# International Conference 2018

## Access to Justice and Legal Services

HOSTED BY PROFESSOR PASCOE PLEASENCE AND DR NIGEL J BALMER, CO-DIRECTORS OF THE UCL CENTRE FOR EMPIRICAL LEGAL STUDIES.

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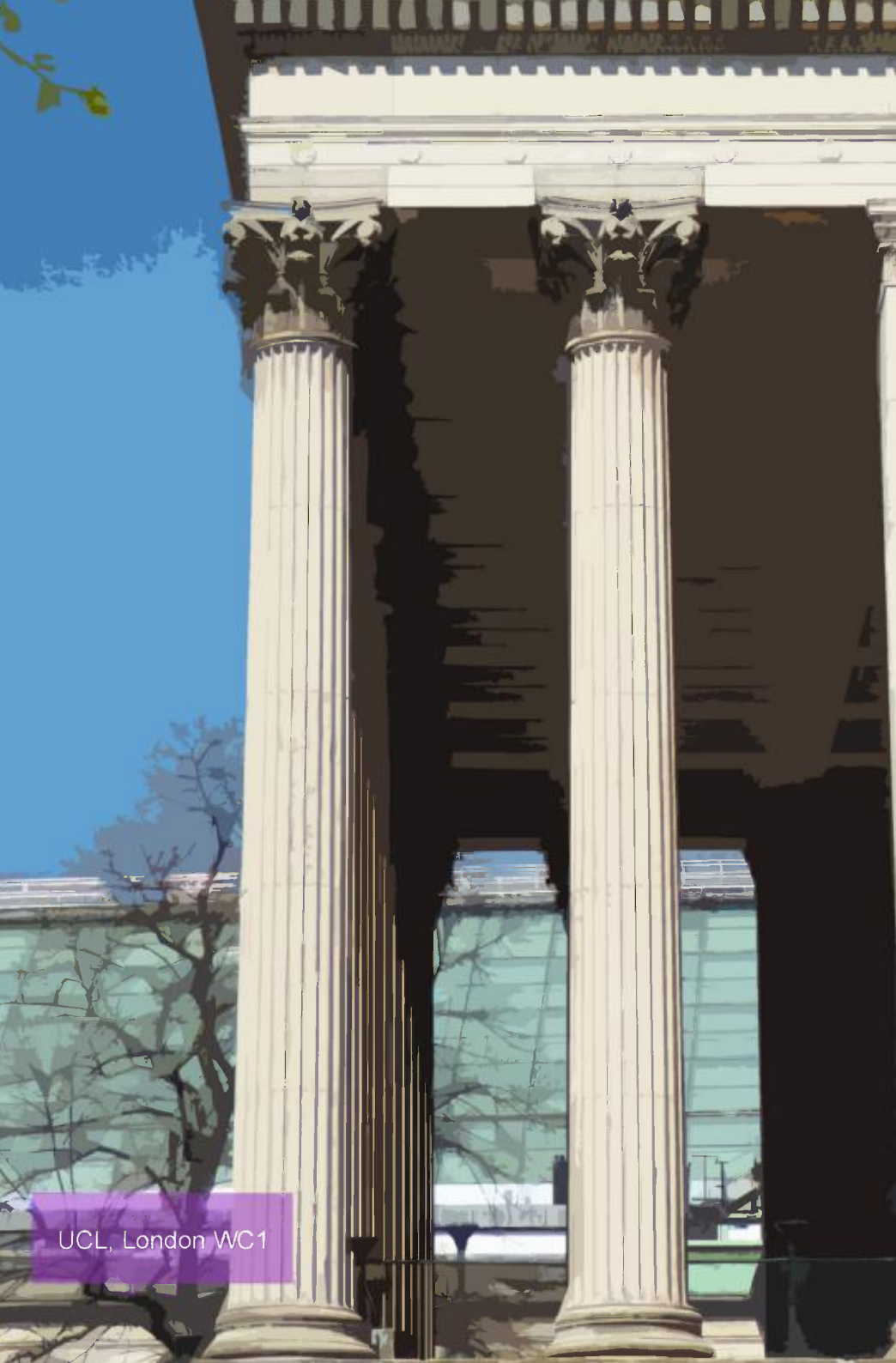
UCL, London WC1

# Welcome to the Second UCL Access to Justice and Legal Services Conference

Dear Delegate,

On behalf of the Centre for Empirical Legal Studies and University College London Faculty of Laws, welcome to the second UCL Access to Justice and Legal Services conference.

Building on the success of 2014, this year sees the conference expand to three days and embrace a truly global agenda. It is so exciting to see such a diversity of panels and delegates; with 22 sessions timetabled, over one hundred session participants from 19 jurisdictions presenting papers or chairing sessions, and still more delegates from more jurisdictions attending and contributing.

Not wanting to shy away from controversy, the first day will start with discussion of the impact of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. This will then be given global context through later comparative analyses of different systems and models of legal aid and legal aid eligibility. Across the conference, technology, legal service innovation, clinical legal education, public legal education, children, the legal profession, regulation and 'what works?' will also be explored in a range of jurisdictional settings. Finally, on day three, different jurisdictional perspectives on access to justice, and the empirical tools used to map and measure access to justice, will be discussed in the context of United Nations Sustainable Development Goal 16.3. Concepts and forms of legal empowerment will be set out, the reimagining of global access to justice policy and its links to wider social policy goals will be made evident, and a new – global – wave of legal needs surveys will be showcased; linking to the global guidance for such surveys we are currently concluding for publication by the OECD and Open Society Foundations later this year.

The conference will provide an invaluable opportunity for delegates to share their experience and learn from others. Beyond the conference, a world of further opportunities exists. London is a city that boasts 173 museums, 214 theatres, 349 live music venues, 383 public libraries, 566 cinema screens and 37,450 restaurants. We hope you get a chance to enjoy some of what it has to offer.

Finally, to help you get the most from the conference, this conference booklet contains details of the conference programme, paper abstracts, speaker biographies and maps of UCL and the surrounding area. Conference staff will also be available on site throughout to assist delegates and answer any queries you may have.

We look forward to meeting and catching up with you over the next three days.

Best wishes

**Pascoe Pleasence and Nigel Balmer**
***Co-Directors, UCL Centre for Empirical Legal Studies***


St Pancras Station, London N1

# About the UCL Centre for Empirical Legal Studies

The UCL Centre for Empirical Legal Studies was established in 2007. Its ambition is to lead methodological innovation in empirical legal studies, promote the evidence led evolution of justice systems around the world, and build research capacity in the field.

Through its current membership, the Centre is able to draw upon expertise in fields such as sociology, criminology, statistics, psychology and political science, to bring new perspectives to bear upon the study and teaching of law and legal institutions.

Members' current research is funded from a variety of national and international research, government and charitable sources. Much of it is carried out at the boundaries of current knowledge and members have pioneered many new approaches to the empirical study of law.

Members of the Centre have been responsible for some of the leading texts in the empirical legal studies tradition and, through these, contributed to real world change in the way that law and legal systems function. For example, access to justice policy around the world has been influenced considerably by Professor Hazel Genn's 'Paths to Justice' study, and Professor Pascoe Pleasence and Dr. Nigel Balmer's stewardship of the English and Welsh Civil and Social Justice Survey and innovations in survey methodology. The provision of public legal services has been influenced greatly by Professor Richard Moorhead's legal practice research. Professor Cheryl Thomas continues to undertake ground-breaking research in judicial decision-making. Elaine Gender's collaborative research into the Therapeutic Community (TC) at HMP Grendon Underwood underpins (and is frequently quoted in) much of the Prison Services Core Model Theory Manual.

Members of the centre contribute to a variety of undergraduate and graduate courses, including 'Law and Social Inquiry', which enables final year LLB students to undertake a small-scale empirical legal project under expert supervision. Members of the centre also provide specialist research support to the Faculty's PhD students, as well as supervising a number who are undertaking empirical projects.

To facilitate knowledge transfer within the empirical legal research community and between the research, policy and practitioner communities, the Centre hosts the quadrennial UCL Access to Justice and Legal Services conference, which brings together leading academic, policy makers and practitioners from around the word to focus on the rapidly changing legal aid and public facing (principally social welfare) legal services market.


UCL, London WC1

# 2nd UCL International Conference on Access to Justice and Legal Services

Sessions will take place in the Denys Holland (DH) and Gideon Schreier (GS) lecture theatres.

## Monday 11th June

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|---|---|
| 08.00 | **Registration** |
| 08.30 | **Welcome** from Pascoe Pleasence and Nigel Balmer, Co-Directors of the Centre for Empirical Legal Studies, Faculty of Laws, UCL |
| 08:35-10.05 | **SESSION 1 – LASPO (DH)** |
| | **Chair: Natalie Byrom (The Legal Education Foundation, UK)** |
| | **Mavis Maclean CBE** (University of Oxford, UK)<br>*After the Act: Access to Family Justice Post-LASPO* |
| | **James Thornton** (Nottingham Law School, Nottingham Trent University, UK)<br>*Criminal Legal Aid Cuts and the English and Welsh Courts* |
| | **Christina Blacklaws** (The Law Society, UK)<br>*The Law Society on Access to Justice and Legal Aid* |
| 10.05-10.30 | **Break** |
| 10.30-12.00 | **SESSION 2 – WHAT WORKS 1 (DH)** |
| | **Chair: Rebecca L. Sandefur (University of Illinois at Urbana-Champaign/American Bar Foundation, USA)** |
| | **Dame Hazel Genn** (Faculty of Laws, UCL, UK)<br>*When Lawyers are Good for your Health* |
| | **Natalie Byrom** (The Legal Education Foundation, UK)<br>*A What Works Centre for Civil and Administrative Justice? Emerging findings from the Legal Education Foundation Scoping Study* |
| | **Hugh McDonald and Suzie Forell** (Law and Justice Foundation of New South Wales, Australia)<br>*Apples, Oranges and Lemons: What Works in Legal Assistance, for whom, and how will we know?* |

12.00-12.50 **Lunch**

12.50-14.20 **SESSION 3 – PRO-SE 1 (DH) AND 4 – CHILDREN 1 (GS)**

**Session 3 - Pro-se 1 (DH)**

Chair: Xandra Kramer, (Erasmus University Rotterdam and Utrecht University, Netherlands)

**Rosemary Hunter and Liz Trinder** (Queen Mary University of London and University of Exeter, UK)
*Judges on Judgecraft: How Should Judges in Civil Cases Support Litigants in Person?*

**Alyx Mark, Anna Carpenter, Colleen Shanahan and Jessica Steinberg** (American Bar Foundation/North Central College, University of Tulsa College of Law, Temple University Beasley School of Law, George Washington University Law School, USA)
*Studying the "New" Civil Judges*

**Emily Taylor Poppe and Mark Gough** (University of California, Irvine School of Law)
*A Rising Tide? Pro Se Litigation in US Federal Courts*

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**Session 4 - Children 1 (GS)**

Chair: Rachel Knowles (University College London, UK)

**Susan Mangold** (Juvenile Law Centre, Philadelphia, USA)
*Innovating to Secure Access to Justice and Legal Services for Children: The Work of Juvenile Law Center*

**Marsha Levick** (Juvenile Law Centre, Philadelphia, USA)
*Access to Justice and Legal Services for Children: Strategic Litigation and Juvenile Law Center*

**Ursula Kilkelly and Ton Liefaard** (University College Cork, Ireland; Leiden University, The Netherlands)
*Innovative Legal Strategies to Advance Children's Access to Justice*

14.20-14.40 **Break**

14.40-16.10 **SESSIONS 5 – PRO-SE 2 (DH) AND 6 – CHILDREN 2 (GS)**

**Session 5 - Pro-se 2 (DH)**

Chair: Jos Hoevenaars (Erasmus University Rotterdam, Netherlands)

Gráinne McKeever (University of Ulster, UK)
*Can LIPs Participate in Court Proceedings? Evidence from the Civil and Family Courts in Northern Ireland*

Tatiana Tkacukova (Birmingham City University, UK)
*Communication as the Heart of Access to Justice*

Leanne Smith and Emma Hitchings (Cardiff University and University of Bristol, UK)
*Rationalising Responses to the Changing Legal Services Landscape for Private Family Disputes*

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**Session 6 - Children 2 (GS)**

Chair: Ursula Kilkelly (University College Cork, Ireland)

Dawn Watkins (University of Leicester, UK)
*First Steps Towards a Measurement of Children's Legal Capability*

Louise Forde (School of Law, University College Cork, Ireland)
*Access to Legal Advice, Waiver and the Child Suspect*

Dame Carolyn Hamilton (Corum International)
*Developing a Legal Aid System for Children in Zanzibar*

16.10-16.30 Break

16.30-18.00 **SESSIONS 7 – PUBLIC LEGAL EDUCATION AND EMPOWERMENT (DH) AND 8 - LEGAL AID ELIGIBILITY (GS)**

**Session 7 – Public Legal Education and Empowerment (DH)**

Chair – Catriona Mirrlees-Black (Law and Justice Foundation of New South Wales, Australia)

Freda Grealy and John Lunney (Law Society of Ireland)
*Access to Justice and Public Legal Education at the Law Society of Ireland*

**Les Jacobs** (York University, Canada)
*The Significance of Legal Information for Meaningful Access to Justice: Findings from a Three Year Longitudinal Study of 600 Canadians with Family or Rental Housing Problems*

**Alice Orchiston** (University of Sydney, Australia)
*Access to Justice for Exploited Workers in the Legal Sex Industry: A Qualitative Study*

**Emily McCarron** (Age UK)
*Older People and Human Rights*

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**Session 8 - Legal Aid Eligibility (GS)**

**Chair: Xandra Kramer (Erasmus University Rotterdam/Utrecht University, Netherlands)**

**Olaf Halvorsen Rønning** (University of Oslo, Norway)
*Assessment of the Merits of the Case in Legal Aid Cases under the ECHR Case Law*

**Anzelika Baneviciene** (State-guaranteed Legal Aid Service, Lithuania)
*Eligibility Criteria for Legal Aid: Comparative Analysis*

18.15 **Drinks Reception** and Welcome to the new Bentham House from Professor Piet Eeckhout, Dean of the UCL Faculty of Laws

## Tuesday 12th June

08:30-10.00 **SESSION 9 – SYSTEMS AND MODELS (DH)**

**Chair: Hugh McDonald (Law and Justice Foundation of New South Wales, Australia)**

**Diogo Esteves and Cleber Francisco Alves** (Brazilian Public Defender's Office and Fluminense Federal University, Brazil)
*The Latin American Legal Aid Model*

**Anna Barlow** (Åbo Akademi University, Finland)
*The Analysis of Legal Aid Schemes: A Proposed Framework*

**David Neal** (Victorian Bar, Australia)
*Previewing the Justice Project: The State of Access to Justice in Australia*

10.00-10.30 **Break**

10.30-12.00 **SESSION 10 – INNOVATION 1 (DH)**

**Chair - Bonnie Rose Hough (Judicial Council of California, USA)**

**Rebecca L. Sandefur and Matthew Schneider** (University of Illinois at Urbana-Champaign/American Bar Foundation, USA)
*Maybe There's an App for That: Comparing Existing Legal Technologies to What We Know about People's Actual Needs and Capacities.*

**Carolyn McKay** (University of Sydney Law School, Australia)
*Accessing justice from Prison: Videoconferencing, Digital Devices and Legal Support for the Incarcerated*

**Catrina Denvir** (University of Ulster, UK)
*Online Courts and Access to Justice: Providing Support for the Digitally Defaulted*

12.00-12.50 **Lunch**

12.50-14.20 **SESSIONS 11 – INNOVATION 2 (DH) AND 12 CLINICAL LEGAL EDUCATION (GS)**

**Session 11 – Innovation (DH)**

**Chair: Carolyn McKay (University of Sydney, Australia)**

**Vicky Kemp** (University of Nottingham, UK)
*Digital Legal Rights for Suspects*

**Bonnie Rose Hough** (Judicial Council of California, USA)
*Innovations in Self-Help in California's Courts*

**Penelope Gibbs** (Transform Justice/University of Oxford, UK)
*Defendents on Video - Conveyor Belt Justice or Revolution in Access?*

**Session 12 – Clinical Legal Education (GS)**

Chair: Gráinne McKeever (University of Ulster, UK)

**Lisa Whitehouse** (Law School, University of Hull, UK)
*Improving Access to Justice for Occupiers Threatened With Eviction: Establishing a Clinic on Evictions and Repossessions*

**Larry Donnelly** (School of Law, National University of Ireland, Ireland)
*The Role of Externship/Placement Law Clinics in Advancing the Public Interest: An Irish Perspective*

**Jeff Giddings** (Faculty of Law, Monash University, Australia)
*The Service Contributions of Clinical Legal Education*

14.20-14.40 **Break**

14.40-16.10 **SESSIONS 13 – REGULATION AND COSTS 1 (DH) AND 14 – WHAT WORKS 2 (GS)**

**Session 13 – Regulation and Costs 1 (DH)**

Chair: Rob Cross (Legal Services Board)

**Elizabeth Chambliss** (University of South Carolina School of Law, USA) *Evidence-Based Lawyer Regulation*

**Jeanne Charn** (Harvard Law School, USA)
*Enabling Markets for Law Services: Platforms, Network Effects, and Lean Process*

**Alan Paterson OBE** (Strathclyde University Law School, UK)
*Does Independence Matter for Legal Aid Authorities?*

**Session 14 – What Works 2 (GS)**

Chair: Suzie Forell (Health Justice Australia)

**Lindsey Poole** (Advice Services Alliance, UK)
*What Works in Social Justice: Questions and Answers from Advice Service Reform*

**Mark Riboldi** (Community Legal Centres New South Wales, Australia)
*#FundEqualJustice - Increasing Public Funds for Legal Assistance*

**Marie Burton** (Middlesex University, UK)
*Justice Calling? Comparing Telephone and Face-to-face Advice in Social Welfare Legal Aid*

16.10-16.30 **Break**

16.30-18.00 **SESSIONS 15 – PROFESSION 1 (DH) AND 16 – ADR (GS)**

**Session 15 – Profession 1 (DH)**

Chair: Catrina Denvir (Ulster University, UK)

**Trevor C.W. Farrow** (Osgoode Hall Law School, Canada)
*Modern Professionalism*

**Ian Browne** (Liberty, National Council for Civil Liberties, UK)
*Pro bono in the UK and US: A Legal and Institutional Comparison*

**James Sandbach and Milla Gregor** (LawWorks, UK)
*Hearing the Client's Voice in Pro Bono – What Helps and what gets in the Way?*

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**Session 16 – ADR (GS)**

Chair: Alexandre Biard (Erasmus University, Rotterdam)

**Lola Akin Ojelabi** (La Trobe University, Australia)
*Access to Justice, Mediation and the Legal Profession*

**Anna K C Koo** (University of Oxford, UK)
*The Role of the English Courts in Alternative Dispute Resolution*

**Marta J. Skrodzka** (Lomza State University of Applied Sciences, Poland)
*Entrepreneur and Mediation in the Context of Access to Justice*

# Wednesday 13th June

08.30-10.00 **SESSION 17 – LEGAL NEEDS AND SDG16 (DH)**

Chair: Peter Chapman (Open Society Justice Initiative)

**Tomoki Ikenaga and Manabu Wagatsuma** (Japan Federation of Bar Associations and Tokyo Metropolitan Law School, Japan)
*Improving Access to Justice for the Elderly and Vulnerable Person - Based on SDGs 16.3, Recent Amendment of the Legal Aid Act and Legal Needs Survey*

**Young Gi Kim** (National Court Adminstration of South Korea, South Korea)
*Movement Toward A2J in South Korean Judiciary*

**Pascoe Pleasence** (University College London, UK)
*Access to Justice Measurement in a Global Context*

10.00-10.30 **Break**

10.30-12.00 **SESSION 18 – LEGAL NEEDS AND BROADER PERSPECTIVES (DH)**

Chair: Pascoe Pleasence (University College London, UK)

**Jan Winczorek** (University of Warsaw, Poland)
*Uphill Paths. Polish Research on Access to Justice*

**Alejandro Ponce, Sarah Long and Pascoe Pleasence** (World Justice Project, USA)
*Everyday Justice in 45 Countries: Evidence from the First Global Legal Needs Survey*

**Carolina Villadiego Burbano** (Dejusticia, Columbia)
*Legal Needs Survey as a Tool for Civil Society to Address Access to Justice Problems*

**Robert Cross** (Legal Services Board, UK)
*The Legal Needs of Small Businesses*

12.00-12.50 **Lunch**

12.50-14.20 **SESSION 19 – MAPPING PATHS TO JUSTICE (DH)**

Chair: Nigel J Balmer (University College London, UK)

**Susanne Peters and Lia Combrink** (Legal Aid Board, The Netherlands)
*Customer Journey Research within the Legal Aid System*

**Catriona Mirrlees-Black** (Law and Justice Foundation of New South Wales, Australia)
*Mouths to Feed: Locating Demand for Legal Assistance Services*

**Jessica Bird and Khoi Cao-Lam** (Victoria Legal Aid, Australia)
*Sector Planning: Developing a Data-Driven and Human-Centred Design Approach to Planning Legal Assistance Services.*

14.20-14.40 Break

14.40-16.10 **SESSIONS 20 – PROFESSION 2 (DH) AND 21 – LEGAL EMPOWERMENT 1 (GS)**

**Session 20 – Profession 2 (DH)**

Chair: Erlis Themeli (Erasmus University, The Netherlands)

**Zhihui Cheng** (Cardiff University, UK)
*Access to Justice, Legal Technology, and Transformation of China's Legal Profession*

**Yu-Shan Chang** (Legal Aid Foundation, Taiwan)
*Specialisation and Achieving Better Quality? The Pilot for Specialist Legal Aid Panels in Taiwan*

**Keith Blakemore and Anna Sperati** (The Law Society and IPSOS-Mori, UK)
*Econometric Analysis of the Benefits of Early Legal Advice*

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**Session 21 – Legal Empowerment (GS)**

Chair: Alyx Mark (American Bar Foundation/North Central College, USA)

**Alice de Jonge** (Monash Business School, Australia)
*Environmental NGOs in China: Recursive Ambivalence and the Tension Between Empowerment and Control*

**Neelu Mehra** (Guru Gobind Singh Indraprastha University, India)
*Present and future of Access to Justice in India*

**Cleber Francisco Alves and Raquel de Faria** (Federal Fluminense University, Brazil)
*Meeting Immediate Legal Needs by the Public Defender in Brazil: An Exemplary Case*

16.10-16.30 **Break**

16.30-18.00 **SESSIONS 22 – REGULATION AND COSTS 2 (DH)**

**Chair: Elizabeth Chambliss (University of South Carolina School of Law, USA)**

**David Bish and Debra Malpass** (Solicitors Regulation Authority, UK)

*Price Transparency in the Legal Services Market: A Behavioural Trial Exploring the Effect of Price Information on Consumer Decision Making*

**George Hawkins and Mijanur Rashid** (Solicitors Regulation Authority, UK)
*Using Insurance Claims Data to Determine Appropriate Levels of Public Protection in a Regulated Market*

**Bryony Sheldon** (Legal Services Board, UK)
*Regulatory Independence in Legal Services*


‘Alien’, St Pancras Church, London NW1

# Abstracts

## Monday 11th June

**Session 1, Monday 11th June, 08.35-10.05**
**LASPO (Denys Holland Lecture Theatre)**

### After the Act: Access to Family Justice Post LASPO

Mavis Maclean CBE (University of Oxford, UK)

This paper draws on empirical work on access to family justice since the Legal Aid and Punishment of Offenders Act 2012 (LASPO). As support for family matters had been a long standing key element in legal aid service provision in this jurisdiction, there had been little need for pro bono work in the field as compared with debt, welfare, housing and employment . We therefore lacked a tradition of pro bono work in family matters by the legal profession, and family work except for domestic abuse and child protection rarely formed part of the work of advice agencies . Government's expectation that family mediation would enable families to settle matters outside the courts rapidly appeared to be unfounded. Family cases continue to go to court, but without legal help. The impact of the sudden restriction in scope for help with private law family matters since 2013 has had a devastating impact.

We have therefore carried out a small observational study of how and to what extent legal help with family matters has been developing since 2013 through the varied forms of pro bono activity organised through the Bar Pro Bono Unit and LawWorks, judicial initiatives based in court, the contribution of Clinical Legal Education , the work of the advice sector, and the contribution of Public Legal Education. The study is being prepared for publication in the autumn of 2018.

This paper will begin by describing the distinctions we observed between the forms of legal help being provided ie legal information, legal advice and legal support across the sectors, and who is offering and providing which form of help : the accredited legal professionals, law students, lay volunteers and advice workers, together with the contribution of digital information providers and the development of interactive dispute resolution.

This framework will then be illustrated with examples from practice of each kind of help, and some of their strengths and limitations which we

suggest make it essential to argue for careful review of support for family matters in paragraphs 94-98 of the "Legal Aid, Sentencing and Punishment of Offenders Act 2012:Post -Legislative memorandum " Cm 9486 submitted by government to the Justice Select Committee on October 30 2017.

## Criminal Legal Aid Cuts and the English and Welsh Courts

James Thornton (Nottingham Law School, Nottingham Trent University, UK)

This paper is concerned with the impact of cuts to the criminal legal aid system: how those who are unable to afford their own defence lawyer in England and Wales are provided with advice and representation. Historically, those unable to afford criminal lawyers would have to prepare and present their cases themselves with no help - and often no idea what they were doing. People were convicted, imprisoned and, in some cases, executed not because they were guilty, but because they were poor. The criminal legal aid system prevents this problem by funding private-sector lawyers to provide legal advice and representation in criminal matters to those who would not otherwise be able to afford it. However, in recent years, both the scope of criminal legal aid and the fees paid to defence lawyers have been significantly reduced due to decreases in funding from the Ministry of Justice. This paper shows the impact which this has on the English courts and presents an opportunity for critical reflection on the way to go about any future funding change in this area.

Based upon an empirical study into the working practices of defence lawyers in response to cuts to criminal legal aid, it examines two key (and interrelated) areas affected: the work of defence lawyers, and self-represented criminal defendants. Insights from 29 in-depth qualitative interviews with criminal justice practitioners of many differing levels of experience are used to uncover a number of adverse consequences and the way in which these occur. These adverse consequences are then assessed against several different hypothetical views about the criminal justice process (for example, the often-conflicting considerations of crime prevention, defendants' rights, victims' rights and financial efficiency), in order to illustrate the way in which many different stakeholders are negatively impacted. Important topics for further research are also suggested.

# The Law Society on Access to Justice and Legal Aid

Christina Blacklaws (The Law Society, UK)

June 2018 will be five years since the Coalition Government's reforms to legal aid came into effect. The Law Society have argued that the measures introduced in the LASPO have damaged access to justice, had a real impact on the wider justice system, and led to a knock-on cost for the public purse. The government is currently reviewing the changes, and will report back before the summer recess. Last year we published our own review of LASPO which includes 25 recommendations for the Government, focusing on issues including the legal aid means test, restoring legal aid for early advice, increasing children's access to legal aid and improving Exceptional Case Funding. The Law Society has led campaigns on restoring legal aid for early advice and ending legal aid deserts. Both campaigns have attracted positive press attention and are raised in Parliament regularly. Our early advice campaign is calling for legal aid to be reinstated for early advice in housing and family cases, and was launched alongside new research we commissioned from Ipsos MORI, which shows a clear statistical link between receiving professional legal advice early and resolving a problem sooner. We have argued that early legal advice helps address problems before they escalate, and that the lack of early advice is placing further pressure on the justice system. Our campaign to end legal aid deserts showed that large areas of England and Wales have little or no provision for housing legal aid services. Almost one third of legal aid areas have one, and in some areas no, housing provider, including large areas such as Cornwall and Somerset. Two areas, Shropshire and Suffolk, have no provider at all. The Law Society produced a heat map highlighting these shortages.

**Session 2, Monday 11th June, 10.30-12.00**
**What Works 1 (Denys Holland Lecture Theatre)**

## When Lawyers are Good for your Health

Dame Hazel Genn (Faculty of Laws, UCL, UK)

This paper will highlight the important connections between law and health, explain how - independently - access to justice research and public health research have identified these links, and describe how community lawyers in the UK and internationally are developing partnerships with health services to address health harming legal needs. The presentation will cover what access to justice research and health research tell us about the links between health and justice. It will describe international trends in practical service responses (Medical Legal and Health Justice Partnerships), and, drawing on research undertaken in the UCL Laws Health Justice Partnership in a general practice in East London, it will consider the benefits and challenges of integrating community legal services within healthcare settings. The paper will conclude with a discussion of where policy and research on health justice should be going. This includes cross-governmental collaboration to provide a sustainable future, collaboration between legal services and health services, and international collaboration between health and legal researchers.

## A What Works Centre for Civil and Administrative Justice? Emerging findings from the Legal Education Foundation Scoping Study

Natalie Byrom (The Legal Education Foundation, UK)

The Legal Education Foundation ("TLEF") is an independent grant-making foundation whose charitable objective is: "To promote the advancement of legal education and the study of law in all its branches". In order to advance this objective TLEF awards grants to projects that increase public understanding of the law and the ability to use it to secure rights, protection and fair treatment. Since our inception, we have developed a particular reputation for funding in the areas of civil and administrative law.

TLEF's vision is for a civil and administrative justice system that enables all individuals, regardless of background, to secure the rights, protections

and fair treatment that they are entitled to. Lack of robust evidence relating to: i.) the outcomes individuals secure in relation to their civil and administrative law problems; ii.) the way in which these outcomes compare to their entitlements as prescribed by law is a critical impediment to both the delivery of this vision, and the ability to understand whether this vision has been realized. In order to move towards a system of this kind we need better information about the outcomes individuals currently secure in relation to their civil and administrative law problems and how these compare to those prescribed by law. We also need better evidence about the factors that determine an individual's ability to secure the outcomes they are entitled to under law. This evidence will enable all those working in the civil and administrative justice field to : i.) Strengthen systems and processes to make it easier for individuals to secure the outcomes they are entitled to. ii.) Develop and promote effective interventions to support people to secure just outcomes and iii.) Robustly evaluate programmes in order to maximise their efficacy and evidence their value for money in a climate of increasingly scarce resources.

Since August 2017, TLEF has been investigating different models for delivering the evidence the needed to achieve our mission, exploring existing models in the UK and overseas. This paper presents the findings of this scoping exercise, and explores how we might take this work forward in partnership with the wider sector of researchers, policy makers and frontline organisations.

## Apples, Oranges and Lemons: What Works in Legal Assistance, For Whom, and How Will We Know?

**Hugh McDonald and Suzie Forell (Law and Justice Foundation of New South Wales, Australia)**

As legal assistance services unbundle and rebundle through successive innovation, what do we know about the impact and outcome of different approaches? What does each unbundled element contribute, and what do we hope they might collectively achieve? For individuals, and as a service system? What does the legal assistance dollar buy? These questions drive our interest in evaluation of legal assistance: to compare the impact, outcomes and value of service innovations, to bring fragments together to tell the story about the whole – to, ideally, learn what works, for whom, when, why and at what cost.


BT Tower and UCL, London WC1

The key purpose of the paper is to outline thinking on an overarching legal assistance evaluation framework that can support frontline service evaluation on the ground to build a sector-wide evidence base. We articulate what different service elements — legal information, education, advice, minor or task assistance, and representation — realistically contribute to the resolution of legal issues, for different clients, at different points in time, and how digital and other frontline service innovations seek to drive impact and value through service rebundling and augmentation to better meet diverse client need and capability. We also explore how service principles – targeted/accessible, timely, joined up and appropriate – identified to help overcome access to justice barriers, also factor into identification of service impact and value. All elements are considered recognising the operational reality of legal assessment and triage, service eligibility criteria, collaboration and referral.

The paper draws on new analyses of the Legal Australia-Wide Survey as well as a number of our recent evaluations of Australian legal assistance services. It explores how, like legal assistance services more broadly, research and evaluation must be targeted, joined-up, timely and appropriate if it is to support a smarter service system that can learn from practice and build understanding of 'what works'.

**Session 3, Monday 11th June, 12.50-14.20**
**Pro-se 1 (Denys Holland Lecture Theatre)**

## Judges on Judgecraft: How Should Judges in Civil Cases Support Litigants in Person?

Rosemary Hunter and Liz Trinder (Queen Mary University of London and University of Exeter, UK)

Civil courts are under a duty to deal with cases justly and at proportionate cost. The increasing number of litigants in person (LiPs) in England and Wales has made this more challenging and has highlighted the importance of judgecraft (or courtroom practice) in pursuing the 'overriding objective'. Previous research by the presenters and others has indicated, however, that there is a wide variety of judicial approaches to LiPs in civil and family courts, ranging from a traditional laissez-faire 'passive arbiter' model to a more inquisitorial or enabling approach.

The paper will present findings from an ongoing study of how civil judges deal with LiPs, involving focus groups of full-time and part-time civil judges discussing two training videos of a (fictional) small claims hearing with LiPs, produced by the Judicial College. The project aims to use participants' responses to the two hypothetical cases to map and categorise the range of approaches to judgecraft in relation to LiPs, and in particular, to explore the conceptions of procedural justice which have developed in civil proceedings conducted without lawyers.

## Studying the "New" Civil Judges

**Alyx Mark, Anna Carpenter, Colleen Shanahan and Jessica Steinberg (American Bar Foundation/North Central College, University of Tulsa College of Law, Temple University Beasley School of Law, George Washington University Law School, USA)**

Although state civil courts handle approximately 99 percent of all civil cases in the United States, the vast majority of studies about our civil justice system are based upon analyses of federal litigation and the decision-making of appellate courts. As a consequence of this scholarly focus on the federal bench, we know comparatively little about state courts, despite their primacy in our civil, economic, and social life. The work of state civil judges is under-studied and under-theorized. We do not know how judges behave in their courtroom roles, nor in their roles as institutional actors or as managers of civil justice infrastructure. We do not know about the external and intra-court factors that might shape and influence judicial practice. We respond in this article by calling for a comprehensive research agenda aimed at understanding state civil judges and courts, and introduce preliminary results from a multi-state examination of civil courts and judges in the United States. We begin with a core reality that exists in our state civil courts – that they are overflowing with self-represented litigants – an estimated 16 million cases involve at least one unrepresented person. This agenda directly responds to this reality by calling for further understanding of how parties and judges are – and should be – participating in the civil justice system. This research agenda aims to expand our understanding of judges and courts beyond the limited arena of decision-making in appellate cases to examine the full range of judges' work and behavior in a common law system. We build on the growth of empiricism in legal scholarship and access to justice research to propose a new theoretical framework and set of research questions to guide future scholarship.

## A Rising Tide? Pro Se Litigation in US Federal Courts

**Emily Taylor Poppe and Mark Gough (University of California, Irvine School of Law, USA)**

There is widespread concern among scholars, court actors, and policymakers that the number of pro se litigants in civil cases is increasing in the United States. While existing data confirm this trend in state courts, we have little empirical evidence of the scope of pro se litigation in the federal court system. Yet an increase in pro se litigation in federal courts may be particularly concerning given their focus on constitutional issues and procedural complexity. In this article we address this gap in the empirical literature, using data from the Administrative Office of the United States Courts on all civil cases filed in federal district courts between 2000 and 2012. More specifically, we describe the prevalence of pro se litigation and the outcomes obtained by pro se litigants, and consider the implications of pro se litigation for the functioning of the court system.

We first evaluate the incidence and rate of pro se litigation in the United States federal courts over time, across jurisdictions, and by type of case. We find that while the incidence of pro se litigation has increased, the rate of pro se litigation has stayed relatively stable. However, this apparent stability hides important variation by case type. Consistent with prior work, we find that prisoner petitions account for the vast majority of pro se litigation. However, among non-prisoner civil cases, the rate of pro se litigation increased over this time period, largely driven by the influx of pro se litigants in actions concerning real property. We also document substantial variation in rates of pro se litigation by district, which is not explained by observable variation in the composition of the jurisdictions' dockets.

In addition to describing these patterns, we also investigate the outcomes of cases involving pro se litigants. We observe significant differences in the timing and type of disposition in cases involving pro se litigants, relative to those where all parties have legal representation. Our analysis of summary-level data also indicates that both pro se plaintiffs and pro se defendants are less likely to be successful. While not surprising, these findings support the need for continued research into the impact of legal representation and its consequences for access to civil justice.

Finally, we consider the implications of pro se litigation for the functioning of the court system. Using case weights developed by the federal courts to fairly distribute the courts' caseload across judges' dockets, we estimate the judicial burden imposed by pro se litigation over time. This analysis offers

an approach to quantifying the impact of pro se litigation on federal judges and the federal court system more broadly.

Significant doctrinal and policy debates have emerged regarding the appropriate response to perceived increases in pro se litigation in federal courts. Yet developing appropriate policy interventions requires a deeper understanding of the underlying phenomenon. This article addressing this need, by offering important empirical evidence of the scope of pro se litigation.

**Session 4, Monday 11th June, 12.50-14.20**
**Children 1 (Gideon Schreier Lecture Theatre)**

## Innovating to Secure Access to Justice and Legal Services for Children: The Work of Juvenile Law Center

Susan Mangold (Juvenile Law Centre, Philadelphia, USA)

Although children have a right to access justice, they often experience a legal system that does not meet their needs or special circumstances. A range of innovative strategies are essential to deliver laws and legal services that line up with the principles of a fair justice system in line with the rule of law and national and international justice standards recognized in Goal 16.3 of the Sustainable Development Goals.

This presentation will outline the work of Juvenile Law Center, an independent law centre based in Philadelphia in the United States. As the first non-profit law center for children in the US, for over 40 years Juvenile Law Centre has pursued justice for children in a range of situations and using a variety of strategies and approaches. These have included litigation challenging laws, policies and practices; advocacy on behalf of children involved in both the US juvenile and criminal justice systems, and children involved in the child welfare/child protection system; submitting amicus briefs at the appellate level to advocate for fairness in the child welfare and justice systems. Much of this work has sought to build alliances and maximize the strength of partnership with the research community, policy makers and civil society groups. Juvenile Law Center works to engage young people who have been involved in these systems directly in our work, engages in law and policy reform and sees public education as essential to advancing children's rights in the justice system.

In the last fifteen years, the Center's advocacy has increasingly advanced a developmental approach to working with adolescents and youth in these

systems, relying on behavioral research and neuroscience to ensure that children are treated individually and with particular attention to their youthful, developmental attributes and characteristics. The Center's work has been groundbreaking in the US, both in terms of its breadth of advocacy strategies and its transformative view of children and the law. This advocacy provides opportunities for discussion, reflection and replication in the international community and the aim of this presentation is to stimulate discussion about how this might be achieved.

## Access to Justice and Legal Services for Children: Strategic Litigation and Juvenile Law Center

Marsha Levick (Juvenile Law Centre, Philadelphia, USA)

Strategic litigation can be a powerful tool in seeking access to justice and legal services for children and although not without its challenges or risks, it is a tried and tested approach to advance justice for children in line with the Sustainable Development Goals. Juvenile Law Center, an independent law center based in Philadelphia in the United States, was established over 40 years ago and has now built up unrivalled experience of litigating issues concerning children's access to justice. Building on the above presentation, this paper will outline the litigation strategy pursued by Juvenile Law Centre in the 40 year period since it was established.

This presentation will detail some of the impactful litigation which Juvenile Law Center has pursued aimed at challenging laws, policies and practices that violate US Constitutional provisions, harm children or fail to provide adequate procedural protections. It will detail some of Juvenile Law Center's work which includes the submission of amicus briefs at the appellate level — in state and federal courts across the US — in cases which challenge the lack of fairness in the child welfare and justice systems. It will also explain the strategy of the Center to take on selected appeals as lead or co-counsel and highlight its experience of raising issues and challenges directed at broad, systemic reform and against illegal or unconstitutional practices. Juvenile Law Center has had extraordinary success in reforming the justice and child welfare systems, including significant victories before the US Supreme Court. This paper seeks to share the learning of these approaches, to tease out in discussion what aspects of this approach could be utilised in other jurisdictions and internationally. It will also point to areas most in need of reform.

# Innovative Legal Strategies to Advance Children's Access to Justice

**Ursula Kilkelly and Ton Liefaard (University College Cork, Ireland and Leiden University, The Netherlands)**

Securing children's access to justice requires innovative and multiple strategies at national and international level. In 2010, the Council of Europe adopted the Guidelines on Child-friendly justice setting out the consensus that now exists around children's access to justice and legal services. Law Schools have a particular role in advancing children's access to justice and this paper aims to set out the innovative strategies in use in University College Cork in Ireland and in Leiden University in the Netherlands that aim to advance children's access to justice.

In Cork, the Child Law Clinic was established in the School of Law in 2010 with a view to promoting student-led research on cases taken by professional lawyers to advance children's rights. The Clinic – which exists as a module on the LLM Children's Rights and Family Law at UCC – aims to give students experience of litigation during their graduate education, while putting their research skills to effective use in the support of casework involving individual children's rights issues. The Clinic helps lawyers to scope out the feasibility of litigation, helps them prepare their legal submissions and proposes approaches to litigation that are likely to meet with success. It has supported complaints to national complaints bodies about the treatment of children in the justice system and it has been involved in cases successfully litigated before the European Court of Human Rights and the European Social Rights Committee.

In Leiden, the development of an expertise in child law and children's rights has been receiving substantial attention in recent years. The School of Law has built up a suite of programmes – including masters courses and summer schools – that aim to support use of children's rights law to advance children's rights. In April, Cork and Leiden Law Schools will join forces to deliver a workshop on the enforcement of children's rights, applying the strategies developed in the Child Law Clinic in Leiden University. This will enable international students with an interest in advocacy and child rights enforcement to learn from the model of clinical experience on which the Clinic is based.

This paper aims to explore the role of law schools and legal education in delivering justice and legal services to children. It will present examples of the kind of strategies that are used in both Leiden and Cork with a view to sharing expertise and experience more widely.

Regent's Canal, London N1

**Session 5, Monday 11th June, 14.40-16.10**
**Pro-se 2 (Denys Holland Lecture Theatre)**

## Can LIPs Participate in Court Proceedings? Evidence from the Civil and Family Courts in Northern Ireland

Gráinne McKeever (University of Ulster, UK)

A model of legal participation, developed by the author from empirical evidence of the experiences of tribunal users, was tested in a small pilot-study of the lower civil courts in Northern Ireland. The pilot established that the tribunal-based model of participation works as a model for understanding litigant participation, with clear similarities between the participative experiences of court and tribunal users. One of the issues identified through the pilot, however, was that while legal representation could plug the 'adversarial deficit' it did not always manage to plug the participation deficit: as with tribunal users, lawyers in courts and tribunals could block or enable participation.

This question of how participative an individual's experience of dispute resolution can be without legal representation is examined empirically in a two-year Nuffield Foundation funded study, in partnership with the Northern Ireland Human Rights Commission, focusing on the civil and family courts in Northern Ireland. The research draws on qualitative and quantitative data from litigants in person (LIPs) and other court stakeholders in the Northern Ireland courts, gathered from September 2016 to September 2017, focused on proceedings in private family law cases as well as ancillary relief, undefended divorce, bankruptcy and creditors petitions. The data set consists of 260 observations of court proceedings, 180 interviews with personal litigants, 50 interviews with lawyers, judges and others working within the court system, and 120 questionnaires to capture the general health and socio-demographic profiles of personal litigants. The research establishes for the first time in Northern Ireland why people self-represent and the characteristics of personal litigants, including their socio-demographic profiles as well as their self-reported general health status. It also reveals what it is like to self-represent in Northern Ireland and how the civil and family courts have responded to LIPs.

Working with the Northern Ireland Human Rights Commission, the project provided access for LIPs to a procedural advice clinic, delivered by a Human Rights Commission caseworker, and the research examines the impact of providing this procedural (as opposed to legal) advice for unrepresented litigants. The focus of this paper is on understanding the obstacles to

participation for LIPs, to establish whether or how litigants can participate in civil and family court proceedings without legal representation, and the implications of this for an individual's access to justice rights, particularly those safeguarded by Article 6 ECHR on the right to a fair trial.

## Communication as the Heart of Access to Justice

**Tatiana Tkacukova (Birmingham City University, UK)**

In recent years, the post-LASPO wave of empirical research on Litigants in Person (LIPs) in civil proceedings in England and Wales has shown that the system is letting down vulnerable people (e.g., Trinder et a. 2014; Lee and Tkacukova 2017; 'Access Denied? LASPO Four Years on: A Law Society Review' 2017). Unsurprisingly, many of the problems LIPs experience are deeply rooted in the exclusivity of discourse surrounding legal proceedings and procedures. An increased awareness of the importance of language and effective communication inspires legal charities, professional organisations and HMCTS to develop projects to ensure individual aspects of legal proceedings are more user-friendly. These have so far concentrated predominantly on HMCTS forms. Yet, it is communication processes in all the pre, throughout and post proceedings stages that can make a positive impact on the LIP experience as well as court experience of represented clients (Tkacukova 2016).

The paper focuses on linguistic aspects of written and spoken communication processes on different levels, including institutional, national, local and interpersonal levels. Special emphasis is placed upon evaluating the planned digitisation of court proceedings, starting from smart forms to introduction of online courts and virtual hearings, all of which offer opportunities to improve such aspects as form filling, gathering evidential documentation, obtaining initial procedural and legal advice, and engaging with legal proceedings more actively.

By foregrounding the importance of efficient communication as part of legal proceedings, the paper comments on advantages and disadvantages of digitisation from the perspective of access to justice for LIPs. Although there is little clarity on specific details related to online courts or virtual hearings, at this stage it is essential to raise the awareness of legal professionals and policy makers about both the potential and dangers of digitisation. For instance, if the function of recording virtual hearings is enabled, the audio recordings could be shared instantaneously, saving the parties' time and finances and allowing LIPs to make clearer notes and prepare better for the upcoming hearings (at the moment the recordings are sent to approved

transcribers and can be very costly). Digitisation would nonetheless create a need for a clear strategy on supporting those lacking sufficient digital skills as well as users with communication related difficulties (non-native speakers, mental health problems, learning disabilities, etc). The paper concludes by suggesting specific measures that could enable the most vulnerable participate in the proceedings.

## Rationalising Responses to the Changing Legal Services Landscape for Private Family Disputes

Leanne Smith and Emma Hitchings (Cardiff University and University of Bristol, UK)

This paper uses recent research on fee-charging McKenzie Friends in private family cases as a starting point for arguing that debates over the risks, opportunities and regulatory challenges presented by changes to the legal services landscape for family disputes are dominated by traditional conceptions of legal services. It begins by outlining negative representations of fee-charging McKenzie Friends across the legal professions and legal media. It then interrogates the rationality of the concern with McKenzie Friends. It does this firstly by arguing that the scale of the attention paid to fee-charging McKenzie Friends appears to be disproportionate to the threat they pose to either the administration of justice or to the sustainability of traditional legal services. Secondly, it positions fee-charging McKenzie friends as a sideshow to more far-reaching incursions into professional legal advice being made by online divorce providers and mediators. From this perspective it is argued that anxieties about fee-charging McKenzie Friends have served as a distraction from a more purposeful and necessary review of the shifting landscape of legal services in the area of private family law.

**Session 6, Monday 11th June, 14.40-16.10**
**Children 2 (Gideon Schreier Lecture Theatre)**

## First Steps Towards a Measurement of Children's Legal Capability

Dawn Watkins (University of Leicester, UK)

This paper begins by considering what a legally capable child might 'look

like' from a theoretical perspective. It will be argued that the prevailing view in law and legal education, is that children inevitably lack the capabilities to deal with legal problems effectively and that this view stems from a long-held but unarticulated adherence to theories put forward by child developmental psychologists, such as Piaget (1896 – 1980).
In the 1980s and 90s, scholars from the so-called 'new sociology of childhood' vehemently called into question the idea that there is a universal set of stages through which normal children naturally progress (James et al., 1998).

The influence of these views can be seen in health and social work professions, but their views have so far had limited influence in law. It will be argued on this basis that an important precursor to the creation of a measurement of children's legal capability is the formulation a new, holistic theory that convincingly supports the notion of the legally capable child.

The paper then goes on to discuss the key findings of a study has explored children's legal understanding of law in their everyday lives using digital gaming as a research tool. The project was funded by the ESRC under its transformative grant scheme and additional funding was provided by the Legal Education Foundation, to draw on the expertise of Prof. Pascoe Pleasence and Dr Nigel Balmer in subjecting the data gathered from the project to further multidimensional analysis, facilitated by the use of MLwiN multilevel modelling software (Rasbash et al., 2015).

Areas of strength relate to children's knowledge and attitudes to gender equality, as well as their apparent competency to deal with consumer-related issues appropriately and their accurate knowledge concerning the age of criminal responsibility. However, these are juxtaposed by a range of other findings. Some children demonstrated a lack of knowledge concerning the levels of force that adult authority figures are permitted to exercise over them; particularly the police. Most children demonstrate very low expectations concerning their ability to exert an influence in contexts such as school and the local community that they encounter in their day to day lives. Related to this, there is an apparent lack of awareness among children concerning the rights afforded to them under the United Nations Convention on the Rights of the Child.

The paper concludes by suggesting that the findings presented in the paper demonstrate that the current state of legal knowledge among children is a cause for concern, and by proposing next steps towards constructing a legal capability framework for children.

# Access to Legal Advice, Waiver and the Child Suspect

Louise Forde (School of Law, University College Cork, Ireland)

The rights of young people in conflict with the law are set out under a range of international instruments at both the UN and the European level. Article 40 of the UN Convention on the Rights out of the Child details a range of procedural rights that must be afforded to young people if their right to a fair trial is to be adequately safeguarded and proper access to justice guaranteed, and these rights must be guaranteed from the earliest stage of the investigation of any offence. Crucially, the Committee on the Rights of the Child has stressed that children should have access to legal or other appropriate representation. Access to adequate legal advice and assistance is a vital safeguard against injustice in the criminal process. The importance of this safeguard is further highlighted by EU Directive (2016/800) on procedural safeguards for children who are suspects or accused persons in criminal proceedings, which obliges States subject to the Directive to ensure that children are assisted by a lawyer from the earliest stages of criminal proceedings, and to ensure that lawyers can participate effectively during police questioning. The realisation of this right is a key part of ensuring that the child's right to participate effectively in criminal proceedings is realised in practice.

The child's entitlement to access legal advice, however, may be waived, either by the child him- or herself, or by their parent or guardian. How the choice to avail of access to legal advice is informed and exercised is a crucial question when considering how child suspects' access to justice is facilitated. This question is particularly relevant where the parent chooses to waive the child's entitlement to legal advice on the child's behalf. This paper examines key issues relating to access to legal advice for child suspects, and waiver of this right. It will examine the legal framework setting out the right to access legal advice in Ireland, the UK and New Zealand, and the information that must be given to a child about this. It will consider how the courts have responded to allegations that the child's due process rights have been breached due to parental waiver of the right to access legal advice. Procedural factors that might affect the child's decision around whether to exercise their right to access legal advice will also be highlighted, including the nature and quality of the information given by police to the child and their parent. Ultimately, the paper aims to explore how the right to access legal advice is realised in practice, and to highlight key issues that need to be addressed to ensure that this right is meaningful for children.


Gordon Square, London WC1

## Developing a Legal Aid System for Children in Zanzibar

Dame Carolyn Hamilton (Coram International)

Zanzibar passed a Childrens Act in 2011, which established a Children's Court, before which nearly all criminal offences committed by children are tried. Although the Courts are intended to be 'child friendly' they still retain an adversarial approach, and children continued to be unrepresented. In order to implement the Act, a legal aid programme was established by Coram International as consultants to UNICEF, as part of an overall approach to managing cases of children in conflict with the law. A body needed to be identified to run the programme in a society where only the relatively wealthy or those on a capital charge had legal representation when charged with a crime. This meant that there were very few lawyers with experience of representing defendants in court and none with experience of representing children. The legal aid programme provided representation to all children charged with a crime, and worked with the child supporters (who formed a vital part of the programme and were present in the police stations) and the community rehabilitation and reintegration programme. This was a very new approach for Zanzibar who, as a result, started to draft a Legal Aid Law.

**Session 7, Monday 11th June, 16.30-18.00**
**Public Legal Education and Empowerment (Denys Holland Lecture Theatre)**

## Access to Justice and Public Legal Education at the Law Society of Ireland

Freda Grealy and John Lunney (Law Society of Ireland)

This paper discusses the Law Society of Ireland's experience of developing a Street Law programme in collaboration with Georgetown University. Street Law is a public legal education initiative that involves law students delivering law related classes and workshops in community settings. Street Law uses people's inherent interest in the law and relies on research supported, best practices in civic education to teach high cognitive, academic, social and other skills that enhance people's effectiveness in legal matters. It is founded on the dual education goals of providing relevant law related education to meet community needs and to enhance the professional development of the law students delivering the programme.

The Law Society of Ireland is the educational, representative and regulatory body of the solicitors' profession in Ireland, and currently the exclusive provider of training programs for solicitors. From this unique perspective Street Law has provided a number of positive outcomes that align with our mission to promote access to legal education and the law, public outreach and promoting a positive image of solicitors in the community.

This paper will demonstrate that trainees consistently recognise the impact Street Law has on their personal and professional development. Our initial findings indicate that Street Law can have a potentially transformative effect and leads to an increased commitment to pro bono, a heightened sense of positive professional identity and an awareness of their civic duty as lawyers. It further fosters an ethic of public service and demonstrates to the trainees the positive contribution they can make to their community.

The Street Law programme empowers trainees through a unique intensive induction training that aims to to educate and empower the trainees so that they can later educate and empower their students around their legal rights, responsibilities, and options. The multifaceted educational approach adopted has been shown to have short and medium term social benefits, for trainees, the participants (school children, prisoners) and for the professional body and the impact of this will be discussed and detailed.

In addition, the various programmes play a valuable role in socialising those from disadvantaged communities to the wider role of lawyers in society, to the concept of a more diverse legal profession, and demonstrating potential pathways to a career in law. The authors will provide feedback from the participants and community groups who have benefitted from their involvement with Street Law and discuss the requirement for further research in the field of Public Legal Education that have the potential to empower recipients and improve legal capability.

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## The Significance of Legal Information for Meaningful Access to Justice: Findings from a Three Year Longitudinal Study of 600 Canadians with Family or Rental Housing Problem

Les Jacobs (York University, Canada)

Canadian jurisdictions, including Ontario and British Columbia (BC), are increasingly exploring and relying on limited legal assistance programs as a method of providing legal services to people who cannot afford legal services. Increased rationing of publicly-funded legal services has meant that public legal education and information ("PLEI"), either on its own or

in conjunction with other unbundled legal services, is required to fill an increasingly larger role in meeting the legal needs of poor people and people with modest means. Yet we know relatively little about the extent to which PLEI is an effective legal service: for what types of clients, for which kinds of legal problems, and in which circumstances, can PLEI provide the most robust assistance.

This paper reports some findings from the Evolving Legal Services Research Project about the experiences of 600 Canadians in Ontario and BC with family or rental housing problems who relied on legal information. The project followed these Canadians on their legal journeys over three years from the Spring of 2014 until the Autumn of 2017. The research design used a mixed methodology and includes two subsets of participants who were involved in a randomized control trial. (This is the first RCT in legal services undertaken in Canada.) The different legal journeys of individuals are compared using an composite index. The findings are interpreted within a theoretical framework of meaningful access to justice (which is explained in terms of seven important pillars.)

Two aspects of the findings are highlighted. The first aspect concerns when PLEI is important. The findings identify critical junctures during people's journey when legal information – substantive or next steps – is especially impactful. The second aspect is based on the individual personal capability data gathered in the study. This data offers insights about for whom legal information is especially impactful.

## Access to Justice for Exploited Workers in the Legal Sex Industry: A Qualitative Study

Alice Orchiston (University of Sydney, Australia)

While sex work has been legal in many countries, including some parts of Australia for an extended period, there has been limited investigation of the legal needs of sex workers, as workers. In theory, sex workers in a legal setting have access to the same rights and protections as people working in other legal occupations. However, in practice labour laws are seldom enforced in the sex industry, and sex workers are vulnerable to managerial exploitation (Murray, 2001; Orchiston, 2016). This paper explores constraints on sex workers seeking redress when their labour rights are infringed. It argues that reform is necessary to improve access to justice for legal sex industry workers, and recommends policy, service delivery and legal assistance measures designed to achieve this.

This paper draws on the findings of a larger qualitative research project investigating labour law compliance in the Australian legal brothel sector. The primary source of data is 30 in-depth qualitative interviews conducted with sex workers, brothel operators, and other stakeholders with experience of workplace relations in the legal sex industry. The interview findings were triangulated by a qualitative content analysis of 806 weblog entries describing working conditions and workplace problems, derived from 54 weblogs written by Australian sex workers. While the data collected specifically relates to the Australian context, the key research findings with respect to barriers to access to justice are likely to be generalisable to other jurisdictions.

First, this paper provides an overview of labour exploitation issues in the Australian legal sex industry. It explains that brothels routinely violate labour laws, including workplace health and safety laws, in order to maximise profit. Next, the paper examines factors that contribute to labour rights violations in the sex industry. Barriers to individual and collective enforcement and systemic factors that undermine the effectiveness of existing legal protections are explored. Finally, the paper proposes potential solutions to the problems identified. These include mechanisms to drive compliance and promote greater awareness of workplace rights and responsibilities in the legal sex industry.

## Older People and Human Rights

Emily McCarron (Age UK)

Between 2005/06 and 2015/16 the total number of people aged 65 or over in England increased by close to 21 per cent, representing nearly 1.7 million extra people. By 2040, nearly one in four people in the UK (24.2%) will be aged 65 or over.

Popular depictions of older generations would have us believe that people over the age of 65 have not only benefited from generous social, education and public health policies but also from 'unearned' property wealth as a result of Britain's property boom in the 90s and 2000s. However this in large, fictional depiction of older people masks their actual lived experience for whom far too many spend their later years experiencing ill health, disability and a lack of autonomy and independence over their lives. This experience is compounded by pervasive societal ageism and significant funding cuts, which undermine the application of various equality and human rights frameworks and services which should protect and uphold

older people's autonomy, dignity and control over their lives.

This paper will look at the various legal issues older people face which undermine their independence and autonomy, including age discrimination in employment, health and financial services; elder abuse and neglect both in the community and in social care; mental capacity issues, and unauthorised deprivations of liberty.

It will examine the significant barriers older people face in addressing these legal issues including individual barriers such as loss of capacity, cognitive and physical disability; systemic barriers, including funding cuts to legal aid, the increase in court and tribunal fees, and digital exclusion; and significant funding cuts to local authorities and other public services which has led to a reduction in the provision and quality of social care to older people as well as undercutting the ability of local authorities to meet their human rights obligations, resulting in a loss of dignity and autonomy for older people.

Existing gaps in the human rights framework both domestically and internationally will be examined. It continues to be a matter of serious concern across the UK that not all older people are accorded the protections of the Human Rights Act 1998 because the Act only applies to the provision of public services and so therefore the users of care services who are paying for their own care (unless their care has been arranged by a local authority) are not afforded the protection of the Human Rights Act. Future changes arising from BREXIT and the political commitment by the current Conservative government to re-examine the Human Rights Act and possibly replace it with a Bill of Rights are likely to have an impact on the rights of older people.

Finally, the paper will examine the development and promotion of the rights of older people internationally, via the Convention on the Rights of People with a Disability and the possibility of a new Convention on the rights of older people.

**Session 8, Monday 11th June, 16.30-18.00**
**Legal Aid Eligibility (Gideon Schreier Lecture Theatre)**

## Assessment of the Merits of the Case in Legal Aid Cases Under the ECHR Case Law

Olaf Halvorsen Rønning (University of Oslo, Norway)

This paper examines how the merits of the case influences the decisions under the Airey criteria on legal aid as means to access to court in the case law of the European Court of Human Rights.

Under the ECHR art 6, states might be obligated to provide legal aid in civil procedures if necessary to ensure effective access to court, cf as the first of the well established case law AIREY v. IRELAND (1979). When assessing wither such provision of legal aid is necessary will depend on inter alia the importance of what is at stake, the complexity of the law and procedure, and the applicant's capacity to represent him or herself effectively, cf STEEL AND MORRIS v. THE UNITED KINGDOM (2005). Case law also gives rise to, to some extent, that the merits of the case or the prospects of success is one of such relevant factors, cf for instance MUNRO v. United Kingdom (1987). However, how and to what extent such assessments of the merits of the case can be relied upon when deciding legal aid applications is not clear. Several decisions on the issue seems to be somewhat contradictory, and without much written reasoning regarding the more normative perspectives on allowing such considerations to influence legal aid decisions. This uncertainty makes the issue interesting from not only a scholarly perspective, but will also have implication for policy makers and practitioners.

The paper will go through the relevant case law, elucidating on the current understanding of this, and give a critical analysis of the approach of the court.

In general, I would argue that the early case law on the issue had little reasoning behind it, and went quite far in accepting the merits of the case as a relevant factor. Not only did the Commission allow the national legal aid authority to consider the merits of the case, and to have this consideration influencing the decision on legal aid. The Commission itself goes quite far in assessing this by itself as well, not solely relying on either the counsel on the applicant's side or the national legal aid authorities assessment. In the more recent case law, the Court takes a (perhaps) more principled stand, asserting that the decision on the merits of the case by the national courts

is the core of access to justice, and that rejecting legal aid applications based on the lack of merits of the case runs counter to this. However, also this stand is challenged and developed in the latest case law from the Court, allowing such assessment is some cases and to some extent. In particular, the latest case law on the merits of the case seems to drawn upon a complex relationship between different factors, such as the relevant elements of the assessments of merits, the relevant procedural safe guards, the state of the proceedings and previous legal representation.

## Eligibility Criteria for Legal Aid: Comparative Analysis

**Anzelika Baneviciene (State-guaranteed Legal Aid Service, Lithuania)**

The research focuses on the comparative analysis of the criteria of means and merits tests applied in twelve Member States of the EU to evaluate the eligibility of applicants for State-funded legal aid. The research disclosed that the States employ different means and merit tests. For example, means tests evaluate different types of income: some states count all types of income, others exclude certain types of expenses. Variation is also observed in the merit tests. The analysis also discusses if the chosen criteria of the means and merit tests allow to achieve the goals raised in the International instruments.


Gandhi, UCL ulumnus, London WC1

# Tuesday 12th June

**Session 9, Tuesday 12th June, 08.30-10.00**
**Systems and Models (Denys Holland Lecture Theatre)**

## The Latin American Legal Aid Model

Diogo Esteves and Cleber Francisco Alves (Brazilian Public Defender's Office and Fluminense Federal University, Brazil)

In the late 1970s, a search for a new political and legal order, which was truly democratic and committed to the realization of human rights, began to gain momentum in Latin America. After a long period of dictatorial rule, several conflicts and negotiations boosted the process of political opening and democratic transition in the region, marking the return of the rule of law. Although the legal aid service in Latin America has historical antecedents, after the process of redemocratization a movement of consolidation of the public legal aid model have emerged in the region. Faced with the clear concern to avoid that normative achievements were only in the field of legal abstractions, numerous instruments were created to give concreteness to fundamental rights, especially in relation to historically excluded and marginalized citizens. In this new democratic architecture, a decisive role was conferred on the Judiciary, which leaves aside the position of technical-legal detachment and takes a central position in the social and political order. Due to the inertia of the jurisdiction, the consequent need arises for the creation and development of mechanisms capable of triggering the justice system, guaranteeing the broad and unrestricted access to justice. Given this political and social scenario, the free legal aid services gradually assume the necessary role in consolidating the democratic regime of Latin America, on the end of the 1980s.

This paper firstly describes the background of the development of legal aid models in Latin America, which ended up following a path different from that adopted by the countries of Europe. Due to the historical, political, social and cultural peculiarities of the region, in Latin American countries there was a preponderant dissemination of the salaried staff model, unlike the legal aid services existing on the European continent, which were developed predominantly around the judicare system.

Secondly it describes the recently process of consolidating the autonomy of the Latin American legal aid agencies, being protected against any external interference, guaranteeing freedom to exercise the defense of the rights of economically or socially vulnerable people, including litigating against

the Government Authority itself. This autonomy has been recognized and stimulated by the Organization of American States (OAS), which recently enacted the Resolutions AG/RES No. 2656/2011, No. 2714/2012, No. 2801/2013, No. 2821/2014 and No. 2908/2017, to encourage member states to strengthen the autonomy and independence of public defenders.

Finally it analyzes how the Latin American Legal Aid Model has reacted to the global economic crisis and to the austerity measures.

## The Analysis of Legal Aid Schemes: A Proposed Framework

Anna Barlow (Åbo Akademi University, Finland)

Legal aid systems vary radically between jurisdictions in cost, organisation and level of government commitment. The differences have inspired academic comparisons and the interest of policy-makers but meaningful evaluation is hampered by the presence of many variables which interact in complex ways. A large-scale comparison of nine jurisdictions (the Nordic countries, UK and the Republic of Ireland) from an administrative law perspective has allowed in-depth consideration of the various component elements of a legal aid scheme, revealing links between policy and practice which are less evident in smaller comparative studies. This has enabled the construction of a framework for the analysis of legal aid schemes, which can be applied to one system or used to systematically compare schemes. The framework identifies three different levels at which choices are made in legal aid schemes: the establishment of guiding principles; policy choices ideally consistent with these principles and largely deriving from them; and practical delivery methods which have little connection to the theoretical basis of the scheme but may be dictated to a greater or lesser extent by the policy choices. The legal aid system must also be considered in the light of its social, economic and legal context. The suggested approach discourages a concentration on modes of delivery which, whilst superficially interesting, are highly context-specific and reveal little about the overall theoretical coherency of a legal aid scheme.

In analysis of existing legal aid systems, the structure proposed can be used to consider context, delivery and policy choices to indicate which principles are demonstrated. These can then be compared with each other and with the values which the system purports to espouse in order to determine whether the scheme is internally consistent.

Comparison of legal aid schemes is also facilitated by the application of the framework, which provides a consistent structure for evaluation of the

principles, policy and organisation of each system and indicates the most meaningful areas for analysis. For example, if two systems profess to follow similar guiding principles, significant difference in policy choices would be particularly interesting and invite further investigation. Conversely, discrepancy in policy may be of little note if it clearly relates to different values expressed in the guiding principles; in that situation it is the difference in principle which is of interest. Sometimes, also, difference in performance (particularly expense) may be found to relate very largely to context if principles and policy are aligned between two jurisdictions but outcomes are at variance.

When planning legal aid policy, a structured framework improves the chances of a rational outcome and helps to avoid unintended and unwanted consequences arising from the interactions between policy and practice in the interwoven elements of a necessarily complex legal aid system. The aim is to enable the development of a coherent legal aid scheme, consistent with the underlying principles on which the system is founded.

This paper presents a fledgling framework for the analysis of legal aid systems and invites comments and discussion.

**Session 10, Tuesday 12th June, 10.30-12.00**
**Innovation 1 (Denys Holland Lecture Theatre)**

## Maybe There's an App for That: Comparing Existing Legal Technologies to What We Know about People's Actual Needs and Capacities

Rebecca L. Sandefur and Matthew Schneider (University of Illinois at Urbana-Champaign/American Bar Foundation, USA)

Digital technologies proliferate, providing previously unimagined means of conducting tasks and forming relationships. Rapid growth occurs in the legal field, where over $1 billion of venture capital investment in legal technology startups has been made in the last 7 years (O'Keefe 2017), with more than 700 legal startups in operation (Ambrogi 2017). These technological solutions generate great interest and energy, often lauded as a magic bullet for access to justice, not least because they promise to bring about "the nirvana of increased access at reduced price," as two observers wryly note (Paterson and Smith 2014:22). Fascinating work explores both their promise and their limitations (e.g., Denvir, Balmer and Pleasence 2010; Smith 2014). However, little research explores a different fundamental question: what

do these tools do? Specifically, what is their current scope, and what is the relationship between what is currently offered to what we know about people's actual needs for legal services and capacities to use digital technologies to receive them?

This paper charts the landscape of existing digital technologies that provide legal services to nonlawyer individual end-users (i.e., lay people, or nonlawyer service providers assisting lay people), and compares that landscape to what we know about people's actual needs and capabilities for using existing tools. The paper attempts a census of existing tools in the US legal services market. To date, we have identified roughly 200 unique legal technologies designed for US jurisdictions and including nonlawyer individuals among their intended users. Our research compares the characteristics of the tools to evidence about the needs and capacities of potential users. Analysis and data collection continue. We describe selected preliminary findings below.

The range of tools is wide, from document preparation to legal diagnosis to assistance in assembling evidence to providing legal information. The capacity to use such tools is a function of both legal capability (Pleasence and Balmer 2017) and basic capacity to use digital tools. On the latter question, the vast majority of tools require users to be sighted (98%) and to be literate in English (89%).

Comparing the kinds of justice problems served by the tools to the kinds of justice problems that Americans actually have reveals that there often is not an app for that -- if by that phrase one means a tool that assists its user actively with the kinds of problems people are known to have. A fifth of tools (21%) provide legal information only, whether as dictionaries, articles or compendia of rules. About of third (32%) of tools are referral or listing services that connect people to attorneys, whether a legal aid office or a private law firm. Two fifths (40%) of technologies create legal documents, while about a fifth (18%) assist users in compiling evidence. Few technologies (4%) diagnose legal problems. Surveys of the public show that common justice problems include those related to livelihood, housing, domestic relations, and finances. By contrast, among the technologies that "do" something, the most commonly served types of problems are family (23%), contract (14%) and criminal (13%).

## Accessing Justice from Prison: Videoconferencing, Digital Devices and Legal Support for the Incarcerated

Carolyn McKay (University of Sydney Law School, Australia)

Digital communication technologies are increasingly embedded into the infrastructure of prisons, offering prisoners new portals to the outside world. Audio visual link technologies enable prisoners to hold conferences with their legal representatives and communicate with lawyers during legal hearings, while the latest technological innovations provide prisoners with limited access to legal information via their own in-cell devices. Building on my previous empirical research regarding the impact of audio visual link or videoconferencing technologies on prisoners' legal experiences and access to justice, this paper provides a critical analysis of communication technologies for prisoners in the UK and Australia. Do these technologies offer more efficient legal support for prisoners, or ensure that prisoners feel further separated from their legal representatives, that is, do they connect or isolate?

The paper will start with an overview of emergent prison technologies of communication including the UK's prison video links and virtual courts systems and Australia's audio visual links. In-cell computers, laptops, tablets and kiosks that provide prisoners with individual locked digital environments and limited access to legal support will be discussed in the context of the UK's newest and largest prison HMP Berwyn (Ministry of Justice 2017). In the Australian context, focus will be on the current expansion of the prison estate in New South Wales: the new 'rapid build prisons' will house sentenced prisoners in dormitories that provide individual Offender Access Digital Television screens in each prisoner's cubicle.

There are many perceived benefits of introducing communication innovations into the digital vacuum of prisons: bridging the gap between the free world and digital inequalities of prisons (Jewkes and Reisdorf 2016); allowing access to rehabilitation, education and post-release programs (European Organisation of Prisons and Correctional Services 2017; Justice Action 2012); enabling family communications, and as a platform for access to legal information, advice and representation (Law Council of Australia 2017; McKay 2017, forthcoming 2018). Legal aid lawyers' use of live links for legal conferencing and representation has grown significantly as a means to provide legal support to incarcerated clients in a more cost and time effective manner.

However, there are potential downsides for increasing technological interaction for a population already isolated from human contact. Will

the further embedding of digital communication technologies in prison replace, rather than complement, face-to-face legal conferences and representation? In particular, how do these technologies impact client-lawyer confidentiality? As lawyers decreasingly visit prisons, in what way will this impact the independent scrutiny of prison conditions? Referencing my empirical data and a review of international scholarly literature, the enhanced level of digital connectivity between prisoners and legal profession will be analysed through the lens of Foucault (1977) as an expansion of the state's carceral reach.

## Online Courts and Access to Justice: Providing Support for the Digitally Defaulted

Catrina Denvir (University of Ulster, UK)

In September 2016 the Lord Chancellor, Lord Chief Justice, and the Senior President of Tribunals released a joint vision for the future of Courts and Tribunals that would deliver a system that was just, proportionate, and accessible. Central to this vision was the development of a series of new online courts and court services to form part of a £700 million reform package. Recent proposals emerging from within Government acknowledge that not everyone will be able to engage with digital processes, with the Government Digital Service (GDS) estimating that 14% of the UK population does not have access to the Internet, whilst 7% of those with access, do not use the Internet in a way that benefits them day-to-day. Nevertheless users are expected to adapt to digital-by-default modes of delivery using 'Assisted Digital Support' (ADS) where required. A number of Departments have rolled-out ADS services to complement the delivery of online services, but to date, there has been little done to draw together information that might inform ADS development, including information about the rate of ADS take-up and the appropriateness of various forms of ADS delivery. This study, funded by the Civil Justice Council, draws on data from the 2014/15 Legal Problem Resolution Survey and analysis of 252 Government Digital Service Assessments, to help inform ADS provision and to identify the potential impact of a digital-by-default agenda.

**Session 11, Tuesday 12th June, 12.50-14.20**
**Innovation 2 (Denys Holland Lecture Theatre)**

## Digital Legal Rights for Suspects

Vicky Kemp (University of Nottingham, UK)

Since the inception of the Police and Criminal Evidence Act 1984, it has been the police who have been responsible for delivering information to suspects about their legal rights. Research has consistently shown that people do not always understand their legal rights and the majority of those who decline legal advice simply say they do not want a solicitor. Sometimes the police can use ploys to discourage suspects from having legal advice, by reading out their rights quickly and incomprehensibly for example, but there is also a common perception that having a solicitor will cause long delays. There has been little research undertaken into how suspects exercise their legal rights, whether they understand what is happening and their experiences in the criminal process. In addition, suspects are increasingly being interviewed by the police on a voluntary basis and there is no information available on the number of such interviews and whether or not a solicitor was involved. In seeking to help improve access to justice and procedural safeguards for suspects, a Police Station App is being developed. This has been user-tested on 100 detainees in two large custody suites and the App is being adapted to be used in voluntary interviews. A comparative study has also been undertaken of effective police station legal advice in six jurisdictions and defence solicitors and legal aid officials have commented on the potential efficacy of the Police Station App in helping to enhance procedural safeguards for suspects.

Research interviews are currently being undertaken with children and young people so that we can gain a better understanding of what they understand to be their legal rights and how they exercise those rights. Through their voices we want to adapt the App so that a child-friendly approach is adopted and for information about suspects' legal rights to be presented in different formats which appeal to children and young people, such as through cartoons, videos and gamification. By gathering data through the App we will explore with policy makers how the pre-charge criminal process can be changed to adopt a child-friendly approach and to provide increased protections for vulnerable suspects.

The App will provide information to suspects about their legal rights and help to improve procedural safeguards. A comprehension test, for example, can check if people understand their legal rights and what is happening to them in the pre-charge process. We are also developing digital feedback


Kings Cross Station, London, N1

forms so that the experiences of suspects can routinely be collected and used to help inform change. Emerging findings arising out of this programme of research into the legal rights of suspects will be presented.

## Innovations in Self-Help in California's Courts

**Bonnie Rose Hough (Judicial Council of California, USA)**

California is in the midst of incorporating a wide variety of innovative strategies into its network of court-based self-help centers. These innovations include:

- mobile enabled portals allowing litigants to have access to their court documents, receive text reminders of court appearances and next steps in their cases
- connecting rural courts via Skype-like services to provide workshops, bilingual staff, and expertise in hard to serve communities
- providing document assembly programs that incorporate artificial intelligence enable litigants to complete necessary court documents at home or in community centers and e-file them
- chatbots to address commonly answered questions and take litigants to the information they need on-line
- workshops that are streamed on-line with live-chat features

These innovations are being evaluated for replication and fit into efforts to use technology to effectively triage litigants to the most appropriate service and response. Coupled with the possibility of increased funding for in-person support, the courts are poised to take a major leap forward in access to justice. This paper will review those advancements and identify strategies that are being developed to leverage these innovations.

## Defendants on Video – Conveyor Belt Justice or a Revolution in Access?

**Penelope Gibbs (Transform Justice and Centre for Criminology, University of Oxford, UK)**

The government of England and Wales has embarked on an ambitious and

costly programme to digitise our court system. This involves online and virtual processes and was heralded by a report jointly published in October 2016 by the judiciary and the government – Transforming Our Justice System. Part of the plan is to extend the use of video in criminal courts, for all parties. The ultimate vision is to use the traditional court only for Crown Court trials. and for all other hearings to be conducted entirely virtually, with all parties on discrete video screens, tablets or on the telephone. Concerns have been expressed about the effect on defendants of using video, both on their behaviour and the outcome of cases. Despite the increased use of video for defendants from prison into court from 2000, and from police station to court from 2010, there is very little research on this. In 2017 following the tabling of radical legislative court reform proposals, Penelope Gibbs conducted research particularly focused on vulnerable defendants. Through an internet survey, telephone interviews, a roundtable discussion with practitioners and lawyers and she analysed evidence on how video hearings work in practice, and in particular their negative impact on the lawyer-client relationship. She found that video potentially creates many barriers to effective participation – namely to the ability of defendant and lawyer to communicate well and confidentially, to the ability of the defendant to understand proceedings in the court and to their ability to judge the appropriateness of their behaviour.

**Session 12, Tuesday 12th June, 12.50-14.20**
**Clinical Legal Education (Gideon Schreier Lecture Theatre)**

## Improving Access to Justice for Occupiers Threatened With Eviction: Establishing a Clinic on Evictions and Repossessions

Lisa Whitehouse (Law School, University of Hull, UK)

This paper will report on a project (funded by the Ferens Education Trust) which is designed to better prepare occupiers threatened with loss of home for their court hearing through the provision of a Clinic on Evictions and Repossessions (CLEAR) at a local court. Staffed by Hull Law School students, local authority housing officers, mental health support workers and representatives of the Housing Possession Court Duty Scheme, this 'one stop shop' of information will aim to inform, support and advise occupiers so that they can engage fully with the legal process and, where possible, assist them in avoiding loss of home. The project arises out of earlier research (e.g. Bright and Whitehouse, Information, Advice and

Representation in Housing Possession Cases, April 2014 and 'Does the current housing possession process provide effective access to justice?' (2014) 164.7611 New Law Journal 16-17) which suggests that, due to a lack of accessible legal advice, occupiers may be missing out on measures designed to protect them against eviction and that a high percentage of cases are adjourned due to unresolved housing benefit claims. The hope is that this scheme will enhance access to justice for occupiers by offering them free multi-agency advice while ensuring the more effective use of judicial time (by avoiding unnecessary hearings, ensuring only relevant information is put before the judge, etc.). This scheme seems particularly timely given that moves to simplify access to the legal system through the proposed 'Online Court' will not apply to possession hearings (Lord Justice Briggs, 'Civil Courts Structure Review: Final Report' 2016, para. 6.95). The feasibility of introducing this scheme will be assessed during 2018. If considered feasible (and if the requisite funding is obtained) then the intention is to implement the scheme in 2019. Thoughts on its potential usefulness, scope and logistics will be very welcome.

## The Role of Externship/Placement Law Clinics in Advancing the Public Interest: An Irish Perspective

**Larry Donnelly (School of Law, National University of Ireland, Ireland)**

The overused cliche - "thinking outside the box" - is one that those leading the fledgling enterprise that is Irish clinical legal education are well-acquainted with. Arriving late to what has been described as the outstanding innovation in law teaching in the twentieth century and lacking the financial and other resources that have been instrumental to the extraordinary successes of clinical legal education around the world, putting law clinics in the mainstream of Irish legal education remains an uphill battle. That said, there has been steady growth and some important goals have been realised. For a variety of reasons - a lack of financial and human resources chief among them - the externship or placement model has been adopted by law schools in Ireland for their clinical programmes.

This paper explores the extent to which this model can accomplish the two broad objectives and, in so doing, duplicate the significant triumphs of clinical legal education globally: supplementing the theoretical learning of students in the lecture theatre with practical, "real world" experience (the skills imperative) and equipping students with a cognisance that the law can be a valuable tool in advocating for those individuals and groups on the margins of society (the public interest imperative).

The paper sets the context in which Irish clinical legal education has developed and acknowledges the very real obstacles that continue to stand in its way, as well as the more intangible limitations on it that persist in an overarching sense. It then considers the externship/placement model of a law clinic in some detail and makes the case that these law clinics can play an important role in advancing the public interest both in the present and in the future - even though it may not be as readily apparent as in the "live client" model that dominates in the United States and other jurisdictions. The paper focuses specifically on the experiences of students and supervisors in the clinical programme in the School of Law at the National University of Ireland, Galway.

The paper examines means of expanding the ambit of the externship/placement model notwithstanding scant resources - "Street Law" is one particularly attractive initiative - and concludes by noting the need for ongoing research on the impact of participation in clinical legal education programmes with a public interest dimension on graduates' career trajectory.

## The Service Contributions of Clinical Legal Education

**Jeff Giddings (Faculty of Law, Monash University, Australia)**

Combining community service with student learning distinguishes clinical legal education (CLE) from other forms of legal education. This paper considers the service contributions of CLE, drawing on accounts of clinical programs in Australia, Canada, South Africa and the United States of America.

Significant claims have been made for the importance of CLE. Educating Lawyers, the 2007 report of the Carnegie Foundation for the Advancement of Teaching, identified particular contributions clinics should make to the practical and professional apprenticeships considered integral to an effective legal education.

The adequacy and focus of legal aid arrangements will be significant in shaping the ways in which students and staff in CLE programs can contribute to the delivery of legal aid services. Government and community expectations regarding clinics playing a major legal aid role will see models oriented to meeting service delivery objectives. In South Africa and

India, limited legal aid resources resulted in students making important contributions to meeting constitutional rights to representation.

This paper will argue that effective program design can enable the relationship between student learning and service to generate opportunities for cross-fertilisation rather than always involving a trade-off between these objectives. When understood as an endeavor that is integrative in nature, CLE can be recognized as advancing multiple interests. It will further be argued that CLE programs are useful sites for bringing together people who can make complementary contributions to identifying and addressing the various service needs of clients.

CLE programs also have great potential to be a key site for multidisciplinary work, involving students and professionals from a range of disciplines. Australian clinical programs were pioneers of what are now referred to as Health Justice Partnerships. In different ways, the pioneering Australian CLE programs at Monash, La Trobe and the University of New South Wales each developed distinctive approaches to better serving clients through the provision of more comprehensive services.

The paper will address the scope for CLE programs to contribute to community legal education through Street law programs. These legal literacy programs have become increasingly prominent with the support of major philanthropic organisations. The groundbreaking Street Law initiatives in Apartheid era South Africa will be considered to highlight the capacity of CLE to raise legal awareness while building understanding within communities.

The potential of CLE programs to advance community and client interests through engagement in law reform work will also be considered. The experiences of staff and students of the Springvale-Monash Legal Service to reform of the Victorian Legal Profession Practice Act in the late-1980s will be used as an example of such work. These reforms introduced the notion of professional standards and provided greater prescription of the standards expected of practitioners. These reform activities built on student involvement in representing more than 50 legal service clients in proceedings issued against them by a local solicitor seeking payment of legal fees for work done years earlier.

These CLE histories indicate that service and learning can be viewed as the two sides of the same ‘clinical coin’.

**Session 13, Tuesday 12th June, 14.40-16.10**
**Regulation and Costs 1 (Denys Holland Lecture Theatre)**

## Evidence-based Lawyer Regulation

Elizabeth Chambliss (University of South Carolina School of Law, USA)

The United States is beginning to move toward evidence-based lawyer regulation. The seeds were sown in 2015, when the Supreme Court narrowed the scope of state-action antitrust immunity for professional licensing boards, and 2016, when the American Bar Association adopted Model Regulatory Objectives for the Provision of Legal Services. These developments create pressure for empirical evidence to assess the costs and benefits of lawyers' monopoly over legal services.

But who will conduct the research necessary for an "evidence-based" approach? What methodological standards will govern? And what role will the organized profession play in the theoretical development of the field? The U.S. profession historically has played a minimal role in assessing the costs and benefits of anticompetitive regulation, and faced little pressure to do so. Now, the profession is on the defensive as market and regulatory competitors emerge.

This paper examines the law and politics of evidence-based lawyer regulation and identifies strategies for the development of research guided by professional regulatory objectives. It focuses specifically on strategies for promoting quality assessment as a core value of the U.S. legal profession and a required feature of professional self-regulation. One set of strategies is aimed at state supreme courts, which play both authoritative and hortatory functions. Another is aimed at the regulation of law schools, particularly the professional responsibility and clinic requirements, as those faculty will be central to the field. A final set of strategies is aimed at the ABA and state bar associations, which will play an important role in brokering the terms of assessment for non-traditional providers—and thereby for lawyers as well.

Part I explains how recent changes in U.S. antitrust law and the ABA's adoption of Model Regulatory Objectives create legal and political pressure for evidence-based regulation. Part II examines current efforts to promote rigorous assessment research. Part III suggests strategies for institutionalizing quality assessment as a core value of the U.S. profession and a required feature of professional self-regulation.

## Enabling Markets for Law Services: Platforms, Network Effects, and Lean Process

Jeanne Charn (Harvard Law School, USA)

There is wide recognition that the U.S. has a latent market for legal advice and assistance. Legal aid is limited to the very poor and lacks the resources to meet more than a fraction those who seek help. The solo/small firm bar continues to be the primary provider but the chasm between provider prices and prospective clients ability/willingness to pay remains. That chasm defines the lowest level of the latent market. Legal needs studies document that the incidence of legal problems far exceeds expressed demand. Thus the latent market for legal services is many times larger than the turn-away from legal services or the "not sure its worth it" of the potential fee for service client.

I examine the experience of the "pre-paid/insurance" sector in light of business school studies of platform businesses and the powerful network effects this business form generates in some markets. I argue that many types of law services would benefit from a platform model. I also examine the literature on "process engineering" particularly "Lean Six Sigma" developed (and named) by Toyota. The goal of lean Six Sigma and similar efforts is is a virtually error free production process that assures quality, speeds production, protects the brand and so protects profits.

My practice experience suggests that many areas of law practice would benefit from similar, rigorous "process engineering." I offer two examples from fee for service social security disability practice, examples from practice areas of Harvard's Legal Services Center, and my present work with HLS clinical students in the bankruptcy practice at Greater Boston Legal Services. Technology plays a role as an accelerator of platform/network effects and the gains of lean processing.

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## Does Independence Matter for Legal Aid Authorities?

Alan Paterson OBE (Strathclyde University Law School, UK)

This paper focuses on a topic of growing importance in different parts of the world, namely the degree of independence afforded to legal aid authorities (LAA) with respect to a range of key areas e.g. status, accountability, staffing, legal aid awards, policymaking and funding. The LAA in Hong Kong and Chile have historically been part of their


King’s Blvd, London N1

sponsoring Ministries ( though located in separate buildings ) but feel themselves to be insufficiently independent of the Ministries. In some jurisdictions, such as New Zealand, England and Wales and Northern Ireland formerly independent LAA have recently been absorbed into their sponsoring Ministries. Why does this matter for LAA? Perhaps because some governments and occasionally also the media would welcome the opportunity to curb the activities of LAA in funding unpopular cases e.g asylum seekers or drug traffickers. Equally some bar associations would like to control the level of pay given to their members who do legal aid work or to push legal aid payments in the direction of certain favoured groups of practitioners. Other stakeholders and NGOs may have an interest to support certain areas of funding rather than others. The composition and tenure of LAA Board members can be equally problematic if their appointment and dismissal is at the discretion of the Minister rather than a public appointment procedure. Is there a link between independence and the capping of legal aid budgets? Must open ended, demand led budgets come at the price of a loss of flexibility within LAA? This paper will explore the safeguards that are ideally needed to limit the threat to independence of LAA whether located within or outside their sponsoring Ministry.

**Session 14, Tuesday 12th June, 14.40-16.10**
**What Works 2 (Gideon Schreier Lecture Theatre)**

## What Works in Social Justice: Questions and Answers from Advice Service Reform

Lindsey Poole (Advice Services Alliance, UK)

Access to advice on a citizens legal rights is the bed rock of social justice. For over 75 years, the voluntary social legal advice sector (described here simply as the advice sector) has been offering this service for free to thousands of people, particularly those at the sharp end of social policy with few options for seeking legal help.

Despite many creative and innovative approaches including use of information technology, the sector is facing a hostile environment; incremental cuts to core funding and the loss of legal aid funding, combined with more numerous and complex client problems (see The Right to Justice; The final report of the Bach Commission September 2017). Advice centres are facing closure at the very point that the demand for free legal advice is

escalating.

Part of the problem, the sector is told by commissioners and policy makers is that we do not innovate, nor do we do enough to demonstrate our impact. If only we could shift the way we give advice and/or show the difference we have made to our communities, then the clarity of our worth will attract the funding we seek. There is a common agreement that understanding what works best in advice is hampered by a paucity of robust research. A cursory search of the internet shows that most evaluations are under taken by practitioners as funding requirements and either only exist in the grey literature or lack methodological robustness. For example the Advice Services Alliance review in 2015 of evaluations from the Advice Services Transition Fund found very few that would met the definition of 'outcome evaluation'.

This paper will examine the drivers behind the proposition that the sector needs to demonstrate impact, examining the assumptions underlying the link between advice offered and social impact, and will consider the response of the sector to the demand for impact evaluation against the back drop of the current level of service change. In it, I will consider whether the current level of evaluation activity has brought us any closer to understanding our work or to delivering our charitable objectives and what can we learn from other sectors who have engaged with the 'What Works' agenda (most notably work with offenders). By reflecting on 'Theory of Change' approaches to advice service evaluation, I will ask whether we can ever produce 'good enough' research and whether outcomes evaluation is driving a hidden politicisation of advice services. It will conclude with consideration of a collaborative sector-wide research strategy that may produce a better understanding of what works for social justice.

## #FundEqualJustice - Increasing Public Funds for Legal Assistance

Mark Riboldi (Community Legal Centres New South Wales, Australia)

This paper reports findings from a recent evaluation of #FundEqualJustice: a successful campaign to secure public funding for community legal centres in Australia from 2015 to 2017.

Government funding for the legal assistance sector is one of many areas of public spending that is increasingly under threat. From 2015 - 17, the community legal centre (CLC) sector in Australia faced a funding crisis, with the conservative Liberal/National Coalition government proposing to cut funding to the sector by 30 per cent. As the 1 July 2017 deadline loomed, and CLCs began winding up services and reviewing staffing, the campaign achieved last-minute success, the Attorney General announcing a reversal of the cuts less than 8 weeks before they were due to take effect. Around the same time, various Australian state governments committed additional funding for the CLC sector. From the beginning of 2017, the sector went from facing 30 per cuts to seeing the first significant increase in funding to the sector for over a decade.

CLCs are not-for-profit community owned and run organisations providing free legal help to people in Australia when they need it most, particularly to some of the most marginalised and disadvantaged communities in the country. The cuts were anticipated to have a devastating impact on both the sector and the people that community lawyers assist on a daily basis. The success of the campaign has given renewed vigour to access to justice advocates across the country.

The #FundEqualJustice advocacy campaign was coordinated by the National Association of Community Legal Centres (NACLC), resourced and supported by Australian state CLC peaks including Community Legal Centres NSW, where I began work as the Advocacy & Communications Coordinator in January 2017. The campaign faced a number of hurdles, including a lack of financial resources and a lack of awareness of CLCs in the community - as highlighted in a 2012 Report Commissioned by the Federation of Community Legal Centres (Victoria). The campaign largely focused on network building, targeted lobbying, and organising and leveraging allies through social and traditional media.

The success of the #FundEqualJustice campaign offers potentially important lessons for advocates of publicly funded legal services and access to justice more broadly. I will be presenting findings from my research, funded by CLCNSW and forming the core of the NACLC #FundEqualJustice campaign

report. The analysis applies Jason Mogus and Tom Liacas' 'network campaign model' via key participant interviews to identify the strengths and weaknesses of the campaign, and inform planning for future sector advocacy.

The 'network campaign model', derived from an analysis of a variety of advocacy campaigns unrelated to the legal assistance sector, highlights four key areas for success: being open to grassroots power; creating cross-movement network hubs; framing a compelling cause; and running with focus and discipline. Through my research I was able to demonstrate how, with few resources and limited campaigning experience, the #FundEqualJustice campaign naturally played into these areas, achieving success against the odds.

## Justice Calling? Comparing Telephone and Face-to-face Advice in Social Welfare Legal Aid

Marie Burton (Middlesex University, UK)

The drive towards replacing face-to-face advice with telephone-only services in social welfare law is a key part of the government's cost-cutting reforms in legal aid. Without access to good quality legal advice, clients with social welfare problems may suffer eviction and homelessness, increased poverty and a lack of social care and support. This paper will address the question of whether telephone-only delivery of social welfare legal aid advice is able to provide an equivalent service to that of face-to-face interaction, especially for individuals with acute legal problems and complex needs. Using the findings of a recent qualitative study, it provides new knowledge and insights into the consequences of the shift towards telephone-only advice on the clients, lawyers and advisers involved in social welfare law cases, particularly in matters of homelessness and housing law. Research in this area is relatively rare, especially from a qualitative perspective. This research was conducted between January and September 2014. The participants were the clients, advisers and lawyers of a nationwide not-for-profit (NFP) organisation giving advice face-to-face in local offices and as part of the CLA telephone advice service. The research consisted of observations of 22 lawyer/adviser-client interviews and 40 in-depth semi-structured research interviews, 20 with lawyers/advisers and 20 with clients.

This paper will compare the benefits and disadvantages of telephone and face-to-face advice in social welfare law. It will consider the impact of removing housing advice to a site that is remote from the client's location and how local knowledge in both physical and relational terms affects advisers' ability to work effectively on behalf of their clients. In addition, adopting a client-centred model of lawyering, it will examine the effect of telephone and face-to-face interaction on the interpersonal elements of the lawyer-client relationship. The possible consequences of remote service delivery for client disclosure and co-operation are of particular interest. Finally, the paper will discuss the practical aspects of taking instructions and giving advice and how these differ, depending on whether casework is conducted over the telephone only or includes face-to-face meetings. In summary, by drawing on the experiences of social welfare clients and their lawyers and advisers, this paper will increase current understanding of the differences between telephone and face-to-face advice provision. In addition to its academic contribution, it also aims to influence current policy debates and the forthcoming LASPO review.

**Session 15, Tuesday 12th June, 16.30-18.00**
**Profession 1 (Denys Holland Lecture Theatre)**

## Modern Professionalism

Trevor C.W. Farrow (Osgoode Hall Law School, Canada)

This paper is about the future of legal professionalism in light of current access to justice developments.

It has been 10 years since I published my article "Sustainable Professionalism" (2008) 46 Osgoode Hall L.J. 51. In that article, in light of developing understandings about professional obligations around equity, access to justice, and the public interest, I challenged the professional sustainability of the then current (and still) dominant model of lawyering – one that favours a client's interests essentially above all else. That article continues to receive a relatively significant amount of scholarly and policy-based attention (e.g. it remains in the top ten of all downloaded papers on SSRN's Legal Ethics & Professional Responsibility, and Law & Society: The Legal Profession eJournals).

However, over the past decade, there has been a major shift in our collective thinking and understanding about legal problems, the depth and breadth of their impact on peoples' lives, the costs and inaccessibility of current models of legal services, potential innovations in delivery models,

and around challenges related to equity, diversity, access to justice, and what it means to lawyer in the public interest. In Canada alone, a number of major access to justice-related reports and decisions have been released, including for example:

- Action Committee on Access to Justice in Civil and Family Matters, Access to Civil & Family Justice, A Roadmap for Change (Ottawa: Action Committee on Access to Justice in Civil and Family Matters, 2013)
- Canadian Bar Association, Reaching Equal Justice Report: An Invitation to Envision and Act (Ottawa: Canadian Bar Association, November 2013)
- Hryniak v. Mauldin, [2014] 1 S.C.R. 87
- Truth and Reconciliation Commission of Canada, Honouring the Truth, Reconciling the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada (Truth and Reconciliation Commission of Canada, 2015)

These developments, coupled with new understandings around legal problems, including some recent research on individual and collective costs (e.g. Trevor C.W. Farrow et al., Everyday Legal Problems and the Cost of Justice in Canada: Overview Report (Toronto: Canadian Forum on Civil Justice, 2016)), are shifting our understanding of the Canadian legal context. And clearly Canadian lawyers and professional regulators are not isolated from similar international developments and challenges. In light of ongoing legal problems research by a number of world-leading scholars (Pleasence, Balmer, Genn, Hadfield, Sandefur, Mulherin, Currie, etc.), together with international calls for action (e.g. UN SDG 16), shared problems and challenges are calling for new thinking and solutions.

In this paper, I will use current access to justice research and calls for action to develop my vision for the future of legal professionalism. In so doing, I will argue that:

- The relatively unidimensional dominant framework for lawyering, with its obsession for zealous adversarial representation essentially beyond all else, is no longer sustainable within the current social context in which it operates and in light of what we are learning from current access to justice research; and further, theories of legal ethics need to move past the still relatively binary discussion of zealous advocate-moral lawyer professional frameworks in order to make sense of the complex legal demands of modern, pluralistic communities.
- A modern model of lawyering needs to re-imagine what it means to facilitate access to justice and to lawyer in the public interest (taking seriously legal problems research and current social, political and cultural

events, developments and movements).

- If lawyers and professional regulators fail to understand this shifting landscape by refusing to get out in front of these issues and become part of an access to justice solution, I fear that society will choose to go around the legal profession through the use of private, de-regulated options, which – although perhaps economically attractive – may ultimately provide inadequate safeguards for foundational public interest values that should animate the work of lawyers in modern democracies.

## Pro Bono in the UK and US: A Legal and Institutional Comparison

**Ian Browne (Liberty, National Council for Civil Liberties, UK)**

This paper explores the impact of regulatory and institutional differences between the United Kingdom and United States on levels and scope of participation amongst lawyers in the provision of pro bono legal services. TrustLaw, part of the Thomas Reuters Foundation, produce a pro bono index based on survey data which suggests that American lawyers did an average of over 70 hours of pro bono work in 2016, British lawyers participated in only 21.6.

This paper builds upon original empirical research undertaken during fieldwork in the UK and US to challenging prevailing thought on the reasons for why this disparity exists. Predominate accounts suggest pro bono participation can be explained with reference to factors such as public and philanthropic spending, however, other factors, including how public funding systems operate, educational practises and charity law, are important determinants that are often overlooked. This paper argues these issues have an important bearing on the viability of pro bono projects and are, therefore, critical to understanding why certain jurisdictions are more conducive to the provision of pro bono legal services than others.

The focus of this paper's enquiry is valuable for two reasons. First, lawyers, and particularly those in large commercial law firms, are under increasing cultural and political pressure to perform pro bono work. This pressure comes from both the need to fulfil social corporate responsibility requirements and also to help offset the damage done to access to justice by legal aid cuts and other measures. Second, large corporate law firms, in particular, those with resources to implement pro bono schemes, are often organised transnationally and implement firm-wide pro bono programmes


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without regard for local regulatory and institutional considerations.

It is in the interests of law firms and lawyers that pro bono programmes are managed effectively and are designed with regard for the legal landscaped in which they operate. This paper provides pointers for how this can be achieved, filling a gap in existing knowledge by going beyond the purely legalistic, by injecting important insights from practitioners on both sides of the Atlantic.

## Hearing the Client's Voice in Pro Bono - What Helps and What Gets in the Way?

James Sandbach and Milla Gregor (LawWorks, UK)

Few pro bono services invest in hearing the client's view of the service and how it could be better. Drawing on a LawWorks project to develop a client feedback process, this paper explores the barriers and enablers to hearing meaningful client feedback. Over the past couple of years, LawWorks (the Solicitors Pro Bono Group, a charity working to facilitate pro bono supporting independent legal advice clinics across England & Wales) has been investing in its impact monitoring and in finding new ways to bring the voice of clinic clients into service development and delivery. The aim has been to ensure that the information and feedback is useful, practical to collect, and enables clinics in the LawWorks network to hear back from clients about the outcomes and process of accessing pro bono information and advice. This has provided some useful data and laid the groundwork for a more co-productive approach. In addressing barriers and enablers to gathering information and accessing the client voice across a network, the paper explores the particular context of LawWorks Clinics and pro bono legal advice more generally. This has included a review of how similar networks and organisations manage the challenge of gathering information across a diverse network, especially where incentives, regulatory levers, participation incentives and shared data management tools may be lacking.

This paper tells the story of the LawWorks initiative and shares our experience to date, including framework and questionnaire development, consent and sampling. We set out what we've learned, what has helped or been a challenge along the way, and some questions for the future. We review the potential for this approach to provide nationally representative data for first time on the impact of pro bono legal advice clinics for clients in England and Wales, the drivers and barriers for the resolution of clinic clients' problems, and issues related to clinic clients legal capability and

wellbeing. The paper is based on research, consultation and experience from the project over the past couple of years, including

- a review of LawWorks' own monitoring practice
- a consultation on existing practice across the clinic network
- consultations with a clinic coordinators' advisory group and expert advisers
- a review of other similar networks' practice, including nine case studies
- a feedback questionnaire pilot
- some early data from the national client feedback questionnaire roll-out

**Session 16, Tuesday 12th June, 16.30-18.00**
**ADR (Gideon Schreier Lecture Theatre)**

## Access to Justice, Mediation and the Legal Profession

Lola Akin Ojelabi (La Trobe University, Australia)

Research indicates that practising and teaching alternative dispute resolution may reduce the prevalence of mental health issues within the legal profession. This paper builds on these findings arguing that an approach to mediation focused on access to justice, of which social justice is core, will enhance positive legal professional identity. This approach, which is yet to be trialled, values equality of access and achievement of just outcomes. It does not over-privilege impartiality and self-determination and also values the positive role of law within society. The paper outlines the nature of an access to justice approach to mediation, and explores how this approach may be challenged by the more traditional and fundamental values of mediation. It discusses the approach in light of provisions of the National Mediator Accreditation Standards (NMAS) and explores the relationship between the access to justice approach and positive legal professional identity.

In relation to the construction of positive professional identity, the access to justice approach focuses on 'doing good' through the application of legal and mediation skills to provide access to processes and institutions for resolution of disputes whilst also promoting outcomes that do not further disadvantage already disadvantaged members of the society. When a lawyer mediator focuses on these virtuous qualities, developing positive

professional identity becomes more realisable. They can then evaluate their professional practice as reflective or possessing of qualities valued by society.

By focusing on the virtuous qualities of the access to justice approach to mediation, and of mediation and positive lawyering, the legal professional can construct positive professional identity over time. This is possible regardless of the differences in mediation and lawyering. Research has shown that where an individual possesses multiple identities, as in the case of a lawyer/mediator, positive professional identity may be developed by focusing on complementing aspects of both professions.

## The Role of the English Courts in Alternative Dispute Resolution

Anna K C Koo (University of Oxford, UK)

The availability and affordability of civil litigation in England and Wales has been a source of concern for some time now. Over the past two decades, the judiciary has reviewed the civil procedure rules, litigation costs and court structure. The Woolf reforms have brought about substantial changes in the procedural rules, with a view to improving access to justice, reducing the cost of litigation, and removing unnecessary complexity. The Jackson reforms have revamped the costs rules, for the purpose of promoting access to justice at proportionate expense. In 2016, Lord Justice Jackson began to explore the feasibility of introducing fixed recoverable costs. At the same time, Lord Justice Briggs, as he then was, observed that '[t]he single, most pervasive and intractable weakness of our civil courts is that they simply do not provide reasonable access to justice for any but the most wealthy individuals'. His Lordship proposed to establish the Online Court for low value claims to assist litigants to articulate their cases without lawyers, and settle their differences without a face to face trial so far as practicable. The Online Court has become part of the £1 billion reform programme for the civil and criminal justice system under HM Courts and Tribunals Service.

The judicial initiatives to reform the civil justice system pursue a common theme: enabling access to justice through the court. As a result, a variety of practical measures have been implemented. Judges persuade the parties to avoid litigation and attempt an alternative dispute resolution (the 'ADR') process instead. They give directions and set trial timetables to manage the progress of each case. They manage the costs of litigation by requiring costs budgeting and imposing limits on recoverable costs. They may even depart

from the general rule on costs if a successful litigant unreasonably refused to engage in ADR. Among these measures, ADR draws extreme skepticism from many academics. Some theorists argue that informal dispute resolution may render substandard outcomes compared with judgments. Others contend that it may discriminate against the underprivileged, and even undermine the rule of law. Empirical and social psychological research have shown that disputants hold mixed views on the legitimacy of ADR, procedural fairness, and finality of outcomes. Nevertheless, judicial enthusiasm for private settlements as alternatives to court adjudication shows no sign of weakening. Reported cases have revealed that the court encourages the use of pre-issue ADR in most cases, save where the nature of the dispute demands a decision or relief that only the court is in the position to provide. The court also exercises its discretion to impose costs sanctions for unreasonable refusal to engage in alternative processes.

A dual system of justice has thus taken shape. One achieves substantive justice, applying the right law to the true facts with proportionate use of resources and within reasonable time. The other pursues individualised justice, producing pragmatic results that conform to the parties' own sense of justice. The search for different shades of justice within ADR has gained traction in existing literature. But such discussions do not provide an answer to the problem of limited access to the courts. Furthermore, the judiciary and the government seem most keen on enhancing the degree of compulsion to use ADR in civil courts and the Online Court. In fact, judges hardly exercise the active case management power in alternative processes further than encouraging their use. The perceived threat to the public function of civil justice to maintain the rule of law is not addressed head-on. Treating court adjudication and ADR as two independent limbs has undermined at times the object of reforms. What is insufficiently appreciated is the nature and ambit of the judicial role in alternative processes.

The aim of this paper is to examine the interaction between the court and ADR in the legal administration of civil justice. It addresses the following questions. What is the relationship between ADR and the concept of justice? How do we make sense of the anti-ADR views, in particular the serious threat to the rule of law? What role does, and should, the court play in alternative processes? It puts forward two hypotheses. First, ADR and justice are not mutually exclusive. ADR can achieve multiple justice goals in the civil justice system. Integrating ADR into the court system broadens the notion of justice and its access. Secondly, the court plays an important role in managing cases that go through ADR. In future, judges should play a more central role to ensure the use, quality and integrity of alternative processes, and not the peripheral role they play at present. This paper adopts a

doctrinal analysis of the laws of England and Wales concerning ADR, and the academic literature in the reformed civil justice systems in major common law jurisdictions. In developing an analytical framework, the paper extends our understanding of the relationship among justice, ADR and the court from an internal perspective. It also points out the need to describe the case management responsibilities of case officers and their supervising judges in the Online Court in considerable detail.

## Entrepreneur and Mediation in the Context of Access to Justice

Marta J. Skrodzka (Lomza State University of Applied Sciences, Poland)

Mediation belongs to one of many Alternative Dispute Resolution Methods, so-called ADR (Alternative Dispute Resolution), which is understood as a voluntary and confidential communication process of parties in conflict in the presence of an impartial and neutral third-mediator.

Contemporary mediation is about more than 50 years old and comes from the United States of America, but the prototype of the institution was formed over 2000 years ago. Mediation was already used as a means of solving problems, for example between Sparta and Athens, where princes and kings were mediators. However, the largest movement in reaching mediation as an effective alternative method of resolving disputes outside the courtroom began in the 1970s in the United States. The reason for the institution's development was, among others: excessive court workload with a large number of cases, high costs of court proceedings and excessive length of proceedings. Mediation has thus become a remedy enabling the citizen to benefit from his legal protection.

In the course of the conducted research, after analyzing the materials collected so far - foreign language articles and legal acts, I have determined that mediation has been present for many years, including in countries such as: Belgium, Germany, France, Italy, Great Britain, Sweden, Norway, Portugal, Greece, Finland, Luxembourg, Australia, USA and Canada. In addition, the European Union also issued a "Green Book" on alternative methods for solving civil law and commercial disputes. It has the meaning of non-binding demands to initiate broad consultations on the use of ADR in Europe. A directive on certain aspects of mediation in civil and commercial matters has also been issued and implemented, although it does not work effectively creating so called "Mediation Paradox".

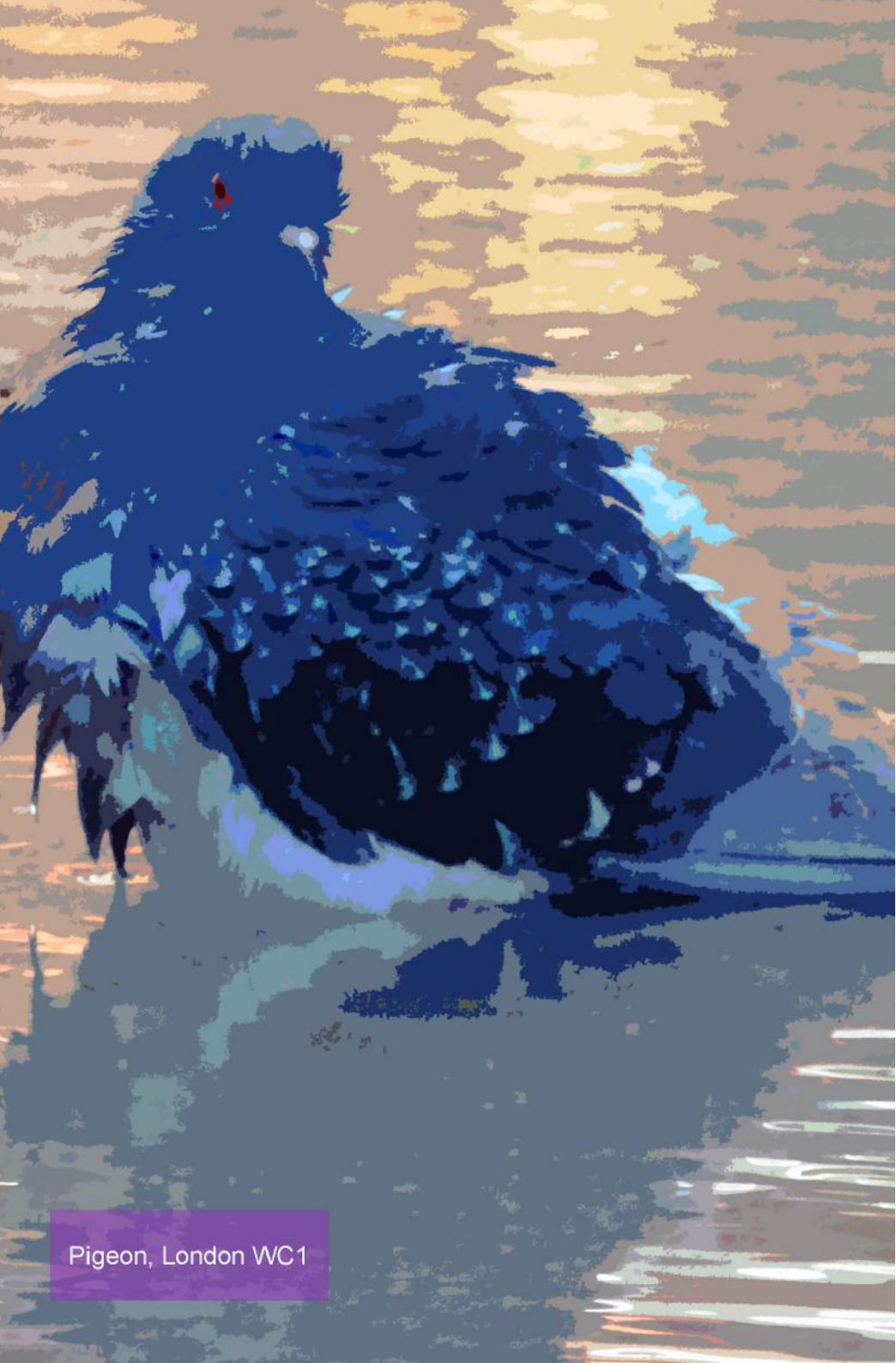
Mediation is also known to the Polish legal system. However, even the

analysis of statistics referring to the annual number of cases examined by common courts and the number of cases referred by mediation courts points to a negligible (on average on a national scale 1-2%) use of the said institution as a method of resolving the dispute outside the court room. It is different in other countries, even in the United States of America.

In recent years, there has been a slight and steady increase in the number of cases referred to mediation by the courts. It seems that one of the reasons for this state of affairs is, in addition to other activities, the initiative taken and implemented in 2014-2015 by the Ministry of Economy (currently Ministry of Development), consisting in a pilot project - "Arbitration and Mediation Centers". As part of the project, unified Arbitration and Mediation Centers were set up in 6 selected cities of the country, whose task was first of all to promote the idea of mediation, in addition to conducting mediation proceedings primarily in commercial disputes. The second factor influencing the increase in the number of cases referred to mediation by civil and commercial courts was postulated for a long time by the environment related to the idea of mediation an amendment to the provisions of the Code of Civil Procedure in the field of mediation proceedings.

Unfortunately, the introduced changes, despite the fact that they are the first, right step towards reversing the situation in favor of the mediation proceedings, do not reflect all expectations of persons and entities interested in the indicated issues, especially in relation to entrepreneurs (for whom confidentiality, time and money are the most important) and facilitating their access to justice.

The aim of the paper is first of all to present conducted research on the development of mediation in commercial law cases both in Poland as well as in the EU. Furthermore, it is to analyze the idea of commercial mediation in the context of facilitating Access to Justice for entrepreneurs.



Pigeon, London WC1

# Wednesday 13th June

**Session 17, Wednesday 13th June, 08.30-10.00**
**Legal Needs and SDG16 (Denys Holland Lecture Theatre)**

## Improving Access to Justice for the Elderly and Vulnerable Person - Based on SDGs 16.3, Recent Amendment of the Legal Aid Act and Legal Needs Survey

Tomoki Ikenaga and Manabu Wagatsuma (Japan Federation of Bar Associations and Tokyo Metropolitan Law School, Japan)

In Japan, the Japan Legal Support Center (JLSC) is responsible for providing legal aid which was established as an incorporated administrative legal aid agency in 2006 in accordance with the Comprehensive Legal Support Act. Progressive research by Legal Services Research Centre (LSRC) and development of the legal aid in the UK continuously affected the Japanese legal aid since before and after the establishment of JLSC. We have presented following issues at the former LSRC Conference. Outline of JLSC and the first JLSC legal needs survey were reported in the session "Legal Aid in Transition" at 2010 LSRC Conference. In 2011 the magnitude 9.0 earthquake hit east Japan. Legal aid after natural disasters and the first legal needs survey targeting the disaster victims were reported in the session "Legal Aid, Legal Need and Legal Services after Natural Disasters" at 2012 LSRC Conference. First ten years between 2006 and 2016 was the first phase of establishing the basic legal aid in Japan and we are starting to enter the second phase. Meanwhile, unprecedented restructuring of legal aid started in the UK after LASPO and LSRC dissolved in 2013.

Legal aid is still being developed in Asia. In Japan, the annual budget has increased consistently since 2006. However, in a time of austerity, momentum of budgetary expansion has stopped in 2012 and the further expansion is unlikely. The global agreement has an impact and implementation of UN SDGs 16.3 had a certain substantial impact to the legal aid in Japan. Proposed indicators "to promote the rule of law at the national and international levels" made JLSC hold the international (Asian) legal aid conference in 2017 for the first time since JLSC was established, where the contemporary legal aid such as the special needs for the elderly was discussed. Also, the amendment of the Comprehensive Legal Support Act was enacted in 2016 before the aging of Japan's demographic structure is becoming pronounced. Under the amended act, the elderly and disabled with cognitive impairment could be granted legal consultation aid

regardless of their financial resources. This amendment means Japanese legal aid shifted from the traditional poverty law which targets only indigent people into the modern social welfare law to meet the special needs for vulnerable people.

In 2017, legal needs survey targeting social workers dealing with the elderly and disabled was conducted as follows.

- 60% of the elderly did not recognize their own problems.
- Even when they recognize problems, they are not likely to consult with even social workers.
- Even when social workers recognize elderly's problem, only 20 % cases were consulted by lawyers.
- Cases were often consulted by lawyers at late stage because social workers hesitated to bring the cases to lawyers at early stage.
- Early intervention and further comprehensive approach is necessary.

Improving access to justice for the elderly and vulnerable person based on SDGs 16.3, recent amendment of the Legal Aid Act and Legal Needs Survey are the outline of this proposal and positioned in the context of regional (Asian) report.

## Movement Toward A2J in South Korean Judiciary

**Young Gi Kim (National Court Adminstration of South Korea, South Korea)**

In 2017/18 the National Court Administration of South Korea began to implement a national survey to identify actual legal needs, capturing answers from 4,000 citizen nationwide (South Korean Population is about 50 million). With the support of OECD Justice team, we decided to use the draft version of OECD Illustrative longer-form legal needs survey questionnaire. Our survey team is developing the Korean version of the survey based on the OECD draft version as well as the other foreign study or survey on the matter. After the survey, we are planning to use the data to improve our judicial system. Furthermore, we are going to provide OECD with our feedback on the draft version of questionnaire to contribute to making the Model Questionnaire much more reasonable and fair in any situation. My paper shares how we organized and conducted the survey, what we learned from the process.

## Measuring Effective Access to Justice Through Legal Needs Surveys: The Colombian Case

Manuel Felipe Diaz (National Planning Department, Columbia)

Access to justice lies beyond the physical limits of a court and implies different decision processes and stages to effectively solve citizen´s legal needs. The 2014-2018 Colombian National Development Plan stated the importance of promoting access to justice services from a systemic and territorial approach and one of the proposed actions to meet this objective was focused on the construction of and access to justice index. The Colombian government, through the National Planning Department, designed a composite indicator with six dimensions and 24 indicators, integrating information from the 2016 legal needs survey and administrative and geospatial data to identify the main barriers that citizens face to identify and solve their legal needs.

Colombia's Legal Need Survey (LNS) was conducted in 2016 and was answered by 51 thousand people, representing about 33 million inhabitants of 18 years or older. 10% of the respondents (3,4 million) declared they had at least one legal need during the previous two years, and 60% of declarants (2 million) manifested that their problem had not been solved. Colombia's Effective Access to Justice Index was designed to reflect in which of the six stages of the access to justice process are the barriers concentrated in, that are impeding the effective solution of people's legal needs, i.e the measurement of the favorable environment (which is concerned with structural and institutional barriers to justice that lie outside of the justice system); legal capability; legal assistance; access to institutions; fair procedure and finishing with the compliance with judicial decisions. The compound index was calculated for 29 out of the 32 territorial entities (departments).

The participation of the Ministry of Justice, the Ombudsman's Office, the District Attorney's Office and the World Bank in the conceptual and technical validations of the index contributed to promote the interest to understand citizens´ legal needs among justice operators and territorial entities: e.g. The city of Bogotá is planning to conduct a Legal Needs Survey in 2018 to characterize the main legal issues of more than 8 million inhabitants is in each of the 20 administrative units in which the city is divided.

The 2017 Effective Access to Justice Index highlighted the importance of public investment in the first stages of the process of access to justice (i.e. legal capabilities and legal assistance) to promote a preventive approach in the resolution of legal needs and compared the performance of the

territorial entities with similar degree of development (i.e. institutional, urban, economic, quality of life, environmental and security), delivering tailor made recommendations to improve effective access to justice. For 2018, with the beginning of a new presidential period, the National Planning Department will work on the definition of the National Development Plan 2018-2021, in which the index will contribute with the definition of the objectives of the justice sector for the next 4 years and will support the measurement of the impact of the 2017-2027 Colombia's Ten Years Justice Plan.

**Session 18, Wednesday 13th June, 10.30-12.00**
**Legal Needs and Broader Perspectives (Denys Holland Lecture Theatre)**

## Uphill Paths. Polish Research on Access to Justice

Jan Winczorek (University of Warsaw, Poland)

After 1989, Poland has been reluctant to introduce public policies promoting access to justice, even compared to the many hesitant countries in the region. Despite continued efforts of numerous A2J activists, public spending on legal aid remained minimal for years, and the attempted reforms were partial and unsystematic. Unsurprisingly, deficiencies of public policies were paralleled by shortcomings in knowledge of people's legal needs in the academia and by difficulties in bringing state of the art to the attention of decision-makers. Nevertheless, in the past years some empirical studies of access to justice have been carried out, throwing new light on the Polish realities. Introduction of a comprehensive scheme of out-of-court state-financed legal advice in 2015 invigorated public debate.

Paper reviews some Polish empirical research on access to justice by presenting the main findings in a broader context of policy reforms. First, outcomes of two studies of general population are summarized: a 2012 legal needs study conducted by Institute of Public Affairs, which informed the reform of 2015, and a 2015 study of paths to justice, sponsored by one of the bar associations and designed by the present author. Second, some observations are made on potential and actual use of these findings in knowledge-based policies of access to justice. Third, paper presents main assumptions and some preliminary outcomes of an empirical study of paths to justice in small and medium enterprises (SMEs), currently being conducted by the present author.

It is observed that albeit the 2012 study suffered from major methodological

issues, it allowed for delivering some estimates of demand for free legal advice in the future system. The exercise was also instrumental to formulating some methodological observations on techniques of demand estimation. As it were, despite many efforts, the findings were not fully reflected in the new law on legal aid. This omission, along with numerous other issues, resulted in the law being economically ineffective and producing harmful unintended effects.

The 2015 study more closely followed the paths to justice paradigm, and produced results consistent with those from similar studies conducted elsewhere. While quality of data obtained in the study appears to be satisfactory, its policy impact remained very limited, mostly due to changed political circumstances. Finally, the 2018 study aims to extend the path to justice approach by applying it to SME's strategies of resolving justiciable problems, and to inform certain discussions in theoretical sociology. It's impact on state policies policies is hard to predict as the rhetoric of "promoting entrepreneurship" and "removing obstacles to business" is eagerly utilised by subsequent governments, but remains largely uncoupled from their actual practice.

As a summary of these experiences, paper concludes that improving access to justice by means of improving knowledge on legal needs requires following a steep learning curve. This holds for the academic community because empirical studies prove to be methodologically complex and hard to communicate, and for decision-makers who must acquire competence of designing and implementing knowledge-based policies.

## Everyday Justice in 45 countries: Evidence from the First Global Legal Needs Survey

**Alejandro Ponce, Sarah Long and Pascoe Pleasence**
**(World Justice Project, USA)**

This paper presents empirical evidence on how ordinary people in 45 countries around the world deal with their legal problems, highlighting the most common legal conflicts, respondents' assessment of both formal and informal resolution processes, the experiences of people who did not seek legal assistance or who were unable to resolve their problem, as well as the impact of legal problems on their life. The paper relies on newly assembled individual-level survey data collected by the World Justice Project in 45 countries in 2017. The data comes from a module on legal needs and dispute

resolution included in the General Population Poll (GPP) of the WJP. The module was administered to 1,000 respondents in the three largest cities in each country and comprise 117 questions broken into 11 themes – (a) Types of legal problems experienced in the last two years; (b) problem seriousness; (c) sources of help and advice, (d) residual problem resolving behavior, such as attempts to learn more about the legal issue; (e) reasons for advice not being obtained; (f) resolution process, through both formal institutions and informal means; (g) fact and manner of conclusion; (h) perceptions of the quality of the process and outcome; (i) cost of problem resolution; (j) legal capability, awareness, and confidence; and (k) impact of experiencing a legal problem. The data contain also information about the demographic characteristics of the respondents. Importantly and in contrast with previous studies, the data are standardized, allowing for comparisons across countries.

Preliminary results suggest that people in all countries experience legal problems, regardless of their socioeconomic status and gender. Consistent with the literature, results indicate that a large number of people attempt to resolve their legal issues without lawyers and courts at all, with most respondents surveyed preferring to seek help from a family member or friend or to work out the problem directly with the other party. The study also reveals that, across countries, many people's legal problems remain unresolved, either because they could not fully settle the issue or because they ultimately give up or move away. Lastly, with nearly half of those surveyed (47%) reporting that their legal problem led to a stress-related illness, loss of employment, or the need to relocate, our study reinforces the impact of justice issues on people's lives.

## Legal Needs Survey as a Tool for Civil Society to Address Access to Justice Problems

**Carolina Villadiego Burbano (Dejusticia, Columbia)**

Colombia produced two national legal needs surveys between 2013 and 2016. They were developed by different national institutions and have some differences in their conceptualization and practical application. Both are viewed as an important tool to collect information and develop strategies to guarantee access to justice. In addition, they can provide insights l to draft public policies that strengthen access to justice. In essence, they allow academia, independent researchers, and local NGO´s, to analyze results and recommend specific strategies to improve access to justice.


Sandwich Street, London WC1

Colombian´s National Department of Planning (DNP) and the Colombian´s National Department of Statistics (DANE) led the 2016 National Legal Needs Survey and launched the results during the first semester of 2017. The project surveyed to approximately 52.000 people, with only 10% of them declaring to have experienced a legal need during the last two years. The "legal need" concept used in the survey was defined as a problem, conflict or disagreement that affected a right to the extent that a third party intervention would have been required.

The most reported legal needs were issues related to health, family, crime, neighbors, and public services. The impact of those needs vary somehow between Colombian regions. For instance, health issues were most reported in San Andrés and Providencia, family issues in Antioquia, crime issues in the Caribbean, and neighbor issues in the Pacific coast. Furthermore, the survey asked what course of action the person took regarding its legal need, including five possible paths: turn to an institution or a person, solving it peacefully, acting violently on it, turning to an illegal actor, or doing nothing about it.

One can only expect that national and local institutions use this data to adopt informed policies on access to justice and justice reform. However, this data is also crucial for civil society's broader work, especially for organizations or individuals focused on providing analysis and recommendations to improve access to justice in Colombia.

On the matter of justice, civil society faces at least three challenges. First, researchers need to boldly analyze the data and the relevant methodologies, raise questions if necessary and enable proper analyses of the facts. Second, researchers can study the results to propose specific public policies recommendations. Third, civil society's analysis can support the government by deepening the survey's scope, considering specific populations' needs, or amplifying the problems or the course of action. It is civil society's role to engage critically with data and push for the improvement of access to justice.

## The Legal Needs of Small Businesses

**Robert Cross (Legal Services Board, UK)**

This presentation will look at the findings of the Legal Services Board's series of surveys into the legal needs of small businesses and how these have changed over time. In 2013 the LSB commissioned the first ever

survey of the legal need of small businesses. Since then we have repeated the survey in 2015 and 2017. This provides a unique insight into how small business access legal services when faced with legal problems.

Small businesses – those employing up to 50 people – comprise 99% of all businesses, and 48% of employment. In 2017 estimated turnover of small businesses was £1.3 trillion – or 37% of total business turnover in England and Wales. Small businesses encounter a range of legal issues as they start up and grow. Given their small size, they will often need to turn to external experts as a means of overcoming their limited in-house capacities and capabilities. There are over 4 million are single person businesses, which have an annual turnover of £250bn. This subset of businesses, may face the same capacity constraints as individual consumers, but with a greater incidence of legal problems.

The research findings show that around a third (31%) of small business had a legal problem in the preceding 12 months. This is a significant fall from 36% in 2013. Levels of incidence have fallen in all problem areas except Regulation. The most frequent issues across the three surveys (2013, 2015 and 2017) are: late or non-payment for goods or services provided; goods and services not as described; and liability for tax owed. Other businesses were the main source of problems, but this has fallen significantly from 49% in 2015 to 44% in 2017. Around half of small businesses reporting a legal issue said it had a negative impact. Total annual losses to small businesses due to legal problems is estimated at £40bn, and over 1 million individuals in small business suffer ill health as a result of these legal problems.

The incidence of legal problems is not evenly distributed. It remains the case that small businesses with BME and disabled business owners-managers were more likely to experience problems. While there has been a significant increase in the proportion of small businesses doing nothing when experiencing a problem (10%), the proportion adopting strategies including handling alone (50%) or using an advisor (24%) have changed little between 2013 and 2017. Fewer than one in 10 either employed in-house lawyers or had a retainer with an external provider. When advice was sought, accountants were consulted more often than lawyers. In 2017, for those that did use a lawyer, 22% shopped around for a provider, and 50% found it easy to compare different providers.

Legal proceedings and court or tribunal use is at a similar level to use of online dispute resolution, with just 4-6% of problems involving courts or tribunals in some way compared to 5% of problems using online dispute resolution in 2017. Just 11% of small businesses agreed that lawyers provide a cost effective means to resolve legal issues; this is significantly down from 14% in 2015. As in 2015, almost 50% of respondents strongly agreed or agreed

with the statement that they use legal service providers as a last resort to solve business problems.

The presentation will explore the findings of this research and compare changes identified over time, in the context of the regulatory objectives of the Legal Services Act 2007, the challenges for regulators and the opportunities for firms.impact of justice issues on people's lives.

**Session 19, Wednesday 13th June, 12.50-14.20**
**Mapping Paths to Justice (Denys Holland Lecture Theatre)**

## Customer Journey Research Within the Legal Aid System

Susanne Peters and Lia Combrink (Legal Aid Board, The Netherlands)

In The Netherlands, legal aid is provided by a public first-line provision (the Legal Services Counters) and by private second-line help (private lawyers and mediators). At Legal Services Counters in the 'front office' information and advice is given to clients, but they also refer clients to a private lawyer or mediator. Clients may also apply for help from a subsidized lawyer or mediator directly. These private lawyers and mediators provide legal aid in the form of certificates.

Which road a client takes to solve his judicial problem varies per client and per problem. Because we wanted to know more about the journey the clients undertake and how they have experienced this and the services delivered by the lawyer or mediator, we have spoken with many clients within the legal aid system. This customer journey research aims to understand more of the clients, their journeys, the possibilities they had (or had not), the choices they have made, the experiences they had, and the solutions they sought. For every interview we have sketched a so-called 'heartbeat', with all their negative and positive experiences during their journey. Also, we have identified the difficulties they encountered, either in the system or with their service provider or lawyer.

This research into the journeys customers take to solve their judicial problems gives us more understanding not only about the needs of the clients, but also about the most suitable solutions we (at the Legal Aid Board, together with other professionals) can arrange for them. What solutions might be the most suitable for them? And also, what solutions (also non judicial) are the most efficient and effective? How can we organize our legal aid system in such a way, that it can be the most effective and that we can serve as many clients with judicial problems as necessary in the

most optimal way? In times of budget cuts these are important questions to answer.

In this presentation we would like to share some of the findings in our customer journey research. We would also like to show a couple of 'heartbeats' and explain how to read them.

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## Mouths to Feed: Locating Demand for Legal Assistance Services

**Catriona Mirrlees-Black (Law and Justice Foundation of New South Wales, Australia)**

Legal needs surveys have been instrumental in identifying the extent of unmet legal need, but translating this knowledge into effective targeting of limited legal assistance resources is not so straightforward. Surveys tell us the socio-demographic characteristics that increase the risk of experiencing a legal problem – such as disability, mental illness and unemployment – but these do not readily translate into comparative measures of demand across a state or country. Area based indices of disadvantage, commonly used in planning, do not provide a count of 'mouths to feed' though they may identify areas with their own intrinsic problems.

To assist in the allocation of legal assistance resources the Law & Justice Foundation of New South Wales has therefore developed a new approach to measuring relative demand for public legal assistance services. Given the high prevalence of legal problems, this approach instead focuses on locating those individuals who are most likely to need legal assistance services were they to experience a problem. This presentation will describe the development of a set of Need for Legal Assistance (NLAS) indicators which use census data on income, educational attainment and other personal characteristics to assess potential demand by geographic location. The key indicator NLAS (Capability) provides a proxy measure of legal capability.

The capability to navigate and resolve legal problems successfully depends on many factors, including the nature of the problem, awareness and understanding of the options, and an individual's psychological state. As such it is not a static construct, but a dynamic one that will vary according to the specific circumstances. Nevertheless, self-managing problems and applying legal information to one's own situation are likely to be facilitated by higher levels of educational attainment. In addition, access to private legal assistance is not an option for those on the lowest incomes. New

analysis of the Legal Australia Wide (LAW) survey confirms that when they experience a problem people in this group are less likely to attempt to resolve it without assistance and are also less likely to believe the problem resolved in their favour.

The design of services, their precise location, how they are delivered and what type of legal support they offer and to whom, will all require a more in-depth understanding of the local context and community profile than NLAS alone can provide. Furthermore not all services are delivered geographically, and geography may become less relevant with the growth of technology based services. But NLAS can be a useful starting point to the legal assistance service planning process, providing a comparable proxy indicator of need across all geographic areas.

## Sector Planning: Developing a Data-Driven and Human-Centred Design Approach to Planning Legal Assistance Services

**Jessica Bird and Khoi Cao-Lam (Victoria Legal Aid, Australia)**

Victoria Legal Aid (VLA) is an independent statutory authority that provides legal assistance services to the community. A mixed model operates in Victoria, with VLA, community legal centres (CLCs) and private practitioners being funded to provide legal aid. Historically, practitioner experience of legal need has formed the basis for decision making around service delivery. It is imperative to make more well informed choices about the types and locations of services delivered in a context of limited funding, increased demand for legal services, the rise of technology and expectations of VLA to provide leadership. Through the Sector Planning project, VLA is developing a better and easier way to measure legal need and service coverage using quantitative and qualitative data and a collaborative process for place-based planning to respond to need.

The model for understanding legal need produces an evidence base, or point-in-time snapshot of legal need and service coverage across Victoria to help with future planning and service improvement. This information is accessible to legal assistance providers via a data product; a series of interactive visualisations. The collaborative, place-based planning process incorporates the model in a series of workshops bringing together key agencies to engage with the data and human-centred design activities to plan service delivery.

The Sector Planning team have engaged with a range of stakeholders throughout the project. Working with the Statistical Consulting Centre at the University of Melbourne has been critical to developing a sophisticated model for understanding legal need. The Centre conducted rigorous data analysis around legal need and demand for services using a range of statistical methods including linear models, panel plots and random forests. Findings include validating the Law and Justice Foundation's Need for Legal Assistance data as a predictor of need, and the ranking of variables in relation to certain types of legal problems.

An iterative approach was taken to developing the data product. Interactive visualisations were created in a software program called Tableau and tested with stakeholders in six regions across Victoria. The product continues to be developed, incorporating stakeholder feedback and new and updated datasets as they become available.

The collaborative, place-based planning process takes a human centred design approach to facilitate stakeholder groups to improve the delivery of services in response to identified legal need. Inspired by initiatives such as the Victorian Eco Innovation Lab's Visions of Resilience process (Biggs, Ryan, Bird, Trudgeon & Roggema, 2014) and the Waitemata District Health Board's Health Service Co-design process (Boyd, McKernon & Old, 2014), the process uses design activities to engage stakeholders in developing a shared vision and plan. This process will be piloted in three regions across Victoria in the first half of 2018.

Our presentation outlines the data-driven and human-centred design approach to this work through a live demonstration of the data product. Furthermore, we will discuss the methodology and findings from the work of the Statistical Consulting Centre, and present the outcomes to date from the piloting of the collaborative place-based planning process.

**Session 20, Wednesday 13th June, 14.40-16.10**
**Profession 2 (Denys Holland Lecture Theatre)**

## Access to Justice, Legal Technology, and Transformation of China's Legal Profession

Zhihui Cheng (Cardiff University, UK)

The dramatic expansion of the bar, the burgeoning legal needs, and rapid technological changes especially AI and machine learning have been driven the global as well as China's legal profession for individual clients toward

a rapid transformation. In a particular region, some methods of organizing lawyers and their work can be better than others in widening access to justice in a changed professional and technological environment for personal legal service sector. This proposed study aims to explore, propose, analyze, and explain better governance structure and business model for Chinese law firm operating in individual legal service market so that the firm can enhance access to justice to its highest potential.

China imported many legal models including legal profession from the West. China's legal institution is like a modern collage art form that uses elements from various other sources, including elements that was not regarded as art previously, while legal models in the West are like renaissance art. It is arguable that legal profession in the West is experiencing three trends. The first trend is that the focus of legal profession is shifting from products to consumer. The second trend is that law firms are increasingly pushed toward the center stage and lawyers are driving to the second tier, or the peripheral. The third trend is that legal professionalism is increasingly changing from various mechanisms of closure and exclusion such as market closure, social closure to mechanisms of inclusion. Bearing the picture of the development of Western legal profession in mind, I argue that an inclusive mindset may be more constructive and fruitful in formulating development strategies for a law firm serving individual markets in China. This mindset of inclusion comprises at least the following aspects:

1. To include both profitable and pro bono services in law firms service offerings.

2. To include technology such as AI and machine learning in the process of service production and delivering.

3. To include lawyers with various culture capital as well as paralegals to form a most effective portfolio of workforce.

4. To include various seemingly incompatible law firm governance structures and business models under one roof so as to cater to different ideologies and methods of organizing lawyers for the purpose of maximizing access to justice.

The western ideologies are infused in the theoretical language about law and legal profession, however, when Chinese professionals using the same words and language from the West in the discussions about professionalism, they also imbue their local ideologies in this discourse. Though the words used may be the same, the ideologies behind them are different. It seems

that Stuart Hall's encoding and decoding theory works here. I plan to examine the differences in meaning and its hidden ideologies of a discourse when it is put into an interpretation process within a Western context in comparison to the interpretation within corresponding Chinese contexts. Around a dozen in-depth interviews will be conducted with some leaders of law firms service individual clients in Wuhan, China. And then I will apply Critical Discourse Analysis to the discourse collected by these interviews.

## Specialisation and Achieving Better Quality? The Pilot for Specialist Legal Aid Panels in Taiwan

Yu-Shan Chang (Legal Aid Foundation, Taiwan)

Quality has always been one of the top priorities for legal aid organisations and Legal Aid Foundation (LAF) in Taiwan is no exception. Since its establishment in 2004, LAF has gradually developed a review and complaint system, which is designed to ensure the service quality of legal aid lawyers. However, most approaches are implemented after the service has been delivered or when a complaint is made. Moreover, often the lengthy process of review and evaluation makes the results of quality assessments meaningless for clients.

Being inspired by the concept of 'franchise' and 'preferred suppliers' policy in other jurisdictions, (for instance, England and Wales and Australia), the LAF initiated a two-year pilot programme of specialist panels in the areas of debt, employment and family law in August 2015. Different from the ex-post measures addressed after service delivery, private lawyers who hope to take legal aid cases in the above three categories have to apply to be the members of these specialist panels in advance. The applicants must provide previous legal document drafts or publications for the LAF to review, proving that they have legal expertise in particular areas of law. Most cases in the pilot would be assigned to qualified specialists, save that the clients will be able to appoint the lawyers out of the panels. However, this calls for a higher specialisation, which has not been widely supported previously. Due to the higher entry requirements of specialist panels and traditional lawyers' generalist practice in the private market, a number of legal aid lawyers were reluctant to join this initiative. Nevertheless, up to mid-2017, 500 (debt), 248 (employment), and 632 (family law) lawyers qualified for the three specialist panels respectively. Therefore, the pilot has been extended for one more year to collect more data for further assessment.

This research is designed to assess the effectiveness and impact of the


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pilot scheme, which will inform the future practicability of the extension of this policy. Through the analysis of management data, a client satisfaction survey and interviews with practitioners (including policymakers, managers of legal aid offices, lawyers who are participating and not participating the pilot), this paper aims to attain the following objectives: 1) to examine the extent to which the purpose of quality improvement have been achieved; 2) to identify the factors which would motivate, facilitate or discourage the lawyers to participate; 3) to investigate the impact on the legal professionals, their attitudes and behavioural change, leading to further discussion on the sustainability of the specialist panels; 4) to explore the impact on the service provision in the non-urban (especially rural) areas and for the cases with multiple legal problems; 5) to detail the research implications of current practice for policymakers.

## Econometric Analysis of the Benefits of Early Legal Advice

**Keith Blakemore and Anna Sperati (The Law Society and IPSOS-Mori, UK)**

The proposed paper presents results from an analysis of the effects of early professional legal advice on the speed of resolution and probability of resolution of people's legal issues. The analysis shows that early legal advice does have an effect on these. We found that on average one-quarter (25%) of people who received early professional legal advice had resolved their problem within 3-4 months of the problem first occurring, whereas for people who did not receive early legal advice it was not until 9 months after the issue had first occurred that 25% had resolved their issue. The analysis also controlled for other factors affecting resolution of issues. The main other factors found to be affecting problem resolution were the severity of the issues, and people's previous knowledge of their legal rights, and variations between individual issue areas. More severe problems, as would be expected, on average take longer to resolve, and people with little previous knowledge of their legal rights were 33% less likely than average to have to have resolved their issue at a particular point.

The analysis is based on a subset of the data from the 2015/16 Law Society/LSB Legal Needs Survey. Data on 17 issue areas covered in the survey was used, giving a total sample size of 2824 issues of individuals. The analysis used survival analysis, and included (a) estimation of survival functions (Kaplan-Meier curves), and statistical comparisons of these for respondents in the survey who received early professional legal advice and those who didn't receive early advice (b) estimation of a hazard model in which the probability of issue resolution was determined by early advice/no early

advice, together with other factors from the Legal Needs Survey that is was thought could affect issue resolution probability. Other factors tried in the hazard model were: issue type, issue severity, qualifications of those experiencing the issues, age of those experiencing the issues, whether the issue was perceived as 'legal' or not, and the respondent's knowledge of their legal rights.

There is no widely agreed definition of early professional legal advice, but our analysis of the data suggested that a reasonable definition on average across all issues is 'within 3 months of the legal issue first occurring'. Variations in this between individual issues was taken into account by including variables in the hazard model for each of the individual issues. 'Professional legal advice' included advice from solicitors, and advice from other professional legal agencies such as Citizen Advice Bureaus, legal advisors in trade unions, etc. The research was commissioned by the Law Society and undertaken by Ipsos-MORI.

**Session 21, Wednesday 13th June, 14.40-16.10**
**Legal Empowerment 1 (Gideon Schreier Lecture Theatre)**

## Environmental NGOs in China: Recursive Ambivalence and the Tension Between Empowerment and Control

Alice de Jonge (Monash Business School, Monash University, Australia)

The Chinese government has long had a somewhat troubled and ambiguous relationship with environmental NGOs (ENGOs). This paper uses recursivity of law theory to examine recent regulatory changes affecting the legal status of ENGOs and their ability to access courts in China. Recursivity of law theory recognises that legal change often cycles between norm-setting debates in international and national forums respectively. It thus allows an examination of the processes through which global norms are conveyed to national settings, while national priorities, in turn, influence global norm making. Recursivity theory also facilitates analysis of the dynamic relationship between the establishment of formal rules in national legal systems, and the implementation of those rules in practice. In particular, it explores the back-and-forth dialogue that takes place between national law makers and those they rely upon to implement the rules on the ground.

So far as ENGOs are concerned, the Chinese government has become more confident over recent years in its support for global environmental and climate change initiatives, and has recognised that NGOs can play an important role in the furtherance of such initiatives. In particular, NGOs can

generate on-ground local support for environmental initiatives, generate local and global publicity for Chinese achievements, and generally aid China's drive for global legitimacy when it comes to tackling environmental problems.

At the same time, however, NGOs are also perceived as a destabilising force when they expose corruption and mismanagement in state institutions, and in their capacity to unite large numbers of people behind a goal, such as improved human rights, that are not in accord with existing government policies and practices.

This paper examines recursive cycles of change in Chinese laws affecting environmental NGOs, with a focus how local reforms have been inspired by both global developments and local politics. It also explores the ways in which the establishment of formal rules has been met by resistance in the interpretation of those rules on the ground. Recent legal changes have responded to global environmental concerns in part by empowering civil society groups, including amendments to the Civil Procedure Law which have improved access to the courts for public interest class action litigation related to environmental pollution, supported by a Supreme Court Interpretive Note on environmental public interest litigation, as well as by recent amendments to the Environmental Protection Act.

At the same time, however, a number of laws have emerged aimed at monitoring and controlling the activities of local and foreign NGOs in China. A new law governing registration and surveillance of foreign NGOs entered into force in January 2017, and has raised particular concerns about oppressive regulation of civil society in China. In August 2016, new guidelines were released by the general office of the Party's Central Committee and the State Council aimed at strengthening the Party's leading role in all NGOs by requiring the installing local Party committees or liaison cadres in all social organisations.

## Present and Future of Access to Justice in India

Neelu Mehra (Guru Gobind Singh Indraprastha University, India)

Access to Justice is considered as a human right of a person which is as important as other human rights. "Access to justice" in its general term, means that individual's access to court or a guarantee of legal representation. A step forward to achieve 8 millennium Development Goal a substantial progress has been made in India including Access to Justice and Rule of law as being the human development and to reduce poverty. India

can take the pride in being one of the first countries to enshrine a provision in its Constitution obligating the state to provide free legal aid with a view to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. In 1987, Legal Services Authority Act, 1987 was enacted and as per the provisions of the said Act the free legal advice and legal services shall be provided to the peoples having social and economic backwardness, women, children, industrial workers, victims of mass disasters and natural calamities. In India, the National Commission Review the Working of Constitution (NCRWC). The government has taken many initiatives in making laws. And has also started many schemes to provide access to Justice to all the people of India with special focus to the marginalised groups . No doubt that a lot has been done by the Indian government and judiciary but still there are some barriers to access justice. The paper will highlight the role of the Parliament, higher judiciary, quasi judiciary, non governmental organisations and technology in promoting Access to Justice. It will also provide the inputs to prepare for the emerging challenges to define the access to justice agenda in coming years.

## Meeting Immediate Legal Needs by the Public Defender in Brazil: an exemplary case

**Cleber Francisco Alves and Raquel de Faria (Federal Fluminense University, Brazil)**

In this paper we will present a recent case occurred in Brazil, in which immediate and effective access to rights and to justice were sought through the intervention of the Public Defender´s Office. It will be analyzed from the perspective of legal needs theory. In 2013, a construction began on a new highway connecting the city of Rio de Janeiro with Petropolis: a historic and tourist town situated in a mountainous region, about 60 kilometers from Rio. One of the milestones of this project would be the construction of a continuous 4.64km-long road tunnel. The work should have been completed before the Olympic Games in 2016, but was halted in 2015 and has since been abandoned. On November 7, 2017, a serious disaster occurred due to exactly this situation of abandonment of the road´s construction. Due to the flooding of the interior of the unfinished tunnel, at one point there was a rupture of the upper vault, causing the sinking of the ground and opening a huge crater on the surface, which literally “swallowed” one house and caused the interdiction of dozens of other houses located in the surrounding area. Ninety five families were rendered homeless. Given this scenario, the Office of Public Defenders (OPD) – a Brazilian state institution

constitutionally charged with the obligation of providing legal aid, both judicially and extrajudicially, to those who cannot afford a lawyer - has promptly taken initiatives to meet the immediate civil legal needs of all those affected by the accident. In addition to the individual needs (housing, food, clothing), there was also an important collective demand: a primary public school, which served the children of the community, also had to be closed. The very next day after the accident, on November 8, the Public Defenders held a meeting with representatives of the local government, the Federal Public Prosecutor's Office, the CONCER company (which is responsible for the administration of the Highway), and with representatives of the families affected by the accident in order to identify their material needs arising from the disaster and with the aim of ensuring, in a friendly/ consensual manner, immediate and adequate arrangements to meet those needs. The purpose was to avoid the judicialization of the conflict, since the filing of a judicial process, and the implementation of any decisions rendered by the Judiciary, could hardly produce results with the desired speed. The initiative of the Public Defenders, representing the interests of the victims, was successful and, on the same day (less than 24 hours after the accident) an agreement was signed in which the company CONCER, even without legally taking the blame for the accident (which, according to it, would depend on complex technical expertise, to exclude the hypothesis that it was a natural disaster and to demonstrate the company´s responsibility for it) committed itself to providing all immediate material and financial assistance to the victims. As a result of this agreement, still on November 08, each family was paid a sufficient amount for rent costing - with the commitment that this amount will continue to be paid monthly until the end of the homelessness situation - while some families have chosen to stay in hotels, whose daily expenses were borne by the company. All families received, on this very same day, a "basic food basket" as well as a kit with toiletries. The company also committed to provide furniture and appliances for use in the new homes to be rented. The agreement even addressed the situation of the pets of these families: they were taken to shelters with daily care borne by the company. The company also pledged to rent a building for the community primary school "provisional operation" and purchased all the furniture and necessary school supplies. It also took the responsibility for transporting students from their new places of residence to the new location where the school would be installed. All those obligations were fulfilled within the range of just a week after the accident, allowing the regular return to classes by students. This exemplary and real case demonstrates, in practice, the aptitude of a State legal aid service, be it in the model of salaried lawyers or public defenders, for an effective and emergency – when needed - response to civil legal needs, with greater readiness of access to justice.

**Session 22, Wednesday 13th June, 16.30-18.00**
**Regulation and Costs 2 (Denys Holland Lecture Theatre)**

## Price Transparency in the Legal Services Market: A Behavioural Trial Exploring the Effect of Price Information on Consumer Decision Making

David Bish and Debra Malpass (Solicitors Regulation Authority, UK)

In December 2016, the Competitions and Markets Authority (CMA) released a report on the UK legal services market which called upon the legal regulators to generate greater transparency in the market. For this reason, the Solicitors Regulation Authority (SRA) are currently consulting on whether to require firms to publish certain information to consumers. One important piece of information that consumers currently struggle to find is information on the cost of services.

To support this consultation, the SRA commissioned the largest ever randomised controlled trial in the legal services market. In the trial, over 4,000 participants were presented with a legal situation, and asked to select a provider that they felt would best suit their need. Participants were presented with a number of different provider websites, similar to the type of websites seen in the legal services market.

All aspects of the websites were kept the same, apart from how the price was presented in terms of pricing model (fixed fee, hourly rate, process fee) and presentation (easy to find, harder to find, online calculator) to test how these differences affected the participants' ability to make good choices. Participants were presented with low and high cost versions of each pricing factor which allowed us to determine whether participants were selecting the most cost-effective option.

We found that people were equally likely to choose a provider that offered fixed fees, hourly rates, or an estimate of costs. However, regardless of the way that price was presented, some participants found it difficult to make good price-related choices, with 58% choosing one of the three better value options when presented with six providers.

Overall, participants were no better or worse at making good decisions depending on the pricing model that they were presented with. However, the longer that participants spent completing the task, the more likely they were to be influenced by the pricing model. In this case, we found that

participants were more likely to select one of the better value options when presented with fixed fees as opposed to hourly rates. Importantly, we found that the way in which prices were presented on the website did significantly affect participant's ability to make good decisions. For example, 62% of participants made good choices when prices were readily available on the homepage of the website, compared to 57% of participants when prices had to be sought by filling out an online form (a 9% improvement).

The results of this research show it is important for firms to display clear price information to help consumers make good decisions in the legal services market. This research will inform the regulatory policies of the SRA as it implements the recommendations of the CMA, and will feed into ongoing research which aims to further identify how we can help consumers to make better legal choices.

## Using Insurance Claims Data to Determine Appropriate Levels of Public Protection in a Regulated Market

George Hawkins and Mijanur Rashid (Solicitors Regulation Authority, UK)

At the Solicitors Regulation Authority, we regulate over 170,000 solicitors and 10,000 law firms, in the public interest. The protections we provide to the public include mandating that law firms carry a minimum level of professional indemnity insurance.

The cost of this protections is paid for by the profession through indemnity insurance premiums. But ultimately, these costs are passed onto users of legal services. We know that only one and ten people who need legal help use a solicitor and that one of the main barriers to using a solicitor is cost. With that in mind, we must have a balanced regulatory model that provides proportionate protection to consumers without over-burdening law firms, or putting off people who want to provide regulated services.

We are undertaking a programme of reform to help bring about a more innovative and competitive market, that meets the needs of people who want legal help. Our plans include removing restrictions on where and how solicitors can practice and introducing a new slimline code of conduct. We are also looking again at the minimum amount of professional indemnity cover a firm should be required to hold.

Currently, no matter what services a firm provides, or its size, it must carry the same level of cover. The minimum cover is set to £2m (per claim) for sole practitioners and partnerships and £3m for incorporated businesses.

Insurance premiums can often be as high as 8% of a firm's annual turnover.

We have been gathering and exploring the evidence necessary to review our financial protection arrangements to determine whether they remain fit-for purpose.

Method - Most insurers who are currently active in the market provided us with historic claims data over a ten-year period. We analysed the distribution of claims across different types of legal activity. We also used the data to model the probability distributions including most frequent payments and the likelihood of predicted payments.

Key findings - For all claims, 95% of payments were settled for less than £250,000 and the average payment was around £70,000. 98% of all claims settled for less than £600,000. 99% of all claims were below £1m. Conveyancing problems were the cause of 50% of the total value of all payments. For conveyancing claims, 98% of all settlements were made for less than £520,000. These results show that reducing the minimum level of cover can be achieved whilst maintaining public protection. Our findings also indicate that conveyancing in particular carries risks, whereas other areas of law are less likely to result in claims.

## Regulatory Independence in Legal Services

**Bryony Sheldon (Legal Services Board, UK)**

The theory of regulatory independence - Historic self-regulation may be seen as a collective attempt among suppliers to maintain certain standards of conduct and performance and foster the overall reputation of the profession, thus maintaining confidence in the legal sector. However, it risks gold-plating of standards and raising barriers to entry, with implications for access to justice and consumer redress.

Independent regulation is often associated with market liberalisation and/or a more general feeling in society that professions should not police themselves. Independence is not just from the profession, but also from government. It is important in delivering confidence to:

- consumers – to use legal services
- providers and investors – to grow and innovate
- society – that regulation affecting vital outcomes such the rule of law reflects best practice.

We will discuss opportunities and challenges that separating representation and regulation can present.

The Legal Services Act 2007 was the result of almost a decade of work in England and Wales, to address concerns about the effectiveness of self-regulation. This didn't require legal or structural separation of professional representation and regulation. Instead, the Legal Services Board (as oversight regulator) makes rules on how approved regulators like the Law Society exercise and oversee their regulatory functions. Comparisons will be drawn between this approach and other jurisdictions, e.g. the USA and continental Europe.

In 2016 we said regulation should be structurally, legally and culturally independent, but it now appears that legislation to achieve this is unlikely. Although research shows the standing of UK law has been maintained, at 12th in the world in terms of the effectiveness of the rule of law (2016 Work Justice Project Rule of Law Index), there is a constant stream of disagreements between approved regulators and their regulatory bodies.

It is possible that this contributes to some problematic consumer attitudes toward legal professionals in England and Wales and the uptake of legal services (Legal Services Board Market Evaluation 2016 and Legal Services Consumer Panel Tracker Survey 2017). By June 2018 we anticipate being able to discuss:

- the impact of these disputes on the professions and consumers

- what can be done to avoid them

- our work to enhance regulatory independence within the existing legal framework.


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## Pascoe Pleasence

Pascoe Pleasence is Professor of Empirical Legal Studies at University College London. He is a leading expert in empirical legal methodologies, with a particular interest in issues of access to justice. Following his successful stewardship of the English and Welsh Civil and Social Justice Survey, much of his recent work has continued to concern the design, development and analysis of data from 'legal needs' surveys (surveys of citizen and business experience of legal problems). Building on his recent report (with the Law and Justice Foundation of New South Wales) framing future research needs - to build upon the findings of legal needs surveys - his current research also has a focus on the better theorising and means of measuring 'legal capability'. This has led to the recent development of a small set of standardised legal capability measures - using modern psychometric methods - and continued work to refine and expand these for use in relation to specific legal problems and populations.

## Nigel Balmer

Nigel is Reader in Law and Social Statistics at UCL. He is also Head of Data, Design and Analysis at PPL and an independent researcher and consultant. He is a leading expert in empirical legal studies, with particular expertise in statistical analysis and empirical research methodology. He is also co-director of the Centre for Empirical Legal Studies at UCL. He works across a broad range of projects (spanning civil and criminal justice) though he has specific interest in the application of social science and modern quantitative methods to explore how the public understand and interact with the law. All of his research is multidisciplinary and collaborative, with a specific focus on methodological innovation and rigour. His work adapts methods from a broad range of disciplines, including psychology, epidemiology, education, health, mathematics and statistics. Nigel's research interests include exploring the role of law in everyday life, public understanding of the law/legal rights, the experience of and response to legal issues, the interaction between legal and health problems, design of legal services, legal aid and access to justice, empirical research methodology and statistics. He has also conducted research in sports science/sports psychology and will happily tell you how far/high people can jump and give you a (possibly accurate) medal table forecast for the next Olympics.

## Piet Eeckhout

Piet is Professor of EU Law, Dean of the UCL Faculty of Laws, and Academic Director of the European Institute. He joined UCL in 2012, before which he was Director of the Centre of European Law at King's College London (1998-2012). He studied law (lic.iur.) and European law (lic.Eur.iur – equivalent to LLM) at the University of Ghent, Belgium, where he also obtained his PhD degree. Before coming to London in 1998 he taught at the University of Ghent and at the University of Brussels (VUB). Between 1994 and 1998 he worked in the chambers of Advocate General Jacobs at the European Court of Justice. Piet's research covers many areas of EU law and of international economic law. He is particularly interested in the relationships between different legal systems, national, European, and international. His research examines the legal effect of WTO law in EU law, the application of EU human-rights standards in national law, and means to connecting and integrating legal systems so as to combat legal fragmentation. Piet is a leading authority in EU law and international economic law.

## Lola Akin Ojelabi

Dr Lola Akin Ojelabi is a Senior Lecturer in the School of Law, La Trobe University, Australia. She is also a nationally accredited mediator. Lola has researched extensively in the field of conflict resolution, particularly focusing on culture and alternative dispute resolution processes, alternative dispute resolution and access to justice, ethics and justice in mediation and conflict resolution and international law. Her research projects have included evaluation of the Broadmeadows Family Relationship Centre focusing on cultural appropriateness and family violence issues, the use of ADR by Community Legal Centres as a means of improving access to justice, justice quality and accountability in mediation practice, ethics and justice in mediation. Lola is interested in the role of international law in promoting global peace and justice particularly, how underlying values of the United Nations' Charter may assist with resolution or management of seemingly intractable conflicts.

## Cleber Francisco Alves

Cleber Francisco Alves is a Professor at Universidade Federal Fluminense (Brazil) and a researcher at its PhD and Master´s Program in Sociology and Law. He served as Dean of the Law Faculty at the Universidade Católica de Petrópolis (1999-2002). He received his PhD in Law (2005) from Pontificia Universidade Católica do Rio de Janeiro: the doctoral thesis is a comparative study about "Legal Aid in the United States, in France and in Brazil". He was a Visiting Fellow at the University of Baltimore, USA (2003), at the Université de Montpellier, France (2004), and at the Institute of Advanced Legal Studies of the University of London (2014/2015). He is also a Public Defender (since 1994) with the Rio de Janeiro´s State Public Defenders and works representing poor litigants in a Civil Court in his hometown, Petrópolis (Brazil).

## Anželika Banevičienė

Dr. Anzelika Banevičienė is the director of State-guaranteed Legal Aid Service of Lithuania since 2015, in 2014, the director of Vilnius State-guaranteed Legal Aid Service and before that director of Kaunas State-guaranteed Legal Aid Service from 2005 up to 2014, a member of State-guaranteed Legal Aid Co-ordination Council. In 2004–2014, Dr. Anzelika Banevičienė also gave lectures on EU Law at Mykolas Romeris University and took part in scientific research in the fields of EU Law and Legal Aid. Banevičienė has also contributed her expert knowledge on legal aid to a number of projects: MS Project Leader and an Expert in EU Twinning light project HR/2009/IB/JH/03TL Improvement of Free Legal Aid System in Croatia, 2011–2012, Junior Project Leader and an Expert in EU Twinning Project TR 13 IB JH 03 Strengthening Legal Aid Services in Turkey, 2016–2018, Expert in EU Twinning Project TR 13 IB JH 03 Implementation of the best European practices with the aim of strengthening the institutional capacity of the Apparatus of the Ukrainian Parliament Commissioner for Human Rights, 2017–2019.

## Anna Barlow

Anna Barlow is a doctoral researcher at Åbo Akademi University in Finland. Her research project is a comparative study of legal aid in the Nordic countries, the UK and the Republic of Ireland from a comparative administrative law perspective. Anna has published on the compliance of Finland and England & Wales with international human rights standards in legal aid administration and on the prospects of success test in civil legal aid. Anna previously worked for 20 years as a legal aid lawyer in London, as co-founder and CEO of the not-for-profit solicitors' firm Law For All.

## Alexandre Biard

Alexandre Biard is a postdoctoral researcher at Erasmus School of Law (University of Rotterdam) where he conducts research in the field of access to justice, alternative dispute resolution and collective redress in the EU, as part of the ERC-Project 'Building EU Civil Justice' (www.euciviljustice.eu). Admitted to the Paris Bar in 2015, he worked in the litigation and regulatory departments of several law firms in Paris and Brussels between 2015 and 2017.

## Jessica Bird

Jess is a service designer at Victoria Legal Aid in Melbourne, Australia and has a Bachelor of Design (Industrial Design) (hons) from RMIT University. She also teaches service design and sustainability in the industrial design program at RMIT University. Jess has worked in the public sector, tertiary education and university research institutes.
Jess uses human-centred design tools to create better experiences of legal assistance services for clients and is working to incorporate design thinking across Victoria Legal Aid. She enjoys multi-disciplinary collaboration to address complex social problems. Jess is currently working on a project to improve the planning of legal services in Victoria that draws together quantitative data modelling, collaborative planning by service providers at a local level, and human-centred design.

## David Bish

David is responsible for Behavioural Insights at the Solicitors Regulation Authority, which is a strand of work that focuses on consumer and firm behaviour in the legal services market. This work informs our regulatory policy and operations by applying ideas from the field of behavioural economics and providing robust evidence through experimental trials. David is currently leading research assessing the impact of greater transparency in the legal services market. David holds a degree in Economics, and was awarded a Santander Masters Scholarship to complete an MSc in Behavioural Science from the University of Stirling.

## Christina Blacklaws

Christina studied Jurisprudence at Oxford and qualified as a solicitor in 1991. She has developed and managed law firms including a virtual law firm. In 2011 she set up the Co-operative Legal Services family law offering, later becoming their Director of Policy and more recently was the Director of Innovation at top 100 firm Cripps LLP. She holds a range of public appointments including member of the Family Justice Council, trustee of LawWorks and council member for the Women Lawyers Division. Christina is Vice President of the Law Society of England and Wales and will become President in 2018. She is an award winning published author, speaker and lecturer and frequent media commentator. Christina is passionate about diversity and inclusion, technology and access to justice and uses every opportunity to advocate and progress positive change in these areas.

## Keith Blakemore

Keith is Senior Economist at the Law Society of England & Wales, and was responsible for the Law Society's contribution to the 2015/16 Legal Needs Survey undertaken jointly between the Law Society and the Legal Services Board (LSB). He is also responsible for the Law Society's economic forecasts for the legal services sector, as well as other Law Society surveys and economic modelling/analysis. Before working at the Law Society, Keith was Senior Economist at the Henley Centre, and then Senior Economist at the London Development Agency (LDA). He has a B.SC (Econ) and M.Sc in economics, both from the London School of Economics.

## Ian Browne

Ian Browne is the Advice and Information Manager at Liberty, the United Kingdom's leading domestic human rights organisation. He leads a team that offers advice and assistance to members of the public on a huge range of human rights and public law issues. He is a committee member of the Young Legal Aid Lawyers, a former chair of the Young Lawyers Committee of the Human Rights Lawyers Association and a trustee of Hackney Community Law Centre. In 2017, Ian was selected for a Winston Churchill Memorial Trust Fellowship, which he spent in the United States of America researching how pro bono is used to support access to justice.

## Marie Burton

Dr Marie Burton is a Lecturer in Law at Middlesex University. She specialises in socio-legal research in the areas of access to justice, legal aid, the legal profession and social welfare law. She has over 30 years' experience of working in and around the civil and criminal justice system. Dr Burton is a former practising solicitor and senior policy analyst whose work has influenced the development of national policy on legal aid, financial exclusion, high cost credit and debt. In 2016, she was awarded a PhD in Law by the London School of Economics and Political Sciences for her thesis: 'Calling for Justice: Comparing Telephone and Face-to-face Advice in Social Welfare Legal Aid'.

## Natalie Byrom

Natalie is Director of Research and Learning at The Legal Education Foundation- an independent grant making foundation with a portfolio of over 200 grants – where she leads work to better understand the ways in which people can be assisted to understand and use the justice system to secure their rights, protections and fair treatment. She recently completed a PhD exploring the impact of cuts to civil legal aid on vulnerable individuals, focusing on the experience of Law Centres. Natalie is passionate about improving public understanding of the legal system- in 2017 she was appointed to the BBC Expert Women Network and her research and writing have been featured in The Guardian, the New Statesman and the legal press. Natalie sits on the Administrative Justice Council and the Civil Justice Council's Litigant in Person Engagement Group.

## Khoi Cao-Lam

Khoi is a lawyer by background and is manager of client access at Victoria Legal Aid. His work involves applying design thinking to legal assistance services, using data analytics to better understand community need, and using technology to improve access to services and client experience. Khoi has worked in corporate law, international development with Unicef, community legal centres and the public sector. Khoi founded "Acting on the Warning Signs", the health-justice partnership between Inner Melbourne Community Legal and the Royal Women's Hospital to address family violence. He holds a Bachelor of Laws (Hons) and a Bachelor of Business from Monash University. He is currently completing a Masters in Social Innovation at the University of Cambridge.

## Anna Carpenter

Anna E. Carpenter is Associate Clinical Professor of Law and Director of the Lobeck Taylor Community Advocacy Clinic. Her scholarship includes empirical and theoretical work on access to justice and the role of lawyers, non-lawyers, and judges in the civil justice system. For her empirical research on access to justice, she was named a Bellow Scholar. Her papers have been selected for the Junior Scholars Public Law Workshop and the New Voices in Civil Justice Workshop. She also writes on clinical legal education. She is an appointed member of the Oklahoma Access to Justice Commission. Professor Carpenter previously held a Clinical Teaching Fellowship at Georgetown University Law Center in the Community Justice Project. She was also a Georgetown Women's Law and Public Policy Fellow. Prior to her academic career, Professor Carpenter was a staff attorney at the San Diego Volunteer Lawyer Program and a federal policy advocate for Futures Without Violence. She earned a J.D. and an LL.M in Advocacy from Georgetown University Law Center.

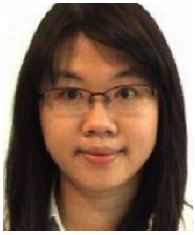
## Elizabeth Chambliss

Elizabeth Chambliss is Professor of Law and Director of the Nelson Mullins Riley & Scarborough Center on Professionalism at the University of South Carolina School of Law. Her scholarship focuses on the organization and regulation of the legal profession and the effects of globalization and information technology on the U.S. legal services market. She serves on the South Carolina Access to Justice Commission, the South Carolina Commission on Professionalism, the Board of Directors of the Institute for Inclusion in the Legal Profession, and the Editorial Advisory Board of Law & Society Review. She received her B.S. from the College of Charleston and her J.D. and Ph.D. in sociology from the University of Wisconsin.

## Peter Chapman

Peter Chapman co-leads the legal empowerment concept at the Open Society Justice Initiative which focuses on strengthening community-based justice services. Prior to joining the Justice Initiative, Peter worked on governance and justice reform in Africa and East Asia with the World Bank's Justice for the Poor program. He previously worked on legal empowerment and access to justice with the Carter Center in Liberia and the Public International Law & Policy Group in Uganda and Washington, D.C. Peter holds a Juris Doctor from the Washington College of Law, American University; a Master of Arts in international affairs from the School of International Service, American University; and a Bachelor of Arts in peace studies and political science from Colgate University.

## Yu-Shan Chang



Yu-Shan Chang is a researcher at the Legal Aid Foundation (LAF) in Taiwan. She holds a PhD in Law from University College London (UCL). Prior to her study at UCL, she practiced law and served as a legal aid lawyer in Taiwan. Her research interests are in the areas of legal aid, access to justice, the legal profession and integrated legal services.

## Jeanne Charn

Jeanne Charn is a Senior Lecturer on Law at Harvard Law School and the Director of the Bellow-Sacks Access to Civil Legal Services Project, a research and policy effort aimed at making civil legal services more widely and effectively available. From 1970 to 1973 Jeanne was a legal aid lawyer in Boston. From 1973 to 1978 she was Assistant Dean for Clinical Programs at Harvard Law School. In 1979, Jeanne and Gary Bellow founded a clinical practice center that became the largest civil clinical program at Harvard Law School. Jeanne teaches courses on delivery of legal services, legal and financial needs of low and moderate income households and the ethical and practical challenges of law practice in a rapidly changing profession. She has served on the ABA Standing Committee on Delivery of Legal Services and the Board of the Clinical Legal Education Association., and she is a member of the Advisory Committee of the International Legal Aid Group (ILAG). Publications include: in Estreicher and Radice, BEYOND ELITE LAW: ACCESS TO CIVIL JUSTICE IN AMERICA, The Teaching Law Office: Service and Learning in the Law School Years; and The Evolution of Legal Services in the United States: From the War on Poverty to Civil Gideon and Beyond; Celebrating the "Null" Finding: Evidence Based Strategies for Improving Access to Legal Services, Yale L. J. 2013; with Jeffrey Selbin, The Clinic Lab Office, Wisconsin Law Rev. 2013; Foreword, Symposium: Toward a Civil Gideon: The Future of American Legal Services, HarV. LAW&POLIC REV. 2013; with Jeffrey Selbin, Anthony Alfieri & Stephen Wizner, Service Delivery, Resource Allocation and Access to Justice; Greiner, Pattanayak and the Research Imperative, Yale Law J. 2012; Foreword: The Work of the Bellow Scholars, UDC L. Rev., 2012; Legal Services for All: Is the Profession Ready? Loyola of Los Angeles Law Rev., 2009; Service and Learning: Reflections on Three Decades of THE LAWYERING PROCESS at Harvard Law School, Clinical Law Rev. 2003.

## Zhihui Cheng

I have got a Master of Jurisprudence from the University of Sydney, and a PhD in Entrepreneurship from Manchester Metropolitan University. I am doing my second PhD in Cardiff University on Legal Tech, Access to Justice and Transformation of China's legal profession. I am one of the major founders of Hubei Pride and Bright Law Firm, based in Wuhan, Hubei, China, setting to expand to Nanjing and Hangzhou this year. I am the founder of a legal media: Hubei Tongren Media, also based in Wuhan, China. I have tried to combine my study and work for many years. If you are interested in legal profession in China, Wuhan in particular, you are more than welcome to contact me.

## Lia Combrink

Lia Combrink-Kuiters worked as a researcher at Erasmus University from 1989 until 2001 in the fields of criminology and jurimetrics. In 1998 she finished her PhD-theses on jurimetrics. Between 2001 and 2004 she evaluated several countrywide mediation projects. At present she is working for the Dutch Legal Aid Board in Utrecht as senior researcher on behalf of the annual Legal Aid Monitor and the Monitor in the field of debt restructuring. Also she conducts additional research in the field of legal aid and debt restructuring.

## Robert Cross

Robert Cross is the Research Manager at the Legal Services Board. Over the past seven years he has commissioned and undertaken over sixty different research projects. This has covered issues including access to legal services, innovation by legal service providers, and changes in competition in the market. His main area of work is the Legal Services Boards triennial evaluation of the market impact of the Legal Services Act, with the latest iteration being published in July 2016.

Prior to working at the Legal Services Board, Robert held a number of policy and strategy roles at the Legal Services Commission, developing and introducing reforms designed to increase access to services while living within a reducing budget. He has a BSc Business Studies degree from City University, a Post Graduate Diploma in Economics from Birkbeck University, and a Post Graduate Diploma in Change Management from the Open University. He is a keen amateur photographer and father of two.

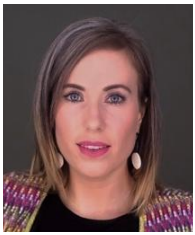
## Raquel de Faria

Raquel de Faria is a lawyer specializing in Public Advocacy. Student of master's degree in Sociology and Law at Universidade Federal Fluminense (2018), researcher at Legal Needs in Brazil and around the world. She studied Civil Procedure at Università Degli Studi di Roma Tor Vergata (2013).

## Alice de Jonge

Alice de Jonge is a senior lecturer at the Department of Business Law and Taxation, Monash Business School. She lectures in the areas of international law, international trade law and Asian business law. Her current research interests explore the overlapping areas of international law in its application to corporate social responsibility and corporate social responsibility in the context of Asian legal system.

## Catrina Denvir



Dr Catrina Denvir is Director of the Legal Innovation Centre at Ulster University. The research Catrina conducts is inherently interdisciplinary and engages issues relevant to law, technology, legal services, legal education (public and professional), ethics, sociology, psychology (behaviour) and public policy. She has published widely on the subjects of: technological innovation in the legal profession; the role of law in everyday life; public understanding of the law; design of legal services; access to justice; and, research methodology. She has a keen interest in applying methodologies from other fields, to the study of the law. She has a strong commitment to public engagement, and has launched a number of initiatives, including development of the public legal technology education resource www.legalinnovation.ai.

## Manuel Felipe Diaz

Manuel Felipe Diaz is an access to justice analyst at National Planning Department in Colombia, a governmental agency in charge of design and evaluation of public policies and budget allocation. In the past, he worked in the insurance sector and served as an advisor in the mayor's office in Bogotá. He holds a double major in Industrial and Chemical Engineering from Universidad de los Andes of Bogotá, with emphasis in decision making analysis, systemic thinking and design and evaluation of indicators for public and private sector.

## Larry Donnelly

Larry Donnelly is a Boston born and educated attorney who has been a Lecturer and Director of Clinical Legal Education in the School of Law at the National University of Ireland, Galway since 2001. In addition to founding and directing the law school's externship/placement based clinical programme, he teaches legal skills modules to undergraduate and postgraduate students. He is the author of numerous articles on legal education and of a 2015 report commissioned by the Free Legal Advice Centres and the Public Interest Law Alliance – Clinical Legal Education in Ireland: Progress and Potential – and presents papers at conferences in Ireland and internationally in this field. Prior to relocating to Ireland, he was active in government and politics in his native Massachusetts and now contributes frequently to a variety of media outlets on politics, current affairs and law in Ireland and the US. Twitter: @LarryPDonnelly

## Diogo Esteves

Diogo Esteves is Master of Laws and Sociology from the Fluminense Federal University (UFF) and Professor at Foundation Superior School of Public Defender's Office of Rio de Janeiro - Brazil (FESUDEPERJ). He is also a Public Defender of the State of Rio de Janeiro - Brazil (since 2008) and a researcher at the Fluminense Federal University's Program of Sociology and Law (PPGSD/UFF). His researcher resulted in several books and a dozen articles on the subject of access to justice and civil/criminal legal aid, including co-authoring "Access to Justice in Brazil - The Brazilian Legal Aid Model" (Rio de Janeiro: DPGERJ, 2017) and "Princípios Institucionais da Defensoria Pública" (Rio de Janeiro: Forense, 2018). He currently lives in Nova Friburgo, a city located in the interior of the State of Rio de Janeiro, Brazil. Email: diogocoutoesteves@gmail.com

## Louise Forde

Louise Forde is currently a postdoctoral researcher in the Centre for Child and Family Law, University College Cork. She is a graduate of the School of Law in University College Cork (BCL, 2008; LLM (Criminal Justice), 2009; LLM (Research), 2012), and completed a PhD thesis in the area of youth justice and children's rights in 2018, entitled "Welfare, Justice and Irish Youth Justice: A Children's Rights Analysis of Diverse Models of Youth Justice". She was a Government of Ireland Postgraduate Scholar, having been awarded a scholarship from the Irish Research Council in 2014. She was also awarded a Law Faculty PhD Scholarship and the President James Slattery Prize and Medal in Law in 2013. Her primary research interests lie in the area of youth justice and children's rights.

## Suzie Forell

With more than 25 years' experience in justice sector research, Suzie Forell has recently commenced as Research Director for Health Justice Australia. In this role Suzie will be leading work to develop a national evaluation framework for health justice partnerships. Suzie was previously a Principal Researcher at the Law and Justice Foundation of NSW, where she led the Foundation's 'what works' research program and managed research alliances with Legal Aid Commissions to evaluate legal assistance strategies and build evaluation capability. With the team at the Foundation, Suzie evaluated a range of legal assistance strategies including outreach, family law duty services, collaborative partnerships, community legal education and information and responses to summary crime. Suzie is an author of Reshaping legal assistance services: building on the evidence base and has a particular interest in integrating evaluative thinking into practice, to build the evidence-base. In 2016-17, Suzie co-led a team of researchers in an analysis of administrative data from all NSW civil court and tribunals, to investigate the value of this data to inform policy. Previously, Suzie was a principal policy analyst with NSW Police, implementing and evaluating national drug strategy initiatives, and a researcher at the NSW Independent Commission Against Corruption.

## Trevor C.W. Farrow

Trevor C.W. Farrow, AB (Princeton), BA/MA (Oxford), LLB (Dalhousie), LLM (Harvard), PhD (Alberta), is a Professor and Associate Dean at Osgoode Hall Law School. He is the Chair of the Canadian Forum on Civil Justice and was the founding Academic Director of the Winkler Institute for Dispute Resolution. Professor Farrow's teaching and research focus on the administration of civil justice, including legal process, legal and judicial ethics, advocacy, access to justice and development. He was formerly a litigation lawyer at the Torys law firm in Toronto. Professor Farrow has received teaching awards from Harvard University and Osgoode Hall Law School.

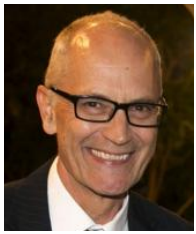
## Dame Hazel Genn

Dame Hazel Genn is Professor of Socio-Legal Studies in the Faculty of Laws at UCL. She was Dean of the Faculty 2008-2017 and is currently Director of the UCL Centre for Access to Justice and Co-director of the UCL Judicial Institute. Dame Hazel is a leading authority on access to civil and administrative justice. She has conducted numerous empirical studies on public access to the justice system, including the seminal Paths to Justice: What People Do and Think About Going to Law which has been replicated in 27 jurisdictions around the globe. This research shows how unresolved legal problems can trigger a cascade of crises that create and exacerbate mental and physical health problems. In 2013 she established the UCL Centre for Access to Justice, and in 2016 developed its activities into an innovative 'Health Justice Partnership' with a GP practice in Stratford delivering free social welfare legal advice to patients within the practice. This is an example of integrated services that better meet the needs of vulnerable patients and a vehicle for addressing the social determinants of health.

## Penelope Gibbs

Penelope Gibbs worked in radio production and at the BBC before being inspired to influence social change in the third sector. She set up the Voluntary Action Media Unit at TimeBank before joining the Prison Reform Trust to run the Out of Trouble – a five year campaign to reduce child and youth imprisonment. Under her watch the number of children in prison in the UK fell by a third. In 2012 Penelope set up Transform Justice (www.transformjustice.org.uk), a charity which advocates for a better justice system in England and Wales - a system which is fairer, more open, more humane and more effective. Transform Justice promotes change by generating research and evidence to show how the system works and how it could be improved, and by persuading the public to support those changes and practitioners and politicians to make them. Penelope has researched and written a number of publications for Transform Justice including: Justice denied? The experience of unrepresented defendants in the criminal courts; Magistrates: representatives of the people?; and Managing magistrates' courts – has central control reduced local accountability? Penelope has also volunteered in the justice system – she sat as a magistrate for three years and is currently deputy chair of the Standing Committee for Youth Justice. She is a Research Associate with the Centre for Criminology and a visiting fellow at Kellogg College, both University of Oxford.

## Jeff Giddings



Jeff Giddings is Associate Dean (Experiential Learning) and Professor of Law at Monash University, Melbourne, Australia. Jeff has extensive practice experience as a solicitor and mediator in Victoria and Queensland. He teaches and researches in areas related to legal education, dispute resolution, access to justice and legal ethics. He has written extensively on legal aid and clinical legal education and established the Griffith Law School clinical program in 1995. In 2010, he completed his PhD on the sustainability of clinical legal education programs. His thesis was subsequently published as a book, Promoting Justice Through Clinical Legal Education. Jeff received a National Teaching Fellowship from the Australian Office for Learning and Teaching in 2013 for the Effective Law Student Supervision Project. He also received the Australian Award for University Teaching in Law and Legal Studies in 1999 along with multiple awards from Griffith University.

## Mark Gough

Mark Gough is assistant professor of labor and employment relations at The Pennsylvania State University. He holds a Ph.D. in Industrial and Labor Relations from Cornell University and an M.S. in Human Resources and Employment Relations from Penn State University. Dr. Gough's research focuses on workplace dispute resolution, employment law, and how legal actors affect access to justice in the workplace.

## Freda Grealy

Freda is the Head of the Diploma Centre at the Education Department, Law Society of Ireland and provides continuing professional development courses in specialised areas of law to the solicitors' profession. She qualified as a lawyer in Ireland in 1997 and worked in private practice including criminal defence litigation and general practice before joining the Law Society in 2006. She is qualified as a solicitor in England in Wales and also qualified as an Attorney at Law in New York State. Freda received her PhD from UCL under the supervision of Professor Avrom Sherr. Her thesis focused on an empirical intervention study with trainee solicitors in the area of teaching ethics and developing professional identity. She leads the LSI Street Law Clinic and is the founding member of the Irish Rule of Law Initiative group 'Irish Lawyers Legal Education Partnership Project – South East Asia'.

## Milla Gregor

Milla is a research and evaluation consultant specialising in outcomes evaluation, training and theory of change development. She is currently working on a 2-year programme with LawWorks to develop their monitoring and evaluation. Milla has over ten years' experience working for funders and charities, including Z2K, Voluntary Action Islington, Camden Council and the Nationwide Foundation. She is also an associate consultant for NCVO Charities Evaluation Services. She has an interest in the smart use of existing research, statistics and database systems. Milla has studied research through many lenses including Biological Anthropology (Cambridge), Health Policy (LSE/LSHTM) and Research Methods (Open University). Milla also has experience helping people through the human side of organisational change, and a Diploma in Group Facilitation, Counselling Skills and Conflict Resolution (NAOS). She is also a skilled and experienced trainer in conflict resolution, and a regular volunteer.

## Dame Carolyn Hamilton

Professor Dame Carolyn Hamilton is director of Coram International which is part of Coram Children's Legal Centre. She is a Professor Emeritus of Law, a barrister at 1 KBW, and was the senior legal adviser for the Children's Commissioner and a Legal Services Commissioner between 2008 and 2011. She has worked on the provision of legal aid in Eastern Europe, Central Asia and Africa and is currently working with the Ministry of Justice and the Chief Justice in Belize to establish a legal aid system for children.

## George Hawkins

George is a Research and Analysis manager at the Solicitors Regulation Authority. He has worked in regulation for over 10 years and has degrees in Law, English with Creative Writing and has completed the Legal Practice Course. George manages a number of colleagues in the team, provides technical advice on key projects, and reviews all written publications. For over five years George has worked in legal regulation, gaining expertise in Alternative Business Structures, risk and compliance, emerging practices and new business models. He is also responsible for project managing the SRA's Risk Outlook, online updates and topic papers. George has written topic papers on Brexit and Investment Fraud, and has worked on landmark research into innovation in legal services.

## Emma Hitchings

Emma Hitchings is a Senior Lecturer and Director of Undergraduate Studies in the University of Bristol Law School. Emma's main research interests lie in the field of family law and family justice. Emma has led, and been involved with, a number of research grants awarded by the Nuffield Foundation, the Law Commission, the Ministry of Justice and the Bar Council. Her funded empirical work has included projects examining pre-nuptial agreements, financial settlements on divorce, litigants in person and fee-charging McKenzie Friends. Between 2007-2017, she was the academic member on the Family Law Committee of the Law Society of England and Wales and between 2010-2014 she was an invited member of the Law Commission's Advisory Board for marital property agreements. In January 2018, she was appointed as the joint editor of the Journal of Social Welfare and Family Law.

## Jos Hoevenaars

Jos Hoevenaars PhD, studied Sociology at the Erasmus University Rotterdam. From 2012 to 2017 he worked as a PhD researcher and lecturer at the Institute for Sociology of Law and the Centre for Migration Law of Radboud University Nijmegen where he wrote his dissertation on private party litigation before the European Court of Justice, combining legal and political science perspectives with a sociological approach and methodology. He now works as a postdoc researcher at the Erasmus School of Law, Erasmus University Rotterdam, on the project 'Self-Representation in Civil Justice' as part of the ERC funded research programme 'Building EU civil justice: challenges of procedural innovations bridging access to justice'.

## Bonnie Rose Hough

Bonnie Rose Hough is the Managing Attorney for the Center for Families, Children & the Courts of the Judicial Council of California and oversees its Access to Justice, Self Help, Family Law, Domestic Violence, and Tribal/State programs. She manages the Sargent Shriver Civil Counsel Pilot project and the Equal Access Fund providing funding for legal services agencies including oversight of the evaluations of these projects. She also manages three grant programs providing funding for court based, attorney supervised, self-help centers. She supervises an extraordinary team that developed the California Courts On-Line Self-Help Center, which contains over 4,000 pages of legal information and step by step guides in English and Spanish. The site is used by over 5 million people per year. Her team also develops document assembly programs which are currently used by over 70,000 people per year to complete their court forms.

## Rosemary Hunter

Rosemary Hunter is Professor of Law and Socio-Legal Studies at Queen Mary University of London. She is a Fellow of the Academic of Social Sciences, a member of the Council of JUSTICE and the Academic Member of the Family Justice Council. She has conducted empirical socio-legal research on access to justice, legal aid, litigants in person and both court-based and out-of-court processes in Australia and the UK, in the areas of anti-discrimination law and family law in particular. Her most recent book, Mapping Paths to Family Justice: Resolving Family Disputes in Neoliberal Times (with Anne Barlow, Janet Smithson and Jan Ewing) won the SLSA Hart book prize in 2018.

## Tomoki Ikenaga

Tomoki Ikenaga has been an Attorney-at-Law since 1997, and worked as a researcher at the Japan Legal Support Center from 2006 until 2015, which is a public corporation providing both civil and criminal legal aid established with funding from the national government in 2006. He was the staff attorney of the Japan Federation of Bar Associations from 2005 until 2006 and a visiting scholar at the University of California, Berkeley from 2004 until 2005.
He is currently a Deputy Secretary of the Japan Federation of Bar Associations Central Board on the Japan Legal Support Center from 2015.

## Les Jacobs

Les Jacobs is York Research Chair in Human Rights and Access to Justice at York University in Toronto where he teaches political science and law & Society. He is also Director of the Institute for Social Research. He was elected a Fellow of the Royal Society of Canada in 2017. He is an expert in equality of opportunity and human rights policy, access to justice issues, and applied social research methods. He is the author of numerous books including Rights and Deprivation (Oxford University Press, 1993), The Democratic Vision of Politics (Simon & Schuster, 1997), Pursuing Equal Opportunities (Cambridge University Press, 2004), Balancing Competing Human Rights in a Diverse Society (Irwin Law Books, 2012), Linking Global Trade and Human Rights (Cambridge University Press, 2014), Privacy Rights in the Global Digital Economy (Irwin Law Books, 2014) & Grey Zones of Global Governance and International Economic Law (UBC Press, 2018).

## Vicky Kemp

Dr Vicky Kemp is a Principal Research Fellow in the School of Law, University of Nottingham. She is an experienced researcher having conducted a number of empirical studies into police station legal advice, youth justice and clinical legal education. After having completed her doctorate at the University of Cambridge, she joined the Legal Services Commission's independent Research Centre, which was an internationally recognised and influential leader in the field of access to justice research. At the University of Nottingham, she is currently working on a 'digital legal rights' project, aimed at helping suspects make more informed decisions, particularly over the waiver of legal advice. She has also recently conducted a comparative study of 'effective police station legal advice' in six jurisdictions. Vicky is a member of the International Legal Aid Group, the European Society of Criminology and the British Society of Criminology.

## Ursula Kilkelly

Professor Ursula Kilkelly is a professor of law and children's rights at the School of Law, University College Cork, Ireland where she is director of the Child Law Clinic and the Centre for Children's Rights and Family Law. She is a published author on all aspects of children's rights with three sole authored texts, five edited collections and nearly 100 book chapters, articles and research reports. In Ireland, Ursula is chairperson of the Board of Management of the national detention centre for under 18s - Oberstown Children Detention Campus. She is on Twitter @ukilkelly and her full research profile can be viewed at http://research.ucc.ie/profiles/B012/ukilkelly

## Young Gi Kim

Judge Kim studied Juriprudence at Korea University in Seoul, Korea, and completed LL.M. at UCLA in California, U.S.A. He has been in his bench for 12 years, and now he is serving as the Director of Judicial Policy at the National Court Administration of South Korea(concurrent position). He has much interest in the Access to Justice, developing policies for enhancing access to justice in Korean Judiciary. He is very eager to communicate with professonals from all over the world as he believes we can improve each other through the continuous interaction.

## Rachel Knowles

Rachel is the Head of Legal Practice and a Senior Teaching Fellow at the UCL Centre for Access to Justice (CAJ). She is responsible for running the UCL Integrated Legal Advice Clinic (UCL iLAC) and also runs her own caseload of Education and Community Care law cases, supervising students undertaking this casework. Rachel has been a practising solicitor since 2009 and has specialised in representing children and vulnerable young children directly to access the support they need from statutory services. Through her work at the CAJ, Rachel has also developed a strong interest in access to justice issues, in particular for children and young people.

## Anna K C Koo

Anna K. C. Koo, Barrister-at-Law (HK), Accredited General and Family Mediator (HKIAC & HKMAAL), Member (CIArb), Doctoral Researcher in Law (Oxon). Koo has published extensively in the field of civil justice, focusing on litigation, mediation and evidence. Her scholarly articles have appeared in the Civil Justice Quarterly, Legal Studies, Vindobona Journal of International Commercial Law and Arbitration, Common Law World Review, International Journal of Evidence and Proof, and Asian Journal of Comparative Law, among many others. Koo has lectured at the University of Hong Kong, City University of Hong Kong, and East China University of Political Science and Law. She has conducted numerous continuing professional development courses for lawyers, law enforcers and mediators. She serves as an Examining Panel Member of the Higher Rights Assessment Board, a Disciplinary Panel Member of the Hong Kong Institute of Certified Public Accountants, and a Mediator Assessor of the Hong Kong Mediation Accreditation Association Limited.

## Xandra Kramer

Xandra Kramer (www.xandrakramer.eu) is Professor of Private Law at Erasmus School of Law, Erasmus University Rotterdam; Professor of Private International Law in the Faculty of Law, Economics, and Governance at Utrecht University (the Netherlands); and Deputy Judge in the District Court of Rotterdam. She is fascinated by the crossroads between procedural justice and economic efficiency; the functioning of civil justice systems, transnational complex litigation and enforcement; and the harmonisation of EU private international law and civil procedure. She is Principal Investigator of the ERC consolidator project 'Building EU civil justice: challenges of procedural innovations - bridging access to justice' (www.euciviljustic.eu).

## Marsha Levick

Marsha Levick is the co-founder, Deputy Director and Chief Counsel of Juvenile Law Center, America's first public interest law firm for children. As the director of Juvenile Law Center's litigation program, Levick has participated in numerous cases before the U.S. Supreme Court as well as federal and state courts nationwide. Notable cases include Roper v. Simmons, Graham v. Florida, and Miller v. Alabama, all U.S. Supreme Court cases striking severe adult sentences for juveniles in the criminal justice system, and J.D.B. v North Carolina, requiring consideration of a suspect's youth in the Miranda law enforcement/custody determination. Levick also served as co-counsel in Montgomery v. Louisiana, where the U.S. Supreme Court ruled Miller retroactive across the country. Levick spearheaded Juvenile's Law Center's work in the Luzerne County, Pa. "Kids for Cash" judges' scandal, also the subject of a book and documentary film. Levick serves on the Board of Directors of the Southern Poverty Law Center and Louisiana Center for Children's Rights, and is a member of the Dean's Council of the Indiana University School of Public and Environmental Affairs. Levick has been honored for her work by the Philadelphia, Pennsylvania and American Bar Associations, the American Association for Justice, and received the Philadelphia Inquirer 2009 Citizen of the Year Award (co-recipient). Levick was also the inaugural recipient of the Philadelphia Legal Intelligencer's 2013 Arlen Specter Award, and the recipient of the 2015 Philadelphia Award. Levick is an adjunct professor at Temple University Beasley School of Law and the University of Pennsylvania Law School.

## Ton Liefaard

Prof. Dr. Ton Liefaard is Full Professor of Children's Rights and holds the UNICEF Chair in Children's Rights at Leiden Law School, Leiden University, the Netherlands. He is the Programme Director of the Master's Programme (LL.M) Advanced Studies in International Children's Rights. He also directs the Leiden Summer School on International Children's Rights and he received the award for best lecturer of Leiden Law School in 2015. He teaches and publishes widely on issues related to international children's rights, juvenile justice, child friendly justice, child protection, violence against children and access to justice for children. Recent publications include: Litigating the Rights of the Child (Springer 2015, edited with J.E. Doek) and the forthcoming Major Reference Work International Human Rights of Children (Springer 2018, edited with U. Kilkelly). Ton Liefaard holds a Master and a PhD in law from the VU University Amsterdam.

## Sarah Long

Sarah Chamness Long is a Director for the World Justice Project's Rule of Law Index. Ms. Long manages the WJP's General Population Poll in 113 countries, thematic research on access to justice and environmental governance, and special data collection efforts in Pakistan, Romania, and throughout Africa. She previously managed a portfolio of 20+ pilot rule of law programs and M&E for 90 WJP seed grants in 60 countries. Prior to joining the WJP, Ms. Long worked as a consultant and Program Associate for The SEEP Network, Program Coordinator for The Aspen Institute's Justice and Society Program, and Primary Research Assistant for the Center for International Development and Conflict Management. Ms. Long holds an MSc. in Global Politics from the London School of Economics and Political Science and a B.A. in French Language and Literatures from the University of Maryland.

## John Lunney

A dual qualified solicitor and teacher, John works at the Diploma Centre of the Law Society of Ireland. John has a particular interest in Public Legal Education initiatives that work with young people to develop their awareness and understanding of the law. He is the coordinator of the Street Law Clinic at the Law Society of Ireland and has also designed and manages the Law Society's Transition Year schools programme "Solicitors of the Future". A co-founder of the Street Law UK & Ireland, Best Practices Conference, he has also presented on Street Law at a number of international conferences, contributed to published research in the area and led Street Law "train the trainer " workshops domestically and internationally. Johns other areas of interest include using online learning to promote student engagement. He has recently completed an MSc in applied E Learning where his research concerned student perceptions of added interactivity in online video. He has also played a leading role on a series of MOOCS that the Law Society has recently offered which have been specifically designed to appeal to both the public and the profession.

## Mavis Maclean CBE

Mavis Maclean CBE has carried out socio legal research in Oxford since 1974, and founded OXFLAP at DSPI in 2001. She has acted as Academic Adviser to the Ministry of Justice, served on the Bristol Royal Infirmary Inquiry , and is a former President of the RCSL. She is a Senior Research Fellow , St Hilda's College. She was awarded the first SLSA Prize for contribution to the research community in 2012, and is an Hon bencher at Middle Temple. Her interest is the comparative study of the Family Justice systems. recent books with John Eekelaar for Hart include Lawyers and Mediators 2016, Family Justice: the work of family judges 2013, and Delivering Family Justice in the 20th Century (ed) . Her current work is on access to family justice post LASPO.

## Debra Malpass

Debra is Head of Research and Analysis at the Solicitors Regulation Authority. She has a PhD in Psychology and is interested in using data science and behavioural insights to regulate the legal services market. The Research and Analysis team conduct analysis of the legal services market using a range of data science approaches including artificial intelligence. They also publish research into legal services including recent work on price transparency. For over a decade Debra worked as a behavioural scientist at universities in the UK and USA. She is a member of the steering group for the Legal Education Research Network and the Legal Services Board Research Strategy Group.

## Susan Mangold

Susan Vivian Mangold is Executive Director of Juvenile Law Center. Juvenile Law Center advocates for rights, dignity, equity and opportunity for all youth in the child welfare and justice systems. Mangold is Professor Emeritus at University at Buffalo School of Law, where she served as Vice Dean for Academics. Mangold was Chair of Civic Engagement and Public Policy, sharing her expertise in community-based research across all departments of the university. Mangold is co-editor of West Publishing's casebook, Children and the Law: Doctrine, Policy and Practice (6th Edition, 2017). She is a graduate of Harvard College and Harvard Law School.

## Alyx Mark

Alyx Mark is an Assistant Professor of Political Science at North Central College and Visiting Scholar at the American Bar Foundation in Chicago, IL. Her research focuses on the American civil legal system, the ways in which individuals interact with legal institutions, and the relationship between the federal courts and Congress. Her research has received the support of the National Science Foundation and the Economic Club of Washington, D.C. She holds a Ph.D. Political Science and Quantitative Methodology from The George Washington University. Her research has been published in or is forthcoming in the Law and Society Review, Law and Social Inquiry, Legislative Studies Quarterly, and the Journal of Law and Courts.

## Emily McCarron

Emily McCarron is a policy professional, researcher and lawyer advocating for equality, access to justice and human rights. Originally qualifying in Australia as a solicitor in discrimination and employment law, she currently works for Age UK as Equality and Human Rights Policy Manager, promoting human rights standards for older people, and ensuring older people are equal members of society. She worked for many years as a policy adviser at the Law Society of England and Wales and prior to this, as a socio-legal researcher at the Law and Justice Foundation of New South Wales where she conducted research on the legal needs of disadvantaged people.

## Hugh McDonald

Dr Hugh McDonald is a senior researcher at the Law and Justice Foundation of New South Wales, an independent statutory body charged with advancing the fairness and equity of the justice system, and improving access to justice, especially for socially and economically disadvantaged people. For the last 15 years he has worked across two of the Foundation's main research streams, identifying access to justice and legal needs, and what works to most effectively and efficiently meet those needs. Working closely with legal aid commissions and other public legal assistance providers in administrative, civil, criminal and family areas of law, his evaluative work includes advice services, community legal education and information, duty lawyer services, legal outreach, legal triage and partnerships between legal and non-services.

## Carolyn McKay

Dr Carolyn McKay is a Lecturer in Law at the University of Sydney Law School where she teaches Criminal Law and Civil & Criminal Procedure. She is Deputy Director of the Sydney Institute of Criminology and a member of the Sydney Law School Social Justice Committee. Carolyn is recognised for her empirical research into prisoners' experiences of accessing justice from a custodial situation. Her qualitative study based on one-to-one interviews with prisoners provided evidence for her PhD thesis as well as her forthcoming research monograph, The Pixelated Prisoner: Prison video links, court 'appearance' and the justice matrix (Routledge).

## Gráinne McKeever

Gráinne McKeever is a Professor of Law and Social Justice and Director of the Ulster University Law Clinic. She is the Assistant Editor for the Journal of Social Security Law, a member of the Social Security Advisory Committee, and a member of the UK Administrative Justice Institute. Gráinne is also an Executive Director and Vice-Chair of Law Centre (NI). Her research has examined the interplay between social justice and administrative justice, focusing on participation in tribunal processes, comparative experiences of legal participation in administrative and public law systems, and the access to justice implications that arise, particularly for litigants in person.

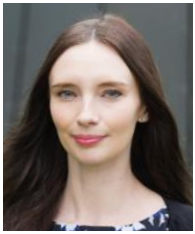
## Neelu Mehra

I am Dr. Neelu Mehra, working as an Assistant Professor in University School of Law and Legal Studies, Guru Gobind Singh Inderprastha University, Delhi India. I did my doctoral research on "Impact and Implications of Probation of offenders Act.1958" and was awarded a Ph.D from Kurukshetra University in 2003. My area of specialization are Property Law, Gender Laws and Criminology. I have presented the papers at the International platform such as at Harvard Medical College, USA, Toronto University, Canada, University of British Columbia, Canada, BESSH, Melbourne as well as at National level on different issues related to Women, Third Gender, Property laws, Cyber crimes etc. My Articles have been published in various legal and social science Journals on different areas of Law i.e Surrogacy, Women trafficking, Third gender issues, Cyber Crime, Probation laws, best practices at prison administration etc. Besides, academic work I also perform the duties of Viva Coordinator for my school, as a Nodal Officer for economical weaker section (EWS) of Government of NCT of Delhi and also the Coordinator of National Youth Parliament under the Ministry of Parliamentary Affairs. Delhi.

## Catriona Mirrlees-Black

Catriona Mirrlees-Black is Principal Researcher at the Law and Justice Foundation of New South Wales, Australia. The Foundation is a statutory body with a mandate to undertake quality research to support a cost-effective, equitable and accessible justice system that meets the needs of the community. Prior to joining the Foundation in 2011, Catriona had over 20 years' experience in the UK government, most recently as job-share Head of Research at the UK Ministry of Justice. She has worked across a range of policy areas including crime and policing, sentencing, court administration and justice reform. Her recent research includes an analysis of court data to understand who uses the civil justice system, for what purpose and for what outcomes. She is currently developing a new Australian legal needs survey, building on the Foundation's influential LAW survey. Her passion is for the use of quality evidence to inform policy development and cost-effective service delivery.

## Alice Orchiston



Dr Alice Orchiston is an Associate Lecturer at the University of Sydney Law School. Her research is socio-legal and focuses on labour and employment, the regulation of commercial sexual activity and gender-based violence. Alice has specific expertise in qualitative and mixed-methods research, online research and researching vulnerable populations. Prior to entering academia Alice held roles in legal practice, policy and advocacy. She has consulted on projects for the Australian Human Rights Commission, Centre for Gender Related Violence Studies and International Finance Corporation. Alice has a longstanding involvement in the community legal assistance sector, both as a lawyer and as a volunteer. This experience at the coalface of access to justice informs her academic work.

## Alan Paterson OBE

Alan Paterson OBE - Professor of Law and Director of the Centre for Professional Legal Studies think tank at Strathclyde University Law School. Alan is the Chair of the International Legal Aid Group; Chair of the Legal Services Group of Citizens Advice Scotland; Adviser to the Scottish Legal Aid Board and the Law Society of Scotland on the peer review of legal aid lawyers in Scotland. Alan was the international academic adviser to the Government's Strategic Review of Legal Aid in Scotland ( 2017-2018 ). Alan has published widely in the field of legal aid and legal services, including the 2010 Hamlyn Lectures; Face to Face Legal Services and their Alternatives (Roger Smith, 2013) and ( with others ) "Assessment of the Free Secondary Legal Aid System in Ukraine in the Light of Council of Europe Standards and Best Practices". Report for Council of Europe (COE) September 2016. Alan is heading up a COE project on the Independence of Legal Aid Authorities for Ukraine.

## Susanne Peters

Susanne Peters is a researcher at the Dutch Legal Aid Board. She has a PhD in social sciences. In 2004 she finished her thesis on 'The social psychology of being better off than others". For a couple of years she worked at the Research and Documentation Centre (WODC) of the Ministry of Justice. Since 2007 she has been working at the Legal Aid Board. Every year she co-writes the Legal Aid Monitor and the Monitor in the field of debt restructuring. Also she conducts additional research in the field of legal aid and debt restructuring.

## Alejandro Ponce

Dr. Alejandro Ponce is the Co-Interim Executive Director and Chief Research Officer of the World Justice Project. He joined the WJP as Senior Economist and is one of the original designers and a lead author of the WJP Rule of Law Index. Dr. Ponce leads the research and data collection initiatives of the World Justice Project, from the administration of global reports such as the WJP Rule of Law Index or the Global Insights on Access to Justice Report, to the design and implementation of nationwide surveys and studies in Afghanistan, Pakistan, the EU, and Mexico. Prior to joining the World Justice Project, Dr. Ponce worked as a researcher at Yale University and as an economist at the World Bank and the Mexican Banking and Securities Commission. Dr. Ponce has conducted research in the areas of behavioral economics, financial inclusion, justice indicators, and the rule of law, and has been published in collected volumes as well as top academic journals such as the American Economic Review and the Journal of Law and Economics. He is a frequent speaker in international conferences and policy forums in the area of rule of law. He holds a B.A. in Economics from ITAM in Mexico, and a M.A. and Ph.D. in Economics from Stanford University.

## Lindsey Poole

Lindsey Poole has been the Director of the Advice Services Alliance, the umbrella group for the voluntary advice sector since 2013. Prior to this, she held interim Chief Executive Roles across the sector including two pro bono charities. She has experience of the advice sector stretching back over 30 years, with a brief break working first as an evaluation specialist in the probation service and then in government as a Principal Research Officer and lecturer in evidence based policy. Lindsey holds an MA in Applied Social Research and in her current role, is an 'evidence champion', convening an annual meeting of advice sector researchers.

## Mijanur Rashid

Mijanur Rashid is a risk analyst modeller at the Solicitors Regulation Authority. He leads a team of data analysts who offer quantitative analysis across the organisation. The team develop predictive models by applying advanced statistical and data science techniques including artificial intelligence. Mijanur's analysis informs the SRA's regulatory policy and operations by providing robust data-led evidence. During his service in the SRA, Mijanur's analysis has informed many high profile policy consultations, such as alternative business structures, separate business rule, and professional indemnity insurance.

## Mark Riboldi

Mark Riboldi is the Advocacy & Communications Coordinator for Community Legal Centres NSW – the peak body for 40 independent, community-run legal assistance services in NSW, Australia. Prior to this, Mark was a strategic communications consultant. He also spent too many years in the cauldron of Australian politics – as a media and policy adviser in the NSW parliament, and as a communications adviser on high-stakes election campaigns. He has published fiction and non-fiction for a variety of publications and outlets. Besides the #FundEqualJustice campaign, Mark has been involved in saving workers compensation for ambulance drivers and firefighters, stopping recreational hunting in Australian National Parks, and kick-starting the Australian Royal Commission into institutional Responses to Child Sexual Abuse.

## Olaf Halvorsen Rønning

Olaf Halvorsen Rønning is a PhD candidate at the Institute for criminology and sociology of Law, Faculty of Law, University of Oslo. He is working on a PhD thesis on access to legal assistance in civil cases under the European convention on Human Rights. He has previously i.a. supervised Jussbuss, a student run legal aid clinic, and co-edited a anthology on legal aid in the Nordic countries; Outsourcing legal aid in the Nordic Welfare States.

## James Sandbach

James is Director of Policy and External Affairs at LawWorks, previously he was Advocacy and Research Manager for the Legal Action Group and the Low Commission, and prior to that he was the legal affairs policy officer for Citizens Advice for over 10 years. James has published extensive research and reports on access to justice issues. Before working in the legal sector he worked for other charities such as Mind and RNID, and for Parliamentarians. James gained a PHD in Conflict Resolution, and has also been called to the Bar (Non-practicing status).

## Rebecca L. Sandefur

Rebecca L. Sandefur studies access to civil justice from every angle -- from how legal services are delivered and consumed, to how civil legal aid is organized around the nation, to the role of pro bono, to the relative efficacy of lawyers, nonlawyers and digital tools as advisors and representatives, to how ordinary people think about their justice problems and try to resolve them. Sandefur joined the American Bar Foundation in 2010 to found and lead its access to justice research initiative. As a Faculty Fellow she continues to head this initiative, and she is also Associate Professor of Sociology and Law at the University of Illinois in Urbana-Champaign. In 2013, Sandefur was The Hague Visiting Chair in the Rule of Law. In 2015, she was named Champion of Justice by the National Center for Access to Justice.

## Matthew Schneider

Matthew Jerome Schneider is a PhD candidate in the Department of Sociology at the University of Illinois Urbana-Champaign. In general, his research interests are in issues of race, social inequality, and civic engagement. He is currently collecting field data for his doctoral dissertation which focuses on grassroots homeless service organizations in St. Louis, Missouri. The project is designed to explore how interlocking systems of race, class, and religion inform volunteer activity and volunteer-service recipient relationships. Matthew has also served as a research assistant on several Access to Justice research projects.

## Colleen Shanahan

Colleen F. Shanahan is Associate Clinical Professor of Law at Temple University Beasley School of Law and as of July 2018 will be Associate Clinical Professor of Law at Columbia Law School. Professor Shanahan's research focuses on empirical studies of civil courts, access to justice, and the intersection of civil and criminal law. She was named a Bellow Scholar for her empirical access to justice scholarship and currently co-chairs the Bellow Scholar Program. Professor Shanahan previously directed the Community Justice Project at Georgetown University Law Center and is a graduate of Princeton University and Columbia University School of Law.

## Bryony Sheldon

Bryony Sheldon has 18 years' regulatory experience in the UK across the legal, gambling and energy sectors. She has worked for the Legal Services Board (LSB) – the oversight regulator for the 10 'approved regulators' of legal services providers in England and Wales – for 5 years. Bryony's current focus is rules that the LSB is required to make (by the Legal Services Act 2007) to ensure legal services regulation is exercised independently of approved regulators' representative functions. Review of the current rules will determine if more should be done to enhance regulatory independence. She has also led the investigation and enforcement of compliance with those rules. Bryony has a law degree from Queen Mary College (University of London) and postgraduate certificate in competition policy from Nottingham Trent University.

## Marta J. Skrodzka

Marta J. Skrodzka, holds a doctoral degree in law and is an associate professor in Lomza State University of Applied Sciences, Poland. She teaches Corporate Law, Commercial Law and ADR methods and was a Director of the Legal Clinic at the Faculty of Law, University of Bialystok for many years. She is the recipient of Senior Fulbright Award (2017) in residence at CUA Columbus School of Law as well as the Kosciuszko Foundation and PILI scholarship (2006) in residence at Columbia University School of Law to conduct research in USA. Has 12 years of full time teaching experience, both in English and Polish, of European and American students, is author and co-author of nearly 70 publications and was a guest speaker and active participant of almost 30 international, national conferences and lectures. Is a mediator, a trainer and an expert in ADR, Clinical Legal Education, Commercial and Corporate Law.

## Leanne Smith

Leanne Smith is a Senior Lecturer and Director of Learning and Teaching at Cardiff University School of Law and Politics. Her research interests lie in the field of private family law and family justice, including the role and utility of online tools for dispute resolution. She also has an interest in legal education. In recent years Leanne has worked on a number of research projects including a Ministry of Justice funded project on Litigants in Person in Private Family Cases and a Bar Council funded project on Fee-charging McKenzie Friends in Private Family Cases. Leanne is a founding member of the Network on Family, Regulation and Society, a collaborative network of scholars researching the regulation of family and personal relationships through law and policy. She is a member of the Journal of Law and Society editorial board.

## Anna Sperati

Anna Sperati obtained her PhD in Economics from the University of Genoa (Italy) in 2016 and she also holds a MSc in Economics from Queen Mary University of London. At Ipsos MORI she works as statistical expert on a number of different projects, such as the evaluation of the National Citizen Service Survey on behalf of the Home Office and more recently an evaluation project on behalf of the Department of Education. In 2017, Anna conducted some exploratory analysis on the Legal Needs survey in collaboration with the Law Society. The project was aimed at assessing the impact of early legal advice on the likelihood of issue's resolution. Since 2016, Anna is also assistant teacher at the King's College Business School, where she teaches econometrics using UK firms' micro data.

## Jessica Steinberg

Jessica Steinberg is an associate professor at the George Washington University Law School, where she directs the Prisoner & Reentry Clinic. She is an expert on access to justice, court reform, the delivery of legal services, parole, and offender reentry. Professor Steinberg has been named a Bellow Scholar for her research on pro se courts, and is a former Chair of the Association of American Law Schools' Section on Poverty Law. Prior to joining the GW Law faculty in 2011, she served as the Jay M. Spears Fellow at Stanford Law School, and an Equal Justice Works Fellow for the Legal Aid Society of San Mateo County. Professor Steinberg earned her BA, magna cum laude and Phi Beta Kappa, from Barnard College and her JD from Stanford University, where she received the California State Bar Foundation's Public Interest Award.

## Emily Taylor Poppe

Emily Taylor Poppe is assistant professor of law at the University of California, Irvine School of Law. She holds a Ph.D. in Sociology from Cornell University, a J.D. from Northwestern University School of Law, and an A.B. from Duke University in Public Policy and Spanish. She is an interdisciplinary empirical scholar whose research focuses on individuals' engagement with the legal system, the structure and work of the legal profession, and the relationship between social inequality and the development of law.

## Erlis Themeli

Erlis is a postdoc at the Erasmus School of Law, Erasmus University Rotterdam. He is conducting research on the digitisation of civil justice, which is part of the ERC financed project 'Building EU civil justice: challenges of procedural innovations bridging access to justice'. Erlis obtained a master degree in Comparative Private and International Private Law from the University of Groningen (2012), and a PhD on the civil justice system competition in the EU from the Erasmus School of Law, Erasmus University Rotterdam (2018).

## James Thornton

Dr James Thornton is a Lecturer in the Law School at Nottingham Trent University. His primary research interests and expertise are in access to justice and legal aid – particularly in criminal justice. His PhD empirically examined the impact of criminal legal aid finance reduction on the work of defence lawyers. He is currently researching the impact of litigants in person in the criminal courts and the implications for access to justice for these people.

## Tatiana Tkacukova

Dr Tatiana Tkacukova is a Senior Lecturer at the School of English, Birmingham City University. Tatiana's interdisciplinary research focuses on legal-lay communication and access to justice for Litigants in Person. As a trained linguist, she is primarily interested in cognitive, communicative, conceptual and procedural challenges LIPs experience and the role of institutional and interpersonal communication in enabling lay people represent themselves. She is equally interested in the role of the judiciary in semi-represented cases and the impact of DIY justice on court administration and CPR. One of Tatiana's collaborative projects (with Prof Robert Lee, Birmingham Law School) includes the survey of LIPs in the Birmingham Civil Justice Centre (http://epapers.bham.ac.uk/3014/1/cepler_working_paper_2_2017.pdf). Tatiana's research has been funded by the EU Marie Curie funding scheme, New Zealand Law Foundation, Bristish Academy/Leverhulme. She is currently a member of the JUSTICE Working Party Assisted Digital.

## Liz Trinder

Liz's research focuses on post-separation parenting and family court processes and interventions. In 2013 she led a research team exploring the support needs and impact of litigants in person in private family law cases for a study commissioned by the Ministry of Justice. She is currently working with Professor Rosemary Hunter (QMUL) on how civil and family judges on judgecraft with litigants in person. She is also leading a project on no fault divorce funded by the Nuffield Foundation.

## Carolina Villadiego Burbano

Carolina is a lawyer from the Universidad de los Andes of Colombia. She holds a Master's degree in Law from George Washington University and a Master's Degree in Political Science and Sociology from the Latin American Faculty of Social Sciences – FLACSO. She is currently director of the Judicial System thematic line at Dejusticia.

## Manabu Wagatsuma

Manabu Wagatsuma is Professor of Law at Tokyo Metropolitan Law School in Japan. He received Master's Degree of Law from Hitotsubashi University in Japan. He joined Law Faculty of Tokyo Metropolitan University in September 1989. He became Professor of Tokyo Metropolitan University in 2000. He became Professor of Tokyo Metropolitan Law School in April 2004. While teaching at Tokyo Metropolitan University, he serves as a judicial commissioner (Shihoiin) at Tokyo County Court , who assists to arrange settlement and gives opinion to judge at trial. His teaching and research areas are civil procedural law, legal aid and litigation funding. He and Mr Tomoki Ikenaga are moderators of Development and Future Issue of Publicly funded Legal Aid held at LAWASIA Conference in 2017.

## Dawn Watkins

Dawn Watkins is a former solicitor and an Associate Professor of Law at the University of Leicester; researching in the fields of legal education and law and humanities. Funded by an ESRC transformative grant from 2014-16, she led an interdisciplinary team that created a digital game 'Adventures with Lex' as a research tool to explore children's understanding of law in their everyday lives. The team worked with over 600 children aged 8-11 years in the course of this project (see www.le.ac.uk/licl). Dawn is seeking to secure funding to support further work on theorising the legally capable child, and to facilitate further empirical research that aims to measure and improve children's legal capability, drawing on theories of play.

## Lisa Whitehouse

Lisa Whitehouse is a Reader in Law at the University of Hull. Her research interests include housing law and policy as well as empirical legal research more generally, particularly in respect of the mortgage repossession process. She is currently working with Professor Susan Bright (Law, Oxford) and Professor Mandeep Dhami (Psychology, Middlesex) on a project that explores how district judges exercise discretion in housing possession cases. She is also about to embark on an ambitious project, funded by the Ferens Education Trust, which is designed to better prepare occupiers for their possession hearing and which forms the subject of her 'work in progress' paper for this conference.

## Jan Winczorek

Jan Winczorek is researcher at Faculty of Law and Administration of University of Warsaw. He holds a PhD in law (2006), and MA degrees in sociology and law. Before 2016, he had been an advisor of many Polish public institutions on issues of access to justice, including the President of Poland, Ministry of Justice, Ministry of Labour and Social Affairs, National Council of the Judiciary, National Bar Association of Legal Advisors. Collaborates with INPRIS, a legal think-tank in Warsaw. His fields of interest include access to law, empirical studies of courts and conflict resolution and sociological theories of the legal system.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