deeper innovation. They sensed little gain from locking up additional people. They looked beyond their own ministry for cooperation with civil society. All ministers shared experiences about moving justice services and delivery online. The Belgian minister proposed a 'giant leap' – to build a single, digital platform through which citizens can access all justice services. To its credit, Latvia is working on this already. The private sector can help the public sector bring these digital solutions to scale, drawing inspiration from the way innovation and scale is achieved in the health sector.

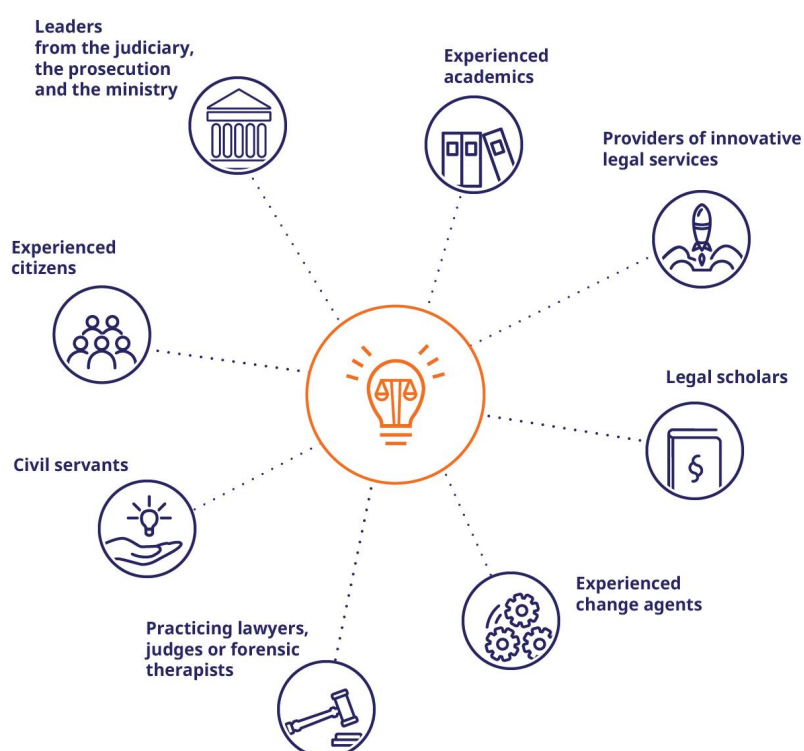
Frustration with complex procedures has made 'simplifying procedures' an increasingly popular mantra. Ministers of justice are also increasingly focused on broadening, decentralising, and expanding legal help through collaboration with civil society organisations.

The COVID-19 crisis also revealed a lack of preparedness on the part of ministries to adapt their services. A lot was learned on how to implement changes quickly. Procedural rules were changed in a matter of days. Because ministers had to do all of this during the early months of 2020, the value of sharing international best practices became more apparent to them. More generally, ministers are looking for solutions that have already proved to be effective elsewhere.

In our work, we have found that the composition of a task force needs careful consideration. Leaders from the judiciary, the prosecution and the ministry will probably participate and need informal backing by top-level executives in their organisations. Academics from various disciplines can contribute by strengthening the evidence-based approach that is needed. Ideally, participating academics will also have

experience with implementation. Providers of innovative legal services need to be represented as well, because they have a crucial role in providing the gamechangers that need to be incorporated in the portfolio of justice services. Legal scholars often provide legitimacy and represent the current norms that can both inspire and need to be challenged. Change agents with experience in transitions are needed. Practicing lawyers, judges or forensic therapists are aware of how services actually work and practical bottlenecks. Civil servants know about budgeting and the processes of changing rules.

COMPOSITION OF A TASK FORCE NEEDS CAREFUL CONSIDERATION



Task forces should also ensure that the voices of citizens are heard. This can be achieved by including experienced users as members or by consulting them regularly in focus groups. Justice and user data should be readily available so that it can inform dialogue at critical junctions. Civil society leaders, giving voice to the demand for justice within the population, can help to sustain a task force's [momentum](#). Founders of justice startups can inspire the group and bring in the “can do” entrepreneurial mentality, as well as expertise in standardising, scaling and developing financial models that are sustainable.

All these views have to be integrated through good facilitation, with step-by-step processes to guide the task force through different stages of programming. In advanced task forces, this is achieved by a team of facilitators experienced in the

dynamics of the legal sector and in addressing major challenges in the delivery of public goods. Rather than having one chairperson overseeing both process and substance, task forces now often have an informal group of co-leaders, with complementing tasks and skills, assisted by a team of facilitators.

- Reos partners and HiiL developed a systematic method for stakeholder mapping and convening stakeholders.
- The National Centre for State Courts in the USA has [guidance and tools for task forces](#).

Resourcing a people-centred justice program

A task force needs adequate resources. Rigorous programme design requires a variety of methods and skills. Assuming the taskforce members are leaders with other jobs to execute, they will need support from an interdisciplinary team experienced in justice sector reform.

An evidence-based approach to justice delivery can be attractive for national planners. An initial business case - quantifying programming costs and [potential benefits](#) - will show the program's value. It will also indicate how the programme can be implemented. Budgets can become available through coalition agreements. Contributions from international donors (in lower income countries) are more likely when a systematic approach to reform is taken.

HiiL has some experience with costing the work of task forces. A typical budget may include the items described below. The programming phase may last between 12 and 24 months. It typically leads to a number of outputs and one or more implementation plans. These implementation plans are ready to be funded in a sustainable way and tested during the programme activities. The plans relate to implementing evidence-based working, to investing in and scaling one or more game-changers and to the enabling environment.

Budgeting a people-centred justice program

Items for a systematic approach

Phase 1: Initiating

- Making the case: a project plan
- Convening: assembling the task force and supporting team

Phase 2: Owning and scoping

- Stakeholder dialogues: building the team

- Prioritising justice problems, setting goals, defining indicators, agreeing on targets, identifying initial pathways

Phase 3: Programming strategic interventions

- Highlighting very promising gamechangers that already exist (quick wins)
- Ensuring outcomes: defining outcomes, developing monitoring tools and evidence-based guidelines, creating an implementation plan
- Acceleration: scouting potential gamechangers, upgrading implementation plan, working towards commitments from investors
- Stakeholder dialogues: selecting gamechangers, creating a plan for the enabling environment (budgeting, regulation, procurement, political environment), securing investors for gamechanger(s)
- Innovation labs: renewing/designing gamechangers, standardising delivery, creating a financial plan, scaling strategy and investment plan, enhancing leadership and team
- Data collection: surveying the epidemiology of justice problems, resolution rates and outcomes

Phase 4: Implementing by stakeholders supported by the task force

- Executing the implementation plan for evidence-based working
- Executing gamechanger scaling strategies
- Maintaining and improving the enabling environment
- Collecting data and monitoring progress
- A local unit provides continuous momentum and support for reform
- Maintaining momentum and incentives: engaging with the public, developing international standards

Ministries, donors and social impact investors require accountability. They look for clear and consistently monitored [outputs and outcomes](#) for people. When the case for systematic programming is made, it should come with indicators to [measure progress and impact](#).

Navigating a special public sector

A task force operates in a justice ecosystem that requires skilful navigation. To start with, the responsibility in states for fair solutions is organised in a top-down manner.

Ownership for justice delivery is distributed between legislative bodies, courts, prosecution, police and the organised legal profession. Each of these institutions is bound by law, but acts independently. They are [accountable to citizens](#) in general via laws that prescribe what people are allowed to do and how institutions should make decisions.

Legal training and working on justice creates a specific culture that needs to be navigated. The language of the courtroom is also spoken in boardrooms. The justice sector has vocal practitioners advocating solutions and managers who are accustomed to making decisions by carefully deliberating two alternatives. Dealing with conflict, often in adversarial procedures, can easily infect the relationships between practitioners in the justice sector. In some countries where we work, we have seen vocal groups of legal professionals cultivate a hostile relationship with ministers or court leaders. Lawyers go on strike. Leaders who take up people-centred justice programming will need a unique set of skills, resources and resilience to navigate these challenges

Justice leaders work within a complicated operational structure that needs to be managed, led and resourced. Public institutions (courts, prosecution, police) and private organisations (providers of legal services, informal justice providers) each have a role. The sector resembles the health sector or the education sector in that a multidisciplinary, cross-sectoral, public-private, inter-agency collaboration is needed to make progress. At various levels of management, responsibilities are shared between legal professionals and specialists.

The justice sector is also a special type of public service. Justice is not delivered to one patient or student, but created between people. Practitioners facilitate this and may have to intervene to impose a solution. Government is expected to provide the third party view, but is also a litigant in many cases. Demand for justice and supply have to meet in an environment of strong emotions, conflict and debate that is normally absent from schools and hospitals. Communication is often disturbed by accusations, defensiveness or denial. Media may serve the desire of communities to restore harmony, but they also make money by competing for the attention of viewers with stories about crime and conflict..

During the convening stage, the commitment of task force members will be tested and further developed. In a first stakeholder dialogue in HiILs programs,, the task force members may collectively work on their skills and develop personal relationships. Typically, a task force engages with data, revisits the case for setting up the group and develops a shared understanding of the urgency of the issues to be resolved. Each task force member learns about the motivations of the others and the work each member is already doing to achieve the mission of the task force. The task force members also learn about the ways their work will be facilitated during the months ahead.

- HiIL has developed methods to guide dialogues between stakeholders (interdisciplinary, multi-level, gender balanced) through a participatory process.

The dialogues should lead to the culmination of three outputs: an empowered and committed team of justice leaders, a series of justice goals with indicators and pathways to achieve these goals.

Envisioning equal access for all

Early on, the task force may want to exchange visions of the future. Having assessed the urgency, the members of the task force are now challenged to explore a way forward. If equal access to justice for all in personal injury cases is what they are looking for, how can this be achieved?

What does justice for all for everyday crime in their country look like? Will all people be served by the police, prosecutors, courts and lawyers? Outlining a [typical justice journey](#) across a pressing justice problem is a good starting point. This can provide a step-by-step overview of the existing systems and the bottlenecks where innovative interventions may be most needed. The task force members are likely to have [alternatives](#) in their minds. What are the [outcomes](#) that people with justice problems actually need? Which [promising services](#) can be [scaled](#) and how can they be brought home in the [legal system](#)?

For justice leaders, making financial ends meet is a continuous challenge. Instead of relying on funding to be provided, the task force members can take ownership of this challenge by thinking about possible revenue streams and rewards. If they do the math, they will probably see that free justice services for all are unlikely to be funded by taxpayers. Or can the new services be much more cost effective, which will imply very substantial increases in productivity and reduction of jobs for repetitive work that can be automated and standardised?

So what does a [sustainable funding model](#) look like? It should include what people already pay for justice services on the market and what they pay as contributions for government services. How are other public services such as health care, education, water, electricity and internet funded - and what can be [learned from these examples](#)?

Some task force members will have a very practical attitude, zooming in immediately on the [simplified procedures](#) that are needed or the network of [justices of the peace](#) that needs to be established. Task force members who are [frustrated by the current way of working in their country](#), are likely to find comfort in the knowledge that delivering people-centred justice is a [common challenge](#) internationally, not a personal failing of individual leaders. Being part of an international SDG 16 movement in which a [consensus is emerging](#) has proven to be stimulating for task forces in countries with poor reputations for rule of law.

Assuming many members of the task force are trained in law, they can also be invited to reflect on the rules that govern justice services. Which rules are helpful and essential? Which are barriers, difficult to observe or unimportant? A task force should think ahead. A so-called regulatory sandbox will likely be needed, because few good

innovations can scale under the current rules. Can legislation for a regulatory sandbox be introduced readily?

- Visions on access to justice that can provide inspiration for a task force include: [Sustainable Development Goal 16](#), the [Hague declaration on Access to justice](#), reports of the international [Task Force on Justice](#), [Resolutions](#) of the conference of Chief Justices in the US.
- The [Charging for Justice](#) report by HiiL (2020) presents several ways to fund the delivery of justice services in a sustainable way.

3. Agenda-setting: pressing problems, goals and gamechangers

The taskforce may be assigned a specific type of justice problem. Task forces may also be expected to improve access to justice for all civil justice problems or to improve access to justice in general. They then need to prioritise certain problems and particular game-changing services.

Before selecting gamechangers, a task force may want to take time to jointly internalise lessons learned. Justice innovation has often failed. We listed a number of common justice innovation traps, detailing the reasons why they should be avoided.

In this process, the task force members develop a joint understanding of the level of reform they are going to pursue. Task forces can generally be expected to focus on renewing and eventually replacing current services, rather than upgrading them.

Where core human needs are at stake

[Surveys of justice needs](#) provide data about the most pressing justice problems. Task force members may want to connect to these needs by sharing personal stories of injustice. In the stakeholder dialogues HiiL facilitates, stories and data complement each other.

In this way, task force members are reminded that the most pressing justice problems are related to the satisfaction of core human needs. One of these core needs is forging and maintaining good family ties - with children, parents and spouses - even in times of hardship. Another is a positive and empowering work relationship, providing an adequate income. Access to land and housing are core needs as well and quality of life in communities requires good relationships with neighbours.

These core human needs are at stake when families separate, when workers are sent home, when tenants are evicted and when neighbours become a source of noise, irritation or trash. People also want to ensure access to essential government services: health care, water, electricity and education. Debt relief and social benefits protect

against poverty. When security falls short, crime and accidents disrupt lives and cause harm.

Task forces can set priorities in a rigorous way. Although [quantifying impact](#) is not straightforward, justice problems can be ranked according to frequency and severity.

We recommend that the task force members establish the “solution-capacity” that is needed based on the number and severity of problems that occur each year. The numbers in the [graph in Chapter 1](#) give an impression of the capacity a country needs to prevent and resolve the most pressing justice problems. These estimates can be adjusted based on a country’s size. More precise numbers can be obtained from a legal needs survey or from administrative data (if all relevant problems of that type are recorded by a government agency).

Setting goals, indicators and targets

Task forces typically select one problem type to work on or up to five of the most pressing problem types. The task force may then want to set goals. A goal may be to prevent domestic violence in a country or to resolve land conflicts efficiently and effectively. Clear goals, expressed in outcomes for people, enable the task force to assess whether the programme implementation has been successful later on.

Some programmes have multiple goals. Houses of justice in Colombia aim to increase the efficiency of existing services, extend the reach of government in low-income neighborhoods and rural areas, and expand access to justice. These goals may need to be aligned and rephrased as outcomes for people, in accordance with emerging [best practice](#). In HiIL programs, we advise stakeholders to phrase objectives in a [SMART](#) way.

Measuring progress towards a goal requires indicators. Resolution rates can be defined and measured in a number of ways. A task force may also want to assess the fairness or effectiveness of a given solution. One way to do this is to quantify the problems that are reported in surveys as completely and fairly resolved and add that to the number of problems that respondents consider on track to a fair resolution. Alternatively, essential outcomes for citizens can be quantified and monitored.

Selecting meaningful indicators is crucial. Mediation programmes are expected to have a high rate of mediated settlements. This indicator is also increasingly used by courts. The rate of settlement needs to be combined, however, with an indicator capturing the quality of the resolution.

Disposition times are another indicator commonly used by courts. The number of months it takes from filing a case to the date of the judgment can be monitored easily. In Russia, the justices of the peace courts have to decide cases within two months and are mostly successful in doing so. Here again, another indicator may be needed to reflect whether the court’s intervention was helpful. Also, disposition time indicators do not include the time from the emergence of a problem to the filing of a case in court.

People-centred surveys therefore tend to ask about the time from the emergence of a problem to its resolution.

Recidivism is an indicator that should be used carefully. It measures whether someone who committed a crime is again arrested and/or convicted. The second arrest may be for a minor offence. On the other hand, domestic violence may occur repeatedly before it is reported to the police.

Task forces should think twice before selecting indicators related to inputs. Ministries often set targets for the number of policemen in the street or for the number of judges. Sometimes budgets for legal aid or courts are presented as indicators in policy documents. [Research](#) has shown that increases in budgets are not associated with better outcomes for people.

Once indicators have been established, targets can be set. Resolution rates for high-impact problems may hover around 30 percent. ADR-programmes often report resolution rates of 50 percent or higher, even when their interventions have a low level of standardisation and systematic evaluation. Increasing the resolution rate to 55 percent in two years and to 70 percent in four years could be a target.

- HiiL developed a method for a committed group of justice leaders to come together and set goals, indicators and targets. This method provides a detailed description of this convening process.
- The World Justice Project has proposed a number of [civil justice indicators](#).
- HiiL has proposed an [access to justice indicator](#) that is based on the percentage of problems that have been fairly resolved or are in the process of being fairly resolved. HiiL also has developed indicators to measure people's satisfaction with the quality of a justice process (procedural justice), the quality of the outcome, and the costs of accessing justice. These indicators are available under the "Countries" tab on HiiL's [Justice Dashboard](#).
- The Council of Europe European Commission for the efficiency of justice ([CEPEJ](#)) collects data on court disposition times and various other indicators.
- For criminal justice indicators, see: International Centre for Criminal Law Reform and Criminal Justice Policy, [Justice Indicators and Criminal Justice Reform A Reference Tool](#), 2015
- For additional information on the justice of peace courts in Russia, see: Hendley, K. 2017, [The Unsung Heroes of the Russian Judicial System: The-Justice-of-the-Peace Courts](#), the Journal of Eurasian Law, Duke University.
- For additional information on China's local courts: Kwai Hang Ng and Xin He, Embedded Courts, Judicial Decision Making in China, 2017.
- See case study on House of Justices in Colombia here. < add link

Considering pathways

When setting targets, members of a task force will have predetermined pathways to achieve and will have identified the appropriate success indicators. A pathway is a route to meeting one or more specific Justice Goal(s) taking into account the existing and foreseeable context and available capacity and resources. There may be more than one pathway towards a Justice Goal and conversely each pathway may be conducive to more than one goal. Elements of a pathway the task force may want to consider include improvements in [treatments](#), improvements to [service delivery](#) through potential gamechangers or improvements to the enabling environment. < [Add links here](#).

When addressing improvements, the stakeholders may start to discuss who will provide new services, launch gamechangers or be responsible for the improvements. Early discussions on this topic may bring competing interests of agencies and service providers to the fore and hinder progress. At this crucial moment, the task force should remain focused on achieving the [best possible outcomes for people](#). What are the [best processes](#) for resolving the problem(s) identified by the task force? What is the [best model for service delivery](#)? Dialogue about this should happen independent from “who” delivers the game-changing service. This can be decided when assessing the best available options. Ideally, this happens on a level playing field by an [independent assessor](#).

Pathways can be tested in relation to the goals and targets. What share of the population will the game-changing service reach? What increase in the resolution rate is expected once a new treatment has been implemented? What are the political push and pull factors that will negatively or positively impact the implementation of a particular improvement?

In projects HiiL participated in, task forces often opted for ADR or mediation as an element of a pathway. This is a high-level vision that needs to be made more concrete. Is ADR or mediation a way of [resolving justice problems](#) that needs to be broadly applied by justice practitioners? If so, how can this be developed in an evidence-based way? Alternatively, are private sector arbitrators and mediators the [preferred actors responsible for service delivery](#)? If so, will they be able to reach 80 percent of the target group? Strengthening community justice services is another popular pathway for task forces. HiiL has worked with task forces focused on holistic approaches to family justice or on the justice needs of rural populations in post-conflict countries. Previous task forces that have addressed land disputes have looked at improving registration of land ownership. Committees tasked with redress for systemic injustices have developed criteria for victim compensation.

The hypotheses embodied in the pathways need to be testing during the programming phase. Before a task force definitively selects a game-changing service, the

stakeholders need to assess the [feasibility](#) of its implementation. Are there organisations ready to deliver it? Is the financial model sound?

- HiiL has developed a method on developing pathways to meet specific justice goals that have been agreed upon a group of committed justice leaders. These pathways are flexible and can be adapted to fit varying contexts and goals.

Justice innovation traps: learning from experience

HiiL has worked with a number of task forces over the past ten years. Hundreds of innovators have come to us with their ideas. We have made innovation mistakes ourselves. The [graveyard](#) of justice innovations and court pilots is instructive. What follows are four things that we suggest future innovators avoid, as they can lead to costly delays and wasted energy.

Piloting without sustainable revenues in sight: A recurring mistake is to postpone thinking about [revenues and rewards](#). Doing justice equals doing good, so innovators often assume that somebody will pick up the bill. Early on, this may be the case, and the task force may be misled by this. Many NGOs love justice innovation and are happy to spend 100k on a pilot protecting the rights of women or children. Politicians love free mediation centres. Big law firms love pro bono. Prosecutors love programmes that divert cases from courts and bring multi-disciplinary teams in the room to decide on the best treatments. Judges pilot a lot.

The question the task force should ask about any pilot is: is this financially sustainable? If the pilot can be compared to building a fancy school in Tanzania to fix the national education system, or flying doctors to remote places to improve community health services where local networks of providers already exist, it should likely be reconsidered.

Ideas and sustainable services

Belany is a young idealistic lawyer in Benin, West Africa. Access to legal information is limited for citizens in this French-speaking part of the world. After completing her law degree and participating actively in several legal tech communities online, Belany sees an opportunity to create a website that provides legal information in an easy-to-understand format. Her friend Joshua, a student of computer programming, is excited about her idea. For him, building a website is not difficult. Together they start www.legalfacile.com.

Legalfacile gets good initial traction in Belany's and Joshua's social networks. They track the websites' progress using Google Analytics. After an initial spike of over 1000 clicks every month in the first 6 months, the number of

website visitors starts to decline. Belany and Joshua start allowing advertisements on their website to generate revenues and promote the website aggressively on social media. They find it increasingly difficult to maintain their initial euphoria.

In the meantime, Joshua graduates from university and finds a job. Belany tries to run the website on her own in the months following his departure but website visitors continue to decline. Eventually, a lack of funds pushes Belany to stop putting much time into the venture.

Should Belany and Joshua's efforts be considered futile in contributing towards people-centred justice?

People love to spend money on something tangible. Some innovators keep getting grants and awards. But grants do not work in the long-run. Effective justice services need a sustainable stream of revenues that exceed costs. This way, justice practitioners can be rewarded for their efforts, money can be saved, and the service can be scaled and continuously improved. There are no shortcuts. The consequences of this undeniable truth are discussed in Chapter 5 and 6.

Fixing services that do not yet deliver fair outcomes: Innovative lawyers often propose improvements in current processes: tools for increasing the number of productive hours at law firms; referral sites matching lawyers and clients. Courts try hard to decrease their backlogs, refer cases to mediation, or spend millions to digitise their files and procedures.

What is the effect of measures often considered by reformers on resolution rates? [Testing](#) effectiveness of these measures is needed

Better planning of cases

Greater integration of courts, police and prosecution

programmes to reduce backlogs

Court appearance reminders

Diversion of cases to mediators

Pro bono services provided by major commercial law firms

Limited times for lawyers to argue cases

Anti-corruption measures

Laws written in user-friendly language

Improved processes for updating laws

It is tempting to believe that these proposed improvements will eventually lead to better outcomes for people with justice problems. Task force members should be invited to test their assumptions by sketching how this trickle down mechanism would work in practice.

The task force should investigate whether such a mechanism is realistic, and whether working on these improvements is the best way to spend precious time and money.

Trends in investments in legal tech and in allocation of court resources can be misleading. In our 2020 trend report [Charging for Justice](#), we found that most investments go to startups that increase the efficiency of law firms or legal departments of major businesses. We also described the hundreds of millions that are spent on upgrading court IT. We estimated that a meagre 2.5 percent of investments in legal tech go to services targeting individual customers with legal needs.

University law clinics: sustainable and effective?

University law clinics make sense intuitively. The underlying idea is that academic research can and should be applied to resolve justice problems. This is what happens in academic hospitals. Students volunteers gain practical experience while helping to connect knowledge centres to the communities around them. People with justice problems are empowered to access information and advice.

Is this model effective? How can this model increase resolution rates through better treatments? Is the (legal) knowledge of students and academics equal to the know-how of people who come to the clinics to resolve their problems? What is known about the scalability of this model, and how can revenues match costs?

A task force could analyse what would be needed to turn this model into a gamechanging service. What useful ideas can be drawn from university law clinics to develop services that are effective, scalable and sustainable?

The task force should always ask: will these innovations increase resolution rates for the most pressing justice problems? Will these justice services or courts be able to reach two, four or ten times more people so that the entire population can benefit?

Missing the submission problem: Many legal innovators look at court procedures and assume they can do better. They design smart arbitration procedures, delivering awards in two months. Others start offering brilliant mediation trajectories. Many lawyers have mobilised their IT-savvy friends to design algorithms for settling monetary claims in a rational way. Judges often reflect on possible improvements to their work processes as well. In pilots in the Netherlands and in Belgium they develop procedures that allow claimants to walk in with a problem and tell their story, upon which the judge will invite the other party for a dialogue. A number of judges have designed sophisticated procedures for construction conflicts or personal injury.

The first question that these legal innovators should be asked is: how will you ensure that the parties [submit to your process](#)? The usual answer is that the parties will love the procedure and prefer it to the unpleasant experience of the procedure that is currently offered.

This is not how it works. The graveyard of justice innovation has many very smart procedures offered as a voluntary option. The stumbling block is that new ways of resolving disputes have to be sold to all parties to the conflict. A conflict is by definition a situation where people do not agree on the way forward. Most of the time, one party needs a solution more urgently than the other party. Solutions that claim to benefit only one of the parties are unreliable because it is very difficult to understand the nature of the problem by only looking at it from one side.

Effective dispute systems are “mandatory.” From a people-centred perspective, this means that they contain incentives for both parties to participate, even if the process may be difficult or the outcome may be discomfiting. So gamechanging procedures involving a third party start by fixing this [submission problem](#).

Inability to remove legal hats and take other expertise onboard: Many reform attempts suffer from an excessively or exclusively legal lens. Solutions are suggested in the form of new laws, additional information about laws or additional legal services. The reality of justice reform is that many other skills and resources are needed. These cannot be gathered from IT experts or managers alone - they need to be integrated into better resolution processes and service delivery models. To generate impact, justice innovators must consider a wide range of perspectives and be prepared to wear many hats: that of a creative designer, a policy-maker, a user and a donor or investor. The prospect of becoming a justice entrepreneur overnight by creating a solution to fix the justice system is exciting to many young lawyers and judges. But in order to make a real difference, innovators have to be prepared to work with other stakeholders who may have conflicting interests. This is challenging but essential work. Working

collaboratively rather than in silos can help innovators avoid introducing solutions that are certain to fail.

Selecting promising types of services: seven gamechangers

Based on lessons learned, HiiL has developed three criteria to identify potential gamechangers. A gamechanger must: (1) be able to deliver effective treatments consistently; (2) be financially sustainable; and (3) be scalable as a service (or combination of services) to 80, 90 or even 100 percent of the population experiencing the problem.

Based on these criteria, we suggest that task forces consider seven promising types of services.



Community justice services that deliver solutions effectively and integrate formal and informal justice through: houses of justice; paralegals; justices of the peace; judicial facilitators; or community tribunals.



Services that provide safe, verified and user-friendly contracts (or other legal documents) to the masses, ensuring fairness in families, at work, among neighbours and between small businesses and their partners. These include services that provide easy access to these documents, which is often achieved through online platforms.



Tribunals or platforms that offer (binding) mandatory one-stop dispute resolution services for employment, family or other justice problems by connecting advice, negotiation, facilitation and adjudication in a seamless way. These services tend to be offered online and complement in-person services.



Problem-solving practices or courts that bring defendants, victims, lawyers, public defenders, community leaders and/or prosecutors together to address the underlying causes of crime. Key features of a problem-solving approach include rehabilitation, interdisciplinary collaboration, and accountability.



Claiming services that help people access vital public services, such as social security benefits, proof of personal identity or health care. These services are supported online, combined with help desks or local in-person assistance.



Prevention programmes or services that are supported by apps to ensure safety and security from violence, theft and fraud.



People-centred online information/advice and follow-up services that help people solve their justice problems in a step-by-step, fair and effective way that is consistent with their legal entitlements.

Together, these seven game-changers represent a number of major trends in people-centred justice.

SEVEN GAMECHANGERS CATEGORIES

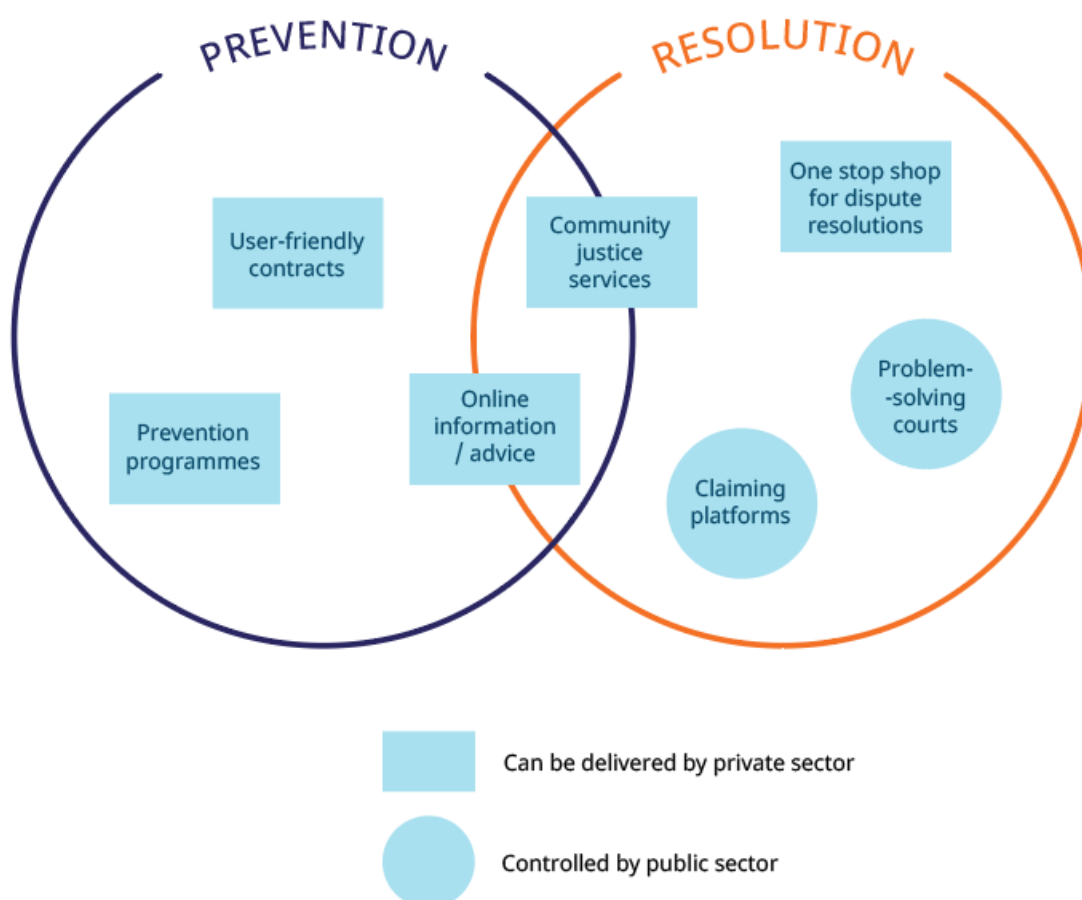


Diagram outlining 7 gamechanger categories

[Community justice services](#) and [people-centred information/advice](#) are general services. They build on a newfound appreciation for informal justice and accessible legal help. Data from surveys confirm that these services are used frequently and support the practical approaches that people typically take to resolve conflict.

The other five gamechangers focus on particular justice issues. They reflect the need for specialisation. Land disputes, debt problems and crime require different treatments.

[Contracts and documents](#) are needed to prevent conflicts or help manage them constructively. If user-friendly and effective, marriage contracts, work contracts and housing contracts can support fair and effective relationships between people.

[Preventing violence](#) relates to a basic need for personal security. Avoiding theft and fraud is essential to protect the assets people hold.

Tribunals and online platforms offering mandatory [one-stop dispute resolution](#) are part of the next generation of civil justice. They build on a major trend towards supplying ADR and mediation services in connection with adjudication.

[Problem-solving courts](#) are a collaborative and international criminal justice innovation focused on individualised treatment and accountability. They operate with the understanding that punishment is a limited, and not always effective, response to harmful behavior. Victims, perpetrators and the communities in which they live need more than a guilty verdict with a fine or a prison sentence.

[Claiming platforms](#) empower citizens who need vital government services, including social security, health care and personal identity. They seem to be an answer to unresponsive government agencies. Claiming platforms help people to navigate bureaucratic procedures and thus make services more equally accessible.

The first five gamechangers only work for the person with the justice problem if the other party (or parties) can be persuaded to participate. Task forces considering the implementation of gamechangers reaching 80 percent of their target groups or more therefore have to solve the [submission problem](#).

[Prevention programmes](#) and [online legal information and advice](#) can, in contrast, be delivered to one party and therefore do not require the cooperation of another.

Gamechanger category	Categories of justice problems
Community justice services	Land, housing, family, work, neighbor, everyday crime
User-friendly contracts	Employment, family (informal and formal marriage), land, housing
One-stop dispute resolution	Family disputes, employment dispute
Problem-solving courts	Drug crime, domestic violence, mental health
Claiming platforms	Access to vital public benefit schemes, Access to identity documents
Apps supporting the prevention of violence/fraud	Theft, violence, fraud

When implementing game-changing services, some [public-private partnerships](#) will always be needed. The market alone cannot solve the access to justice problem and the government court system cannot function without inputs from the private sector.

[Prevention programmes](#) and [online information/advice](#) can be delivered by the market. With that said, the government may need to step in to support these services in order to avoid problematic business models.

The private sector can also deliver [community justice services](#) and [one-stop procedures](#). [Informal justice in communities](#) and [legal negotiation on contracts](#) have always been delivered through private initiative. The mandatory character of these services may require the government to play a strong role in certifying procedures, setting professional standards and monitoring quality. Government subsidies may also be needed.

High-impact interventions, such as detention, mandatory treatments or major financial sanctions are likely to fall under the government monopoly. This means that [problem-solving courts](#) are most likely to be controlled by the public sector or operated through public-private partnerships.

Each service thus requires public and private sectors to come together (albeit at different times and levels of intervention). A range of public-private partnerships are needed.

Taking local capabilities and needs as the starting point

The gamechangers are exciting because they represent similar types of justice services succeeding across both developed and emerging markets. There are subtle differences in the way they take shape across countries. In which settings are game-changers coming to fruition?

[Community justice services](#) exist in every type of country (low-, medium-, and high-income). They are more likely to spring up in rural settings than in cities. Some are delivered by a panel of citizens, while others are overseen by individuals with authority in the community. Procedures may be standardised or more free-form. Informal community justice has been incorporated by governments into organisations of judicial facilitators or by private initiatives into paralegal networks. Houses of justice and justices of the peace belong to the same family: the former as an interdisciplinary service facilitating resolution and the latter as an adjudication service with a simplified procedure.

The origin of the community justice service may limit its potential to scale. Sometimes, community justice services are related to customary justice in a tribe. In Ethiopia, different informal justice services cover different states, depending on which tribe has the majority. Community justice services may also have roots in a religion or be connected to local or central government. In Switzerland, each canton has a separate system of local dispute settlement services. In some countries in the Sahel region, the government's geographic reach is limited, meaning services initiated by the government may not achieve national scale. If a local tribe has developed a specific way of settling disputes, this may not be acceptable to people from other tribes in the same region. In Colombia, houses of justice are seen as mechanisms for establishing government authority in remote areas [link to case study page].

Community justice services sometimes scale across borders. Facilitadores judiciales programmes exist in a number of South American countries, and paralegal models can be found in many African countries.

User-friendly contracts can be implemented in a variety of settings. Well-balanced marriage contracts are more likely to be successful in settings where it is already customary or legally required to have a formal marital agreement. Laws on taxes may make it more (or less) likely that an employment or rental contract will be laid down in a formal document. Visual contracts may be more needed in settings where a significant portion of the population is illiterate. With that said, many people - regardless of their literacy - prefer visuals over texts.

One-stop shop procedures that integrate information, negotiation, mediation and adjudication, support are mostly found in high-income countries. Examples include the British Columbia Civil Resolution Tribunal and employment conflict procedures in the UAE. [Ombudsman procedures](#) also may include facilitation and adjudication in the form of (binding) recommendations. They are most commonly found in higher income countries and their task is usually limited to the relationship of citizens with government agencies. In some countries this model is also applied to consumer complaints.

If the government in a particular country has already developed a one-stop shop procedure for a different purpose (for instance for licenses needed by companies), a one-stop shop procedure in courts is probably more likely to be accepted. In Islamic countries, the Qadi culture - where mediation and adjudication are more integrated and procedures do not assume representation - can be helpful as well.

Problem-solving courts, dealing with common types of crime, have mostly been established in high-income countries. Therapeutic justice and restorative practices are used in different parts of the world, but the extent to which they are used largely depends on the approach of the judicial officers in power. In low-income countries, community justice services may deliver informal justice in a way that resembles the solutions delivered by the problem-solving courts.

Claiming platforms for vital public services are developing rapidly. Their effectiveness depends on the maturity of the public administration and judiciary in a given country. Services that provide access to digital identity have proven to be particularly useful in lower income countries. In the US, TurboTax is a private service that helps people file their tax returns. In other countries, the government has set up user-friendly tax filing portals. The more public services are effectively delivered by the state, the less claiming platforms are needed.

Claiming in high-income countries is now mostly supported online, matching high levels of access to the internet. In countries such as India, a sophisticated virtual platform is being taken door to door by local agents at the village level. Hybrid services are sometimes also needed for vulnerable groups in high-income countries (including migrants and illiterate or differently abled people). As part of these hybrid services, social workers and legal aid lawyers deliver help offline.

Preventive programmes for theft and violence are becoming more widespread with the introduction of low-tech devices in different parts of the world. These programmes rely on network effects: citizens coming together with their neighbours. Prevention programmes also rely on co-creating protection with the law enforcement agencies that will be alarmed or informed so they can take further action. They can be seen as a new-age community justice service with prevention and sharing of information as the primary objective.

Online information/advice services have proliferated in all countries. They are run by law firms, individuals, startups, charities/non-profits or sometimes even the government. These services are a helpful starting point in an individual's justice journey. As we will see in later sections however, web portals and mobile apps need substantial investment to become effective self-help guides that lead to higher rates of resolution. Successful examples are still rare, even in high-income countries.

Mapping existing services: upgrading, renewing or replacing?

Do we really need to think about gamechangers? The task force may have to reflect on their added value.

Justice sector development plans and ministry of justice strategies are full of measures to upgrade existing services. More digitisation, better access to court houses, improved scheduling of court hearings or limits to the number of pages in documents filed - these can sound like effective upgrades. Many countries launch huge projects to update their codes of criminal and civil procedure. Judges and lawyers typically have dozens of ideas about how to improve the services provided by the courts.

Proposed justice upgrades may focus on connecting people to lawyers, allowing rapid transcription of court hearings or introducing video hearings. Millions of dollars have already been invested in artificially intelligent ways of researching court databases and systems for registering hours.

The Task Force should consider whether these upgrades are likely to meaningfully contribute to achieving its goals and targets.

Will resolution rates be increased? Will people get substantially better outcomes? What impact will they have in a typical justice journey? The task force can use the [indicators](#) to assess the proposed upgrades.

USING INDICATORS TO ASSESS PROPOSED UPGRADES

Assessment items:	Example of assessment
Description of upgrade	Improved enforcement of court judgments with monetary sanctions. This happens through (1) investing in a network of debt collectors, (2) improved ways to collect debts from employers and/or banks and (3) improved ways to sell debtor's assets
What is the expected increase in resolution rates for the most pressing justice problems?	4 percent of pressing problems are decided by the courts. In 25 percent of cases involving a pressing family, land or crime problem, money payment is an essential component of resolution 70 percent -> 85 percent compliance = 0.30 percent increase
Which people (with high impact justice problems) will benefit from this upgrade?	Mostly companies collecting debts and governments collecting fines. A small number of individuals who have personal injury cases or who collect child support or unpaid wages via a court procedure will also benefit.
How many pressing injustices will be prevented per year?	Evidence for court sanctions and effective enforcement preventing injustice is inconclusive.
What is the investment needed for this upgrade?	Programme of several millions of euros
What are the yearly costs of sustaining this upgrade?	The cost of maintaining the network minus the debt collection fees that can be collected from debtors and creditors.
What are possible negative side effects and how can they be avoided?	(Increased debts for indebted persons, which can be avoided by better debt restructuring)
How likely is the programme to be successful in implementing the proposed interventions?	60 percent chance of success
What are the best alternative ways to invest this amount in people-centred justice and allocate an annual budget for this?	Mention the alternatives that

The task force should make a realistic assessment of any proposed upgrade plan. Most task forces we know tend to fundamentally renew or replace existing services. Stakeholders want to introduce ADR or renew the connection between formal and

informal justice in their countries. They want to set up new types of specialised courts. They suggest diverting cases from the criminal justice system to new justice services. They recommend investing in legal information instead of letting people hire a lawyer to prepare their case. More often than not, task forces agree to replace existing services with alternatives or cautiously integrate newly designed services into the existing justice system.

When making decisions about upgrades, renewals or replacements task forces may benefit from studies visualising current justice journeys. These visuals often reveal that people need to interact with a range of professionals and agencies to address their problem. A victim of an accident may have to deal with the police, medical experts, insurance companies, lawyers, social security agencies, the prosecution, a mediator and a court. Each of these actors has different bureaucratic procedures that come with many formalities.

Mapping current justice journeys will help the task force and providers of future gamechangers strengthen the case for one-stop solutions, problem-solving courts and simplified community justice services. It will also make it easier to identify the crucial elements of treatments.

If gamechangers are indeed needed, rigorous programming demands that the gamechangers the task force selects are well-designed and improved systematically.

- Examples of reports recommending a range of measures to strengthen existing institutions: UNODC and UNDP, [Global Study on Legal Aid Report: Global Report](#), October 2016, p. 160-161. Law Commission of India, [Assessment of Statutory Frameworks of Tribunals in India](#), October 2017. The Kenya [Judiciary Transformation Framework 2012-2016](#).
- To know more about justice journey mapping studies, see RMIT University, [Pathways Towards Accountability](#): Mapping the journey of perpetrators of family violence, 2016. [Legal design](#) efforts often start with mapping current justice journeys. When developing so-called guided pathways, providers of legal information also tend to visualise the current journey for users needing a particular solution.
- HiiL has developed a method for Mapping Justice Journeys. A justice journey is a collection of steps taken by a person while trying to resolve a justice problem. A map of a person's justice journey from problem to solution depends on the country and problem.

4. Strategy 1: promoting evidence-based practice

The first strategy a task force should consider aims to increase the effectiveness of what is done to prevent or resolve justice problems. Justice services are transitioning from executing processes prescribed by rules of procedure to a more complete set of interventions. Turning these interventions into effective justice journeys is a major challenge. Currently only 30-40 percent of justice problems are completely resolved. Between 70-90 percent of people facing a justice problem take action to resolve it. This means that many people take no action or get stuck. High-impact problems have even lower resolution rates. Few people achieve high-quality justice outcomes.

A task force can address this by promoting [evidence-based practice](#). The “treatment” of justice problems consists of a process where people exchange information, make decisions and implement them. These processes can become more effective if research and evidence from practice is used in a systematic way to improve the processes.

Increasing the effectiveness of interventions can have huge benefits. For a specialised provider of evidence based justice services it may be possible to increase resolution rates from 35 percent to 70 percent. This is a resolution rate often found in evaluations of programmes that just implement mediation without specialisation and leaving the specific type of mediation to the individual mediator. If this way of working can be implemented in 80 percent of the country in 10 years, the burden of injustice will be cut in half. If gamechanging justice services [standardise](#) this way of working, this can be achieved even more quickly. Evidence-based working offers a clear path to achieving the [goals](#) and [targets](#) a task force has set.

Implementing evidence-based practice cannot be done top-down. It has been achieved in health care, education, mental health and many other fields. The task force can benefit from these experiences. Best practices identified by groups of experienced practitioners need to be combined with evidence from research. Practice-based evidence and evidence-based practice go hand in hand.

Making the case for evidence-based working

In our work, we have learned that the case for evidence-based working needs to be made carefully. Implementing evidence-based practices often causes resistance from legal professionals who believe that their individual skill set and experience are what matters. They see a lawyer’s representation of a client’s interests and a judge’s handling of a case as art forms. In common law countries, trials may be equated with “the real way” to deliver justice, even though trials have become very rare events.

We also meet development professionals and legal experts who hesitate to talk about best practice and research-based interventions. They are motivated by respect for the autonomy of communities to develop their own ways of delivering justice. Or they are uncertain whether international best practice will work in local settings.

In the following paragraphs, we explore how the case for evidence-based working can be made.

When a task force studies the [data](#), its members will usually find that the supply side of the “market for fair solutions” is very fragmented. Individuals in cities are served by independent practitioners or by small law firms. Courts operate in one county and within a court, each judge develops an individual style of working. Informal justice is delivered at the village level by volunteers. Between providers, there is little structured interaction and learning.

In such a fragmented market, the benefits of standardisation and sharing know-how are considerable.

Moreover, the way people are supported to achieve fair solutions is largely shaped by the roles of justice practitioners in institutions. In a case of domestic violence, the police may calm things down without doing their due diligence to ascertain whether similar reports have been made from a household before or investigating whether the violence is a persistent issue. A prosecutor may begin preparing for a court case. A doctor might focus on medical treatment. A NGO offering a safe house may or may not have a room to fill. A lawyer may start negotiating a solution or preparing a civil court case. Each professional helper is most likely to apply the interventions that he or she specialises in and that align with the business model of his or her practice. Interventions applied by different practitioners in the same case may even conflict or work against each other. This often happens when each party consults a different type of helper.

Within a professional role, the treatments for justice problems may not be that well described. NGOs and the police are more likely to have scripts for their interventions than lawyers. Much is left to the skills of individuals involved. Litigation in court is described in terms of the rules of procedure. These rules ensure that claims are articulated in such a way that courts can assess them against the requirements for various legal remedies. Each party has the opportunity to discuss information submitted by the other side. The available remedies are described in criminal codes and in the laws governing civil justice. Many rules deal with the formalities of informing the other party and the way documents should be drafted. Rules about collecting evidence can be very complicated as well.

Is this sufficient to guide a prosecutor, lawyer or judge when he or she has to deal with a case of domestic violence?

Evidence-based working: an ethical duty for justice practitioners?

Solving a domestic violence problem is complicated. It requires thoughtful interventions that lead to a response that is fair, effective, proportionate and sustainable, with sufficient control by the survivor and without undesirable side-effects. Different forms of domestic violence exist that each require a different approach. Any intervention should aim to prevent new violence in a way that is tailored to the situation. Outcomes may also include access to housing and improvements to the financial situation of family members. If domestic violence leads to criminal prosecution, a mother may have to raise her children alone with a family income that has been dramatically reduced. There is an enormous body of knowledge about the diagnosis of domestic violence and the effectiveness of different interventions. Different forms of therapies have been tested on outcomes for both the survivor and the perpetrator.

Can an individual practitioner be expected to keep up with this research and develop the best way to work with domestic violence cases?

Is it acceptable that this knowledge is not used when a professional intervenes in ways that shape the future of women, men and children?

Justice practitioners intervene in ways that heavily impact people's lives. Their actions have effects on people's rights to freedom, their family relationships, their property rights, their work, their personal security, their housing, their farmland and their access to government services. Making such interventions with due regard for the likely effects on people's lives seems to be an ethical duty.

How might a Hippocratic oath for justice practitioners - similar to those used in the medical professions - be worded? When lawyers and judges vow to uphold the constitution, what can be added to their pledge to ensure that they do no harm that can be avoided by incorporating learnings from colleagues and research?

Doctors pledge to apply good medical practice, to share knowledge for the advancement of healthcare and to do no harm. If they recommend treatments that are known to be ineffective, they face disciplinary measures. An engineer is expected to apply the latest know-how when designing concrete structures for a building.

Evidence-based working is often promoted by experts in corrections and forensic or therapeutic justice interventions. Family courts hear evidence about appropriate treatments for distressed families in separation cases. In criminal and civil justice, evidence-based working is increasingly accepted as an aspiration. A task force is likely to benefit from engaging with these trends.

- Harvard Law School's [Access to Justice Lab](#) promotes evidence-based working by encouraging justice practitioners to use lessons learnt in randomised control trials (RCTs). It uses RCTs to evaluate potential solutions to justice problems then generalises these results into actionable findings.
- See [reports by international groups](#) of experts and ministers of justice who have promoted evidence-based working.

Defining and monitoring outcomes

Evidence-based working is results-oriented, meaning it begins with the end in mind. Defining and [monitoring outcomes](#) is crucial. In individual cases, justice practitioners now routinely ask disputants about their interests - their wishes, worries and needs - and about the solutions they propose to serve these interests. For personal injury cases, family disputes or other categories of justice problems the interests and solutions mostly follow the same patterns.

Task force members may engage with these outcomes through an exercise along the following lines. Imagine a paradigmatic case of land grabbing. Remember an accident in which people died and others could have prevented it. Think about a neighbor conflict with a lot of noise, nasty communication and threats of violence. Then close your eyes and imagine how these people live and act six months from now. What does peace and justice look like for them? What is in their settlement agreement?

Defining outcomes can start as simply as that. In a neighbour conflict, outcomes that are likely to be valued are: absence of nuisance, resolution of border issues, improved communication, satisfaction with relationships, absence of (fear of) violence and restoration of harm done.

Defining outcomes systematically may entail an analysis of hundreds of settlement agreements for this type of justice problem. Research can identify trends and commonalities. Focus groups can select the most important elements of these agreements and identify key issues that need to be resolved in a typical case.

Outcomes can also be defined and monitored in more general terms. On the basis of literature research, HiiL defined survey questions capturing four outcome dimensions: distributive justice, restorative justice, effective problem resolution and transparency of the outcome (meaning: why this outcome and not another one).

Once the outcomes are defined, monitoring can begin. Game-changing justice services can monitor outcomes during the service delivery process and after the service has been delivered. With questions like, "to what extent has the nuisance in your neighbourhood already diminished?" clients can be asked to monitor their progress as well. Monitoring by itself is likely to increase the probability they achieve outcomes.

Problem-solving courts: outcomes monitoring in the community

Measuring and monitoring people-centred outcomes was key to problem-solving courts' early success. Because the problem-solving approach was so different from the status quo, showing evidence that it worked was necessary for building political and financial support. This meant clearly articulating the goals of problem-solving courts and finding ways to measure progress towards them.

The extent to which a particular (problem-solving or traditional) court monitors progress towards these people-centred outcomes depends on its ability to track compliance and behaviour change among participants. This can be achieved through regular compliance reviews, which provide "an ongoing opportunity for the court to communicate with [participants] and respond to their concerns and circumstances." Investing in electronic data systems that track and coordinate information also makes it easier for a court to monitor its overall impact on case outcomes and improve the quality of its mandates.

Successful outcomes monitoring also depends crucially on a court's ability to develop strong relationships with researchers. Without this, early problem-solving courts like the Red Hook Community Justice Center would not have been able to, for example, quantify the impact of a seven-day jail stay in terms of budget, jail population, and bookings per month. Strong research partnerships also made it possible to compare successful and unsuccessful court participants, which was necessary to assess and improve the quality of the court's services.

Outcomes monitoring at the Red Hook Community Justice Center was not without its challenges, however. Because most people who come before the court are charged with less serious crimes, their treatment mandates are relatively short. The short amount of time the Red Hook staff and service providers have to work with these participants means that outcomes related to individual progress are not likely to show a full picture of the court's impact. The Red Hook Community Justice Center addressed this by also measuring outcomes related to the court's impact on the community. What was the effect on social cohesion and stability when someone's brother, father, or son was allowed to remain in the community instead of being incarcerated?

- The OECD makes a strong case for focusing on and monitoring outcomes. See: [Equal access to justice for all: putting people at the centre](#). 2019.
- For examples of outcomes that Hiil has identified in the past, visit the Solving and Preventing page on the [Justice Dashboard](#). These examples are partly justice problem-specific and partly based on the aforementioned dimensions of distributive justice, restorative justice, effective problem resolution and transparency of the outcome. These dimensions are also monitored in Hiil's [Justice Needs and Satisfaction Survey 2.0](#).
- See the Case Study on Problem-Solving Courts by Hiil (2021) for more information on how problem-solving courts monitor outcomes.

Sharing best practice and research through treatment guidelines

Guidelines are the primary tools to inform practitioners about best practices and research. Guidelines contain recommendations for selecting treatment options that are most likely to achieve desirable outcomes.

The methods for developing and using guidelines are well-established. They can be applied in the justice sector. Here, evidence-based working is at an early stage, with much to gain. Justice practitioners increasingly share best practices and follow skills training. Research about mediation techniques is increasingly available. The body of knowledge about ways of adjudicating disputes is growing. Different types of support for negotiation are being tested.

Most evidence in the justice sector consists of expert opinions or project evaluations. Few interventions have been tested in randomised controlled trials. Developing guidelines is likely to gradually improve the quality of research and practice, however. Guidelines create dialogue about what works, focus minds on the decisions that matter most during treatment and highlight where new research is needed.

People-centred guidelines describe treatments from the perspective of the people involved. What actions do parties need to take to resolve a conflict about terminating a work relationship? What interventions by practitioners are most likely to lead to outcomes that allow both the worker and the employer to move on?

Addressing the consequences of violence committed by youth in a community requires a holistic approach. Resolving a family conflict happens through interventions involving husbands, spouses and children. People-centred justice guidelines are thus different from guidelines developed by police, prosecution, courts, therapists or social workers. Practitioners tend to focus on the interventions they can deliver for individual clients and on rules they want to enforce. People-centred justice guidelines aim to combine these various third party perspectives alongside the perspective of the parties involved. In this way, they are multidisciplinary by nature.

Problem-solving courts: combining individualised treatment with evidence-based practices

Problem-solving courts have introduced a number of interventions that have proven to deliver people-centred outcomes for the communities they serve. Although different interventions work for different populations, direct engagement with participants and the delivery of individualised treatments are two key elements of the problem-solving orientation that all problem-solving courts share.

Direct engagement means that the judge speaks to participants directly and becomes actively engaged in producing positive change in their lives. This effort to ensure that participants feel heard, respected and experience the process as fair is supported by research on procedural justice.

Individualised treatment means that the interventions delivered are tailored to the specific problems of each participant. This requires that the court offer “a continuum of treatment modalities and services to respond to the variety and degrees of need that participants present.” This service plan must be revisited by the court on a regular basis and adjusted depending on the participant’s reported progress.

Despite this shared approach to justice delivery, different problem-solving courts have identified different types of treatments and ways of monitoring whether they work that are unique to the populations they serve.

Community courts like the Red Hook Community Justice Center, for example, generally work with the residents in their neighborhood to find out what is important to them rather than imposing a predetermined set of solutions.

With that said, certain interventions have proven to consistently improve outcomes for communities, victims, and individuals with justice system involvement when applied to low-level cases. These include: using (validated) screening and assessment tools; monitoring and enforcing court orders; using rewards and sanctions; promoting information technology; enhancing procedural justice; expanding sentencing options (to include community service and shorter interventions that incorporate individualised treatment); and engaging the community.

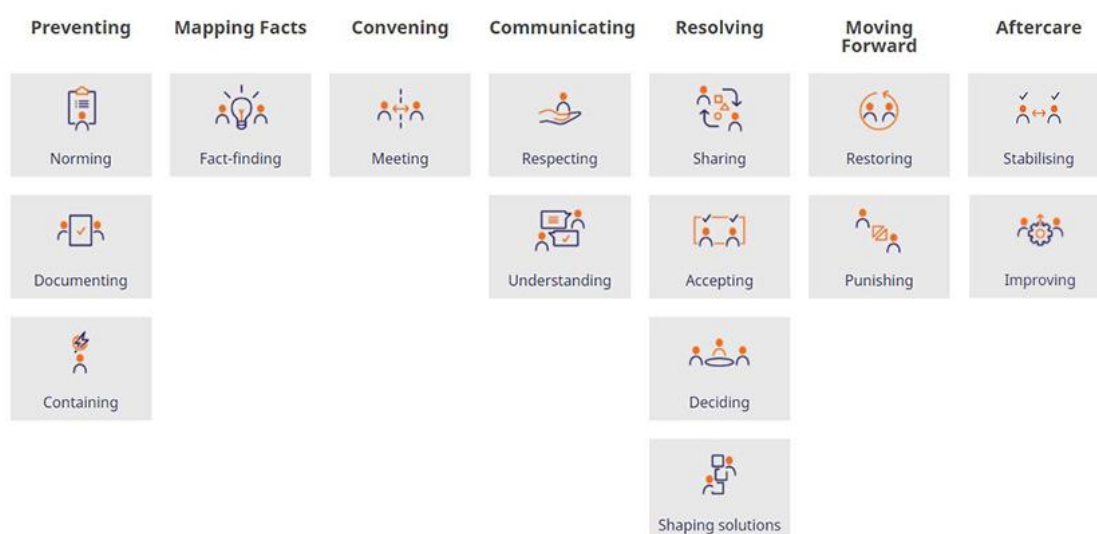
- For more information about best practices and research undertaken by problem-solving courts, see: [Problem-solving courts: An evidence review](#), Centre for Justice Innovation.
- Examples of recommendations can be found on the [Family Justice](#) page and [Land Justice](#) page on HiiL's Justice Dashboard.
- HiiL has developed a method for [Developing Evidence-Based Guidelines](#). Justice guidelines collections of recommendations that support justice practitioners to prevent and resolve different types of justice problems in an evidence-based way. Central to the guideline development process is bringing together literature on what works for people (evidence-based practice) and best practices from local justice practitioners (practice-based evidence).
- See case study on Problem-Solving Courts by HiiL (2021) to learn more about usage of evidence-based practices.

Developing effective treatments: recurring building blocks

At the end of the day, an effective solution to a justice problem can be deconstructed like a set of legos. Land disputes require reliable ways of mapping territories. Burglaries committed by individuals with substance use disorders can be addressed with tailored treatment and restitution for victims. Each category of justice problems demands a specific set of interventions to meet the needs and circumstances of the individuals involved.

Some interventions can be used across many problem types, however. The practice of law has patterns and stages. Dispute resolution practices move from containing a conflict towards opening lines of communication, negotiation, mediation and adjudication.

Each building block in the graphic below reflects a body of knowledge that can be used to develop and evaluate treatments.



In their daily work, judges, lawyers, prosecutors and informal justice practitioners develop their own treatments. They combine various approaches to diagnose, exchange information, negotiate, mediate and adjudicate the conflicts that arise in their communities.

[The building blocks](#) can be used to create effective processes, in a similar way as standardised treatments are being developed in the health care sector. In the justice sector this is now called dispute system design. One of the international trends is to use combinations of mediation and adjudication. In courts, judicial mediation is developing. Countries seek to see how informal justice processes can be followed by formal processes. Another trend in dispute system design is that ministers and other justice leaders are promoting simplified processes.

Can every justice problem be solved?

Court leaders in the United States have expressed an ambition to provide 100 percent access to justice. Equal access to justice for all is also the ambition of Sustainable Development Goal 16.3. Is it realistic?

Historically, legal institutions have been optimistic about their ability to resolve a diverse range of justice problems. Courts now deal with genocide, claims about slavery and environmental degradation. Criminal networks are dismantled by the same policeforces working to respond to incest and intimate partner violence. Speech is regulated through defamation claims in courts and by content moderation on social media.

Theoretically, every conflict can be understood in terms of the procedural and substantive interests of the people involved. Conflict resolution

therefore consists of maximising the interests of both parties through integrative (win-win) solutions and distributive (win-lose) bargaining. In the conflict resolution context, win-win solutions are measures that improve relationships and generate future gains, such as apologies, measures to prevent future harm and measures to undo harm where still possible. If the harm caused cannot be undone, if the costs of remedies are substantial, or if control over assets is at stake, monetary transfers or a reallocation of assets can be part of the solution. This raises distributive issues over which the parties have to bargain.

Over time, legal systems have created algorithms to decide on distributive issues: schedules for the calculation of damages, formulas for child support, norms for severance pay, guidelines for acceptable levels of noise and formulas for contributions to victim compensation funds. Theoretically, it is possible to design a formula for any distributive issue in any type of conflict. Such formulas can be simple or consist of a more complicated schedule, which differentiates outcomes according to the needs or contributions of specific groups. Once a formula is developed, it can be presented to a diverse group of experts, citizens or stakeholders and calibrated until it achieves maximum support.

Dispute system design is now an established field of research. Methods to develop dispute resolution systems are described in a number of handbooks published in 2020. These handbooks are a valuable resource for innovators. Task forces can use these handbooks when designing standardised treatments for employment disputes, family conflicts, personal injury problems and many more.

- The recent literature on disputes system design is very helpful. See for example: Lisa Blomgren Amsler, Janet Martinez and Stephanie Smit, *Dispute System Design: Preventing, Managing, and Resolving Conflict*, 2020; Christopher Hodges, *Delivering Dispute Resolution, A Holistic Review of Models in England and Wales*, 2020; John Oetzel and Stella Ting-Toomey, *The SAGE Handbook of Conflict Communication, Integrating Theory, Research, and Practice*, 2013.
- Hiil is working on a systematic overview of [building blocks](#) for dispute resolution processes. The ambition is to identify the interventions that are often used in “treatments” of different categories of justice problems.
- For sharing rules regarding distributive (who gets how much) issues, see: J.H. Verdonschot, [Sharing rules that work](#), 2013. This study investigates the effects and design principles for sharing rules. In the mediation literature, sharing rules are discussed as objective criteria, a concept introduced by Fisher, Ury and

Patton in their bestselling book [Getting to Yes: Negotiating Agreement Without Giving In](#).

Involving two parties: solving the submission problem

As was discussed in Chapter 3, many innovators that came to us with smart mediation and arbitration procedures ignored the [submission problem](#). [Five out of the seven](#) gamechangers can only work for the person with the justice problem if the other party can be convinced to participate.

The essence of a conflict or a crime is that somebody else is causing trouble for you. This person needs to cooperate for a solution. Any intervention by the police, court, mediator or other third party, will only work if the second party is available.

The submission problem is inherent to every dispute. Solving debt problems requires cooperation of the creditors. Victims need perpetrators to cooperate. A divorce happens between two people who decide they do not get along well.

The other party should somehow submit to the use of the service to solve the problem as they see it. This is unlikely to happen in the context of conflicts and crime. The submission problem should be solved first, because otherwise the service will not benefit many people and probably only the people who least need it.

Sometimes the entire effort of one of the parties to the problem or dispute is focused on 'avoiding submission'. Expensive lawyers are hired and loopholes to the laws are found to argue that a court has no jurisdiction or that mediation is inappropriate for the case.

One solution to the submission problem is to make the service mandatory. Courts are mandatory for adjudication everywhere. Governments have been hesitant to make mediation mandatory when starting experiments with it. When they learned that voluntary mediation is growing very slowly - even when supported by awareness raising campaigns - they often made mediation mandatory or obliged litigants to consider mediation before starting a court case.

Social norms and other incentives may work as well. In the realm of consumer disputes, the submission problem is addressed by exposing non-cooperation on the part of the company that has delivered the defective product or failed to deliver the service on time. The reputation of the other party may be at stake if he or she refuses to cooperate with a dispute resolution process in the community. Non-cooperation can be sanctioned by ostracising a community member who does not submit to a dispute resolution mechanism.

- Solutions for the submission problem are explored in the [Meeting building block](#) on Hiil's Justice Dashboard.

- The literature on mandatory mediation is extensive. It mostly finds that voluntary mediation leads to a settlement at a slightly higher rate than mandatory mediation. The number of disputes resolved by a mandatory mediation programme (with sufficient capacity) is vastly higher than the number of disputes resolved by a voluntary program, however.

Turning top down legal thinking into people-centred design

When designing effective resolution processes, inspiration can be taken from human-centred design approaches. Service design is another new discipline that can now be used to improve access to justice. Human centred design and service design bring a people-centred perspective to how laws are applied by lawyers.

For instance, one legal maxim is that everybody should know the law and that lack of knowledge of the law can be remedied with legal information. From a human-centred design perspective the question becomes: What information about the law do people with justice problems need? When do they need it? How do they want to be informed? What other information do they need?

Designers of legal services have learned that practical information to solve a justice problem step-by-step is most valuable when it arrives just in time. Information about communication skills such as active listening, effective negotiation and mediation are more likely to be helpful than information about the constitution.

Another legal maxim is that decisions need to be enforceable. When discussing community justice services, lawyers often note that outcomes of informal justice processes are difficult to enforce. The questions to ask from a people-centred perspective are: What will make people want to comply with an agreement? What makes people think that the other parties involved will comply?

Community justice services are more likely to lead to effective solutions in settings where there is some form of social control that increases the probability of compliance. If the local policeman is willing to have a talk with an uncooperative person, that helps as well. An option to ask a judge from the formal system to assist with enforcing agreements may also increase the chance that solutions are sustainable and complied with.

Recent measures to limit the spread of COVID-19 remind us of what works to create compliance: the example of people you identify with; monitoring by members of the community; reputation in the community; the threat of being excluded by the community (ostracism); the threat of other sanctions; reciprocity (comply with your own obligations first, this will make it more likely that the other party complies); rewards. All of these are known to provide incentives to comply.

- Useful criteria for people-centred legal information can be found in Hiil's trend report on [basic justice care for everyone](#).

- Legal design initiatives are emerging in many jurisdictions. The [Legal Design Lab](#) at Stanford Law School is a leading initiative. A [Legal Design Summit](#) took place in Helsinki in 2019
- Systematic approaches to designing treatments can also take inspiration from [service design](#).
- The procedural justice literature has extensively investigated the positive relationship between respectful (human-centred) processes, resolution rates, satisfaction with outcomes and compliance.

Implementing evidence-based working

Effective treatments can be derived from what justice practitioners do in practice and from research, brought together in a guideline. Outcomes can be monitored. If needed, new treatments can be designed, based on the building blocks of dispute resolution or using the methods of human-centred design.

The task force now needs to ensure implementation. Guidelines have no effect unless the practices they recommend are followed. The taskforce therefore has to develop a strategy to implement evidence-based working. How can a wide range of justice practitioners - each working individually and sometimes in remote places - be stimulated to adopt the recommended treatments?

Implementation science has become a field of study in itself. Researchers in this emerging field investigate how evidence-based practices can be implemented. Building on experience from health care, mental health care, social work and other professional services, they have tested a range of options for stimulating evidence-based working (see table). Many of these options are available in the context of justice services. If demand for high-quality justice services increases, so too will the willingness of justice practitioners to work evidence-based. Legitimacy of the recommended practices, supported by legislation and formal acceptance, helps as well. Learning collaboratives can be set up. Training programmes offering certificates and train-the-trainer programmes are also effective.

The role of leaders is crucial: they can set an example of how best to resolve justice problems and emphasise the need to work evidence-based. Procurement processes of courts, ministries or legislative bodies can also be designed in a way that gives preference to (game-changing) services that are evidence-based. The table below gives an overview of findings about implementing evidence based working.

CONDITIONS FAVORABLE TO EVIDENCE-BASED PRACTICE (EBP)

Conditions that support evidence-based practice	Assessment of the likelihood of conditions being met in settings where justice problems are resolved
Demand for best practices from users	No data available.
Involving stakeholders in planning and advisory boards	Can be achieved.
Legislation, mandates and formal adoption	Rule-following is more likely to be effective in the justice sector than in other sectors.
Long-term cost effectiveness of EBP	Integrated simplified processes are less costly than current court procedures. May require investing more resources in informal justice.
Preferential contracting	NGOs and donors more likely to fund "evidence-based" practices.
Consistency of EBP with culture, values and beliefs	Most judges, informal justice providers, and frontline justice practitioners already believe in and actively promote mediated and peaceful resolutions. Codified BP are likely to strengthen this belief and empower them.
Leadership behaviour	Many leading justices and ministers promote evidence-based working and greater reliance on informal justice providers.
Removing inconsistent organisational signals	Validated best practices can remove the ambiguity around mediation, informal justice and slow, complex formal justice by integrating the best elements of each.
Learning collaboratives	Can be organised.
Task shifting in low- and middle-income via BP is effective in under-resourced settings (community health care workers are an example)	Empowering local justice providers and paralegals via BP is likely to be effective.
Training (online)	Training in mediation techniques are available everywhere in the world. Less so for adjudication practices.
Consultation and support by peers	No data
Compatibility, complexity, trialability, observability, and relative advantage of EBP	EBP is often compatible with beliefs of justice practitioners and simplifies processes (compared to applying complex legislation).
Modular approach (elements of the BP can be applied more broadly)	Some guideline recommendations are applicable across a variety of justice problem types (see building blocks).
An implementation strategy with multiple reinforcing interventions is more effective	A strategy that combines many of these interventions to implement evidence-based

Justice practitioners are more likely to adopt a new way of working if it is consistent with their values and beliefs. The more best practices fit the workflow and the environment in which they work, the more they will be applied. In the setting of a court that is supposed to apply a codified, adversarial procedure, evidence-based practice is less likely to be followed than in a setting where procedures are more informal and flexible. Financial incentives and other rewards for evidence-based working are also known to be effective.

Best practices are also more likely to be applied by practitioners for whom applying standardised solutions is satisfying. Academically trained practitioners are sometimes more intrigued by exceptions to the rule. They like to use their skills to discover a solution for a rare or new problem. In a more optimal division of labor, these kinds of practitioners would focus on enriching and testing evidence-based justice guidelines.

Research on implementing evidence-based practice suggests that delegating standardised treatments to practitioners with fewer years of training is effective. These kinds of practitioners are more likely to adhere to and enjoy working from standards. This is good news for communities looking to implement best practices with the help of paralegals or judicial facilitators.

- Implementation science is discipline with a [journal](#) that covers the latest insights. COVID-19 provides many new learnings on this topic as well.
- The table in this section is based on: Shannon Wiltsey Stirman et al, Bridging the Gap Between Research and Practice in Mental Health Service Settings: An Overview of Developments in Implementation Theory and Research, Behavior Therapy 2017, p. 920-936.
- HiiL is currently developing a method to generate an effective implementation strategy in cooperation with organisations of justice practitioners.

5. Strengthening gamechangers: main points (text is in Dashboard)

Before explaining in Chapter 6 how potential game-changers can be turned into an investable opportunity, we indicate the main points of attention for each game-changer. What do they need to scale effective services in a sustainable way?

From our research and experience of working closely with providers of justice services, we have learnt the following. These issues need to be addressed in a feasibility study informing the investment in a game-changer.

Community Justice Services: scaling quality

(Example of a box leading to a gamechanger page:)



These services exist in some organised form in a majority of countries and are often the most pervasive and easily accessible of justice services. Delivering justice close to people's homes, is appealing for politicians. In the Netherlands members of parliament suggest a system of justices of the peace, similar to the ones in Belgium, Norway, Russia and Switzerland. Houses of justice were set up in Colombia and France, followed by Argentina more recently. India invested in a system of Lok Adalats. Task forces in Nigeria want to work with traditional leaders in communities and in Kenya justice leaders Australia ... Rwanda has an extensive system of Abunzi courts. A regional task force, run by the Organisation of American States, has set up networks of facilitadores judiciales connected to the judiciary in multiple Latin American countries. Community paralegal programmes exist throughout Africa and are promoted as a way forward by the Elders. In China, village mediation committees exist

The case studies on houses of justice in Colombia and Local Council Courts in Uganda illustrate how working methods remain ad hoc. Under one umbrella, very different houses of justice exist, depending on local initiative. In the current setting, it is difficult to replicate a good community paralegal or Local Council Court. Systematic monitoring of outcomes and mapping how a typical justice journey looks like may be needed. Community justice services would benefit from standardised treatment guidelines (with scope for necessary customisation across communities).

A strategy designed by a task force in Imo state in Nigeria has ADR inspired community justice services as a first port of call for land problems, family justice, neighbour problems, money issues, domestic violence and everyday crime. Indeed, research suggests that community justice services should be strongly incentivised. In Switzerland, using them first is mandatory before a civil justice action can be started.

Treatment guidelines for community justice services will leverage the capabilities of communities to ensure compliance. This includes options to involve the police or the judiciary in difficult cases.

Data show that citizens are often quite satisfied with solutions generated through community justice services. But community justice in rural areas is sometimes harsh, seen to be applying violent sanctions or confirming traditional, male power structures.

Treatment guidelines can provide for a link with formal justice and prove to be a solution for this returning point of contention. More often than not, the people sitting in community courts or specialising as justice facilitators are interested in best practices from other locations and from international research. Harsh punishments, gender inequality and oppression of minorities will become less likely if good practice is strengthened by guidelines and monitoring of outcomes. Malfunction needs to be addressed, rather than disqualifying community justice wholesale or assuming the superiority of formal justice. This is an important lesson learned.

In order to ensure effectiveness, task forces would stimulate leaders of community justice programmes to focus on standardised delivery. They can aim to provide solutions for 80% of the most pressing problems, covering the top 5 problem categories first, and follow a plan for implementing evidence based working (Chapter 4)..

Some programmes also undertake action on behalf of communities against mining activities. Community paralegals may help a community to gain access to electric power or other government services. This valuable “class action” work is more ad hoc, though. It has a different business model than helping community members consistently solve the most pressing justice problems that will certainly come up every next month.

Community justice services need better, and more sustainable revenue models. In high income countries, they may excessively rely on volunteers, who are left on their own and follow their intuition. In low income countries, they are funded by grants from international donors, local nonprofits or sometimes even through village-level contributions. This leads to grant and donor-dependence, not allowing a scalable and sustainable service to emerge. Community justice services are likely to need funding through user contributions and subsidies from national budgets (Chapter 7).

- See case study on Houses of Justice in Columbia and Local Council Courts in Uganda.
- Community Justice programmes page Dashboard.

BOX. Houses of Justice in Colombia

The Colombian programme of Casas de Justicia—multi-door, community dispute resolution centers—provides a valuable opportunity to test multiple dimensions of people-centred access to justice at scale in a developing country setting. Launched as a pilot project in two large low-income neighborhoods in Bogotá (Ciudad Bolívar) and Cali (Aguablanca) a quarter

of a century ago, the programme has expanded into 158 venues in 132 municipalities throughout the country.

According to the Colombian Ministry of Justice, from 15 to 20 million cases have been handled by this multi-door, community dispute resolution centers, from its foundation in 1995. Overall, the most prevalent use of the Casas de Justicia programme relates to family disputes, criminal matters, document petitions, conflicts related to leases and public utilities, and employment disputes. The Casas de Justicia programme has become widely known and highly popular among the urban population. Success in rural areas remains disputed.

The program's original goal was to divert everyday disputes away from the court system to try and resolve them through alternative administrative procedures and official and private ADR methods. Participation of the formal judicial branch in the Casas de Justicia remains relatively marginal throughout the country today. While some of them (e.g., Ciudad Bolívar) include two small claims courts as part of the services offered, in most of Casas de Justicia the most common type of state agencies present are administrative agencies, mostly at the municipal level (e.g., the office of the municipal ombudsman; the Police Inspector or the community development office). Agencies at the national level such as work and labor inspectors from the Ministry of labor, a delegate of the National Registry office or the Instituto Colombiano de Bienestar Familiar (minors defense agency), are also commonly present.

Some critics have argued that Casas de Justicia do not really seek to prevent or resolve disputes, but rather to simply defuse them, i.e., the Houses are not more than listening devices (much like a peer support group) where marginalized populations can take their disputes to an "authority" and be heard, but without any real expectation of resolving them. Nonetheless, the weight of the evidence indicates that the programme has been generally effective in addressing the most pressing justice needs of the most vulnerable urban people, reaching about 70% of its target population. In terms of user satisfaction, the programme is generally regarded as more accessible and better than the alternative (the formal court system). Data suggests that about 50% of disputes are effectively resolved at the Casas de Justicia. In terms of timeliness, the program's informal approach (without the need for a lawyer) makes it generally faster than the court system, and in those Houses where there are courts (e.g., small claims courts), proceedings are generally handled more efficiently and speedily than in regular courts.

The Casas de Justicia programme has been enormously successful in delivering people-centred justice at scale to marginalized populations throughout most large and medium-sized urban centers in Colombia, becoming the reference point of Justice for most low-income people in the country. Yet, the programme also has equally large room for improvement. Lack of consistency of service delivery (independence of political winds at the national, regional and municipal level), issues of financial sustainability, poor data collection and evidence-based adaptation of the programme to specific community needs, are persistent problems facing the Casas de Justicia throughout the country today. Since the service delivery model depends upon voluntary participation of multiple independent agencies that belong to different levels of government (national, regional, local), and to

different branches of government (executive, judiciary and independent control organisms), coordination among them represents a major bureaucratic challenge.

Despite all the program's difficulties and shortcomings, it has significantly contributed to a paradigm shift about people-centred justice in Colombia, which may be successfully improved and even replicated in many countries throughout the Global South. Its focus on bringing justice closer to users (particularly those most in need), through inter-agency coordination at the local level, has been a remarkable success. The chaotic expansion and implementation of the programme throughout the country, its dearth of reliable data on outputs and outcomes, and uneven service delivery across municipalities, are weaknesses in need of attention, which will require major changes at both the regulatory and operational levels.

User-friendly contracts: building a brand and certification

A user-friendly contract is a clear output. It can be sold effectively to one party and more easily - than conflict resolution - to two parties who want to design an effective relationship. Providing contracts is left to the private sector with government rules putting limits to what can be agreed. The case study on Legal Zoom explains how a national brand can be built. Similar to city law firms, reputation is king in this area, but building a reputation among millions of customers is much more costly than being noticed by a few hundreds of general counsels heading corporate law departments. Legal Zoom now offers contracts valid in more than 50 jurisdictions, which can be tailored to individual needs. Many startups try to replicate this, struggling to find the path to sustainable growth and scale.

LegalZoom: role of branding and marketing

Established by law school graduates Brian Lee and Brian Liu, along with Edward Hartman- an internet entrepreneur and litigator Robert Shapiro, LegalZoom has become a forerunner of legal innovation in the US. LegalZoom provides legal documents to customers at a fraction of a price charged by lawyers. To small businesses, it offers documents required for business formation, business name registration, intellectual property (copyrights, patents). To individuals, the company offers documents required for personal use such as wills, uncontested divorce, power of attorney, name change and prenuptial agreements. Since 2010, the company has also provided legal advice to customers, again for a relatively modest fee.

The company has served over 4 million customers to date. It is the largest provider of legal services to small businesses as well as largest filer of trademarks, having filed over 250,000 trademarks, in the USA. The company

estimates that an American citizen uses its forms to write a will every three minutes.

Given that LegalZoom was established using limited seed funding given to the founders by their friends and family members, how did the company manage to create a name for itself in all corners of the USA?

Founded in 1999, LegalZoom expanded quickly between 2000 and 2003, thanks to the penetration of the internet in all corners of the US. Although initially the company was not widely known, LegalZoom leveraged the platform provided by the newly emerging internet to advertise itself. This gave the company a competitive advantage because at that time, most other legal firms did not indulge in online marketing thus allowing the company to market itself at an affordable price across all 50 states. It helped the company increase its visibility and create a national customer base. To sum up, marketing and branding played a critical role in LegalZoom's growth story.

Outcomes of contracting services are not that easy to monitor, because relationships are many faceted and develop over years. If task forces and suppliers of user-friendly contracts find a solution for this quality problem, contracts will become more valuable.

Task forces may want to consider independent certification of contracting formats. Creative Contracts, a provider of visual contracts for low skilled farm workers in South Africa, is still hearing from potential clients seeking verification that such contracts can be upheld in the courts. An independent legal opinion, offered by a law firm, or a precedent set by a court, is the current way to confer this type of legitimacy. In the health care sector or in the construction sector independent certification is more easy to obtain and organised in a more transparent way.

Typically, a certified contracting format will include brackets for distributive issues such as minimum wage, maximum fines or fair sharing of assets in a marriage contract. Certification may have to be compared to the current practice. In most countries, the baseline is that contract clauses need to be interpreted by courts, applying centuries old principles of contract law. This can take decades to unfold and the costs-benefits analysis by courts may be clouded in legal interpretation instead of informed by data. Many regulators interfere with work contracts or rental agreements as well.

Usability is a challenge, prices for contracts on the internet are low. This also explains why contracting services need substantial investments. Designs of visual contracts are expensive. Setting up a portal for two parties agreeing step by step is non-standard. Doing this for different types of contracts and covering multiple jurisdictions took Legal Zoom many years.

When task forces gradually reform the regulation of contracting services, they may also consider the risk of monopolies limiting innovation. National legislators are often stuck with outdated laws governing employment contracts. Religious authorities are not best placed to allow innovation in marriage arrangements. A future Legal Zoom may monopolise the market for fair contracts.

- See the case study on LegalZoom by HiiL (2021) for more information on how LegalZoom developed their brand and promoted their services in the USA.

One stop shop procedures: integration, submission and smart fees

Specialised procedures, combining information, diagnosis, negotiation, mediation and adjudication, are often seen as major game-changers. Inspiring examples exist. A two-men task force consisting of the former chief justice of England and Wales and the leading Oxford University expert on dispute system design went even further. They detailed how the famous English justice system, known for its traditions and costly common law practices, can be reorganised by linking specialised services into seamless justice journeys. For all pressing justice problems, agencies exist that already take on information and mediation roles. Ombudsmen and specialised tribunals are functioning. What lacks is a user-centred design, where cases can flow through the stages without interruption.

A major bottleneck for one stop procedures is the submission problem. The English task force recommends mandatory use. This also happened in the leading examples from Canada and the UAE. In line with this, mandatory mediation now exists in many states for many types of problems. Early objections came from mediators believing that mediation should be voluntarily agreed. Data now show satisfactory resolution rates in mandatory programmes. Moreover, only a few % of target groups tend to use mediation, until strong incentives are bringing levels to 20% or more. On the other hand, mediation without the back up of adjudication, has been described by a leading author on access to justice as the “sound of one hand clapping.” Diagnosis, advice, attempts at settlement, followed by adjudication has always been the natural workflow in litigation services.

What can be done now is using advanced design methods and conflict resolution research to build highly effective procedures. One stop procedures can easily serve 100.000s of cases, allowing for standardisation, continuous learning and a reliable revenue stream. Smart fee systems include fee sharing by the parties, adequate timing of payments, with subsidies by government and contributions by communities benefiting from resolution. Outcomes can be monitored so clients can see how they make progress. Data can inform the next upgrade of the procedure.

- HiiL One stop procedures page
- Hodges, Christopher. [Delivering Dispute Resolution: Recent review on the resolution of disputes in England and Wales](#). 2019. The Foundation of Law,

Justice and Society. This report lays out views of Christopher Hodges and Lord Thomas of Cwmgiedd, former Chief Justice of England and Wales regarding reforming the English and Wales justice system. [L](#)

- C.Hodges, S. Vogenauer and M. Tulibacka, Costs and Funding of Civil Litigation: A Comparative Perspective, 2010

Problem-solving courts: becoming the default for crimes

Problem-solving courts have proliferated in the US. They exist in quite a few other common law countries. Similar practices have developed in Nordic countries and in programmes to “divert” cases from the criminal courts to a plethora of other interventions. In communities where formal justice is difficult to obtain, criminal justice often has many similar elements: sharing of experiences, restorative justice, rehabilitation, contributions by families and community members, avoiding retaliation and a return to harmony in the community.

Problem-solving courts are informed by high-quality research. Gradually, outcomes have been defined and standardised performance indicators have been developed. Judges are monitoring the progress of problem-solving court participants in terms of rehabilitation and restorative justice for victims. The individualised treatments problem-solving courts provide are rigorously researched and applied based on validated risk-needs assessments. Many have been standardised and can easily be translated into evidence-based guidelines that can be used across jurisdictions.

Most problem-solving courts still depend on prosecutors or judges selecting and referring individual cases. By now, the outcomes achieved in problem-solving courts can be compared systematically to similar outcomes achieved by standard criminal courts. The best treatments should become the default.

The revenue model of problem-solving courts needs attention. Funding from user fees is unlikely to cover all costs. Problem-solving courts are more likely to emerge in settings where one agency (for example, a city or county) has a choice between spending on problem-solving, police patrols, prisons or old-school courts. An agency willing to respond to the long-term security and criminal justice needs of the population has a position similar to an access to justice task force. Problem-solving courts are increasingly funded at the state and local level.

In countries with fewer resources, problem-solving practices can grow in community justice programs, informed by guidelines to ensure adequate quality. In many countries, individual judges are already applying problem-solving practices in traditional local courts.

Problem-solving courts: moving from horizontal to vertical scale

In the past three decades, problem-solving courts have become a fixture in the American criminal justice landscape, with over 3,000 established nationwide. These numbers are not the only relevant measure for evaluating the extent to which this gamechanger has successfully scaled, however. In addition to horizontal scaling of courts across the country, vertical integration of problem-solving principles and practices within particular jurisdictions is an important indicator of problem-solving courts' spread and influence.

The principles and practices of problem-solving justice can be and are increasingly applied by traditional justice actors and in existing, non-specialised courts. Police departments across the country are learning that they can divert defendants to treatment from the get-go, without necessarily waiting for a case to be processed through the courts.

Cases that do reach court are also increasingly diverted outside of it. Prosecutors and judges who are not operating within a problem-solving court can nevertheless apply problem-solving principles by linking defendants to services and making use of alternative sentences in lieu of jail time. This "problem-solving orientation" has allowed problem-solving justice to be applied in more instances and settings without necessarily setting up new problem-solving courts.

One indication that problem-solving courts have already scaled "horizontally" in the US - and that this "vertical" scaling is the latest trend - is the fact that the US government's drug courts funding solicitation in 2020 no longer includes a category for the creation of a new drug court.

- See case study on Problem-solving Courts by Hiil (2021) for more information.

Claiming platforms: a delicate balancing act

Ensuring access to vital government services, claiming platforms proliferate. Haqdarshak for social security schemes in India and Turbotax for tax returns in the US fulfill a similar role. Replication and standardisation is possible once the system is put in place for one geography. Significant investments to scale to other geographies can be needed. For a different geography different treatments may be needed. Haqdarshak covers social benefits schemes from .. Indian states.

Outcomes for clients are clear: success equals the vital government service is provided. A revenue model is not difficult to find. Claiming platforms take a cut in the benefits provided or levy a fee. If the claiming platform intends to serve the poorest 20% of the population, it can attract subsidies from donors or governments.

Innovators setting up claiming platforms cannot be blamed to focus on low hanging fruit. Donotpay and Appjection were set up to object against traffic fines. Several websites specialise on refunds for delayed passengers of airlines.

Claiming adequate health care, identity documents or access to clean water may be more complicated. The cost structure of the claiming platform critically depends on how difficult it is to let the government agency be responsive. Claiming platforms typically make procedures less burdensome for clients and for the government agency. If hundreds of claims are filed in an organised way, the government agency can respond to these claims against lower costs. But what if the government agency does not have the capacity to deliver sufficient electricity or clean water? Then political lobbying or a class action in a formal court may be needed.

The relationship with the targeted government agency is a delicate balancing act. Successful claiming services and government agencies typically start cooperating and develop a public-private partnership. Ironically, the claiming services thrive when the existing system of delivering public services are inefficient in reaching people, but not incapable. Once the customer-facing side of public services is responsive, the need for claiming platforms diminishes.

The task force should consider carefully whether claiming platforms can lead to the outcomes people with pressing justice problems actually need. This depends on the capability of the public service. Access to a low value public (court) service does not help. Then the next question is how the private service, a hybrid service or even a public service can bridge the efficiency gap. Claiming services are competing with other intermediaries and operate in the narrow space between incapable and responsive government services.

- .
- .
- .

Prevention programmes: business models are challenging

Most innovations preventing violence, fraud or theft are low tech platforms. People communicate about threats between themselves or with the police. The platforms are often clubbed as 'civic-tech', a broader area where communication platforms are created to strengthen the relationship between people and the government.

The revenue model needs attention. One model we have seen is to sell hardware tools in combination with services. This is also the model used in the private security industry serving high end customers.

Monitoring outcomes in this category is a challenge. Prevention is more difficult to measure or quantify than resolution.

Prevention programmes usually need cooperation with the police. Operating in the field of security, the public-private partnership needs to be somewhat stable for this type of game-changer to become an investable opportunity. If successful as a local solution, governments or donors may consider taking over the activities and invest in scaling. From the perspective of an early stage investor, this may be a possible exit.

- Sourdin, Tanya and Jacqueline Meredith, [Digital Technology and Justice: Justice Apps](#), 2021, Routledge. This book summarises opportunities and challenges that digital apps pose to the justice system and people.
- .
- .

Online info, advice and representation: outcomes are key

Many legal innovators attempt to standardise and scale the services of lawyers. They may build referral sites, matching clients and lawyers, thus lowering the search costs for customers and the marketing costs for lawyers. Another opportunity is to offer legal information and diagnosis. Advice can be automated through chatbots and tailored by a telephone help desk.

A few innovators went further. They support negotiation and even filing claims at courts. The French startup Demander Justice specialises in employment issues and claims lower than €10,000, because these can be filed without lawyer assistance. For other problems it helps people to prepare their files and then connects them to lawyers who will represent them in court at a lower price than they would pay if they had to contract a lawyer individually.

How should a task force evaluate the value added by these services? Most of these services fixate on price. By increasing efficiency, they lower the costs of legal services.

A task force should consider outcomes first. Information or advice is valuable if it increases resolution rates. Finding a lawyer prepared to take on a case does not help, unless that lawyer is more capable to negotiate good outcomes for clients than a random lawyer found on the web. Help with filing a claim at court is as good a value proposition as the solution the court offers. If the service is not capable of delivering good outcomes, price hardly matters. It is like lowering the price of diesel generators to ensure people get power 24/7. Actually, surveys on access to justice indicate that price is only one of many barriers to effective solutions. In our 2020 Trend Report Charging for Justice we explored the option that fixating on price may even decrease

access to justice. If customers can only distinguish between services according to price and are not able

In order to prepare providers of these services for substantial investments, we therefore recommend a taskforce to ask them to first define outcomes. Then stimulate them to ensure these outcomes can be achieved. Evidence for this may be made available by developing a treatment guideline or using an existing one. Next, the service can be standardised to ensure outcomes in a systematic way. Ideally, the service offers the users a step by step process towards resolution, with continuous evaluation of progress against the desirable outcomes.

Finally, and crucially, the online legal service should adjust to the adjudication option that is available. Can an uncooperative defendant be incentivised to agree to a fair solution? Can the provider then ensure a decision by a local court, or an intervention by an ombudsman? If a neutral decision through formal channels is not feasible, incentives to cooperate can be generated by influencing the reputation of the defendant. This is a more aggressive approach, used by platforms such as Resolver in the UK. It is most common for assisting consumers seeking a solution from sellers of goods and services, for whom reputation is crucial.

When investigating legal information pathways available to internet users, the task force is likely to be disappointed. Information websites, mobile apps, or Facebook pages are easy to start but costly to maintain. They are mostly not scalable. Many remain dormant or are little more than fronts of law firms, which may confuse the increasing number of people who look for trustworthy information on the internet. Wikipedia pages on justice issues are not that helpful (which may change if treatments become standardised across jurisdictions).

Advertising models for legal information websites have failed. Information through a radio programme or television show discussing legal issues may generate sufficient revenue (check, feasible? Effective outcomes?). In the UK, information is supplied by Citizen Advice, a cooperative between local NGOs which each generate a combination of private donations and subsidies. In the US, no single source of information online is dominant, although the HiIL/IAALS survey found .. % of people with justice problems start their justice journey online. In African countries and the Arab region we have seen many attempts to set up legal information sites, but until now no such platform reached break even.

Most information websites therefore offer tools and follow-up services that can be monetized and replicated. Another business model is referral fees or subscription fees from lawyers. Websites using this model now exist in many countries. We have not seen national champions yet, so we suspect that this model has

When assisting people with advice or with filing cases at courts, startups like Demander Justice had to invest in litigation started by members of the legal profession. In California, courts have set up help desks that assist clients with filing claims as a public service, arguably because private services were afraid to fill the legal advice gap.

Similar to claiming platforms, these portals bridge the gap between the public and unresponsive government justice services. Once a task force ensures that a one stop procedure or a community justice service is effective and scaled, the private portals will shift their attention to other justice problems or services adding more value.

- The Monetary Costs of Everyday Legal Problems and Expanding Access to Justice by Ab Currie in Farrow, Trevor and Jacobs, Lesley. [The Justice Crisis: The Cost and Value of Accessing Law](#), 2020, Canadian Forum on Civil Justice. In this chapter, Ab Currie discusses how the cost of accessing justice is not the biggest problem for everyday people.

6. Strategy 2: scaling game-changing justice services

Having ensured that game-changing justice services can provide high-quality treatments, the task force should turn to effective delivery of the services. Each of the game-changing services needs to reach 10.000s or 100.000s of people with pressing justice problems every year. To achieve this, a service needs to be scalable. The way the service is organised ensures that the marginal cost of serving one more user with a justice problem is considerably lower than the extra revenue this user will generate. This margin can then be reinvested to improve the service, manage risks and reward investors.

In this chapter, we explore what is needed to turn a promising gamechanger into an investable opportunity. A sound plan for a game-changing justice service has a number of mutually reinforcing elements, which are described below.

Pilots, startups and new courts: the potential gamechangers

Game-changing justice services are being developed already. Community justice services exist in many countries. Mature startups deliver contracts online. Problem-solving courts are widespread. These gamechangers once started as small services: in the first neighborhood where Colombia's houses of justice were piloted; in a single court in Brooklyn; or on the very first version of LegalZoom's website.

Entrepreneurial judges, lawyers and IT professionals turn ideas for new services into pilots and justice startups. These startups and pilots make up an important part of the justice ecosystem. The number of innovation attempts in the justice sector is substantial. In 2011, Oxfam alone supported 800 rule of law programmes, most of them aimed at better justice services for vulnerable groups. Courts around the world often run multiple pilots in parallel.

Once the taskforce has decided which gamechangers are needed, it can cooperate with an accelerator programme to select the most promising existing service providers. The table below identifies early stage services that follow the path of promising gamechangers.

EARLY STAGE GAMECHANGERS SCOUTED AND/OR SUPPORTED
BY THE HiiL ACCELERATOR PROGRAMME

Gamechangers category	Examples
Community justice services	Bataka Court Model (Uganda) HiiL Accelerator cohort 2018-19 Houses of Justice/ Casas de Justicia (Colombia)
User-friendly contracts	Creative Contracts (South Africa) HiiL Accelerator cohort 2017-18
One-stop dispute resolution	Uitelkaar.nl (Netherlands) HiiL Accelerator cohort 2013-14
Problem-solving courts	Mental Health Courts / Therapeutic Jurisprudence (US) HiiL Accelerator cohort 2013-14
Claiming platforms	Haqdarshak (India) HiiL Accelerator cohort 2018-19
Prevention programmes (fraud, violence)	Yunga (Uganda) HiiL Accelerator cohort 2019-20 Ushahidi (Kenya) HiiL Accelerator cohort 2015-16 Appruve (Nigeria) HiiL Accelerator cohort 2019-20
Online legal information/advice	DIY Law (Nigeria) HiiL Accelerator cohort 2015-16

Alternatively, the task force can opt for developing a new service. The Civil Resolution Tribunal (CRT) in British Columbia is an example of the latter. The CRT was [set up](#) as a result of an initiative by a group of justice leaders in the Canadian province of British Columbia. The first problem-solving court in the US was also created as a new court instead of a pilot within an existing court.

Governments often choose to set up new tribunals outside of the existing court structure. Ombuds, specialised tribunals and houses of justice did not grow out of the existing courts. This follows a more general innovation practice. Mature, large organisations that want to break new ground have learned that the corporate structure - with all its regulations and social norms - is not ideal for innovative ventures. Typically, they base their startups outside the existing organisation. Eventually, when the new way of serving users has matured, it can be brought back into the corporate structure. This happened with the many tribunals that had been set up in England and Wales that later became part of an overarching organisation of courts and tribunals.

- The [Hiil Accelerator Programme](#) works with justice startups. These innovators are primarily in the private sector but also include intrapreneurs working from within justice sector organisations. Justice innovation hubs have been set up in Johannesburg, Kampala, Kieve, Lagos and Nairobi.
- Several ministries of justice run their own innovation programs, among them the ministries of Netherlands, Singapore and the United Arab Emirates.

Proving the concept: conducting a feasibility study and piloting

The service already exists, or has been piloted. In business language, it should have market validation. In language more fitting to government services, a feasibility study is needed. Unless the selected service is already on track towards effectiveness, scale and sustainability, it can be seen as a pilot or an early stage startup. A pilot and the experiences of a startup deliver a wealth of knowledge about justice needs, effective treatments, possible revenue models and barriers to bringing the service to scale.

The validation or feasibility study confirms to what extent the service is already effective, and what should be improved. This work is usually carried out in partnership with independent evaluators. It identifies a gamechanger's [main barriers to scale](#). A feasibility study consolidates the learnings from the existing service or pilot with knowledge from other sources. It details what improvements are needed and assesses how likely it is that these improvements can be made. The feasibility study identifies the main points of attention for the gamechanger and explains how they will be addressed.

Standardising delivery: channels and value proposition

Justice services are often very personal in how they are delivered. Judges develop their own ways of talking with the parties during a court hearing, which is the key moment when they can influence them. This can in turn increase the resolution rate of the court service and the quality of the outcomes it delivers. An online platform referring people to lawyers is only as effective as the lawyer who handles the case, and each lawyer develops an individual approach.

Scaling implies standardisation and effective outcomes, which is closely linked to [evidence-based practice](#) and to financial sustainability. Better quality services are more likely to lead to a [revenue model](#) that is sustainable and scalable. Users, governments and communities are more likely to pay for a service that actually solves most land problems. This, in turn, will provide a better business case for investments, which could be either public, private or mixed.

Solutions that work increase resolution rates. [Outcomes are well-defined and monitored](#), making the quality of the service visible.

Standardised, effective treatments also need to be delivered through standardised channels. The user-facing side can be a justice worker in a community or a website. Additional assistance can be organised through a telephone, help desk, or chat function. The guideline for treating the justice problem needs to be translated into practical steps for employees, including scripts for key interactions with users. Once tasks are defined and allocated, the time that they take can be estimated. This further standardisation can lead to efficiency gains.

At the same time, the individual person seeking justice should feel heard and be served as an individual person. Justice problems often have high impact and cause distress. People need to feel heard and want to be respected. This is a challenge for any court, police station or startup delivering justice services.

At the same time that the service is standardised, each user needs to feel respected as an individual. This individualisation should be built into every delivery model for justice services. Disrespect is the most common feeling associated with an injustice. So for justice services, treating customers respectfully and not as a case or a number to be processed is particularly crucial. Effective legal help offered online should be combined with options in-person assistance, for example.

In order to benefit from it, users need to know that a service exists. Individually, they are unlikely to encounter more than one land problem, one major crime issue or one separation in their lifetime. Searching on the web or consulting friends should lead them to the game-changing service. Substantial investments in marketing are needed for this. Currently, people go to many different agencies and individual service providers, each trying to compete for attention online or in communities. Widespread

awareness can be achieved, however. **Colombia's houses of justice** are known by 70-80 percent of the population, even though only 2 percent of the population (10 percent of the poor) use them.

Awareness on its own is not sufficient. Game-changing services need to develop a very clear value proposition. In HiiL's work with justice innovators, this has proven to be an important element bringing a service to scale. gamechangers aim to offer a standardised service with a high resolution rate. Instead of telling a client that he or she may either win or lose the case depending on how a judge sees it, the service providers should try to be as clear as possible about outcomes.

People would not be referred to an excellent lawyer, but rather learn about what the service will aim for. The value proposition for a one stop procedure for land conflicts could include a stable agreement about rights of use and ownership. A defendant struggling with substance use and repeated justice system involvement would like to know what a problem-solving process would deliver for him. How would his life change after participating in the process?

The value proposition of justice services provided by courts needs the most work. Judges routinely tell parties to conflict that a decision will not solve their problem. Prosecutors in the US, Uganda and in every country in between talk about diversion, suggesting that the service that the court provides is not effective. Community justice services, by contrast, have a more convincing value proposition: a peaceful resolution that restores social harmony and is supported by the community.

Bringing in sustainable revenues: the financial model

Task forces are likely to underestimate the potential of justice services to generate sustainable revenues. In our 2020 Trend Report, [Charging for Justice](#), we investigated possible sources of revenues for justice services in detail. Here we provide some of the highlights.

People with justice problems are prepared to spend considerable amounts of money. HiiL surveys that have investigated willingness to pay find that it is considerable, even in low-income countries. This can be explained by the significant impacts that justice problems have in people's lives. Although the high price of lawyers is generally seen as a barrier to justice, [legal needs surveys](#) paint a different picture. Only a small percentage of people with justice problems who do not use a lawyer mention price as the main barrier to resolution.

Based on these data, our report hypothesised that the quality of justice services is the main obstacle when it comes to willingness to pay. From a user perspective, hiring a lawyer is not very attractive. The outcomes are uncertain and one of the possible end points of the justice journey, a court judgment, may not deliver the outcomes a user needs.

Game-changing justice services, which focus on the outcomes people need, can be far more attractive for users and in turn increase their willingness to pay. Smart fee systems can be developed, with pay structures that make use of services far more attractive. Smart fee systems optimise who pays for what and when they pay.

User contributions are possible even when the target group is low-income. In Uganda, the Local Council Courts charge fees from users in rural areas that help to cover the costs of the tribunals. Providers of justice services can also consider taking contributions from the other party to the dispute, who may have deeper pockets being a landlord or an employer. The community is often prepared to contribute to the costs of justice delivery as well (volunteers may for example act as third parties, and civil servants may act as mediators). Government subsidies for courts or legal aid are common. An effective gamechanger can attract targeted subsidies for the most vulnerable users.

The size of a smart fee should have some relationship to the costs of the service delivered. Pay-as-you-go systems have been developed in which accessing information is free, but support to achieve a settlement generates a fee. This fee can increase if a client needs mediation, adjudication or additional interventions that may be required in complicated situations. Government subsidies or cross-subsidisation can be used to avoid a situation where people who need a solution most are not able to afford it. Germany implements cross-subsidisation through fee schedules that charge rather high fees from corporate plaintiffs with substantial financial claims.

Task forces can also consider the timing of contributions. Court fee systems are often poorly designed. The user - who is likely to suffer financially from the justice problem - often has to pay up front, many months, or even many years before the court provides relief. This arrangement also misses the opportunity to [incentivise courts](#) to deliver more useful judgments earlier. Smart fee systems optimise all of this.

Vital public services like health care would ideally be free at the point of service for a basic package. In order to achieve that ideal, countries engaged in decades of innovation, resulting in: improved quality of services leading to greater willingness to pay; increased revenues leading to greater investment in better services; the development of private and public insurance models; government coordination; and willingness to contribute to the health of fellow citizens. All of this helps to ensure 100 percent access.

- HiiL, [Charging for Justice](#), 2020 provides an overview of how justice services can be made financially sustainable. It includes a chapter on smart fee systems for justice services.

Scaling the service: reaching the target population

The transition from reaching 100s of people to covering a country's entire population is best done on the basis of a scaling plan. Setting up or improving community justice services is often done geographically, area by area. One-stop shop procedures are most often implemented for one problem type at a time.

Contracting platforms typically develop standardised wills, family relationship contracts, employment contracts and/or rental contracts before they go live. This kind of minimum product package is needed before scale can be achieved. Integrating customer feedback to achieve optimum product-market fit is also important.

LegalZoom: scaling and improving

LegalZoom is often characterised as a 'disruptive innovation' or an innovation that brought about a paradigmatic shift. Time and again, the company has introduced cutting-edge services that have had success in the commercial market and simultaneously made legal services more affordable than before. To date, the company has over 4 million customers. One important factor that has enabled LegalZoom in scaling is the company's problem-solving outlook.

LegalZoom did not become complacent once its first venture - legal documents - became commercially successful. Rather, it sought to resolve more and other problems that people faced, one of which was obtaining legal advice from qualified lawyers for a modest fee. To address this problem, the company offered a prepaid legal plan to customers. As per the plan, customers can schedule unlimited 30 minute consultations with lawyers on personal and business matters for a fee starting from 10 dollars a month.

Thus, by diversifying its services, LegalZoom was able to tap into different sections of the market, expand its customer base and position itself as an attractive innovation to investors.

As one interviewee said,

'Many times, innovators are [so] carried away by the strengths of their innovation, that they forget to further innovate. Afterall, the innovator is trying to resolve problems. By limiting the innovation to a certain set of problems, the innovation limits its own growth. Instead, if the innovator adopts an attitude where he or she is looking to resolve new and more problems, it automatically broadens the scope of the innovation. By

continuing to address problems, the innovation boosts its own effectiveness and ability to reach out to more people than before.'

Rolling out a service is a specialism. High fidelity to the treatments that have been agreed is crucial. The [leadership and staff](#) that are needed to ensure that the service is rolled out well usually are to be different from the leadership and staff needed at the initial innovation stages. Useful experiences can be obtained from other public services such as financial inclusion and providing electricity to low-income areas of the world. These services have made important strides towards scale in recent years.

They often started as private sector initiatives backed by impact investors. Later on, such services can be [included in](#) or [validated by](#) the relevant government agency. In these ways, justice services can reach many more users.

M-PESA and scaling justice services

The proliferation of mMobile phones in developing countries isare contributing to equal treatment of vulnerable groups. Their use - in financial inclusion, increasing access to education, and many other Sustainable Development Goals - cannot be underestimated.

M-PESA is a large-scale mobile phone-based payment service working towardsensuring financial inclusion in Kenya. The scaling history of M-PESA provides interesting lessons. Launched as a public-private partnership by Vodafone and Safaricom with the support of a grant from the UK government, the initiative began as a pilot programme. The overwhelming response M-PESA received from the people in Kenya encouraged the company to scale it across the country.

Initially, the service was launched as a phone-based micro-lending initiative. However, after realising that the customers were using the product for a number of alternative purposes, the team decided to change the value proposition to allow people to make payments through the application.

Studies about M-PESA provide evidence of this public-private partnership's success in increasing financial resilience and saving as well as in allocating resources more efficiently. In 2016, [a research paper by MIT](#) estimated that the initiative had lifted 2 percent of Kenyans out of poverty. The research also found that the impact of M-PESA on female-headed households was more than twice the average measured.

The challenge of closing the justice gap is very different from solving unequal access to electricity or access to financial services. Still, many lessons can be learned from how other public services have approached the scale challenge.

- See case study on LegalZoom by HiiL (2021) for more information on how LegalZoom scaled and improved its services.

Securing investments: an investment plan that entices funders

The task of securing investments for justice services warrants a separate report. Here, we mention a few key learnings from our work.

One insight is that the public and the private justice sectors use different kinds of investment approaches and invest for different reasons. In the public justice sector, major “investments” are made in [court buildings and IT infrastructure](#). These investments often seem to be costs of maintaining services that are slipping. Investment plans for the public justice sector are often accompanied by talk about “dilapidated” court buildings and “paper files.” New court buildings and paperless offices are the deliverables.

Our view on investments is closer to that of the private sector. Investments should be aiming for growing justice services and improving their quality. An investment plan details the resources needed for the game-changing service to scale. Investments come in different rounds to support the scaling process. As a service reaches more people, [its revenues](#) grow. The investments are needed to finance the scaling process until further scaling can be paid from the growing revenue stream.

The justice sector can do a much better job in securing investments. Development think tank Overseas Development Institute (ODI) has investigated funding mechanisms for justice in [several studies](#) and found that investments in justice by international donors are stalling. Private investments in people-centred justice are also [minimal in comparison](#) with so-called investments in legal tech initiatives that primarily serve major law firms and businesses.

A second observation is that game-changing justice services cannot scale on the basis of the usual grants of a few 100.000s of euros from NGOs and international donors. The resources necessary to bring a service to scale require investments in the range of millions and tens of millions of euros. This kind of money is needed to sustain a [strong team](#), [validation](#), the effort and tools for [standardising](#) the service and the execution of the [scaling plan](#). This includes marketing and awareness raising.

Third insight: this is considerable money and at the same time very little money. Compared to the [social benefits](#) of a game-changing justice service, the investments required are rather small. The gamechangers tend to have low fixed costs compared to other investments in national infrastructure, such as internet connections, electricity grids and networks of hospitals heavy with medical equipment. For example, fixed

costs for community justice programs consist of the money needed for developing treatment guidelines, standardised working methods, IT infrastructure and a team that can ensure delivery of consistent and high-quality services by justice practitioners in communities.

Delivering justice primarily involves sharing information and connecting people through sophisticated interaction processes. An infrastructure for data collection on outcomes is also crucial. This infrastructure requires considerable investment but once the necessary laws, processes and interaction formats are in place, justice services can be brought to city neighborhoods and rural areas at costs much lower than the costs of expanding the roads and 5G networks.

Justice services, investors and mission creep

Based on its work with justice start ups, members of the HiiL Accelerator team developed the following case for the scaling program.

After five years of work experience in a law firm in Pakistan, Waqqas comes up with the idea of developing an online platform to process consumer claims, called Claimz. The venture sees great success in the initial stages and the number of Claimz users starts growing. The users find it very easy to navigate the platform and feel that their voice is being heard by the big MNCs and the government who would otherwise not entertain their legitimate complaints. With several awards for their exemplary initiative and media articles under their belt, Waqqas and his team start considering the possibility of raising serious investment to scale Claimz.

The team receives good mentorship as part of an accelerator programme, which puts them into contact with several angel investors and impact investing firms.

Many pitches and a number of sleepless nights later, the team receives the required funding from a prestigious angel investor in South Asia. They are jubilant and excited to scale the venture not only across Pakistan but also South Asia, as promised in their business plans.

After a few months of working under the guidance of the angel investors, it becomes evident that the vision of Waqqas and his team is getting further and further apart from that of the investors. The investors start putting conditions on their continued investment, which the Claimz team feels are increasingly pushing them out of the justice domain.

Not only do the investors expect the team to start serving individuals with legal issues other than consumer complaints, they make the next round of

funding contingent on serving general consumer queries on the platform, starting from electricity and gas payments to movie tickets.

While the proposal of the investors was guaranteed to bring Claimz to scale and bring in more users, Waqqas and his team begin to wonder if they are staying true to their original mission.

What should the Claimz team do in these circumstances?

The team leading the game-changing service should carefully consider what type of investors will best match their mission. The case study in the box above illustrates this. Private investors may be guided by a short-term horizon and financial returns. Innovators in the HiIL Accelerator that come from the start up scene are often interacting with the type of investors who stimulate them to move towards additional revenue streams that can be accessed easily.

Justice sector investors sometimes struggle to understand that more substantial growth can come from linking the services to courts and other government justice services. Understandably, they are reluctant to support scaling plans that need the cooperation of government agencies. They see this as high-risk and unpredictable.

Social impact investors and public-private partnerships may be more suitable sources of funding for game-changing justice services. In five of the seven gamechanger models, the [submission problem](#) of having to satisfy two parties with different objectives is a barrier to growth. Cooperation with the government can solve this problem and open up a path to rapid growth. Investing in lobbying for a level playing field may be a way to get access to the market for mandatory services that are [certified](#) by the government.

Enhancing leadership and team

Setting up or substantially scaling a gamechanger requires effective leadership. Private investors are extremely conscious about the teams of the innovations they consider funding. For justice services implemented by governments, this is also a major point of attention.

Access to the right mentorship is critical at different stages of an innovation's growth. This is especially important when an innovation is expanding, raising additional funding and forming a market share for the justice service they offer. Whether the service is based in a government agency or in a startup, it needs growth in user numbers.

Problem-solving courts: the promises and pitfalls of strong leadership

Strong leadership has been essential to problem-solving courts' ability to deliver the treatment outcomes people need at scale. Without the leadership of visionary judges and other leaders aiming to do things differently, they would never have come into existence in the first place.

Because of the tendency to maintain the status quo, individual problem-solving courts also rarely get off the ground without a strong champion. The reason for this can be traced to problem-solving principles and practices themselves: the goal is not to force people to change, but to make them change because they want to. In the same way, effective leaders can persuade system actors that problem-solving justice is the way to achieve common goals.

Community courts in particular require strong leadership. This can sometimes pose problems for the courts' long-term stability. For example, a community court in North Liverpool was championed by prominent national politicians. Their leadership was important for the court's establishment and initial funding, but changes in national leadership and the lack of local support were major factors in the court's ultimate closure.

Community courts may also struggle when their early champions move on. To avoid this and prepare for the eventual departure of the personalities who are driving change, it is important to put the courts' internal ways of working into writing. As previously discussed, it is also necessary to obtain evidence that the court's approach works, as this is a more important driver of funding than good leadership in the long-run.

Mid-level leadership within problem-solving courts also matters. Since staff are often employed and supervised by various partner agencies - rather than the director of the project as a whole - it is particularly important that they be selected with care, trained in the project's mission, policies and practices, and incentivised to work as part of a single team.

In the scale-up phase, innovation leaders need an orientation on managing growth. In HiiL's accelerator activities, we see that justice innovators are often heavily involved in improving the service. We have seen many judges and lawyer-innovators continuing to handle individual cases during pilots, as well as IT experts who continue to improve their innovation's web interface while also leading a team.

A team should have a range of skill sets and [methods](#). Scale-up programmes focus on enhancing more than 20 [different capabilities](#). For example, they focus on developing

an innovation's competitive edge: a unique advantage that makes the service distinctive.

The data about private sector scale-ups illustrate what kind of teams are successful in bringing a justice service to scale. Most services that scale are established by three or more founders who had previous experience in setting up new activities. Half of founders in the justice sector are insiders, and the most successful founders set up many ventures prior to their current one. They tend to have considerable experience in previous management roles.

- See case study on Problem-Solving Courts by HiIL (2021) to understand how the skills and collaborations of justice leaders have influenced the performance of the problem-solving courts.

7. Strategy 3: improving the enabling environment

The demand for effective solutions for pressing justice problems is both evident and substantial. New methods to resolve problems and supporting [technologies](#) are available. Yet in most countries gamechangers have not emerged. If a task force wants this to happen, its members need to think about how the financial and regulatory environment can enable it to.

Gamechangers operate in the regulatory environment for legal services. In many countries, only lawyers who graduated from law schools are allowed to give advice on legal issues. Regulation also restricts the business models lawyers are allowed to use. Dispute resolution services by courts are regulated by rules of procedure. Moreover, newly developed services need to find a place in budgets and procurement systems.

Introducing gamechangers is not for the politically naive. In some countries, positions of justice leaders are filled by politicians with agendas that do not involve innovative justice services that reach the broader population. Positions of police officers and prosecutors have a value that can be exploited for many different purposes.

A task force needs to pave the way. It should work on reforming regulatory, relational and financial systems so they can better accommodate gamechangers.

The guiding principle of this strategy is to ensure a level playing field that allows game-changing justice services to “compete” with existing services. A task force needs to work on this from the start, in parallel with the first two strategies. Strategic timing and early wins are crucial. As we will see in the next sections, this is a challenge but members of task forces have many levers of change available for their strategic use.

Timing of dialogue on regulation of justice services

This is what can happen if the enabling environment is not addressed early on: The task force has been established and its members have jointly assumed ownership of improving the enabling environment. Justice problems have been prioritised and [goals and targets](#) have been agreed on. One or more gamechangers have been selected. [Scaling-up work](#) on the gamechangers has started, ensuring that [effective treatments](#) will be more widely available. The task force is now convinced that game-changing services can be organised, become sustainable and reach most people with justice problems, either in communities, online or through specialised one-stop court procedures. The task force reports to the ministry. It is thanked for its great work and...five years later a member of parliament asks the minister to set up a committee to investigate the urgent and pressing problem of avoidable domestic violence.

Working to create the enabling environment should be done in parallel and start early. If it starts too early, however, it will have insufficient momentum. Justice innovation has a chicken and egg problem. Civil servants responsible for regulation will always ask what changes in the laws are needed for a particular innovation. Rightly so, because they have seen many major law reform projects fail. They need to see a new justice service working at scale before they will consider opening up the regulatory framework.

Unfortunately, many innovations are in the early stage. Innovations can only grow into gamechangers if they can land in a positive enabling environment where they are welcomed and rewarded with access to the market of people with pressing justice problems. Without this reward in sight, few great justice insiders and few entrepreneurs from outside the sector will start the complicated ventures that can lead to gamechanging justice services.

CrimeSync: getting stuck at an early stage

CrimeSync is a software platform that brings different agencies working on criminal justice together under one roof. It can operate in low-tech environments. One of the key features of the product is that it helps capture and monitor data on incarcerated individuals in different locations. It then helps create data-driven policies and more effective solutions. This unique software platform is developed by Soreiba Daffea, a justice entrepreneur in Sierra Leone.

The government of Sierra Leone is the primary customer of CrimeSync. They benefit by using the platform to monitor data on crime throughout the country. The pilot programme has proven to be successful and has favorable reviews from a number of stakeholders. The software has also been

launched across other districts of Sierra Leone. However, Soreiba often finds himself chasing different government departments and key decision makers who can help implement this solution at scale. Training prison officers and customising the software across locations is not proving to be an easy task either.

What is needed for the enabling environment for Soreiba's innovation to improve?

Our experience is that a powerful example of a game-changing service – or at least a prototype and a strong initial validation by a task force – is needed to create momentum. As we will see below, the US regulatory environment for legal services needed to see the example of LegalZoom before it could begin opening up.

The need to improve the enabling environment can also be illustrated by initial results of the strategy for evidence-based working. The task force can demonstrate that the codified way of dealing with conflicts and crime through adversarial procedures is much less effective than what practitioners currently do and what research recommends.

If the task force acts too late, it will lose momentum and exhaust its budget. As a result, teams working on innovative services may give up and the frustrations with outdated ways of working will increase. The public will have the impression that justice sector institutions perpetuate injustices.

Ideally, the enabling environment needs to be created within two or three years. This is the normal cycle of government and the time horizon for a minister of justice. For investors, this is also an acceptable time frame for an initial round of funding. In this timeframe, the task force has to operate very strategically, choosing from a number of options sketched below.

Transforming the political environment: possible coalitions

In the HiiL model of justice transformation, creating the enabling environment consists of separate stakeholder dialogues with a focus on integrating the gamechangers into laws and budgets. Members of the taskforce will need to align with the rhythms of governance at ministries and in parliaments. This is the world of national development plans, coalition agreements, ministerial budgeting and court financing. It is also the world of the experts deciding on revisions of codes of procedure and bar associations that have a crucial role in legal services regulation.

The task force will need to reflect on political sensitivities. A political economy analysis may be helpful. This is likely to uncover that justice policies are shaped in a liberal-conservative framework in which conservative parties emphasise toughness on crime and progressive parties focus on social safety nets. Family justice can be heavily politicised by ideas about family values or by gender stereotypes. In employment justice, progress may be difficult without the consent of trade unions. Legal aid is more likely to be promoted by left-wing parties than by parties representing the interests of businesses.

People-centred justice can best be framed as a technical and neutral approach aimed at better treatments and more effective justice services. That being said, coalitions still need to be formed between groups that hold power. Breakthroughs in the form of justice policies that gained broad support have happened before. Lately, quite a few governments have succeeded in reforming criminal justice. In the US, a coalition was forged between Republicans wanting to save prison costs and reduce recidivism and Democrats wanting more humane, effective treatments and less incarceration.

Several coalitions are possible. In the European Union, economic considerations have created momentum to deregulate legal services. In England and Wales, where there is a strong legal services industry, independent regulators have been created as a first step. In the US, coalitions of politicians, leading justices, vocal minorities in the legal profession, a new generation of law professors and innovative legal service providers have formed in several states. The drive to innovate and make justice more accessible is becoming stronger than the tendency to defend the adversarial legal system. In African countries, ministers (or attorneys general) and leading judges are inclined to open up the legal system for community justice services, which are more consistent with local values around social harmony and justice. These coalitions are supported by NGOs and donors who work from a development and human rights perspective. The case for justice reform is also made by the national planners that need to deliver economic growth.

A task force can perhaps not actively create such coalitions, but it can certainly contribute to them. We have seen in Canada, Nigeria and in the US that coalitions sometimes form at a provincial or state level and then extend to other states. Smaller states and city states move forward more easily than big countries.

Budgeting for people-centred justice: increasing the pie

A more technical element of the enabling environment is the budgeting process. This is where an [investment plan](#) for a gamechanger is likely to land. If the sustainable [revenue streams](#) for the gamechanger include permanent subsidies from the government, then subsidies have to be secured in a budget.

The public justice sector consists of a number of agencies. The most visible among them are courts, prisons, prosecution and police. Countries also have a forensic

laboratory, a legal aid board, clinics offering forensic therapeutic interventions, probation services, immigration authorities and agencies providing registries.

These agencies either compete for a slice of the ministry of justice budget or have to negotiate a proportion of the general budget of a state, county government or municipality. Each agency can also try to generate additional income from citizen contributions. In China and in the US, some courts generate funds from fines. The government budget allocated to the justice sector gets increased occasionally. More often, it will remain proportional to the government budget or as a percentage of GDP.

How can the task force find money for gamechangers in this environment? We offer a number of options to be further explored by task force members. There is no simple answer yet regarding what works.

The task force can present the investment plan, showing the fixed costs that need to be funded upfront and a clear trajectory to break even. With [limited investment](#) needed and [outcomes defined](#) and ready to be monitored, the plan may compare favorably to plans to increase the capacity of police or courts. Task force members can try to convince participants in the budgeting process that a separate budget line for innovation is appropriate and to reserve two or three percent of the total budget for this. This is an objective indicator for investing in research and development that is generally accepted and usually not yet met in government justice budgets.

If the gamechanger requires subsidies from the annual budget, a new agency – implementing community justice or problem-solving courts – can be established. This happened in Sierra Leone, where the \$1 million annual budget for the legal aid board budget represents 10 percent of the total budget for the judiciary and courts. In some Latin American countries, community justice services (judicial facilitators) are subsidised as a percentage of court budgets. In these examples, the negotiations took many years and potentially game-changing justice services were brought to scale gradually, which helped make the case for opening up the regulatory environment.

Task forces have to consider how this new budget line will affect the budget for other agencies. During budgetary constraints, it has proven to be an easy way out for the core justice institutions to simply stop doing the “non-essential” new things.

Therefore, the task force may want to promote an objective budgeting method, where outcomes and the costs of these outcomes are compared. Performance-based budgeting methods are slowly being introduced in the justice sector. Ministries of finance, donors or philanthropists may require budget holders to adapt their methods.

A task force can anticipate this development towards new ways of budgeting by showing an alternative budget for justice services that is based on outcomes for people. As explained in our [Charging for Justice](#) 2020 report, core funding for the current justice sector institutions could be combined with outcome-based funding for preventing and resolving justice problems. The justice problems experienced by people can be the [baseline](#) for this and agencies can be invited to show how their activities and

outputs contribute to prevention and resolutions. This should include how courts contribute to the “shadow of the law”. In other words, how their existence and availability as an adjudicator convinces people to agree to fair and speedy resolutions.

Another approach is to team up with existing agencies. Courts or police can reallocate their budgets to game-changing procedures and prevention programs. They may face internal pressures in doing this such as, legal aid lawyers may resist investments in legal information websites; or courts of appeal may resist shifting budgets to one-stop shop procedures.

The most likely pathway to funding is to demonstrate that gamechangers can increase the overall budget and contribute to better performance from existing agencies. Better outcomes – through one-stop tribunals and problem-solving courts – can increase revenues for the judiciary. In the United States, for example, **drug courts** benefited significantly from the fact that federal funding was often contingent on participation in rigorous evaluations that they might not otherwise have been able to afford. This research enabled them to demonstrate their effectiveness and secure sustainable funding streams early on. Furthermore, legal aid boards can increase their revenues and provide better outcomes when they set up community justice services and online platforms. Police can invest in prevention programmes that reduce crime. Programmes that provide better outcomes and streamline repetitive tasks will generate more income and create higher quality justice sector jobs.

A task force can set an example to encourage thinking about strategies to [increase revenues](#). We have learned that revenues are not a concept that court leaders automatically connect to. We recommend exploring this topic in depth by investigating different sources of funding and building a common understanding of how sustainable funding rewards practitioners. Rewards come in different forms: being part of a highly effective team, having the methods and tools to be available, more time to handle complex cases and opportunities for professional growth. Court leaders may also be made aware of other revenue streams such as charging fees designed for businesses with complex court cases

In many countries, court fees are set by legislation and the schedules are not adjusted regularly. In China, for example, courts have to optimise their funding. This funding process is discussed openly and in relation to the incentives it may generate. Courts may become too dependent on contributions from the local government and this may be a reason for the central government to step in with funding. A few courts have asked major local companies for contributions, knowing that they can benefit from law and order. Some courts have also been successful in generating more commercial cases that bring in higher court fees, but these can come at the expense of serving the justice needs of the broader population. Researchers Kwai Hang Ng and Xin Heon found that some courts also offer reductions in prison sentences in return for higher fines. A transparent dialogue about this can reveal the trade-offs that exist in any system financing a public service.

Some countries found interesting avenues to cross-subsidisation in the past. The best funded court systems are probably those of Germany and Austria. Their dispute resolution services are paid from registration fees which cross-subsidise services for the broader population. In their remuneration schedules for lawyers, large claims subsidise small claims. Most Swedes have legal expenses insurance, which tends to be included in indemnity insurance for their house.

In low-income countries, international donors like the EU, the World Bank and aid agencies may be willing to make funding for the justice sector conditional. They can make funding for courts or the police contingent on the implementation of gamechangers.

- Chapters 2 and 3 in Hiil's [Charging for Justice](#) 2020 report describe how budgeting systems in the justice sector operate.
- The example regarding legal help in Sierra Leone comes from Marcus Manuel, Overseas Development Institute, speaking notes, OECD webinar, 22 October 2020.
- For a detailed analysis of the financial models employed by courts in China, see: Chapter 7 'Economic Embeddedness: The Political Economy of Court Finances' in the book Kwai Hang Ng and Xin He, [Embedded Courts: Judicial Decision Making in China](#), 2017, Cambridge University Press.
- Chapter 6 'Smart Contributions Can Cover Most Costs' in the [Charging for Justice](#) report by Hiil (2020) outlines stakeholders who can contribute at various intervals to justice sector revenue streams.

Leveling the playing field: independent certification of justice services

The enabling environment for gamechangers also consists of regulation of legal services and rules of procedure. Community justice programs, one-stop shop procedures and problem-solving courts can only function if rules of procedure allow them to. Marriage contracts, employment contracts and rental agreements are heavily regulated. The rules for legal services can be a barrier to implementing each of the seven game-changers. These rules have been designed decades ago, with traditional roles of lawyers and judges in mind. The views on family and work relationships underpinning family and employment law may be outdated. Legal services were once thought to be provided through documents that should be printed, typed, signed, mailed or couriered. Providers of innovative legal services are now designing new roles for lawyers, connecting to recent knowledge about the needs of clients and working with new technologies.

For implementing one gamechanger, many of these rules may need to be changed. In 2013, Hiil helped Dutch courts to design a one-stop procedure for neighbour conflicts.

The design conflicted with rules on formulating claims, serving documents, defending against claims and the contents of court judgments. The mediation services built into the new procedure raised issues regarding mediation by courts, representation by lawyers and confidentiality of mediation. Informal communication with judges, as well as the storing of data in the cloud, led to additional discussions. In 2021, Dutch neighbours still have to use a formal, costly civil legal action that can take up to two years to solve a pressing nuisance problem.

Innovators providing game-changing services are thus likely to be entangled in a web of rules that do not fit what they do. Incumbents, delivering documents and handling their cases in the traditional way, want innovators to follow the same rules.

In the justice sector, incumbents derive extra power from their proximity to the system that enforces the rules. Bar associations and courts apply these rules as they are written. They are not equipped to consider the effectiveness of new solutions for users compared to the current situation. They mostly do this without having the intention to make life difficult for justice start ups or to block game-changing services. They just want to uphold the rule of law in their own backyard.

Obviously, the result is that many innovators face an uphill battle. Either they shrink their services to fit the regulation, or they face long legal battles and risk facing sanctions that destroy their business. Bar associations bring suits against providers of innovative services frequently. Services that have scaled across jurisdictions may be burdened with legal challenges from multiple local bar associations at once.

Innovators and incumbents both need a level playing field. The current regulatory regime for legal services and court procedures stifles innovation. This is perhaps the single biggest barrier to access to justice: the solutions and services that work, often cannot be implemented.

LegalZoom: regulatory regimes stifling innovation

The American Bar Association prohibits non-lawyers from practicing law. Because of this, LegalZoom has been implicated in several lawsuits and accusations by individuals and state bar associations (only one) on the charge of unauthorised practice of law (UPL).

In the case of LegalZoom, the bone of contention is not the provision of blank legal documents or forms per se, which is permissible by law and a service that various public and private initiatives offer.

Rather, it is the provision of customised, personalised legal documents to the customer that ruffles feathers. LegalZoom's software asks the customer to answer a series of questions specific to the legal document requested. The software assesses the individual's needs, marital status, and location. Based

on this information, it creates a custom legal document for the customer. This LegalZoom service has been considered tantamount to UPL by various state bar associations and lawyers.

The UPL statute is meant to protect consumers from fraudulent individuals who may pose as lawyers and damage the interests of the people. However, critics reason that if regulated well, non-lawyers can also provide effective legal services at a fraction of the cost of a lawyer. It is common knowledge in the USA that most lawyers charge exorbitant legal fees that make them inaccessible to the majority of the population. Allowing online legal service providers to operate will drive down the price of legal advice and allow a more competitive legal market to emerge. Innovative services like those offered by LegalZoom increase access to justice and make legal advice affordable to the underserved.

The Federal Trade Commission and Department of Justice in the US saw merit in the above arguments and urged the State Bar Association of North Carolina to drop the lawsuit against LegalZoom. Eventually, the two parties reached an agreement in which LegalZoom would be allowed to operate subject so long as it made modifications to its services and took steps to protect the interests of consumers.

Despite the commercial success LegalZoom experienced, the company faced litigation on charges of UPL for years. It took State Bar Associations and administrative bodies a long time to realise that companies like LegalZoom play a pivotal role in increasing access to justice, and that rules and regulations need to be modified to allow such companies to flourish. These regulations should be modified not only to accommodate different types of legal service providers in the market, but also because new legal service providers also need to be monitored in order to protect consumer interests.

LegalZoom possessed the financial resources and gumption needed to withstand pressure from a tough regulatory environment. Not all legal innovations may be able to do the same. How can the task force protect fledgeling innovations and ensure that they can flourish?

A regulatory sandbox is an emerging solution for this that a task force can promote. A regulatory sandbox allows the regulation of a gamechanger - say a user-friendly contract for work relationships or a community justice service - to be designed in sync with the gamechanger itself.

Utah regulatory sandbox: the future is here

In August 2020, the Supreme Court of the State of Utah in the US unanimously authorised a two-year “legal regulatory sandbox” pilot programme intended to bridge the access to justice gap. The programme’s mandate is to make it possible for non-lawyers and other agencies to experiment with innovative justice models and approaches to the system of law and justice. The effort is billed as a solution to the justice system’s failure to provide legal representation to poor, working-class and middle-class Americans. The changes followed a Taskforce Report: [“Narrowing the Access-to-Justice Gap by Reimagining Regulation”](#).

In a statement, Utah Supreme Court Judge Deno Himonas said, “We cannot volunteer ourselves across the access to justice gap. We have spent billions of dollars trying this approach. It hasn’t worked. And hammering away at the problem with the same tools is Einstein’s very definition of insanity. What is needed is a market-based approach that simultaneously respects and protects consumer needs. That is the power and beauty of the Supreme Court’s rule changes and the legal regulatory sandbox.”

The new businesses and initiatives participating in the sandbox will be overseen by a new regulator: the Office of Legal Services Innovation. The regulator will work directly under the supervision of Utah’s Supreme Court.

The rest of the world curiously looks forward to the experiments carried out in this historic sandbox, which will provide important lessons for the other justice systems, innovators and legal regulators.

Countries are moving in the direction of regulation based on activities. This removes restrictions on how law firms can be owned and governed.

Detailed regulation of procedural rules - which stifles the development of effective treatments by courts, police, prosecution and lawyers - can be replaced with a certification system. A court or agency can then design and develop a good treatment, collect evidence about its effectiveness, and ask for certification by an independent evaluator. The same procedure can be followed by a law firm, startup or public-private partnership.

- To learn more about the level playing field, see: The International Task Force on Justice, [Innovating Justice: Needed and Possible](#), 2019.
- The Institute for the Advancement of the American Legal System (IAALS) has established the [Unlocking Legal Regulation Knowledge Center](#), a resource base

of current legal scholarship and state recommendations for those interested in unlocking legal regulations.

- Independent regulators for legal services are replacing self-regulation by lawyers. They have been proposed or are being set up in Scotland, England and Wales and Germany. A leading analysis is: Gillian K. Hadfield and Deborah L. Rhode, *How to Regulate Legal Services to Promote Access, Innovation, and the Quality of Lawyering*, 2015.
- The dialogue about regulation is also prominent in leading legal innovation blogs curated by [William Henderson](#) and [Mark Cohen](#).
- For more information about the Utah Regulatory Sandbox, see: [Website of the Office of Legal Services Innovation](#), State of Utah, USA.
- The Consultative Group to Assist the Poor published a [guideline for building a regulatory sandbox](#).
- See HiiL's case study on LegalZoom (2021) to learn more about LegalZoom's experience operating in the American regulatory environment.

Procurement system: improving make-or-buy decisions

Unless you live in the UK, your doctor is likely to be a private entrepreneur. Water is cleaned and brought to your tap by specialised companies. Electricity and public transport are other examples of public goods sold to citizens by the private sector. In the justice sector, work is outsourced to law firms, bailiffs, translators and foundations delivering probation services. Arbitrators and mediators are resolving disputes, in competition with courts. Prison services and forensic therapeutic interventions are organised through different public-private partnerships.

A task force better avoids a fundamental discussion about privatisation. A preferred approach is to help government agencies consider their make or buy decisions.

Gamechangers are developed by private and public initiatives. In order to benefit from private sector innovation, government agencies should be able to procure gamechangers from the private sector. If the private sector offers services superior to those the nearest government agency can offer, the private sector should be empowered to do so. In some countries, courts have a rather poor track record of digitising and modernising procedures. Until recently, they have tended to build custom case management systems - in spite of the fact that several providers offer configurable case management systems that can be accessed for a reasonable fee. As we saw, many innovators have designed very smart procedures that could be implemented by courts, shifting the innovation risk to the private sector.

As the examples above illustrate, ministries of justice can always consider allowing selected organisations to offer (mandatory) one-stop procedures. Currently, this is limited to courts organised by governments, arbiters and new government agencies

(ombuds, tribunals). In the 2020s, the providers of these procedures can be spinoffs from courts, led by an entrepreneurial judge, NGOs with a track record in justice services, IT companies selling case management systems with ODR capabilities or startups run by lawyers-turned-justice entrepreneurs. The relevant regulatory body could allow private services certified by an independent government agency to be offered. Alternatively, it could contract one of the organisations mentioned above as the manager of a service with trusted judges paid by the state as adjudicators.

Problem-solving courts, prevention programmes and community justice services have to make similar make or buy decisions. User-friendly contracts, claiming platforms and information and advice websites are more likely to be delivered by private companies. The task force can stimulate the same way of thinking, however. A claiming platform is in a way a substitute for an user-friendly procedure at a government agency. Information and advice websites can be run by startups, NGOs and government legal aid boards. Detailed rules about marriage contracts are a substitute for certified marriage contracts delivered by the private sector.

The task force may want to help the ministry of justice to design a procurement system that deals with these issues in an objective way. When a government procures a service, the playing field for competitors should be level. In order to get citizens the best deal, government agencies should also be seen as competitors.

An effective procurement strategy also includes the option to buy or co-develop new technologies in a way that is fair to innovators and governments. HiiL worked with quite a few innovators who feel their innovations have been copied by government agencies. Contemporary procurement rules are being redesigned to optimise innovation and can provide inspiration here.

- The European Commission has undertaken [initiatives](#) to boost the uptake of innovative goods and services in public procurement practices.
- The right to challenge is a mechanism through which communities or citizens can challenge a government agency with a proposal to deliver a public good in a better way than is provided by the agency. See here for an [example](#) from the UK.

Navigating the vested interests: a pathway towards growth

The task force will have to ensure a level playing field. One of the risks of this approach is that the task force is held up in lengthy discussions with the incumbent agencies currently delivering fair solutions. Interacting with different offices inside ministries or bar associations can be complicated and time-consuming.

A possible way forward is to apply a method that is at the core of people-centred justice reform: focus on outcomes and start designing the arrangement that delivers the most sustainable solution. In this case, an ideal agreement would increase revenues for justice sector agencies, incentivise reforms of treatments and services and make it

possible to stop ineffective activities (by allowing adequate transition periods or providing compensation).

The box below provides a general outline of such an agreement.

A pathway to growth (Charging for Justice report)

1. Setting an inspiring goal of 100% coverage of effective solutions for the most urgent and frequent justice problems.
2. Safeguarding core funding for the broad social goals of the justice system and introducing smart fees: increasing contributions by beneficiaries and government agencies for effective services, whilst decreasing general subsidies.
3. Allowing justice sector organisations to reinvest the extra revenues.
4. Regulatory space for developing well-defined, scalable, financially sustainable services for particular target groups. Courts, other current providers of services, and innovative newcomers should be allowed to develop gamechangers.
5. Attracting private and public investment by ensuring that evidence-based, scalable and financially sustainable services can become the default for particular categories of disputes and crimes. These services should observe value-based regulation.
6. Focusing on local delivery of solutions for the most urgent and frequent justice problems. Supporting local delivery with world-class know-how.
7. Investment (by the World Bank, OECD countries or major foundations) in basic technologies for delivering fair solutions that can be used worldwide.

When negotiating such an agreement, major transitions in other sectors can serve as inspiration. The negotiation of the Paris climate agreement is a paradigmatic example.

- The [Charging for Justice](#) report by HiiL (2020) breaks down the elements of the general pathway sketched above.
- The process leading to the Paris Agreement is described in this article in [The Guardian](#).

8. Strategy 4: data on problems, impact and outcomes

Effective people-centred justice critically depends on availability of data. Data collected at the level of service delivery inform the quality of a particular service. Data collected and published at a national level make it possible to monitor progress on the extent to which justice problems are prevented and resolved within the broader population.

Measuring justice delivery: the benefits of further standardisation

A standardised approach to monitoring the quality of processes and [outcomes](#) is crucial for increasing the quality of justice interventions that combine into a process that resolves a justice problem. A standard allows treatments to be compared and evaluated systematically. Currently, evaluation studies for justice interventions each make use of their own methods. Ideally, practitioners and researchers use similar monitoring methods for the process and outcomes of, for example, personal injury cases.

When HiiL developed its [measuring justice methodology](#), standard indicators of procedural justice existed: voice, respect and information people receive when they follow a certain procedure. Further standardisation is needed to measure the quality of justice outcomes, such as distributive justice, restorative justice, effectiveness and transparency.

Measuring the time, money and emotional costs of getting access to justice has also proven to be a challenge. People go through complicated processes to achieve justice and generally find it difficult to disentangle the costs of resolution from the impact of the problem. A better methodology for measuring the burden of seeking justice is needed. One clear and consistent finding is that the emotional costs of this process should not be ignored. The existence of secondary victimisation as a concept is a case in point.

A task force working on a specific category of justice problems in a country can hardly be expected to contribute to developing these standards. The task force can, however, align with standards that are being considered by international experts. [International standards](#) for monitoring problems, impact, outcomes and justice journeys are developing. The sooner this work leads to first versions of worldwide standards, the better.

- Measures for procedural justice are described in J.A. Colquitt, J.B. Rodell, Measuring justice and fairness, in [The Oxford handbook of justice in the](#)

[workplace](#), 2015. See also Clara Sabbagh and Manfred Schmitt, Handbook of Social Justice Theory and Research, 2016.

- Literature review on the psychological costs of litigation: Michaela Keet and Heather Hevin in Farrow and Jacobs, The Justice Crisis, 2020, Chapter 14. A more extensive version can be found in Michaela Keet, Heather Heavin and John Lande, Litigation Interest and Risk Assessment: Help Your Clients Make Good Litigation Decisions, 2020.

Regular national surveys: needed and difficult to fund

Countrywide data is needed as well. Ideally, data enables the task force and the providers of justice services to monitor progress towards people-centred justice. Widening justice gaps, or increases in the burden of injustice, can signal a need to redirect resources or develop new treatments.

Data on the economy are published on a quarterly or monthly basis. Crime statistics are typically published on a yearly basis. Data on justice problems, impact, vulnerable groups and outcomes achieved can be collected through standardised surveys that are repeated every year or more frequently. For most sustainable development goals, time series exist that show trends in the performance of different countries. [Our World in Data](#) has become a core hub for these data. Few time series related to justice [are available](#). Comparing data occurs mostly [between countries](#) while survey repetitions are few and far between.

When publishing data about justice problems in the population, the task force should reflect on actionability. What information should be shared with which audience? Who can take action on which elements of the data? How do they learn about the data? By conducting [Justice Needs and Satisfaction Surveys](#) in a wide range of countries over the years, HiiL has learned how data can be made more actionable.

[Survey data](#) are often presented as percentages of populations. For a team looking to scale up a game-changer and do [capacity planning](#), for example, the number of potential users is more meaningful than a percentage. This can easily be estimated from survey data. Specialisation is key. Data users often request that data be grouped by type of justice problem. Breakdowns of specific issues (i.e. divorce or child support) and specific complications (i.e. violence, loss of job, personal injury, relational problems) are also useful. Sample size may become a problem, though, because a survey will not capture that many people with one particular type of justice problem.

Data about impact and outcomes achieved must always be interpreted. Stories, representing the average justice journey, are suggested as an illustration. Justice journey maps - which visualise people's experiences seeking justice - are another frequent request. Do people need more information to resolve their justice problem? Or is contacting the other party for meaningful negotiation their main bottleneck? Do

they need more interpersonal respect? Or was the amount of money they received through the resolution process unfair?

Survey results are much easier to interpret if they include benchmarks. International rankings such as the ones provided by the [World Justice Project](#) and comparisons to neighbouring countries can be helpful. However, few countries consistently perform at a level high enough to be visible in national surveys. Most high-performing services are operating at [a small scale](#). Few countries have scaled a [particular service](#) to the entire target group. When selecting benchmarks, this needs to be taken into account.

Securing resources for annual surveys has proven to be a challenge. Victimisation surveys, which were once done in a standardised way across Europe, have been [discontinued](#). Legal needs surveys are administered irregularly. National statistics offices are now asked to include questions about justice in their large population surveys. This happened in [South Africa](#).

Surveys can be carried out in person, in people's homes, through panels organised by data collection companies or through social media. Each method has pros and cons in relation to representativeness. Collecting social media data creates an opportunity to monitor trends in justice needs in real time. HiiL experimented with this during the COVID-19 crisis by comparing [social media trends](#) to the [observations of experts](#).

Triangulation with other data

Survey data need to be compared with other data. In most of the countries where HiiL has carried out a Justice and Needs Survey (JNS), the World Justice Project has collected more basic [access to justice data](#) in the three largest cities. Courts may have user experience data. These forms of data can both be used to enrich existing survey data.

Access to justice reform programmes are executed by private, public or civil society organisations. Sharing performance and output data with the task force (and the public) in open formats should be part of implementation activities planned by the task force. Indicators for which there is no valid, reliable and constant data have little value.

A flaw of current survey methods is that they miss people who are in prison, homeless, hiding from the authorities. Some people also may have problems that are shameful. They may avoid talking about them or are in denial. Depending on how questions are asked, surveys also may miss the gravest injustices: people dying or disappearing. Survey companies contact people at home, through phone calls, through email or through social media. Reaching the population excluded by these methods requires other methods.

Data on the number of people in these hard-to-reach categories can be used as a proxy. Estimates of these numbers are available in many countries. Each person who is in custody, is homeless or is unregistered is very likely to experience this situation as a

justice problem. More reliable data about the problems these people have can be obtained by surveying segments of these populations.

- HiIL developed a method for triangulation of data, interacting with stakeholders and comparing data from different sources.

9. Strategy 5: strengthening the movement

The task force has to ensure momentum is sustained. When considering this fifth strategic intervention, we can assume that the task force was assembled and progress has been made towards greater evidence-based working. A sizable minority of justice practitioners has [committed](#) to this. [Learning communities](#) now regularly discuss what works. Together with the disputants they assist, these justice practitioners monitor [progress towards outcomes](#) for land disputes or personal injury cases. [Resolution rates](#) are improving. A [project plan](#) for scaling and enhancing at least one game-changing justice service is being implemented. The service reaches [new groups of users](#) every week. Task force members have improved the enabling environment, so the gamechanger is well [regulated](#) and the [subsidies](#) for serving the poorest have been secured. Future gamechangers can thrive in this [environment](#).

A task force should anticipate this advanced stage. Maintaining momentum and building the movement for people-centred justice is key. The task force now has to ensure that the justice sector is pressured to continue on the path towards higher resolution rates and more effective prevention.

Understanding incentives: justice and monopolies

Why is justice reform so difficult, while the gains are so obvious? A task force should understand the incentive structure within the sector and the ways that demand for justice meets supply. Recent research confirms that incentives on courts and other justice services to deliver high quality access to justice are rather weak, which explains why justice services often [fail to meet demand](#).

Demand for justice is much more diffuse than demand for water or better roads. People coping with conflict or crime do not know exactly what outcomes they want and what is reasonable to expect. They need fair outcomes for injustices a few times in their lives. This hardly makes them into powerful consumers of justice services.

When one individual needs a fair solution, the other party may push in a different direction. In order for justice to be achieved, it must be created between people who are involved in an injustice or want to ensure their relationship will be fair and functional in the future. It may also happen in the shadow of an intervention by a third party, who may have had to intervene to impose a solution. The interaction between the parties originally involved in a conflict and third parties is complicated. Demand for

justice and supply come together in a blur of emotions, conflict, debate, escalation and polarisation. Seen from the third party supply side, demand for justice comes from two parties who often seem to go in opposite directions. People seeking access to justice are dependent on the third party and are likely to be in this situation for the first time. So they are unlikely to vocally demand effective treatments, good service and efficient solutions.

The [submission problem](#) also requires that the demand for fair solutions from two parties is channelled into one request for an effective treatment delivered by an effective service model. On the supply side, the mandatory involvement of third parties leads to some form of government monopoly. Access to people-centred justice therefore needs to be increased by strengthening the incentives of courts and other institutions and also stimulating them to make use of society's innovation potential.

There are a number of ways to improve incentives that a task force might consider. [Monitoring outcomes](#) and developing good national [indicators](#) helps. Higher resolution rates and greater satisfaction with outcomes should be emphasised. Individual justice practitioners deserve [rewards](#) for helping to resolve what often amounts to a [crisis in an individual's life](#). Improving relationships, resolving conflict and preventing crime should be recognised as a valuable contribution to society. Financially, a game-changing justice service should benefit from the high quality justice outcomes it delivers and its relatively broad reach. When increased income or cost savings are immediately taken away, there is little incentive to improve productivity.

People who are satisfied with a fair, balanced outcome are more likely to want to express their appreciation. Similarly, a person dissatisfied with an unhelpful court decision should be able to express her needs. Confining the feedback on justice outcomes to the option of a formal appeal can be dehumanising. An alternative is to see whether outcomes can be improved after an agreement is reached or a decision is made. In dispute resolution language this is known as [aftercare](#). In China, frontline judges are supposed to achieve settlements that are acceptable to both parties, which may require going back and forth between them. Chinese citizens have rights to petition the (local) bureaucracy that can also be exercised in courts.

Online [contracting platforms](#), [information and advice services](#) and [claiming platforms](#) can also be stimulated to respond to user needs. The Legal Services Board in England and Wales regularly publishes valuable research about consumer needs. A task force can facilitate research in [evidence-based treatments](#) and fidelity to these treatments in the service delivery model of any of the seven [gamechangers](#). Following up on [recommendations](#) can be made part of the [certification process](#).

Collecting more data and holding justice services accountable for the outcomes they deliver will be high on the agenda of the task force. If improvements are stalling, the task force can consider additional incentives. On a [level playing field](#), a low-quality incumbent will invite more competition from newcomers. The task force can identify areas where such competition is needed in a yearly report on access to justice in the

country they are working in. Resolution rates and effective prevention (leading to a lower number of justice problems people suffer from) can become central to performance reviews of leading officials.

- Many (econometric) studies are now appearing that investigate what incentives and organisational features influence judicial performance. A. Melcarne, G.B. Ramellosee, Judicial independence, judges' incentives and efficiency, Review of Law & Economics, 2015; S. Voigt, Determinants of judicial efficiency: a survey, European Journal of Law and Economics, 2016.

Creating public engagement

People-centred justice builds on what people need, the ways that people already create justice by themselves and the ways justice practitioners help them. Can a task force assume that voters and politicians will be ready to support this cause?

Once the [initial case](#) for people-centred justice has been made, a task force needs continuous political and public support. Leaders in the justice sector and justice practitioners will change their ways more readily if they feel they have public support. Engaging with the public can even be seen as a key element of the task force's strategy.

The justice sector's track record of public engagement is mixed. Recent research confirms criminal justice policies are strongly influenced by an often punitive public mood, which is in turn influenced by (often inaccurate) reporting on crime rates. Cases highlighted in the media tend to be outliers, not the average divorce, personal injury or theft in a shop. If the media exaggerate the bad intent of perpetrators, their articles attract more views. Netflix series depict justice as an adversarial game, driven by a flow of accusations, claims and defensiveness, culminating in verdicts providing relief. This is also how civil justice cases are portrayed in the mainstream media.

Research done by the Canadian Forum of Civil Justice reveals the ways in which lawyers typically present the cause of access to justice. Too often, they equate it with legal aid for the poor and criminal defence. This is not likely to appeal to middle-class voters. Better positioned messaging would focus on the justice problems that most people encounter during their lifetime. Innovators from around the world who have tried to [market their justice services](#) from this perspective can be valuable resources for a task force.

The public identifies more easily with groups who have been the victims of particular injustices. Media reports of this kind of systematic injustice often drive [politicians](#) to set up task forces. Funding for reparations is more widely accepted by the public in such cases, and politicians are happy to step in.

Another positioning option - following up on the expert advice to [focus on outcomes](#) - is to zoom in on peaceful resolution. In the Arab world, in African countries, in

Colombia and in China, fear of civil unrest and war is widespread. In the US and Europe, many people are wary of polarisation. Peaceful resolution is too soft; law and order is too harsh. "Proponents of people-centred justice have to find a middle ground here."

Successful task forces develop a continuous public engagement strategy. If the work of the task force remains behind closed doors, the movement for people-centred justice can easily stall. A website where the media and the general public can follow progress is advisable. [Indicators](#) may have a central place on such a website. A infographic explaining the idea of systematic programming can be used to visualise how people in a country (or another target group) make progress towards fairer resolutions and signal what the task force plans to do next.

- Justin T. Pickett, Public Opinion and Criminal Justice Policy: Theory And Research, Annual Review of Criminology, 2019 summarises research on public opinion regarding criminal justice. Politicians follow underlying public moods rather than public opinion about concrete proposals.
- David Landau, Courts and support structures: beyond the classic narrative, Comparative Judicial Review, 2018 investigates how courts need support from the public and other constituencies in order to be effective.
- Several contributions in Trevor Farrow & Lesley Jacobs, The Justice Crisis: The Cost and Value of Accessing Law, 2020 criticise how access to justice has been presented as an issue in public debates.

Professional and trade organisations for people-centred justice

Many people are shaping people-centred justice. These individuals would benefit from being organised and brought together. Increasingly, frontline judges, lawyers and prosecutors view solving justice problems as their mission. Many of them now work closely with professionals from other disciplines. Fewer and fewer see applying the law to cases as their core role. Many apply mediation techniques and use problem-solving methods in their everyday work. For many experienced justice practitioners, law becomes more of a tool and a support structure to achieve fair results than the command structure they learned they had to follow in earlier years of their career .

Add to this the growing number of courts, startups, law firms and companies offering innovative justice services. Together, they can be a powerful force that sustains the movement towards people-centred justice. First, they need to be organised. Together, they can demand a [level playing field](#).

Currently, justice innovators are less well organised than bar associations, organisations of judges and the formal justice sector institutions - all of which have easy access to ministries and politicians. Politicians and ministries need (and often

want) a balanced representation of interests from the justice sector. A task force may be able to take on this challenge, or help to ensure that it is taken up.

Supporting the movement: a people-centred justice unit

A task force will be a crucial driver of the momentum in the initial phase of people-centred justice programming. Over time, the task force may consider setting up a permanent organisation. Depending on the [scope](#) of the task force, this national-level unit may focus on one type justice problem, a number of the most pressing ones or a combination of gamechangers.

The main criterion for this unit is its ability to maintain momentum: a gradual and sustainable improvement of resolution rates and prevention numbers. The means to do this are a continuation of the five strategic interventions described in this report. The unit should, therefore, focus on: (1) further implementing [evidence-based working](#); (2) ensuring [gamechangers](#) are scouted, implemented and [scaled](#); (3) representing the needs of innovators and citizens in efforts improving the [enabling environment](#); (4) regularly monitoring and publishing [data](#) on justice problems, impact and outcomes; (5) engaging in the activities described in this chapter to strengthen the movement.

Initially, the focus of the local unit may be to sustain the work of the task force. Regular meetings will still be needed, in which task force members are assigned tasks to follow up on the progress of the strategic interventions. New members of the task force will need to be recruited on a continuous basis. A core group of 8 members, with a broader task force of 30 members, is what we have seen working.

In order to carry out these activities successfully, the members of the local people-centred justice unit will need a broad variety of skills. The leadership of the unit should consist of people with a high-level network and good access to media.

Determining how a centre like this could become sustainable is still work in progress. Currently, the user perspective of the justice system is not safeguarded in a systematic way. In some countries, innovation centres at universities are taking on this role, often led by ex-ministers or ex-chief justices. The university affiliation ensures a research orientation. It also has the disadvantages of a university bureaucracy. Their funding may be limited.

The university centres tend to be more vocal than research or training centres connected to the judiciary, the ministry of justice or the legal aid board. The latter are often providing good data, but are less vocal in providing external incentives.

- Examples of knowledge centres: [IAALS](#) (Institute for the Advancement of the American Legal System, Denver), [Centre for Innovative Justice](#) (Melbourne), [Namati Legal Empowerment Network](#), [Centre for Justice Innovation](#) (New York), [Judiciary Training Institute](#) (Nairobi), [National Centre for State Courts](#)

(Washington), [Harvard Access to Justice Lab](#), [Legal services consumer panel](#) (London), Federal Justice and Legal Research and Training Institute (Addis Ababa), [International Legal Aid Group](#), [Datos Abiertos de la Justicia Argentina](#). [Self represented litigants network](#). [Barefoot Law in Uganda](#) is also a laboratory for new treatments and services.

Organising the international body of knowledge

Increasing access to justice for all is a UN Sustainable Development Goal. [SDG 16.3](#) is a common goal for every country. Data collected on justice problems confirm they are largely similar everywhere and solutions are likely to be similar as well. Comparative dispute resolution research confirms that mediation styles and preferred interventions differ as much between individual mediators as between the countries in which they operate. Decision-making by individual judges or community panels follow similar patterns everywhere. Information about norms is shared through similar channels: websites, telephone help desks and advice by legal professionals. The innovations developed by justice startups are comparable as well. The similarities have been consistently identified by researchers in the fields of comparative dispute resolution and comparative law.

Sustainable development goals are common challenges for humankind. They are textbook examples of a moonshot challenge. The effort to develop vaccines for Covid-19 and to organise how they are effectively delivered to every country demonstrates what international cooperation can achieve and how it can be improved. In order to make this happen, a lot of groundwork was needed.

What might task forces - working together across borders - ask from a major foundation supporting Sustainable Development Goal 16.3? The following international public goods can enhance people-centred justice delivery substantially:

Elements of a standardised knowledge infrastructure	Examples and inspiration
Taxonomy of justice problems	OECD review of legal needs studies provides a taxonomy. Legal Issues Taxonomy by Stanford Legal Design Lab. ICD-11 , DSM-5
Standard way to measure impact of justice problems	Legal needs studies have experimented with visual and numerical impact rating scales. HiiL's JNS has different impact measures. Global burden of disease methodology.

Standard way to determine resolution rate and other key indicators	UNDP, WJP, OECD and OSJI have worked on a civil justice indicator .
Standard outcome monitoring tools for most pressing justice problems	See OECD study on monitoring . And HiiL on outcome monitoring .
Standard method for developing treatment guidelines	WHO handbook for guideline development . HiiL guideline methodology for justice interventions.
Treatment guidelines most pressing justice problems	National Institute of Corrections evidence-based practice . Many jurisdictions have best practices for probation services (UK example). HiiL examples of recommendations for family justice and land justice
Recommendations for community justice services	WHO guideline on health policy and system support to optimize community health worker programmes, 2018.
Model law enabling innovative court procedures, innovative legal services and innovative treatments	Regulatory sandbox rules, Designs of legal services regulation , Laws governing innovation in construction industry, health care and other public services.

International cooperation has delivered similar public goods in the past. The World Health Organisation (WHO) and other international standardisation bodies can provide valuable lessons learned.

- Resolution practices are similar across countries: Maria Moscati, Michael Palmer and Marian Roberts, Comparative Dispute Resolution, 2020; Jacqueline Nolan-Haley; International Dispute Resolution and Access to Justice: Comparative Law Perspectives, 2020.
- The HiiL [justice dashboard](#) aims to be an early experiment in how this knowledge can be shared.

Methodology

HiiL specialises in rigorous programming for people-centred justice. Our mission is in line with the magnitude of this challenge: prevent or resolve 150 million pressing justice problems by 2030.

We believe that data on what works, combined with innovation, can transform the justice sector. Towards more effective services, improved financial sustainability and more popular support.

Since 2011, we have worked on justice innovation projects, always taking the perspective of the user. We created a [Justice Needs and Satisfaction Survey](#) that has informed justice leaders in 20 countries. HiiL scouted and helped [accelerate 100 promising justice services](#) in state capitals and rural areas. Ministries and justice leaders from countries developed [action plans and transformation strategies](#), facilitated by HiiL.

This experience has resulted in a systematic programming approach for people-centred justice. We believe this is needed in a field full of statements of principle, where innovation rarely moves beyond pilot projects that reach a few thousand people.

With the Dutch Ministry of Foreign Affairs (MFA), HiiL is negotiating a proposal to assist the justice sectors in a number of African countries. Each of them has high impact justice problems and a poorly resourced legal system. We also work in South Africa, the US, Ukraine and the Netherlands, countries where justice innovation is flourishing. The Hague, the international city of peace and justice, provides inspiration. Our partners in the countries where we operate are organisations of justice practitioners, justice innovators and justice leaders.

This report is built on this experience.

Contact information

Name, role

T: +31 (0) 70 762 0700 | E: name@hiil.org

Fluwelen Burgwal 58, 2511 CJ The Hague, The Netherlands

www.hiil.org