



Innovating paths to justice

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ILAG Edinburgh

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Innovating paths to justice

- **Why innovation?**
 - **What to innovate?**
 - **Policymaking for innovation?**
-

Listening for justice needs ...



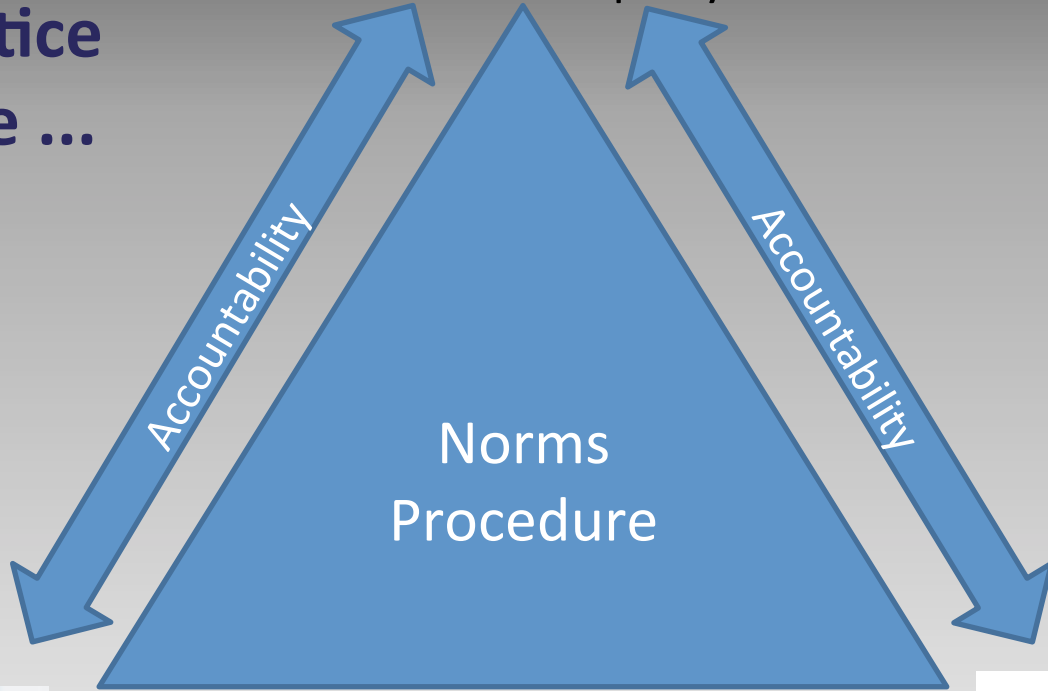
Code of Conduct

for **Handling Personal Injury Claims**



Neutral third party

Access to justice happens here ...



Complainant

Defendant

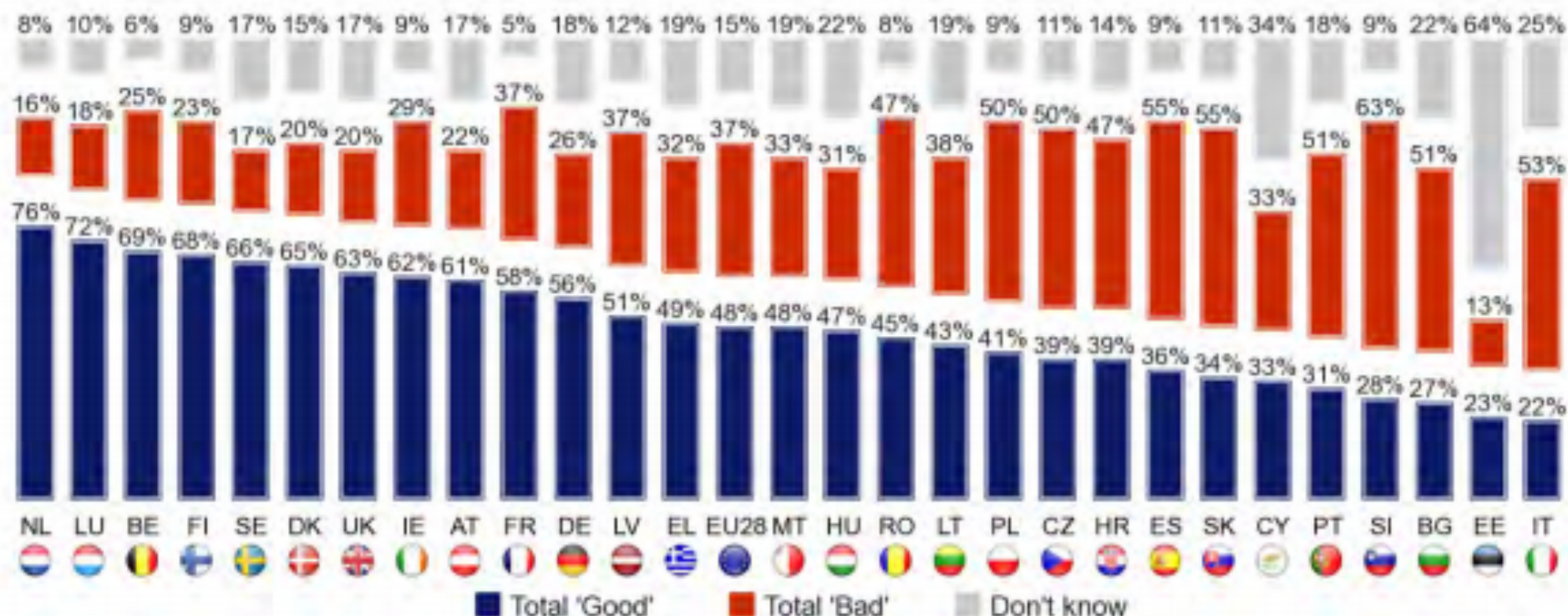




Fair court decisions ... (Eurobarometer Justice 2013)

Q5.3. The civil and commercial courts are in charge of disputes, such as those concerning contracts or insolvency proceedings. From what you know, how would you rate the justice system in (OUR COUNTRY) when dealing with civil and commercial affairs on each of the following aspects? Would you say it is very good, fairly good, fairly bad or very bad?

Fairness of judgements



But ... unmet needs in process divorce/separation

(Average 2.81 on scale 1 to 5)



10 dimensions justice (3 procedural, 4 outcome, 3 accessibility)

41 questions. To what extent? (scale 1-5)

Survey 4862 people +18 Ipsos Internet panel

High score is positive, so time, money spent, stress: high score = good access

Legal aid helps Some trends

citizens advice bureau



1. Information, advice, support



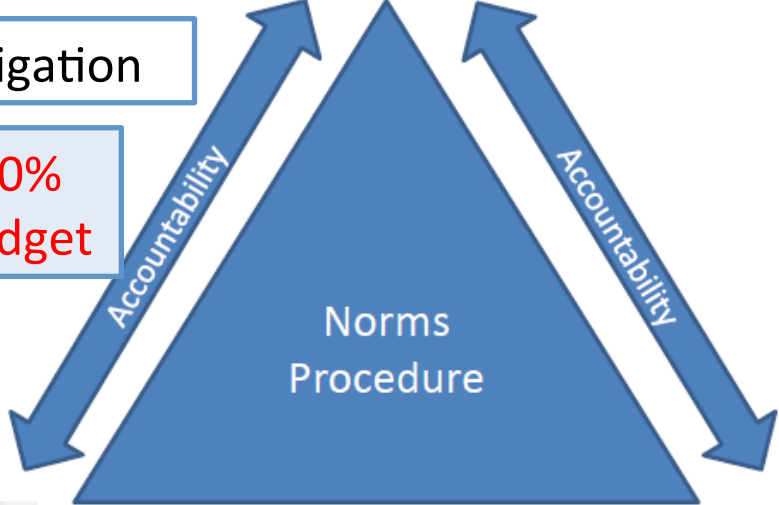
2. Help with negotiation

3. Litigation

80% budget



Neutral third party

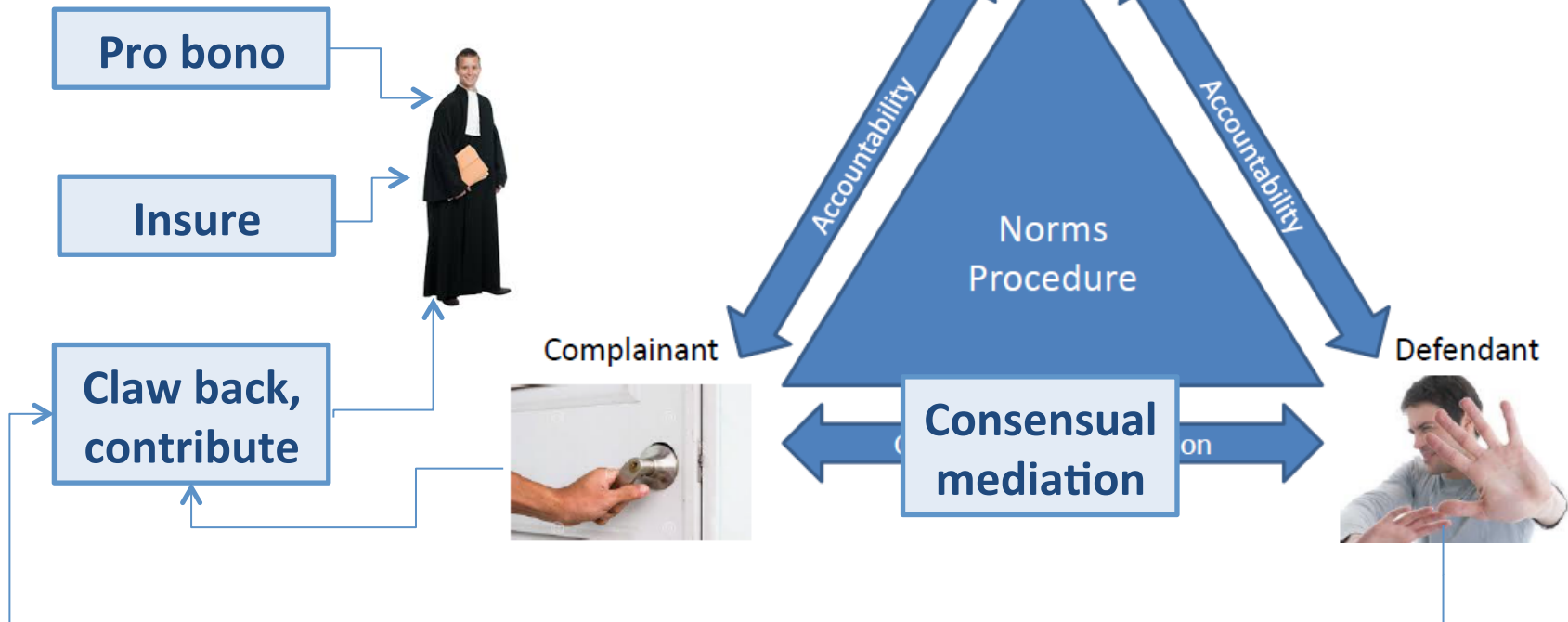


80% solutions

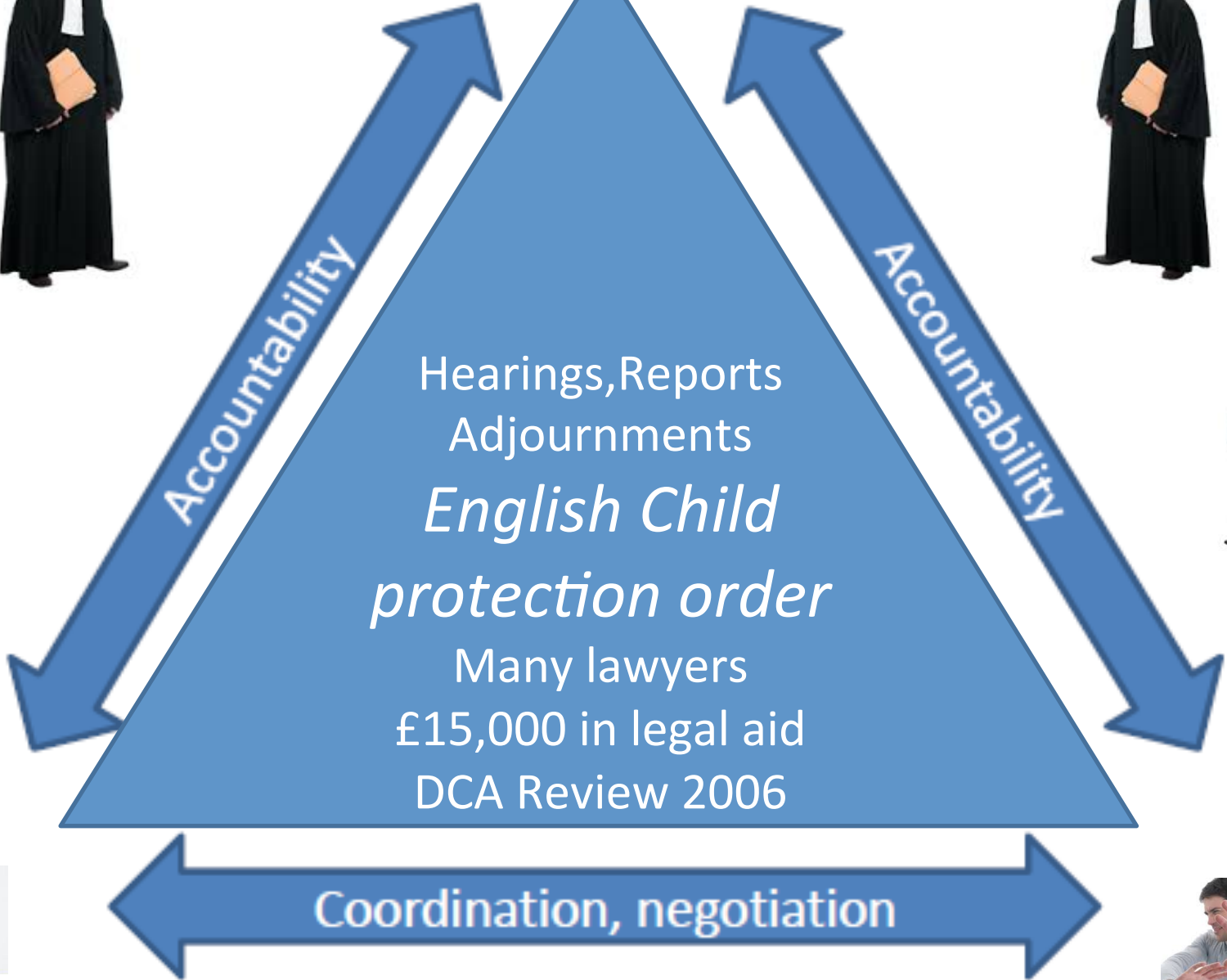


and many others ...

Not so effective



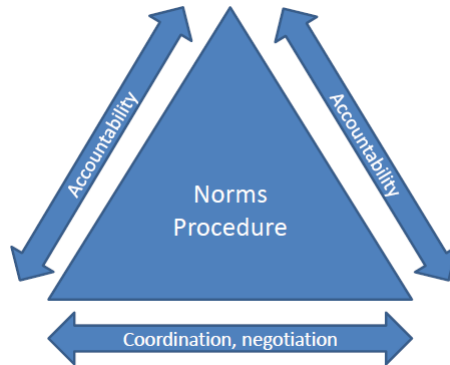
Hiil report, Legal Aid in Europe: Nine Different Ways to Guarantee Access to Justice? 2014





Dutch OTS procedure

7 points
€735



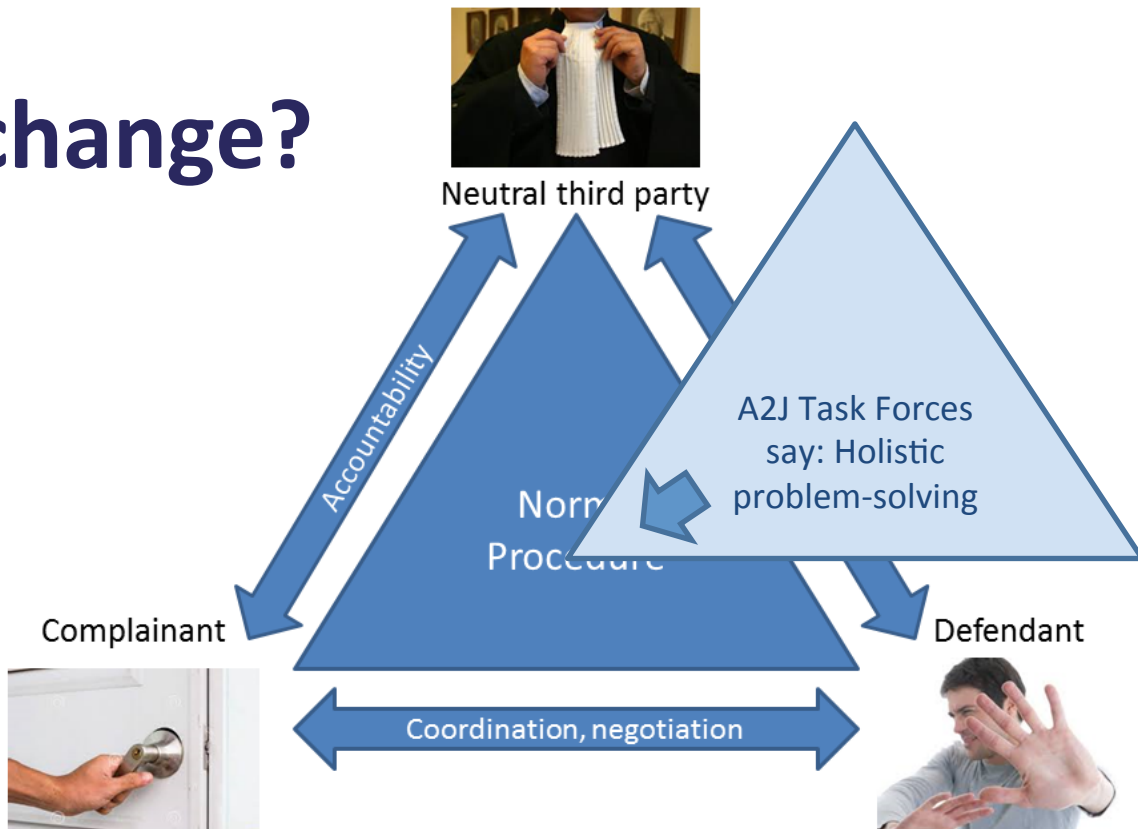
7 points
€735



Costs differ factor 10/15 per country for same problem

Procedural change?

1. Courts lack vision, power to change rules and incentives to innovate traditional procedures
2. Commissions, tribunals, ombudsmen tend to become legalistic as well
3. Lack of sustainable business models



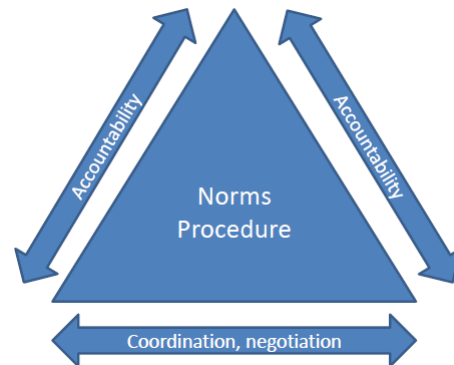
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See examples: Access to Justice Arrangements, Productivity Commission, 2014
 Analysis: Trialogue, Releasing the value of courts, HiiL, 2014.

Why innovate procedures? They are the problem

- Key for overall user experience and fair outcomes in negotiations
- 80% costs legal aid
- Resist innovation


Procedure is dialogue





CHILDREN	
Visitation	0/4
Belongings	0/5
Information	0/3
Decisions	0/3
Costs	0/2
Details	0/4

What do you think your children will need in the coming years to be stable and happy?

To be stable and happy in the coming years I think my children will need... 

Your details

Communication

4/4

Children

0/17

Family home

0/6

Properties

0/4

Income

1/4

CHILDREN

Visitation 0/4

Belongings 0/5

Information 0/3

Decisions 0/3

Costs 0/2

Details 0/4

You have one child who is younger than 18 years

For your child you are going to make agreements regarding when he/she will stay at which parents place.

What are your initial ideas for this? ?

At father's place ?

Children habitually live at their father's place and visit the mother regularly.



At mother's place ?

Children habitually live at their mother's place and visit the father regularly.

Co-parenting ?

Children stay at their mother's and father's place equally.

Other ?

My initial idea is not featured.

1. Getting the intake right

- **Most procedures now**
 - Complaint-claim < - > denial-defence-counterclaim
 - Reinforces destructive interaction pattern in relationships
 - Stimulates extreme claims/offers and escalation
 - Enables adjudicators to give yes or no answers
 - **Rechtwijzer approach**
 - Issues to address > tell your interests > first ideas solutions
 - Each party independently, match answers
 - Stimulates cooperation and problemsolving
 - Enables adjudicators to decide open issues
-



Communication



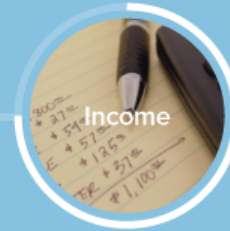
Children



Family home



Properties



Income

Your Separation Plan

65%

View

- CHILDREN
- Interests
- Details
- Visitation**
- Belongings
- Information**
- Decisions
- Costs

Current

During intake

online (2)



Rachel has joined your separation plan

Client contact centre
0800 - 2124124
Visit help page

x² Calculator tool view
School holidays view

WORK TOGETHER ON A GOOD & STABLE FUTURE FOR YOU CHILDREN

We find it is important that our children have a stable living situation. That is why we agree that our children...

Will live at **RACHEL**. She will visit once every 14 days. This takes place in the weeks. The weekend starts on Friday afternoon at and ends on Sunday afternoon at .

AGREED

MEDIATION

Agreed

Mediation

Decision

DIALOGUE



NICHOLAS

I find it of importance that Kimberly does not have to travel too much. How do you see that?

Communication

Children

Family home

Properties

Income

Separation plan of Nicholas and Rachel

[✕ close agreement](#)

A GOOD FUTURE FOR KIMBERLY



54% Done

Visiting arrangements and living situation for our children

Kimberly will go to Nicholas during the weekend once every fourteen days, in the even weeks. The weekend starts on Friday afternoon at 16:00 and ends on Sunday evening at 19:00. The parent who the children stayed with last, takes the children to the other parent when a switch has to be made.

[View](#) AGREED MEDIATION[Legal version](#)

Housing registration

Kimberly will be registered at her mothers address.

[Mediate](#) MEDIATION MEDIATION

Division of belongings

The belongings of Kimberly will go to her room at Rachel's place. For Kimberly's room at Nicholas' place, both her parents will buy new belongings, including at least a bed, toys and some basic sets of clothing.

[View](#) AGREED MEDIATION

A complete

justice journey

Free

Intake
Reflect, Select packaged solutions

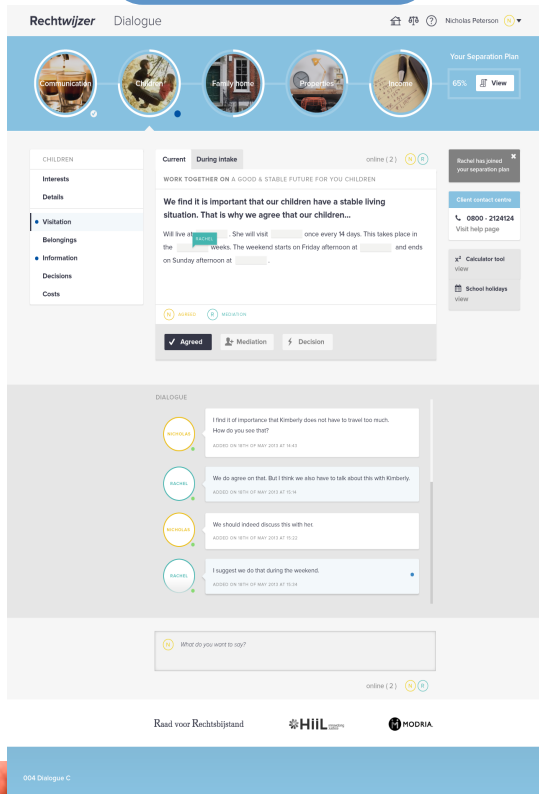
Free

Diagnosis
Empower
Assess situation



€50-€100

Dialogue
Negotiate solutions > plan



Max
€1275

€285



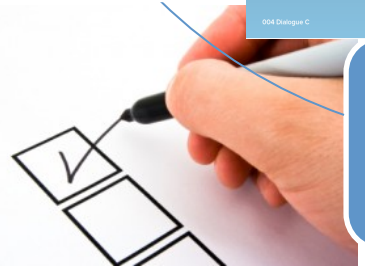
Formalize
Documents at court

Optional
€240-€360

Mediate Decide
If one party needs this

Independent legal review of plan

€300



2. Really support negotiation

- **Most procedures now**
 - Unstructured legal negotiation, under threat court decision
 - Negotiation and adjudication separate processes
 - 15 minute stressful settlement in court, referral mediation
 - **Rechtwijzer approach**
 - Structured: issue by issue, price per stage, progress visible
 - Integrated process, all participants have same information
 - Growing towards decisions: negotiation, mediation, adjudication
-



Communication



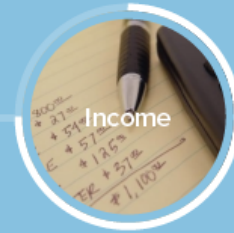
Children



Family home



Properties



Income

Your Separation Plan

65%

📄 View

- CHILDREN
- Interests
- Details
- Visitation
- Belongings
- Information
- Decisions
- Costs

Details online (2) (N) (R)

WORK TOG

Child Alimony Calculator Tool ✕

You are about to leave this webpage
 If you continue, you are redirected to the website of the child alimony calculator tool. There, you can use the child alimony calculator tool.

[🔗 Open the Calculator Tool](#)

[Back to dialogue](#)

Name

Date of birth

Birth certificate

Place of birth

(N) AGREED

✓ Agreed 👤 Mediation ⚡ Decision Ready for review

- Client contact centre
- ☎ 0800 - 2124124
Visit help page
- x² Calculator tool view
- 📅 School holidays view

DIALOGUE



NICHOLAS

I find it of importance that Kimberly does not have to travel too much. How do you see that?

3. Rules as tools

- **Most procedures now**
 - No validated information about likely outcomes
 - Left to lawyers informed by one client and selling litigation
 - General laws, precedents, judge allocates concrete rights
 - **Rechtwijzer approach**
 - Legally validated, neutral information, to both parties
 - Relevant information shown when issue comes up
 - Formulas, guidelines, statistics, easy to understand/apply by parties, mediators, adjudicators, reviewers
-

What? Huge gains possible

- **A problemsolving intake, no further escalation**
 - **Well-structured procedure, integrating negotiation + adjudication: issues, interventions, prices**
 - **Monitoring fair outcomes instead of assuming**
-

Rewarding ...

Innovation is systematic improvement:

- **5 months: 123 cases paid intake, 25 cases finalized**
 - **Average user-rating platform between 7 and 8 out of 10**
 - **What they like**
 - Overview/dashboard, own time/own pace, government certified, clear pricing, independent review
 - **Reviewers learning how to work online**
 - **Product backlog with many bugs and 100+ suggested improvements**
-

Investing in justice journeys

- **Public-private-research partnership**
 - **Costs of continuously improving IT platform**
 - **People eager to try out new services**
 - **Configuring module for new dispute type or jurisdiction much less costly**
 - **Costs of training professionals and developing best practices for integrating online and in person services**
 - **Helpdesks, websites, marketing**
 - **< 0,5 % legal aid budget, in the 100s of units of legal aid**
-

Legal aid policy



Access to justice

 e-Courts



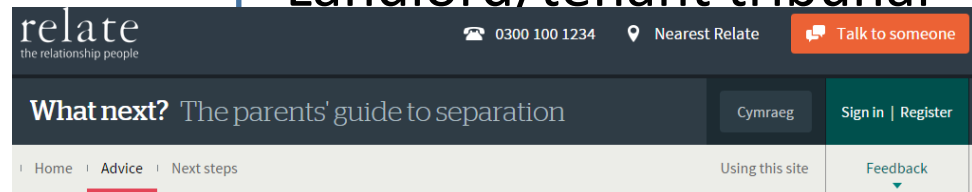
International consortium for A2J technology

Employment

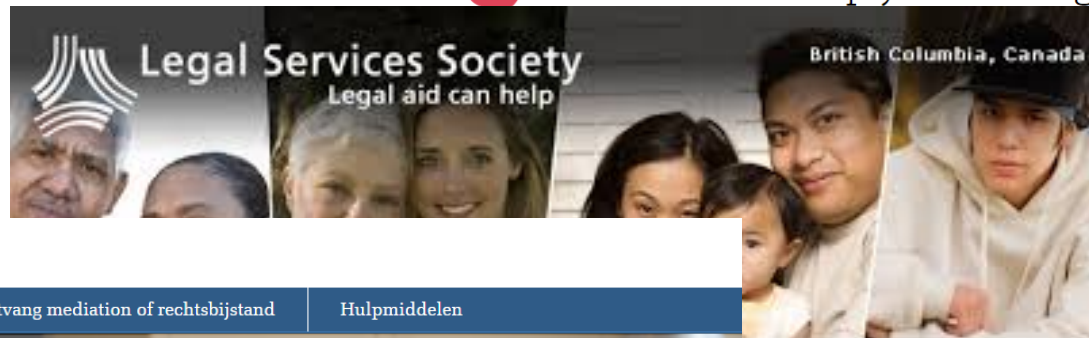
Family court

Legal expenses insurance

Landlord/tenant tribunal



! What can we help you with right now?



Raad voor Rechtsbijstand

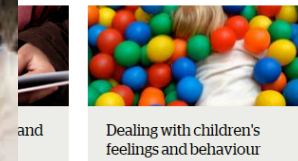
Over mediation & rechtsbijstand

Ik ontvang mediation of rechtsbijstand

Hulpmiddelen

Juridische problemen oplossen

Juridische problemen hebben te maken met wetten en regels. Bijvoorbeeld als u ontslagen bent, wilt scheiden of uw uitkering is stopgezet en u het daarmee niet eens bent. Voor deze en andere juridische problemen wijst de Raad voor Rechtsbijstand de weg bij het vinden van een oplossing.



Policy making for innovating paths to justice?

- Investment needed and substantial
 - A stronger coalition?
 - International cooperation for access to justice
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