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MEASURING ACCESS TO JUSTICE NEWSLETTER: January-August 2008

“**Measuring Access to Justice in a Globalising World: The Hague Model of Access to Justice**” is a research and development project that is devoted to developing an instrument that can be used to measure access to justice. More specifically, three distinct parts are operationalized in the instrument. These refer to (1) the costs of justice processes, (2) the quality of procedures, and (3) the quality of outcomes. Items that measure these three aspects have been derived from the relevant literature. The instrument is currently being pilot-tested in several distinct settings.



Developments in the Conceptual Definitions

In a situation in which people have a **justice need** and therefore need access to justice, they can choose among several distinct **paths to justice**. For the purpose of the research project, a **justice need** has been defined as a problem or conflict that arises between two or more persons or organizations and requires some kind of outside intervention including courts, other neutral persons, or any other process that structures the interaction between the parties that are involved. A **path to justice** is a commonly applied process which users address in order to cope with their **justice need**. A **user of a path to justice** is any individual who decided to take legal action as a consequence of being faced with a **justice need**.

When people decide to take a certain **path to justice**, they are faced with the **costs** of this procedure. The **costs** have been defined as any monetary and opportunity costs that a user of

a path to justice spends in order to obtain a solution for his or her justice need. The **costs** of a procedure also include **emotional and other non-monetary costs**. The **quality of the procedure**, determined in terms of the user's perceptions of procedural, interpersonal, informational and restorative justice is also believed to play an important role in choosing a **path to justice**. In addition, access to justice is influenced by the **quality of outcomes**. For the purpose of the research project, the **quality of outcomes** have been defined in terms of justice indicators derived from the empirical and theoretical literature on distributive, restorative, corrective, retributive, transformative and formal justice, as well as legal pragmatism.



Wiki Site for the Handbook

In order to develop a Handbook for measuring the costs and quality of access to justice, a collaborative Wiki environment was developed. At www.measuringaccesstojustice.com, the research group shares the project's progress and anticipates input from academic researchers, practitioners and users of justice. In the publication section you can find the recently published articles on the project. Currently, the study group teams its efforts to develop the Handbook which will serve as a manual for the measurement instrument. Visitors of the web site can also follow the linkages between theories, concepts, operationalisations and data findings.



Empirical Research

Several pilot projects have been carried out across distinct procedures and cultural settings.

1. Bolivia

In January and February 2008, a pilot study was carried out in Bolivia. A sample of 206 persons who attempted to obtain their ID documents was interviewed. The results show that those who use the administrative path to justice are spending less money and are more satisfied with the procedure and the received outcome as compared to the users of the adjudication path. On average, the quality of the procedure is rated rather positive. Costs of justice were identified as significant barriers in the court procedures in which more aggravated matters are dealt with. More results from this study are available at <http://www.measuringaccesstojustice.com/index.php/Bolivia>

2. Netherlands

A pilot study at the Dutch Consumer Dispute Commission (Geschillencommissie) including a total of 152 participants was carried out in the beginning of 2008. The results demonstrated interesting relationships between the distinct aspects of access to justice. The favourability of the outcome, for example, was found to have a significant influence on both satisfaction with the procedure and the outcome and to mediate the relationship between costs and satisfaction. More results from this study are available at <http://www.measuringaccesstojustice.com/index.php/Netherlands>

3. Bulgaria

A pilot study is currently assessing the cost and quality of two similar paths to justice in Bulgaria. The sample will be constructed from two populations – claimants in labour disputes in the general courts of law and civil servants who use a

specific procedure to appeal their orders. The pilot study is designed to contribute to the improvement of the validity and reliability of the measurement instrument.



Conferences & Seminars

The research group has recently presented the project and preliminary research results at several conferences and seminars.

In June 2008, the research methodology was presented at the Seventh International Research Conference organized by the Legal Services Research Centre of England and Wales.

In July 2008, some of the results from the pilot study carried out in The Netherlands were presented at the conference of the European Association of Psychology and Law in Maastricht.



Round Tables

In the Fall of 2008, the study group will organize a series of round tables with potential users of the methodology. Policy makers, judicial officials and service providers will be presented with the outcomes of the pilot implementations of the methodology and will be asked for feedback. The goal of the round tables is to assess the value of the methodology from the perspective of its providers. If you want to receive updates on the round tables, please send an e-mail to: m.a.gramatikov@uvt.nl



Invitation for Partnerships

The study group is open for new partnerships and collaborations with partners from around the globe. We are particularly interested in the continuous development of the measurement

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methodology. More pilot studies are necessary in order to further improve the methodology. If you are an academic researcher, formulate or implement policies for equal access to justice, provide dispute resolution services or just want to explore the opportunities for partnership, our contact details could be found at <http://www.uvt.nl/accesstojustice/>



Next Steps

In the months to come, the research team will continue to develop the methodology. The pilot study currently being carried out in Bulgaria and another study that is to be carried out in collaboration with the Municipality of Tilburg will be used to assess the validity and reliability of the methodology. More pilot studies will be launched

depending on the availability of funding. Among these, pilot studies involving victims of serious crimes will be executed. Studying this particular user will provide insights into justice needs and issues that may not have been considered earlier.

A paper will be written to outline the methodology and procedure for the construction of an index for the costs and quality of access to justice. The paper will treat different aspects of the aggregation of multiple dimensions into a single index, scaling and weighting of the individual and composite items of the research instrument.

The accumulated knowledge and learned lessons will be codified into a handbook for measuring costs and quality of access to justice. The ultimate goal of the handbook is to make the methodology accessible to everyone who wants to measure the costs and quality of access to justice.

Access to Justice welcomes your ideas and suggestions for cooperation.

<http://www.uvt.nl/accesstojustice>





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