



**MEASURING
ACCESS
TO JUSTICE**

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Justice
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“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. The project has been funded by the [Hague Institute for the Internationalisation of the Law, Tilburg University](#) and [Utrecht University](#). 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.



**Current
Developments**



Recent Publications

The *Measuring Access to Justice* Project is now in the stage of validating the developed methodology. In the recent months, the emphasis was placed on the explication of the costs and the quality of the outcome of paths to justice. Another development is the adaptation of the methodology for measuring the paths to justice travelled by victims of crime.

On their paths to justice, people may incur three types of costs. The *out-of-pocket* expenses are the most pervasive and comprehensible category. Time spent and foregone earnings comprise most of the *opportunity* costs on a path to justice. Stress, emotions, damage to relationships are just three of the possible instances that we classify in the third cost category - *intangible* costs. Read [more](#)

The quality of the outcome is measured through the perceptions regarding the final result of the path to justice. We assume that the users of justice assess the outcome from different angles. Several justice theories are used to model the evaluation of the quality of the outcome: distributive justice, corrective justice, restorative justice, retributive justice, utilitarianism, informational justice, transformative justice, legal pragmatism and formal justice. Read [more](#)

The adaptation of the methodology to victims of crime accounts for the specific experiences and expectations that victims have. Empirical evidence and normative literature in the fields of law and victimology provide the justification for an amended version of the current questionnaire, one that is applicable to victims of crime, whether they attend criminal proceedings, civil proceedings,

- *Measuring Access to Justice: The Quality of Outcomes*. Jin Ho Verdonshot, Maurits Barendrecht, Laura Klaming and Peter Kamminga [[download](#)]
- *Measuring Crime Victims' Paths to Justice: Developing Indicators for Costs and Quality of Access to Justice*. Malini Laxminarayan [[download](#)]
- *A Framework for Measuring the Costs of Paths to Justice*. Martin Gramatikov [[download](#)]
- *Weighting Justice: Constructing an Index of Access to Justice*. Martin Gramatikov and Malini Laxminarayan [[download](#)]
- *Best Practices for an Affordable and Sustainable Dispute System: A Toolbox for Microjustice*. Maurits Barendrecht [[download](#)]
- *In Search of Microjustice: Five Basic Elements of a Dispute System*. Maurits Barendrecht [[download](#)]
- *Access to Justice and the Rule of Law*, in *Making the Law Work for Everyone*, Commission on Legal Empowerment of the Poor. & United Nations Development Programme, co-authored by Maurits Barendrecht [[download](#)]

restorative methods or other forms of resolution. The output contains a complete version of factors that must be taken into account when dealing with victims of crime, with a final result of an 'access to justice' measurement tool.



Meetings and Conferences

On 12 January 2009, [TISCO](#) and the Access to Justice Study group organized a Round table meeting in the Hague to confer with providers of justice and researchers. The main goal of the event was to provide a communication forum between the researchers of access to justice and the practitioners who deliver paths to justice. During the meeting, the participants deliberated on the needs for measuring justice and the ability of the developed methodology to meet those needs. The focus was placed on the needs to know how the users of the paths to justice perceive the cost and quality of justice. This feedback will be used to assess the potential and the feasibility of the methodology for measuring access to justice.

On 21 January 2009, the Measuring Access to Justice Project was presented at the Research Day of the [UvT Faculty of Law](#). On February 12 2009, the researchers from [INTERVICT](#) discussed the project, specifically its extensions to victims of crime. On 13 February the project was presented to Robert Musgrove, Chief Executive of the UK [Civil Justice Council](#).

A paper presenting results of the application of the MA2J methodology will be presented at the International Conference on Empirical Legal Studies. The conference will take place on 26 March 2009 in Tel Aviv, Israel. The paper could be downloaded from



Empirical Research

Two studies were completed recently and brief results will be published soon on www.uvt.nl/accesstojustice and www.measuringaccesstojustice.com

The Access to Justice Study group applied the MA2J methodology to a sample of 50 individuals who used an administrative review procedure against decisions of the Tilburg Municipality, Tilburg. In another study, 55 complainants in consumer disputes were asked to diarize their experiences every two weeks when attempted to access justice. In total, 370 weekly observations were collected.

Two other empirical studies are now in the stages of design and preparation. For the first time, the MA2J methodology will be applied to victims of domestic violence in Bulgaria. In order to study this path to justice, we cooperate with the leading victim support organization in the country - [Bulgarian Gender Research Foundation](#)

Another study aims to measure the costs, the quality of the procedure and the quality of the outcome as experienced by plaintiffs in unfair dismissal cases in Bulgaria. The study aims to compare the costs and quality of two types of similar procedures - the general claim and a specific claim in administrative courts.

[here](#).

Prof. Maurits Barendrecht will make a presentation at the regular meeting of the International Legal Aid Group in Wellington, New Zealand 1-3 April 2009.



People

In December 2008 two researchers from the Access to Justice Study group successfully defended their dissertations.

Mrs. Stéphanie van Gulijk defended her thesis entitled *European Architect Law. Towards a New Design*. She studies in detail the legal relationship between architects and clients from two basic tensions that have been debated in several European countries. [Read more](#)

Mr. Peter Kamminga defended a doctoral thesis entitled: *Towards effective governance structures for contractual relations: Recommendations from social psychology, economics and law for improving project performance in infrastructure projects*. [Read more](#)



Invitation for Partnership

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 tool. More pilot studies are necessary in order to further improve the methodology. If you are an academic researcher or legal practitioner do not hesitate to contact us. Our contact details could be found at <http://www.uvt.nl/accesstojustice>

The Measuring Access to Justice Study Group welcomes your ideas and suggestions for cooperation.

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

<http://www.measuringaccesstojustice.com>