

AMERICAN BAR FOUNDATION ACCESS TO JUSTICE RESEARCH INITIATIVE | 2026

Global Perspectives on People-Centered Justice: Exploring the Evidence

Edited by Matthew Burnett and Rebecca L. Sandefur

© 2026 American Bar Foundation. All rights reserved.

Copyright in individual contributions remains with the respective authors.

Except as otherwise provided, the American Bar Foundation grants permission for copies of articles in this volume to be made for classroom use, provided that (1) copies are distributed at or below cost, (2) the author and the American Bar Foundation are identified on each copy, and (3) proper notice of copyright is affixed to each copy.

For all other uses, requests for permission to reprint should be sent to info@abfn.org.

Any opinions, findings, and conclusions or recommendations expressed in ABF publications are those of the author(s) and do not necessarily reflect the views of the American Bar Foundation or the American Bar Association.

The AMERICAN BAR FOUNDATION, ABF, and related seal trademarks as used by the American Bar Foundation are owned by the American Bar Association and used under license.

Suggested citation: Matthew Burnett & Rebecca L. Sandefur eds., *Global Perspectives on People-Centered Justice: Exploring the Evidence* (2026), abfn.org/global-perspectives-people-centered-justice.

Acknowledgments

Support for this volume was provided in part by the International Development Research Centre (IDRC) Canada. DLA Piper and its nonprofit affiliate New Perimeter also provided substantial pro bono assistance in reviewing author contributions and supporting the editors in preparing this volume. We wish to thank each member of the pro bono review team: Megan Bowers, Lauren Grinder, Chris Henry, Edlira Kuka, Matthew Larson, Emma Marion, Amanda Morgan, Jack Morgan, Aliyyah Muhammad, Aislinn Smalling, Taylor Sorilla, Jessica Stenglein, Jennifer Swearingen, and Stacey Weber. We also deeply appreciate the leadership and coordination provided by Amanda McCaffrey (DLA Piper/New Perimeter) and Elizabeth Mucha (American Bar Foundation Access to Justice Research Initiative). Finally, we wish to express our sustained gratitude to the authors, who contributed their time, energy, and expertise to make this volume possible.

Contents

Preface	i
<i>Bryant Garth</i>	
Introduction	iv
<i>Matthew Burnett and Rebecca L. Sandefur</i>	
Part 1: Knowledge to Inspire Change	
Why People-Centered Justice Matters for Development	1
<i>Anne-Lise Bloch and Adrian Di Giovanni</i>	
Access to Justice and Poverty: Why Justice Matters for Poverty Alleviation	10
<i>Paul Prettitore</i>	
How People-Centered Justice Matters for Democracy: What we Know, and Don't Know	24
<i>Matthew Burnett</i>	
Part 2: Knowledge on How People-Centered Justice Matters for Policy	
How People-Centered Justice Matters for Children	30
<i>Jennifer Davidson, Sophie Shields, Andrew Goudie</i>	
Mapping Disabled Justice: Empirical Research Towards a People-Centered Approach	44
<i>Qudsiya Naqui</i>	
Advancing People-Centered Justice Through Legal Empowerment	55
<i>Poorvi Chitalkar and Abigail Moy</i>	
Financing Scaled-Up Front-Line Justice Services: Data and Evidence Gaps	69
<i>Clare Manuel and Marcus Manuel</i>	
A Research Agenda for Justice Technology	80
<i>Jason Tashea</i>	
Part 3: Knowledge for Implementation	
Where the Field of Legal Needs Research Is Now and Where it Needs to Go	94
<i>Martin Gramatikov</i>	
Alternative Dispute Resolution: What We Know, Don't Know and What We Need to Know to Fill the Gaps	103
<i>Maurits Barendrecht</i>	
Knowledge for Implementing People-Centered Justice: The Promise of Medical-Legal Partnerships/Health Justice Partnerships	115
<i>Michele Leering</i>	
Human Centered Design and People-Centered Justice	130
<i>Zainab Malik</i>	

Preface

Bryant Garth*

Rebecca Sandefur and Matthew Burnett kindly invited me to write a preface about my own beginnings in access to justice, deeming me one of the founders. In a small way that is true, but I was a product of a particular moment in the mid-1970s and a fortuitous scholarly collaboration between me, a very recent graduate of law school, and Mauro Cappelletti, a world famous Italian civil proceduralist who taught at the University of Florence and Stanford Law School.

I saw a notice on the Stanford Law bulletin board in my third year of law school inviting applicants for a one-year fellowship in Florence on a Ford Foundation project. I had worked as a volunteer at the Legal Aid Society in San Jose, and I saw that Cappelletti, whom I did not know, had just written a book on comparative legal aid. I applied and was one of three Stanford law graduates selected to work with him on his Florence Access to Justice Project that was just getting underway. I deferred my acceptance of a position in a small Palo Alto law firm and joined the project. I never returned to legal practice. Since I had just graduated, while the other two were already in practice, I worked the fall semester with Cappelletti at Stanford, and the others joined early in 1976 in Florence. Cappelletti had me working on a speech and article for the Mitchell Lecture at the University at Buffalo School of Law on the representation of “diffuse interests,” and it was based on a chapter he had already written. This work with Cappelletti brought me into his approach. And I found two articles on his desk that he had been sent by Marc Galanter, then teaching at Buffalo. One was by David Trubek and Galanter, the classic mea culpa attack on Law and Development and Liberal Legalism, “Scholars in Self-Estrangement,” and the other was another classic, Galanter’s “Why the Haves Come Out Ahead.” Both articles had just been published. I read them and it is not an exaggeration to say I was converted over night to access to justice as a social change mission.

The project was quite large, with national reports, studies of “promising institutions,” and “perspectives.” For complicated Italian academic political reasons, Cappelletti’s team of professors at his Institute of Comparative Law, who were slated to be major administrative and scholarly components of the project, collectively quit working with him. Co-director of the project Earl Johnson Jr. was not directly involved except as a contributor of a chapter, so Cappelletti began to rely on me to step in. Then Cappelletti obtained a position at the just-opening European University Institute (EUI) in Florence, and he secured a scholarship for me and another of the original three Americans to become doctoral students there. The first group of students at the EUI included a wonderful group of pioneers, including Kim Economides from Great Britain, and they also were now working on access to justice themes.

By then, Cappelletti and I had a pretty close working relationship and division of labor. I handled the project administration, and my growing investment in legal sociology became a major part of the project. We had many national reports and a number of longer reports on such topics as public interest law, and I read and helped edit those writings. The authors of the chapters were people I was already reading, including Americans Marc Galanter, Joel Handler, David Trubek and Louise Trubek, all then at the University of Wisconsin. At the EUI, we students had an informal reading group, and we debated the new books and articles about dispute resolution, legal needs, and law and social change that were being published especially in the *Law and Society Review*, including Roberto Unger’s book *Law in Modern Society* (1976). We expanded our knowledge and pushed each other to develop critical perspectives on access to justice and law. Through David Trubek, I attended two of the first Critical Legal Studies conferences while I was at the EUI. I was also doing research in England and the Netherlands on radical legal aid experiments and began to write my dissertation, which ultimately became a comparative book on *Neighborhood Legal Services for the Poor*, published after I returned to the US in 1980 after three years in Florence. It essentially traced the export and import of the idea of neighborhood law firms for the poor.

* Interim Executive Director, American Bar Foundation.

Any claim to being a founder relates to the fact that I was entrusted with drafting the project's general report, published in volume I (and as an article in the Buffalo Law Review). It includes summaries of Cappelletti's work on legal aid and the protection of diffuse interests (waves one and two), and the rest (wave three) was largely from my readings and discussions with my fellow EUI students. It is telling that there is a footnote in the general report that is a tribute to what I called the "Wisconsin School of Legal Sociology." Two key ingredients defining the report were the title, Access to Justice, and the concept of the "three waves," both of which preceded my involvement in the project! And I penned the bad prediction in the subtitle of the general report: "The worldwide movement to make rights effective." I also continued writing with and for him whenever the theme was access to justice related—both when I clerked and after I began teaching at Indiana University-Bloomington School of Law. Neither of us took up Access to Justice as such by the mid-1980s, and Cappelletti never returned to legal sociology.

With the demise of the activist state in the United States, our activist vision of Access to Justice did not gain much attention at home. The preface to Volume III, which I wrote for Cappelletti and me, even said that "access to justice and its opposite" are very similar, referring to the emerging alternative dispute resolution movement. I began to focus my research elsewhere with more emphasis on the sociology of law and the changes that took place with the advent of neo-liberalism. The global and sociological emphases that I learned under Cappelletti stayed with me. And my dissertation taught me that legal histories are always interconnected, with the US role and influence gaining prominence even in the 1970s and 80s.

Professor Sandefur was the first to invite me back into the field, now newly established in a different political and economic world, and the second was Brazilians who, it turned out, had embraced the 1988 Portuguese translation of the general report and published as a book, translated by Ellen Gracie Northfleet. The timing there was perfect, coinciding with a new constitution enacted that year, reinforcing a return to democracy and adopting a socially progressive role of law.

What is different today as seen in this volume from the movement that Cappelletti's project helped to initiate? Both efforts sought to make lawyers, scholars, and policy makers aware of a "crisis in legal needs" and the importance of legal but also non-legal (and non-lawyer) options in helping address poverty and social injustices. The earlier version, however, was not very successful in keeping progressive access concerns alive. Both put an emphasis on systematic empirical research, although the level of sophistication is greater today—in part through the tremendous influence of social science and social scientists today. Both are strongly comparative. The early period was in some sense more expansive because it hoped to complete and work with a socially active state to spread equality through legal remedies, such as class actions, test cases, and a new activism of public attorneys general. But that meant the program collapsed with the welfare state.

The current social and economic climate is very different. There is much less faith in governmental solutions. Yet there are new possibilities for innovation and experimentation, facilitated in part by public-private partnerships not envisioned in the 1970s. Rather than depending on a progressive state, access to justice today has support as a technocratic and largely non-partisan program, thriving in part through the very sophisticated legal needs studies and the much wider and equally committed scholarly network that exists today. Indeed, as the chapters in this volume show, the neutrality and rigor is not inconsistent with a passion to use access to justice, and in particular a "people-centered justice," to attack poverty and inequality.

* * *

Bryant Garth is Interim Executive Director of the American Bar Foundation and Distinguished Professor of Law Emeritus at the University of California, Irvine. He also served as Executive Director from 1990–2004 and as Interim Executive Director from 2022–2023. His research focuses on the legal profession, globalization, and dispute resolution.

His major books (all with Yves Dezalay) include Dealing in Virtue (University of Chicago Press, 1996); The Internationalization of Palace Wars (University of Chicago Press, 2002); Asian Legal Revivals (University of Chicago Press,

2010); *Law as Reproduction and Revolution: An Interconnected History* (University of California Press, 2021); and, edited with Gregory Shaffer, *The Globalization of Legal Education: A Critical Perspective* (Oxford University Press, 2022).

Among his honors is the Harry Kalven Prize of the Law and Society Association (2019). He serves on the Executive Coordinating Committee of the After the J.D. Project and is one of the authors of *The Making of Lawyer Careers: Inequality and Opportunity in the American Legal Profession* (University of Chicago Press, 2023).

His career began in the mid-1970s with Mauro Cappelletti as part of the Florence Access to Justice Project. He co-authored a number of articles, including the General Report of that project, entitled “Access to Justice: The Worldwide Movement to Make Rights Effective.”

Suggested citation: Bryant Garth, *Preface* i (Global Perspectives on People-Centered Justice: Exploring the Evidence, Matthew Burnett & Rebecca L. Sandefur eds., 2026), abfn.org/global-perspectives-pcj-preface.

Introduction

Matthew Burnett and Rebecca L. Sandefur†*

The white papers in this volume focus on empirical evidence about people-centered access to justice, sketching the contours of what we know and what we still need to learn. The collection is remarkable in at least two respects: 1) across the richly textured justice ecosystem, the authors are diverse in both discipline and role, ranging from academic researchers to policymakers and practitioners; and 2) their work in this volume is focused on empirical evidence, both what is already available and gaps that need to be addressed through new research and data. The people-centered framework for reimagining access to justice is less than two decades old, and redirects our attention from the traditional focus—formal justice systems, lawyers, or courts—to a new one: the people those systems, forums, and professionals are meant to serve. Given that the people-centered framework is both innovative and relatively new, it is not surprising to find evidence gaps. What is perhaps surprising and certainly encouraging is what this volume illustrates: rich and rigorous evidence does in fact inform this framework and guide both program design and policy formation. This evidence-based quality is particularly evident when this work is compared to past “waves” of access to justice interventions identified by a key founder of empirical access to justice research, Bryant Garth, who in the preface describes his collaboration with Mauro Cappelletti that developed that approach.¹ While there is much to encourage us, at the same time, we would and should hope for continued and expanded attention to building an evidence-based and people-centered approach to justice policies and practices.

The people-centered justice framework developed out of a growing base of empirical research and national, regional and global policy formation around Sustainable Development Goal (SDG) 16.3, which exhorts countries “to promote the rule of law at the national and international levels, and ensure equal access to justice for all.”² The empirical basis of people-centered justice is rooted in a growing body of research evidence on civil legal needs, including over 250 legal needs studies conducted in more than 110 countries and jurisdictions over the last three decades.³ A consistent finding of these studies is that formal justice systems are largely peripheral to the resolution of most civil justice problems.⁴ Another consistent finding is that most people do not recognize the justiciable problems that they face in life as having legal dimensions.⁵ This evidence suggests that top-down solutions rooted in formal justice systems, courts, and lawyers have done little to stem the tide of unresolved justice problems experienced by everyday people, which have significant impacts on people’s lives, livelihoods, shelter, and safety.

Alongside this emerging body of research, the adoption of SDG 16.3 has catalyzed efforts to mobilize policymakers around a shared policy agenda.⁶ Critical to this transformation was the “Task Force on Justice,” an initiative led by the Pathfinders for Peaceful, Just and Inclusive Societies (“Pathfinders”) engaging diverse justice stakeholders including intergovernmental organizations, governments, researchers, and nonprofit organizations.⁷ The Task Force report presented a stark picture, estimating that globally 5.1 billion people lack meaningful access to justice—a number that has since grown—and set the stage for a global agenda that puts individuals and their legal needs at the center of justice systems.

The Organization for Economic Cooperation and Development (OECD) in some of its work distills the people-centered justice framework across five pillars:

- 1) “Establish[ing] a people-centered purpose and culture in the justice system,” which includes a government commitment to “promote people-centered justice based on empirical data and evidence” [emphasis added] and the need for whole-of-state and whole-of-society approaches, setting shared goals at the sector-level, and emphasizing the eradication of bias and discrimination.
- 2) “Design[ing] and deliver[ing] people-centered . . . services,” which includes the design, development, and maintenance of justice service delivery and “identify[ing] citizens’ justice needs and what works for each group in society [emphasis added], as well as how to deliver accessible services, including for the most vulnerable groups.”

* Director of Research and Programs for the Access to Justice Research Initiative, American Bar Foundation.

† Professor, Sanford School of Social and Family Dynamics, Arizona State University; Faculty Fellow, American Bar Foundation.

- 3) “Establish[ing] a[n] [enabling] governance infrastructure,” which focuses on “the role of government and other key justice actors in establishing justice systems that are accessible and ensure that citizens’ justice needs are effectively addressed.” This includes approaches to establish whole-of-government engagement, foster access to technology and data, drive justice system simplification and seamless case referrals, and maintain people-centered innovation.
- 4) Empowering people to be informed and to participate, which underscores “the importance of strengthening the capabilities of people,” including both “how to empower people by raising their legal literacy and awareness and the co-design of justice services” as well as “the need to develop capabilities of those working in the justice sector.”
- 5) Evidence-based “[p]lanning, monitoring and accountability,” which focuses on “the role of justice data to establish and maintain evidence-based mechanisms to support decision making, delivery and monitoring of people-centered justice services.”⁸

Throughout this framework, the need for more and better research, evidence and data animates fundamental principles and goals. Understanding this landscape and the evidence that supports it, both globally and at the regional and country-level, is critical if we hope to deliver on access to justice for all.

This volume, *Global Perspectives on People-Centered Justice: Exploring the Evidence*, brings together leading scholars, policymakers, and practitioners to examine what we know—and what we still need to know—about how people-centered justice contributes to inclusive development, poverty alleviation, and democratic governance. Across diverse contexts and methodologies, the contributors share a common commitment: grounding justice policy reform in rigorous evidence, centering lived experience, and building practical knowledge for program design and implementation.

This volume is organized into three parts: 1) Knowledge to Inspire Change; 2) Knowledge on How People-Centered Justice Matters for Policy; and 3) Knowledge for Implementation. Taken together, they trace the arc from foundational theory and macro-level evidence, through research and policy domains, to the concrete tools and approaches required to make people-centered justice real in the lives of everyday people.

These three foci are themselves grounded in empirical research. In 2022, the editors of this collection, in collaboration with an international team of doctoral students, undertook a multi-method, global research project to understand the state of empirical research knowledge about people-centered access to justice. The first report from that research, published in 2023 as *People-Centered Access to Justice Research: A Global Perspective*, reported the findings from two data collection projects grounded in a novel framework for characterizing national contexts.⁹

Though each geographic space is in some ways unique, countries also share key characteristics that shape the context in which people seek and experience justice. In that first report, we classified countries on three dimensions that may shape people’s opportunities to access justice: how well civil justice functions; the degree to which various groups in the country are included or excluded from common life; and, country income level. That activity, meant initially as a tool for generalization—allowing us to draw inferences about what evidence from one national context might suggest about other similar contexts—generated some discoveries of its own. Around the world, countries can score high on one dimension and low on others, though there is a relationship between income level and both inclusiveness and civil justice function, in that most low-income countries have lower scores on all three measures. But this is not uniform: while income level is correlated with civil justice function and inclusiveness, it is also the case that several high-income countries are rated as low on inclusiveness, civil justice function, or both.

We also conducted a scan of the empirical research literature produced since 2001 that explored relationships between people-centered justice and poverty reduction, democratic engagement, and distributed growth, and examined the types of countries that had been studied in this way. This project showed clearly that the volume of research was quite modest, that it was most likely to focus on democratic engagement, often through a lens of legal empowerment, and that large swaths of the world had received little if any research attention. Middle-income countries had received more research attention on the topic of people-centered access to justice and the three outcomes of interest than had either high or low-income countries. One reason for this is that research follows development funds: around the world, more development donor funds go to middle-income countries than to low-income countries.¹⁰ As one observer we spoke to put it, empirical research to understand these questions is being “created at... very different speeds” in different parts of the world. This volume goes more deeply into what we know both substantively and geographically about people-centered access to justice.

The second part of that initial study involved interviews with experts who could report knowledgeably on the global access to justice research space, offering insight about what research had been conducted and in what contexts, on important discoveries and knowledge gaps, and where centers of research are active. These informants all had deep expertise and sustained engagement with people-centered civil justice research and data, had worked either globally or across multiple regional or country-level contexts, and ranged across role and function, including not only researchers, but also civil society actors, donors, and staff at intergovernmental organizations.

Across the interviews, they offered many insights, but some key themes emerged. The shift from a court- and lawyer-centered approach to understanding justice to a people-centered perspective reshapes both the kinds of questions necessary to understand justice and development and the elements of an evidence base necessary to answer those questions. The research agenda that emerged from those conversations required three types of knowledge and data, which also form the structure for this volume. One lays the groundwork for high-level change, demonstrating that people-centered justice is critical to development outcomes like anti-poverty efforts, distributed growth, and democratic empowerment (Knowledge to Inspire Change). Another offers understanding of how people centered justice helps to achieve those outcomes (Knowledge on How People-Centered Justice Matters for Policy and Practice). A third guides policy and practice, informing the implementation of projects, policies, and justice reforms (Knowledge for Implementation).

Knowledge to Inspire Change

The first part of this volume situates people-centered justice within broader international development, poverty alleviation, and democratic governance frameworks, reviewing knowledge to inspire change. In “Why People-Centered Justice Matters for Development,” Anne-Lise Bloch and Adrian Di Giovanni synthesize evidence from cost-benefit analyses, legal needs surveys, and cross-country case studies from contexts as diverse as Canada and Sierra Leone, to demonstrate that unmet civil justice needs impose significant socioeconomic burdens on people and communities, while accessible community-based services can generate substantial returns on investment. Their analysis moves beyond usual moral and normative arguments to offer insights on economic impact, proposing evidence-based prioritization of justice needs and participatory research as essential strategies for what is an increasingly constrained development finance ecosystem.

In “Access to Justice and Poverty,” Paul Prettitore deepens this inquiry by examining the relationship between poverty and people-centered justice. Drawing on legal needs surveys and other empirical data, he shows how legal problems both cluster and cascade among those living in poverty, entrenching disadvantage across housing, employment, health, family, and other civil legal issues. At the same time, he highlights how justice interventions can build agency and improve both social and economic outcomes for everyday people. Prettitore’s chapter underscores the need for both longitudinal and system-level research that moves beyond service provision toward structural understanding and reform.

“How People-Centered Justice Matters for Democracy” extends the analysis to political legitimacy. Using data from legal needs surveys, growing evidence on trust in government and institutions, scholarship on administrative burdens, and research on access to justice and the legal profession, Matthew Burnett explores how everyday justice experiences shape both access to justice and democratic engagement. He identifies critical research gaps linking justice outcomes to both social and political attitudes and calls for experimental and longitudinal research that connects everyday justice needs and available help to democratic stability.

Together, these chapters establish a critical and undertheorized pillar of people-centered justice research and action: people-centered justice is not peripheral, but *foundational* to inclusive development, poverty alleviation, and democratic engagement. At the same time that they offer a critical discovery, these chapters also reveal persistent blind spots—particularly regarding understanding of long-term impacts of people-centered justice, the need for more empirical research, and the need to design for both programmatic and institutional resilience in the face of rule-of-law backsliding.

Knowledge on How People-Centered Justice Matters for Policy

The second part of the volume turns to specific populations and policy interventions, reviewing knowledge about how people-centered justice matters for policy. Jennifer Davidson, Sophie Shields, and Andrew Goudie focus on children, a population comprising nearly one-third of the world’s people yet largely absent in available legal needs data. Drawing on global frameworks, expert consultations, and emerging economic analyses, they argue for more systemic, child-centered approaches that integrate policy and program design approaches across both government and civil society. Their work

highlights promising interventions—such as child-friendly procedures and multi-sectoral justice service models—while emphasizing the need for age-disaggregated data and ethical and participatory research methodologies.

Qudsiya Naqui’s “Mapping Disabled Justice” examines the structural and procedural barriers experienced by people with disabilities. Using legal needs surveys, qualitative research, and international frameworks, she shows how people with disabilities face obstacles across their justice journeys. Naqui advances a participatory research agenda and also calls for disability-disaggregated legal needs data capable of capturing diverse forms of both physical and mental disability and lived experience.

Abigail Moy and Poorvi Chitalkar explore legal empowerment as both a method and a movement. Drawing on diverse studies, including randomized controlled trials (RCTs), participatory action research, and case studies across diverse contexts, they argue that community paralegals strengthen legal capability, generate actionable insights, and catalyze structural change. Their chapter illuminates how research and data on localized casework can translate into national reform, while also raising critical questions about ongoing sustainability, particularly in authoritarian environments.

Clare and Marcus Manuel address a foundational and persistent constraint to justice policy and practice: justice financing. Through cross-country analysis and lessons drawn from other sectors, including health and education, they demonstrate that frontline justice services can yield high returns despite the fact that they remain chronically underfunded. They call for standardized definitions, public expenditure reviews, and cost-effectiveness as metrics to build an investment case capable of driving both scale and sustainability in frontline justice services.

Jason Tashea’s “Research Agenda for Justice Technology” confronts both the promise and pitfalls of people-centered justice technology and innovation. His contribution surveys the existing research landscape across two domains: the “justice technology stack,” including data infrastructure and public-facing services, and the enabling environment required for justice technology to thrive, encompassing state capacity, funding models, and regulatory frameworks. Drawing on surveys, user-experience research, and policy analysis, he argues that justice technology needs to move beyond anecdotes and aspirations towards more rigorous evaluation, benchmarking, and thoughtful procurement.

Across these contributions, a shared theme emerges: people-centered justice requires not just normative commitment but also targeted evidence-based interventions tailored to specific populations and approaches. Each intervention reveals research and data gaps, methodological limitations, and the persistent challenge of scaling and sustaining what works.

Knowledge for Implementation

The final part of this volume turns explicitly to implementation or “what works,” reviewing the knowledge we have and the data we need. Martin Gramatikov maps the evolution of legal needs research from early legal aid studies to more recent analyses of “justice journeys.” While legal needs surveys now cover a majority of the world’s population, Gramatikov argues that standardization, causal research design, and systematic integration of insights from these surveys into government policymaking remain limited. His chapter calls for more global collaboration and sustainable public financing to institutionalize legal needs data within state data collection and decision-making.

Maurits Barendrecht examines alternative dispute resolution (ADR), drawing on both legal needs data and research on negotiation. He identifies common barriers, including emotional dynamics, information asymmetries, and inherent power imbalance, and assesses interventions designed to address them. Barendrecht highlights the need for both shared evaluation standards and accountability mechanisms to ensure that resolution processes are not only efficient but also fair.

Michele Leering explores medical-legal and health justice partnerships across several countries, demonstrating how embedding legal services within healthcare settings addresses health-harming legal needs, reframing access to justice as a social determinant of health. Drawing on both systematic literature reviews and practitioner insights, she calls for cross-disciplinary evaluation frameworks and policy reforms to sustain and scale these collaborations.

Finally, Zainab Malik examines human-centered design as both philosophy and method. Through case studies and interdisciplinary research, she demonstrates how empathic inquiry, prototyping, and iterative testing have improved user experience and procedural justice. She also warns against “bounded justice” approaches that improve interfaces without

actually addressing structural inequality. Malik calls for standardized metrics, regulatory reforms, and meaningful co-creation with affected communities.

Conclusion

This extraordinary body of work reveals both the promise and the complexity of advancing people-centered justice. Grounded in a framework barely two decades old, the research reviewed here demonstrates how much progress is possible in a short time when empirical scholars and research funders align their efforts. Although many of the areas examined are still emerging as areas of research, the chapters document foundational discoveries with genuinely transformative potential. At the same time, each chapter identifies critical gaps in knowledge, signals of where sustained, focused investment is needed from researchers and funders alike. Together, the chapters in this volume provide not only a synthesis of what we know, but also a roadmap for the work required to begin to fill our knowledge gaps.

Research is, at its core, an effort to understand. These chapters illuminate what is understood and what remains to be discovered across a range of areas critical not only to effective justice services but also to human flourishing. Yet understanding alone is not the endpoint. A defining feature of people-centered justice is its commitment to use-focused knowledge: actionable insights designed to inform policy and improve practice. In assembling this collection, our aim is therefore twofold: to offer scholars a grounded account of the field and a forward-looking research agenda, and to equip policymakers, practitioners, and funders with accessible, evidence-based guidance to shape meaningful action.

* * *

Matthew Burnett is Director of Research and Programs for the Access to Justice Research Initiative at the American Bar Foundation (ABF), a visiting scholar with the Justice Futures Project at Arizona State University, and an adjunct professor of law at Georgetown University Law Center. Prior to joining the ABF, Matthew was Senior Policy Officer at Open Society Foundations (OSF), where he worked to advance access to justice and legal empowerment through research, advocacy, litigation and grantmaking in Africa, Asia, Latin America, Eastern Europe, and the United States. Earlier in his career he helped to launch and led the Immigration Advocates Network and served as law clerk to Justice ZM Yacoob of the Constitutional Court of South Africa. Matthew's research on access to justice has been funded by the National Science Foundation, the U.S. Department of Justice Bureau of Justice Statistics, the World Bank, and Canada's International Development Research Centre. He currently serves as an advisor to the National Center for Access to Justice and is co-founder, with Rebecca Sandefur, of Frontline Justice and the Justice Worker Lab.

Rebecca L. Sandefur is Professor in the Sanford School of Social and Family Dynamics and (by courtesy) in the Sandra Day O'Connor College of Law at Arizona State University, where she previously served as Director of the Sanford School. Her research focuses on access to civil justice, examining how legal services are delivered and experienced; how civil legal aid systems are organized; the role of pro bono; and the comparative effectiveness, sustainability, and scalability of lawyers, helpers who are not licensed attorneys, and digital tools. She also studies how ordinary people understand and attempt to resolve their justice problems.

Sandefur is a Faculty Fellow at the American Bar Foundation, where she founded the Access to Justice Research Initiative in 2010. She serves on the Arizona Commission on Access to Justice by appointment of the Supreme Court of Arizona. She is co-founder, with Matthew Burnett, of Frontline Justice and the Justice Worker Lab, initiatives dedicated to expanding access to civil legal help through community-based justice workers.

Her honors include a MacArthur Fellowship (2018), the National Center for State Courts' Warren E. Burger Award (2020), and election to the Sociological Research Association (2024). Born in Oklahoma, she is an enrolled citizen of the Chickasaw Nation.

Suggested citation: Matthew Burnett & Rebecca L. Sandefur, *Introduction* iv (Global Perspectives on People-Centered Justice: Exploring the Evidence, Matthew Burnett & Rebecca L. Sandefur eds., 2026), abfn.org/global-perspectives-pcj-introduction.

-
- ¹ Bryant G. Garth & Mauro Cappelletti, *Access to Justice: The Newest Wave in the Worldwide Movement to Make Rights Effective*, 27 Buff. L. Rev. 181 (1978).
- ² G.A. Res. 70/1, *Transforming Our World: The 2030 Agenda for Sustainable Development* (Sept. 25, 2015); Org. for Econ. Coop. & Dev. ("OECD"), *OECD Framework and Good Practice Principles for People-Centred Justice* (2021), https://www.oecd.org/en/publications/oecd-framework-and-good-practice-principles-for-people-centred-justice_cdc3bde7-en.html.
- ³ World Justice Project, *Atlas of Legal Needs Surveys* (2025), <https://worldjusticeproject.org/our-work/research-and-data/atlas-legal-needs-surveys>.
- ⁴ OECD & Open Soc'y Founds., *Legal Needs Surveys and Access to Justice* (2019), <https://doi.org/10.1787/g2g9a36c-en>; Pascoe Pleasence et al., *Reshaping Legal Assistance Services: Building on the Evidence Base* (Apr. 2014), [https://discovery.ucl.ac.uk/id/eprint/1453382/1/Pleasence%20et%20al%20\(2014\)%20Reshaping%20Legal%20Assistance%20Services%20PUBLISHED.pdf](https://discovery.ucl.ac.uk/id/eprint/1453382/1/Pleasence%20et%20al%20(2014)%20Reshaping%20Legal%20Assistance%20Services%20PUBLISHED.pdf).
- ⁵ OECD & Open Soc'y Founds., *supra*.
- ⁶ U.N. Dev. Programme ("UNDP"), *From Data to Action: Strengthening Civil Justice with SDG 16.3.3*, UNDP Global Policy Centre for Governance (Feb. 5, 2025), <https://www.undp.org/publications/data-action-strengthening-civil-justice-sdg-1633>.
- ⁷ The Task Force on Justice, *Justice for All – Final Report* (2019), <https://s42831.p1622.sites.pressdns.com/pathfinders/wp-content/uploads/sites/3/2023/03/Task-Force-on-Justice-Report-27Jun19.pdf>.
- ⁸ OECD, *supra* n. 2; OECD, *Recommendation of the Council on Access to Justice and People-Centred Justice Systems*, OECD/LEGAL/0498 (adopted July 12, 2023).
- ⁹ Rebecca L. Sandefur, Matthew Burnett & Julia Dos Santos Drummond, *People-Centered Access to Justice Research: A Global Perspective*, Just. Data Observatory Res. Rep. No. 1, Am. Bar Found. (2023).
- ¹⁰ ONE, Official Development Assistance Data Analysis, <https://data.one.org/analysis/official-development-assistance> (last visited Mar. 19, 2026).

Part 1:

Knowledge to Inspire
Change

Why People-Centered Justice Matters for Development

Anne-Lise Bloch and Adrian Di Giovanni

Abstract

This paper reviews the intersection of people-centered justice and international development, focusing on what we know—and still need to know—about why people-centered justice matters for achieving sustainable development outcomes. Based on existing research, we know that unmet civil justice needs generate significant socioeconomic burdens, with costs ranging from 0.5% to 3% of GDP in most countries, while accessible community-based justice services yield substantial returns on investment—in some cases as high as 50:1. We also know that participation, framed as a legal right rather than a social good, strengthens governance, improves service delivery, and enhances development outcomes when grounded in enforceable administrative law frameworks. However, important questions remain around the long-term impacts of justice interventions, comparative effectiveness of different people-centered justice strategies, and how justice interacts positively with other social determinants such as health, education, and economic mobility. Significant gaps also exist regarding the role of people-centered justice in sustaining democratic stability amid global rule-of-law decline.

Drawing on cost-benefit analyses, legal needs surveys, and case studies from countries including Canada, South Africa, Uganda, and Sierra Leone, this paper argues that people-centered justice approaches—those that center the legal needs of real people, enable effective participation, and facilitate meaningful engagement in justice processes—are foundational to development efforts. The paper concludes with three recommendations: adopting evidence-based approaches focused on priority justice needs and development outcomes; articulating clear pathways for confronting current rule-of-law challenges; and designing participatory, practitioner-led research processes to generate actionable insights in an era of shrinking development resources.

Suggested citation: Anne-Lise Bloch & Adrian Di Giovanni, *Why People-Centered Justice Matters for Development* 1 (Global Perspectives on People-Centered Justice: Exploring the Evidence, Matthew Burnett & Rebecca L. Sandefur eds., 2026), abfn.org/people-centered-justice-development.

Why People-Centered Justice Matters for Development

Anne-Lise Bloch and Adrian Di Giovanni†*

Introduction

Justice is not an afterthought in development; it is foundational. Development efforts, whether they be focused on infrastructure, education, healthcare, or climate resilience, depend on governance structures that provide the framework through which development is planned, implemented, and sustained. Even when implemented in partnership with the private sector, these governance structures require legal and regulatory frameworks to guide decision-making and service provision, and connected procedural and accountability guarantees. Well-functioning public laws and institutions underlie both the delivery of many development goals, and the enjoyment of basic human rights; indeed, the global sustainable development policy agenda acknowledges the importance of justice in development through Sustainable Development Goal (SDG) 16, which is both a goal in and of itself, and is foundational to the achievement of all SDGs.

The SDG 16+ framework further reinforces this point, recognizing that peace, justice and inclusion are cross-cutting enablers of the entire 2030 Agenda for Sustainable Development. But, while justice underscores almost all of the SDGs, from eradicating poverty and hunger, to promoting clean energy, climate action, decent work and economic growth, SDG 16 specifically frames justice and strong institutions as a development outcome. SDG 16.3 highlights the need to promote the rule of law and ensure equal access to justice for all, with indicator 16.3.3 tracking whether individuals who face civil and administrative disputes are able to seek and obtain resolution through formal or informal mechanisms. The overarching framing for SDG 16 highlights the role of civil justice in development, showcasing how everyday legal challenges—from land disputes, family matters, to access to public services—directly impact people’s well-being and economic stability.

Despite this interconnection, justice is often overlooked in development discourse. It is treated as a peripheral concern rather than a central pillar of effective policy and programming. Aid to justice comprises only a tiny—and shrinking—fraction of overall overseas development assistance: in 2023, aid to justice comprised only 1.1% of all aid, compared to 3.1% in 2012.¹ Yet, the presence—or absence—of accessible justice systems influences outcomes across sectors, from economic growth and investments in health to climate resilience and social stability. Weak justice systems can exacerbate inequality, hinder service delivery, and undermine trust in institutions. Conversely, strong justice mechanisms foster inclusion, protect rights, and enhance the effectiveness of development interventions.

People-centered justice approaches—those that center the legal needs of real people, enable effective participation, and facilitate engagement in the justice process—are therefore central to development efforts. Given the breadth of this intersection, this paper focuses on two key buckets of evidence through which to examine the role of people-centered justice in development. First, it analyzes the socioeconomic impacts of unmet justice needs, as well as some of the evidence suggesting the ameliorative effect of people-centered justice approaches to social and economic development. Second, it highlights how a legal right to participation, upheld under people-centered justice strategies, is central to delivering on core development outcomes. Here, the focus is specifically on civil and administrative justice, relying on the framing of SDG 16.3, for reasons of scope. Evidence gaps in the research in support of this paper’s conclusion are also considered; this notably includes a lack of evidence on the long-term impacts of justice interventions, as well as the role of justice systems—and of people-centered justice approaches—in sustaining democratic stability. The paper

* Knowledge Sharing Officer, Democratic & Inclusive Governance, International Development Research Centre (IDRC) Canada.

† Team Leader, Democratic and Inclusive Governance, IDRC Canada.

concludes which some general recommendations for further research to address evidence gaps, in light of the current context marked by a rapid decline in the rule of law across countries and significant cuts in development funding.

1. Existing Research & Evidence

A growing body of research highlights the impact of justice systems on development. This paper will focus on two buckets of evidence: first, on the adverse economic impacts of civil justice problems, and the ameliorative impacts of people-centered justice services, which highlight how people-centered justice strategies contribute overall to better development outcomes; and second, on the role of participatory justice—participation as a legal right, and also a quintessential procedural and administrative law guarantee—in strengthening governance, improving service delivery, and enhancing development outcomes. Put together, these buckets of evidence support the conclusion that people-centered justice approaches, which prioritize accessibility and responsiveness, are crucial to development efforts.

1.1 Socio-economic impacts of civil justice problems

Civil justice problems create significant social and economic burdens, while accessible people-centered justice services can help mitigate these effects. Studies have shown that unresolved legal problems lead to economic consequences at the macro and micro level. On an individual level, unresolved legal issues can lead to financial hardship, reduced productivity, and increased reliance on social welfare systems. In Canada, for instance, the Canadian Forum for Civil Justice estimates that legal barriers contribute to an annual economic impact of approximately CAD\$800 million.² These costs to the State arise from social assistance, employment insurance, health care, and housing costs emerging out of a direct result of unmet legal problems.³

Beyond individual financial strain, civil justice problems have broader macroeconomic implications. The Organization for Economic Co-operation and Development (OECD) in partnership with the World Justice Project, published findings quantifying gross domestic product (GDP) losses resulting from unmet legal needs, demonstrating that countries with which rank higher on providing access to justice tend to experience higher economic growth rates.⁴ Focusing only on the direct cost related to legal problems (e.g., lawyers, court fees, and transport) and the cost of adverse consequences of unmet justice needs on people's health, income, and employment, the report placed the annual costs of legal problems between 0.5% and 3% of GDP in most countries. Legal frameworks that facilitate contract enforcement, property rights protection, and business regulation contribute to a more stable and predictable economic environment, fostering growth and investment.

The economic consequences of civil justice problems are often also compounded by their interconnectedness to other socioeconomic challenges. Legal problems are rarely isolated, in that they tend to trigger or be triggered by other hardships. When individuals face legal barriers, for instance related to housing, health, or family law, these issues often compound, creating cycles of poverty and socio-economic vulnerability. By corollary, addressing legal needs would be expected to break these cycles, improving economic security and social stability. Evidence is, however, thin on *which* combinations of legal and social interventions are most effective, and at *what point* in a person's justice journey such a combination of interventions should be deployed to most effectively flip the negative cycles.

Conversely, there is growing evidence to suggest that people-centered justice services have an ameliorative economic impact. Studies on return on investment in justice services suggest that every dollar spent on legal support generates significant economic and social benefits. For instance, a South African survey of the cost-benefit analysis of community paralegal services indicated that free community-based legal services yielded both tangible individual benefits and intangible benefits to recipients which outweighed the cost of providing the service.⁵ A similar analysis undertaken in Uganda yielded the same results,⁶ while a recent study by the Overseas Development Institute suggests that Sierra Leone's paralegal program and related front-line justice service delivery model enacted through the country's Legal Aid Board yielded a 50:1 return on investment with respect to child maintenance.⁷ In general, cost-benefit analyses of the provision of community justice services indicate that their benefits of community justice and those of related services significantly outweigh their costs. Community justice services are an effective and cost-effective—though oft overlooked—investment for achieving development outcomes and addressing the justice gap.⁸

1.2 Participation as empowerment

The second bucket of evidence which underscores the relevance of people-centered justice approaches relates to participation as a legal guarantee. Participation is often framed as a social good in development, but it is also a legal guarantee—a procedural right with enforceable obligations. In one form or another, the delivery of development programs, is often—even predominantly—conducted through government institutions, agencies and public policy frameworks. Those institutional and policy frameworks in turn shape what people-centered justice means in the context of development. From that vantage point, participation as a guarantee forms an important cornerstone of effective governance and development, particularly for public administration and the provision of goods and services. Crucially, too, participation is central to people-centered justice approaches, acting as the vehicle through which justice systems can put the needs of people at their center in development processes. In this analysis, we focus on three critical arenas for increased participation: formal justice institutions, such as courts, public governance and policymaking processes, and in the design and implementation of development programming.

From a purely development-focused approach, participation—both as a procedural, process-driven mechanism and as a substantive right—results in better service delivery, and thus better development outcomes. The development sector has long recognized the value of participation in improving development outcomes, be it the result of improved legitimacy of decisions,⁹ better understanding of local contexts,¹⁰ better risk management,¹¹ and local empowerment.¹² Further, participatory models are often relied on for measuring the impact of development policies or programs directly with their intended beneficiaries.¹³ Comparative studies on the evidence of the impact of participatory projects undertaken by the World Bank, for instance, support the conclusion that improving participation can lead to poverty alleviation by strengthening the cohesion and empowerment of communities, along with public and private sector accountability and responsiveness.¹⁴

However, the social models of participation advanced by development actors are often implemented in contexts lacking in the necessary supportive factors to ensure meaningful participation and delivery of development outcomes—including, notably, accountability mechanisms or administrative legal frameworks.¹⁵ As a result, participation in development projects often plays out in a manipulative or unrepresentative way.¹⁶ Additional concerns arise around the various forms or processes to ensure participation, particularly where nominal forms of participation (limited to information sharing, with little opportunity for local voices to shape development design) or instrumental (focused on improving interventions’ efficacy and cost-effectiveness)¹⁷ are used to lend legitimacy to a development project, rather than uplift and empower local actors to exercise their rights.¹⁸ Even more robust participatory processes struggle to move beyond information provision to meaningful engagement or official consultation.¹⁹ The result, in the extreme, is that these processes, rather than guarantee real participation for communities, instead operate in an extractive manner, with local voices being seen as a “free source of knowledge” with which to facilitate “someone else’s project.”²⁰

The value of participatory models of development, to be sure, is mixed, with positive evidence that these models—including community-driven models—contribute to effective delivery of public goods and modest economic returns at low costs in often challenging environments. There is less evidence, however, to suggest that these social models of participation transform local decision-making or empower communities in an enduring way. If development actors are serious about designing participatory processes, and in improving socioeconomic conditions for project beneficiaries, a stronger framing of “participation”—one which views it as a legal right in and of itself, and not simply a process in furtherance of others—is needed. This is where people-centered justice approaches come in.

People-centered justice approaches ensure that participation is not merely a formality, but a substantive right grounded in public law frameworks. These frameworks include administrative law guarantees such as the right to be heard, the right to information, and mechanisms for redress. Framing participation as a right requires situating the process within a larger context of administrative and public law frameworks, which view procedural justice as both a procedural and substantive right—and which provide accountability mechanisms to ensure the right is upheld. Without these “teeth,” people affected by development interventions are left largely without effective recourse, in instances where a participation process is inadequate or the decisions that flow from it are unjust—in the sense of failing to meet the applicable administrative law or regulatory requirements. From a development perspective, interventions with poor or adequate participation will be less effective, and/or not responsive to the needs or desires of those intended to benefit. A people-

centered justice approach to participation, by contrast, begins from the perspective of how to design procedural guarantees that respond to the real needs of people justice users. Once reframed as a “right” in this way, participation is not just a purely procedural or instrumental goal, in service of other rights or development goals, but rather inextricably linked to empowerment as an end of itself.

Crucially, participation is central to people-centered justice approaches because it reflects a deeper commitment to dignity and autonomy. People should not merely be consulted in justice delivery processes—they should shape and determine them. The same can be said for development writ large—under this framing, then, participation becomes not just a matter of efficacy, but of better respect and promotion of civic, social, and economic rights. The Free, Prior, and Informed Consent framework crystallizes this richer notion of participation, embodying the principle of “nothing about us without us,” and providing legal teeth for participation through consent requirements, procedural safeguards, and accountability mechanisms. Legal empowerment strategies, such as paralegals services and court navigators, play a crucial role in operationalizing this right, and in realizing the developmental outcomes potential of participatory models. In Sierra Leone, for instance, community land committees have provided, on the one hand, a tangible set of procedural or participation guarantees to ensure that women can participate, often for the first time, in decisions around the use and management of traditional, communal lands. More than just providing a seat at the table, on the other hand, the guarantees reflect a deeper notion of development by providing a pathway for women to have a voice and greater agency over a range of issues that affect their daily lives and are intertwined with a series of vital development questions, related to livelihoods, food security—not to mention dignity and equality. Such participation mechanisms extend beyond project delivery to deeper empowerment, fostering dignity, trust, and long-term resilience. Research shows that spaces of participation that are more successful in achieving social change are the ones which allow for open (even unstructured) dialogue among participants.²¹

The added value, from a development perspective, of participation as a legal right rests beyond its instrumental value, and instead in the framing of participation and justice as a development outcome in its own right. People-centered justice approaches, if successful, are expected to enhance human dignity, strengthen social cohesion, and build trust in institutions. These are not just byproducts of development, but rather core goals of sustainable development. This broader framing positions justice not just as a means to development, but as a measure of development itself—as is reflected in the framing of SDG 16+.

2. Existing Evidence & Research Gaps

While these buckets of evidence provide a solid foundation to underscore the significant role of people-centered justice in development, substantial gaps remain in understanding the full extent of its impact. Many studies focus on the negative impacts of unmet legal needs on development, but there is limited systematic data on the long-term benefits of justice interventions. Existing data focuses on immediate benefits—such as the resolution of disputes, or improved service delivery—but does not track lasting long-term effects of legal support over time. And, while we have evidence to document the negative impacts of unmet legal needs, more research is needed to establish the converse: namely, how justice interventions positively contribute to long-term development, and how people-centered justice approaches contribute to sustained economic stability over time.

There are some significant challenges which arise in addressing this gap. First, while cost-benefit analyses have demonstrated the economic value of certain people-centered justice interventions—particularly community paralegal programs—there remains a significant gap in comparative evidence on which types of justice strategies most effectively lead to positive development outcomes. Existing studies tend to focus on individual interventions in isolation, rather than comparing the effectiveness of different strategies. Additional gaps include a lack of intersecting studies examining how justice interacts positively, rather than negatively, with other social determinants of development, such as health, education, or economic mobility—as well as how to combine justice strategies with the corollary health, education, livelihood or other social development strategies. Addressing this will require a great deal more research, across a range of actors, on the design and impacts of a variety of justice strategies, to allow for comparative analyses to understand what works, why, and where.

A second, significant challenge in this regard is the temporal dimension of case-study-based research, *i.e.*, when a legal resolution occurs versus when meaningful change is observed. Many studies focus on immediate case resolutions but fail to track whether these resolutions lead to sustained improvements in people's lives, or even how the legal dispute might continue to evolve over time. This is a challenge for analyses based on case outcomes: a legal intervention which helped an individual secure an order for child support, for instance, may not wield any meaningful change if the order is not respected and enforcement mechanisms to uphold it are lacking. Establishing more firmly that people-centered justice interventions lead to positive development outcomes will also require moving beyond research based on case outcomes, and towards data which measures the long-term trajectory of justice interventions on people's lives. On one level, this is a modest call to recognize that legal disputes are not static and often evolve over time, beyond a case's formal resolution. On a deeper level, greater evidence is needed in terms of desired systems change—which includes examining whether justice services led to lasting improvements in economic security, social inclusion, or institutional accountability. This is true both vis-a-vis the impacts of an individual dispute resolution process over time, and in the aggregate when multiple disputes are successfully resolved at scale over time. In the same vein, while cost-benefit analyses have demonstrated that community-based justice programs yield positive returns on investment, these studies often focus on immediate financial savings, rather than broader macro-level and long-term economic impacts. Addressing this research gap would require data and research design which follow cases over a much longer period of time, and which look beyond the resolution of a specific justice problem.

Despite robust evidence on the impact of participation for development outcomes, research on participatory justice remains fragmented. Research on democracy and legal accountability in this context is similarly incomplete. While evidence suggests that democracies produce better development outcomes, the precise role of justice—and of people-centered justice approaches—in this equation requires further exploration. In the same vein, while existing studies highlight the role of justice in strengthening democratic governance, there is limited research on how legal empowerment—or other people-centered justice approaches—contribute to long-term democratic stability. Altogether, these gaps limit our ability to design, fund, and scale people-centered interventions that are both effective and equitable.

4. Recommendations

On the basis of the above-identified gaps in evidence, we conclude with three recommendations to help solidify the case for why people-centered justice matters for development. Crucially, these recommendations look somewhat different than they would have even one year or a few years ago, due to pronounced shifts to the global context for justice and development. In short, the rule of law has returned to the forefront of global discourse, driven by concerns over a well-documented and widespread erosion of legal norms and democratic safeguards, at a relatively rapid pace.²² People-centered justice, which emerged precisely as an antidote to the muted success of past rule-of-law paradigms—offering a bottom-up approach that starts from the perspective of people's justice problems rather than institutional formalism²³—risks getting drowned out or set aside by this new and understandable attention to reinforcing the rule-of-law. In this context, the challenge is both to avoid repeating hard-learned lessons of the past, while also avoiding seeing people-centered justice itself as a new panacea or as somehow offering a more certain pathway, despite its conceptual and practical appeal.²⁴ The challenge in other words is for people-centered justice approaches to demonstrate how they can contribute to larger development outcomes, whether in addressing declining democratic governance and the rule of law, or a broader set of justice problems that make up the justice gap. Further, this case must be made in a context of shrinking resources. Large-scale cuts to development funding, and, in particular, to democracy, human rights, and governance programming—the traditional funding sources for justice-related development support—have compounded what was already a relatively low baseline for people-centered justice. The proportion of aid to justice (1.1% of all aid in 2023) is expected to fall by a further 40% by 2026.²⁵ These reductions are anticipated to have cascading effects on democratic ecosystems, weakening support for accountability and rights-based governance programming, including justice programming.²⁶ Those challenges are interlinked, threatening both the means and the vision for delivering justice processes that are responsive to people's needs.

Against the backdrop of what appears to be a rapidly deteriorating context for promoting people-centered justice, a first recommendation is to continue to heed the shift that people-centered justice language represents in practice, notably, to adopt “empirical and evidence-based approaches to justice and recognizes the need for improved evidence and

methodologies for data collection and analysis about the nature of justice problems and social scientific knowledge of how to best address them.”²⁷ To be sure, supporting new evidence and research could appear as a luxury in an era of declining funding. To continue with business as usual in the current funding context, however, risks relegating justice support in development largely to irrelevance or even sounding its death knell. And by “business as usual” we mean the many examples, past and present, which did not establish at the outset how they are grounded in high priority justice needs, and once underway how those approaches contribute to achieving development outcomes or can be scaled. At its core, this recommendation is for any justice approach to be razor focused on which justice problems and development outcomes it seeks to address, how and why. This applies whether an approach is geared toward larger outcomes of declining rule of law and democratic governance, or toward a different set of day-to-day justice needs which are more directly related to other development outcomes, such as livelihoods, climate, and health. The additional implication is that both the justice and evidence approaches will likely be more multi-disciplinary and multi-sectoral than traditionally seen in justice and development approaches—potentially opening the door to a wider array of solutions but also funding sources.²⁸ In an era of shrinking resources, prioritizing evidence-driven justice approaches—both centered around people facing the justice challenges and clear on the development priority approaches seek to further—will allow us to move beyond fragmented, short-term studies and towards systematic, practice-driven research, to generate better insights into the long-term impacts of justice interventions, whether on economic security, social inclusion, and democratic resilience.

Our second recommendation then is to articulate a clear pathway for how people-centered justice approaches can productively confront the current wave of rule of law challenges. Promoting the rule of law is more likely to be the locus of attention of domestic and donor justice or development priorities (*i.e.*, than newer notions of people-centered justice), with governments in successive fashion placing increased emphasis on priorities related to security, foreign investment and economic growth. Those were some of the main the policy “hooks” that undergirded the rule of law as a priority in the more recent, previous wave (in addition to democratic renewal, which as noted above has seen drastic funding cuts in 2025 alone). The risk, as rule of law language resurfaces, is of reverting to the types of reform strategies—top-down, institutional, normative, deductive—that have historically delivered limited change. Simply restating that people-centered justice matters, as a response, however, is largely to restate today’s rule of law challenges. People-centered justice approaches, as with any renewed approaches to promoting the rule of law, will need to demonstrate how they contribute to strengthening accountability, inclusion, and resilience in times of democratic fragility—which also represents a new, critical set of evidence gaps. This means connecting justice interventions to broader institutional, governance and accountability frameworks, and resisting the temptation to focus narrowly on courts or constitutional reform. This recommendation is not itself novel and largely repeats the reflection above about how a people-centered justice approach is more likely to result in a multidisciplinary and multisectoral set of solutions. At a moment, however, where the very foundation for justice, *viz.* the rule of law, appears to be shifting or sliding somewhat perilously in many countries, taking a people-centered approach could yet entail framing justice approaches in a more holistic manner. It will likely require drawing inspiration from past, successful democratic transitions, in which efforts to promote justice and rule of law were embedded in larger political and social change processes and people’s broad-based demands for democracy and rule of law.²⁹

Along those lines, our third and final recommendation for addressing evidence gaps, from a people-centered justice perspective, is to think seriously about how the evidence-building process is designed. Who leads the evidence-building process matters, both for the types of evidence it generates and the likelihood that that evidence will ultimately contribute to change (in this case, improving justice). Past evaluations of the research on governance we support at the International Development Research Centre (IDRC) have found that research led by civil society organizations who are at the front lines of advocating for change tend to be more policy-relevant and action-oriented.³⁰ Those research efforts also often use participatory action research methodologies, involving participation of affected communities seeking improved governance outcomes, of one form or another.

Finally, to illustrate how our three recommendations could come together in practice, over the past few years, we successfully trialed in a collaboration with Namati, and the Grassroots Justice Network, the *Legal Empowerment Learning Agenda*—a group of 12 research projects, working across 17 countries.³¹ This model demonstrates that well designed research interventions on legal empowerment, led by justice practitioners and affected communities, can generate larger bodies of evidence on how people-centered approaches can confront today’s and longer-standing challenges of the rule

of law and democratic erosion. Many of these legal empowerment strategies originated during earlier struggles for democracy, in countries like South Africa, Liberia, Sierra Leone, Indonesia, and the Philippines, and remain vital in today's context. Promising findings from cohort-based studies are emerging, organized around a few core questions, for instance, about how to engage with the state to seek accountability, promote participation for excluded groups, and larger movements for change and community power to counter democratic backsliding. A recent evaluation further found that peer-to-peer learning across research project teams has been key to the success of the model. It is contributing to improving the knowledge and practice of participants, while fostering a community of practice and shared sense of solidarity among them.³²

This example of research supported by IDRC on legal empowerment points to promising results, in terms of deepening our understanding and evidence of what people-centered justice strategies are working to tackle justice challenges related to declining human rights and democratic governance. But gaps remain. Rising authoritarianism, weakening respect for the rule of law, and erosion of human rights on a global scale demand innovative, evidence-based solutions as to what works to provide people-centered justice. If we want to hold ground on people-centered justice, we will need to see urgency in identifying, with razor focus, which part of the people-centered justice equation we are prioritizing, how those efforts link to larger development outcomes, disciplines or social and political struggles, and who ultimately are the people leading this critical, if uncertain people-centered justice charge.

* * *

Anne-Lise Bloch is a Knowledge Sharing Officer at the International Development Research Centre (IDRC), where she works to amplify the impact of IDRC-supported research on grassroots justice strategies, legal empowerment, and promoting vibrant civic spaces. She works to translate research into action and ensure locally-led insights shape global policy debates—reinforcing that participation, access to justice and inclusive governance form the foundation of all sustainable development. She has previously worked as a consultant and legal researcher specializing in international human rights law, climate justice, and corporate accountability. Her work is guided by a commitment to putting people at the heart of development, ensuring their needs, perspectives, and rights lead decision-making. She holds a LL.M. in International Law from the Geneva Graduate Institute, Switzerland, and a JD from the University of Ottawa.

Adrian Di Giovanni is the Team Leader for Democratic and Inclusive Governance at Canada's International Development Research Centre, where he has worked since 2011. In his current role, he oversees a portfolio of over 80 projects that seek to improve human rights, justice and democracy across Asia, Africa and the Americas. Prior to that at IDRC, he spearheaded a stream of research on law and development, focusing on public law, human rights and legal empowerment. Past professional roles have included Counsel for the Department of Justice Canada's Human Rights Law Section, and for the World Bank's Legal Vice-Presidency. Adrian holds an LL.M. in international law from New York University and a JD from the University of Toronto. He occasionally teaches on justice, human rights and development and has worked previously in Uganda and Tanzania. He is a proud dad of two inquisitive if mischievous boys.

¹ Marcus Manuel, Stephanie Manea & Clare Manuel, *Justice financing 2024 annual review domestic financing and aid*, ODI GLOBAL (2024), <https://odi.org/en/publications/justice-financing-2024-annual-review-domestic-financing-and-aid/>; Marcus Manuel & Stephanie Manea, *State of justice financing 2025 annual review: Domestic financing and aid*, ODI GLOBAL (2025), <https://odi.org/en/publications/state-of-justice-financing-2025-annual-review-domestic-financing-and-aid/>.

² Trevor C.W. Farrow ET AL., *Everyday Legal Problems and the Cost of Justice in Canada: Overview Report* (2016), CANADIAN FORUM ON CIVIL JUSTICE, <https://www.cfcj-ccj.org/sites/default/files/Everyday%20Legal%20Problems%20and%20the%20Cost%20of%20Justice%20in%20Canada%20-%20Overview%20Report.pdf>.

³ *Id.* See also Ab Currie, *Nudging the Paradigm Shift: Everyday Legal Problems in Canada*, CANADIAN FORUM ON CIVIL JUSTICE (2016), <https://cfcj-ccj.org/sites/default/files/publications/reports/Nudging%20the%20Paradigm%20Shift%2C%20Everyday%20Legal%20Problems%20in%20Canada%20-%20Ab%20Currie.pdf>.

⁴ Org. for Econ. Coop. & Dev. ("OECD") & World Justice Project, *Building a Business Case for Access to Justice*, <https://web.archive.oecd.org/2019-11-07/535987-building-a-business-case-for-access-to-justice.pdf> (last visited Feb. 20, 2026).

⁵ Sophia Mukorera & Winnie Martin, *Cost-Benefit Analysis of the Services Offered by CAOs*, INT'L DEV. RESEARCH CENTRE (2022), <https://idl-bnc-idrc.dspacedirect.org/server/api/core/bitstreams/b1d48e39-34b5-447c-9199-ad95c9aa6d76/content>.

⁶ OECD, *OECD Framework and Good Practice Principles for People-Centred Justice* (2021), https://www.oecd.org/en/publications/oecd-framework-and-good-practice-principles-for-people-centred-justice_cdc3bde7-en.html.

- ⁷ Clare Manuel & Marcus Manuel, *Cost-effective front-line justice services in Sierra Leone: a case study in frugal innovation and domestic resourcing*, ODI GLOBAL (June 19, 2024), <https://odi.org/en/publications/cost-effective-front-line-justice-services-in-sierra-leone-a-case-study-in-frugal-innovation-and-domestic-resourcing/>.
- ⁸ Georgia Harley ET AL., *A Tool for Justice: The Cost-Benefit Analysis of Legal Aid*, THE WORLD BANK (Sept. 2019), <https://documents1.worldbank.org/curated/en/592901569218028553/pdf/A-Tool-for-Justice-The-Cost-Benefit-Analysis-of-Legal-Aid.pdf>.
- ⁹ Robert Chambers & James Blackburn, *The Power of Participation: PRA and Policy*, INSTITUTE OF DEVELOPMENT STUDIES POLICY BRIEFING ISSUE 7, 1, 4 (1996).
- ¹⁰ Aurick Mubita, Munda Libati & Munalula Mulonda, *The Importance and Limitations of Participation in Development Projects and Programmes*, EUROPEAN SCIENTIFIC J. 238, 249 (2017).
- ¹¹ See, e.g., Alan Irwin, *Citizen Science*, 1st ed. 1995.; Robert J. Brulle & David N. Pellow, *Environmental Justice: Human Health and Environmental Inequalities*, 27 ANNUAL REV. PUBLIC HEALTH 103, 124 (2006).
- ¹² See, e.g., Robert Chambers, *Participatory Rural Appraisal (PRA): Analysis of Experience*, 22 WORLD DEV. 1253 (1994).
- ¹³ See, e.g., Andy Catley, John Burns, Dawit Abebe & Omeno Suji, *Participatory Impact Assessment: A Design Guide*, FEINTEIN INT'L CENTER, TUFTS UNIVERSITY (2014), https://fic.tufts.edu/wp-content/uploads/PIA-guide_revised-2014-3.pdf.
- ¹⁴ Ghazala Mansuri & Vijayendra Rao, *Localizing Development*, THE WORLD BANK (2023), <https://openknowledge.worldbank.org/entities/publication/7ec97d6d-602c-5525-858a-0bfc6cafff7f>.
- ¹⁵ Kamran Hakiman & Ryan Sheely, *Unlocking the Potential of Participatory Planning: How Flexible and Adaptive Governance Interventions Can Work in Practice*, STUD. COMPAR. INT'L DEV. (2023), <https://link.springer.com/article/10.1007/s12116-023-09415-x>.
- ¹⁶ *Approach Paper: Engaging Citizens for Better Development Results: An IEG Evaluation of World Bank Group Citizen Engagement*, WORLD BANK GROUP (2017), <https://ieg.worldbankgroup.org/sites/default/files/Data/reports/ap-engagingcitizens-05022017.pdf>.
- ¹⁷ Sarah C. White, *Depoliticising development: The uses and abuses of participation*, 6 DEVELOPMENT IN PRACTICE 142 (1996).
- ¹⁸ David Mosse, *People's knowledge, participation and patronage: operations and representations in rural development*, in *Participation: The New Tyranny?* 16 (Bill Cook & Uma Kothari eds., 4th ed. 2001).
- ¹⁹ Adrian Di Giovanni & Luciana Bercovich, *Legal Empowerment in Informal Settlements: Grassroots Experiences in the Global South* 5-6 (1st ed. 2025).
- ²⁰ "For example, in Cauca Region Project—Colombia, women constantly expressed that they are tired of being used as a source of information or validation of big NGO projects. The main problem is when these NGOs invite them to 'discussion forums', but they don't take into account any of their opinions or suggestions, and only use those opportunities to communicate their initiatives. These types of practices transform participation forums into useless spaces for the community, and discourage regional leaders to keep working with people that do not acknowledge them as peers." Project 107814, Internal Final Technical Report, INT'L DEV. RESEARCH CENTER, 7, 8 (2016).
- ²¹ René Uruena, *From Global Rights to Local Practices: Fostering Participation at the Micro-Level in Latin America: Final Technical Report*, INT'L DEV. RESEARCH CENTER, 1, 9 (2016), <https://idl-bnc-idrc.dspacedirect.org/items/d392bb8e-9f5b-4974-8d40-1cb26aa96a53>.
- ²² *Rule of Law Index 2025*, WORLD JUSTICE PROJECT, <https://worldjusticeproject.org/rule-of-law-index/downloads/WJPIIndex2025.pdf>.
- ²³ Adrian Di Giovanni & Maaïke De Langen, *People-Centered Justice in International Assistance: Rule-of-Law Path Dependencies or New Paths to Justice for All?*, 39 CAN. J. OF LAW AND SOCIETY 383, 403 (2024).
- ²⁴ See *id.* (for a deeper articulation of this caution, and some of the perceived shortcomings of previous rule of law approaches that people-centered justice language and approaches have, in part, been framed as a response to).
- ²⁵ Manuel et al., *supra* n. 1.
- ²⁶ *When Aid Fades: Impacts and Pathways for the Global Democracy Ecosystem*, GLOBAL DEMOCRACY COALITION (Nov. 2025), <https://globaldemocracycoalition.org/wp-content/uploads/2025/11/When-Aid-Fades-Impacts-and-Pathways-for-the-Global-Democracy-Ecosystem-Report.pdf> (concluding that sweeping U.S. foreign aid cuts in early 2025 eliminated nearly 70% of democracy, rights, and governance programs—over \$14 billion in grants—with other OECD donors making significant cuts). (Note: this brief description draws on use of an AI platform.)
- ²⁷ Di Giovanni and De Langen, *supra* n. 23.
- ²⁸ *Id.* (on how a people-centered justice lens will condition more multidisciplinary and multisectoral in approaches).
- ²⁹ For a compelling illustration, see, e.g., Tim Mann, *DEFENDING LEGAL FREEDOMS IN INDONESIA* (1st ed. 2025).
- ³⁰ Anthony Diala & Emily Regan Wills, *Governance and Justice RQ+ College of Reviewers Discussion Paper: External Panel*, INT'L DEV. RESEARCH CENTRE (2020).
- ³¹ For more detail, see, e.g., Adrian Di Giovanni and Poorvi Chitalkar, *Grassroots Justice Organizations Are Deploying Research to Stem the Tide of Injustice*, OPEN GLOBAL RIGHTS (Nov. 10, 2022), <https://www.openglobalrights.org/Grassroots-justice-organizations-research-combatting-injustice/>.
- ³² *IDRC's Support to the Legal Empowerment Learning Agenda Initiative: Final Evaluation Report*, INT'L DEV. RESEARCH CENTRE (Feb. 2025), <https://idl-bnc-idrc.dspacedirect.org/bitstreams/5db177d0-aa43-4741-b007-ded4469d6779/download> (reporting, e.g., that 92% of participants reported that peer learning exchanges were valuable to their work, and 84% said these exchanges improved their practice).

Access to Justice and Poverty: Why Justice Matters for Poverty Alleviation

Paul Prettitore

Abstract

This paper reviews the relationship between access to justice and poverty alleviation, focusing on what we know—and still need to know—about why justice matters for reducing poverty and supporting long-term development outcomes. Based on existing research, we know that the burdens of justice fall disproportionately on the poor: people living in poverty are more likely to experience certain types of legal problems (including family, housing, financial, and employment matters), more likely to experience clustering and cascading of such problems, and more likely to suffer severe negative economic, social, and health impacts as a result. We also know that poverty undermines legal capability and contributes to less effective justice journeys, while lack of access to justice can perpetuate and entrench poverty. Conversely, effective justice interventions can support poverty alleviation by increasing access to economic assets, improving human capital outcomes such as schooling and physical and mental health, mitigating financial shocks, and building agency and empowerment among vulnerable populations. However, important questions remain around the long-term outcomes of justice interventions, how individual dimensions of poverty affect and are affected by access to justice, and why the relationship between the two is non-linear. Significant data gaps also persist, including limited public access to justice data and insufficient longitudinal and qualitative studies.

Drawing on global surveys, legal needs data, and impact evaluations, this paper argues that understanding the bidirectional and non-linear relationship between access to justice and poverty is essential for effective development policy and concludes with proposed next steps for data collection and research to fill critical knowledge gaps.

Suggested citation: Paul Prettitore, *Access to Justice and Poverty: Why Justice Matters for Poverty Alleviation* 10 (Global Perspectives on People-Centered Justice: Exploring the Evidence, Matthew Burnett & Rebecca L. Sandefur eds., 2026), abfn.org/access-to-justice-and-poverty-alleviation.

Access to Justice and Poverty: Why Justice Matters for Poverty Alleviation

*Paul Prettitore**

Introduction

The objective of this White Paper is to explore the question “*why justice matters for poverty alleviation.*” Poverty alleviation and access to justice remain critical components of social and economic development. Both lack of justice and poverty affect considerable numbers of people globally. Law and its associated complex and extensive frameworks apply to many aspects of daily life, leading to frequent legal problems and considerable unmet legal needs.¹ An estimated 5 billion people worldwide suffer from unmet justice needs.² Around 700 million people are currently classified as monetary poor, and more than 1.1 billion multidimensionally poor.³ In addition, one-fifth of global population is at further risk of welfare losses due to extreme weather events. Global poverty reduction trends have slowed in recent years, entrenching roughly 44 percent of the world’s population in poverty.⁴ Poverty continues to concentrate geographically in rural settings and settings with historically low economic growth and fragility, with those affected suffering large gaps in human capital, basic infrastructure and access to life essentials.⁵

The burdens and opportunities of justice are not distributed equally.⁶ Empirical evidence suggests the poor and other vulnerable people are often more likely to suffer the economic, social and health burdens of legal problems. They also face obstacles accessing opportunities for legal services and institutions that would otherwise help build personal legal capacity. Those affected by access to justice and poverty, either combined or separately, often suffer the burdens of negative economic, social, and health impacts.⁷ Effective and responsive justice systems are thus required to mitigate burdens and support opportunities for those affected. Understanding how legal burdens and opportunities are distributed is critical for shaping development policies aimed at poverty alleviation.

There are no universally agreed definitions of either “access to justice” or “poverty,” but a growing consensus of scholars assess that definitions for such terms require a multi-dimensional scope. For poverty mapping this represents a shift beyond purely monetary dimensions, such as income and expenditures (consumption), to include economic assets, human and social capital capability and well-being (Annex 1) as highlighted by the World Bank and the United Nations Development Programme (UNDP) multi-dimensional poverty measures (Annex 2). These dimensions may cluster for certain individuals and households.⁸ A growing consensus has also emerged on the need for a multi-dimensional view of access to justice beyond access to formal court systems. The result is a convergence of dimensions across access to justice and poverty that includes access to economic assets, development of human capital, the role of institutions, empowerment and relational dynamics (Table 1). These mutual dimensions offer an opportunity for further exploring the relationship between access to justice and poverty.

* Senior Specialist, World Bank.

Table 1.

Poverty	Dimension	Access to Justice
Income, savings, property (financial assets, intangible assets)	Economic Assets	Securing income, housing, social protection benefits, financial transfers
Health and education services; living standards	Human Capital	Securing access to healthcare schemes; increased schooling for children; improving living standards
Shocks from ill health, economic setbacks, extreme weather events and violence; security (e.g., crime)	Shocks	Mitigating negative impacts of “justice shocks” such as debt, divorce, gender-based violence; crime; incarceration
Responsive and accountable social, economic and political institutions	Institutions	Effective targeting of justice services to the poor; increased accountability/transparency in justice institutions
Voice, agency and participation in decision-making; security, confidence and capability	Empowerment	Building legal capability; strengthening voice and agency within/beyond the justice sector
Institutional maltreatment, social maltreatment and unrecognized contributions; power asymmetries; discrimination; corruption	Relational Dynamics	Supporting self-representation; addressing discrimination; building trust in justice institutions

The relationship between access to justice and poverty is bidirectional—poverty undermines access to justice and the lack of access to justice can perpetuate poverty. Poverty can undermine access to justice in multiple ways. Monetary poverty makes paying court or legal fees insurmountable obstacles and taking time off from work prohibitively costly. The inability to pay a bail bond can result in lengthy pre-trial detention, during which income is lost and education interrupted. Failure to effectively address legal problems can cause the type of economic and social shocks that push people into poverty. Access to justice can also provide opportunities to alleviate poverty, for example by securing access to economic assets, supporting human development and empowering vulnerable households. For example, access to unpaid wages, child support or alimony can lift vulnerable households out of poverty, as can challenges to wrongful exclusion from health or education services. Successfully navigating the justice system can also build capability, trust and confidence, thus contributing to overall empowerment and well-being. However, the relationship is not strictly linear. Improvements in one may not automatically lead to proportional improvements in the other due to exogenous factors.

The question of *why justice matters for poverty alleviation* will be explored in this White Paper by assessing available empirical evidence on the following policy questions:

- How does poverty undermine access to justice;
- How does access to justice perpetuate poverty; and
- How can access to justice alleviate poverty?

1. Review of Empirical Evidence

1.1 Key Findings

Policy Questions: How does poverty undermine access to justice? How does access to justice perpetuate poverty?

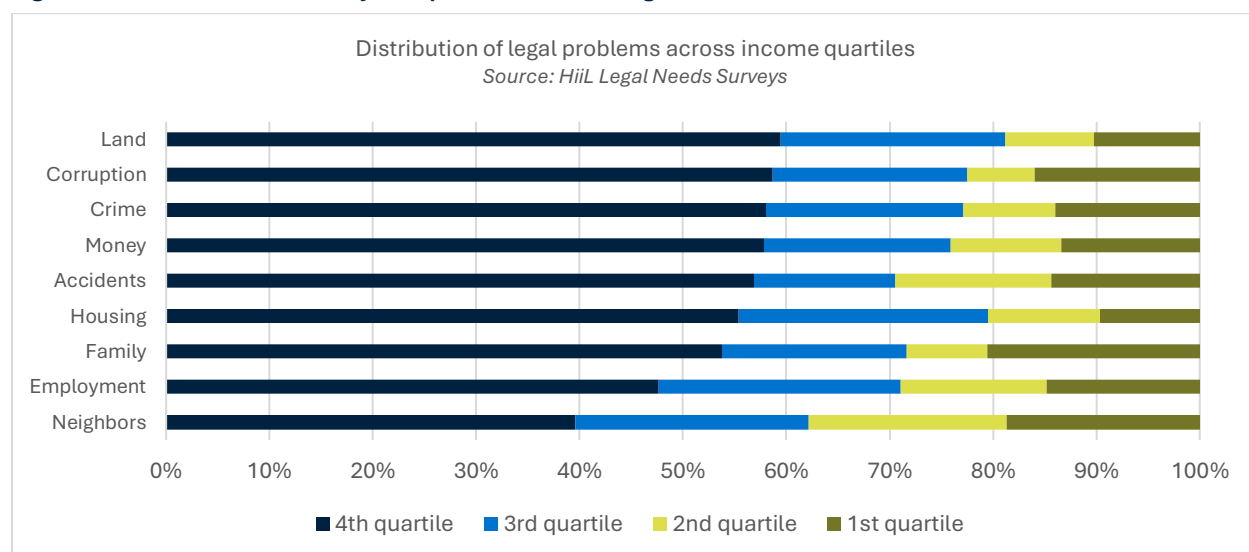
Empirical evidence suggests the burdens of justice fall disproportionately on the poor and other vulnerable people. Low-income and other forms of vulnerability are relatively reliable predictors of the likelihood of a person facing obstacles to accessing justice, while ineffective access to justice can create and entrench poverty.

The findings most relevant for policy development include the following:

The poor experience disproportionately high levels of legal problems. Data is mixed on whether poor people are more likely to experience a legal problem in general.⁹ People living in poverty are more likely to experience one or more legal problems in roughly 70% of countries surveyed by the World Justice Project.¹⁰ Additional vulnerable populations at high risk of legal problems include: those with high levels of mental distress, long term health issues, ethnic minorities, single parents, LGBTIQ+ persons, recipients of means-tested benefits, and those without resources.¹¹ In countries where high income households report higher rates of legal problems, it can be due to a single type of problem, often consumer problems.¹²

The poor are more likely to experience certain types, and clustering, of legal problems. Empirical evidence suggests that poor people are more likely to face certain types of legal problems (Figure 1). WJP global data suggests poor people are more likely to face certain problems, including family, public services, housing, financial, and employment.¹³ The poor and otherwise disadvantaged people are perhaps more likely to experience clustering and cascading of legal problems.¹⁴ People with long-term illness, disability and/or mental distress, who may disproportionately be classified as poor, are more likely to experience legal problems and more likely to experience certain types of legal problems (housing, family, financial, government payments, illness/injury).¹⁵

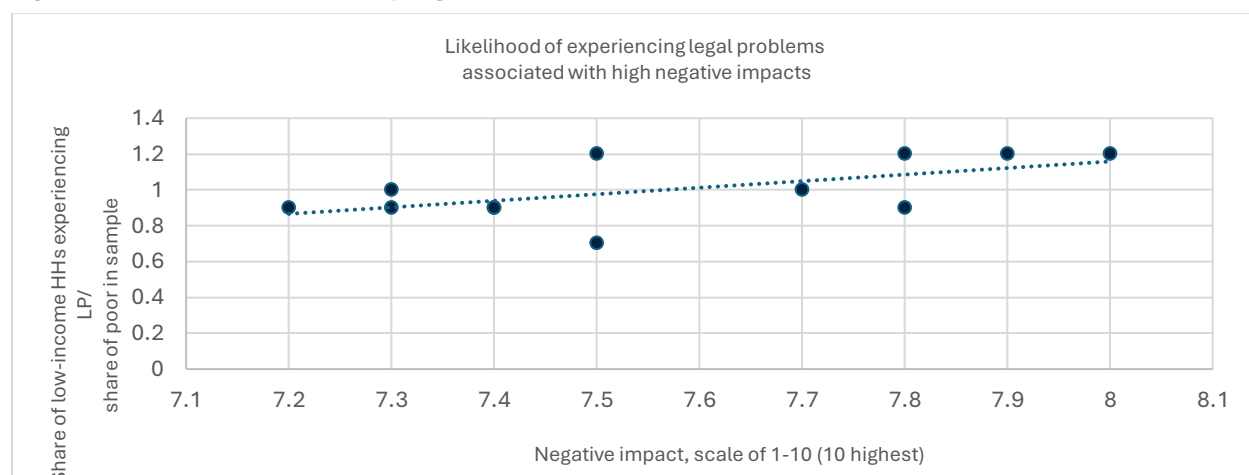
Figure 1. The Poor are More Likely to Experience Certain Legal Problems



The poor are more likely to experience negative impacts from legal problems. Low-income households are more likely to experience legal problems associated with the highest negative impacts (Figure 2). The poor are more likely to be severely impacted by the legal problems they experience, and more likely to experience the most negatively impactful types

of legal problems.¹⁶ Poor households suffer greater hardships from legal problems in 82% of countries surveyed by WJP.¹⁷ Low-income households in Australia are more likely to report experiencing the types of legal problems (family, injury, financial) rated most severe.¹⁸ People with long-term illness, disability and/or mental distress are more likely to face more lengthy and severe legal problems (including financial and family problems), resulting in high levels of stress, physical injury, and loss of confidence.¹⁹ Legal problems negatively impact mental and physical health while poor health undermines access to justice.²⁰

Figure 2. The Poor are Hit Hardest by Legal Problems²¹



The poor are more likely to lack legal capability to address legal problems. Certain categories of people are more likely to have lower legal capability and legal confidence, lower perceptions of accessibility of justice services, and negative attitudes towards formal justice institutions. This includes: poor people; people with disabilities or people living in areas of deprivation;²² people with lower education and mental or financial distress;²³ and people with long-term illness, disability and/or mental distress.²⁴ These deficits contribute to less effective problem resolution. justice journeys. Those with lower levels of legal capability struggle to extract sufficient value from legal services.²⁵ Those with low skills/confidence and negative attitudes are more likely to seek assistance, however assistance obtained is often inadequate and led to unsatisfactory outcomes.²⁶ Even though some vulnerable persons are more likely to recognize that problem is a legal problem, they are undermined by lower levels of legal literacy, digital legal capability, and general legal confidence.²⁷

The poor are more likely to experience less effective “justice journeys.” Empirical evidence suggests poor and other vulnerable people achieve worse outcomes along their justice journeys. This is due in part to limited access to legal information, advice and representation, and overreliance on informal and/or less effective justice mechanisms and services. The poor face greater barriers to obtaining justice in 90% of countries surveyed by WJP.²⁸ Barriers to courts and tribunals disproportionately affect marginalized groups and vulnerable persons.²⁹ Poor people struggle to understand their rights and associated responsibilities.³⁰ Low-income households, persons with ill-health and persons with severe mental illness are more likely to rely on less effective means of problem resolution, such as informal institutions and social networks, and rely on public legal services.³¹ Vulnerable people, including low-income households, are more likely to have unmet legal needs and to have problems take longer to resolve.³² People with long-term illness, disability and/or mental distress have worse outcomes that impair their access to justice.³³ However, poverty may not be correlated with perceived quality of justice processes, quality of outcomes or costs.³⁴

The poor are less likely to be treated fairly during their justice journeys. The poor tend to have less trust in government services, and often face ‘rudeness, humiliation, harassment, and stonewalling,’ in addition to corruption, when trying to gain access to services.³⁵ Power asymmetries and lack of accountability in legal systems also may reinforce poverty.³⁶ The poorest people tend to have the strongest perceptions of powerlessness and trust .³⁷ Legal enforcement is

usually less reliable for the poor.³⁸ Economically vulnerable persons, persons with lower education, and persons who identify as belonging to groups that face discrimination show lower trust in public institutions, with the latter showing particularly lower levels of trust in police and courts.³⁹ Negative attitudes toward justice institutions can result from and be reinforced by a lack of agency.⁴⁰ The poor often exhibit less confidence in receiving fair results from courts and being treated respectfully by justice institutions.⁴¹

Policy Question: How can access to justice alleviate poverty?

Empirical evidence suggests that effective access to justice can aid in poverty alleviation. There is a relative wealth of empirical evidence assessing poverty alleviation measures across the multiple dimensions of poverty.⁴² Better understanding of the justice elements of effective poverty alleviation measures provides a basis for refining access to justice interventions. Enhancing access to justice has led to positive contributions towards poverty alleviation. These include increased access to economic/financial assets; improved schooling and physical/mental health; mitigating financial and other shocks; building agency and supporting empowerment; and spillover effects beyond the justice sector. There are additional benefits to institutional structures and re-balancing relational dynamics. Higher scores of voice and accountability on the World Governance Indicators are correlated with an increase in reporting of legal problems by poor people.⁴³ Policies designed to mitigate economic vulnerability and discrimination and increase political agency can help close the trust gap.⁴⁴

Empirical evidence suggests access to justice can be an effective tool to enhance human capital investments, such as increased schooling and better education for children which themselves provide intergenerational development benefits, and reductions in domestic violence and improvements in women's mental health.⁴⁵ Empirical evidence also suggests that it supports greater access to economic assets, such as child support and alimony payments.⁴⁶ Agency access to justice is also an effective tool for empowerment of poor and otherwise vulnerable people. Persons with ill-health may develop stronger legal capability through more frequent court interactions while capacity built may spillover to other affected persons⁴⁷ and other issues in need of resolution.⁴⁸ When persons are more capable of identifying legal problems as "legal" the use of legal services can increase, which in turn can positively influence justice journeys.⁴⁹

1.2 Gaps and Additional Questions

Empirical Data Sources and Gaps

The primary sources of empirical data include:

Household Survey Data. One of the largest sources of empirical data for both the poverty and justice sectors is household surveys. Survey data allows targeted examination of legal problems and associated justice journeys. Surveys including the Living Standards Measurement Study surveys, Demographic and Health Surveys, and Labor Force Surveys are used globally to measure poverty.⁵⁰ The Atlas of Legal Needs Surveys of the World Justice Project contains more than 250 legal need and access to justice surveys or associated studies conducted in 110 countries and jurisdictions.⁵¹ A second comprehensive source of survey data is the repository of Legal Needs Surveys of The Hague Institute for the Innovation of Law.⁵² Sustainable Development Goal 16.3.3 has not proven a comprehensive source of empirical data due to extremely limited reporting. The limitations of survey data include differing survey methodologies and the fact that many are one-off as opposed to regular surveys. The small size of survey samples also makes it difficult to rely on disaggregated data, for example demographic data or by problem type. Large surveys that cover elements of justice include: the OECD Survey on Drivers of Trust in Public Institutions; European Social Survey, which covers elements of justice and social inequality; Afrobarometer, which covers trust and perceptions of corruption in courts; the World Values Survey; and the Gallup World Poll, which covers confidence in the judicial system.⁵³

Administrative Data. Administrative data offers a potentially considerable source of empirical justice data. The advantages of administrative data are that it is relatively cheaper to collect and covers larger populations than other data sets, such as survey data. Longitudinal administrative datasets can help identify trends in access to justice, and can be linked with data from other sectors, such as poverty and human development, to understand the relationships among different sectors. However, administrative justice data is limited in scope, coverage and quality. Activities and outputs are

more often covered than outcomes, and data rarely includes linkages to dimensions of poverty. Administrative data is also rarely accessible by the public.

Research Studies and Evaluations. There are numerous studies and evaluations covering aspects of access to justice and poverty, including health, political and economic literature. Quantitative studies appear more prevalent than qualitative studies. A review of four meta-analyses of justice research—the Access to Justice Evidence and Gap Map, the USAID Rule of Law Evidence Gap Map, the Access to Justice: Impact on Households and Individuals, and the Impacts of Family Court Proceedings in the Context of Domestic Violence: A Systematic Review of Evidence—suggests research studies and evaluations tend to cluster in terms of interventions, geographic coverage and outcomes (Annex 3).⁵⁴ For example, the evidence base is stronger in high income countries and considerably more limited in middle- and low-income countries, and coverage of justice services is much higher than justice systems.

Global Indicators. There are several global indicator sets that cover aspects of the justice sector. These are useful in assessing broad diagnostics of justice systems in a given country for wider comparison globally. The Rule of Law Index of the World Justice Project, including measures of criminal and civil justice; World Governance Indicators of the World Bank, including measures of voice, accountability and rule of law; Varieties of Democracy (V-Dem), including measures of access to justice and judicial constraints on the executive branch; the Social Progress Index, including measures of voice and rights; and the Bertelsmann Transformation Index, including measures of rule of law and social integration.⁵⁵

The lack of empirical data undermines the ability to understand distributional effects, and where leadership was invested in data practice, there was evidence of stronger data quality, capability, and utility.⁵⁶ The primary gaps in empirical evidence include:

- **Public access to data:** most justice data, whether administrative or survey, is not publicly accessible. Public accessibility will increase the ability of stakeholders to identify justice gaps and needs, and assess the quality and impact of justice interventions.
- **Panel data:** there is limited longitudinal data, making it difficult to measure long-term trends, effects and outcomes of justice interventions.
- **Qualitative data:** data sources are primarily quantitative, with fewer qualitative studies that could support greater understanding of the “why” in access to justice. For example, why do people not use justice sector services to solve legal problems.
- **Geospatial data:** there is limited collection and use of geospatial data, which could be useful to identify geographical risk and support policymaking. Examples include the Foreclosure and Eviction Analysis Tool (New America) and the Free to Drive initiative.⁵⁷
- **Big data:** including social media, media and remote sensing data. This represents a large source of mostly untapped justice data that could be scraped to identify justice risks.
- **Data infrastructure:** the justice sector lacks quality frameworks, data standards and data coverage. Common infrastructure would support greater data quality, availability, and analysis.
- **Data joining:** existing justice data is not easily joined with other types of data, for example demographic or geospatial data. Joining data will promote cross-sectoral analysis, for example linking justice data with poverty and other demographics highlighting vulnerability.
- **Data strategies:** data strategies in the justice sector are limited. Examples include the 2021 UK HMCTS Data Strategy the 2022 Manifesto for a Public Data Space in the Field of Justice in Spain.⁵⁸ Data strategies would support greater collection and analysis to underpin policy and implementation.

The primary research gaps include:

- **Dimensions of poverty:** how do individual dimensions of poverty affect access to justice and vice versa. Linking justice interventions to alleviation of specific dimensions of poverty would aid in understanding “what works.”
- **Outcomes:** research is limited on outcomes at the household level and long-term outcomes. Better understanding of outcomes would aid in making the case for investment in access to justice as well as identify the most impactful justice interventions.

- **Overlap of access to justice and poverty:** for example, in populations (e.g., children, persons with disabilities, minorities, persons affected at risk of extreme weather events) and places (e.g., rural poverty combined with justice “deserts”). Understanding overlap would contribute to more comprehensive approaches to supporting populations facing multiple dimensions of vulnerability.
- **Non-linear relationship between access to justice and poverty:** further assessment would support understanding of when investments in access to justice are more likely to produce positive impacts on poverty alleviation.
- **Geographic research coverage:** studies remain clustered in high-income countries, with a stronger focus on justice services versus justice systems and criminal versus civil justice.
- **Research methods:** there remains a need for more qualitative studies to understand the “why” of access to justice; mixed-method evaluations to understand the “what” and “why” of research questions; and causal evaluations to understand what interventions work under which circumstances.
- **Institutional failures:** institutional failures constrain the ability of the poor to exit poverty.⁵⁹ Research would benefit from an additional focus on assessing how justice institutions constrain the poor and how effective they are at challenging constraints placed by non-justice institutions.

2. Implications for Next Steps in Data and Research

This review of empirical data on why access to justice matters for poverty alleviation suggests several implications for the next steps in data and research. As data and research are developed, the question of the target audience is important. There are multiple potential audiences for this data and research within and outside of the justice sector. An implication of which is how to develop data, research and dissemination/messaging for each audience. It is plausible that the most effective audience may be outside of the justice sector. Parts of the audience are likely to be more/less interested in specific topics. For example, justice sector actors may have stronger interest in how poverty undermines access to justice, while those from the poverty sector may prove more interested in the role of access to justice in entrenching or alleviating poverty.

2.1 (Proposed) Next Steps Regarding Data

- Agreement on data sharing and public availability of data—how to facilitate the collection, quality control and sharing of data. This would increase the amount of data available for research, policy development, and design of justice interventions.
- Improving data quality, coverage and joining could include the following:
 - Establish quality frameworks, minimum data standards and minimum dataset coverage to increase data quality, coverage, and utility.⁶⁰
 - Greater collaboration, data consistency, and a commitment to a data strategy.⁶¹
 - Data journeys linked data system investment: new technology and ways of recording, processing, analyzing, reporting, and using data.⁶²
 - Joining justice data with demographic and poverty data, for example the English Index of Deprivations.⁶³
 - Investigate the value of developing a universal data plan, for example the UN Integrated Geospatial Information Framework, governing geospatial data, which contains elements of data types, quality, governance and sharing.⁶⁴
- Developing new modes of data collection could include the following:
 - Explore use of AI to: search language data (such as court records, public complaints, reports, surveys and social media) to identify public sentiment, trends and markers of poverty (e.g., identify where legal problems are under reported); design adaptive legal needs surveys that adjust based on user responses (chatbots or smart forms); identify inequities or service bottlenecks as they arise; and predict justice gaps.
 - Develop geospatial information to support advocacy and policymaking.

2.2 (Proposed) Next Steps in Research

- To effectively serve multiple audiences, research could be focused on two lines of effort:
 1. How does multi-dimensional poverty affect access to justice (more relevant for the justice sector)—the “burdens.”
 2. How can access to justice support alleviation of multi-dimensional poverty (more relevant for the poverty/development sector)—the “opportunities.”
- Enhance research on the opportunities access to justice presents for poverty alleviation and associated impacts on long-term development measures.
- Balance research coverage: increase empirical data in low and middle-income countries, expand data beyond measuring the quality of justice services.
- Balance research methodologies: increase qualitative, mixed-method studies and impact evaluations to complement the wider availability of quantitative data type.
- Debate the need for a data/research framework specifically to cover access to justice and poverty alleviation, or whether to embed aspects in existing frameworks.

Conclusion

Lack of access to justice and poverty both continue to afflict large parts of the global population, with negative long-term development impacts. Empirical evidence demonstrates that poor and other vulnerable people are more likely to be severely burdened by justice systems and less likely to have the opportunities inherent in justice services to exit poverty. It also suggests that targeted justice interventions can produce multiple development benefits. Trends in justice and poverty have converged on the need for multi-dimensional measures. However, the relationship between access to justice and poverty is not linear and future research efforts should focus on identifying how justice interventions affect specific dimensions of poverty, and what this means for longer-term outcomes. Support of such a research agenda would require an enhanced data environment, including supporting additional data sources and increasing data coverage, quality and availability.

* * *

Paul Prettitore is a Senior Specialist at The World Bank, where he has led programs on access to justice, land conflict, anti-corruption and gender equality. Prior to joining The World Bank Paul was a Property Law Coordinator and Legal Advisor at the Office of the High Representative in Bosnia and Herzegovina and a Refugee Affairs Specialist at the U.S. Department of State. Paul was also been a pro bono lawyer on domestic violence and as a Guardian ad litem for the DC Volunteer Lawyers Project and the Superior Court of Washington, D.C.

Annex 1. The Multiple Dimensions of Poverty

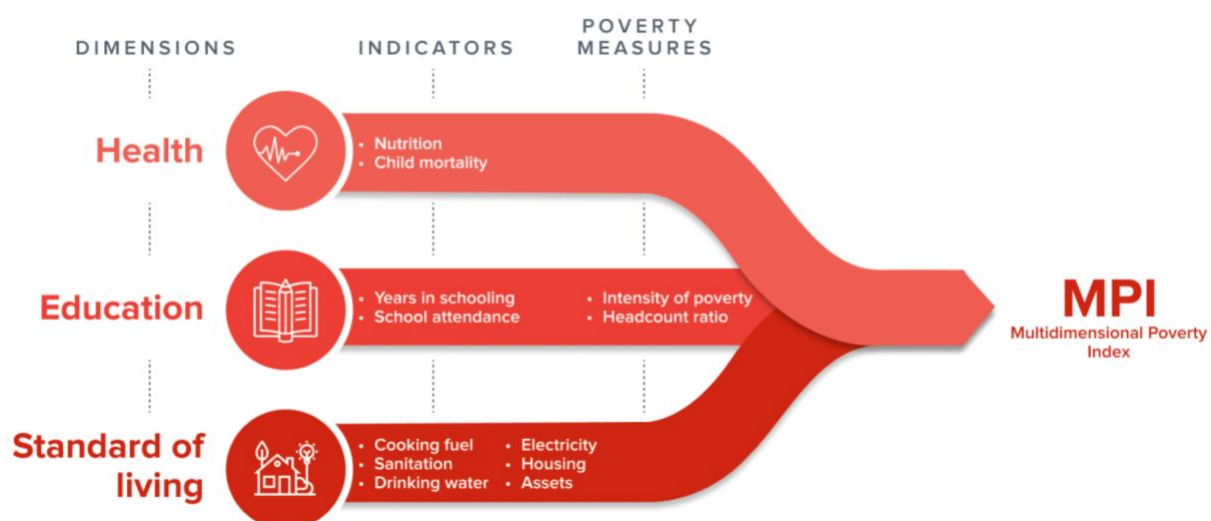
Dimensions	Source
- monetary standard of living (income or consumption) - education (school enrollment, educational attainment) - access to basic infrastructure (water, sanitation, electricity)	World Bank
- health - education - living standards	Multi-Dimensional Poverty Index - UNDP
- economic capabilities (income, assets) - human capabilities (e.g., health, education, nutrition, access to water/shelter) - political capabilities (voice, accountability) - socio-cultural capabilities - protective capabilities (resilience from shocks) - gender equality and - environment	OECD DAC Guidelines
- social maltreatment - lack of decent work - insufficient & insecure income - material and social deprivation - unregistered contributions - institutional mistreatment	(Well) Beyond Income and Expenditure - ATD Fourth World and University of Oxford
- income - access to education - security and confidence - exercise of rights	Sen, A. (2000)
- incidence - intensity - MPI	Oxford Poverty and Human Development Initiative
- social connectedness - stability - safety - mastery - meaningful access to relevant resources	Justice Determinants of Wellbeing Full Frame Initiative
inability of people to meet economic, social and other standards of well-being	OECD Development Assistance Committee

Annex 2. World Bank and UNDP Multi-dimensional Poverty Measures⁶⁵

Dimension	Indicator	Weight
Monetary	Daily consumption or income is less than \$ 2.15 per person.	1/3
Education	At least one school-age child up to the age of grade 8 is not enrolled in school.	1/6
	No adult in the household (age of grade 9 or above) has completed primary education.	1/6
Access to basic infrastructure	The household lacks access to limited-standard drinking water.	1/9
	The household lacks access to limited-standard sanitation.	1/9
	The household has no access to electricity.	1/9

Source: World Bank, 2020

UNDP Multidimensional Poverty Index (MPI)



Annex 3. Justice Meta-Analyses

Analysis	Number of studies	Key findings
Access to Justice Evidence and Gap Map (Centre for Excellence of Development Impact and Learning and UKAid)	115 studies including: 88 process evaluations, 26 impact evaluations and 1 systematic review	Most of the studies are in the intervention category of legal protection, justice and security institutions and support to civil society and increasing legal awareness, in which legal framework and reforms and police are the most common subcategories. The majority of process evaluations concern legal protection in Sub-Saharan African and South Asian countries. There are no included studies on interventions-based support to legal aid and counsel, registration system, anti-corruption commission, diversion programs, community mediators, case co-ordination committees, training of prison staff, legal education and public complain system. Notable gaps are evident in outcomes related to social and economic wellbeing. The most frequently reported outcomes are related to access to legal mechanisms specifically on accessibility and efficiency of judicial system and process outcomes like implementation and design followed by legal rights.
USAID Rule of Law Evidence Gap Map	774 studies	Significant gap in evidence for interventions in the ‘Systems’ and ‘Society’ domain, interventions in these domains may be more challenging to evaluate, and should be accompanied by a robust research agenda. There is a need for more high-confidence systematic reviews from L&MICs, and with a focus on non-crime and longer-term outcomes
Access to Justice: Impact on Households and Individuals (Public Policy Research Institute, Texas A&M University, 2023)	81 studies	Studies much more likely to cover aspects of agency, and much less likely to cover economic assets, economic participation and human development.
Impacts of Family Court Proceedings: A Systematic Evidence Review World Bank	65 studies	Frequently reported health outcomes were depression, stress, post-traumatic stress disorder and anxiety; most studies in HICs, need research that assesses effectiveness of various legal interventions across different settings, including from the Global South; lack of longitudinal studies to track long-term impacts of family court proceedings

¹ Nigel J. Balmer, Pascoe Pleasence, Tenielle Hagland & Cosima McRae, *Law...What is it Good For? How People see the Law, Lawyers and Courts in Australia* (Victoria Law Found. 2019); Gillian K. Hadfield & Jamie Heine, *Life in the Law-Thick World: The Legal Resource Landscape for Ordinary Americans*, in *BEYOND ELITE LAW: ACCESS TO CIVIL JUSTICE IN AMERICA* (Samuel Estreicher & Joy Radice eds., Cambridge Univ. Press 2016); World Justice Project, *Global Insights on Access to Justice 2019* (2019), <https://worldjusticeproject.org/our-work/research-and-data/global-insights-access-justice-2019>; World Justice Project, *Measuring the Justice Gap: A People-Centered Assessment of Unmet Justice Needs Around the World* (2019), <https://worldjusticeproject.org/our-work/research-and-data/measuring-justice-gap>; Christine Coumarelos, Zhigang Wei & Albert Z. Zhou, *Justice Made to Measure: NSW Legal Needs Survey in Disadvantaged Areas*, 3 Access to Justice and Legal Needs (Law and Justice Foundation of New South Wales, 2006); Mary C. Slosar, *THE JUSTICE GAP: THE UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS* (Legal Services Corporation, 2022).

² World Justice Project, *Measuring the Justice Gap*, *supra*.

³ World Bank, *Pathways Out of the Policy Crisis*, POVERTY, PROSPERITY, AND PLANET REPORT (2024); U.N. Dev. Programme (“UNDP”), *Global Multidimensional Poverty Index 2024: Poverty Amid Conflict* (2024).

⁴ World Bank, *Correcting Course*, POVERTY AND SHARED PROSPERITY REPORT (2022); World Bank, *Pathways Out of the Policy Crisis*, *supra*.

⁵ UNDP, *Global Multidimensional Poverty Index 2024*, *supra*; World Bank, *Pathways Out of the Policy Crisis*, *supra*.

⁶ Rebecca L. Sandefur & James Teufel, *Assessing America’s Access to Civil Justice Crisis*, 11(3) U.C. Irvine L. Rev. 753 (2021); Luke Clements, *CLUSTERED INJUSTICE AND THE LEVEL GREEN* (Legal Action Grp., 2020); Martin Gramatikov, Rupinder Kaur, Isabella Banks, & Kavita Heijstek-Ziemann, *Poverty and Access to Justice*, The Hague Institute for Innovation of Law (“HiIL”) (2021); Pascoe Pleasence & Nigel J. Balmer, *Justice & the Capability to Function in Society*, 148(1) *DAEDALUS* 140 (2018); Christine Coumarelos, Deborah Macourt, Julie People, Hugh M. McDonald, Zhigang Wei, Reiny Iriana & Stephanie Ramsey, *Legal Australia-Wide Survey: Legal Need in Australia*, 7 Access to Justice and Legal Needs (Law and Justice Foundation of New South Wales, 2012); Nigel J. Balmer, Alexy Buck, Ash Patel, Catrina Denvir, Pascoe Pleasence, Knowledge, Capability and the Experience of Rights Problems, Public Legal Education Network (2010); Ab Currie, *The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians*, Dept. J. Canada (2007).

⁷ Gramatikov et al., *supra*.

⁸ C. Coumarelos et al., *Legal Australia-Wide Survey: legal need in Australia*, L. and Justice Found. of New S. Wales, Sydney (2012); Currie, *supra*; Pascoe Pleasence, *CAUSES OF ACTION: CIVIL LAW AND SOCIAL JUSTICE* (2d ed., 2006); Julie People, *Do some types of legal problems trigger other legal problems?*, *Updating Justice*, L. and Justice

Found. of New S. Wales (Feb. 2014), https://lawfoundation.net.au/wp-content/uploads/2023/11/37UJ_Do-some-types-of-legal-problems-trigger-other-legal-problems_Feb-14.pdf.

⁹ Gramatikov et al., *supra*; Law Society & Legal Services Board, *Legal Needs of Individuals in England and Wales: Summary Report 2019/20*, (Jan. 2020) <https://www.lawsociety.org.uk/topics/research/legal-needs-of-individuals-in-england-and-wales-report>.

¹⁰ Daniela Barba & Alejandro Ponce, *Disparities, Vulnerability, and Harnessing Data for People-Centered Justice Data Graphical Report II*, World Justice Project (2023).

¹¹ Nigel J. Balmer, Pascoe Pleasence, Hugh M. McDonald & Rebecca L. Sandefur, *The Public Understanding of Law Survey (PULS) Volume 1: Everyday Problems and Legal Need* (Victoria Law Found. 2023); Ashley Ames et al., *Legal Problem and Resolution Survey 2023: Summary report*, UK Ministry of Justice (2024), <https://assets.publishing.service.gov.uk/media/67613fff26a2d1ff18253404/legal-problem-resolution-survey-2023-summary-report.pdf>.

¹² Balmer et al., *supra*.

¹³ Barba & Ponce, *supra*.

¹⁴ Balmer et al., *supra*; Pascoe Pleasence, Nigel J. Balmer, Alexy Buck, Aoife O'Grady, & Hazel Genn, *Multiple Justiciable Problems: Common Clusters and Their Social and Demographic Indicators*, 1 J. EMPIRICAL LEGAL STUD. 301 (2004); Currie, *supra* n. 6; Luke Clements, CLUSTERED INJUSTICE AND THE LEVEL GREEN (Legal Action Grp. 2020); Barba & Ponce, *supra*; Ames et al., *supra*.

¹⁵ Lynne Haultain & Zhigang Wei, *Are legal problems bad for your health? Are health issues bad for your law?* (Victoria Law Found. 2025).

¹⁶ Gramatikov et al., *supra* n. 6.

¹⁷ Barba & Ponce, *supra* n. 10.

¹⁸ Balmer et al., *supra* n. 11.

¹⁹ Haultain & Wei, *supra*.

²⁰ *Id.*

²¹ HiilL Legal Needs Survey, Nigeria (author calculations).

²² Legal Services Board, 2023 INDIVIDUAL LEGAL NEEDS SURVEY: EXPLORING UNMET LEGAL NEEDS. TOPIC REPORT (2024).

²³ N.J. Balmer et al., *The Public Understanding of Law Survey (PULS) Volume 2: Understanding and Capability*, Victoria L. Found. (2024).

²⁴ Haultain & Wei, *supra* n. 15.

²⁵ N.J. Balmer et al., *The Public Understanding of Law Survey (PULS) Volume 3: A New Perspective on Legal Need and Legal Capability*, Victoria L. Found. (2024).

²⁶ *Id.*

²⁷ Haultain & Wei, *supra* n. 15.

²⁸ Barba & Ponce, *supra* n. 10.

²⁹ Org. for Econ. Coop. & Dev. ("OECD"), *Measuring and Improving Access to Justice in Court Services Learning from the United Kingdom's Experience* (2024).

³⁰ Ministerio de Justicia y Derechos Humanos & Universidad de Buenos Aires, *Estudio de Necesidades Jurídicas Insatisfechas* (2019).

³¹ Gramatikov et al., *supra* n. 6; Haultain & Wei, *supra* n. 15.

³² Balmer et al. (Vol. 1), *supra* n. 11; Haultain & Wei, *supra* n. 15; Legal Services Board, *supra* n. 22.

³³ Haultain & Wei, *supra* n. 15.

³⁴ Gramatikov et al., *supra* n. 6.

³⁵ Deepa Narayan, Raj Patel, Kai Schafft, Anne Rademacher & Sarah Koch-Schulte, World Bank, VOICES OF THE POOR. CAN ANYONE HEAR US? (Oxford Univ. Press 2000).

³⁶ World Bank, *World Development Report 2017 Governance and the Law* (2017).

³⁷ Martin Ravallion, THE ECONOMICS OF POVERTY: HISTORY, MEASUREMENT AND POLICY (Oxford Univ. Press 2016); OECD, *Survey on Drivers of Trust in Public Institutions – 2024 Results: Building Trust in a Complex Policy Environment* (2024).

³⁸ Martin Ravallion, THE ECONOMICS OF POVERTY: HISTORY, MEASUREMENT AND POLICY (Oxford Univ. Press 2016).

³⁹ OECD, *supra* n. 37.

⁴⁰ Haultain & Wei, *supra* n. 15; Balmer et al. (Vol. 3), *supra* n. 25.

⁴¹ Ministerio de Justicia y Derechos Humanos & Universidad de Buenos Aires, *supra* n. 30.

⁴² World Bank, *World Development Report 2000/2001 Attacking Poverty* (Oxford Univ. Press 2001); World Bank, *Pathways Out of the Policy Crisis*, *supra* n. 3; UNDP, *Access to Justice: Practice Note* (2004); World Bank, *World Development Report 2017 Governance and the Law* (2017); Comm'n on L. Empowerment of the Poor, MAKING THE LAW WORK FOR EVERYONE (2008); Rachel Bray, Robert Walker, Marianne De Laat, Xavier Godinot & Alberto Ugarte, *The Hidden Dimensions of Poverty*, Fourth World Publications (2019); Daron Acemoglu, Simon Johnson & James Robinson, *Institutions as the Fundamental Cause of Long-Run Growth*, Working Paper 10481, National Bureau of Economic Research (2004); Ravallion, *supra*.

⁴³ Data on file with author.

⁴⁴ OECD, *supra* n. 37.

⁴⁵ Maria Micaela Sviatschi & Iva Trako, GENDER VIOLENCE, ENFORCEMENT, AND HUMAN CAPITAL EVIDENCE FROM WOMEN'S JUSTICE CENTERS IN PERU (World Bank Group 2021); Guadalupe Kavanaugh, Maria Micaela Sviatschi & Iva Trako, *Women Officers, Gender Violence and Human Capital: Evidence from Women's Justice Centers in Peru* (2018); Bruce Owen & Jorge Portillo, *Legal Reform, Externalities and Economic Development: Measuring the Impact of Legal Aid on Poor Women in Ecuador* (2003); Paul Prettitore & Shruti Majumdar, *Jordan: Impact of Legal Aid on Poor Women: Legal Problems, Legal Aid and Poverty*, World Bank (June 18, 2018).

⁴⁶ Owen & Portillo, *supra*; Prettitore & Majumdar, *supra*.

⁴⁷ Prettitore & Majumdar, *supra*.

⁴⁸ Haultain & Wei, *supra* n. 15; Sofia Gruskin et al., *Access to justice: evaluating law, health and human rights programmes in Kenya*, 16(3 Suppl 2) J Int AIDS Soc'y 18726 (Nov. 13, 2013), <https://onlinelibrary.wiley.com/doi/epdf/10.7448/IAS.16.3.18726>.

⁴⁹ Balmer et al. (Vol. 1), *supra* n. 11.

⁵⁰ World Bank Group, *Living Standards Measurement Study* (last visited Oct. 27, 2025), <https://www.worldbank.org/en/programs/lsmss>.

⁵¹ World Justice Project, *Atlas of Legal Needs Surveys* (2025), <https://worldjusticeproject.org/our-work/research-and-data/atlas-legal-needs-surveys>.

⁵² HiilL, *Justice Dashboard* (last visited Jan. 22, 2026), <https://dashboard.hiil.org/>.

⁵³ OECD, *Survey on Drivers of Trust in Public Institutions – 2024 Results* (last visited Oct. 27, 2025), https://www.oecd.org/en/publications/oecd-survey-on-drivers-of-trust-in-public-institutions-2024-results_9a20554b-en/full-report.html; Afrobarometer (last visited Jan. 22, 2026), <https://www.afrobarometer.org/topics/institutions-leadership-governance/>; World Value Survey, *World Value Survey* (last visited Oct. 27, 2025), <https://www.worldvaluessurvey.org/WVSContents.jsp>; Gallup, *World Poll* (last visited Oct. 27, 2025), <https://www.gallup.com/analytics/234512/world-poll-topics.aspx>.

⁵⁴ Aditi Verma et al., *Access to Justice Evidence and Gap Map—Studies of the Effectiveness of Justice Sector Intervention in Low and Middle-Income Countries* (CEDIL Syntheses Working Paper No. 8, 2023), [https://policycommons.net/artifacts/3524257/cedil-syntheses-working-paper-8-justice-map/4324910/?_cf_chl_tk=faf7HlOWcagvov.DkFzrFtEah7z0rQwlpCHNiP9ZtmHc-1769122181-1.0.1.1-NkoqLga9nFVgmW55Xg0PBTFVGGb3kw6_eLW0AIXAAK;AdaSonnenfeld,JenniferDoherty,TomaszKozakiewicz,LinaKhan,KatherineGarcia,JohnEyers,RamiZalfou&DouglasGlandon,RuleofLawandAccessToJustice:anEvidenceGapMap,INTERNATIONALINITIATIVEFORIMPACTEVALUATION\(2022\),https://developmentevidence.3ieimpact.org/egm/rule-of-law-evidence-gap-map;GeorgeNaufal&EmilyNaiser,AccessToJustice:ImpactonHouseholdsandIndividuals,TEXAS&MUNIVERSITY\(lastvisitedOct.27,2025\),https://ppri.tamu.edu/portfolio-items/access-to-justice/](https://policycommons.net/artifacts/3524257/cedil-syntheses-working-paper-8-justice-map/4324910/?_cf_chl_tk=faf7HlOWcagvov.DkFzrFtEah7z0rQwlpCHNiP9ZtmHc-1769122181-1.0.1.1-NkoqLga9nFVgmW55Xg0PBTFVGGb3kw6_eLW0AIXAAK;AdaSonnenfeld,JenniferDoherty,TomaszKozakiewicz,LinaKhan,KatherineGarcia,JohnEyers,RamiZalfou&DouglasGlandon,RuleofLawandAccessToJustice:anEvidenceGapMap,INTERNATIONALINITIATIVEFORIMPACTEVALUATION(2022),https://developmentevidence.3ieimpact.org/egm/rule-of-law-evidence-gap-map;GeorgeNaufal&EmilyNaiser,AccessToJustice:ImpactonHouseholdsandIndividuals,TEXAS&MUNIVERSITY(lastvisitedOct.27,2025),https://ppri.tamu.edu/portfolio-items/access-to-justice/); World Bank, *Impacts of Family Court Proceedings Including Parental Alienation on the Health and Well-being of Women and Children in the Context of Domestic Violence: A Systematic Evidence Review* (forthcoming).

⁵⁵ World Justice Project, *Rule of Law Index* (last visited Oct. 27, 2025), <https://worldjusticeproject.org/rule-of-law-index/>; WORLD BANK, *Worldwide Governance Indicators* (last visited Oct. 27, 2025), <https://www.worldbank.org/en/publication/worldwide-governance-indicators>; Varieties of Democracy, *The V-Dem Dataset* (last visited Oct. 27, 2025), <https://www.v-dem.net/data/the-v-dem-dataset/>; Social Progress Imperative, *ALTI Global Social Progress Index* (last visited Oct. 27, 2025), <https://www.socialprogress.org/social-progress-index>; BertelsmannStiftung, *Transformation Index* (last visited Oct. 27, 2025), <https://bti-project.org/de/?&cb=00000>.

⁵⁶ Hugh M. McDonald & Lynne Haultain, *Calibrating Justice: The Use and Utility of Administrative Data in Victoria's Civil Justice System* (Victoria Law Found. 2023).

⁵⁷ New America, *Foreclosure and Eviction Analysis Tool* (last visited Oct. 27, 2025), <https://www.newamerica.org/future-land-housing/feat/about/>; Free to Drive, *Maps* (last visited Oct. 27, 2025), <https://www.freetodrive.org/maps/>.

⁵⁸ HM Courts & Tribunals Service, *His Majesty's Courts and Tribunals Services Data Strategy 2021* (Apr. 21, 2023), <https://www.gov.uk/government/publications/hmcts-data-strategy-december-2021>; State Technical Committee on Electronic Judicial Administration, *Manifesto for a Public Data Space in the Field of Justice* (2022).

⁵⁹ World Bank, *World Development Report 2000/2001 Attacking Poverty*, *supra* n. 42; Acemoglu et al., *supra* n. 42.

⁶⁰ McDonald & Haultain, *supra* n. 56.

⁶¹ *Id.*

⁶² *Id.*

⁶³ E.g., UK Ministry of Housing, Communities & Local Government, *English Indices of Deprivation* (2019).

⁶⁴ U.N., *United Nations Integrated Geospatial Information Framework* (last visited Oct. 27, 2025), <https://ggim.un.org/UN-IGIF/>.

⁶⁵ World Bank, *Multidimensional Poverty Measure database* (8th ed. 2021), <https://www.worldbank.org/en/topic/poverty/brief/multidimensional-poverty-measure>.

How People-Centered Justice Matters for Democracy: What we Know, and Don't Know

Matthew Burnett

Abstract

This paper reviews the relationship between people-centered justice and democracy, focusing on what we know—and still need to know—about how justice experiences shape trust in public institutions and broader support for democratic governance. Based on existing research, we know that legal needs surveys in over 110 countries reveal that enormous numbers of justice problems go unresolved, with on the order of half of people in most countries unable to resolve their legal issues. We also know that trust in public institutions is declining—for example, only 39% of respondents in OECD countries reported trusting their national government—and that perceptions of fairness and responsiveness are key drivers of that trust. Research on administrative burdens demonstrates how institutional design creates barriers to accessing rights and entitlements, while studies of the legal profession's monopoly on legal advice reveal how everyday people are effectively estranged from their own law. Important questions remain around the long-term impacts of justice experiences on political attitudes, how unresolved justice problems may fuel populist or anti-institutional sentiment, and what constitutes trustworthy behavior in justice institutions across different identities and contexts. Significant gaps also exist in understanding public perceptions of judicial relevance and fairness beyond formal independence.

Drawing on legal needs surveys, governance research, and administrative justice scholarship, this paper argues that people-centered justice systems are foundational to inclusive governance and proposes a research agenda including systematic data collection linking justice experiences to democratic engagement, longitudinal studies, experimental evaluations of justice interventions, and participatory approaches centering underserved communities.

Suggested citation: Matthew Burnett, *How People-Centered Justice Matters for Democracy: What We Know, and Don't Know* 24 (Global Perspectives on People-Centered Justice: Exploring the Evidence, Matthew Burnett & Rebecca L. Sandefur eds., 2026) abfn.org/people-centered-justice-democracy.

How People-Centered Justice Matters for Democracy: What we Know, and Don't Know

Matthew Burnett*

Introduction

This paper explores what we know and don't know about how and why people-centered justice matters for democracy. Specifically, it examines research and evidence about the impact of both the design and experience of administrative and civil justice systems on levels of trust in public institutions such as courts and administrative agencies and broader support for democracy. It also explores evidence about how everyday people access—or, more often, don't have access to—their own law as a core principle of democratic participation and vitality.

Across diverse countries, indicators such as voter turnout, trust in public institutions, and satisfaction with democracy have shown downward trends in recent years.¹ At the same time, legal needs surveys consistently reveal that overwhelming proportions of the population face an enormous number of unresolved justice problems, which rarely touch formal law, and often are linked to failures in addressing basic human needs, including employment, housing, and care for dependents.²

The core question discussed in this paper is how inability to resolve justice problems, whether through formal or informal mechanisms, erodes people's trust in democratic institutions and weakens democratic engagement. In response to that challenge, the paper reviews evidence about how justice systems that offer people meaningful opportunities to prevent and resolve disputes, assert their rights, and participate fully in society and the economy, could contribute to strengthening democratic participation and resilience. While these relationships may seem intuitive, the empirical basis for this connection remains both under researched and undertheorized.

The paper first reviews some of the existing evidence on the intersection between justice and democracy, focusing particularly on public trust, chronic administrative and institutional failures, and the professional monopoly on legal advice and representation that often estranges everyday people from their own law and meaningful resolution of their justice problems. It then outlines research gaps and proposes areas for future empirical work that could be included in a people-centered justice research agenda.

1. Existing Evidence

The concept of people-centered justice has gained traction as justice systems around the world struggle to meet the expectations of diverse needs. Legal needs surveys conducted in over 110 countries and jurisdictions have shown that enormous numbers of justice problems go unresolved,³ even in countries with well-developed justice systems and a strong commitment to the rule of law.⁴ The United States, for example, consistently ranks in the bottom quarter of all countries measured on “accessibility and affordability of civil justice.”⁵ These surveys also reveal that approximately 50% of people who experience legal problems are unable to resolve them, and a significant proportion *do not pursue formal or informal channels at all*, citing complexity, cost, and perceptions of institutional unfairness or irrelevance as important reasons to not act.⁶

* Director of Research and Programs for the Access to Justice Research Initiative at the American Bar Foundation, Visiting Scholar for the Justice Futures Project in the Sanford School of Social and Family Dynamics at Arizona State University, and Adjunct Professor of Law at Georgetown University Law Center. The author would like to thank Maaike de Langen for her thoughtful insights and contributions to this paper.

Parallel to these findings is an increasing recognition that trust in public institutions is declining. The OECD Trust Survey indicated that only 39% of respondents trusted their national government, with confidence particularly low among those who feel financially insecure, women, those with low levels of education, and those who report belonging to a group that is discriminated against.⁷ The same survey highlighted that perceptions of fairness and responsiveness were key drivers of trust, both of which are directly related to justice experiences.⁸

The recent “Broken Promise of the Rule of Law” report by the Netherlands’ State Commission on the Rule of Law underscores the structural disconnect between legal ideals and everyday justice experiences.⁹ The link between (perceived) institutional responsiveness and trust aligns with broader governance literature, which suggests that institutions perceived as fair, transparent, and inclusive enjoy higher levels of legitimacy.¹⁰ In the US context, the proportion of Americans who believe “a high-ranking official would be held accountable for breaking the law” decreased from 65% in 2013 to 35% in 2024.¹¹ This perception that law is irrelevant or that its legitimacy is contingent extends to the beliefs of ordinary people about their own imperatives: more than one tenth (13%) of Americans agree with the view that people do not need to “obey the laws of a government they did not vote for.”¹²

Since the domains of access to justice and trust in public institutions are usually studied independently, more research and data are needed to draw more explicit connections. Illuminating case studies, such as those reviewed below, reveal mechanisms through which people’s experiences with justice problems and justice institutions may shape their engagement with and beliefs about those institutions and the democracies that host them.

A common experience that everyday people face in trying to access justice is having to navigate the administrative rules and agencies that governments use to adjudicate citizen’s rights and entitlements. Perhaps not unsurprisingly, these processes are often designed to create barriers rather than ensure access.¹³ Nick O’Brien’s article, *Administrative Justice in the Wake of I, Daniel Blake*, offers a compelling perspective on the intersection of people-centered justice and democracy by viewing administrative justice as a site of democratic engagement.¹⁴ Drawing on the movie *I, Daniel Blake*, he critiques the bureaucratic and paternalistic nature of state-citizen interactions and calls for a shift toward a people-centered model grounded in dignity, fairness, and participation. He also highlights the democratic value of processes and remedies that go beyond individual complaints to promote institutional reform and how people-centered administrative justice can foster civic identity, embed democratic values in everyday encounters, and build trust in public institutions, transforming routine interactions into meaningful expressions of democratic life.¹⁵

A growing literature on administrative burdens, “frictions that people face in their encounters with public services,” reveals the impact of institutional design on people’s ability to access and receive diverse support such as supplemental disability income, health care, and food security.¹⁶ The process of addressing administrative burden and institutions’ perceived irrelevance can also be a means by which people come to recognize shared struggles and organize to build power to act on them, such as by advocating for systemic reforms.¹⁷

A final area of empirical research looks at the ways in which the legal profession has a monopoly on the provision of legal advice and representation, effectively estranging everyday people from their own law. A significant barrier to accessing law and legal help is the capture of authorization to help. Lawyers, a largely self-regulating profession across the world, have a substantial monopoly on accessing justice.¹⁸ Though justice is everybody’s, lawyers—whether through professional bar associations, courts, legislatures, or public agencies—in many jurisdictions effectively control access to it because they set the rules about who can guide everyday people through legal processes. As a result, delivery models are largely lawyer-centric, and consistently fail to meet critical needs because they do not enable services that are effective and responsive to people’s actual needs and capabilities. When people cannot engage with their own law, both access to justice and democracy fail.

Systematic research and data on the relationship between justice experiences and democratic attitudes are relatively sparse. Behavioral science studies suggest that procedural justice—people’s subjective experience of how they are treated during interactions with justice system actors—has a strong influence on willingness to comply with laws and support the top-down institutions that enforce them.¹⁹ Participatory justice theories, on the other hand, focus on experience more so than perception and argue that bottom-up approaches that focus on authentic participation may be

an important factor for meaningful access to justice. Despite these findings and conceptual interventions, robust empirical research linking access to justice with the vitality of democracy at a systemic level has yet to fully emerge.

2. Gaps in Evidence

Several gaps in research and evidence limit our current understanding of how people-centered justice systems and experiences relate to democracy. First, few studies track the long-term impacts of justice system experiences on political attitudes, trust in institutions, and support for democracy. Most legal needs surveys capture a snapshot of legal problems but do not follow the implications of outcomes over time. They also do not typically explore the connection between people's justice experiences and attitudinal changes towards public institutions or democratic (dis)engagement.

Second, few existing studies examine the role of justice problem experience in fueling the mobilization of populist or anti-institutional political sentiment. While research on populism often suggests that people's grievances are instrumentalized for political gain, empirical data on this mechanism is limited and it is unclear if unresolved justice problems or negative experiences with justice sector actors are part of the grievances that are said to fuel populism.

While related domains offer behavioral insights—such as those from public health and education—these have rarely been applied systematically to the justice context. Aspects such as perceived fairness, user experience, and trustworthiness of service providers are known to influence trust in institutions, yet these are seldom included in justice metrics or evaluations. There is also a lack of clarity about what constitutes trustworthy behavior in justice institutions and other sources of legal problem resolution, as well as about how to measure that behavior. We also know little about how such behavior might vary across both identities and contexts.²⁰

Finally, research on judicial independence often focuses on formal safeguards and institutional arrangements but does not adequately address public perceptions and experiences of judicial relevance or fairness. How people perceive and experience the judiciary, not only in terms of independence but also in terms of responsiveness and social legitimacy, may be equally important for sustaining support for democracy.

3. Implications and Research Agenda

The gaps outlined above suggest several priorities for future research. First, there is a need to collect more systematic data and evidence on the link between people's justice experiences on the one hand and public trust and democratic engagement on the other. This could include adding justice-related modules to household or governance surveys or embedding justice metrics into ongoing democratic health assessments. Collaboration across social science disciplines would be important in this effort.²¹

Second, greater investment in longitudinal and mixed-methods studies is necessary to capture the complexity and duration of justice impacts on democratic attitudes. Panel studies could help trace how unresolved justice problems affect people's trust in institutions and their willingness to participate in democratic processes over time. To facilitate more nuanced analyses of the pathways through which justice experiences influence institutional legitimacy, studies could be embedded in existing national statistical systems or trust barometers, such as the AfroBarometer.²²

Third, experimental research methods could be used to evaluate the effectiveness of justice interventions (e.g., procedural redesign, digital access, local courts) on trust and democratic engagement. For example, randomized controlled trials might test how improved experience in administrative justice procedures increases people's perceptions of fairness.²³ These findings could inform the design of justice services that not only resolve disputes but also contribute to support for democracy. Because fair-feeling procedures should also be fair in practice, it will also be important to develop empirical indicators and methods assessing actual, as well as perceived, fairness.

Fourth, the research agenda could include participatory approaches that invite voices and perspectives from people and communities that find it hardest to access justice. This could include co-designing research instruments and knowledge creation, engaging in qualitative research with people that have been underserved, and examining local understandings of justice, fairness, and democracy.²⁴ Special attention should be paid to groups with distinctive experience of the justice system, including indigenous people, people from ethnic minorities, and people with disabilities.

Conclusion

People-centered justice systems are increasingly recognized as a foundational element of inclusive public governance. While the idea that effective and people-centered justice systems can contribute to democracy and public trust is compelling, empirical evidence remains shallow and fragmented. This paper has offered some directions for future inquiry.

* * *

Matthew Burnett is Director of Research and Programs for the Access to Justice Research Initiative at the American Bar Foundation (ABF), a visiting scholar with the Justice Futures Project at Arizona State University, and an adjunct professor of law at Georgetown University Law Center. Prior to joining the ABF, Matthew was Senior Policy Officer at Open Society Foundations (OSF), where he worked to advance access to justice and legal empowerment through research, advocacy, litigation and grantmaking in Africa, Asia, Latin America, Eastern Europe, and the United States. Earlier in his career he helped to launch and led the Immigration Advocates Network and served as law clerk to Justice ZM Yacoob of the Constitutional Court of South Africa. Matthew's research on access to justice has been funded by the National Science Foundation, the U.S. Department of Justice Bureau of Justice Statistics, the World Bank, and Canada's International Development Research Centre. He currently serves as an advisor to the National Center for Access to Justice and is co-founder, with Rebecca Sandefur, of Frontline Justice and the Justice Worker Lab.

¹ M. Brezzi et al., *An Updated OECD Framework on Drivers of Trust in Public Institutions to Meet Current and Future Challenges* (Org. for Econ. Coop. & Dev. ("OECD") 2021); *World Justice Project, Rule of Law Index 2023* (2023).

² OECD & Open Soc'y Found., *Legal Needs Surveys and Access to Justice*, OECD Publishing (2019); Am. Bar Found., *Research Brief: Envisioning a People-Centered Access to Justice Research Agenda* (2023).

³ World Justice Project, *Atlas of Legal Needs Surveys* (2025), <https://worldjusticeproject.org/our-work/research-and-data/atlas-legal-needs-surveys>.

⁴ OECD & Open Soc'y Found., *Legal Needs Surveys and Access to Justice*, OECD Publishing (2019). See also *World Justice Project, Rule of Law Index 2023* (2023).

⁵ *World Justice Project, Rule of Law Index 2025* (2025).

⁶ Am. Bar Found., *Research Brief: Envisioning a People-Centered Access to Justice Research Agenda* (2023).

⁷ OECD, *OECD Survey on Drivers of Trust in Public Institutions – 2024 Results: Building Trust in a Complex Policy Environment*, OECD Publishing (2024).

⁸ *Id.*

⁹ Netherlands State Commission on the Rule of Law, *Broken Promise of the Rule of Law* (2024).

¹⁰ T. R. Tyler, *Why People Obey the Law* (Princeton Univ. Press 2006).

¹¹ World Justice Project, *U.S. Rule of Law Trends & the 2024 Election 10* (2024).

¹² *Id.* at 6.

¹³ Pamela Herd & Donald P. Moynihan, *Administrative Burden: Policymaking by Other Means* (Russell Sage Found. 2018).

¹⁴ N. O'Brien, *Administrative Justice in the Wake of I*, Daniel Blake, 89 *POLITICAL Q.* 82 (2018), <https://doi.org/10.1111/1467-923X.12432>.

¹⁵ *Id.*

¹⁶ Herd & Moynihan, *supra* n. 13.

¹⁷ Rebecca L. Sandefur & Matthew Burnett, *Justice Futures: Access to Justice and the Future of Justice Work in Rethinking the Lawyer's Monopoly: Access to Justice and the Future of Legal Services* (2025); Adrian Di Giovanni & Luciana Bercovich eds., *Legal Empowerment in Informal Settlements: Grassroots Experiences in the Global South* (Routledge 2025); Vivek Maru & Varun Gauri eds., *Community Paralegals and the Pursuit of Justice* (Cambridge Univ. Press 2019); Jamila Michner & Mallory E. SoRelle, *Uncivil Democracy: How Access to Justice Shapes Political Power* (2025).

¹⁸ Sandefur & Burnett, *supra*.

¹⁹ T. R. Tyler, *Why People Obey the Law* (Princeton Univ. Press 2006).

²⁰ Kathryn M. Young & Katie R. Billings, *An Intersectional Examination of U.S. Civil Justice Problems*, 2023 *UTAH L. REV.* 487 (2023).

²¹ E.g., ABF's Access to Justice Scholars Program. Am. Bar Found., *The ABF/IPB Foundation Access to Justice Scholars Program* (last visited Jan. 9, 2026), <https://www.americanbarfoundation.org/program/the-abf-ipb-foundation-access-to-justice-scholars-program/>.

²² AfroBarometer (last visited Jan. 9, 2026), <https://www.afrobarometer.org/>.

²³ See, e.g., Harv. L. Sch. Access to Justice Lab (last visited Jan. 9, 2026), <https://a2jlab.org/>.

²⁴ See, e.g., Namati Legal Empowerment Network, *A Learning Agenda for Legal Empowerment* (2021), <https://namati.org/wp-content/uploads/2021/02/Learning-Agenda-for-Legal-Empowerment.pdf>.

Part 2:

Knowledge on How People-Centered Justice Matters for Policy

How People-Centered Justice Matters for Children

Jennifer Davidson, Sophie Shields, Andrew Goudie

Abstract

This paper reviews the application of people-centered justice principles to children, focusing on what we know—and still need to know—about how justice systems can better respond to children’s distinct needs and experiences. Based on existing research, we know that children under 18, constituting approximately 30% of the global population, face justice problems that are both similar to and qualitatively different from those of adults, including exclusion, barriers to establishing legal identity, exposure to violence, restrictions on association, and unlawful detention. We also know that children’s evolving capacities, developmental stages, and interdependencies with families and communities require specialized, ecosystemic responses that integrate across the portfolios of government ministries and civil society. Promising interventions—including prevention measures, systemic inclusion efforts, multi-sectoral service models, child-friendly professionals, and procedural safeguards—demonstrate transformative potential, with preliminary evidence from Sierra Leone, for example, suggesting child maintenance agreements yield benefit-cost ratios as high as 50:1. However, important questions remain around the effectiveness, scalability, and sustainability of these interventions across diverse contexts, particularly in low- and middle-income countries. Significant data gaps also persist: children are largely absent from legal needs surveys, age-disaggregated data are scarce, and current methodologies often fail to capture children’s lived experiences or the structural determinants of their justice needs.

Drawing on global frameworks, expert consultations, and emerging evidence, this paper argues that an expansive, child-centered approach to justice is essential for achieving justice for all, and concludes with proposed steps for ethical, child-specific data collection, participatory research methodologies, and economic analyses to build compelling investment cases for reform.

Suggested citation: Jennifer Davidson, Sophie Shields & Andrew Goudie, *How People-Centered Justice Matters for Children* 30 (Global Perspectives on People-Centered Justice: Exploring the Evidence, Matthew Burnett & Rebecca L. Sandefur eds., 2026) abfn.org/people-centered-justice-children.

How People-Centered Justice Matters for Children

Jennifer Davidson,^{*} Sophie Shields,[†] Andrew Goudie[‡]

1. Overview

People under the age of eighteen account for approximately 30% of the world's population, and in numerous countries children make up more than half of all residents.¹ Given children's demographic significance, this paper places a distinctive focus on children under age 18. It draws on a growing global movement driving people-centered justice, which designs justice systems based on people's ordinary experiences and seeks proportionate, accessible justice systems focused on people's outcomes and applies this approach to children. In doing so, it shifts the focus from justice systems, to children's agency and own experiences of their justice needs, and seeks to understand the distinctiveness of these needs in policy and practice responses. It advances an expansive definition of child-centered justice, rooted in the recognition of children's distinct characteristics and experiences. It uses an ecosystemic lens—which views children's lives as situated within a network of interrelated relationships, institutions, and structural conditions—to understand child-centered justice and apply this in practice and policy. It does so by reviewing existing knowledge on children's justice needs established through the consolidated expertise of the Global Working Group on SDG 16+ Justice for Children,² and identifies promising evidence-based strategies and innovations for child-centered justice. This paper pays particular attention to the common justice problems children face, and to the evidence of service-level interventions that respond to these needs while driving systems toward greater child-centeredness. The analysis identifies critical gaps, including the underrepresentation of children in global data, limitations in legal needs surveys, and the lack of evidence on interventions necessary to address the justice needs of children facing adversities. It concludes with proposed next steps for research and action.

2. An Expansive Definition for Child-centered Justice

An opening reference point for this paper is drawn from the *2025 Global Declaration on Advancing Child-Centred Justice* which positions child-centered justice within the people-centered justice movement. It calls for inclusive, participatory, and accountable justice systems that uphold children's rights under international law, respond to their specific needs as victims, witnesses, or alleged offenders, ensure their protection and participation, and advance reform through data, intersectoral cooperation, and meaningful child involvement.³ Specifically, it offers an expansive understanding of child-centered justice through its "Child-Centred Justice Conceptual Framework" as follows:

A broad interpretation of the meaning of child-centred justice is required to address the wide range of challenges children face and to remove barriers to their accessing justice. Such challenges may include instances of violence and armed conflict in particular, exclusion, barriers to identity, discrimination, including gender-based discrimination, and deprivation of children's liberty.⁴

In this light, the scope of child-centered justice in this paper follows that set out in the Declaration, including administrative, civil, criminal, economic, environmental, political, and social justice. It operates through both judicial and non-judicial mechanisms, spanning courts as well as customary, religious, indigenous, community-based, and other justice systems. It recognizes that children may engage with these systems in multiple capacities—as victims or survivors, witnesses, accused of an offence, interested parties, or individuals requiring intervention for their care, protection, health,

^{*} Professor and Executive Director, Institute for Inspiring Children's Futures at the University of Strathclyde.

[†] Policy and Impact Specialist, the Institute for Inspiring Children's Futures, University of Strathclyde.

[‡] Professor (Emeritus), University of Strathclyde.

or wellbeing. It incorporates justice processes initiated by children themselves or on their behalf to seek remedies for violations or denials of rights under the UN Convention on the Rights of the Child (UNCRC) and other relevant international child rights instruments including preventive measures and complaints mechanisms, delivered by public authorities and other providers responsible for children, such as education, healthcare, childcare, child protection, social services, and other essential services. Where domestic systems fail to provide appropriate remedies, children have recourse to review or appeal procedures at regional or international levels. It emphasizes the need for states and stakeholders to establish strong, accessible pathways to justice that begin where children experience injustice.

3. Policy Distinctions for Children

The distinctive nature of children reinforces the need for an expansive and people-centered approach to advancing access to justice for children; the complexity of delivering child-centered justice can differ from other complex challenges in several ways.⁵ Because a range of both individual,⁶ familial⁷ and environmental⁸ factors profoundly affect children, supporting children's rights and addressing their justice needs can have particularly complex and multifaceted challenges. This is by nature of the distinct needs, rights and evolving capacities of children, and the immense mediating role that adults, communities and public services play in children's lives.

Responding differently in the light of this distinctiveness requires an intricacy of solutions, and a structure and nature of government and civil society integration that matches the task. Effective child-centered justice responses integrate the following distinctions:

Children have evolving agency and capacities; the impact of policies and programs on children at various stages of their development requires careful consideration and specialized knowledge so the impact of policy decisions are tailored to children's development.

Children are at the most formative point in their lives, with deep-seated and long-lasting impacts from policy successes and failures.

Lived experience offers crucial insights into understanding the lives and experiences of children, especially those children who are less "visible."

The nature of the challenge of child-centered justice demands the integration of a full understanding of the nature of children's wellbeing, the determinants of adversity and of their future wellbeing, and the understanding of what programs and policies will most likely address their rights and needs.

Children's interdependencies mean their wellbeing is inextricably linked to the wellbeing of the family, and supporting their families is critical for supporting children themselves. Local and community experiences in turn support families and their children, and so insights and expertise at the local and community level are key contributors to responding effectively in children's lives.

Children play a pivotal role in the success of a very wide range of national economic and social objectives that are often seen as quite distinct from the child *per se*, for example, gender equality; inclusive growth; and climate change. Children's wellbeing is inherently interconnected with adults' wellbeing, and to the adults' contribution to society and the economy in the immediate- and medium-term. As such, child wellbeing needs to be positioned as both a priority outcome to which society aspires, and as a fundamental determinant of many other high priority national outcomes.

The time horizon for children requires both urgency, due to the speed of their changing developmental stages, and sustained, high levels of commitment over time. Persistent efforts are needed to prevent lapses in coherence and consistency of programs.⁹

Child-centered justice thus cannot be achieved through agencies' efforts within singular mandates. An effective response requires actions that unite across government portfolios with civil society, driven by an unclouded vision for the outcomes, sustained over a long time horizon.¹⁰ The distinct nature of children, and an expansive definition of child-centered justice in response, together shape the parameters of this paper.

4. What We Know

Responding with a child-centered justice approach begins with an understanding of children's justice needs; these are interrelated but not exclusively the same as the justice needs adults face. Following from the people-centered justice movement flagship report *Justice for All: Report of the Task Force on Justice*,¹¹ which outlines "the most Common Justice Problem,"¹² the following section outlines a range of recognized and pressing justice problems facing children. This is followed by an overview of "gamechanging" approaches to children's justice problems which have the potential to shift whole systems towards better meeting children's justice needs. These are both outlined below.

5. Common Justice Problems Children Face

Fundamentally, as with adults a child—or the person supporting them—must recognise a justice need and know that a right exists before they can exercise it. Following on from this, 10 common justice problems children face were drawn from a review of recent international justice reports, led by international academic and technical experts, augmented by expert interviews and group consultations.¹³ Children's justice needs were found to be driven primarily by: Exclusion, Lack of access to justice, Lack of prevention, Barriers to identity, Violence, Limits to their association, and Detention. These problems manifest in both individual experiences and structural impacts, unjustly shaping children's outcomes as well as their interactions with justice systems. These common justice problems, with examples for both individual and structural levels, are briefly described below (see Appendix 1 for summary table).¹⁴

Children experience exclusion. For example, at the individual level, this is evident amongst children who grow up in poverty, and those who experience marginalization, isolation, and discrimination. These experiences are reinforced structurally—for example, through intergenerational economic inequality and systemic discrimination—perpetuating cycles of exclusion.

Children struggle to access justice when their rights are violated. For example, this occurs when children are unable to participate in decisions that directly affect their lives during justice proceedings; and when encounters with justice systems often (re)harm, ignore, or traumatize them. Structurally, this is mirrored in the lack of institutional accountability to children, and in the inaccessibility of justice systems that fail to respond to the distinct nature and needs of children.

Inadequate prevention compounds children's experiences of injustice and harm. A child may be unable to access essential public services such as mental health services due to barriers in accessibility for the child, or affordability for the family, for example, and in turn may be criminalized for running away from home. On a systemic level, this is reflected in justice systems that fail to integrate with broader efforts to strengthen access and affordability of education, health, and family or community support, leaving children without preventive safety nets.

Children's barriers to their right to identity present another justice obstacle. For instance, when a child without legal identity is excluded from national protections and services, or when children face severe risks in cross-border contexts when their legal identity is not recognized by another country. Structurally, these barriers are evident in situations such as when child migrants and refugees—who are made especially vulnerable in these circumstances—are systematically blocked from securing legal identity, creating the risk of generational statelessness.

Exposure to violence is a pervasive justice problem children face. At the individual level, children experience violence in multiple forms within and outside of the family —gender-based violence, abuse, bullying, and exploitation. They may also witness violence or, in some cases, commit violent acts themselves. Children also experience structural violence, such as when weak rule of law fosters corruption resulting in those who commit violence against children not being held accountable; or when frontline service providers lack child-sensitive approaches to violence, failing to protect children effectively.

Restrictions on children’s associations is a further justice need. This includes when children are held accountable for their associations rather than for their actions—for example, where a child is exploited and recruited into criminal gangs, or into violent extremism and accused of national security related offences, and not treated as a victim; children can be treated primarily as victims while still being held accountable for their actions rather than their associations. At a systemic level, their justice needs are then perpetuated when justice systems fail to differentiate between adults and children in national security-related offences, treating them with equal severity, made worse where military courts—lacking transparency and unprepared for cases involving children—permit hearing such cases.

Finally, ***a further common justice need arises when children are detained in custody*** rather than safely in communities, such as when children are arbitrarily and unlawfully deprived of their liberty, held in prolonged pre-trial detention, or placed in harmful large-scale institutions for “care” purposes, far removed from their families and communities.¹⁵ This is also evident structurally when justice systems are costly, unimaginative, and limited in their diversion and community-based options, and where detention facilities permit harmful practices, such as solitary confinement, violent punishment severe neglect, which exacerbate profound harms rather than promote rehabilitation.

6. Child-Centered Justice Interventions

Responding to children’s justice problems requires evidence-based interventions at individual, community, and systems levels, which together are essential to delivering child-centered justice. Applying innovations which are based on a clear foundation of understanding children’s justice needs can accelerate child-centered, rights-focused, and inclusive justice in particular. Still, further evidence is needed to sharpen knowledge, especially at scale and in a variety of differing contexts. Evidence supports the following range of interventions.

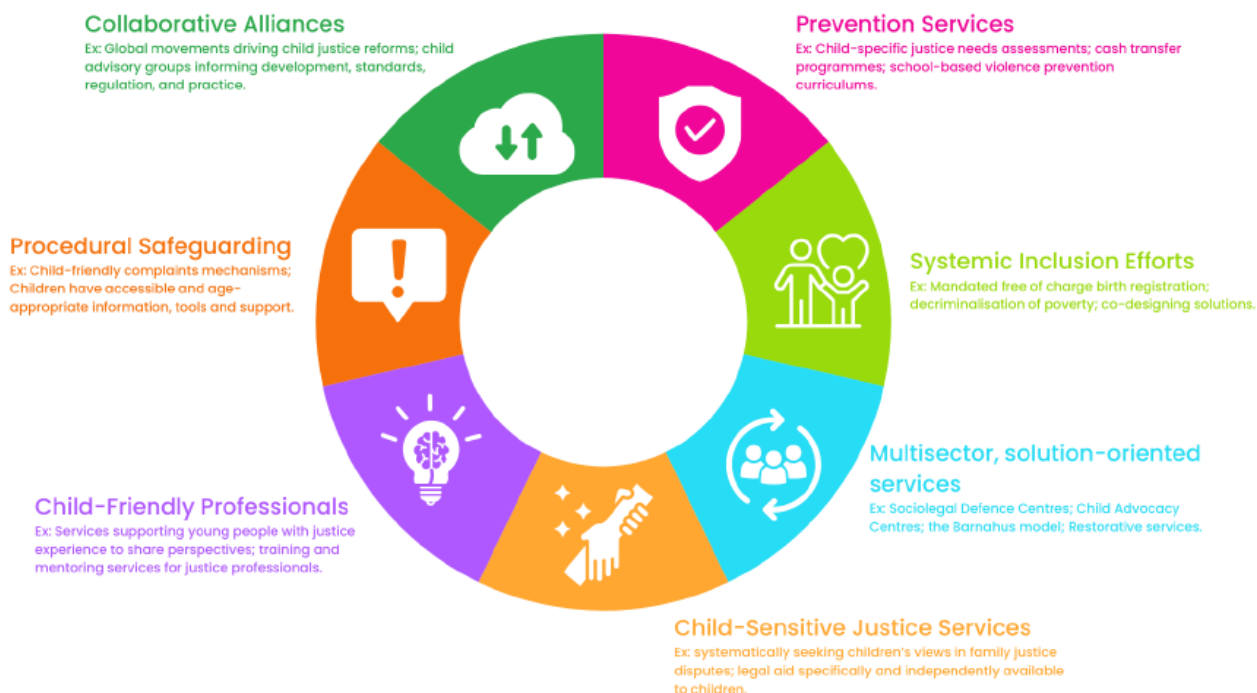
“Gamechangers” to advance child-centered justice

Innovative approaches can shift whole systems towards improved and holistic child-centered justice. The Hague Institute for Innovation of Law (HiIL) defines *people-centered justice* “Gamechangers” as having “strong potential to solve legal problems fairly and deliver effective treatments consistently.”¹⁶ Less is documented about the full range of *child-centered justice* innovations that may warrant Gamechanger status.

However, evidence of Justice for Children Gamechangers is emerging.¹⁷ These are child-centered, rights-focused, and inclusive approaches which are, or show promise to be, “effective, scalable, and sustainable solutions.”¹⁸ These components create the legal and social environment that enables children to thrive, receive fair treatment, and actively participate in their own development and the society in which they live. They reinforce children’s rights, wellbeing, and, where relevant, promote rehabilitative over punitive measures.

Emerging from a review of promising practices around the world,¹⁹ and supported by international expert interviews, the following seven Justice for Children “Gamechangers” are drawn from children’s experiences as well as research and insights from professionals. These seven types of services, active across multiple ecosystemic levels, emerged from this review; these are presented in Figure 1 and outlined below, identified as core to addressing children’s justice needs:

Figure 1. Seven “Gamechanging Innovations to Achieve Justice for Children” (2024)



Prevention services are designed to avoid escalation into formal system interactions by meeting children’s justice needs and addressing underlying causes within their homes, families, and communities. These can include child-specific justice needs assessments; community services and programs, including law-related education bringing accessible, practical, and rights-focused legal education into high schools; cash transfer programs; school-based violence prevention curricula; and mechanisms for resolving family justice disputes.

Systemic inclusion efforts target structural changes that address the disproportionate representation of marginalized children, families, and communities with unmet justice needs. Examples include mandated free-of-charge birth registration, ensuring access to social security by removing barriers for those without legal identification, enforced child maintenance agreements (see below), strengthening democratization and the rule of law, the decriminalization of poverty, and systematic consultation processes that include co-designing solutions with affected communities.

Multi-sectoral, solution-oriented services shift siloed justice interventions to instead provide integrated responses that resolve justice issues as close as possible to the child’s daily life. Such services include community-based Sociolegal Defense Centers,²⁰ which provide children with direct access to justice and socio-legal support to uphold their rights; Child Advocacy Centers²¹ and Barnahus²² models, which offer multi-sector, interdisciplinary responses for child victims and witnesses of violence; and restorative justice services, which focus on repairing relationships through mediation, conflict resolution, counselling, and support.

Child-centered justice services intentionally design, implement, and operate procedures across formal, informal, and customary systems with children’s needs in mind, whether they are witnesses, offenders, or victims.

Interventions can include policy guidelines and practices that systematically and effectively seek children's views in family justice disputes such as divorce, custody, or maintenance; community-based non-custodial sentences for children and their primary caregiver; the establishment of special children's tribunals as alternatives to formal courts; and legal aid made directly accessible to children, independent of parental income levels or permissions.

Child-friendly professionals are central to delivering effective child-centered justice services. Adults working within the justice sector, such as lawyers, paralegals, judges, and police, as well as essential providers of health, education, and social work services, are recruited and equipped to communicate with children meaningfully and ensure their rights are met. Examples include services that support young people with lived experience of the justice system to share their perspectives, as well as training and mentoring programs for justice professionals to build child-sensitive skills and knowledge, particularly in relation to children's rights.

Procedural safeguarding ensures robust protections throughout all legal proceedings, making justice processes child-inclusive and consistent with international human rights standards. Relevant interventions include child-friendly complaints mechanisms; approaches that enable children to express their views at all stages of their justice interactions and proceedings; provision of clear, accessible, and age-appropriate information, tools, and support; and the option for children to choose whether proceedings take place in person or digitally.

Finally, **collaborative alliances** involve leadership at multiple levels to build transformative partnerships between government and non-governmental actors, legal professionals, child advocates, donors, and children themselves. Such alliances secure shared commitments to child-centered justice by shaping policy with the involvement of children, pooling resources, and promoting children's rights and wellbeing. Ambitious donors with long-term vision are seen as essential partners, as investment in justice for children is vital to accelerate the pace of change required to meet Agenda 2030.²³ Practical examples include global movements driving child justice reforms, national whole-of-government and whole-of-society mainstreaming initiatives, and the establishment of child advisory groups to meaningfully inform professional development, standards, regulation, policies and practices.

7. What Are the Gaps

Gaps in evidence and data on child-centered justice vary in nature and substance. Missing are data collection efforts that go well beyond descriptive data to include baseline, comparative, and trend data to properly equip justice leaders, policymakers, and funders to drive change and track progress nationally, internationally, and globally. Data collection gaps also include a lack of age disaggregation; a scarcity of applied child-specific methodologies beyond the children's nongovernmental sector; and a lack of investment into research that asks relevant questions of children to better reflect the nature of children's justice needs (which, due to the distinct nature of children, can be hidden within children's wider circumstances). Data that captures the ecosystemic aspects of children's lives would enable more effective and targeted responses.

In this high-level review, gaps in evidence include clear definitions of replicable interventions and, relatedly, evaluation data on the effectiveness of specific child-centered interventions related to the common justice problems children face outlined above. These gaps are particularly pronounced in relation to culturally situated child-centered justice interventions in low and middle-income countries. These gaps in turn contribute to a lack of effective and compelling investment cases for child-centered justice interventions, which then undermines progress to deliver and scale evidence-based innovations for justice for children. An overview of gaps and considerations related to specifically legal needs surveys and investment cases are explored below.

7.1. Data Collection Gaps

7.1.1. Legal Needs Surveys and children

Current quantitative tools (e.g., legal needs surveys, victim surveys) often fail to capture children's justice needs. High-quality, statistically robust data (both quantitative and qualitative) is essential. Children (under 18) are not commonly included within legal needs survey samples, and when they are, these will be older adolescents (ages 15 and older).²⁴ Based on an unpublished and European-based rapid review of the literature to identify child-relevant Legal Needs Surveys (LNS),²⁵ the following insights are offered:

In attempting to understand why children are not included in LNS, Balmer et al. offer three reasons for why their own LNS methodology was restricted to those over 18 years old.²⁶ They explain that the distinct nature of children (as discussed above) means that children may not know their rights; LNS do not set out to define justice problems in a way that would capture children's justice needs; and the responsibility for children's judiciable problems often lies with others rather than children.²⁷ These reasons are echoed elsewhere in the literature.²⁸

7.1.2. Child-friendly methodologies

Children have been effectively included in some justice needs analyses by adapting research methods in order to be responsive to children's distinct needs. In doing so, important insights from and about children are offered. Key messages from research include concerns that "in general, many children lack knowledge of their rights."²⁹ Children expressed experiences that their "needs and concerns are not prioritised by the adults working for them."³⁰ Researchers in contexts of displacement conclude that qualitative research methods such as focus groups and observation are an essential part of data collection on the basis of the rich, nuanced and applicable insights elicited by the research:

*From a methodological point of view, one of the main conclusions that can be drawn from this work is that qualitative research methods such as focus groups and observation are an essential part of data collection. Creating a space for researchers to record their observations of the social dynamics in which an interview or focus group takes place is essential to be able to interpret the results, including to read silences and identify areas of self-censorship.*³¹

7.1.3. Economic Investment Evidence Gaps

Relatedly, in a context of highly constrained public resources, intense competition within all governments for scarce resources, and heightened demand for services, sustained political and civil society commitment to child-centered justice is critical. A case for investment into child-centered justice offers would offer immense value as a crucial complement to the fundamental arguments to implement programs which enhance children's access to justice.

Investing in children generates benefits through two main channels: immediate improvements in childhood experiences, and long-term reductions in adults who have endured prolonged adversity. These investments create both direct value for the child and broader economic value for families, communities, and society. The benefits emerge in both the short term and the long term — including enhanced well-being for children and reduced social costs for society as well as increased contributions of adults to economic, social and cultural national life. The investments themselves span preventative efforts that reduce the onset of adversity and restorative efforts that mitigate or repair harms already experienced.^{32,33}

Some evidence is emerging. For example, unpublished preliminary evidence from Sierra Leone³⁴ suggests that child maintenance agreements are highly cost-effective, with a conservative benefit-cost ratio of 50:1—exceeding other known justice interventions³⁵ and comparable to global returns from leading health measures such as immunization and reducing child malnutrition.³⁶ This intervention also disproportionately benefits girls, and families living in poverty, as transfers predominantly reach female-headed households, which are typically poorer.³⁷ However, evidence on the return on investment in child-centered justice remains limited.

Insights may nonetheless be drawn from wider people-centered justice initiatives and lessons borrowed from wider child-focused public policy evaluations. For example, in the adult criminal justice system, an economic analysis of a

UK restorative justice program demonstrated returns of £4 GBP (≈\$5 USD) for every £1 GBP (≈\$1 USD) invested, and £14 GBP (≈\$19 USD) per £1 GBP for society overall, highlighting the potential of such “gamechanger” interventions to reduce detention and strengthen social cohesion.³⁸ Broader evidence on children’s *wellbeing* underscores the long-term economic benefits of early investment³⁹ particularly in education, and with research on COVID-19 school closures showing significant lifelong earning losses from disrupted learning.⁴⁰ Similarly, a Danish longitudinal study links childhood adversity with higher use of health, welfare, and justice systems, reinforcing the case for equitable early preventive investment.⁴¹ Building on these insights, with further effort, the potential exists for child-centered justice to be framed not as a *cost* but as an *investment* that generates immediate benefits in child wellbeing and long-term societal gains.

While the arguments in support of greater investment are compelling in principle, and informed by powerful lines of thinking and deep understanding, the hard evidence is still limited. Understanding the effectiveness and impact of investing in child-centered justice programs to enhance children’s wellbeing is a crucial element in the promotion of child-centered justice. The data needed to build this case for the economic and social returns on investment into child-centered justice reforms, however, are complex, difficult to identify, and as yet under-researched—or unpublished and lacking peer-reviewed, where research has been undertaken. Refining and validating estimated benefit-cost ratios may be an important next step, where preliminary evidence exists. It is proposed that drawing on successful models in related fields, and applying robust methodologies to measure these outcomes, would contribute to sustaining political will and advancing systemic reform.

7.2. Closing these Gaps

Reviews exploring actions to close data gaps⁴² and steps to implement smarter financing strategies⁴³ were undertaken by the Global Working Group on SDG 16+ Justice for Children⁴⁴ identified the following:

On the gap of age disaggregation in data collection: Where current data systems lack sufficient attention to the distinct experiences of children, an evidence and data framework that specifically includes children’s justice needs sharpens the focus on data collection from the start. While engaging with families and other adults about children provides useful insights, this is not sufficient on its own, and children must be directly and meaningfully included in data processes.

On ethical and inclusive data collection: Involving children in data collection requires specific ethical safeguards, given their vulnerability and the sensitivity of justice-related information. Partnering with expert organizations that have built trust with children facing marginalization, and using such processes to inform both prevention and response strategies are useful investments to close these gaps. Following the Agenda 2030 principle of addressing those “furthest behind, first,”⁴⁵ priority placed on the needs of the most disadvantaged and least visible children will close the largest gaps.

On methodologies: Integrate both quantitative and qualitative evidence; expanding specialist surveys to cover the justice needs of children in vulnerable populations to ensure more comprehensive understanding of children’s justice needs. Develop methods that support the development of interventions investment cases. Collate illustrative examples of how specific approaches can be applied to achieve child-centered justice which are applicable to a range of country contexts. Establish demonstration projects with a specific focus on interventions to accelerate learning.

On evidence initiatives that view children holistically: Where data collection focus exclusively on individual-level problems, design initiatives to also examine the structural elements driving children’s justice needs. This includes incorporating children’s perspectives on factors such as family income, family separation, race and ethnicity, gender, disability, and rurality. A broad understanding informs more effective interventions, policies, and programs.

On safe and inclusive partnerships in data gathering: Although safeguarding efforts are crucial, the evidence suggests that these can inadvertently lead to children being invisible within datasets. To avoid this, new

methodologies developed and deployed to accurately capture children's justice needs require collaboration with experts in participatory research with children, data protection specialists, civil society, policymakers, adult allies, and trained professionals.

On creative and participatory approaches: To help ensure children's views and experiences are authentically represented in justice data, methods include for example strength-based, art-based, and play-based strategies, which can facilitate meaningful engagement. While such methods may require greater investment of time and resources, they can generate nuanced, relevant, and ethical insights, and contribute to high-impact solutions. They also provide valuable guidance for the implementation and improvement of justice policies and programs.

On prioritizing efforts: Focus on child-centered justice interventions that are multipliers, that are underpin and benefit wider aspirations.

On capacity-building: Develop learning resources that support policymakers to assess the cost benefit value of interventions. Ensure these assess the benefits and savings to wider society of investing in justice for children, as well as the direct benefits to the child well into adulthood, for the breadth of national prosperity.

Conclusion

Given that children constitute a substantial share of the global population, *child*-centered justice forms an important focus in achieving people-centered justice. This paper draws on the growing global movement driving people-centered justice, offering a perspective on how people-centered justice matters to children. It examines the distinct characteristics of children's justice needs, the common justice problems they encounter, and the systemic and methodological barriers which impede a full, actionable understanding and means of intervention. The expansive definition of child-centered justice proposed forms a necessary basis from which to address the wide range of justice challenges *children* face, for an effective *people*-centered response.

This high-level review of growing international evidence to date underscores several key findings. Children experience justice problems that are both similar to and qualitatively different from those faced by adults, including exclusion, barriers to identity, exposure to violence, and unlawful detention. These, and the responses in turn, are mediated by the adults around them. Promising service-level interventions, or "gamechangers", demonstrate potential to transform systems, yet evidence on their effectiveness, scalability, and sustainability remains limited. Critically, gaps in data and research are ongoing: children are largely absent from legal needs surveys, age-disaggregated data is scarce, and methodologies often fail to capture children's lived experiences. These deficits constrain the ability to design responsive policies and to build a compelling investment case for child-centered justice.

These findings point to clear priorities for future action. Advancing child-centered justice requires robust, ethical, and child-specific data frameworks that integrate quantitative and qualitative approaches and adopt intersectional methodologies to reflect the structural determinants of children's justice needs. Research that focuses on co-design with children, rigorous evaluation of interventions, and economic analyses to demonstrate the longer-term benefits of investment are important to this effort. These steps will require further research and evidence efforts, founded on inclusive, multi-sector partnerships and sustained leadership across government, civil society, academia, and the private sector.

* * *

Professor Jennifer Davidson is the Executive Director of the award-winning Institute for Inspiring Children's Futures at the University of Strathclyde in Scotland, which works to reveal and help resolve the structural barriers to children in adversity reaching their potential. Jennifer seeks to drive meaningful and sustainable change with and for children, supporting the implementation of effective government policy to reach children's day-to-day lives. Drawing on children's human rights and the delivery of the UN Sustainable Development Goals, she works closely with governments and international agencies, most recently as lead of the Global Working Group on SDG 16 Justice for Children, and as a member of the high-ambition

multi-sectoral Justice Action Coalition. She was founder and Director of the Centre for Excellence on Children's Care and Protection in Scotland, she co-founded the Observatory of Children's Rights, and previously led a series of international projects implementing the UN Guidelines for the Alternative Care of Children.

Professor Andrew Goudie is an Emeritus Professor at the University of Strathclyde in Glasgow, Scotland. Until 2025, he was Special Adviser to the Principal and Vice Chancellor of the University of Strathclyde. He was also a Professor of Practice at the University.

He was educated at Queens' College, University of Cambridge, UK (BA Econ.; MA; PhD); and the Open University, UK (BA Maths and Stats). He was awarded an Hon. D.Litt. by the University of Strathclyde and is a Fellow of the Royal Society of Edinburgh.

Andrew's career has included a wide range of roles in national and international public service including Research Officer, Department of Applied Economics, University of Cambridge; Research Fellow, Queens' College, University of Cambridge; Director of Studies in Economics, Robinson College, University of Cambridge; Senior Economist at the World Bank, Washington DC; Principal Economist at the OECD Development Centre, Paris; Chief Economist at the UK Department for International Development, London, UK; and Chief Economic Adviser and Director-General Economy in the Scottish Government.

Sophie Shields is a Policy and Impact Specialist at the Institute for Inspiring Children's Futures, University of Strathclyde. Sophie's areas of expertise include children's human rights, particularly in the contexts of child-centered access to justice, and new and emerging digital technologies.

Sophie is also a PhD Candidate at the University of Strathclyde, researching children's human rights and public sector decision-making in the era of artificial intelligence and algorithmic decision-making, with a particular focus on justice and welfare systems.

¹ 29.6% of the global population is estimated to be under age 18. U.N. Dep't of Econ. & Soc. Affairs, Population Div. & UNICEF, *The State of the World's Children 2025: Statistical Tables*, UNICEF Data, <https://data.unicef.org/resources/dataset/the-state-of-the-worlds-children-2025-statistical-tables>.

² The international, multi-agency Global Working Group on SDG16+ Justice for Children brings together leading international partners to place children and young people, and their human rights, at the heart of the global movement for justice for all within Agenda 2030, with a focus on SDG 16.3, a target under the UN's Sustainable Development Goal 16 (Peace, Justice, and Strong Institutions), focusing on promoting the rule of law at national and international levels and ensuring equal access to justice for all. The Working Group is convened by the Institute for Inspiring Children's Futures at the University of Strathclyde, with support from the Pathfinders for Peaceful, Just and Inclusive Societies. It includes Child Friendly Justice European Network, Defence for Children International, ECPAT International, International Legal Foundation, the Legal Empowerment Fund, OECD, the Office of the Special Representative of the Secretary General on Violence against Children, Terre des hommes Lausanne Foundation, and UNICEF. The Working Group collaborates closely with the Justice Action Coalition. Shining a spotlight on children's access to justice within the people-centered justice movement, the Working Group on SDG 16+ Justice for Children was first convened in 2018 to inform the inaugural Task Force on Justice and its Flagship Report. This Task Force aimed to accelerate access to justice for all, by placing justice at the heart of sustainable development, and putting people—including children—at the center of justice systems. This launched a movement from justice for the few, to justice for all. The Working Group actively advances people-centered justice, and collaborates closely with the Justice Action Coalition (JAC), a high-ambition coalition, and multi-stakeholder alliance of countries and organizations working to achieve measurable progress in justice outcomes for people and communities. The JAC mobilizes political leadership, advances data and evidence, and builds momentum for financing and scaling frontline justice services. Its members are united by a simple principle: justice must be people-centered, designed around the needs and realities of citizens, not institutions alone. *Justice for Children*, Pathfinders for Peaceful, Just & Inclusive Soc'ys, <https://www.sdg16.plus/justice-in-action/justice-for-children/> (last visited Feb. 20, 2026).

³ See V World Congress on Justice with Children, *Global Declaration on Advancing Child-Centred Justice* (June 4, 2025), <https://justicewithchildren.org/en/resource/2025-global-declaration-advancing-child-centred-justice-f>. This Declaration sets out a Child-Centred Justice Framework, beginning with the following people-centered justice position: "1. A growing global movement towards people-centred justice is proving to be wide-reaching and socially transformative: This approach prioritises people and their experiences as the starting point for justice systems, institutions, and reforms. Placing children at the core of this people-centred justice movement and involving them meaningfully in the process is essential to securing the Sustainable Development Goal 16 ambition of equal access to justice for all by 2030. Ensuring justice for children is crucial to achieving justice for all. 2. Child-centred justice ensures children are empowered and supported in order to prevent the emergence of challenges and to resolve them in an age-appropriate, inclusive, and accessible environment: Effective practices of judicial and non-judicial avenues can support children in meaningfully participating in justice systems, claiming their rights, making complaints about violations of their rights, and seeking appropriate redress and remedies. While non-judicial avenues may be more accessible to or preferable for children, it is critical that states must be reminded of their fundamental responsibility to respect children's rights and facilitate their access to justice. 3. Child-centred justice systems are essential to preventing harm and ensuring children's access to justice: A child-centred justice system

recognises children as rights-holders who are entitled to a range of judicial and non-judicial mechanisms. It entails transitioning from justice systems and services that merely involve or accommodate children to those inherently designed with their rights and wellbeing as a core focus[.]”

⁴ *Id.*

⁵ See JENNIFER DAVIDSON, ANDREW GOUDIE, FABRIZIO DE FRANCESCO, & SOPHIE SHIELDS, USING A WHOLE-OF-GOVERNMENT APPROACH TO ADVANCE CHILD WELLBEING (Univ. of Strathclyde, Inspiring Children's Futures, Final Report, 2022) (summary of report commissioned by the Organisation for Economic Co-operation and Development (“OECD”)).

⁶ Individual factors contributing to children's vulnerability stem from cognitive, emotional and physical capabilities or personal circumstances, for instance age, disability, a child's own disposition or mental health difficulties. They can be invariable, such as belonging to an ethnic minority or having an immigrant background, or situational, such as experiencing maltreatment, being an unaccompanied minor or placed in out-of-home care. See OECD, CHANGING THE ODDS FOR VULNERABLE CHILDREN: BUILDING OPPORTUNITIES AND RESILIENCE (2019), https://www.oecd.org/content/dam/oecd/en/publications/reports/2019/11/changing-the-odds-for-vulnerable-children_12452b6c/a2e8796c-en.pdf.

⁷ Familial circumstances contributing to children's vulnerability include for example, poverty and education, in particular parental status including income, employment and skills.

⁸ Environmental factors contributing to child vulnerability operate at both family and community levels. Family factors include income poverty and material deprivation, parents' health and health behaviors, parents' education level, family stress, and exposure to intimate partner violence. Community factors are associated with school and neighborhood environments. Environmental factors illustrate the intergenerational aspect of child vulnerability and the concentration of vulnerable children within certain families and communities. See OECD, *supra* n. 6.

⁹ This point is picked up in the context of conflict. See OECD, WHOLE OF GOVERNMENT APPROACHES TO FRAGILE STATES (2006), <https://www.oecd.org/dac/conflict-fragility-resilience/docs/37826256.pdf>.

¹⁰ See JENNIFER DAVIDSON, ANDREW GOUDIE, FABRIZIO DE FRANCESCO & SOPHIE SHIELDS, USING A WHOLE-OF-GOVERNMENT APPROACH TO ADVANCE CHILD WELLBEING (Univ. of Strathclyde, Inspiring Children's Futures, Learning Report 3, 2022), <https://inspiringchildrensfutures.org/blog/learning-report-wga-child-wellbeing>.

¹¹ PATHFINDERS, JUSTICE FOR ALL: THE REPORT OF THE TASK FORCE ON JUSTICE (2019), <https://www.sdg16.plus/resources/justice-for-all-report-of-the-task-force-on-justice/>.

¹² *Id.* at 66.

¹³ JENNIFER DAVIDSON, MARIAMA DIALLO, SUSAN ELSLEY, CEDRIC FOUSSARD, ANDREW GOUDIE, KRISTEN HOPE, SOPHIE SHIELDS, JUSTICE FOR CHILDREN: APPLYING LESSONS FROM THE PANDEMIC 10-11 (Univ. of Strathclyde, 2022), https://cic.nyu.edu/wp-content/uploads/2023/06/6c192f_5c90474d29574ce6bf07eb631729a5d9-1.pdf.

¹⁴ *Id.*

¹⁵ JENNIFER DAVIDSON, *Institutions: Accountability as a Key to Reforming Children's Alternative Care*, in ROADMAP FOR ACTION ON CHILDREN DEPRIVED OF LIBERTY 2025–2030, at 34 (Alex Kamarotos, Sasha Richards, Margaret Tuite, Manfred Nowak, Manu Krishan, Luísa V. Barbosa, Rana Refahi, Carolina Gottard o, Jennifer Davidson, Sophie Shields & Leo Ratledge eds., Defence for Children International 2025), <https://defenceforchildren.org/wp-content/uploads/2025/07/2025-07-04-Draft-Roadmap-2025-2030-EN-final.pdf>.

¹⁶ Hiil Justice Dashboard, The Gamechangers, <https://dashboard.hiil.org/the-gamechangers/> (last visited Nov. 24, 2025).

¹⁷ See CEDRIC FOUSSARD, SOPHIE SHIELDS, & JENNIFER DAVIDSON, EVIDENCE & DATA: CHILD-CENTRED METHODOLOGIES AND GAMECHANGERS TO ACHIEVE JUSTICE FOR CHILDREN (Univ. of Strathclyde, Justice for Children Policy Brief Series Report 3, 2024), <https://strathprints.strath.ac.uk/90713/1/Davidson-et-al-Justice-for-Children-Policy-Brief-on-Evidence-and-Data.pdf>.

¹⁸ See Hiil Justice Dashboard, the Gamechangers, <https://dashboard.hiil.org/the-gamechangers/> (last visited Nov. 24, 2025).

¹⁹ See FOUSSARD, SHIELDS, & DAVIDSON, *supra* n. 17.

²⁰ See Defence for Children International, <https://defenceforchildren.org/socio-legal-defence-centres/>.

²¹ See Child Advocacy Centers in Canada: <https://www.justice.gc.ca/eng/fund-fina/cj-jp/fund-fond/cac-cae.html>, and in USA: <https://www.nationalcac.org/>.

²² See Barnahus, <https://barnahus.eu/barnahus/about-barnahus/>.

²³ The Sustainable Development Goals are a universal call to action to end poverty, protect the planet and improve the lives and prospects of everyone, everywhere. These 17 Goals were adopted by all United Nations Member States in 2015, as part of the 2030 Agenda for Sustainable Development which set out a 15-year plan to achieve the Goals. <https://sdgs.un.org/2030agenda>. In setting out the ambitious vision for Sustainable Development, the United Nations 2030 Agenda for Sustainable Development pledges not only to leave no one behind, but to also address the furthest behind first: “As we embark on this great collective journey, we pledge that no one will be left behind. Recognizing that the dignity of the human person is fundamental, we wish to see the goals and targets met for all nations and peoples and for all segments of society. And we will endeavour to reach the furthest behind first.” (Transforming our world: The 2030 Agenda for Sustainable Development. <https://sustainabledevelopment.un.org/post2015/transformingourworld/publication>) and “We reaffirm our commitment to implement the 2030 Agenda in its entirety. We will undertake every effort to leave no one behind and to reach the furthest behind first.” (Ministerial Declaration of the 2020 United Nations High-Level Political Forum on Sustainable Development (June 2020), https://sustainabledevelopment.un.org/content/documents/26339HLPF_MD_Revised.pdf).

²⁴ Note: A number of legal needs surveys have encompassed children within their samples, although these did not include children below 15 years old—for example, English and Welsh Civil and Social Justice Panel Survey (16 years old upwards); Legal Australia-Wide Survey Legal Need in Australia (15 years old upwards); Justice Made to Measure - New South Wales Legal Needs Survey in Disadvantaged Areas (15 years old upwards). In the former survey, face to face questionnaires in participants homes were employed, and in the latter two, telephone interviews were utilized.

²⁵ See Aaron Brown, Children in Legal Needs Surveys: A Rapid Review of the Literature (2023) (unpublished research briefing commissioned by the Institute for Inspiring Children's Futures) (on file with author).

²⁶ See NIGEL J. BALMER, PASCOE PLEASANCE, HUGH M. McDONALD & REBECCA L. SANDEFUR, THE PUBLIC UNDERSTANDING OF LAW SURVEY (PULS) ANNOTATED QUESTIONNAIRE 9 (Victoria Law Found. 2022).

²⁷ See LESLEY EMERSON, KATRINA LLOYD, LAURA LUNDY, KAREN ORR & ELLEN WEAVER, THE LEGAL NEEDS OF CHILDREN AND YOUNG PEOPLE IN NORTHERN IRELAND: THE VIEWS OF YOUNG PEOPLE AND ADULT STAKEHOLDERS (QUEEN'S UNIV. Belfast 2014) (“The first concerns sample efficiency. People can only experience justiciable problems if exposed to the circumstances that can give rise to them. Surveys have routinely found that problems are reported least often by those in the youngest and oldest age groups. The second concerns problem specification. The nature of justiciable problems faced by the youngest (and oldest) respondents can be qualitatively different to those faced by the general population. As the problem descriptions in the questionnaire are optimized for inquiry into the general population, this limits utility in the case of young people. The third concerns responsibility. Responsibility for many problems faced by young people is shared or rests with parents. We consider that young people under the age of 18 are better studied through targeted and tailored surveys or other methods. However, it should be noted that the youngest PULS respondents will report some problems they experienced while under the age of 18, so providing some coverage of earlier years.”).

²⁸ Note: Research studies exploring legal needs have focused “on engaging with young people who had experience of care and justice when they were children, rather than children who were currently facing these issues.” It is explained within the research that the decision not to undertake research with children under 18 years old was made on ethical grounds. See, e.g., CLAIRE LIGHTOWER, IMPROVING LEGAL SUPPORT FOR CHILDREN AND YOUNG PEOPLE IN CONFLICT WITH THE LAW: A SCOPING STUDY 11 (Clan Childlaw, 2022).

²⁹ See, e.g., Dawn Watkins, Effie Lai-Chong Law, Joanna Barwick & Elee Kirk, *Exploring Children's Understanding of Law in Their Everyday Lives*, 38 LEGAL STUD. 59 (2018).

³⁰ Emerson et al., *supra* n. 27, at 5-6.

³¹ Translated from French. Original: « D'un point de vue méthodologique, l'une des principales conclusions que l'on peut tirer de ces travaux est que les méthodes qualitatives de recherche telles que les focus groupes et l'observation sont une partie essentielle de la collecte de données. Créer un espace pour que les chercheurs puissent enregistrer leurs observations de la dynamique sociale dans laquelle se déroule un entretien ou un groupe de discussion est essentiel pour pouvoir interpréter les résultats, y compris pour lire dans les silences et identifier les zones d'autocensure. » See Pierre Fichter et al., *Terre des hommes, Etude sur les Besoins et la Satisfaction en matière de Justice dans les zones d'accueil des Populations Déplacées Internes au Burkina Faso: Présentation des résultats des groupes de discussion avec les enfants âgés de 12 à 15 ans* (2022), <https://tdh.rokka.io/dynamic/noop/81133db1834b0c0e77e5ebbab2c53b5c52a8f94a/etude-sur-les-besoins-et-la-satisfaction-en-matiere-de-justi.pdf>.

³² See ANDREW GOUDIE, ACHIEVING THE WELLBEING OF CHILDREN IN THE COVID-19 ERA: THE CENTRALITY OF THE ECONOMIC PERSPECTIVES INSPIRING CHILDREN'S FUTURES (Univ. of Strathclyde, Learning Report Two – April 2021), <https://inspiringchildrensfutures.org/blog/learning-report-economy-and-childrens-well-being>.

³³ Olivier Thevenon, Graine Dirwan, Jennifer Davidson, & Andrew Goudie, *Securing the Recovery, Ambition, and Resilience for the Well-Being of Children in the Post-COVID Decade*, OECD Policy Responses to Coronavirus (COVID-19) (2021), <https://doi.org/10.1787/0f02237a-en>.

³⁴ See Marcus Manuel, Sierra Leone Legal Aid Board (2024) (unpublished research proposal on impact of child maintenance grants) (on file with author).

³⁵ See MARCUS MANUEL & CLARE MANUEL, PEOPLE-CENTERED JUSTICE FOR ALL – A ROUTE TO SCALING UP ACCESS TO JUSTICE ADVICE AND ASSISTANCE IN LOW-INCOME COUNTRIES 21, ODI (2021), https://media.odi.org/documents/FINAL_-_DPF-PoGo_Justice_Finance_-_120421.pdf (review which included a 2020 literature review for the Justice Taskforce (maximum of 10:1)); see also OECD, BUILDING A BUSINESS CASE FOR ACCESS TO JUSTICE (2020), <https://web.archive-storage.oecd.org/aemint-web-archive-prod/web-archive/28/28cee315d44a1883fedd3d035cccc2011442f1daadd82b0c43985f2babf2e260.pdf>.

³⁶ See Copenhagen Consensus Center, *The Nobel Laureates' Guide to the Smartest Targets for the World 2016-2030* (Post-2015 Consensus), https://copenhagenconsensus.com/sites/default/files/documents/post2015brochure_m.pdf (immunization ratio is 60:1; child malnutrition 45:1 and malaria 36:1).

³⁷ See Clare Manuel, Marcus Manuel, & Paul Prettitore, Discussion Input at the Justice Data Observatory Research Workshop on People-Centered Justice, World Justice Forum, Warsaw, Poland (June 23, 2025).

³⁸ FRANK GRIMSEY JONES & LUCY HARRIS, AN ECONOMIC EVALUATION OF RESTORATIVE JUSTICE (Why Me? 2022), <https://why-me.org/wp-content/uploads/2022/11/Why-Me-RJ-Economic-Evaluation-Technical-report-2022-v3.pdf>.

³⁹ See, e.g., OECD, INVESTING IN HIGH-QUALITY EARLY CHILDHOOD EDUCATION AND CARE (ECEC) (2011); Jorge Luis Garcia, James J. Heckman, Ermini Leaf Duncan, & Maria Jose Prados, *The Life-cycle Benefits of an Influential Early Childhood Program*, IZA Discussion Paper No. 10456 (December 2015), <https://docs.iza.org/dp10456.pdf>; JAMES J. HECKMAN, THE HECKMAN EQUATION: THERE'S MORE TO GAIN BY TAKING A COMPREHENSIVE APPROACH TO EARLY CHILDHOOD DEVELOPMENT (2017), https://heckmanequation.org/www/assets/2017/01/F_Heckman_CBAOnePager_120516.pdf; THE HECKMAN EQUATION, JAMES HECKMAN CHANGES THE EQUATION FOR AMERICAN PROSPERITY (2013), https://heckmanequation.org/wp-content/uploads/2014/05/F_Heckman_Brochure_041515.pdf.

⁴⁰ See The DELVE Initiative, *Balancing the Risks of Pupils Returning to Schools*, DELVE Report No. 4., Royal Society (July 2020), <https://rs-delve.github.io/reports/2020/07/24/balancing-the-risk-of-pupils-returning-to-schools.html>.

⁴¹ See Bertina Kreshpaj et al., *Association between childhood adversity and use of the health, social, and justice systems in Denmark (DANLIFE): a nationwide cohort study*, 10 THE LANCET PUBLIC HEALTH, Issue 1, January 2025, at e29-e35, [https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667\(24\)00242-1/fulltext](https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667(24)00242-1/fulltext).

⁴² See FOUSSARD, SHIELDS, & DAVIDSON, *supra* n. 17.

⁴³ Jennifer Davidson, Andrew Goudie & Hannah Randolph, *Justice for Children Policy Brief: Focussing Investment to Secure Justice for Children*, Just. for Child. Pol'y Brief Series 2/2023 (Univ. of Strathclyde Dec. 2023), <https://cic.nyu.edu/wp-content/uploads/2023/12/Smarter-Financing-The-Investment-Case-to-Secure-Justice-for-Children-2023.pdf>.

⁴⁴ *Id.*

⁴⁵ See G.A. Res. A/RES/70/1, at 3 (Sept. 25, 2015) ("As we embark on this great collective journey, we pledge that no one will be left behind. Recognizing that the dignity of the human person is fundamental, we wish to see the goals and targets met for all nations and peoples and for all segments of society. And we will endeavour to reach *the furthest behind first*."). The Sustainable Development Goals (SDGs) are a universal call to action to end poverty, protect the planet and improve the lives and prospects of everyone, everywhere. See *id.* The 17 Goals were adopted by all United Nations Member States in 2015, as part of the 2030 Agenda for Sustainable Development which set out a 15-year plan to achieve the Goals. See *id.*

Appendix 1. Common Justice Problems Children Face¹

COMMON JUSTICE PROBLEMS CHILDREN FACE		COMMON JUSTICE PROBLEMS CHILDREN FACE	
INDIVIDUAL <<<<	STRUCTURAL >>>>	INDIVIDUAL <<<<	STRUCTURAL >>>>
Growing up in poverty⁽²²⁾ A family cannot provide for their child, who stops attending school and spends time on the street, sometimes engaging in illegal ways to generate income to support his/her family. A child is separated from their family and taken into alternative care because their family is deemed unfit due to poverty. Growing up excluded and discriminated against⁽²³⁾ A girl stays at home to carry out household tasks, childcare and to care for her grandmother while her brother plays outside.²⁴ A child with disabilities is excluded from education.²⁵	Economic Inequality Under-budgeted social and family support services result in families not able to receive support. Children lack equal opportunities to education, and inequalities are perpetuated across generations. Systemic discrimination⁽²⁶⁾ 1 in 3 adolescent girls from the poorest households has never been to school across the globe.²⁷ Children from indigenous, ethnic and other minority groups are disproportionately criminalized due to policing and court decisions that are systematically reinforced based on racially discriminatory beliefs.²⁸	Children lack a legal identity A child without a birth certificate is unable to enrol in school.²⁹ A child lacks a nationality and is excluded from protections afforded to nationals. Children's legal identity is not recognized by another country An unaccompanied child seeking asylum is unable to benefit from the protections they are entitled to. A child's nationality is not recognised when they cross borders.³⁰	Children are not prioritized in administrative justice processes Children cannot access services or benefit from the policies, programmes and protections that are intended for them by law. Child migrants and refugees experience barriers to access legal identity Immigration services default to treating unaccompanied children without age identity as adults. Inherited statelessness locks in exclusion and discrimination throughout generations.³¹
No opportunity to participate in decisions A child who committed an offense is either not heard, or given less than 2 minutes to express themselves during the judicial proceeding. A judge does not consult a child in their parents' custody dispute and determines that they must live with their violent father.³² Being harmed, ignored, traumatised by encounters with the justice system A child victim is repeatedly re-traumatised because they have to repeat their experience multiple times during the criminal proceeding. A child suspect sits at the police station awaiting an interview in the same room as adult suspects.³³	Lack of accountability of institutions to children No specialised learning is required of justice professionals working with children. Children are not informed about the rationale behind a judicial decision and are given no right to appeal. Inaccessible justice systems that are blind to the distinctive nature of children Children are not treated any differently from adults in contact with justice systems. Excessive pressures on court caseloads lead a judge to cancel the child's hearing due to time constraints and in view of speedy proceedings.	Children experience violence (abuse, bullying and exploitation) A child is victim of cyberbullying and does not know who to talk with to make it stop and receive support. A girl is sexually assaulted, the police accept a bribe from the perpetrator, and the family is unable to bring the perpetrator to justice.³⁴ Children are held accountable for their associations, rather than for their actions A child is recruited and used by an armed group, then accused of national security-related offenses, and not treated as a victim.	Weak rule of law does not bring perpetrators to justice Systematically unchallenged corruption leads to children's abusers not being prosecuted by the police, resulting in perpetrator impunity and further trauma to this and other children. Cases are dismissed due to a lack of investigation means. Justice systems do not differentiate between children and adults in national security-related offences Military courts -which lack transparency, are unprepared for and unsuitable for cases involving children--nevertheless permit hearing cases where a child is accused of national security-related offences.
Limited access to public services A family is unable to find support for their child's mental health, and the child is then criminalised for running away from their family home.	A lack of integration of justice systems with efforts to strengthen access and affordability of education, health, etc. and family & community strengthening efforts The challenges that children face are not resolved early by public services; instead these escalate until they are unnecessary in conflict with the law.	Children are arbitrarily and unlawfully deprived of their liberty A child is held in prolonged pre-trial detention with no guarantee of a lawyer, no trial date set, and no indication of an end to their detention. A child is moved into a large scale institution isolated from family and community.	Justice options are blunt, costly, unimaginative, and limited The lack of community-based services, options for non-custodial measures, or restorative justice programmes results in detention by default. Detention facilities (including alternative care and mental health institutions) permit harmful practices to children such as solitary confinement.³⁵
10 Justice for Children, Justice for All: Applying Lessons from the Pandemic		11 Justice for Children, Justice for All: Applying Lessons from the Pandemic	

¹ JENNIFER DAVIDSON ET AL., JUSTICE FOR CHILDREN: APPLYING LESSONS FROM THE PANDEMIC 10-11(Univ. of Strathclyde, 2022), https://cic.nyu.edu/wp-content/uploads/2023/06/6c192f_5c90474d29574ce6bf07eb631729a5d9-1.pdf.

Mapping Disabled Justice: Empirical Research Towards a People-Centered Approach

Qudsiya Naqui

Abstract

This paper reviews access to justice for people with disabilities, focusing on what we know—and still need to know—about how justice systems can better serve and include disabled populations. Based on existing research, we know that disabled people, constituting roughly 16% of the global population, face significant legal, informational, communication, physical, and economic barriers at all stages of the justice process, and are disproportionately represented in both civil and criminal legal systems. We also know that these barriers impede disabled people’s access to the law, access to legal processes, and access to just outcomes, undermining their ability to engage in democracy, emerge from poverty, and participate in inclusive development. Legal needs surveys in various countries have found that disabled people are more likely to report civil justice problems, while research on legal empowerment reveals that disabled individuals face obstacles in accessing legal information, exercising legal capacity, and obtaining representation due to inaccessible materials, social isolation, and negative attitudes among justice system actors. However, important questions remain around the long-term procedural and substantive outcomes of disabled people navigating legal problems, the efficacy of interventions such as supported decision-making, and the implementation of accessibility policies across justice institutions. Significant data gaps also persist: existing methodologies for identifying disability in surveys often exclude psychosocial and developmental disabilities; research is overwhelmingly concentrated on criminal rather than civil justice contexts; and few justice institutions have developed standardized approaches to collecting disability-disaggregated data.

Drawing on international frameworks including the UN Convention on the Rights of Persons with Disabilities, legal needs surveys, and qualitative research, this paper argues that centering the experiences of disabled people advances people-centered justice for all communities, and concludes with a proposed research agenda emphasizing participatory methodologies, data linkage strategies, and cross-jurisdictional evidence building.

Suggested citation: Qudsiya Naqui, *Mapping Disabled Justice: Empirical Research Towards a People-Centered Approach* 44 (Global Perspectives on People-Centered Justice: Exploring the Evidence, Matthew Burnett & Rebecca L. Sandefur eds., 2026) abfn.org/mapping-disabled-justice.

Mapping Disabled Justice: Empirical Research Towards a People-Centered Approach

*Qudsiya Naqui**

Introduction

Extant research that describes how disabled people¹ address their civil legal problems, much like civil justice research more broadly, is sorely lacking across the globe. This truth exists despite the reality that disabled people, who constitute roughly 16% of the global population,² are often more likely to present with particular types of civil legal problems, and are disproportionately represented in the civil and criminal legal systems. This white paper offers a roadmap for building upon and expanding knowledge about the experiences, needs, and outcomes of disabled people in all aspects of the justice continuum.

Disability is a fluid concept, describing a broad set of physical and mental conditions that could affect any person at any time in their lives. In its preamble, the United Nations Convention on the Rights of Persons with Disabilities (CRPD) “Recogniz[es] that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.”³ The CRPD goes on to define “persons with disabilities” to include “those who have long-term physical, mental, intellectual, or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.”⁴ U.S. law, for example, takes an even broader approach, defining a person with a disability as having “a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.”⁵ As discussed in subsequent sections below, a shared understanding of disability in justice system contexts is critical to building an evidence base that captures the disabled experience of access to justice.

Better understanding the barriers to access that disabled people face in the achievement of just outcomes can also lead to new solutions that ultimately benefit all people who confront legal problems. This has proven true of disability-inspired design modifications to the built environment, such as curb cuts, that not only benefit people who use wheelchairs, but also parents with strollers, travelers with heavy wheeled luggage, and many others.⁶ Similarly, the clarion call of the global disability rights movement, “Nothing about us, without us,” cuts to the core of people-centered justice—justice that is shaped, driven by, and centering the needs of those who are most impacted.⁷ Thus, unlocking the experiences, barriers, and outcomes of people with disabilities who navigate civil legal problems brings us many steps closer to realizing access to justice for more than just a single marginalized community. Rather, it has the potential to transform our approach to people-centered justice more broadly.

This white paper will proceed in three parts. First, it will explore why understanding and centering access to justice for disabled people advances inclusive growth, democratic empowerment, and poverty alleviation, drawing on both access to justice and human rights frameworks. Second, it will describe the state of existing research, data, and evidence related to the experiences, barriers, and outcomes of disabled people when it comes to accessing justice. Third, it will identify gaps in our knowledge in this area, and describe a future research agenda that both enhances the global knowledge base for disabled justice and allows researchers, practitioners, and policymakers to apply this knowledge in order to think more expansively about what people-centered justice looks like for all communities.

* Assistant Professor of Law, University of the District of Columbia David A. Clark School of Law.

1. Disability and Access to Justice

Despite a dearth of empirical evidence, it is widely understood that disabled people face legal, informational, communication, physical, and economic barriers related to the resolution of their legal problems.⁸ These barriers exist at all stages in the resolution process, and regardless of the role that a disabled person plays—whether they are seeking information about how to address a justiciable issue they are facing; a plaintiff or defendant in a lawsuit; a lawyer or advocate; a judge or other judicial officer; a witness; a juror; or some other role. Disabled individuals may be presumed not to have the legal capacity to make decisions that impact their family, finances, healthcare, and other matters. They may not be able to communicate effectively with legal system actors due to language and communication barriers. They may be physically unable to enter a courtroom or law office due to inaccessible architectural design. These are just a few of the challenges that disabled people may encounter on the path to resolving their legal problems.

These barriers are all the more acute because disabled people are often over-represented in civil and criminal legal systems. The United States offers one example. Federal statistical collections in the U.S. have shown that the rate of violent crime against individuals with disabilities is nearly four times higher than those without disabilities.⁹ Nearly 40% of individuals incarcerated in federal and state prisons reported having one or more disabilities.¹⁰ In the civil justice context, several of the top ten most burdensome civil legal problems, including employment discrimination, access to healthcare, disputes over disability benefits, and poor working conditions, disproportionately impact disabled people.¹¹ Adults with disabilities in the United States are also twice as likely as non-disabled adults to live in poverty, exacerbating barriers to accessing legal assistance and information, the ability to attend court proceedings, and other costs associated with justice system involvement.¹²

Collectively, the disproportionate and exacerbated barriers to resolving legal problems that disabled people experience impact their ability to engage in democracy, emerge from poverty, and to be included in collective growth and development at the national and global levels. The opacity and over-complexity of the law is challenging for any lay person, but without accessible language and alternative forms of communication, it can be impossible for people with intellectual, developmental, and certain sensory disabilities to understand, use, or participate in the reform of laws and policies that directly affect their lives, as well as their ability to engage in other democratic processes. Likewise, failure to consider disabled experiences, needs, and modalities of access can prevent disabled people from accessing employment, healthcare, public benefits, and other social goods that not only foster their own individual human thriving, but also advance inclusive social and economic development writ large.

Global frameworks that define the contours of access to justice combined with critical human rights principles enshrined in the Convention on the Rights of Persons with Disabilities (CRPD) offer tools to develop a typology for empirical research that centers access to justice for disabled people. Broadly speaking, this research, and the data upon which it rests, address three core issues that shape the experiences of disabled people who navigate legal problems—access to the law, access to legal processes, and access to just outcomes. The existing framework for people-centered justice acknowledges the need to include disabled people in visioning an accessible justice system, but the CRPD takes this approach further by expanding our conceptualization of access itself through the lens of disability. Thus, combining the access to justice and human rights frameworks that undergird people-centered justice for those with disabilities allows a more capacious vision for justice systems that work for people and can help shape the research, data, and evidence necessary to realize and enhance that vision.

The OECD's recommendation on access to justice includes in its definition of "people centrality" taking into account "the perspectives and needs of specific communities, including marginalized, underserved and groups in vulnerable situations (e.g., women, children, indigenous groups, elderly, and people with disabilities.)."¹³ In its Framework and Good Practice Principles for People-Centered Justice, the OECD likewise uplifts people with disabilities as a marginalized and vulnerable population whose justice system experiences, needs, and outcomes should be particularly addressed. This, according to the OECD, includes specific, tailored empirical research that goes beyond general legal needs surveys that are often not able to capture and disaggregate the legal needs of disabled people.¹⁴ This acknowledgment of people with disabilities as a "special" population is important, but it is further bolstered by the human rights principles around access to justice articulated in the CRPD.

Access is the lynchpin that ties access to justice to the human rights of disabled people. In particular, articles 9, 12, and 13 of the CRPD shape the three elements that build knowledge and create a pathway to improving the justice experiences of disabled people and others who face justiciable legal problems.¹⁵ Article 9 of the CRPD declares that, “To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take all appropriate measures to ensure to persons with disabilities access on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and rural areas.”¹⁶ This applies to all elements of the legal problem-solving process, which occurs both inside and outside of justice institutions, and likewise requires accessible, human-centered design to accommodate a wide range of bodies and minds. Article 12 further states that “States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.”¹⁷ Finally, Article 13 affirms that “States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations.”¹⁸ Article 12 creates a framework for empirical research that advances knowledge on disabled people’s access to the law, including their ability to drive appropriate and just outcomes as recognized persons under the law, while Articles 9 and 13 represent an expansive set of tools for understanding and evaluating access to myriad elements of the justice process, from the physical accessibility of courthouses and law offices, to technology access, to the ability of disabled people to communicate with justice system actors.¹⁹ It is this agency and access that can ultimately enable disabled people to pursue and achieve just outcomes in the resolution of their legal problems. It is within this frame that we can begin to assess the state of data, evidence, and research on disabled justice.

2. Existing Evidence

A review of publicly-available literature draws the contours of data, empirical research, and other extant evidence that explores disabled people’s access to law, the justice process, and just outcomes. This analysis reveals four key areas where such data and research is available: (1) data that aids in identifying the prevalence of disability within populations; (2) data that captures the legal needs of people with disabilities; (3) empirical research that explores disabled people’s legal empowerment, including their ability to exercise legal capacity; and (4) research focused on disabled people’s justice experiences and outcomes. Closer examination of these four areas enables the identification of data and research gaps explored in the next section.

2.1. Identifying Disability

A critical first step in improving the evidence base for disabled justice is developing a standardized approach for identifying disability among those who are involved in formal and informal civil and criminal justice systems. The United Nations Statistical Commission Washington Group on Disability Statistics (WG), established in 2001, was tasked with improving the quality and consistency of data identifying persons with disabilities in censuses and national population surveys.²⁰ The WG created a short set of questions (the Washington Group Short Set, or WG-SS) that could be easily and uniformly understood by the full range of respondents. The WG chose to focus on function as the indicator of disability in order to acknowledge the environmental barriers that disabled people face.²¹

The WG-SS includes six questions related to difficulty walking, seeing, hearing, understanding, self-care, and communication.²² Response options include, “no difficulty,” “some difficulty,” “a lot of difficulty,” or “cannot do at all.”²³ A respondent who reports that they have “a lot of difficulty” or “cannot do at all” for one of the six functions is classified as a person with a disability.²⁴ The development of the WG-SS has succeeded in creating consistency, uniformity, and comparability in the collection and analysis of disability data across country contexts.²⁵ The Disability Data Initiative conducted a review of 184 countries, finding that 68 (37%) of these countries used the WG-SSS in a total of 141 data sets.²⁶

Though the WG-SS was revolutionary in its effort to standardize disability data on an international level, it has notable limitations.²⁷ The minimum threshold of “a lot of difficulty” to qualify for a disability classification excludes those who may not meet that threshold for any of the six activities, but who face barriers to participation or self-identify as disabled.²⁸ It also excludes those who report having “some difficulty” with multiple of the enumerated activities.²⁹ The WG-SS also does not include psychosocial or developmental disabilities, nor does it account for conditions such as facial

difference, Albinism, or Dwarfism, that may not necessarily impact one of the six functions, but that result in social exclusion and other significant socioeconomic barriers.³⁰

In response to these limitations, the WG has created a variety of supplemental instruments to capture a broader swath of the disabled adult and child population.³¹ Some countries, like the United States, have developed alternative methodologies for disability identification altogether. The U.S. uses a set of six questions in its American Community Survey (the “ACS 6”) that identify respondents with hearing difficulty, vision difficulty, ambulatory difficulty, cognitive difficulty, self-care difficulty, and independent living difficulty. Respondents who report any one of the six disability types are considered to have a disability.³² The U.S. Census Bureau recently proposed a movement away from the ACS 6 to the adoption of the WG-SS; however, rigorous advocacy from U.S.-based disability data experts and disability community members resulted in a suspension of this plan based on concerns that adoption of the WG-SS would result in under-counting of the disabled U.S. population.³³

In the justice system context, appropriate identification is essential for understanding short- and long-term procedural and substantive outcomes for disabled people who experience both civil and criminal legal problems. Yet, very few justice institutions have developed sound and standardized methodologies for identifying an individual’s disability status. Exploring internationally-developed methodologies for disability identification and their application in justice system contexts has the potential to improve disability data collection more broadly, both with respect to censuses and surveys, and also in the development of more uniform and interoperable administrative data.

2.2. Legal Needs

In the last 30 years, there have been more than 250 legal needs studies conducted in 110 countries and jurisdictions.³⁴ Taken together, these legal needs surveys paint a picture of the kinds of legal problems that everyday people encounter, how they perceive those problems, how they seek help to resolve those problems, their capabilities to resolve those problems, and how those problems are ultimately resolved. A recent analysis of these surveys conducted over the last three decades has revealed that many do collect data to ascertain the disability status of respondents, though existing methodologies such as the ACS 6 and WG-SS discussed above do not capture mental health disabilities, which may impact the likelihood of an individual to experience legal problems as well as their ability to resolve those problems.³⁵ Additionally, as with other censuses and surveys, lack of ability to oversample may limit the power of legal needs surveys to disaggregate data based on disability.

Despite these limitations, legal needs surveys in various countries and jurisdictions have produced evidence related to the legal needs of disabled people. The English and Welsh Civil and Social Justice Panel Survey, conducted in two waves between 2010-2012, found that “socially excluded people,” including people with disabilities, were more likely to report civil justice problems.³⁶ Australia’s 2023-2024 Public Understanding of Law Survey found that people with more mental distress or a long-term illness or disability reported more problems with legal literacy, but people who cared for older adults or adults with disabilities reported fewer legal literacy problems.³⁷ Colombia integrated its legal needs survey with its census data collections, using a snowball approach to disaggregate data on legal needs based on disability status.³⁸

Given the challenges with oversampling in these large-scale population-based survey methodologies, supplemental targeted approaches to understanding legal needs in disabled populations may be necessary, akin to Canada’s multi-pronged approach in their Civil Legal Problems Survey, which combined population-based survey techniques with in-depth focus groups to capture the legal needs of specific sub-groups.³⁹ Three of these in-depth qualitative studies focused specifically on disabled people living in various Canadian provinces.⁴⁰ Additionally, as demonstrated by an independent study conducted in the United States examining the impact of intersectional identities on legal needs, alternative techniques may also aid in uncovering challenges stemming from the multi-faceted experiences of race, gender, disability, and other compounded marginalized identities.⁴¹

2.3. Legal Empowerment and Legal Capacity

Legal empowerment “connects individuals unprotected by the law to knowledge and use of that law; people within isolated communities to one another through processes of movement building and community cohesion; and marginalized communities to institutions which hold the power to regulate their lives.”⁴² Disabled people experience

particular barriers in accessing the law, knowledge about their rights, accessing the mechanisms necessary to seek redress for rights violations and other harms, and in obtaining legal assistance or representation.⁴³ These barriers include lack of accessible information and communication (e.g., materials that are not in Braille or large print, complex legal information that is not translated into plain language, etc.); social isolation or institutionalization that prevents independent access to legal knowledge; and the attitudes of judges, lawyers, and other legal services providers who may not understand or accommodate disabled people's access needs or doubt their legal capacity (discussed further below). Extant and emerging research on the legal empowerment of disabled people offers greater insight into the relationship of disabled people to the law and the exercise of their own power in shaping that relationship.

An initial literature scan revealed at least one study underway that examines the ability of individuals with psychosocial disabilities in Taiwan to access the judicial process to challenge their involuntary confinement.⁴⁴ One Iranian study employed in-depth qualitative interviews to map the dimensions of legal accessibility for disabled people in the context of public services. Aligned with the broader understanding of legal empowerment, the study found four dimensions of legal accessibility: (1) structural barriers in legal access (including both architectural and digital inaccessibility); (2) limited awareness and understanding of legal rights due to poor outreach and lack of legal literacy; (3) negative interactions with legal and administrative bodies, characterized by discrimination, communication breakdowns, and procedural complexity; and (4) enabling factors including the supportive role of advocacy organizations, inclusive policies, and proposed legal reforms.⁴⁵ A second Iranian study explored the perceptions of disability among advocates in Iran regarding the inclusivity and effectiveness of Iran's legal frameworks in addressing the rights and needs of persons with disabilities. The study identified lived experiences of discrimination, exclusion, and inaccessibility of legal processes, as well as the need for inclusive, participatory legal reform among key themes that emerged from qualitative analysis.⁴⁶ These studies offer a snapshot of what is possible in terms of empirical research and data collection that has the potential to expand knowledge about legal empowerment.

There is also emerging research aimed at understanding the prevalence of lived experience with disability among legal system actors, as well as their attitudes towards and knowledge of disability. These attitudinal issues have direct impacts on disabled people's ability to access legal information, advice, and representation. This body of research has two dimensions—studies that examine the attitudes of legal system actors towards litigants and other legal system participants (e.g., jurors, witnesses, etc.) with disabilities, and the ability of disabled people to access legal and related professions. Much of this evidence has emerged from western common law countries, and reveals gaps and challenges along both dimensions.

Legal system actors often lack knowledge about the disability experience and disability rights laws, including how these issues may impact the matters they are adjudicating or litigating, as well as the substance and modalities of the advice, information, and other resources they provide.⁴⁷ Spaces of engagement with legal system actors like law offices and courthouses, including the physical and digital information communicated in these spaces, are often inaccessible to disabled people. Compounding these access barriers, legal system actors often hold negative biases towards disabled people that impact legal outcomes.⁴⁸

Extant research and evidence have also shown that the legal profession remains inaccessible for people with disabilities who are under-represented in sectors across the profession.⁴⁹ This stems from a variety of factors, including inaccessible entrance exams, challenges in obtaining reasonable accommodations while studying the law, the negative attitudes of prospective employers towards hiring candidates with disabilities, and employment discrimination experienced by those who do obtain legal jobs.⁵⁰ As such, studies have shown that law students, alongside other disabled students, are less likely to apply to enter higher education and experience higher drop-out rates than non-disabled students.

Another often omitted dimension of legal empowerment that particularly impacts disabled people is the exercise of legal capacity. This is commonly understood as the conferment of legal personhood that enables an individual to make decisions within legal contexts that directly impact their lives, often related to health, family, finances, and other issues. Article 12 of the CRPD defines the contours of legal capacity, directing States Parties to “reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law; “enjoy legal capacity on an equal basis with others in all aspects of life; and “take appropriate measures to provide access by persons with disabilities to the support

they may require in exercising their legal capacity.”⁵¹ Still, in many country contexts, the legal personhood of disabled people is not universally recognized, denying many individuals of access to voting, healthcare decision-making, the ability to direct litigation in which they are a party, and more.

Some parties to the CRPD have made strides in expanding the exercise of legal capacity of disabled people.⁵² However, there has been limited study of the impact of these efforts. Efforts have also been made to critically understand supported decision-making in order to identify the most effective models. To frame existing research on supported decision-making and build the foundation for future research, studies have been characterized based on two key questions—the utilization of supported decision-making (*i.e.*, who uses it, and when), and the substantive and procedural outcomes of supported decision-making.⁵³ Monitoring of Article 12 has given rise to an impetus for the study of legal capacity, but an initial review of the literature reveals that more evidence is sorely needed.

Evidence that can aid in maximizing the legal capacity of disabled people must necessarily walk hand in hand with an assessment of their legal capabilities across various types of justiciable problems. In other words, disabled people must not only be conferred with the agency to make their own legal decisions, but must also possess the “knowledge, skills, and attributes required to decide whether and how to use the law and legal processes.”⁵⁴ The Australian Public Understanding of Law Survey (PULS) discussed above measured five dimensions of legal capability: (1) perceived relevance of law (the extent to which people understood the law as relevant to common problems); (2) general legal knowledge (the extent to which people knew the content of the law); (3) practical legal literacy (the extent to which people had foundational skills for tasks, like dealing with forms, etc.); (4) digital legal capability (whether people had done or could do some of the tasks required to deal with legal issues online); and (5) general legal confidence (people’s confidence in achieving a fair outcome they would be happy with when dealing with an escalating legal problem).⁵⁵ As also noted above, the PULS examined the legal capabilities of individuals with certain types of disabilities as compared with caregivers of such persons, identifying a gap in legal literacy. Replicating this approach both within legal needs surveys and in more targeted empirical studies related to access to justice for disabled people would dramatically deepen knowledge about the justice experiences of disabled people and move toward new solutions to strengthen legal empowerment.

2.4. Justice Experiences and Outcomes

As noted above, lack of clear methodological approaches to collecting and analyzing data disaggregated by disability status in justice contexts has rendered it challenging to deeply understand the procedural and substantive outcomes of disabled people in the resolution of justiciable legal problems. A global scan of available literature on this topic is necessary. However, examination of a recently-conducted U.S.-based literature review presents an exemplar of what is possible and identifies common evidence-building opportunities that likely exist across country contexts.

In 2023, the Rand Corporation conducted an environmental scan of academic and gray literature from the past 15 years related to the experiences of disabled people who encounter the civil and criminal justice systems in the United States.⁵⁶ The findings of this study offer a framework for developing similar reviews globally and at the national and regional levels. Overall, the literature scan found significant variability in the way disability was defined and demonstrated that research tended to concentrate on a small number of topics and methods, leaving many gaps. Fifty-six percent of articles represented the experiences of individuals with intellectual disabilities, while 28% of articles focused on those with developmental disabilities, and 24% dealt with cognitive disabilities.⁵⁷ Sensory and mobility disabilities were less commonly addressed.⁵⁸ Articles also varied with the level of detail and analysis they provided for certain disabilities, with some presenting in-depth analysis of a single group within a specific context, while others covered a broader group with a lower level of specificity.⁵⁹ An overwhelming 90% of the literature focused on the criminal legal system (specifically, capital punishment and incarceration of disabled people), while less than 10% focused on the civil legal system.⁶⁰ The environmental scan was supplemented with in-depth qualitative interviews featuring legal system professionals, disabled people with lived experience of justice system involvement, and the family members of disabled people.

3. A Research Agenda for Disabled Justice

This initial analysis of available data, research, and evidence on the state of access to justice for disabled people creates the opportunity to build a robust, multi-pronged global research agenda. A review of available evidence reveals gaps across all three aspects of disabled justice—access to the law, access to legal processes, and access to just outcomes. There is also further scope to explore people-centered methodological approaches, including data disaggregation that is possible through over-sampling in large data sets; in-depth qualitative studies that explore the experiences of particular sub-groups and/or specific aspects of the justice experience; community-based, participatory approaches that enabled justice-impacted disabled people to shape the research agenda; and data linkage strategies that enable analysis of experiences and outcomes across the justice continuum. Identifying the appropriate methodological approaches that correspond with particular research questions will encourage a people-centered approach to advancing disabled justice. Additionally, at a threshold level, there is a need to develop a standardized methodology for the identification of disability in the civil and criminal justice contexts. This can enable the disaggregation of data on procedural and substantive justice needs, barriers, and outcomes, both in the context of census and survey data collection and within justice systems themselves (e.g., law enforcement data, court data, alternative dispute resolution data, data on prisons/jails, etc.).

When it comes to accessing the law, further research should focus on evaluating the efficacy and impact of providing accessible information and communication related to legal rights and mechanisms for identifying and resolving justiciable legal problems. This will foster knowledge about the ability of disabled people to fully vindicate rights and actualize resolution to their legal problems. Further study is also necessary to understand the ability of disabled people to exercise legal capacity, including the impact of mechanisms such as guardianship that restrict such legal capacity and the efficacy of interventions like supported decision-making and other tools for realizing legal personhood. As described above, in an effort to assess the viability of supportive decision-making models in the United States, one survey of existing empirical research assessed the internationally available evidence regarding supportive decision-making utilization, outcomes, and the relationship between utilization context and observed outcomes.⁶¹ Such assessments of available evidence both regarding the relationship between justice information, justice system utilization, and outcomes, as well as the exercise of legal capacity will offer a range of methodologies for addressing related research questions and reveal remaining evidence gaps.

Research on the representation and inclusion of disabled people among legal system actors and the attitudes of these key players towards disability holds promise in terms of identifying solutions for eradicating ableism within justice systems. Those who regulate the legal profession should work with researchers to study the representation of disabled people among justice system actors, including the judiciary, the legal profession, justice workers, and others, including the impact of that representation (or lack thereof) on the operation of justice systems. This has been attempted in the United States through a partnership between researchers and the American Bar Association, who conducted a longitudinal analysis that, among other things, used mixed methods to assess perceptions of bias and discrimination as well as mitigation strategies to combat such bias and discrimination among attorneys with disabilities.⁶²

Evidence is also necessary to assess the awareness and attitudes of justice system actors with respect to disabled people and their rights. Similar studies have been conducted to assess the attitudes of physicians towards disabled patients, resulting in new efforts to educate physicians about the disabled experience and eradicate biases that result in inequitable medical care.⁶³ Researchers, legal educators, and regulators of legal and other related professions should also evaluate the availability and efficacy of training for justice system actors on the rights and appropriate treatment of disabled people in justice systems. This was attempted, on a small scale, through a survey of immigration practitioners in the U.S. regarding their knowledge of disability rights and accessibility practices in the context of client advocacy.⁶⁴

Research on access to legal processes for disabled people must become more expansive. It must include a greater diversity of disabled populations, including those with sensory and mobility disabilities. It must not only catalogue existing policies, but also closely evaluate the implementation of those policies to identify gaps and make improvements. The National Center on Access to Justice's Justice Index offers a valuable model for cataloguing state court disability policies and comparing them across jurisdictions; however, further empirical research into the implementation and

ultimate outcomes of these policies from the perspective of disabled litigants, jurors, and other justice system actors will offer concrete pathways to improvement.⁶⁵ Justice institutions and those who deliver legal services should develop approaches to collecting and analyzing data related to the request and provision of procedural accommodations within the civil and criminal justice contexts, as well as the impacts of physical and digital institutional design on accessibility.

There are also significant evidence gaps with respect to disabled people's short- and long-term justice outcomes. These include the direct outcomes of formal and informal resolution of legal problems, as well as longitudinal outcomes related to democratic participation, inclusive development, and poverty alleviation. To this end, researchers and government actors must collaboratively assess the state of administrative disability data, and study approaches for harmonizing and connecting data sets to better understand the impact of access to justice on political, social, and economic outcomes for disabled people. Moreover, this data collection and analysis should take an intersectional approach, enabling the examination of multiple and compounding experiences of marginalization on procedural and substantive justice outcomes.

This was attempted in the United States through the federal government's establishment of the Equitable Data Working Group in 2021.⁶⁶ The Disability Data Interagency Working Group (DDIWG) was established as an offshoot of the Equitable Data Working Group in order to improve disability data collection, identify disparities in the experiences of disabled people across various aspects of life (e.g., education, healthcare, employment, etc.), promote data privacy and security, and engage advocates and researchers in improving the scope and availability of disability data across federal agencies.⁶⁷ The DDIWG produced the first-ever Federal Evidence Agenda on Disability Equity, which includes a provision dedicated to building the evidence base related to the access to justice experiences of disabled people.⁶⁸ The development of similar evidence agendas focused specifically on access to justice and centering the justice experiences of disabled people, both within and across country contexts, offers an entry point into coordinated global evidence building for disabled justice.

Conclusion

Disability touches the lives of billions of people across the globe. The law has offered solutions to protect the human rights of disabled people and enable their thriving on equal footing with others, but it has also erected barriers to the resolution of legal problems that impact their family life, health, and economic welfare. The law has also been used as a tool to institutionalize, criminalize, and otherwise segregate disabled people because of their perceived deviance from a socially-constructed "normate."⁶⁹ Despite, and indeed, because of this marginalization, disabled people have brought innovation to the design of the built and digital environments, yielding inclusive spaces for all types of bodies and minds. Using data, research, and evidence to harness the justice experiences and outcomes of disabled people will expand the potential of this genius towards a truly people-centered justice ecosystem.

* * *

Qudsiya Naqui is Assistant Professor of Law at the University of the District of Columbia David A. Clarke School of Law. Her work aims to center disability justice as a tool to catalyze transformative cultural, legal, and policy change for a more just, accessible, and equitable society. Prior to joining UDC, Professor Naqui served as Senior Counsel in the Office for Access to Justice at the U.S. Department of Justice, where she developed the first-ever federal learning agenda on access to justice to drive evidence-based policymaking across federal agencies. Prior to federal service, she was an Officer with The Pew Charitable Trusts Courts and Communities project, where she led empirical research on the intersection of courts and technology. Professor Naqui also leverages media-making to advance civic engagement. She created, produces and hosts Down to the Struts, an acclaimed podcast about disability, design, and intersectionality. Professor Naqui is a 2025-2026 USC Annenberg Innovation Lab Civic Media Fellow. Her work has appeared in Vox, Oxford University Press, the UCLA Law Review, and the Disability Visibility Project. She holds a JD from Temple University Beasley School of Law and a BA in political science and human rights from Barnard College.

¹ Note the use of both “person-first” and “identity-first” language throughout this white paper. Person-first language refers to phrases like “person with a disability,” emphasizing an individual’s personhood first, and not defining them based on their disability status. Identity-first language refers to phrases like “disabled person,” which acknowledges disability as a critical component of one’s identity. UN guidelines favor person-first language in reference to disability, however, the author has opted to predominantly use identity-first language to acknowledge disability as an inherent and important aspect of the human experience. She humbly acknowledges that views regarding language vary widely within the disability community, and the choice of language here reflects her own personal preferences as an individual who identifies as disabled. See *Disability Language Style Guide*, NAT’L CTR. ON DISABILITY AND JOURNALISM, <https://ncdj.org/wp-content/uploads/2021/08/NCDJ-STYLE-GUIDE-EDIT-2021-SILVERMAN.pdf> (last visited Nov. 2, 2025).

² *Disability*, WORLD HEALTH ORG. (Mar. 8, 2023), <https://www.who.int/news-room/fact-sheets/detail/disability-and-health>.

³ Convention on the Rights of Persons with Disabilities, Dec. 13, 2006, 2515 U.N.T.S. 3, pmbl. (e).

⁴ Convention on the Rights of Persons with Disabilities, Dec. 13, 2006, 2515 U.N.T.S. 3, art. 1.

⁵ Americans with Disabilities Act of 1990, Pub. L. 101-336, § 102, 104 Stat. 327, 331, Sec. 12102 (1990).

⁶ See, e.g., *Curb Cut Effect – Definition and Explanation*, OXFORD REV., <https://oxford-review.com/the-oxford-review-dei-diversity-equity-and-inclusion-dictionary/curb-cut-effect-definition-and-explanation/> (last visited Nov. 4, 2025).

⁷ JAMES I. CHARLTON, *NOTHING ABOUT US WITHOUT US* (1998). The slogan, “[n]othing about us without us,” was coined in 1993, first becoming the clarion call of the South African disability rights movement. See *id.* at 3. It has since become a global disability rights slogan. *Id.* at 3-4.

⁸ Stephanie Ortoleva, *Inaccessible Justice: Human Rights, Persons with Disabilities and the Legal System*, 17 ILSA J. INT’L & COMPAR. L. 281 (2011); Eilíonóir Flynn, *DISABLED JUSTICE? ACCESS TO JUSTICE AND THE UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES* (Routledge 1st ed. 2017).

⁹ Erika Harrell, *Crime Against Persons with Disabilities, 2009–2019 – Statistical Tables*, U.S. DEP’T OF JUST. (Nov. 2021), <https://bjs.ojp.gov/content/pub/pdf/capd0919st.pdf>.

¹⁰ Lauren M. Maruschak, *Survey of Prison Inmates, 2016 Disabilities Reported by Prisoners*, U.S. DEP’T OF JUST. (Mar. 2021), <https://bjs.ojp.gov/content/pub/pdf/drspi16st.pdf>.

¹¹ *Access to Justice is Disability Access*, U.S. DEP’T OF JUST., https://www.justice.gov/d9/2023-12/access_to_justice_is_disability_access_fact_sheet.pdf (last visited Nov. 4, 2025).

¹² *Access to Justice is Disability Access*, U.S. DEP’T OF JUST., https://www.justice.gov/d9/2023-12/access_to_justice_is_disability_access_fact_sheet.pdf (last visited Nov. 4, 2025).

¹³ Org. for Econ. Coop. & Dev. (“OECD”), *Recommendation of the Council on Access to Justice and People-Centred Justice Systems*, OECD/LEGAL/0498 (adopted July 12, 2023).

¹⁴ OECD, *OECD Framework and Good Practice Principles for People-Centred Justice*, 12 (OECD 2023).

¹⁵ Sagit Mor, *With Access and Justice for All*, 39 Cardozo L. Rev. 611 (2017).

¹⁶ Convention on the Rights of Persons with Disabilities, Dec. 13, 2006, 2515 U.N.T.S. 3, art. 9.

¹⁷ Convention on the Rights of Persons with Disabilities, Dec. 13, 2006, 2515 U.N.T.S. 3, art. 9.

¹⁸ Convention on the Rights of Persons with Disabilities, Dec. 13, 2006, 2515 U.N.T.S. 3, art. 13.

¹⁹ Sagit Mor, *With Access and Justice for All*, 39 Cardozo L. Rev. 611 (2017).

²⁰ Global Disability Summit, *Global Disability Inclusion Report: Accelerating Disability Inclusion in a Changing and Diverse World* (UNICEF 2025), https://www.globaldisabilitysummit.org/wp-content/uploads/2025/03/GIP03351-UNICEF-GDIR-Full-report_Proof-4.pdf.

²¹ *Id.*

²² The Washington Group Short Set on Functioning (WG-SS), WASHINGTON GRP. ON DISABILITY STATS. (Mar. 19, 2020), https://www.washingtongroup-disability.com/fileadmin/uploads/wg/Documents/Questions/Washington_Group_Questionnaire_1_-_WG_Short_Set_on_Functioning.pdf.

²³ *Id.*

²⁴ Global Disability Summit, *supra* n. 20.

²⁵ *Id.*

²⁶ Sophie Mitra & Jaclyn Yap, *The Disability Data Report* (FORDHAM RSCH. CONSORTIUM ON DISABILITY 2022), https://www.disabilitydatainitiative.org/wp-content/uploads/2022/Main_text_2022_Disability_Data_Report.pdf.

²⁷ Global Disability Summit, *supra* n. 20.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ Question Sets, WASHINGTON GRP. ON DISABILITY STATS, <https://www.washingtongroup-disability.com/question-sets/> (last visited Nov. 5, 2025).

³² How Disability Data are Collected from The American Community Survey, U.S. CENSUS BUREAU, <https://www.census.gov/topics/health/disability/guidance/data-collection-acs.html> (last visited Nov. 5, 2025).

³³ Amanda Hermans, Sarah Morriss, and Susan J. Popkin, *An Opportunity for the Census Bureau to More Accurately Estimate the Disabled Population in the US* (URBAN INSTITUTE 2024), https://www.urban.org/sites/default/files/2024-02/An_Opportunity_for_the_Census_Bureau_to_More_Accurately_Estimate_the_Disabled_Population_in_the_US.pdf.

³⁴ American Bar Foundation, *State of the Art in Civil Legal Needs Surveys: A Comparative Perspective* (2025), https://www.americanbarfoundation.org/wp-content/uploads/2025/05/State-of-the-Art-in-Civil-Legal-Needs-Surveys_Final.pdf.

³⁵ American Bar Foundation, *State of the Art in Civil Legal Needs Surveys: A Comparative Perspective* (2025), https://www.americanbarfoundation.org/wp-content/uploads/2025/05/State-of-the-Art-in-Civil-Legal-Needs-Surveys_Final.pdf.

³⁶ American Bar Foundation, *State of the Art in Civil Legal Needs Surveys: A Comparative Perspective* (2025), at 14 https://www.americanbarfoundation.org/wp-content/uploads/2025/05/State-of-the-Art-in-Civil-Legal-Needs-Surveys_Final.pdf.

³⁷ American Bar Foundation, *State of the Art in Civil Legal Needs Surveys: A Comparative Perspective* (2025), at 18-20 https://www.americanbarfoundation.org/wp-content/uploads/2025/05/State-of-the-Art-in-Civil-Legal-Needs-Surveys_Final.pdf.

³⁸ Miguel Emilio La Rota et al., *Encuesta Nacional de Necesidades Jurídicas y Acceso a la Justicia: Marco Conceptual y Metodológico*, at 10 (Dejusticia 2012) (Colom.).

³⁹ Department of Justice Canada, *The Canadian Legal Problems Survey* (2021), <https://www.justice.gc.ca/eng/rp-pr/jr/survey-enquete.html#main-content>.

⁴⁰ See Department of Justice Canada, *Serious Problems Experienced by People with Disabilities Living in Atlantic Canada* (2021), https://www.justice.gc.ca/eng/rp-pr/jr/pwdac-phca/docs/RSD_RR2021_Persons_with_Disabilities_Atlantic_Canada_EN.pdf; Department of Justice Canada, *A Qualitative Look at Serious Legal Problems for People with Disabilities in Central Canada* (2021), https://www.justice.gc.ca/eng/rp-pr/jr/pwdcc-phcc/docs/RSD_RR2021_Persons-with-Disability-Central-Canada-EN.pdf; Department of Justice Canada, *Serious Problems Experienced by Diverse People with Disabilities: Western Canada* (2021), https://www.justice.gc.ca/eng/rp-pr/jr/pwdwc-phcw/docs/RSD_RR2021_Persons_with_Disabilities_Western_Canada_EN.pdf.

⁴¹ Kathryn M. Young & Katie R. Billings, *An Intersectional Examination of U.S. Civil Justice Problems*, 3 Utah L. Rev. 487 (2023).

⁴² Jhody Polk & Tyler Walton, *Legal Empowerment is Abolition*, 98 N.Y.U. L. Rev. Online 282, 283 (2023), https://www.nyulawreview.org/wp-content/uploads/2023/06/NYULawReview98_PolkWalton.pdf.

⁴³ Flynn, *supra* n. 8.

⁴⁴ Huan-Wen Chen, *Legal Remedy and Judicial Power for Involuntary Hospitalized Psychiatric Patient Seeking to be Discharged: Empirical Studies in Taiwan*, National Yang Ming Chiao Tung University (2025).

-
- ⁴⁵ Arsalan Vahidi & Rana Sadeghpour, *Dimensions of Legal Accessibility for Persons with Disabilities in Public Services*, 2 J. HIST. RSCH. L. & POL'Y 28 (2024), https://jhrp.com/index.php/jhrp/article/view/48#pkp_content_main.
- ⁴⁶ Bahareh Noormohammadi, *Perceptions of Inclusive Legal Frameworks Among Disability Advocates*, 2 J. HIST. RSCH. L. & POL'Y 37 (2024), <https://jhrp.com/index.php/jhrp/article/view/49>.
- ⁴⁷ Nermeen Arastu & Qudsiya Naqui, *Standing on Our Own Two Feet: Disability Justice as a Frame for Reimagining Our Ableist Immigration System*, 71 UCLA L. REV. 236 (2024), <https://www.uclalawreview.org/standing-on-our-own-two-feet-disability-justice-as-a-frame-for-reimagining-our-ableist-immigration-system/>.
- ⁴⁸ Harold E. Yiker, *Disability and the law: Attitudes of police, lawyers, and mental health professionals*, 31 Rehab. Psych. 13 (1986), <https://psycnet.apa.org/doiLanding?doi=10.1037%2Fh0091521>.
- ⁴⁹ Peter Blanck et al., *Diversity and Inclusion in the American Legal Profession*, 23 UDC L. REV. 23 (2020).
- ⁵⁰ Flynn, *supra* n. 8.
- ⁵¹ Convention on the Rights of Persons with Disabilities, Dec. 13, 2006, 2515 U.N.T.S. 3, art. 12.
- ⁵² Alberto Vásquez Encalada, *The Potential of the Legal Capacity Law Reform in Peru to Transform Mental Health Provision*, in MENTAL HEALTH, LEGAL CAPACITY, AND HUMAN RIGHTS 124 (2021), https://www.researchgate.net/publication/354029939_The_Potential_of_the_Legal_Capacity_Law_Reform_in_Peru_to_Transform_Mental_Health_Provision.
- ⁵³ Nina A. Kohn et al., *Supported Decision-Making: A Viable Alternative to Guardianship?*, 117 PENN ST. L. REV. 1111 (2013).
- ⁵⁴ Victoria Law Found., *The Public Understanding of Law Survey Volume 3: A New Perspective on Legal Need and Legal Capability*, at 1 (2025).
- ⁵⁵ *Id.* at 2.
- ⁵⁶ *Id.*
- ⁵⁷ *Id.*
- ⁵⁸ *Id.*
- ⁵⁹ *Id.*
- ⁶⁰ *Id.*
- ⁶¹ Nina A. Kohn et al., *Supported Decision-Making: A Viable Alternative to Guardianship?*, 117 PENN ST. L. REV. 1111, 1130 (2013).
- ⁶² Peter Blanck et al., *Diversity and Inclusion in the American Legal Profession*, 23 UDC L. REV. 23 (2020).
- ⁶³ See, e.g., Lisa I. Iezzoni, MD, MSc. et al., *Physicians' Perceptions of People with Disability and their Health Care*, 40(2) Health Aff. 297 (2021).
- ⁶⁴ Arastu & Naqui, *supra* n. 47.
- ⁶⁵ *Disability Access*, NAT'L CTR. FOR ACCESS TO JUST., <https://ncaj.org/state-rankings/justice-index/disability-access> (last visited Nov. 6, 2025).
- ⁶⁶ Exec. Order No. 14,091, 88 Fed. Reg. 10825 (Feb. 16, 2023).
- ⁶⁷ Notice of Availability and Request for Information; Federal Evidence Agenda on Disability Equity, Request for Information, Office of Science and Technology Policy, 89 Fed. Reg. 46924 (May 30, 2024).
- ⁶⁸ Disability Data Interagency Working Group of the National Science and Technology Council, *Federal Evidence Agenda on Disability*, EXEC. OFF. OF THE PRESIDENT (2025), <https://bidenwhitehouse.archives.gov/wp-content/uploads/2025/01/Federal-Evidence-Agenda-on-Disability.pdf>.
- ⁶⁹ Rosemarie Garland Thomson, *EXTRAORDINARY BODIES* (Columbia University Press 20th Anniv. Ed. 2017).

Advancing People-Centered Justice Through Legal Empowerment

Poorvi Chitalkar and Abigail Moy

Abstract

This paper examines legal empowerment as a pathway to people-centered justice, focusing on what we know—and still need to know—about how community-driven approaches enable people to understand, use, and shape the law to resolve justice problems and drive systemic change. Drawing on recent evidence from Namati’s work, participatory action research across 17 legal empowerment organizations in Latin America, Africa, and Southeast Asia, and insights from practitioners across the Grassroots Justice Network, we show that legal empowerment—particularly through community paralegals—strengthens both the demand and supply sides of justice. On the demand side, it builds legal capability by increasing knowledge, confidence, and agency among justice seekers, with 84% of participants reporting deeper legal knowledge and 90% greater confidence engaging government officials. On the supply side, community paralegals generate grounded, case-based data that reveals patterns of institutional failure, suggests improvements, and informs advocacy strategies aimed at systemic reform.

This body of work demonstrates how legal empowerment contributes to changes in law, policy, institutional practice, and social norms—from securing citizenship rights in Kenya to advancing land and environmental governance in Sierra Leone. It also illuminates how casework evolves into broader systems change through pathways such as “turning the wheel” from individual cases to collective action, building alliances, and engaging state actors. These insights complement existing evidence from the field, including randomized evaluations, which underscore the effectiveness of community-based approaches in achieving justice outcomes.

Emerging research further shows how legal empowerment strategies are helping to defend against democratic backsliding, resist repression in difficult political contexts, and lay the foundations for a deeper, more participatory form of democracy. At the same time, important empirical questions remain—particularly around the mechanisms through which legal empowerment contributes to resilience and democratic renewal, and its relationship to broader development outcomes.

Suggested citation: Poorvi Chitalkar & Abigail Moy, *Advancing People-Centered Justice Through Legal Empowerment* 55 (Global Perspectives on People-Centered Justice: Exploring the Evidence, Matthew Burnett & Rebecca L. Sandefur eds., 2026) abfn.org/people-centered-justice-legal-empowerment.

Advancing People-Centered Justice Through Legal Empowerment

Poorvi Chitalkar* and Abigail Moy†

Introduction

When people are able to know, use, and shape the law—a process known as legal empowerment—they are not only equipped to tackle their immediate justice problems, but also to transform the rules that affect others.¹ Their lived experiences offer unique insights that can make laws and systems more accountable, more effective, and more sustainable. Legal empowerment is closely related to the concept of people-centered justice, which prioritizes empirical data and a deep understanding of people's justice needs when generating solutions to justice challenges and designing fairer and more accessible justice systems.²

This paper explores how legal empowerment advances people-centered justice, with a particular focus on the roles and strategies of community paralegals. Knowledgeable in law and policy, and skilled in organizing and advocacy, community paralegals are at the forefront of most legal empowerment efforts.³

This paper draws on findings from a set of community paralegal efforts across five countries—Kenya, Sierra Leone, Myanmar, India, and Mozambique—which addressed issues related to land and the environment, health, and citizenship.⁴ It also considers a cohort of thirteen participatory action research projects examining effective strategies for using legal empowerment to drive systems change.⁵ The research arises from an initiative co-led by Namati, a global legal empowerment organization, and members of the Grassroots Justice Network, which connects legal empowerment practitioners representing over 4,000 organizations across 189 countries.⁶

1. What is Legal Empowerment?

The justice challenges faced by marginalized communities are complex and multi-dimensional. To meaningfully address these challenges, individuals seeking justice must go beyond formal justice institutions, like courts and police, and engage a broader range of social, cultural, legal, economic, administrative, and political processes. Recognizing this, legal empowerment methods strive to advance justice through interventions designed to help communities understand, use, and shape the law in holistic and creative ways.⁷ Legal empowerment efforts typically share several defining features, which practitioners adapt to fit diverse global contexts.

1.1. Moving beyond legal aid

Traditionally, legal aid is led by legal professionals who rely on formal procedures and complex language that often prevent people from participating meaningfully in a justice process.⁸ In their day-to-day work, legal aid providers tend to address individual cases rather than the root causes of injustice, which does not challenge, and can sometimes reinforce, existing power imbalances.⁹ Legal empowerment, by contrast, combines formal legal tools with community organizing, advocacy, and direct action to help people understand, use, and shape the law. It aims to democratize justice by centering the knowledge, experience, and collective power of ordinary people.¹⁰ This approach reframes justice work: rather than a technical service, justice becomes a participatory process rooted in action.

* Senior Manager, Namati and the Grassroots Justice Network.

† Managing Director, Namati.

1.2. The role of the community paralegal

Community paralegals—also known as barefoot lawyers, community justice workers, or grassroots justice defenders—are central to most legal empowerment efforts.¹¹ Often from the communities they serve, community paralegals accompany individuals through legal processes, help secure remedies, and organize collective action for systemic change. Most community paralegals are affiliated with civil society actors—including non-governmental organizations, community based organizations, or membership associations, such as farmers’ groups or trade unions.¹² Some also serve in state-funded legal aid schemes.¹³ Community paralegals may work as volunteers, while others are paid; many receive varying degrees of support from the groups listed above, in the form of training, funding, equipment, work space, or other resources.¹⁴

Part of community paralegals’ mission is to demystify the law and legal processes while building confidence and knowledge within communities. To further this goal, they offer practical tools for activating rights and overcoming barriers when securing remedies for everyday injustices. Paralegals meet people in physical spaces they already commonly occupy, speak in terms they understand, and present legal information in creative, accessible ways, such as through performance, role play, radio and other mass media, social networks, or community events.¹⁵ By documenting their cases, community paralegals also generate data, grounded in people’s lived experiences, that often reveals patterns of exclusion, corruption, or institutional failure.¹⁶ Community paralegals work to mobilize people to use this evidence to advocate for reforms that address justice problems systemically.¹⁷

While legal empowerment efforts are most commonly associated with community paralegals, a range of actors can fulfill this intermediary role. Activists engaged throughout social movements, trade unions, civil society, government, and other groups are often well-positioned to work with ordinary people to help them claim their rights and use collective action to drive reform. Ultimately, legal empowerment is community-driven.¹⁸ While paralegals and other facilitators are essential, lasting transformation occurs when communities themselves build collective power to challenge and change unjust systems.¹⁹

Case Study: Community Paralegals in Action²⁰

In Sierra Leone, a woman named Binta Jalloh discovered that over 30,000 hectares of land in her chiefdom was leased to a foreign palm oil company for 50 years, without the knowledge or consent of the 22,000 people who lived on that land. The arrangement, if left uncontested, would prohibit Ms. Jalloh and members of her community from farming land that had sustained them for generations. Ms. Jalloh found two community paralegals, who examined the lease and surrounding negotiations. They discovered a number of legal violations committed during the deal, and arranged community meetings to educate residents on what was happening.

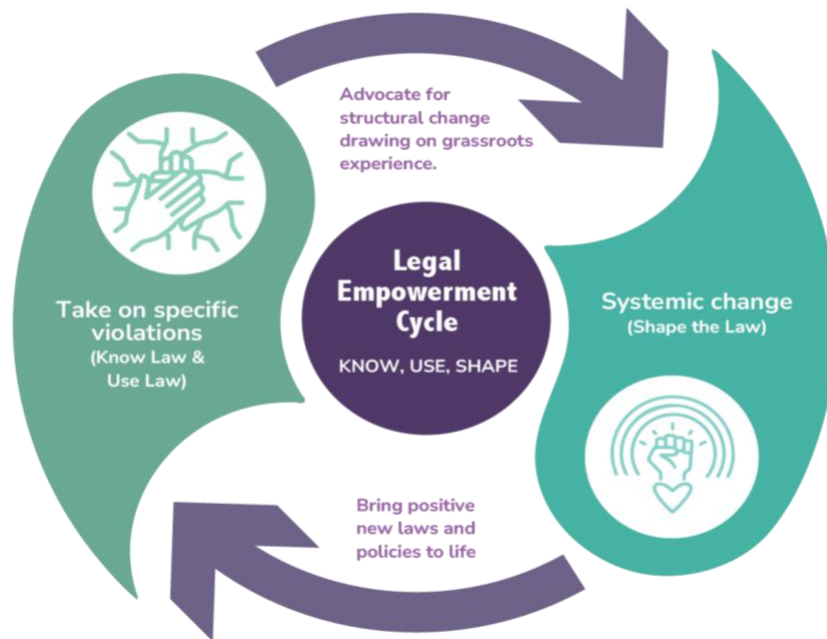
With the support of the paralegals, Ms. Jalloh organized and led a community association that contested the validity of the lease agreement. The paralegals helped members of the association to meet with local government and company officials, equipping them with knowledge of relevant laws and policies during these interactions. Although the company initially dismissed the community's objections, and public officials deployed intimidation tactics, Ms. Jalloh and the association persisted.

After eighteen months of organized, legally-informed resistance, the company acknowledged that its lease was invalid. Some community members renegotiated the development of a portion of the land on their own terms. Others, alongside Mrs. Jalloh, opted for an alternative. They decided to pursue a partnership with the adjacent Gola Rainforest National Park, in which they steward the reserve and promote mixed-crop farming. The two paralegals who supported Ms. Jalloh went on to help communities in the neighboring chiefdom negotiate a lease agreement with the same company, on mutually agreeable terms.

Empowered by these experiences, paralegals and members from a number of communities affected by land grabs came together to advocate for changes in laws pertaining to land use and development. Their advocacy was informed by data and evidence from multiple land grab cases handled and documented by community paralegals over the years.

Their collective action led to the passage of two groundbreaking laws in 2022, which give communities the right to Free Prior Informed Consent (FPIC) over all industrial projects on their lands; establish local land use committees, composed of at least 30% women, to make decisions on how community lands are managed; and ban industrial development in ecologically sensitive areas. Community paralegals in Sierra Leone are now working to bring these laws to life, and ensure that public and private actors comply with their provisions.

1.3. The Legal Empowerment Cycle: Turning the wheel from case work to systemic change



The Legal Empowerment Cycle²¹ illustrates how efforts to resolve individual rights violations can drive systemic change. People begin by using the law to solve specific justice problems, often with the support of a community paralegal. Over time, they build an understanding of how laws, policies, and practices work, and how they may fall short. Meanwhile, the experience of actively tackling problems in their communities builds confidence, credibility, and sense of agency, ultimately cultivating the leadership needed to drive change.²²

As demonstrated by the case study above, the role of the community paralegal is to harness this grassroots learning and leadership. Paralegals mobilize people seeking justice and allies to advocate for structural changes that are informed by their data and lived experiences. Through this approach, legal empowerment promotes citizen engagement, evidence-based reforms aimed at more accountable and responsive institutions, and solutions that take aim at the sources of injustice.

2. Legal Empowerment as a Pathway to People-Centered Justice

Achieving people-centered justice requires action on both the "supply-side" of justice systems (*i.e.*, well-functioning institutions), as well as the "demand-side" of justice (*i.e.*, increasing the ability of citizens to access remedies and exercise rights).²³ Community paralegals strengthen the demand side by empowering citizens to access remedies, demand accountability, identify systemic patterns or failures, advocate for reform, and seek collective solutions. At the same time, community paralegals use data from solving lived problems to inform improvements on the supply side—whether changes in law and policy, improvements in institutional practice, or shifts in prevailing social norms.²⁴ Together, these efforts bridge everyday problem-solving with structural transformation, ensuring that justice systems become more accessible, responsive, and grounded in people's lived realities.²⁵ In this section, we explore how legal empowerment works in these two interrelated dimensions of people-centered justice.

2.1. Knowing and using the law: Building community power

Legal empowerment often begins by helping communities to know and understand the law. Community paralegals focus on education as the foundation for legal awareness, working to explain the law in language communities

can understand, and to recast law as a tool that everyone can use. Embedded in the communities they serve, they act as a bridge between people's lived experiences and formal legal systems.²⁶ With legal knowledge, community members can help themselves and others solve problems: communities understand their rights, know their options for taking action, and are aware of which institutions can assist them.

In Kenya, for example, marginalized groups such as Nubians and Somali Kenyans were subject to ethnic vetting committees and complex bureaucratic processes that often led to the arbitrary denial of legal identity documents, which in turn prevented them from accessing education, opening bank accounts, qualifying for gainful employment, or traveling abroad.²⁷ Community paralegals from these groups helped their community members obtain birth certificates and ID cards.²⁸ Paralegals spread legal awareness through door-to-door outreach, community forums, and a weekly rights-based community radio show that facilitated broader dialogue on citizenship rights.²⁹ In addition, they took on individual cases, helping community members to not only understand national processes for securing legal identity, but also to build their critical consciousness, so that they could perceive the power dynamics at play, and take action to address them.³⁰ By 2021, community paralegals had supported over 30,000 people in securing identity documents, while empowering communities to challenge systemic biases and advocate for reform.³¹

To solve their grassroots “cases,” community paralegals gather evidence to understand the problem and identify “legal hooks”—specific rules or provisions that can be invoked to demand redress.³² Together, paralegals and justice seekers (community members who take action to secure remedies for rights violations) then approach the institutions responsible for upholding or protecting rights, using formal complaints and other forms of direct action to compel a response. Engaging with the law in this way deepens justice seekers’ understanding of how legal systems operate in practice.³³

In the Kenyan example, community paralegals used legal hooks from national and international jurisprudence that established protections for citizenship, equality, and non-discrimination. These included decisions by the African Committee of Experts on the Rights and Welfare of the Child and the African Commission on Human and People’s Rights³⁴—both relating to statelessness and discrimination in access to nationality—as well as constitutional principles, laws, domestic courts cases, gazette notices, and service charters. These sources were cited to government officials when pushing for fairer, faster outcomes in applications for legal identity, and explained to justice seekers so they could argue their cases with greater confidence.³⁵

When helping communities know and use the law, community paralegals are driving towards four key outcomes: (1) rights awareness and legal knowledge; (2) a sense of agency, meaning the feeling that a person can make a difference through their actions; (3) public spiritedness, meaning a person’s willingness to help others facing a similar problem; and (4) critical consciousness, meaning the recognition that a rights violation is part of a broader pattern of injustices, often designed to benefit the powerful.³⁶

Accordingly, in Kenya, community paralegals looked beyond individual cases and sought to foster solidarity and critical consciousness among justice seekers. In the course of assisting justice seekers with their cases, paralegals helped them to understand that their struggles were not isolated incidents, but rather part of a pattern of discrimination that affected many groups, including Nubians, Somali-Kenyans, and other communities. Community paralegals also recruited “community ambassadors” from the ranks of justice seekers. These ambassadors agreed to step beyond their individual case and take action to address the greater systemic issue, either by sharing their story with public officials and courts, organizing community forums, or bringing others into the movement. In so doing, community paralegals helped people facing discriminatory vetting across Kenya to recognize systemic injustice, take up leadership roles, and organize collectively.³⁷

2.2 Shaping the law: Using data and community power to drive systems change

The process of helping individuals or groups navigate administrative systems, resolve disputes, or claim entitlements not only offers immediate remedies and strengthens people’s capacity to organize, but also generates evidence about recurring injustices.

Community paralegals collect data on cases, including the nature of the violations, steps taken to resolve them, and responses from government institutions. When aggregated, this data provides a map of how current laws function in reality—highlighting parts of the system that work and those that do not. The work also reveals patterns of violations, which paralegals and community members may then make visible to others, and use to inform advocacy toward broader institutional and systemic change.

Legal empowerment efforts employ a range of complementary strategies to translate local struggles into structural reforms. These include strategic litigation, policy advocacy, direct action, and community-led data collection, all of which help to push for reforms in laws, policies, and institutional practices that respond to the lived realities of communities most impacted by injustice.³⁸ In Kenya, community paralegals built on organizing and that emerged from years of casework and community education, to lift the issue of exclusion in nationality rights onto the national stage.³⁹ Their advocacy featured data from community paralegal cases that tracked the breadth of discrimination across the country—from Nubians in Nairobi and Kenyan Somalis in the Northeast, to Swahilis, Arabs, stateless communities on the Kenyan Coast—in addition to community-driven petitions and testimony before Parliament.⁴⁰ Through campaigning and coalition-building, a growing movement raised public consciousness around the problem of discriminatory vetting. It became a matter of debate during the 2022 general elections, leading the incoming administration to adopt the matter of marginalization in identity documents as a priority. In February 2025, Kenya’s President William Ruto signed an executive order abolishing the discriminatory practice of vetting for national identity documents, marking a groundbreaking victory for grassroots communities and legal empowerment groups across Kenya.⁴¹

There are several distinct but interconnected forms of systems change that may be achieved through legal empowerment. These include: (1) changes in law and policy, where sustained advocacy leads to formal legal or regulatory reform; (2) changes in institutional practice, in which state agencies alter implementation procedures or improve responsiveness to marginalized communities; and (3) changes in social norms, where collective action redefines how justice is understood and claimed in society.⁴² Each form of change represents a different layer of transformation—legal, administrative, and cultural—that together reshape the justice ecosystem.

In Mozambique, for instance, community paralegals focusing on health rights regularly engaged with actors within the Ministry of Health to iteratively improve institutional practice and policy.⁴³ Paralegals gathered case data on recurring problems such as bribery, inadequate infrastructure, provider performance, and drug availability. The aggregated data served as the basis for policy recommendations at the national level, ultimately influencing guidance disseminated by the Ministry of Health to hospitals, national training content, and a revised national policy on “quality and humanization” of health services.⁴⁴

A recent comparative analysis of 30 legal empowerment organizations across 17 countries mapped the pathways from grassroots legal empowerment efforts (also called “casework”) to systems change.⁴⁵ The analysis highlights multiple strategies through which legal empowerment actors pursue these forms of change. One central approach, illustrated by the examples above, involves “turning the wheel”—using multiple grassroots cases to build evidence, uncover systemic patterns, and advocate for reform.⁴⁶ This approach typically targets administrative institutions that communities can engage directly without the need for a lawyer. Strategic litigation serves as another powerful pathway, converting individual cases into legal precedents that drive broader policy and procedural change.⁴⁷ Another pathway involves efforts to create and expand spaces for public participation and institutionalize community voices within governance systems.⁴⁸ Yet another pathway capitalizes on collaboration with state agencies to enable reform from within.⁴⁹ This is achieved by cultivating internal champions who embed rights-based practices in public administration, promoting dialogue between government and communities, and seeking opportunities for coordination. Finally, alliances with social movements amplify local justice struggles into collective campaigns that reshape power relations and demand accountability at scale.⁵⁰ Together, these strategies illustrate how legal empowerment practitioners move beyond resolving individual disputes in their effort to transform underlying laws, institutions, and norms.

Across these diverse contexts, a consistent insight emerges: systems change is not a singular event but a cumulative process, driven by the iterative relationship between grassroots action and institutional reform.⁵¹ Legal empowerment efforts achieve their transformative potential when they enable ordinary people to use the law not only to solve problems, but also to reshape the structures that produce injustice.

3. Impact of Legal Empowerment

In this section, we review evidence of the impact of legal empowerment across three dimensions: (1) legal capability, or the impact of legal empowerment in increasing the knowledge, confidence and ability to take action to influence change;⁵² (2) the impact of legal empowerment in closing the justice gap by securing remedies; and (3) the impact in terms of systems change, meaning positive changes to laws, policies and institutional practice that address the root causes of injustice.

3.1. Legal capability and empowerment

Legal capability refers to the ability of people to know and use the law to resolve their justice problems.⁵³ The Organisation for Economic Cooperation & Development (OECD) defines legal capability along three dimensions:⁵⁴

- Legal confidence: confidence on the part of participants that they could personally achieve a fair and positive outcome in legal scenarios;
- Legal self-efficacy: a belief on the part of participants that they could personally handle difficult situations in a legal context; and
- Accessibility of justice: The degree to which someone thinks the justice system is accessible.

To assess the outcomes of legal empowerment, Namati recently conducted interviews with 95 justice seekers across India, Kenya, and Myanmar who had received the support of community paralegals.⁵⁵ The findings reveal significant improvements across the different dimensions of legal capability resulting from community paralegal efforts. They are summarized in Table 1 below:

Table 1. Outcomes of legal empowerment among justice seekers in India, Kenya, and Myanmar

Outcome	Description	Percentage of Justice Seekers
Legal knowledge	Built a deeper working knowledge of the law	84%
Process understanding	Could cite at least some of the key steps in the legal or administrative process	100%
Institutional awareness	Had at least some understanding of the government institutions responsible for addressing their issues	97%
Confidence in engagement	Reported a greater sense of confidence engaging government officials, gained through action in their cases	90%
Community support and leadership	Were willing to help others, or had already helped others facing a similar justice problem	92%

These findings are in accord with evidence included in a 2017 meta-narrative review of civil society-led legal empowerment efforts.⁵⁶ Across the 199 evaluation studies surveyed, 92 reported increased legal knowledge.⁵⁷ Increases in legal knowledge were common in community-based paralegal programs (64%) suggesting that practical engagement with law helps participants internalize rights and procedures.⁵⁸ Sixty-eight percent of studies also reported a positive impact in terms of confidence and leadership.⁵⁹

3.2. Remedies

Legal empowerment helps close the justice gap by effectively converting legal knowledge and agency into real-world redress, while engaging diverse institutions beyond the judiciary to secure justice outcomes.

The meta-narrative review found that 73 of the 199 evaluation studies surveyed reported successful acquisition of a legal remedy or entitlement.⁶⁰ These outcomes were achieved through engagement with formal courts, ombudsman offices, regulatory agencies, and service delivery institutions, among others. For example, in Mexico, where the NGO CADHAC helped prisoners use right-to-information laws to access their behavioral records, over 40% of assisted prisoners subsequently achieved early release.⁶¹ Legal literacy and paralegal support also enabled women in Bangladesh⁶² and sub-Saharan Africa to challenge discriminatory practices and secure land or family rights.⁶³

Using legal empowerment to advance land rights, community paralegals have supported sub-Saharan African communities through processes of protecting and documenting community lands.⁶⁴ A study across Liberia, Mozambique, and Uganda used a randomized controlled trial to compare three approaches—full legal services by lawyers, community-based paralegal support, and rights education only—against a control group.⁶⁵ It found that communities supported by paralegals advanced furthest in documenting their lands, completing on average 58% of required steps, compared to 50% for education-only groups, 34% for full legal services, and 19% for the control.⁶⁶ The paralegal model proved most effective because it fostered local ownership, strengthened problem-solving, and built community capacity.⁶⁷ Beyond progress toward formal documentation, the process also generated wider impacts: communities peacefully resolved longstanding land disputes,⁶⁸ developed transparent local governance through written bylaws and land management plans,⁶⁹ and improved accountability of leaders.⁷⁰ Women's participation and rights were also strengthened, as communities adopted new rules ensuring women's representation and protecting their land and inheritance claims.⁷¹

Evidence also shows that legal empowerment improves the social and structural determinants of health.⁷² A meta-narrative review of literature in 2018 explored the documented impact of diverse legal empowerment approaches on the health of marginalized populations.⁷³ Among others, interventions examined by the review included community paralegal programs serving Roma communities in Macedonia,⁷⁴ urban communities in Nicaragua,⁷⁵ and survivors of gender-based violence in Tanzania;⁷⁶ legal empowerment workshops within rights-based HIV prevention programs for female sex workers in India;⁷⁷ and the integration of legal aid and rights awareness into health services for patients with HIV and survivors of gender-based violence in Kenya.⁷⁸ The meta-narrative review found that legal empowerment programs increase legal literacy, reduce stigma and discrimination, and enhance access to health and justice services.⁷⁹ Participants in legal empowerment programs reported improved health behaviors, such as more consistent condom use, higher rates of HIV testing, and reduced exposure to violence.⁸⁰ Structural outcomes also included improved relations with police, policy reforms, and better integration of legal and health services.⁸¹

3.3. Systems change

Legal empowerment interventions are designed not only to help close the justice gap by securing remedies for people's justice problems, but also to drive changes to laws, policies and institutional practices that reinforce injustice.

A new study, mapping the evidence from 13 participatory action research projects in 17 countries, documents the different pathways by which grassroots casework can escalate into structural reform.⁸² The examples below come from community-based paralegal organizations that work alongside affected communities to turn everyday justice problems into pathways for systems change.

- In Argentina, [the] Asociación Civil por la Igualdad y la Justicia equipped residents of informal settlements along the Matanza-Riachuelo River Basin—one of Argentina's most polluted waterways—to both address specific environmental hazards as well as secure inclusive, participatory urban development policies.
- In Malawi, [the] Southern Africa Litigation Centre and the Centre for Human Rights Education, Advice and Assistance have helped sex workers, informal traders, street-connected children, and other marginalized groups use existing institutional mechanisms to address cases of police abuse, while also fostering dialogue between these groups and law enforcement to change the culture of impunity.

- In Indonesia, . . . the Indonesian Legal Aid Foundation partnered with farmers to reclaim land lost under the Suharto regime, while using legal empowerment strategies to support a broad social movement of farmers, workers, and students aiming to protect and deepen democracy in the country.⁸³

And as described earlier in this paper, in Kenya, community paralegals, local residents, and their civil society allies drew on years of grassroots legal empowerment—combining data, lived experience, leadership, and collective action—to abolish a discriminatory vetting process that had denied millions of Muslim and other marginalized Kenyans fair access to national IDs and citizenship.⁸⁴

In the current global context of rising authoritarianism, democratic backsliding, and shrinking civic space, legal empowerment initiatives have emerged as critical mechanisms for defending and strengthening democratic governance.⁸⁵ Based on comparative evidence from 25 community paralegals and civil society organizations across 18 countries, a recent study distilled a “Playbook of Justice”—a framework outlining the strategies that legal empowerment practitioners use to challenge repressive laws, address rights violations, and deepen democracy by building community power, forging alliances, and partnering with social movements.⁸⁶

4. Recommendations for Further Research and Learning

While a compelling body of evidence shows how legal empowerment is a powerful pathway toward people-centered justice, much remains to be learned. We see three frontiers for further research and learning, touching on impact, field-level strategic learning questions, and infrastructure for scaling.

4.1. Impact

Despite numerous qualitative accounts of success, the evidence base regarding the impact of legal empowerment remains uneven. Emerging empirical work on the impact of legal empowerment on legal capability and empowerment at the community level is compelling. However, there is a need to systematically generate comparable evidence across a wider range of grassroots legal empowerment initiatives in order to build a more comprehensive evidence base on impact.

Several other areas merit deeper inquiry. First, there is a need to examine the potential impact of legal empowerment under repressive or authoritarian regimes, where civic space is restricted and justice actors face heightened risks. More research on defensive wins or the ability to prevent rollbacks would also be valuable. Second, researchers should seek to further map the pathways from grassroots casework to systemic change, identifying how localized problem-solving can lead to institutional reform and shifts in governance norms. Finally, exploring the linkages between legal empowerment and development outcomes—including livelihoods, health, and gender equity—can illuminate how justice contributes to broader dimensions of human well-being.

4.2. Field-level strategic learning questions

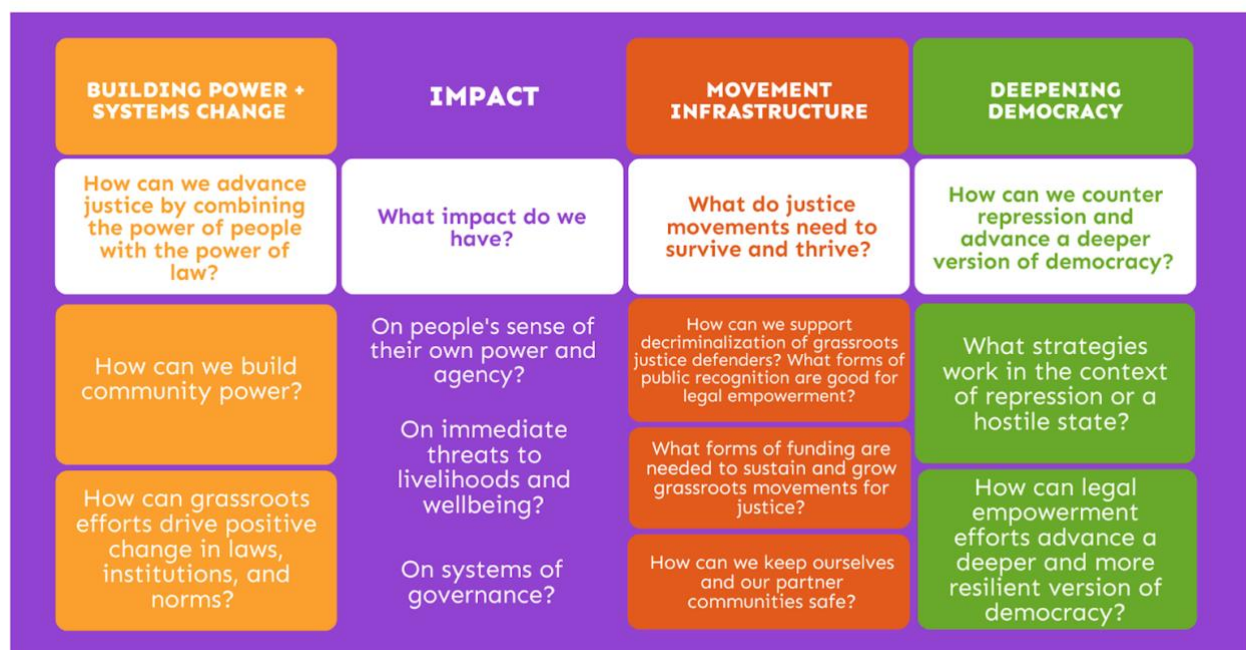
A second frontier concerns advancing collective learning on how legal empowerment contributes to structural and systemic transformation.⁸⁷ Translating grassroots advocacy into broader reforms that advance justice at scale remains a live challenge in the field. Understanding “what works” in this process requires testing and documenting strategies that combine legal action with community organizing, social movement building, and participatory governance.

Closely linked to this is the question of movement infrastructure. Sustainable progress toward justice demands lasting structures for community organizing and collective action.⁸⁸ Public recognition of community-based justice work,⁸⁹ innovative financing mechanisms,⁹⁰ and enhanced protections for justice defenders⁹¹ are all vital to the long-term viability of movements for social and environmental justice, from the community to global levels. To advance people-centered justice, we must improve our understanding of the optimal conditions under which legal empowerment can thrive.

Furthermore, in the current global context of democratic erosion and closing civic spaces, legal empowerment is serving as a tool for defending democracy. It represents a form of participatory governance in which ordinary people use

the law to make institutions more responsive and accountable. Yet this work is increasingly difficult and dangerous, calling for new strategies that balance advocacy with safety and resilience.⁹² As the work rapidly evolves, further research is needed into the role and impact of legal empowerment in deepening democracy in various contexts.

Image 1. Field-level strategic learning questions being explored under the Learning Agenda for Legal Empowerment⁹³



4.3. Infrastructure for learning and scaling impact

Finally, evidence and knowledge—while essential—are insufficient on their own to achieve people-centered justice. There is an urgent need not only to generate cutting-edge insights but also to institutionalize mechanisms for applying knowledge to practice.⁹⁴ In response to this need, Namati and members of the Grassroots Justice Network are establishing the Grassroots Justice Network Academy, which will bring together research, learning, and practice to grow and deepen the global movement for grassroots justice.⁹⁵ Evidence suggests that participation in peer learning networks enhances the effectiveness and resilience of community paralegals, particularly in contexts of repression and democratic backsliding.⁹⁶ Building this global infrastructure for continuous learning represents a crucial next step in expanding the reach and impact of legal empowerment worldwide.

Conclusion

This paper has argued that legal empowerment offers a concrete and effective pathway to advancing people-centered justice. By equipping individuals and communities to know, use, and shape the law, legal empowerment strengthens both the demand and supply sides of justice—enhancing people's capacity to resolve their own problems while also improving the delivery and responsiveness of justice services. Through community paralegals and other grassroots justice actors, legal empowerment translates everyday struggles into data, evidence, and advocacy that drive systemic reforms. In doing so, it not only secures remedies for individuals but transforms institutions, policies, and norms so that they better reflect and respond to people's lived realities.

Yet, despite a growing evidence base, much remains to be understood about the mechanisms through which legal empowerment produces change. Further research is essential to deepen understanding of its strategies, pathways, and

impacts—particularly qualitative and participatory studies that can capture the nuances of practice, context, and adaptation. Such research should illuminate how community-led efforts link individual casework to structural transformation, and how these processes operate in diverse and often repressive political environments.

Equally important, research on legal empowerment must itself be people-centered. Academic inquiry should not merely observe grassroots practice but engage with it—grounding analysis in the lived experience of practitioners and justice seekers, co-producing evidence, and contributing to collective power. Building a people-centered and people-powered knowledge ecosystem is essential to sustaining and scaling legal empowerment efforts. By aligning research with the core principles of participation, inclusion, and empowerment, scholars and practitioners together can advance a vision of justice that is not only accessible in form, but transformative in function.

* * *

Poorvi Chitalkar is a Senior Manager at Namati and the Grassroots Justice Network, where she leads efforts to generate new knowledge and evidence from practitioner-led learning on how grassroots justice can deepen democratic governance. She supports grassroots justice practitioners to test new strategies and strengthen their impact, while contributing to the growth of the global legal empowerment movement. Poorvi is the host and producer of the podcast A Common Pot: Stories and Recipes for Grassroots Justice, and has authored The Playbook of Justice: How Legal Empowerment Efforts are Fighting Repression and Deepening Democracy. Previously, she worked at the Global Centre for Pluralism, Canada's International Development Research Centre, and the Office of the Ontario Ombudsman, and practiced law in India. Poorvi holds law degrees from the University of Toronto in Canada and Symbiosis University in India.

Abigail Moy is Managing Director at Namati, an international organization that advances justice by building a movement of people who know, use, and shape the law. At Namati, Abigail led the launch and growth of the Grassroots Justice Network, the world's largest community of justice defenders, representing 4000+ organizations from 190 countries. Prior to joining Namati, Abigail worked with access to justice programs at the World Bank, The Asia Foundation, Fundación Soros-Guatemala, and Timap for Justice. She clerked in the Northern District of Illinois, served in the Office of the Legal Adviser at the United States Department of State, and worked in the New York office of White & Case, LLP. Abigail was awarded a Fulbright Fellowship, graduated cum laude from Harvard Law School, and holds a master's degree in law and development from the Fletcher School of Law and Diplomacy.

¹ Erin Kitchell, GRASSROOTS JUSTICE: PATHWAYS TO SYSTEMS CHANGE (2024), <https://grassrootsjusticenetwork.org/resources/grassroots-justice-pathways-to-systems-change/>.

² Adrian Di Giovanni & Maaiké De Langen, *People-Centered Justice in International Assistance: Rule-of-Law Path Dependencies or New Paths to Justice for All?*, 39 CAN. J.L. & SOC'Y 383 (2024), <https://www.cambridge.org/core/journals/canadian-journal-of-law-and-society-la-revue-canadienne-droit-et-societe/article/peoplecentered-justice-in-international-assistance-ruleoflaw-path-dependencies-or-new-paths-to-justice-for-all/8D9110386A4EE1FDCBCD7890A580E51>.

³ Vivek Maru & Varun Gauri, *COMMUNITY PARALEGALS AND THE PURSUIT OF JUSTICE* (Cambridge Univ. Press 2018), <https://www.cambridge.org/core/books/community-paralegals-and-the-pursuit-of-justice/219EB6294721B11BB25B1C8A3A2ACE29>.

⁴ Aisha Khagai et al., *POWER UP: LESSONS FROM TWELVE YEARS OF ORGANIZING WITH COMMUNITY PARALEGALS* (2025), <https://namati.org/publications/power-up-lessons-from-twelve-years-of-organizing-with-community-paralegals/>.

⁵ *Action Research Projects*, GRASSROOTS JUSTICE NETWORK, <https://grassrootsjusticenetwork.org/learn/learning-agenda/action-research-projects/> (last visited Dec. 3, 2025).

⁶ *What Is Legal Empowerment?*, GRASSROOTS JUSTICE NETWORK, <https://grassrootsjusticenetwork.org/learn/learning-agenda/> (last visited Jan. 21, 2026).

⁷ U.N. Office on Drugs & Crime ("UNODC") & U.N. Dev. Programme ("UNDP"), *Global Study on Legal Aid: Global Report 42* (2016), https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Global_Study_on_Legal_Aid_-_FINAL.pdf.

⁸ Ariadna M. Godreau-Aubert, *Lawyering in Times of Peril: Legal Empowerment and the Relevance of the Legal Profession*, 97 N.Y.U. L. REV. 1599 (2022). *relevance of the legal profession*, 97(6) N.Y.U. L. REV. 1599 (2022).

⁹ *Id.* at 1618.

¹⁰ Maru & Gauri, *supra* n. 3, at 2-5.

¹¹ *Id.* at 2-3.

¹² Grassroots Justice Network, *THE CASE TO FUND AND PROTECT GRASSROOTS JUSTICE DEFENDERS 5* (Jan. 2019) https://grassrootsjusticenetwork.org/wp-content/uploads/2019/01/Justice-For-All_Policy-Brief_MedRes_5.31.2019.pdf; Grassroots Justice Network, *How to Develop a Community Paralegal Program*, <https://grassrootsjusticenetwork.org/resources/developing-a-community-paralegal-program/> (last visited Jan. 20, 2026).

¹³ Int'l Dev. Law Org. ("IDLO"), NAVIGATING COMPLEX PATHWAYS TO JUSTICE: COMMUNITY PARALEGALS AND CUSTOMARY AND INFORMAL JUSTICE 10 (2021), https://www.idlo.int/sites/default/files/paralegals_and_cij_final.pdf; Bernstein Inst. for Hum. Rts., *Exclusion in Practice: A Human Rights Analysis on the Legal Barriers to Advancing Community Justice* 34-36 (2024), <https://www.law.nyu.edu/sites/default/files/Exclusion%20in%20Practice%20Report%20v4-compressed.pdf>.

¹⁴ IDLO, NAVIGATING COMPLEX PATHWAYS TO JUSTICE, *supra* at 10.

¹⁵ Outreach and accessibility are especially important with marginalized or isolated populations, like survivors of gender-based violence or sex workers. The Legal Empowerment Network & Themis et al., GENDER JUSTICE DURING AND BEYOND THE COVID-19 CRISIS: INSTITUTIONAL RESPONSES TO GENDER-BASED VIOLENCE AND THE ROLE OF LEGAL EMPOWERMENT GROUPS 32-35 (2021), <https://namati.org/wp-content/uploads/2023/09/Gender-Justice-COVID19-EN.pdf>; Open Soc'y Founds., MAKING THE LAW WORK FOR PEOPLE: A HANDBOOK ON LEGAL EMPOWERMENT AND INCLUSIVE INNOVATION 5-7 (2021), <https://www.opensocietyfoundations.org/publications/making-the-law-work-for-people>.

¹⁶ Ellie Feinglass et al., *Transforming Policy into Justice: The Role of Health Advocates in Mozambique*, 18(2) HEALTH & HUM. RTS. 233, 243 (2016), <https://pubmed.ncbi.nlm.nih.gov/28559689/>.

¹⁷ Kitchell, *supra* n. 1, at 46-47.

¹⁸ Khagai et al., *supra* n. 4, at 8-9.

¹⁹ *Id.*

²⁰ Akhila Kolisetty, *Case Study: Stopping a Land Grab in Sierra Leone*, in SDG 16 Data Initiative, SDG 16 AS A KEY VECTOR FOR ELIMINATING POVERTY (2024), <https://www.idea.int/democracytracker/sites/default/files/2024-12/SDG%2016%20Data%20Initiative%20Report%202024.pdf>; Namati, *People Rising: Beside the Water* (Apr. 24, 2023), <https://www.youtube.com/watch?v=I53mUJMoIEso>.

²¹ Kitchell, *supra* n. 1, at 12.

²² *Id.* at 11, 16-18.

²³ Grassroots Justice Network, THE CASE TO FUND AND PROTECT GRASSROOTS JUSTICE DEFENDERS, *supra* n. 12, at 3.

²⁴ *Id.* at 5.

²⁵ IDLO, *supra* n. 13, at 6.

²⁶ *Id.* at 24.

²⁷ Kenya Nat'l Comm'n on Human Rights, AN IDENTITY CRISIS? A STUDY ON THE ISSUANCE OF NATIONAL IDENTITY CARDS IN KENYA (2007), <https://www.knchr.org/Portals/0/EcosocReports/KNCHR%20Final%20IDS%20Report.pdf>.

²⁸ Namati, *Securing Citizenship Rights in Kenya and Bangladesh*, <https://namati.org/ourwork/citizenship/> (last visited Jan. 20, 2026).

²⁹ Interview with Mustafa Mahmoud & Aisha Khagai (Jan. 23, 2026).

³⁰ *Id.*

³¹ Namati, *Securing Citizenship Rights in Kenya and Bangladesh*, *supra*.

³² Kitchell, *supra* n. 1, at 21.

³³ IDLO, *supra* n. 13, at 10.

³⁴ *Institute for Human Rights and Development in Africa and Open Society Justice Initiative on behalf of children of Nubian Descent in Kenya v. The Government of Kenya*, The African Committee of Experts on the Rights and Welfare of the Child, Decision No 002/Com/002/2009 (Mar. 22, 2011), https://www.worldcourts.com/acerwc/eng/decisions/2011.03.22_Children_of_Nubian_Descent_v_Kenya.pdf; *The Nubian Community in Kenya v. The State of Kenya*, The African Commission on Human and Peoples' Rights, Communication 317/06, <https://caselaw.ihrda.org/api/files/1511195619029zj4317vaarfe3fqrdnecow29.pdf>.

³⁵ Interview with Mustafa Mahmoud & Aisha Khagai (Jan. 23, 2026).

³⁶ Khagai et al., *supra* n. 4, at 25.

³⁷ Khagai et al., *supra* n. 4, at 33, 35-40; Mustafa Mahmoud & Aisha Khagai, interview by author, January 23, 2026.

³⁸ Kitchell, *supra* n. 1, at 27-51.

³⁹ Namati, *We dreamed it. We did it. Kenya Abolishes ID Vetting*, <https://namati.org/news-stories/we-dreamed-it-we-did-it-kenya-abolishes-id-vetting/> (last visited Jan. 20, 2026); Mustafa Mahmoud & Aisha Khagai, interview by author, January 23, 2026.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² Kitchell, *supra* n. 1, at 9-10.

⁴³ Feinglass et al., *supra* n. 16, at 240-44.

⁴⁴ *Id.* at 243-44.

⁴⁵ Kitchell, *supra* n. 1.

⁴⁶ *Id.* at 28-32.

⁴⁷ *Id.* at 33-35.

⁴⁸ *Id.* at 36-41.

⁴⁹ *Id.* at 42-45.

⁵⁰ *Id.* at 47.

⁵¹ *Id.* at 52.

⁵² Legal Services Board, RESHAPING LEGAL SERVICES TO MEET PEOPLE'S NEEDS: AN ANALYSIS OF LEGAL CAPABILITY (2020), <https://legalservicesboard.org.uk/wp-content/uploads/2020/02/PLE-Reshaping-Legal-Services.pdf>.

⁵³ Org. for Econ. Coop. & Dev. ("OECD") & Open Soc'y Founds., MAKING JUSTICE SYSTEMS MORE EFFECTIVE AND PEOPLE CENTRED: ADVANCING A RESPONSIVE RULE OF LAW 38 (OECD Publishing, 2025), <https://doi.org/10.1787/e02fd90b-en>.

⁵⁴ OECD, LEGAL NEEDS SURVEYS AND ACCESS TO JUSTICE (2019), https://www.oecd.org/content/dam/oecd/en/publications/reports/2019/05/legal-needs-surveys-and-access-to-justice_g1g9a36c/g2g9a36c-en.pdf.

⁵⁵ Khagai et al., *supra* n. 4, at 20.

⁵⁶ Laura Goodwin & Vivek Maru, *What Do We Know About Legal Empowerment? Mapping the Evidence*, 9 HAGUE J. RULE L. 157 (2017), <https://link.springer.com/article/10.1007/s40803-016-0047-5#Sec9>.

⁵⁷ *Id.* at 175.

⁵⁸ *Id.*

⁵⁹ *Id.* at 173.

⁶⁰ *Id.* at 176.

⁶¹ *Id.*

⁶² Craig Valters & Ferdous Jahan, *Women and power: Mediating community justice in rural Bangladesh*, OVERSEAS DEVELOPMENT INSTITUTE (2016), <https://media.odi.org/documents/10291.pdf>; Muhammad Ragil & Hakim Malik, *Role of Paralegal in Providing Access to Justice for the Poor: Comparing Indonesia and Malaysia*, THE INDONESIAN JOURNAL OF CLINICAL LEGAL EDUCATION, (2022), <https://doi.org/10.15294/iccle.v4i2.36545>.

⁶³ Janine Ubink, *How to combine tradition and modernity? Regulating customary land management in Ghana*, 25(2) LAND USE POLICY 198 (2008), <https://www.sciencedirect.com/science/article/abs/pii/S0264837707000622>.

⁶⁴ Rachael Knight et al., PROTECTING COMMUNITY LANDS AND RESOURCES: EVIDENCE FROM LIBERIA, MOZAMBIQUE AND UGANDA (2012), https://namati.org/wp-content/uploads/2023/09/protecting_community_land_resources_Final_LR.pdf.

⁶⁵ *Id.* at 10.

⁶⁶ *Id.* at 17.

⁶⁷ *Id.* at 10.

⁶⁸ *Id.*

⁶⁹ *Id.* at 172.

⁷⁰ *Id.* at 9.

⁷¹ *Id.* at 20.

- ⁷² Open Soc'y Found., BRINGING JUSTICE TO HEALTH: THE IMPACT OF LEGAL EMPOWERMENT PROJECTS ON PUBLIC HEALTH (2013).
- ⁷³ Katherine Footer et al., *A Meta-Narrative Literature Synthesis and Framework to Guide Future Evaluation of Legal Empowerment Interventions*, 20(2) HEALTH & HUM. RTS. 69 (2018).
- ⁷⁴ Alpha Abdikeyeva et al., *Assessing Legal Advocacy to Advance Roma Health in Macedonia, Romania, and Serbia*, 20(5) EUROPEAN JOURNAL OF HEALTH LAW 471-86 (2013), <https://doi.org/10.1163/15718093-12341297>.
- ⁷⁵ Maurits Barendrecht et al., *Impact Assessment of the Facilitadores Judiciales Programme in Nicaragua*, in DEVELOPMENT ASSISTANCE FOR PEACEBUILDING (Routledge 2017), <https://www.taylorfrancis.com/reader/download/9b122223-ce0e-46b1-82ac-70f72dfb59d6/chapter/pdf?context=ubx>.
- ⁷⁶ Henry H. Kigodi, *Paralegal services and the fight against gender-based violence and other gendered injustices in Tanzania*, (2013) (Master's thesis, University of Bergen, Faculty of Psychology, Department of Health Promotion and Development), <https://nva.sikt.no/registration/0198f200e961-eb46d1f6-2bb4-45a3-8420-33a67c4d999d>.
- ⁷⁷ Tara Beattie et al., *Community mobilization and empowerment of female sex workers in Karnataka state, south India: Associations with HIV and sexually transmitted infection risk*, 104(8) AMERICAN JOURNAL OF PUBLIC HEALTH 1516 (2014), <https://pmc.ncbi.nlm.nih.gov/articles/PMC4103234/>.
- ⁷⁸ Sofia Gruskin et al., *Access to justice: evaluating law, health and human rights programmes in Kenya*, 16(3 Suppl 2) J INT AIDS Soc'y 18726 (Nov. 13, 2013), <https://onlinelibrary.wiley.com/doi/epdf/10.7448/IAS.16.3.18726>.
- ⁷⁹ Footer et al., *supra* at 76-77.
- ⁸⁰ *Id.*
- ⁸¹ Marta L. Schaaf, *Social Accountability and Legal Empowerment for Quality Maternal Health Care* (June 10, 2018) (D.Ph. thesis, Mailman School of Public Health, Columbia University), <https://academiccommons.columbia.edu/doi/10.7916/D8612GRN>.
- ⁸² Kitchell, *supra* n. 1, at 8.
- ⁸³ *Id.* at 6.
- ⁸⁴ Human Rights Watch & Haki na Sheria, *Victory for Kenyans Denied Citizenship*, HUMAN RIGHTS WATCH (Feb. 26, 2025), <https://www.hrw.org/news/2025/02/26/victory-kenyans-denied-citizenship>; Namati, *We dreamed it. We did it. Kenya Abolishes ID Vetting*, *supra* n. 39.
- ⁸⁵ Julie Delahanty, *How legal empowerment can help solve the crisis of democracy*, INT'L DEV. RESEARCH CTR., <https://idrc-crdi.ca/en/perspectives/how-legal-empowerment-can-help-solve-crisis-democracy> (last visited Jan. 21, 2026); Meg Satterthwaite, UN Special Rapporteur on the Independence of Judges and Lawyers, *The Promise of Legal Empowerment in Advancing Access to Justice for All*, UN Doc. A/78/171 (July 13, 2023), <https://docs.un.org/en/A/78/171>; Vivek Maru, *Give the People the Law*, DEMOCRACY JOURNAL (2021), <https://democracyjournal.org/arguments/give-the-people-the-law/>; David Steven et al., *Justice in a Pandemic - Briefing Three: Justice for All and the Social Contract in Peril*, CENTER ON INTERNATIONAL COOPERATION (2021), <https://www.justice.sdg16.plus/>.
- ⁸⁶ Poorvi Chitalkar, *THE PLAYBOOK OF JUSTICE: HOW LEGAL EMPOWERMENT EFFORTS ARE FIGHTING REPRESSION AND DEEPENING DEMOCRACY* (2024), at <https://grassrootsjusticenetwork.org/resources/playbook-of-justice/>.
- ⁸⁷ Namati and the Grassroots Justice Network are supporting research and learning on these field-level strategic questions through the learning agenda for legal empowerment. See Grassroots Justice Network, *Learning Agenda*, <https://grassrootsjusticenetwork.org/learn/learning-agenda/> (last visited Dec. 3, 2025).
- ⁸⁸ Abigail Moy & Sonia Park, *Philanthropy must invest in justice networks*, ALLIANCE MAGAZINE (May 9, 2025), <https://www.alliancemagazine.org/blog/philanthropy-must-invest-in-justice-networks/>.
- ⁸⁹ Bernstein Inst. for Hum. Rts., *supra* n. 13, at 8-16; Grassroots Justice Network, *Community Paralegals: Recognition and Financing*, <https://grassrootsjusticenetwork.org/resources/community-paralegals-recognition-and-financing> (last visited Jan. 23, 2026).
- ⁹⁰ Grassroots Justice Network, *THE CASE TO FUND AND PROTECT*, *supra* n. 12, at 8; Legal Empowerment Fund, *Grantee Partner Survey* (Apr. 2024), <https://legalempowermentfund.org/wp-content/uploads/2024/08/LEF-grantee-survey-2023-report-EN.pdf>.
- ⁹¹ U.N., *Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean*, TREATY SERIES, vol. 3388 (C.N.195.2018.18 of 9 Apr. 2018), <https://treaties.un.org/doc/Treaties/2018/03/20180312%2003-04%20PM/CTC-XXVII-18.pdf> (last visited Jan. 21, 2026).
- ⁹² Poorvi Chitalkar, *THE PLAYBOOK OF JUSTICE*, *supra* n. 86, at 21.
- ⁹³ Grassroots Justice Network, *Learning Agenda*, <https://grassrootsjusticenetwork.org/learn/learning-agenda/> (last visited Jan. 21, 2026).
- ⁹⁴ Poorvi Chitalkar, *THE PLAYBOOK OF JUSTICE*, *supra* n. 86, at 21.
- ⁹⁵ Grassroots Justice Network, *Learn*, <https://grassrootsjusticenetwork.org/learn/> (last visited Jan. 21, 2026).
- ⁹⁶ Int'l Dev. Research Ctr., *IDRC's SUPPORT TO THE LEGAL EMPOWERMENT LEARNING AGENDA INITIATIVE – FINAL EVALUATION REPORT* (2025), https://grassrootsjusticenetwork.org/wp-content/uploads/2025/09/LELA_Report-V6_FF.pdf.

Financing Scaled-Up Front-Line Justice Services: Data and Evidence Gaps

Clare Manuel and Marcus Manuel

Abstract

This paper reviews the financing of people-centered justice, focusing on what we know—and still need to know—about how to scale up front-line justice services that provide information, advice, assistance, and informal dispute resolution. Based on existing research, we know that 5.1 billion people worldwide lack meaningful access to justice. We also know that affordable, cost-effective front-line services currently exist across at least 52 documented examples in 18 countries, with robust evidence showing “phenomenal” returns on investment—in some cases as high as 33:1 for community legal advice and 18:1 for community-based justice centers and village courts. We also know that lower-income countries already prioritize justice financing more than richer countries do, allocating an average of 6% of government expenditures to justice compared to 4% in OECD countries, yet front-line services remain drastically under-prioritized and under-scaled. However, important questions remain around the precise levels of funding currently allocated to front-line services, the true size of the service coverage gap, and what interventions provide best value for money in resource-constrained environments. Significant data gaps persist: justice budgets lack disaggregation to identify front-line spending; impact evaluations rarely include cost data; and cost-benefit analyses in lower-income countries are virtually nonexistent.

Drawing on lessons from the health and education sectors—where basic metrics on needs, costs, and outcomes have driven massive scale-up of services—this paper argues that the justice sector must invest in comparable data infrastructure to guide investment decisions. The paper concludes with recommendations including developing standardized definitions of front-line services, publishing disaggregated justice budgets, conducting public expenditure reviews, integrating cost-effectiveness analysis into impact evaluations, and convening global commissions to establish methodological frameworks for the sector.

Suggested citation: Clare Manuel & Marcus Manuel, *Financing Scaled-Up Front-Line Justice Services: Data and Evidence* 69 (Global Perspectives on People-Centered Justice: Exploring the Evidence, Matthew Burnett & Rebecca L. Sandefur eds., 2026) abfn.org/financing-front-line-justice-services.

Financing Scaled-Up Front-Line Justice Services: Data and Evidence Gaps

Clare Manuel* and Marcus Manuel†

1. Introduction

1.1 Background

This white paper reviews the state of the evidence on the financing of people-centered justice. It identifies research and data gaps, makes recommendations on priority research areas, and suggests adaptation of proven strategies developed in other sectors to address comparable challenges.

Underpinning the paper is an understanding of what people-centered justice is: that it starts with people and meeting their justice needs. A country may have a range of other goals for their justice sector, for example relating to security, rule of law or economic growth. But a people-centered approach to justice means that the essential concern is to address people's most pressing justice problems. Addressing broader/higher-level issues may be spin-offs from the core goal of addressing people's everyday justice problems.

Legal needs surveys tell us that currently people's justice needs are not being addressed at scale. 5.1 billion people worldwide lack meaningful access to justice, of which 1.5 billion are unable to resolve their everyday justice problems.¹ Addressing this justice gap will require a massive improvement in service delivery, and this means a change in the way resources are allocated in the justice sector. It means regarding justice as a basic service, like health or education.

The good news is that there are clear lessons to be learnt from the decades of experience that these other service sectors have to offer, especially about how to scale-up service delivery. A key lesson, and a starting point for shifting resources to front-line services, is the need for much better basic data to guide investment decisions.²

1.2 Terminology

Using terminology from other service sectors, this paper refers to both “primary justice” and “front-line” services. “Primary” justice refers to a broad set of services which impact directly on people's experience of justice including community policing and the first-tier formal courts. These services were costed for over 150 countries in the 2019 “Justice for All Report” with averages of \$20 per person in low-income countries, \$64 per person in middle-income countries and \$230 in Organisation for Economic Co-operation and Development (OECD) countries.³

“Front-line” services are defined in this paper as a smaller, focused sub-set of “primary services” and refer to information, advice, assistance and informal dispute resolution. These are the entry points to the justice system.

1.3 Paper focus

Funding just front-line justice services would be a lot cheaper than funding the complete suite of primary justice services. ODI estimated front-line services to cost less than 10% of the total “primary services” costs.⁴ Affordable, cost-effective front-line services exist: ODI research has highlighted 52 examples across 18 countries, spanning six continents.⁵ And there is robust academic evidence that these kinds of services can provide “phenomenal” rates of return on investment, *i.e.*, greater than 15:1 (see Table 1 below).

* Senior Research Associate, ODI.

† Senior Research Associate, ODI.

Table 1. Front-line justice services that have “phenomenal” rates of return on investment⁶

Front-line justice activity	Benefit: cost ratio and current best example	Other examples
Community legal advice and assistance, largely provided by non-lawyers	Phenomenal (33:1) Citizens Advice, UK ⁷	At least 40 examples in 20 countries - mainly community-based paralegals
Community based justice centres providing legal advice and assistance	Phenomenal (18:1) Community legal centres, Australia	Argentina Access to Justice Centers providing community based legal advice and assistance by low-cost lawyers South Africa – Community Based Advice Offices when located in police stations
Customary and informal justice dispute resolution	Phenomenal (18:1) Village Courts, Bangladesh	Malawi village mediation Somalia Alternative Dispute Resolution centres

Despite this evidence, the justice gap tells us that globally, these kinds of services have not been sufficiently scaled up to provide accessible, nationwide services to address people’s justice problems.

The vision of scaled-up front-line justice services draws on the health and education sectors, where it is now accepted that improving outcomes at scale is associated with focusing on front-line service—in the education sector focusing on early years and primary education, and in the health sector on public health and community health services.

The justice sector needs the kinds of data and evidence used in the health and education sectors to make investment decision enabling these kinds of value for money investments to be taken to scale. This paper therefore focuses on data and evidence gaps needed to guide investment decisions to finance scaled-up front-line justice services.

2. Currently available data and evidence; and data and research gaps

2.1 Introduction

This section reviews the current state of the data and evidence, and identifies priority (primarily quantitative) data and research gaps in three areas:

- Regarding levels of funding for front-line justice services (*i.e.*, data on how much is currently being spent on front-line services, and on how much front-line justice services costs);
- Regarding the size of the “justice gap” that needs to be filled (*i.e.*, a lack of quantitative data on the levels of coverage of front-line justice services); and,
- Regarding what works to fill the justice gap in a resource constrained environment (*i.e.*, what kinds of interventions provide best value for money, and best returns on investment).

These data and evidence gaps are important because they are the building blocks for financing scaled-up front-line services. While many countries gather data on justice in terms of the inputs, outputs and costs of the court system, few gather and consolidate data on the front-line services that provide information, advice, assistance and informal dispute resolution. Furthermore, few countries regularly gather data on justice needs and outcomes. The experience of other sectors is that this kind of basic data is a key tool at country and international level for understanding the scale of the problems and then enabling progress to be measured towards addressing it. Such basic data and evidence are also vital for developing understandings about

efficient and effective financing of services in a resource constrained environment. Together, this kind of data can make the case for investing in front-line justice services showing that such investment works, delivering tangible results and high returns on investment.

2.2 Evidence on levels of funding for front-line justice services

2.2.1 Research on the “resource envelope”

ODI Global is now publishing annual updates on countries’ domestic allocations to justice and also on official development assistance (ODA) for justice to lower-income countries.⁸

Data on ODA is drawn from the OECD (Organisation for Economic Co-operation and Development) DAC (Development Assistance Committee) database.⁹ Substantial cuts mean that aid to justice is becoming increasingly unimportant, and the focus is shifting to “smarter” domestic financing—using existing resources to better target front-line services.

ODI’s research on domestic funding for justice covers 155 countries and draws on data from International Monetary Fund (IMF) reports of government spending on justice under the Classification of the Functions of Government classification “public order, law and safety.” This is supplemented by detailed reviews of published country-level data where data has not been provided to the IMF.

Key findings include that lower-income countries already attach high priority to financing justice, accounting on average for 6% of all government domestic expenditures, compared with a 4% average in OECD countries.

There are significant data challenges in gathering this basic data. Only a minority of lower-income countries comply with their commitment to report budget data to the IMF (29% of low-income countries and 43% of lower middle-income countries). To address this, ODI has undertaken original research and obtained data on all low-income and lower middle-income countries from publicly available budget documents. As a result, data coverage has jumped to 81% for low-income countries and 87% for lower middle-income countries.¹⁰

However, there are very significant limitations with the justice budget data published by countries, which inhibit analysis of the level of spending on front-line services. One major issue is the lack of disaggregation. Many countries just publish budget data by institution and not by function. This creates a critical gap for understanding expenditures on front-line services such as information, advice and assistance, and dispute resolution. In addition, few countries report spending on research and innovation that could impact front-line services.

Another limitation arises from insufficient coverage of published data. Many countries omit front-line service spending by Ministries or institutions outside the justice sector. For example, in the United Kingdom, Citizens’ Advice Centres—which offer free legal information and advice to the public—are funded by the Department for Business and Trade rather than the justice sector. Similarly, in Uganda, Local Council Courts are financed under the Ministry of Local Governments, and Ethiopia has customary courts that are not reflected in justice sector budgets.

Finally, only limited historical data is available. Fewer than ten non-OECD countries report justice budget data for more than five years, making it difficult to conduct analyses over time.

This lack of data also inhibits analysis more broadly, including regarding the impact of spending on front-line services. For instance, it prevents in-depth reviews of public expenditure of the justice sector that could identify the most cost-effective interventions. It also constrains political economy analysis of why some countries allocate much more to justice than others—for example, to evaluate the wide range in low-income countries’ allocations from 4 to 11% of all government expenditure. Furthermore, the absence of detailed data hinders econometric research that could explore the relationship between disaggregated measures of justice spending and disaggregated measures of justice outcomes.

Accordingly, going forward, there are several priority research needs. First, there is a need for further and better definition of what should be included in “front-line” and “primary justice” services. This would align with beneficial efforts in the health sector to define “primary health.” A possible way forward could be for Justice Action Coalition member

countries to convene a consultative process consistent with Justice Action Coalition Working Group I's current efforts to establish a people-centered justice measurement framework.

Second, countries should publish justice budgets that are disaggregated to identify the proportion spent on front-line services. Again, Justice Action Coalition member countries could agree to implement this practice.

Third, more country-level public expenditure reviews of the justice sector are needed to assess the level of expenditure on front-line justice and to examine opportunities for reallocating resources to front-line services. Justice Action Coalition member countries could undertake and publish such reviews.

Finally, in relation to ODA for justice, donor countries could recommend that the OECD DAC revise its definitions and codes to incorporate reporting on ODA to front-line justice services, similar to the approach taken in health and education for “primary” services.

2.2.2 Research on the costs of front-line justice services - the cost of addressing a “justice need”

ODI Global's work on the “resource envelope” described above, has been complemented by research to estimate the cost of front-line justice services. The aim is to estimate the average cost per case, *i.e.*, the cost of addressing a justice need. “Justice needs” are the issues identified in justice/legal needs surveys.¹¹

This kind of cost analysis has long been standard in other sectors, serving as the basis for enabling strategic decisions about where to prioritise resources and what kind of services to fund. In the health sector, such cost analysis has built up over 30 years.¹²

In the justice sector, cost analysis remains in its infancy. The first attempt at a global cost analysis was that by Manuel et al., which identified benchmark unit costs for basic justice services across country income groups.¹³ ODI Global subsequently took the analysis further, drawing on broader and more robust datasets, and further developing the methodology.¹⁴

A key aspect of ODI's cost analysis methodology is to focus on estimating the average cost of addressing a justice need—which can range from giving one-off advice to handling a case through a court. Many front-line service providers combine such “case work” with more general legal empowerment, education, and/or outreach. While these broader activities can be seen as vital to “bring in” case work and thus as integral to it, the decision was taken to exclude public awareness/information work of this type, and instead to focus on costing units of individual cases. A similar approach is taken to calculating unit costs in the health sector, where costing public health messaging is treated separately from costing individual medical interventions/ services.¹⁵

In summary, the latest estimates of the unit cost of providing legal advice, assistance, and informal dispute resolution are based on two main sources. The first is composed of original data on costs and the number of cases handled, which are gathered from front-line justice service providers through surveys, provider management information systems, published and unpublished performance reports, interviews and correspondence with service providers and their funders, as well as published academic research.¹⁶

The second source comprises analysis by the Hague Institute for Innovation of Law (HiIL), which draws in part from Netherland standards, to estimate the number of hours of legal advice and assistance required to resolve a typical case.¹⁷

A key outcome of ODI's cost analysis was the development of “benchmark” unit costs for addressing a unit of justice need through providing legal advice and assistance, and informal dispute resolution. The benchmarks are developed from what “bottom up” research shows is achievable, and ODI's estimates of what is potentially affordable in different country income groups. Most of the costs are related to staff costs, with average wage rates related to the overall level of a country's income. As can be seen from the table below, unit costs are six times lower in low-income countries than in high-income ones.

Table 2. Benchmark unit costs for front-line legal advice, assistance and informal dispute resolution¹⁸

Country income group	Average gross national income (\$ per person)	Benchmark cost (\$ per case)
Low-income	570	20
Lower middle-income	2,830	70
Upper middle-income	9,260	175

There are significant challenges in obtaining data on both costs and numbers of cases, summarized in research released by Manuel and Manuel in 2023.¹⁹ These data challenges mean that ODI's unit costs should be regarded as indicative estimates and as a first attempt to undertake cross-country analysis on cost-effectiveness.

Despite the challenges, understanding the unit costs of services and thus assessing their cost-effectiveness is critical to scaling up people-centered justice services. Going forward, key evidence gaps remain due to the ongoing need to (1) expand the unit cost analysis to more OECD countries and (2) estimate the needed level of spending on “front-line” and “primary justice” services to achieve universal coverage. A way forward could be for Justice Action Coalition members countries to convene a global commission to consider these needs, as the health sector did when the World Health Organization (WHO) convened a commission in 2001 to assess health related Millenium Development Goals.

2.3 Evidence on the size of the justice gap that needs to be filled

2.3.1 Justice/legal needs surveys

Justice/legal needs surveys have provided much-needed data about the scale of the problem in justice service delivery, along with the types of needs that people are facing. The health sector's experience of scaling up service delivery shows that understanding the scope of global needs is the starting point for addressing those needs. The United Nations Children's Fund (UNICEF), WHO, the World Bank and United Nations (UN) all work with national authorities to combine national census data with internationally funded, globally standardized, targeted surveys, which are regularly undertaken, such as country demographic and health surveys. These together provide a rich data set with granular details of needs.

Surveys are expensive to undertake, and in the justice sector the vast majority have been in higher-income countries. In lower-income countries most have been undertaken by World Justice Project (WJP) and HiIL.²⁰

Improvements to several key issues would make justice and legal needs surveys even more useful. First, efforts should focus on reducing the cost of these surveys—for example, by integrating justice needs questions into other national surveys—and funding more surveys in lower-income countries. Second, simplified annual justice needs updates should be developed. Third, globally standardized methodologies and indicators should be adopted—for example, to present data on justice needs on a uniform annual basis rather than across varying timeframes of two to five years. Finally, similar to the health sector, there is a need to develop a methodology to distinguish the severity of needs and assess the impact of interventions. In the health sector this is achieved using Quality-of-Life Adjusted Years. Such a methodology for justice and legal needs surveys could also potentially draw on new impact assessment methods in other sectors that assess impacts on wellbeing.

2.3.2 Justice service coverage

Strategies to scale up front-line justice services require data on the size and nature of the gap in service provision. Data on service coverage is common in other service sectors, e.g., the number of pregnant women

receiving antenatal care, or the number of children of school age in school. But this is a relatively un-explored area in the justice sector.

ODI has done some initial thinking on how to estimate countries' levels of coverage for front-line justice services. First, this undertaking could utilize country-level data from service providers to estimate how many cases addressing individual justice problems are currently receiving legal advice, assistance, and informal dispute resolution services in a given year. These figures can then be compared with the country's total number of justice problems each year. Such a comparison would enable an estimation of the "service gap," *i.e.*, the number of cases that go without legal advice, assistance, or informal dispute resolution. To do this, justice or legal needs surveys would need to provide data on the number of respondents reporting legal needs, and this data would need to be translated into the number of justice problems or cases requiring external assistance.

For the justice sector to build on this initial thinking on the size and nature of the gap in service coverage, the methodology must be further developed and data collection should be enhanced. In particular, developing this initial thinking on methodology should focus on accurately reflecting the relationship between the number of people reporting a justice problem and the number of justice service needs or cases each year. Relatedly, better data must be collected on the number of cases handled by service providers, perhaps modeled on the centralized data collection system provided by the Legal Aid Service Providers Network in Uganda.²¹

2.4 Evidence about what works to fill the justice gap in a resource constrained environment

2.4.1 Cost-effectiveness analysis: value for money

An accurate assessment of costs is critical in determining whether an intervention can be replicated and scaled up, and it is likewise essential for deciding how scarce resources can best be used. But in the justice sector, it has been rare for impact evaluations to include data on costs and so analyze value for money.²² ODI's research on the unit costs of a range of front-line service providers backs up the assessment that impact evaluations of justice interventions tend not to consider costs.²³

Because resources are limited, looking simply at impacts without analyzing costs has been compared to "one hand clapping."²⁴ To address the tendency of the justice sector to "clap with one hand," cost-effectiveness and value for money assessments should be at the center of initiatives to provide front-line justice services. The failure to do so is in large part responsible for what has been termed "the graveyard of pilots": initiatives are funded with unit cost which make them unaffordable, un-scalable and unsustainable. To start to address this, it is proposed that Justice Action Coalition member countries and partners should agree to provide open data on the cost-effectiveness of people-centered justice initiatives they invest in, promote or are associated with.²⁵

2.4.2 Cost-benefit analysis: returns on investment

There is increasing evidence about the costs of unmet justice needs for individuals and society, including unchallenged human rights abuses, increased risk of conflict, and economic and social costs.²⁶

Cost-benefit ratios should be understood in light of the Copenhagen Consensus Center's²⁷ ratings of "phenomenal," where benefits generated are worth at least 15 times the cost; "good," where the benefits are worth 5 to 15 times more than the costs; and only "fair," where benefits are up to 5 times the amount invested.²⁸

There is emerging evidence that investing in justice can deliver high returns on investment, with new thinking about the negative impact of lack of access to justice. For example, evidence from the Netherlands includes a new methodology to quantify the negative impact on mental and physical health.²⁹

There is still very limited academically robust quantitative data on the costs versus the benefits of particular interventions in the justice sector in lower-income countries. The issue is discussed in some detail in a 2023 policy brief by Manuel and Manuel.³⁰ Key research priorities for front-line justice in relation to cost-benefit analysis include enhancing both the quantity and quality of data. Quantitatively, the number of cost-benefit studies covering a range of justice services should be increased. Qualitatively, research efforts should learn from methodological developments in other sectors about how to undertake this type of analysis in lower-income countries—particularly with respect to estimating benefits. The Copenhagen Consensus Center and BRAC University³¹—which have particular expertise in this kind of work in lower-income countries, where issues of equity and equality in assessing benefits are particularly acute³²—could be of assistance in developing methodological guidelines on cost-benefit analysis of people-centered justice services in lower-income countries.

3. Conclusion and recommendations for building data and evidence on front-line justice financing

There is a major knowledge gap in the justice sector in relation to what other service sectors (such as health and education) regard as basic metrics to guide investment decisions and make a business case to invest in front-line services. Other sectors have seen investing in understanding the costs and benefits of delivering basic services as the platform for attracting the funding required to deliver massively scaled-up provision on the ground. In the health sector, the ability to demonstrate results has had the effect of crowding-in more funding.³³ Arguably, the limited ability of the justice sector to demonstrate significant, sustained results has contributed to continuing declining aid to the sector.³⁴ In a highly resource constrained environment it is even more important to base investment decisions on sound data about where spending will have the most impact.

The experience of the health and education sectors has been that a strong international push was necessary to generate the kind of basic data that this white paper has argued is needed for front-line services to be scaled up to change the lives of millions of people. The Millenium Development Goals, with their clear targets relating to front-line services were the starting point for coordinated international action in health and education. The WHO (for the health sector), UNICEF (for the education sector) together with the World Bank had key roles to play. The Millenium Development Goal's outcome targets resulted in increased investment in country level data collection to measure needs, assess the scaling up front-line services needed and then measure progress in increasing services and improving outcomes. The outcome targets also sparked research on the most cost-effective ways of achieving these outcomes. For example, a key global primary health costing analysis was developed by a global commission that was specially convened by WHO for a year in 2001. This initial costing analysis has been significantly developed and refined since, including by a dedicated international task force and large teams of researchers in the World Bank and WHO.³⁵

For the justice sector, the Justice Action Coalition, the World Bank and the OECD could all potentially play leading roles. The OECD's current design work on a measurement framework is a key first step, which has the potential to lead to investment in the data gathering work needed to measure progress. As for the health sector, this is likely to involve developing lower cost needs assessment and integrating this with assessments of range and quality of front-line service providers. The World Bank has decades of experience of cost-

effectiveness analysis across multiple sectors, including on the court systems.³⁶ The World Bank could apply this experience to analyze front-line justice services, including how to maximize the effectiveness of the combination of front-line services and the court system.

More generally, a change of culture within the sector is needed, with a much greater willingness to share and be open with data. This also involves a much greater engagement with quantitative data and analysis, including the development of a cadre of justice economists and statisticians and use of techniques such as cost-effectiveness and cost-benefit analysis, along with better standardization of methodologies and metrics.

As with other service sectors, there also needs to be a willingness to invest in gathering data on key metrics, particularly in lower-income countries that are currently being left behind in this respect. It is therefore encouraging that the Justice Action Coalition's Declaration of June 2023 commits members to concrete actions to develop metrics for people-centered justice, measure results and produce evidence.³⁷

* * *

Clare Manuel is a UK lawyer and Senior Research Associate for the Politics and Governance programme at ODI. Her research focus is on financing and budgeting for access to justice. She has co-authored pioneering papers on domestic and external financing for justice, costing SDG16.3, scaling up innovative front-line approaches to delivering people-centered justice for all, and lessons from global funds.

Prior to joining ODI, Clare was founder and director of The Law & Development Partnership, an international development consultancy firm which she ran for 20 years, until the sale of the business. She led projects and provided policy advice for the UK's Department for International Development (DFID), World Bank, EU and other donors on access justice, business enabling environment, women in business, institutional strengthening, legal reform and adaptive programming in the UK, Africa, Asia, the Caribbean and the South Pacific. She supported the Governments of Uganda, Rwanda, Kenya and Sierra Leone to develop cross-sectoral justice reform strategies. From 2015 to 2017 she was programme director of DFID's innovative Legal Assistance for Economic Reform (LASER) Programme.

Clare previously worked as an embedded legal/justice adviser in Uganda and Fiji. Her career began as a commercial litigator in a city law firm, and then a UK government lawyer specialising in company investigations, policy work and legislative drafting.

Marcus Manuel is a Senior Research Associate for ODI. His current research is on financing access to justice. He has published pioneering papers on domestic and external financing for justice, costing SDG16.3 and scaling up innovative front line approaches to delivering people centred justice for all. Previous research has also included addressing extreme poverty and financing development in fragile states and at sub-national levels. Marcus Manuel's former ODI roles include advising on budget reforms.

Prior to joining ODI, Marcus held a number of senior management roles within DFID from 2002 to 2010 in which he was responsible for offices and programs in Africa and Asia, with annual budgets up to \$400 million a year.

Before working at DFID, Marcus worked at HM Treasury, initially as macroeconomic adviser. His final role was head of the newly created department responsible for advice on all aspects of international development. Between 1996–2000, Marcus was seconded to work as the Senior Adviser in the Ugandan Ministry of Finance, Planning and Economic Development where he advised on the national budget, taxation and sector spending strategies, including the pioneering Justice, Law and Order Strategy, the first of its type in the world.

Marcus has a MSc in Economics from London University, after graduating from Oxford University.

¹ The Task Force on Justice, *Justice for All Report* (2019), https://cic.nyu.edu/wp-content/uploads/2023/02/english_task_force_report_27jun19-min_compressed.pdf.

² See generally Martin Gramatikov, Policy Brief No. 2022-05, *How to Figure Out "What Works" in People-Centered Justice?*, Hague Inst. for Innovation L. ("HiIL") (2023), <https://dashboard.hiil.org/publications/what-works-in-people-centred-justice-policy-brief>; Martin Gramatikov, *Background Paper for PB2022-05: How to Figure Out "What Works" in People-Centred Justice?*, HiIL (2022), https://dashboard.hiil.org/wp-content/uploads/2023/01/HiIL-Policy-Brief-2022-05_Background-paper.pdf; Dynahlee Padilla-Vasquez, Q&A: *The Case for Financing People-Centered Justice*, U.N. FOUND. BLOG (July 20, 2023), <https://unfoundation.org/blog/post/qa-the-case-for-financing-people-centered-justice>; OECD, *OECD Riga Global Access to Justice Roundtable* (Oct. 17, 2022), <https://ellex.legal/ocde-riga-global-access-to-justice-roundtable>; Chapman, Peter et al., *Grasping the Justice Gap: Opportunities and Challenges for People-Centered Justice Data* (2021) (Pathfinders for Peaceful, Just and Inclusive Societies, World Justice Project & OECD Working Paper), <https://worldjusticeproject.org/our-work/publications/working-papers/grasping-justice-gap>; see also OECD, *OECD Framework and Good Practice Principles for People-Centred Justice* 75-80 (2021), https://www.oecd.org/en/publications/oecd-framework-and-good-practice-principles-for-people-centred-justice_cdc3bde7-en.html; Marcus Manuel & Clare Manuel, ODI Policy Brief, "Small is Beautiful, but Scale is Necessary": *Front-Line Justice Services in Lower-Income Countries with the Potential to Scale-Up* 13-15 (2023), <https://odi.org/en/publications/small-is-beautiful-but-scale-is-necessary-front-line-justice-services-in-lower-income-countries-with-the-potential-to-scale-up> (hereinafter 2023 MANUEL & MANUEL); Kelechi Achinonu, Akingbolahan Adeniran, Maaik de Langen & David Steven, U.N. Found., *From Justice for the Few to Justice for All: A Model for High-Ambition Action to Deliver the SDGs* 10-11 (2023), <https://unfoundation.org/what-we-do/issues/sustainable-development-goals/a-model-for-people-centered-justice>.

³ Marcus Manuel, Clare Manuel & Harsh Desai, *Universal Access to Basic Justice: Costing Sustainable Development Goal 16.3* 20 (ODI Working Paper No. 554, 2019), <https://odi.org/en/publications/universal-access-to-basic-justice-costing-sustainable-development-goal-163>.

⁴ See *id.* at Annex B.

⁵ Clare Manuel, Marcus Manuel & Samuel Sharp, ODI, Policy Brief, *Front-line Justice Services with the Potential to Scale Up* (2025), <https://odi.org/en/publications/front-line-justice-services-with-the-potential-to-scale-up-evidence-from-lmics>.

⁶ Justice Action Coal. Workstream IV, *Justice Financing Framework: Background Brief 3.4 Scalable Best Value for Money Activities* tbl.2 (Nov. 12, 2025), <https://www.sdg16.plus/resources/justice-financing-framework-background-brief-3-4/>; see also Justice Action Coal., *Justice Financing Framework* (Nov. 12, 2025), <https://www.sdg16.plus/resources/justice-financing-framework-report/>.

⁷ For more details, see Org. for Econ. Coop. & Dev. ("OECD") & World Justice Project, *BUILDING A BUSINESS CASE FOR ACCESS TO JUSTICE* 42 (2020), <https://web.archive.oecd.org/2019-11-07/535987-building-a-business-case-for-access-to-justice.pdf> (hereinafter "OECD with WJP").

⁸ The latest update is Marcus Manuel & Stephanie Manea, *State of Justice Financing 2025 Annual Review: Domestic Financing and Aid*, ODI Global (Oct. 13, 2025), <https://odi.org/en/publications/state-of-justice-financing-2025-annual-review-domestic-financing-and-aid/>.

⁹ *Id.*

¹⁰ *Id.* at ¶ 2.1. See also Marcus Manuel, Clare Manuel, Stephanie Manea & Darshni Nagaria, *Domestic Financing for Justice: Who Spends Most on Justice?* ¶ 4.1, ODI (Mar. 20, 2023), <https://odi.org/en/publications/domestic-financing-for-justice-who-spends-most-on-justice/> (providing earlier data on compliance with data reporting obligations).

¹¹ For a list of surveys available, see World Justice Project, *WJP Atlas of Legal Needs Surveys*, <https://worldjusticeproject.org/legal-needs-atlas> (last visited Jan. 6, 2026).

¹² See generally, e.g., Dean T. Jamison et al., *Universal Health Coverage and Intersectoral Action for Health: Key Messages from Disease Control Priorities*, 3d edition, 391 LANCET COMM'NS 1108, (2018); Karin Stenberg et al., *Financing Transformative Health Systems Towards Achievement of the Health Sustainable Development Goals: A Model for Projected Resource Needs in 67 Low-Income and Middle-Income Countries*, 5 LANCET GLOBAL HEALTH e875 (2017); Dean T. Jamison et al., *Global Health 2035: A World Converging Within a Generation*, 382 LANCET COMM'NS 1898, (2013) (hereinafter *Global Health 2035*); David McCoy, *The High Level Taskforce on Innovative International Financing for Health Systems*, 24 HEALTH POL'Y & PLAN. 321, (2009); WHO, *MACROECONOMICS AND HEALTH: INVESTING IN HEALTH FOR ECONOMIC DEVELOPMENT* (2001), <https://www.who.int/publications/i/item/924154550X>; WORLD BANK, *WORLD DEVELOPMENT REPORT 1993: INVESTING IN HEALTH* (1993), <https://openknowledge.worldbank.org/entities/publication/cfc6265c-8fc7-51c8-b032-d718364ff139>.

¹³ See generally Manuel, Manuel & Desai, *supra* n. 3.

¹⁴ See generally MANUEL, MANUEL & SHARP, *supra* n. 5.

¹⁵ For an introduction to such costing exercises, see generally *Global Health 2035*, *supra* n. 12.

¹⁶ See generally, e.g., MANUEL, MANUEL & SHARP, *supra* n. 5; 2023 MANUEL & MANUEL, *supra* n. 2.

¹⁷ Justice Action Coal., *supra* n. 6; Justice Action Coal. Workstream IV, *Justice Financing Framework: Background Brief 3.3 Financing Ambition #3: Information, Advice, Assistance, and Informal Dispute Resolution* annex A (Nov. 12, 2025), <https://www.sdg16.plus/resources/justice-financing-framework-background-brief-3-3/>.

¹⁸ MANUEL, MANUEL & SHARP, *supra* n. 5, at 6.

¹⁹ 2023 MANUEL & MANUEL, *supra* n. 2, at 13-15, 87-91.

²⁰ It is welcome that HiIL has recently updated surveys in two lower middle-income countries: Nigeria, PATRICK KIMARARUNGU ET AL., HAGUE INST. FOR INNOVATION L., *JUSTICE NEEDS AND SATISFACTION IN NIGERIA* (2023), <https://www.hiil.org/research/justice-needs-and-satisfaction-in-nigeria>, and Tunisia, JELMER BROUWER ET AL., HAGUE INST. FOR INNOVATION L., *JUSTICE NEEDS AND SATISFACTION IN TUNISIA* (2023), <https://www.hiil.org/research/justice-needs-and-satisfaction-in-tunisia>, and in one low-income country: Uganda, JELMER BROUWER ET AL., HAGUE INST. FOR INNOVATION L., *JUSTICE NEEDS AND SATISFACTION IN UGANDA* (2024), <https://www.hiil.org/research/justice-needs-and-satisfaction-in-uganda>.

²¹ LEGAL AID SERVICE PROVIDERS' NETWORK, <https://www.lasnet.org/index.php> (last visited Jan. 6, 2026).

²² Elizabeth D. Brown & Jeffery C. Tanner, *Integrating Value for Money and Impact Evaluations: Issues, Institutions and Opportunities* 2-3, 14-22 (WBG, Indep. Evaluation Grp., Pol'y Rsch. Working Paper No. 90401, 2019), <https://documents1.worldbank.org/curated/en/862091571145787913/pdf/Integrating-Value-for-Money-and-Impact-Evaluations-Issues-Institutions-and-Opportunities.pdf>.

²³ 2023 MANUEL & MANUEL, *supra* n. 2, at 13-15.

²⁴ Marie Gaarder & Johannes F. Linn, Editorial, *Upping the Game: Adding Costs to Impacts an Introduction to the Special Issue on Costing in the Field of Development Effectiveness*, 15 J. DEV. EFFECTIVENESS 1, 4 (2023).

²⁵ Examples of initiatives that could facilitate open data provision could include the World Justice Project's World Justice Challenge, see World Justice Project, *World Justice Challenge*, <https://worldjusticeproject.org/world-justice-challenge> (last visited Jan. 6, 2026); Justice Action Coalition's examples of Good Practices on People-Centered Justice, see Just. Action Coal., *Good Practices and Commitments on People-Centered Justice* (2023), <https://www.sdg16.plus/resources/justice-action-coalition-good-practices-and-commitments-on-people-centered-justice>; members of the Grassroots Justice Network convened by Namati, see *Grassroots Justice Network*, <https://namati.org/network> (last visited Jan. 6, 2026); and examples of HiIL's Gamechangers, see HiIL, *The Gamechangers*, HiIL JUST. DASHBOARD, <https://dashboard.hiil.org/the-gamechangers> (last visited Jan. 6, 2026).

²⁶ See generally, e.g., OECD with WJP, *supra* n. 6, at 14-35; MARK WESTON, *THE BENEFITS OF ACCESS TO JUSTICE FOR ECONOMIES, SOCIETIES, AND THE SOCIAL CONTRACT* (2022), <https://www.opengovpartnership.org/documents/the-benefits-of-access-to-justice-for-economies-societies-and-the-social-contract-a-literature-review>; TASK FORCE ON JUST., *JUSTICE FOR ALL* (2019), <https://www.sdg16.plus/resources/justice-for-all-report-of-the-task-force-on-justice>; WBG & U.N., *PATHWAYS FOR PEACE: INCLUSIVE APPROACHES TO PREVENTING VIOLENT CONFLICT* (2018), <https://openknowledge.worldbank.org/entities/publication/4c36fca6-c7e0-5927-b171-468b0b236b59>; WORLD BANK, *WORLD DEVELOPMENT REPORT 2011: CONFLICT, SECURITY, AND DEVELOPMENT* 10 (2011), <https://openknowledge.worldbank.org/entities/publication/25f2300c-f9d4-54de-8a56-30566e72003a>; COMM'N ON LEGAL EMPOWERMENT OF THE POOR, *MAKING THE LAW WORK FOR EVERYONE*: Vol. 1 (2008); DEEPA NARAYAN WITH RAJ PATEL ET AL., *VOICES OF THE POOR: CAN ANYONE HEAR US?* (2000), <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/131441468779067441/voices-of-the-poor-can-anyone-hear-us>.

²⁷ COPENHAGEN CONSENSUS CENTER, <https://copenhagenconsensus.com> (last visited Jan. 6, 2026).

²⁸ See, e.g., *Preliminary Benefit-Cost Assessment of Final OWG Targets*, COPENHAGEN CONSENSUS CTR., <https://copenhagenconsensus.com/publication/preliminary-benefit-cost-assessment-final-owg-targets> (last visited Jan. 6, 2026).

²⁹ NIELS PETERS ET AL., ECORYS, CBA INNOVATIVE LEGAL REMEDIES: FINAL REPORT (2021). An extrapolated estimate, covering 29 justice problems, implies an extraordinary benefit-to-cost ratio of 80:1 (which is above the best development interventions in the world—child immunization).

³⁰ 2023 MANUEL & MANUEL, *supra* n. 2, at 29-30.

³¹ BRAC UNIVERSITY, www.bracu.ac.bd (last visited Jan. 6, 2026).

³² Their collaboration on the cost-benefit of village courts in Bangladesh, Md SHANAWAZ HOSSAIN & NABILA ZAMAN, COST-BENEFIT STUDY ON IMPLEMENTING VILLAGE COURTS IN UNION PARISHADS OF BANGLADESH 9 (2016), https://copenhagenconsensus.com/sites/default/files/hossain_village_courts.pdf, discussed in 2023 MANUEL & MANUEL, *supra* n. 2, at 28, 30-32, is one of only two academically robust cost-benefit analyses relating to justice interventions in lower-income countries and assessed the benefit-to-cost ratio to be 18:1. The Copenhagen Consensus Center's 2014 literature review of cost-benefit studies relating violence reducing interventions, suggested such interventions would constitute a highly effective use of development aid. Anke Hoeffler & James Fearon, Benefits and Costs of the Conflict and Violence Targets for the Post-2015 Development Agenda: Post-2015 Consensus V, 49-50 (Aug. 22, 2014) (Copenhagen Consensus Center Working Paper), https://copenhagenconsensus.com/sites/default/files/conflict_assessment_-_hoeffler_and_fearon_0.pdf.

³³ Marcus Manuel & Clare Manuel, *Achieving Equal Access to Justice for All by 2030: Lessons from Global Funds* 22 (ODI Working Paper No. 537, 2018), www.odi.org/publications/11161-achieving-equal-access-justice-all-2030-lessons-global-funds.

³⁴ Clare Manuel & Marcus Manuel, ODI Policy Brief, *Justice Aid Updated and Lessons from Latest Evaluations of Donor Programming* 9-11, 26-28, 31 (2022), <https://odi.org/en/publications/justice-aid-update-and-lessons-from-latest-evaluations-of-donor-programming>; see also Manuel, Manea & Manuel, *supra* n. 1, at 8-13 for latest figures on aid to justice.

³⁵ Manuel, Manuel & Desai, *supra* n. 3, at 13, 25-26.

³⁶ See JUST. ACTION COAL., BACKGROUND BRIEF NO. 4.3, JUSTICE FINANCING FRAMEWORK: A GUIDE TO BUDGETING AND FINANCING FOR PEOPLE-CENTERED JUSTICE FOR THE JUSTICE SECTOR 5-7 (2025), <https://www.sdg16.plus/resources/justice-financing-framework-background-brief-4-3>.

³⁷ JUST. ACTION COAL., MID-WAY THROUGH THE 2030 AGENDA: TRANSLATING AMBITIONS INTO ACTIONS THROUGH PEOPLE-CENTERED JUSTICE 1-2 (2023), <https://cic.nyu.edu/wp-content/uploads/2023/06/Outcome-Documents-Ministerial-16-June-English-1.pdf>.

A Research Agenda for Justice Technology

Jason Tashea

Abstract

This paper reviews evidence related to justice technology, focusing on what we know—and still need to know—about the role and importance of technology and technology policy in achieving people-centered justice. Over the past two decades, technology has emerged as a core focus of efforts to close the global justice gap. Despite significant investment in justice technology—ranging from data digitization and online dispute resolution to AI-powered legal tools—rigorous evaluation of whether these interventions achieve their intended outcomes remain scarce.

This article surveys the existing research landscape across two domains: the justice technology stack, including data infrastructure and public-facing services, and the enabling environment required for justice technology to thrive, encompassing state capacity, funding models, and regulatory frameworks. While the literature documents considerable activity in user experience design, technology access, and AI governance, it largely fails to answer the fundamental question of whether justice technologies work for the people they are meant to serve. This contribution also identifies critical knowledge gaps across both domains—including the absence of agreed-upon impact metrics, systemic interoperability failures, inadequate cybersecurity research, and limited inquiry into procurement practices and public budgets—and proposes a research agenda to address them. It argues that closing these knowledge gaps is essential not only to improving justice technology outcomes, but to building the evidence needed to attract sustained investment, support credible policy reform, and ultimately advance a people-centered justice system.

Suggested citation: Jason Tashea, *A Research Agenda for Justice Technology* 80 (Global Perspectives on People-Centered Justice: Exploring the Evidence, Matthew Burnett & Rebecca L. Sandefur eds., 2026) abfn.org/research-agenda-justice-technology.

A Research Agenda for Justice Technology

*Jason Tashea**

Introduction

Over the last two decades, access to justice emerged as a global issue. Affecting 5.1 billion people worldwide, this topic impacts rich and poor countries alike.¹ The life events that entangle people in the legal system—which range from wage theft to eviction to criminal penalties—are ubiquitous.

As this problem comes into focus, momentum for reform and government accountability grows. At an international level, this includes Sustainable Development Goal 16.3, which promotes the rule of law and aims to ensure equal access to justice for all. Following suit, the United Nations, the Organization for Economic Co-operation and Development (OECD), the World Bank, national governments, civil society, and private industry have put increased focus, effort, and resources toward closing the justice gap.² This reform movement has increased the focus on “people-centered justice,” which prioritizes the needs and experiences of justice-involved people.³

This increased interest in justice reform overlaps with separate trends: the growing ubiquity of the internet, consumer communications technology, and digitization of government functions and services. The convergence of these trends led to a two-decade era of justice sector experiments that leverage technology, like data digitization, smartphones, and video conferencing, with the intent of increasing access to justice. Across the globe, the adoption of these types of technologies accelerated during the pandemic.⁴

While technology alone is generally insufficient for successful justice reform, it is increasingly a necessary component, making technology a critical area of inquiry for three key reasons. First, technology aids the collection and use of data, allowing stakeholders to identify problems, opportunities, and outcomes across the justice landscape. Second, technology has the power to complement other reforms and alleviate burdens placed on system-involved people by making the process more accessible or responsive to public need. In other words, it has the capacity to make the justice system more people-centered. Third, technology, without evaluation, oversight, and transparency, exacerbates existing power dynamics contributing to poverty and democratic erosion, as opposed to alleviating them.

For this paper, justice technology refers to hardware or software “that is used in the administration of a justice system or service, creates access to that system or service, or increases the agency of justice system-involved people through support, like information or assistance.”⁵

This paper will discuss the existing justice technology research, knowledge gaps, and research recommendations for a path forward regarding both justice technology itself and its enabling environment. In doing so, the paper aims to reframe what’s needed to identify chokepoints that limit the development and implementation of justice technology and uncover the foundational building blocks that enable successful justice technologies that support a people-centered justice system.

* Founding Director of the Judicial Innovation Fellowship, Georgetown University Law Center. Thank you to Hannah Hartford for her indispensable research assistance for this report and Tanina Rostain for her feedback, edits, and support.

1. Existing Research

Technology is only as good as the environment it operates in.⁶ For that reason, this section considers research into two main areas: (1) the tech stack, that is, the software and hardware deployed by the justice sector and its complements; and (2) the enabling environment, meaning the people, funding, and policy impacting the tech stack's creation, implementation, and review.

1.1. *The Tech Stack*

The tech stack concerns itself with the hardware and software used by justice sector agencies, nongovernmental organizations (NGOs), and justice system patrons. There have been multiple surveys and landscape reports identifying justice technologies.⁷ The Hague Institute for Innovation of Law (Hiil) has also identified more than 120 justice tech startups through its accelerator program.⁸ More narrow landscapes look at remote technologies,⁹ artificial intelligence (AI),¹⁰ and tech used by courts.¹¹ There are also country-level landscapes,¹² which identify projects in the field, but do not evaluate the projects—although many of the reports call for evaluation. It's notable that most of these landscape reports and the ongoing research described below are largely from richer nations. This paper identifies two major areas of existing research into the justice tech stack: data and services.

1.1.1. Data

Data is the backbone of modern software generally and, ideally, justice policy too.¹³ Everything flows from the creation, collection, management, and deletion of data. Various programs have built infrastructure to collect data to be researched, including administrative data¹⁴ and legal information.¹⁵ Tools have also been built to aid¹⁶ or automate legal research, making updating legal information easier.¹⁷ There are gap analyses into what data is missing and why, in both criminal¹⁸ and civil matters.¹⁹ Research has also identified process gaps concerning automating error correction and the need for user experience updates to decrease errors in data collection.²⁰

When data is collected, it should be structured so that researchers and administrators can analyze and use it. There is research about how justice system data should be structured, particularly by the courts.²¹ However, the lack of a standard definition of “access to justice” when collecting justice system data has led to data gaps.²² There is a growing call to shift court data collection standards from the institution's vantage point, concerning issues like time to case closure, and focus instead on the people involved in the justice system: their experience, the outcomes they achieve, and their personal wellbeing.²³

Once data are collected, they are used in various ways, including publication,²⁴ system overviews and trend analysis,²⁵ policy formation,²⁶ and predictive tools.²⁷ However, as governments increase open access to data, public engagement is lacking.²⁸ Each project's utility, usability, and actual use are different and impacts on individual people or cases are often not tracked.

When it comes to that data being used in AI applications, there is a growing body of research into efficacy. However, this research is largely concerned with legal practice, including assessments of the reliability of legal research AI tools²⁹ and how to tailor large language models for the legal domain.³⁰ Regarding how these tools function for a justice system actor, a first-of-its-kind audit shows the limitations of a chatbot deployed by legal aid.³¹ There is also a running list of AI-hallucinated legal cases cited in court filings.³²

There is also research into the deletion of justice data. This includes analysis of an automated criminal recording clearing regime in the U.S. where hundreds of thousands of charges presumed to be erased from public record were still available publicly.³³ In a rare instance demonstrating people-centered impact, research shows that criminal record deletion increases individual economic opportunity, mental health, and the quality of personal relationships.³⁴ Other research points to how justice system data deletion can reinforce authoritarian rule.³⁵

Taken together, existing research asks how data systems should look, limitations around defining data, and considers the problems with poorly functioning data systems. However, this research has yet to demonstrate the impact of data systems—functioning or malfunctioning—on justice-involved people.

1.1.2. Services

This paper considers services to encompass apps, websites, and other software tools developed by both government and private actors for an array of justice related issues. In other terms, this section focuses on the interfaces employees and the public use to administer, access, or understand the justice system. Broadly, existing research includes access to justice tech principles,³⁶ a methodology for creating and vetting new justice interventions,³⁷ and analysis of how to incorporate the public into the development of legal AI tools to better ensure the technology is responsive to people's needs.³⁸

A key feature of modern software development is design, including both user interface (UI) and user experience (UX). This is what the user sees and how they interact with it, respectively. A modern design approach ideally promotes the development of people-centered software, in that it is both user friendly and meets the user's needs. Research into user needs has preceded the development of tools impacting domestic violence survivors,³⁹ online tribunals,⁴⁰ and self-represented electronic filers.⁴¹ There have been UX evaluations into existing software, including online dispute resolution,⁴² data presentation,⁴³ disability benefits,⁴⁴ and court case management tools.⁴⁵ There is also research putting forward a participatory design approach in law, incorporating users into the design process.⁴⁶

A complement to UX research includes customer satisfaction surveys. Some government agencies, companies, and nonprofits engage in customer satisfaction surveys to assess the quality of their services.⁴⁷ For example, the English and Welsh court service developed an access to justice assessment both for its technology stack and the courts' patrons.⁴⁸ A framework first deployed with women in Tanzania guides the study of technology acceptance of justice technology.⁴⁹ There are also national surveys on justice tech services, which try to capture a nation's or group's experience and perceptions of the justice system.⁵⁰

Beyond usability and satisfaction is research into access to the technology itself, regarding both access to physical technology and literacy. The divide in technology access became more pronounced during the pandemic across a mix of mid- and low-income countries, when justice services were by necessity remote.⁵¹ Not just technical, a divide exists due to the digital and language illiteracy of people seeking online justice and legal support.⁵² A lack of research into the role disability plays in the court access divide has also been noted.⁵³

Access and usability research are key areas of understanding technology's functionality, but it doesn't tell us the outcomes of the technology's use. Here, research is thinner. There is research into the promising efficacy of postcard, phone call, and text message reminders to increase court appearances.⁵⁴ Field studies found promise in online dispute resolution (ODR).⁵⁵ But research also found ODR's stated access to justice benefits "lack empirical proof and likely depend on the platform's design."⁵⁶ At the same time, ODR may put pressure on justice system ethics pertaining to transparency, accountability, and fairness.⁵⁷ Similarly, virtual hearings have produced mixed evidence showing increased efficiency and diminished justice.⁵⁸ When courts went virtual during the pandemic, failures to appear and default rates dropped, but people without lawyers found navigating the system more difficult.⁵⁹

Beyond the discrete tools meant for justice applications, justice researchers also analyzed how non-legal tools are used in justice contexts. This includes auditing search engine performance when users ask for legal help,⁶⁰ as well as the use of Wikipedia by judges in Ireland.⁶¹ Both instances relate to existing infrastructure's potential to scale access to legal information to the public.

Taken together, there is significant research going into UI and UX issues. However, as with research on data discussed in the preceding section, research on services to date largely fails to illuminate outcomes for users employing these tools, leaving us to wonder if any of these tools work.

1.2. Enabling Environment

Technology does not operate in a vacuum. Software interacts with other software, requires people to manage it, vendors to update it, and money to pay for it. Not to mention, the laws and regulations responsible for the legal system often control technology, too. To that end, this section looks at existing research concerning state capacity, financing, and regulatory considerations that impact justice technology.

1.2.1. State Capacity

State capacity refers to a government's ability to implement its policy goals, like increased justice system access.⁶² Building state capacity requires having the right people focused on the right problem with limited restraints and sufficient resources. While there is research into state capacity and executive branch functions generally, research into the justice system and the judicial branch specifically is limited.

For example, there is minimal research into justice agency budgets and staffing as it impacts technology. In the United States, government budget cuts have hindered basic functions, like hiring, and the adoption of technology in courts, like digital payment systems.⁶³ Further, inadequate staffing in courts has led to increased data deficiencies.⁶⁴ To try and offset staffing limitations, a recent pilot tested a fellowship model for technologists to embed in courts to help improve accessibility, which demonstrated both technical and cultural successes.⁶⁵

When agencies don't make their own technology, they buy it from private vendors through procurement. Investigative journalism is the forefront of research into private companies' "janky" justice tech, looking at both the procurement process and instances when contracts are abused, products don't deliver, and costs are inflated by vendors.⁶⁶ In other government sectors, it was found that government IT projects overrun their budget by 310% on average.⁶⁷ There's no similar investigation into justice system projects. The justice sector is just now starting to see academic research into the privatization of courts through justice technology vendors and its impacts for both people and state capacity.⁶⁸ Due to the increased privatization of justice systems through technology vendors, there is growing focus on identifying government procurement deficiencies and ways to increase buyer sophistication.⁶⁹

1.2.2. Funding & Business Models

There is a lack of funding for justice technology work both in and outside government.⁷⁰ One investment firm calculated that \$77 million had been invested across the United States justice technology sector over a decade, including criminal and civil projects.⁷¹ This implies minimal interest in justice technology in a country that, by contrast, spends nearly \$700 million on costumes for pets a year.⁷² Internationally, private funding is also lacking, sometimes because the market for justice technology is not mature enough to attract investor interest.⁷³

At the same time, there are few examples of research on justice technology business models and sustainability.⁷⁴ This may be in part because in low-income countries, the traditional donors' delivery methods and donor fragmentation make it hard to scale up services.⁷⁵ But the lack of spending in the U.S., by contrast, indicates that a country's GDP has nothing to do with the maturity or organization of the justice philanthropy sector. Donor fragmentation means that organizations that are best suited to help those individuals struggling in the justice system will not have the funding to access or build new technologies.⁷⁶ But for those frontline justice organizations that *can* scale their services in low-income countries, their per unit costs go down.⁷⁷

1.2.3. Policy and Regulatory Considerations

Policy and regulatory considerations can restrain or bolster technology use, implementation, and impact. While not an exhaustive list, this paper identifies practice of law rules, data sharing and privacy laws, and AI regulation as areas of existing research.

One reason for the limited investment to date in justice technology is the regulation of legal markets.⁷⁸ This includes threshold issues of when software is violating unlicensed practice of law rules,⁷⁹ attorney-client privilege expectations,⁸⁰ and advertising rules,⁸¹ for example. In the United States, some states, such as Arizona and Utah, have

researched “regulatory sandboxes” to test new business models and regulatory structures impacting justice tech offerings.⁸²

Limitations also exist when it comes to data’s publication, utility, and impact. Research has found that policy changes and lack of trust across agencies hinder data sharing and use.⁸³ In a stark example from France, the judiciary banned data analytics that could reveal the identity of individual judges.⁸⁴

Research has also outlined the range of harms that more accessible data may create for data subjects. The literature in this area highlights a tradeoff and a tension between the goals of court transparency and data subject privacy.⁸⁵ Accessible criminal justice data create privacy concerns and stigma for data subjects,⁸⁶ especially through the sale of court data to private companies.⁸⁷ There is also findings that data is either biased or can be used in ways to reinforce bias in the justice system, especially in criminal justice matters.⁸⁸

Research into AI and algorithmic regulations is largely focused on principles and frameworks. Research globally identifies what regulations exist⁸⁹ and available frameworks for AI in justice systems and law.⁹⁰ The research community continues exploring possible regulations, including how unlicensed practice of law regulations should consider AI,⁹¹ generative AI,⁹² and when AI is used by self-represented litigants.⁹³ In countries without AI specific oversight, consumers may be protected by existing laws; but AI may challenge the boundaries and efficacy of existing consumer protections.⁹⁴

The need for regulation is made apparent by research into the harms of AI in the justice space. Even though it’s early, the growing body of literature makes clear that automated decision-making can entrench bias⁹⁵ and impacts poor communities the most severely.⁹⁶ AI also has the potential to increase the number of predatory debt lawsuits, regardless of the validity of the underlying claim.⁹⁷ On a societal scale, automated decision making can erode the rule of law⁹⁸ and AI tools can increase state control over judicial authority, eroding the judiciary’s independence.⁹⁹

The justice technology research community is just now beginning to explore the enabling environment that can help or hinder technology adoption, use, and impact. While there is broad research into the impacts of AI harms and oversight, there is a dearth of research regarding state capacity and funding surrounding these projects.

2. Gaps in Research

Rigorous research into how justice technology impacts people is lacking globally. Most reports that refer to justice technology do so in descriptive ways, rarely answering the question: does it work? This is a failure. These shortcomings are found in both research into the technology itself and the enabling environment needed for technology to succeed.

2.1. Tech Stack

There are major knowledge gaps regarding the impact of justice technology on justice system patrons. Regarding the software itself, there is a shocking lack of research into key areas of functionality, including interoperability and cybersecurity, which undercut the potential of the technology at large.

Understanding which projects close the justice gap remains elusive.¹⁰⁰ Failure to monitor outcomes is an ecosystem-wide problem and, ultimately, a data issue.¹⁰¹ The problem is persistent in part because there isn’t an accepted definition of what “success” means for a justice technology; instead, evaluators rely on “efficiency” metrics¹⁰² or user and web traffic numbers, which don’t show people-centered outcomes.¹⁰³ Moreover, these numbers can be inflated due to data duplication and poor product design.¹⁰⁴ Another reason capturing outcomes is challenging is that many products offer support for one step in the user’s journey but don’t—or can’t—capture the user’s ultimate outcome.¹⁰⁵ There are researchers developing randomized controlled trials (RCT) in this space that can get at issues of outcome.¹⁰⁶ The yield on these studies is high quality—if sometimes inconclusive. Regardless, RCTs are expensive, require a high level of expertise to do well, and are time consuming, making them hard to replicate.

A major reason why tracking outcomes is hard is due to the lack of interoperability in justice technology systems employed by governments. Interoperability allows data in one system to be used across other applications. Without it, data

is of limited use and application. In the justice system, interoperability hinders the ability to see across data silos, and ultimately a justice system patron's journey and outcome. This problem can be due to both government and private sector choices.

It doesn't have to be this way, as shown by the Estonian e-court system. Built on the x-Road platform—a secure data exchange layer—it might be the most technically integrated court system in the world. But while there is writing about the system itself,¹⁰⁷ literature (at least in English) is lacking on the impact the e-court system is having on court patrons. Besides x-Road, there is only one project the author is aware of that builds data exchange infrastructure to bring disparate parts of the justice tech stack together, which is CourtStack.¹⁰⁸ This data exchange software that sits on top of a court's existing CMS, which allows easier access to data, as well as the ability to build functionality outside of the CMS restraints and avoid vendor up-charging. There is no published research about the impact a CourtStack deployment has on court operations or individual outcomes even though it is deployed in the majority of California's superior courts.

By not examining the role of interoperability, the research community is missing an opportunity to identify a cause of public harms. First, other sectors have found that a “network effect” can be created where interoperability is lacking, which leads to tipped markets and locked-in customers.¹⁰⁹ In other words, it produces wasteful spending on subpar products. Second, interoperability limits the ability to integrate new tools into systems, which reinforces stasis in a sector at best and hobbles function at worst. There are a couple of reports that have identified this as an issue in prisons and courts, but research is still needed to delineate the public harm that arises from interoperability.¹¹⁰

Another dearth of technical research concerns security. At a time when justice agencies generally, and courts specifically, are digitizing at record rates they are also being hacked with increased frequency. On this topic, the justice tech sector still suffers from immature cybersecurity and data governance practices and often lacks a common standard for what good practices ought to look like. Illustrating the lack of insight, the author is aware of only one court cybersecurity survey,¹¹¹ which is insufficient to cover the scope and scale of this issue. This oversight not only undercuts the efficacy of justice technologies, but the very agencies and people that technology are intended to serve.¹¹²

Lax security not only slows or shuts down justice agencies but also puts data subjects at risk. For example, a hack of U.S. federal courts imperiled ongoing criminal investigations, classified intelligence, and prized trade secrets at issue in civil cases. Described as a “threat to our national security” by a sitting U.S. senator, the U.S. courts' security failures have cost the lives of dozens of confidential informants and witnesses.¹¹³

In this way, aside from undercutting the performance of justice institutions and technologies, technical knowledge gaps put people's lives at risk and jeopardize national security. Continued failures will only further jeopardize justice system credibility, undercut the impact of new technologies, and further deteriorate the public's trust in these systems.

2.2. Enabling Environment

When it comes to the enabling environment, there are research gaps regarding justice sector staffing and staff training, procurement and public budgets, and business models. These oversights by both public and private justice technology creators and implementers hamstring sector function, innovation, and sustainability, all of which complicates the public's access to justice.

While there is growing literature on state capacity in government generally, the justice sector has largely been left out or failed to engage with it. State capacity research asks the question: Who and what do agencies need to successfully implement policy? In the justice sector, do justice agencies need more staff? Probably. But what technical and managerial skills are missing for a court or legal aid organization to accomplish its mission or improve technology adoption to the public's benefit? We don't know.

We are similarly in the dark when it comes to public budgets of justice agencies. Justice agencies are most likely the largest spender on justice technology because of the role they play in society, but there is no data confirming that assumption is true. As discussed elsewhere in this paper, if we can't say how much money is spent on justice technology

and to what end, then it is hard to convince new entrants and new funders to come join the space. What's worse, the author is unaware of any research that draws a line between state budget appropriations, the purchase of justice technology, and people-centered outcomes. This leaves the field flying blind without knowing how much money is currently appropriated, how it is used, and to what ends.

Another troubling blind spot regards the public procurement of justice technology. This is no more apparent than regarding AI. While the number of justice agencies using AI will increase dramatically over the coming years, there are few if any benchmarks to validate Generative AI (GenAI) applications used by justice actors. Increasingly common in other fields, benchmarks create the opportunity for standardization, evaluation, and training around GenAI. With benchmarks, purchasers can have insight into whether an AI tool does what its creators claim and with what level of accuracy. In other words, it increases the sophistication of the purchaser by creating insights into the product. Without benchmarks, the public and justice agencies lack standards of measurement for accuracy, bias, and other relevant factors. Further, without benchmarks, justice agencies run the risk of losing public trust by perpetuating existing harms and creating new ones at the scale and speed of AI.

Another area for exploration in procurement includes what technologies should cost. In other areas of government, progress is being made to determine what government IT projects should cost.¹¹⁴ But the justice sector simply doesn't know what a case management system or text message reminder service should cost, making vendor proposals hard to vet, inflating costs, and creating confounding systems that hurt the public.¹¹⁵ Removing this blind spot would also increase justice agency sophistication and leverage when negotiating vendor technology contracts.

With accurate cost information, another novel avenue of research would be bolstered: assessing the viability of "public option" justice technology. White labeled products developed by government or NGOs that meet common functionality requirements across organizations or agencies could be developed and managed as a consortium, as opposed to the current model of private vendors charging for discrete deployments of the same products in different courts, pushing up costs. This approach underpins the x-Roads platform and was considered in the proposed Open Courts Act in the United States,¹¹⁶ which did not become law. With an accurate sense of cost, it would be possible to seed research into credible alternatives to the current vendor-reliant model, potentially leading to a consortium approach that shares costs across agencies and improves functionality for the agency and the public.

Similarly, we know little about anti-competitive and consumer harms created by private vendors. While some reporting has hinted at harmful market control by certain justice technology vendors, there is no research into whether justice technology vendors are committing anti-competitive behavior that harms the justice-involved public, wastes limited public funds, and degrades justice system administration and outcomes. Research into potential illegal behavior and possible litigation strategies that correct harmful incumbents could loosen a major chokepoint and open markets and technical systems to a new generation of people-centered justice technology.

Beyond existing vendors, the balkanized nature of justice systems generally makes replicability and scalability hard, which can scare off new entrants and funders.¹¹⁷ This challenge can be exacerbated by a lack of funding, disparate needs across potential client agencies, and vendor capture by entrenched companies.¹¹⁸ Similarly, lawyers and bar associations prove a barrier to entry for companies trying to provide legal information and advice.¹¹⁹ While the field has developed knowledge about limitations to scaling justice technology, there are few evidence-based approaches to overcome those limitations. Research into how companies or non-profits can successfully enter a consolidated market with government technology buyers could provide value, jump starting more companies and bringing in new funders looking to help the justice-involved public.

The justice technology sector has many blind spots regarding the technology itself, and the enabling environment required for new, promising technologies to flourish. Bringing focus to these topics would not only increase insights into how the justice system operates and why but also put forward ways to improve it.

3. Recommended Research Priorities

We do not know what works in people-centered justice technology. We also lack foundational research into the enabling environment that technology relies on to thrive. The recommendations in this section tackle the “chokepoints” identified above that hinder the development, implementation, and assessment of justice technology.

The proposed research areas and questions below intend to build an evidence-based policy and practice approach that fosters a more mature and supportive justice technology ecosystem. These recommendations also intend to attract researchers not usually part of the justice ecosystem both to expand perspectives in the space—including, perhaps, economists, antitrust experts, and cybersecurity professionals—and to build a larger constituency to support this work. By no means are the questions below exhaustive, but hopefully they serve as onramps to these critical yet under researched areas of justice technology.

3.1. Tech Stack

When it comes to the technology itself, there are two main questions the sector needs to answer: (1) what works in justice technology?; and (2) what don’t we know about the software itself that hinders development, adoption, and impact?

As noted above, we largely do not know what works and what doesn’t. There are three core areas for new or expanded research that can help fill in these gaps.

Does the tool do what creators claim it does?

Unless required by law, audits of justice technology are rare. Vendors have shown an inability to police themselves, and nonprofits and government agencies are often too resource-strapped to handle this work. This offers a prime opportunity for the research community to leverage its skills and provide a needed service to the justice technology sector. The recent AI chatbot audit from Duke University shows one potential path for third-party researchers looking into the people-centered impact—or lack thereof—of these interventions. These types of audits could expand to focus on data privacy, bias, disability access, cybersecurity, and human rights, among other topics. Similarly, AI benchmarking is a ripe and underdeveloped area for the research community to explore, especially as GenAI products become more common in justice system applications.

What failed and why?

Post-mortem reports document why a project didn’t succeed. While these documents are common in the tech industry generally, the justice sector is not forthcoming about failures in this transparent way. As a sector, we shouldn’t be bothered that new things fail. What should worry us is that we keep making the same mistakes. To overcome the dearth of information explaining justice technology failures, researchers should compile data describing why certain classes of interventions fail and propose learnings from that collection of research.

What systemic technical issues undercut technology’s potential?

Beyond the overarching questions regarding efficacy and impact, there are more narrow questions regarding technical areas, like cybersecurity and interoperability. There is only a small cohort of researchers with a computer science background that spend time thinking about justice technology. This leaves the sector’s literature on cybersecurity and interoperability lacking. Potential research questions include:

- How does the sector increase cybersecurity professionals’ attention on justice technology?
- What are the financial costs and the externalities when cybersecurity fails or interoperability doesn’t exist?
- What resources do justice agencies need to be more secure or interoperable?
- What would the benefits be of secure and interoperable justice agencies?
- What would the architecture of an interoperable justice system look like?

By researching the technical aspects of justice technology, the sector can develop a better understanding of what is not working and identify solutions.

3.2. Enabling Environment

The successful deployment of justice technology relies on the health of its enabling environment. To this end, the field should ask questions regarding staffing and staff training, procurement and public budgets, and business models.

How do we improve justice system staffing and training?

There is limited research into how justice system staff and staff training impact justice technology, even though technology implementation falls to them. Potential research could include:

- A gap analysis into justice sector staffing, illustrating what skills are currently hired for and what skills are needed to run a modern agency. This could include calculating the cost of those missing skillsets in both public dollars and externalities across the justice system.
- Once gaps are identified, we need to know how justice agencies effectively inject missing talent into their organizations, whether with new hires or training?
- How does the sector ensure that increased technology and automation do not come at the cost of human jobs?

How do we increase justice agency procurement capacity?

How justice agencies buy technology impacts the administration of justice and the public. Yet, there is limited research into justice sector technology procurement and spending. Building on other government procurement research, new research should focus on the unique constraints faced by justice actors and system-involved people. Research questions may include:

- What is the state of justice sector procurement of technology and how does it impact people-centered outcomes?
- What rules or processes need to change to increase the sector's sophistication when buying software?
- What training do staff need to increase their capacity to appropriately write requests for proposals, vet vendor proposals, and manage vendor projects?
- What should common services and software licenses—like those used for case management systems, online dispute resolution platforms, and file digitization—cost?
- What could a consortium of justice agencies accomplish if they pooled resources to negotiate contracts for technology? What are the trade-offs compared to a vendor-first model?
- Are vendors committing human rights violations or creating consumer harm?

What is the state of justice technology funding?

We know vanishingly little about the amount of money spent on justice technology, especially by governments. And we don't know anything when it comes to showing return on investment of that money. Further, as the limited literature shows, the amount of private money being spent on justice technology is small. If we want to see increased, smarter funding in the justice technology space, we need to understand the current state of play.

- How much money do governments spend on justice technology currently? What is that money spent on?
- What do lawmakers need to make smarter appropriations?
- Is there a relationship between the amount of money a state spends on justice technology and measurable outcomes?
- What is the return on investment for justice technology interventions for an agency, the public, and society generally? This should consider financial return on investment metrics, as well as broader externalities.
- What is required to expand the number of funders of justice technology, both philanthropic and for-profit?

How do we increase the chance for replicability and/or scaling of promising technologies?

As discussed above, the fragmented nature of legal systems globally stymies the replicability and scaling of justice technologies. To foster and support a new generation of justice tech entrepreneurs, the research community should explore the following questions:

- Which projects have scaled or replicated successfully across jurisdictions and what do the technologies and jurisdictions have in common?
- What would it take to develop and manage a “public option” alternative to commonly purchased justice technologies, like a case management system? Would this approach overcome scaling hurdles and, if so, how?
- What has the “hype cycle” of technology creation, excitement, adoption, and impact looked like since the 1990s as applied to the justice system? While there are many surveys of justice technology, the field has not seen a historical analysis of the delta between promises and outcomes.

Collectively, these queries ask tough questions of a sector seeking a winning strategy. By taking a step back and interrogating the technology itself and its enabling environment, the sector could look honestly at its assumptions, refine its approach, and emerge stronger to the benefit of the public and the institutions themselves.

Conclusion

The justice technology sector has its work cut out for itself. With few successes to point to, this paper proposes prioritizing research that may serve to loosen chokepoints and bring into focus the foundational building blocks that would enable successful justice technologies to be developed and flourish. Beyond research priorities, this paper proposes using the present moment to increase the coalition of researchers to not only improve our knowledge but also grow the constituency doing this work. This approach has the potential to strengthen and empower public and private actors to support an accountable, nimble, and people-centered justice system.

* * *

Jason Tashea is a writer and entrepreneur exploring justice and technology. A lawyer by training, he is the court innovation fellow at Renaissance Philanthropy and the courts and AI fellow at Georgetown Law. He is also the co-founder of the Court Innovation Roundtable.

He was previously the founding director and a co-founder of the Judicial Innovation Fellowship program at Georgetown Law, a consultant for the World Bank on access to justice and technology issues, and a product manager at multiple justice technology startups. He is also the author of the Justice Tech Download, a weekly industry newsletter. He is currently a member of the Legal Services Corporation’s Leaders Council and a senior advisor to the AI and Justice Consortium. He received his JD from the University of Oregon School of Law and has a BA in history from Linfield College.

¹ World Justice Project, Measuring the Justice Gap: A People-Centered Assessment of Unmet Justice Needs Around the World (2019).

² Access to Justice, Justice Policy Series, Part I: Open Government Partnership Global Report: Democracy Beyond the Ballot Box (Vol. 1), <https://www.opengovpartnership.org/campaigns/global-report/> (last visited Nov. 9, 2025); Org. for Econ. Coop. & Dev. (“OECD”), Recommendation of the Council on Access to Justice and People-Centred Justice Systems, OECD/Legal/0498 (adopted July 12, 2023).

³ Rebecca L. Sandefur, Matthew Burnett & Julia Dos Santos Drummond, People-Centered Access to Justice Research: A Global Perspective, Justice Data Observatory (2024).

⁴ Tania Sourdin, Bin Li & Donna Marie McNamara, Court Innovations and Access to Justice in Times of Crisis, 9 Health Policy Technol. 447 (2020).

⁵ Jason Tashea, Justice-as-a-Platform: A Landscape Analysis, MIT COMPUTATIONAL L. REP. (Dec. 7, 2021).

⁶ Maurits Barendrecht et al., Delivering Justice, Rigorously: A Guide to People-Centered Justice Programming, HiIL (2021).

⁷ Jason Tashea, Emerging Justice Technologies and Evaluation Needs, Research & Evaluation Ctr., John Jay Coll. of Criminal Justice (Jan. 2016); Tom Walker & Paola Verhaert, Technology for Legal Empowerment: A Global Review, The Engine Room (2019); Rebecca L. Sandefur, Legal Tech for Non-Lawyers: Report of the Survey of US Legal Technologies, Am. Bar Found. (2019); Village Capital, Justice Tech, <https://vilcap.com/justicetech> (last visited Dec. 1, 2025); Tashea, supra n. 5; U.N. Dev.

Programme (UNDP), UNDP e-Justice Projects Global Map, <https://public.tableau.com/app/profile/undp.ejustice/viz/UNDPGlobalMapofe-JusticeProjects/UNDPe-JusticeProjectsGlobalMap> (last visited Dec. 1, 2025); Siana Bangura, Nikita Shah, Quito Tsui & Rachel Arthur, Tech Justice in the UK: Race and Power Dynamics, Catalyst & The Engine Room (2024); World Justice Project, Advancing Access to Justice via ICT: A Literature Review (Feb. 2025).

⁸ Hiil, The Justice Accelerator, <https://www.hiil.org/programmes/the-justice-accelerator/> (last visited Dec. 1, 2025).

⁹ Legal Empowerment Network, Gender, Justice, During and Beyond the COVID-19 Crisis – Institutional Responses to Gender-Based Violence and the Role of Legal Empowerment Groups (2021).

¹⁰ Johan Wu, AI Goes to Court: The Growing Landscape of AI for Access to Justice, MEDIUM, <https://medium.com/legal-design-and-innovation/ai-goes-to-court-the-growing-landscape-of-ai-for-access-to-justice-3f58aca4306f> (last visited Dec. 1, 2025); Justice and AI: Promises and Perils, OGP HORIZONS, <https://medium.com/ogp-horizons/justice-and-ai-promises-and-perils-ea709d182909> (last visited Dec. 1, 2025); Stanford Legal Design Lab, AI & Access to Justice — Legal Paperwork Tasks, <https://justiceinnovation.law.stanford.edu/projects/ai-access-to-justice/tasks/#legal-paperwork-tasks> (last visited Dec. 1, 2025).

¹¹ Sarah McCoubrey, Emerging Technologies and Judicial Integrity: Toolkit for Judges, UNDP (2021).

¹² See, e.g., a country-level landscape for Brazil: Conselho Nacional de Justiça & Programa das Nações Unidas para o Desenvolvimento, Pesquisa Uso de Inteligência Artificial (IA) no Poder Judiciário – 2023: Sumário Executivo, CNJ (2024).

¹³ Ibero-American Alliance for Access to Justice, Report on Access to Justice in Ibero-America (Nov. 2023); OECD, Recommendation of the Council on Access to Justice and People-Centered Justice Systems, OECD/Legal/0498 (adopted July 12, 2023).

¹⁴ Criminal Justice Administrative Records System (CJARS), About, <https://cjars.org/about/> (last visited Dec. 1, 2025); SCALES Open Knowledge Network, <https://scales-oken.org/> (last visited Dec. 1, 2025); Center on Poverty and Community Development, Case W. Reserve Univ., Child Data System, <https://case.edu/socialwork/povertycenter/data-systems/child-data-system> (last visited Dec. 1, 2025).

¹⁵ Free Law Project, <https://free.law/> (last visited Dec. 1, 2025); Caselaw Access Project, <https://case.law/> (last visited Dec. 1, 2025).

¹⁶ Faiz Surani, Mirac Suzgun, Yyoma Raman, Christopher D. Manning, Peter Henderson & Daniel E. Ho, AI for Scaling Legal Reform: Mapping and Redacting Racial Covenants in Santa Clara County, J. LEGAL ANALYSIS (Oct. 2024), <https://reglab.stanford.edu/publications/ai-for-scaling-legal-reform-mapping-and-redacting-racial-covenants-in-santa-clara-county/> (last visited Dec. 1, 2025); Neel Guha & Diego A. Zambrano, The State Statutes Project, 2024 Wis. L. Rev. 1615.

¹⁷ Luigi Bai, Legal Aid Content Intelligence (LACI), Lone Star Legal Aid, <https://www.lonestarlegal.org/laci/> (last visited Mar. 20, 2026).

¹⁸ Measures for Justice, The Power and Problem of Criminal Justice Data: A Twenty-State Review (June 2021).

¹⁹ Tanina Rostain & Amy O'Hara, The Civil Justice Data Gap, Cambridge University Press (Feb. 2, 2023); Rebecca L. Sandefur, Matthew Burnett & Julia Dos Santos Drummond, People-Centered Access to Justice Research: A Global Perspective, Justice Data Observatory (2023).

²⁰ Kat Albrecht, Court Data Innovation in Hamilton County 2023–2024, Judicial Innovation Fellowship, Georgetown Univ. Law Ctr. (2024).

²¹ David Colarusso & Erika J. Rickard, Speaking the Same Language: Data Standards in Justice (2017); Maurits Barendrecht et al., Delivering Justice, Rigorously: A Guide to People-Centered Justice Programming, supra n. 6; National Center for State Courts, National Open Court Data Standards, <https://www.ncsc.org/our-centers-projects/national-open-court-data-standards> (last visited Dec. 2, 2025).

²² Natalie Byrom, Computational Law and Access to Justice, J. OF CROSS-DISCIPLINARY RESEARCH IN COMPUTATIONAL LAW (2024).

²³ Charlotte S. Alexander & Lauren Sudeall, Creating a People-First Court Data Framework, 58 HARV. C.R.-C.L. L. REV. 731 (2023); Natalie Byrom, Mariane Piccinin-Barbieri & Peter Wells, Towards Effective Governance of Justice Data, OECD Working Papers on Public Governance No. 74, OECD (2024); OECD, Recommendation of the Council on Access to Justice and People-Centred Justice Systems, OECD/LEGAL/0498 (adopted July 12, 2023); Sandefur, Burnett & Dos Santos Drummond, supra n. 19.

²⁴ Court Listener database, <https://www.courtlistener.com/> (last visited Dec. 23, 2025).

²⁵ National Center for State Courts (NCSC), Trial Dashboards: Overview, <https://www.ncscstableauserver.org/t/TrialDashboards/Overview?%3Aembed=y&%3AisGuestRedirectFromVizportal=y> (last visited Dec. 2, 2025).

²⁶ Erika Rickard & Charlotte Stewart, Utah Is Using Data to Drive Debt Litigation Reform, The Pew Charitable Trusts (Apr. 20, 2022), <https://www.pew.org/en/research-and-analysis/articles/2022/04/20/utah-is-using-data-to-drive-debt-litigation-reform>.

²⁷ Laura and John Arnold Foundation, Public Safety Assessment: Risk Factors and Formula (2016).

²⁸ Frank D. LoMonte et al., Open and Shut? The Promise – and Problems – of Government Open Data Portals in Meeting Community Information Needs, 28 UCLA J.L. AND TECH. 93 (2023), <https://uclajolt.com/open-and-shut-the-promise-and-problems-of-government-open-data-portals-in-meeting-community-information-needs/>.

²⁹ Varun Magesh, Faiz Surani, Matthew Dahl, Mirac Suzgun, Christopher D. Manning & Daniel E. Ho, Hallucination-Free? Assessing the Reliability of Leading AI Legal Research Tools, J. EMPIRICAL LEGAL STUD. (accepted MAR. 14, 2025).

³⁰ Joel Niklaus et al., LawInstruct: Legal Domain Instruction Tuning Dataset and Study (Jan. 23, 2025).

³¹ Keith Porcaro, Audit Report for Legal Information Assistant (LIA), Duke Ctr. on L. & Tech. (2025).

³² Damien Charlotin, Hallucinations, <https://www.damiencharlotin.com/hallucinations/> (last visited Dec. 2, 2025).

³³ Matthew Stubenberg, Renee Danser & D. James Greiner, Criminal Justice Record Clearing: An Analysis from Two States (Feb. 4, 2023).

³⁴ Clean State Initiative, YouGov Survey Report, <https://www.cleanslateinitiative.org/research-data-publications/yougov-survey-report> (last visited Dec. 2, 2025).

³⁵ Benjamin L. Liebman, Rachel E. Stern, Xiaohan Wu & Margaret E. Roberts, Rolling Back Transparency in China's Courts, 123 COLUM. L. REV. 2407 (2023).

³⁶ Washington State Courts Access to Justice Board, Access to Justice Technology Principles (2022).

³⁷ Daniel W. Bernal & Margaret D. Hagan, Redesigning Justice Innovation: A Standardized Methodology, 16 STAN. J. C.R. & C.L. 335 (2020).

³⁸ Margaret Hagan, Towards Human-Centered Standards for Legal Help AI, 382 PHILOSOPHICAL TRANSACTIONS OF THE ROYAL SOCIETY A (2024).

³⁹ Innovation for Justice, UX Discovery Report: Nevada Protection Order Portal (2023), <https://www.innovation4justice.org/s/UX-Discovery-Final-Report-Nevada-Protection-Order-Portal.pdf>.

⁴⁰ Shannon Salter & Darin Thompson, Public-Centred Civil Justice Redesign: A Case Study of the British Columbia Civil Resolution Tribunal, 3 MCGILL J. DISP. RESOL. 113 (2016–2017).

⁴¹ Georgetown Law Technology Institute, Georgetown Justice Lab — Judicial Innovation, <https://www.law.georgetown.edu/tech-institute/initiatives/georgetown-justice-lab/judicial-innovation/> (last visited Dec. 2, 2025).

⁴² Innovation for Justice, UX Evaluation: Utah State Courts' Self-Help Center Website (2021), <https://www.innovation4justice.org/s/UX4Justice-Fall-21-Utah-State-Courts-Self-Help-Center-Website-A-UX-Evaluation.pdf>.

⁴³ ITX, Measures for Justice: UX Research, <https://itx.com/measures-for-justice-ux-research/> (last visited Dec. 2, 2025).

⁴⁴ Innovation for Justice, UX Evaluation and Roadmap: Benefactor (2022), <https://www.innovation4justice.org/s/Benefactor-Phase-1-Report-UX-Evaluation-and-Roadmap.pdf>.

⁴⁵ Verence Ramirez, User Experience in Utah State Courts 2023–2024 (Judicial Innovation Fellowship, Georgetown Univ. Law Ctr. 2024).

⁴⁶ Margaret Hagan, Participatory Design for Innovation in Access to Justice, 148 Dædalus 120 (2019).

⁴⁷ Mike Brazier, Helping Users to Access Our Online Services, HM Courts & Tribunals Service—Inside HMCTS (Jan. 23, 2020), <https://insidehmcts.blog.gov.uk/2020/01/23/helping-users-to-access-our-online-services/>; Mark Goodner, Regan Metteauer & Emily LaGratta, A Toolkit for Collecting and Learning from Court User Feedback, Texas Mun. Cts. Educ. Ctr. & LaGratta Consulting (2021); Tashea, supra n. 5.

⁴⁸ U.K. Courts & Tribunals Service, Assessing Access to Justice in HMCTS Services: Summary Report (Dec. 20, 2024), <https://www.gov.uk/government/publications/assessing-access-to-justice-in-hmcts-services/assessing-access-to-justice-in-hmcts-services-summary-report>.

⁴⁹ Sarah Stephens, Towards Inclusive Justice Technology: Developing and Testing the Justice Technology Acceptance Model, Univ. of Sussex, Sussex Ctr. for L. & Tech. (2024).

⁵⁰ World Justice Project, Atlas of Legal Needs Surveys (last visited Dec. 23, 2025), <https://worldjusticeproject.org/legal-needs-atlas/>; Hiil & Institute for the Advancement of the American Legal System (IAALS), Justice Needs and Satisfaction in the United States (2021).

⁵¹ The Legal Empowerment Network & Themis et al., GENDER JUSTICE DURING AND BEYOND THE COVID-19 CRISIS, supra n. 15.

⁵² Tanina Rostain, Techno-Optimism & Access to the Legal System, 148(1) Dædalus 93 (2019).

⁵³ Stephanie Brooks Holliday, Alina I. Palimaru & Allyson D. Gittens, Intellectual, Developmental, and Physical Disabilities in U.S. Legal Settings: A Proposed Agenda for Future Research (RAND Corp., RR-A2880-4, 2023).

- ⁵⁴ Samantha A. Zottola, William E. Crozier, Deniz Ariturk & Sarah L. Desmarais, Court Date Reminders Reduce Court Nonappearance: A Meta-Analysis, 22(1) CRIMINOLOGY & PUB. POL'Y 97 (2023).
- ⁵⁵ J.J. Prescott, Improving Access to Justice in State Courts with Platform Technology, 70 VAND. L. REV. 1993 (2017).
- ⁵⁶ Renee L. Danser, D. James Greiner, Andy Gu & Philip W. O'Sullivan, Online Dispute Resolution of Low-Level Court Proceedings: Two Broken Field Experiments, One Unexpected Result (SSRN Feb. 4, 2023).
- ⁵⁷ Dorcas Quek Anderson, Ethical Concerns in Court-Connected Online Dispute Resolution, INT'L J. ONLINE DISPUTE RESOLUTION (2018), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3375162.
- ⁵⁸ Henry E. Taylor, Is Justice by Zoom Justice Denied?: Judicial Stakeholder and Legal Advocate Experiences of Video-Mediated Trial Courts in Washtenaw County (Univ. of Mich., Dep't of Political Sci., Honors B.A. thesis, Mar. 2022); Jason Tashea, The Legal and Technical Danger in Moving Criminal Courts Online, Brookings Institution, <https://www.brookings.edu/articles/the-legal-and-technical-danger-in-moving-criminal-courts-online/> (last visited Dec. 2, 2025).
- ⁵⁹ How Courts Embraced Technology, Met the Pandemic Challenge, and Revolutionized Their Operations (The Pew Charitable Trusts 2021).
- ⁶⁰ Margaret Hagan & Nóra Al Haider, *Does Googling Justice Work? Auditing Search Engines' Performance as Intermediaries of Legal Help Online*, 29 UCLA JOURNAL OF LAW & TECHNOLOGY 37 (2023); Margaret Hagan, The Supply and Demand of Legal Help on the Internet, in *Legal Tech and the Future of Civil Justice* 199 (Catrina Denvir ed., Cambridge Univ. Press 2023).
- ⁶¹ Rachel Gordon, How Wikipedia Influences Judicial Behavior, MIT Computer Science & Artificial Intelligence Laboratory (July 27, 2022), <https://www.csail.mit.edu/news/how-wikipedia-influences-judicial-behavior>.
- ⁶² Jennifer Pahlka & Andrew Greenway, The How We Need Now: A Capacity Agenda for 2025 and Beyond, Niskanen Ctr. (Dec. 2024).
- ⁶³ Michael J. Gaetz, Trusting the Courts: Redressing the State Court Funding Crisis, Dædalus (2014), <https://www.amacad.org/publication/daedalus/trusting-courts-redressing-state-court-funding-crisis>; Tashea, The Judicial Innovation Fellowship: A Roadmap to Strengthen State, Local, Territorial, and Tribal Courts, supra n. 7.
- ⁶⁴ Kat Albrecht, Court Data Innovation in Hamilton County 2023–2024, supra n. 20.
- ⁶⁵ Jason Tashea & Tanina Rostain, The Judicial Innovation Fellowship: A Review of the Pilot and Path Forward, Georgetown Univ. Law Ctr., Inst. for Tech. L. & Pol'y, Justice Lab (2024).
- ⁶⁶ Michael Hewlett & Jeffrey Billman, A \$100 Million Mess, The Assembly (Mar. 29, 2023), <https://www.theassemblync.com/politics/courts/a-100-million-mess/>; Austin Carr, How Local Governments Got Hooked on One Company's Janky Software, Bloomberg Businessweek (Sept. 5, 2024), <https://www.bloomberg.com/news/features/2024-09-05/tyler-tech-s-odyssey-software-took-over-local-government-and-courts>; David Jackson, The \$265 Million Tech Bill: How a Plan to Streamline Cook County, State Computer Systems Led to Massive Costs and Delays, Chicago Tribune (Apr. 6, 2025), <https://www.chicagotribune.com/2025/04/06/the-265-million-dollar-tech-bill/>.
- ⁶⁷ Bent Flyvbjerg et al., The Empirical Reality of IT Project Cost Overruns: Discovering a Power-Law Distribution, 39 J. MGMT. INFO. SYST. 607 (2022).
- ⁶⁸ Todd Venook, Enterprise Justice: Tyler Technologies and the Privatizing Court, YALE L.J. (forthcoming 2025) (draft June 3, 2025).
- ⁶⁹ Sarah McCoubrey, Emerging Technologies and Judicial Integrity: Toolkit for Judges, UNDP (2021); Jason Tashea, A Human Rights Approach to Justice Technology Procurement, GEORGETOWN LAW TECHNOLOGY REVIEW (Sept. 2023), <https://georgetownlawtechreview.org/a-human-rights-approach-to-justice-technology-procurement/GLTR-09-2023/>.
- ⁷⁰ Tom Walker & Paola Verhaert, Technology for Legal Empowerment: A Global Review (The Engine Room 2019); Maurits Barendrecht et al., Delivering Justice, Rigorously: A Guide to People-Centred Justice Programming, supra n. 6; Natalie Byrom, Computational Law and Access to Justice, 2(2) JOURNAL OF CROSS-DISCIPLINARY RESEARCH IN COMPUTATIONAL LAW 1 (2024); World Justice Project, Advancing Access to Justice via ICT: A Literature Review, supra n. 7.
- ⁷¹ Village Capital, Justice Tech, <https://vilcap.com/justicetech> (last visited Dec. 2, 2025) (this report was unable to find data on global investments).
- ⁷² Alina Selyukh, Halloween Spending on Candy and Pet Costumes, NPR (Oct. 31, 2023), <https://www.npr.org/2023/10/31/1209521178/halloween-spending-candy-pet-costumes>.
- ⁷³ Manasi Nikam, Interview with Nelson Nkari, Hiil (Oct. 10, 2023), <https://dashboard.hiil.org/publications/nelson-nkari-interview/>.
- ⁷⁴ Maaike de Langen & Mark Weston, Making Access to Justice for All a Reality: Appraising Progress on the Promise of SDG16 (Ctr. on Int'l Cooperation 2023); Hiil, The Justice Accelerator — Scaling Programme, <https://www.hiil.org/programmes/the-justice-accelerator/scaling-programme/> (last visited Dec. 2, 2025).
- ⁷⁵ Marcus Manuel & Clare Manuel, People-Centred Justice for All: A Route to Scaling Up Access to Justice Advice and Assistance in Low-Income Countries (ODI Apr. 2021).
- ⁷⁶ Byrom, supra n. 22.
- ⁷⁷ Marcus Manuel & Clare Manuel, Scaling Front-Line Justice Services in Lower-Income Countries (ODI Policy Brief, June 2023).
- ⁷⁸ Maurits Barendrecht et al., Delivering Justice, Rigorously: A Guide to People-Centred Justice Programming, supra n. 6.
- ⁷⁹ Benjamin H. Barton & Deborah L. Rhode, Access to Justice and Routine Legal Services: New Technologies Meet Bar Regulators (20 18).
- ⁸⁰ Stephen Rahe, The Company Store and the Literally Captive Market: Consumer Law in Prisons and Jails, 17 HASTINGS RACE & POVERTY L.J. 3 (2020).
- ⁸¹ Manasi Nikam, Need for a Level Playing Field for Justice Entrepreneurs in Kenya, Hiil (Apr. 2024), <https://dashboard.hiil.org/publications/need-for-a-level-playing-field-for-justice-entrepreneurs-in-kenya/>.
- ⁸² David Freeman Engstrom, Natalie Knowlton & Lucy Ricca, Legal Innovation After Reform: Five Years of Data on Regulatory Change, Deborah L. Rhode Ctr. on the Legal Prof'n (June 2025).
- ⁸³ Measures for Justice, The Louisiana Criminal Justice Data Landscape: A Divided Front (Oct. 2023).
- ⁸⁴ Rachel E. Stern, Data Politics: How the French Legal Profession Renegotiated Judicial Transparency (2016–2023), L. & Soc. Inquiry 1 (2025), <https://doi.org/10.1017/lsi.2025.10119>.
- ⁸⁵ D. S. Byrne, Access to Online Local Government Public Records: The Privacy Paradox, 29(1) Legal Reference Servs. Q. 1 (2010); Jane Bailey & Jacquelyn Burkell, Revisiting the Open Court Principle in an Era of Online Publication: Questioning Presumptive Public Access to Parties' and Witnesses' Personal Information, 48 OTTAWA L. REV. 143 (2017); Tristan Allard, Louis Béziaud & Sébastien Gambis, Online Publication of Court Records: Circumventing the Privacy–Transparency Trade-off, arXiv:2007.01688 [cs.CR] (July 3, 2020), <https://arxiv.org/abs/2007.01688>.
- ⁸⁶ Sarah Esther Lageson, Digital Punishment: Privacy, Stigma, and the Harms of Data-Driven Criminal Justice (Oxford Univ. Press 2020).
- ⁸⁷ Grayson Barber & Frank L. Corrado, How Transparency Protects Privacy in Government Records (May 23, 2011) (SSRN working paper).
- ⁸⁸ Laurel Eckhouse, Kristian Lum, Cynthia Conti-Cook & Julie Ciccolini, Layers of Bias: A Unified Approach for Understanding Problems With Risk Assessment, 46(2) CRIM. JUST. & BEHAV. (2019); Julia Dressel & Hany Farid, The Accuracy, Fairness, and Limits of Predicting Recidivism, 4 Sci. Adv. eaa05580 (2018); Nicol Turner Lee, Paul Resnick & Genie Barton, Algorithmic Bias Detection and Mitigation: Best Practices and Policies to Reduce Consumer Harms, Brookings (May 22, 2019), <https://www.brookings.edu/articles/algorithmic-bias-detection-and-mitigation-best-practices-and-policies-to-reduce-consumer-harms/>; Ngozi Okidegbe, The Democratizing Potential of Algorithms?, 53 CONN. L. REV. 739 (2022); Jacob O. Arowosegbe, Data Bias, Intelligent Systems and Criminal Justice Outcomes, 31(1) INT'L J.L. & INFO. TECH. 22 (2023).
- ⁸⁹ Mia Bonardi & L. Karl Branting, Certifying Legal AI Assistants for Unrepresented Litigants: A Global Survey of Access to Civil Justice, Unauthorized Practice of Law, and AI, 26 COLUM. SCI. & TECH. L. REV. 34 (2024); Digital Watch Observatory, Overview of AI Policy in 15 Jurisdictions, <https://dig.watch/updates/overview-of-ai-policy-in-15-jurisdictions> (last visited Dec. 2, 2025).
- ⁹⁰ European Commission for the Efficiency of Justice (CEPEJ), European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and Their Environment (Council of Europe 2019) (adopted Dec. 3–4, 2018); Miriam Stankovich, Global Toolkit on AI and the Rule of Law for the Judiciary (UNESCO 2023) (interim draft for piloting).
- ⁹¹ Thomas E. Spahn, Is Your Artificial Intelligence Guilty of the Unauthorized Practice of Law?, 24 RICH. J.L. & TECH. 4 (2018).
- ⁹² Joseph J. Avery, Patricia Sánchez Abril & Alissa del Riego, ChatGPT, Esq.: Recasting Unauthorized Practice of Law in the Era of Generative AI, 26 YALE J.L. & TECH. 65 (2023).
- ⁹³ Queensland Civil and Administrative Tribunal, Guidelines for using artificial intelligence (Sept. 22, 2025), <https://www.qcat.qld.gov.au/resources/using-artificial-intelligence-in-qcat-matters/guidelines-for-using-artificial-intelligence>; Brooke K. Brimo, How Should Legal Ethics Rules Apply When Artificial Intelligence Assists Pro Se Litigants?, 35 GEO. J. LEGAL ETHICS 549 (2022).

-
- ⁹⁴ J. Scott Babwah Brennen, Kevin Frazier & Anna Vinals Musquera, Are Existing Consumer Protections Enough for AI?, *LAWFARE* (Sept. 3, 2025), <https://www.lawfaremedia.org/article/are-existing-consumer-protections-enough-for-ai>.
- ⁹⁵ Sarah McCoubrey, e-Justice: Digital Transformation to Close the Justice Gap, UNDP (2022).
- ⁹⁶ Michele Gilman, Poverty Lawgorithms: A Poverty Lawyer's Guide to Fighting Automated Decision-Making Harms, *Data & Society* (2020).
- ⁹⁷ Keith Porcaro, Robot Lawyers Are About to Flood the Courts, *WIRED* (Apr. 13, 2023), <https://www.wired.com/story/generative-ai-courts-law-justice/>.
- ⁹⁸ Court Statistics Project & TRI/NCSC AI Policy Consortium for Law & Courts, Is GenAI Revolutionizing Court Filings? (June 24, 2025), <https://www.ncsc.org/resources-courts/genai-revolutionizing-court-filings#jump-links-nav-3>.
- ⁹⁹ Rachel E. Stern, Benjamin L. Liebman, Margaret E. Roberts & Alice Z. Wang, Automating Fairness? Artificial Intelligence in the Chinese Courts, 59 *COLUM. J. TRANSNAT'L L.* 515 (2021).
- ¹⁰⁰ Kanan Dhru, Manasi Nikam & Maurits Barendrecht, Use of Digital Technologies in Judicial Reform and Access to Justice Cooperation, *HiIL* (2021).
- ¹⁰¹ Walker & Verhaert, Technology for Legal Empowerment: A Global Review, *supra* n. 7.
- ¹⁰² Byrom, *supra* n. 22.
- ¹⁰³ Tashea, *supra* n. 5.
- ¹⁰⁴ Porcaro, Audit Report for Legal Information Assistant (LIA), *supra* n. 32.
- ¹⁰⁵ Byrom, *supra* n. 22.
- ¹⁰⁶ See Access to Justice Lab, Harvard Law School, <https://a2jlab.org/> (last visited Feb. 20, 2026).
- ¹⁰⁷ Alexander Hardy, Securing e-Estonia: Challenges, Insecurities, Opportunities (Ph.D. thesis, Royal Holloway Univ. of London 2019).
- ¹⁰⁸ CourtStack, About, <https://courtstack.org/about> (last visited Dec. 2, 2025).
- ¹⁰⁹ Luka Nenadic, Promoting Platform Competition with Interoperability (Master's thesis, University of Lausanne School of Law, Nov. 2022).
- ¹¹⁰ Stephen Raheer, The Company Store and the Literally Captive Market: Consumer Law in Prisons and Jails, 17 *Hastings Race & Poverty L.J.* 3 (2020); Austin Carr, How Local Governments Got Hooked on One Company's Janky Software, *BLOOMBERG BUSINESSWEEK* (Sept. 5, 2024), <https://www.bloomberg.com/news/features/2024-09-05/tyler-tech-s-odyssey-software-took-over-local-government-and-courts>.
- ¹¹¹ Jannet A. Okazaki et al., Cybersecurity in the Courts, NCSC State Justice Institute (2022), <https://nationalcenterforstatecourts.app.box.com/s/en862iev06cpral8n2dsbaip1rx1vkxw>.
- ¹¹² For example, Court Security Incident Database, Incident Report, <https://www.csidb.net/csldb/incidents/855748d2-5043-4883-96b2-1e17571be872/> (last visited Dec. 2, 2025); Court Security Incident Database, Incident Report, <https://www.csidb.net/csldb/incidents/2f940773-3d58-454a-a25e-272306593b27/> (last visited Dec. 2, 2025); Court Security Incident Database, Incident Report, <https://www.csidb.net/csldb/incidents/7efecb29-e03b-4ecd-b263-184b41ca7cad/> (last visited Dec. 2, 2025); Court Security Incident Database, Incident Report, <https://www.csidb.net/csldb/incidents/c8a8938c-ba7c-4864-a940-130a48fb7dd3/> (last visited Dec. 2, 2025); Reuters, U.S. Federal Court Filing System Breached in Sweeping Hack — Politico Reports (Aug. 7, 2025), <https://www.reuters.com/world/us/us-federal-court-filing-system-breached-sweeping-hack-politico-reports-2025-08-07/>.
- ¹¹³ Letter from Sen. Ron Wyden to Chief Justice John G. Roberts, Jr. (Aug. 25, 2025); Why Life for 'Snitches' Has Never Been More Dangerous, *WALL ST. J.* (June 20, 2017), <https://www.wsj.com/articles/criminals-subvert-online-court-records-to-expose-snitches-1497960000>.
- ¹¹⁴ U.S. Digital Response, Procurement and Vendor Evaluation, <https://www.usdigitalresponse.org/services/procurement-and-vendor-evaluation> (last visited Dec. 2, 2025).
- ¹¹⁵ Hewlett & Billman, A \$100 Million Mess, *supra* n. 66; Jackson, *supra* n. 66; Carr, *supra* n. 66; Tashea (2023), *supra* n. 69.
- ¹¹⁶ S. 2614, 117th Cong. (2021).
- ¹¹⁷ Dhru, Nikam & Barendrecht, Use of Digital Technologies in Judicial Reform and Access to Justice Cooperation, *supra* n. 100.
- ¹¹⁸ Tashea & Rostain, The Judicial Innovation Fellowship: A Review of the Pilot and Path Forward, *supra* n. 65.
- ¹¹⁹ Barendrecht et al., Delivering Justice, Rigorously: A Guide to People-Centred Justice Programming, *supra* n. 6; Nikam, Need for a Level Playing Field for Justice Entrepreneurs in Kenya, *HiIL*, *supra* n. 81.

Part 3:

Knowledge for Implementation

Where the Field of Legal Needs Research Is Now and Where it Needs to Go

Martin Gramatikov

Abstract

This paper reviews the field of legal needs research, focusing on what we know—and still need to know—about the role and importance of legal needs data in achieving people-centered justice. Based on existing research, we know that legal needs surveys have proliferated dramatically since the 1990s, expanding to over 110 countries covering more than 90% of the world's population. We also know that the field has evolved from a narrow focus on legal aid eligibility toward understanding people's whole justice journeys, and that legal needs data have begun to inform justice policy. International frameworks, including the OECD Principles for People-Centered Justice and the Hague Declaration, now urge states to regularly study the legal needs of their populations. However, important questions remain around how to effectively integrate legal needs data into political decision-making and justice system management, as only a handful of countries—including Canada, the UK, the Netherlands, and Colombia—currently systematically embed such data into governance processes. Significant gaps also persist in conceptual standardization across surveys (including definitions of legal problems, justice journey stages, and outcome parameters), the absence of confirmatory and experimental research designs that move beyond descriptive surveys to address causal “why” questions, and limited attention to specific populations such as refugees, indigenous peoples, children, and people with disabilities.

Drawing on global survey data, policy case studies, and methodological analyses, this paper argues that advancing the field requires international collaboration, standardized practices, stronger integration of legal needs data into policy processes, capacity building in the Global South, and sustainable funding models that transition from donor dependency toward institutionalized public support.

Suggested citation: Martin Gramatikov, *Where the Field of Legal Needs Research Is Now and Where It Needs to Go* 95 (Global Perspectives on People-Centered Justice: Exploring the Evidence, Matthew Burnett & Rebecca L. Sandefur eds., 2026), abfn.org/legal-needs-research.

Where the Field of Legal Needs Research Is Now and Where it Needs to Go

*Martin Gramatikov**

Since the seminal work of Professor Hazel Genn in the United Kingdom¹ and the 1994 American Bar Association study in the United States², the number of legal needs has increased in terms of both quantity and depth. In the last decade of the 20th century and the first years of the 21st century, studies of legal needs in daily life were primarily limited to Western countries, with a notable prevalence in Anglo-Saxon countries. This trend has undergone rapid changes since 2006-2010, when the Justice Initiative of the Open Society Foundations (OSF) funded and executed a series of studies in Southern Europe and Central Asia.³ Other donors followed by funding studies in countries with access to justice and rule of law programs, and legal needs studies proliferated in most parts of the world. While the “traditional” jurisdictions, such as England and Wales, Scotland, Canada, the Netherlands, Australia, and New Zealand, continued their efforts, the geography of legal needs studies expanded from West to East and from North to South.

In the period from 2012 to 2020, the field of legal needs research grew further, fueled by the efforts of “specialist” organizations such as The Hague Institute for Innovation of Law (HiIL) and the World Justice Project (WJP). These organizations conduct standardized legal needs surveys and cover an increasing number of countries and regions. HiIL has implemented its Justice Needs and Satisfaction tool in more than 15 countries worldwide.⁴ In several waves, the WJP gathered survey data about people’s legal needs from more than 110 countries.⁵

Before we proceed further, it is important to define how the term “legal need” is understood in this paper. Legal need is an individual-level experience and perception that a problem exists, and the resolution of this problem requires legal knowledge or action. Genn coined the term “justiciable event” as “a matter experienced by a respondent which raised legal issues, whether or not it was recognised by them as being ‘legal’ and whether or not any action taken by the respondent to deal with the event involved the use of any part of the civil justice system.”⁶

Three elements of this definition are critical. First, the matter or the problem does not necessarily need to be recognized as legal. For instance, a person dismissed from work might frame the problem as a business, social or a matter of luck. Experts, however, would recognize the legal aspects of the matter, which is sufficient to qualify it as justiciable or legal. Second, it is not necessary that the problem has been taken to an institution or a resolution pathway which people define as “legal.” A problem is justiciable even if the problem owner did nothing or did something which is completely unrelated to the justice and legal system. Third, the problem should have a “connection” to the legal and justice systems. There should be one or more legal options for resolving the matter.

Additional elements that define a matter as a legal problem are that it is experienced individually, that its value is not negligible, and that the resolution is not very simple. In practice, researchers randomly select adult individuals and ask them about their recent experiences with legal problems. The reference period ranges from 1 to 4 years. HiIL, for instance, asks whether respondents have “experienced serious disputes, disagreements and grievances that have resolution through a legal process . . . in the past 4 years,” regardless of whether the respondent “did something[,] what [they] did about the situation[,] or who was [on] the other side[.]”⁷

Some legal problems can be “diagnosed” with a high level of precision, but others are intrinsically difficult to categorize. In most jurisdictions around the world, problems like divorce, child custody, maintenance, homicide or terrorism are regulated by law, fall under the exclusive jurisdiction of legal institutions, and cannot be resolved by some alternative process. Clearly, these are legal problems. But there are many other issues that are less clear. To borrow Genn’s

* Director of Knowledge and Research, Hague Institute for Innovation of Law (HiIL).

phrase, “If your roof leaks, you need a lawyer or a ladder.” Instances of debt, social security issues, consumer problems, and employment disputes, among many others, can be resolved through legal or non-legal means.

According to WJP’s Atlas of Legal Needs Surveys, legal needs studies have been conducted in 110 countries on all continents except Antarctica.⁸ This means that there is some knowledge about 51% of the United Nations member states and more than 90% of the world population.⁹

In addition to the growing number of studies in various countries and regions, we observe a notable shift in objectives, research questions, and research designs. Legal needs studies originated philosophically and methodologically from the concept and practice of legal aid, which is the right and duty to ensure equal footing in legal disputes by providing access to qualified legal advice, assistance, and representation. The original design and objective of researching the occurrence of justiciable events in daily life was primarily to estimate the met and unmet needs by using access to legal services as the numerator and the entirety of needs as the denominator. Central to the objective to “meet” or satisfy a need is whether the individual encountering a legal need manages to receive qualified legal aid from private, mixed, or state-funded legal professionals.

This objective worked well in jurisdictions with developed legal aid systems, where the key questions were: how many people are eligible for legal aid; how many problems occur and how this relates to the eligibility criteria; how people access legal services; and how access to legal services relates to people’s experiences and outcomes.

With the geographic expansion of legal needs research, more and more studies are conducted in countries where the legal aid system is considerably limited compared to the UK, Canada, the Netherlands and other “first wave” countries. The focus of legal needs studies started to shift markedly from understanding legal aid to understanding justice journeys. A justice journey is conceptualised as the “entirety of steps that people take to resolve a problem.”¹⁰ This view is in stark contrast to the model in which access to justice consists of well-separated and isolated steps such as “obtaining information”, “procuring advice”, or “accessing courts.” In many of the “second wave” studies, the key objective is to understand the epidemiology of legal problems, their impact, and to map the justice journeys that people travel to solve their problems. The pursuit of fair solutions became more central than the question of obtaining publicly or privately paid legal services. In these surveys, the central questions are: what are people’s problems; what is the impact of these problems; what do people do and where do people go to solve their legal problems; how do people experience the fairness of the processes, and, ultimately, what proportion of legal problems are resolved, and how many remain in the so-called “justice gap”?

Besides methodological adaptations, the “second wave” benefited from three international movements. First, several major bilateral donors in the field of access to justice have adopted the idea of working bottom-up based on evidence. Legal needs studies were a good match for these objectives, and funding has increased accordingly.

Second, the shift from “traditional” institution-focused rule of law interventions towards a people-centered philosophy aligns with the findings of legal needs studies. The Organisation for Economic Co-operation and Development (OECD) and the Open Society Foundations’ Open Society Justice Initiative, for example, compiled and disseminated a practical guideline on how to design, execute and use a people-centered legal needs survey.¹¹ Even more important is the political support from the growing international coalition advocating (and funding) for people-centered justice. The Justice for All report,¹² the Hague Declaration,¹³ the Justice Action Coalition,¹⁴ and the OECD Principles for People-Centered Justice¹⁵ inform and urge states to put users at the center of their justice systems by regularly and rigorously studying the legal needs of individuals.

Third, a catalyst for the proliferation of legal needs studies is the increasing interest in special populations and groups. Several studies have examined the legal needs of small and medium-sized enterprises. In the past 12-15 years, we have witnessed several studies of the legal needs of migrants, refugees, internally displaced persons, and stateless persons.

The proliferation of legal needs studies, with not identical but similar conceptual and methodological premises, produced comparative insights that were not a priority for the internally oriented “first wave” of studies. Global and regional trends and dynamics of needs, responses to those needs, and results began to emerge. These insights are still primarily

used by researchers and have growing, but still limited, practical and political implications. However, the repeated trends lend arguments for the validity and reliability of the approach.

Gaps in research, data and evidence

This section outlines gaps in five interrelated areas of legal needs research: integration in policy discourse and agendas; conceptual standardizations; a methodological shift towards confirmatory designs; the focus on needs of specific populations; and sustainable business models for legal needs studies.

Integrating legal needs research into political discourses and agendas

Legal needs studies are growing in numbers. Only a few countries, however, use rigorous data about legal needs as part of a systemic, deeply embedded and repeated process of political prioritization, decision-making, and evaluation. Canada, the UK, the Netherlands, Colombia, and perhaps South Africa are several such examples. In other jurisdictions, we see considerable interest and “light use” of legal needs data. Kenya, Ethiopia, North Macedonia, the Dominican Republic and Uganda are good examples of how legal needs conducted by non-institutional actors are incorporated into strategic documents, public discussions about improving access to justice, or in efforts to integrate formal and informal justice systems.

Since the last decade of the 20th century, policymakers and civil servants have mostly used legal needs studies to estimate the demand for legal aid. Two recent and interesting examples extend the horizon of how legal needs add value to policy processes.

Chief Justice Martha Koome was formally appointed to lead the Judiciary of Kenya on May 19, 2021. Following the example of her two predecessors, Chief Justice Koome formulated the vision for her term of office in a strategic document entitled “Social Transformation Through Access to Justice.”¹⁶ The vision emphasizes the need to deliver justice in many settings—not just courtrooms. This strategic document builds on a 2017 legal needs study in Kenya, which found that very few legal problems ever reach courts or other formal legal institutions.¹⁷ The strategies outlined include mainstreaming informal justice, implementing multi-door approaches,¹⁸ and establishing mediation registries.¹⁹

Another example is from the western part of Africa. On September 4, 2025, Burkina Faso’s Council of Ministers adopted a bill on the organization and operation of traditional dispute resolution mechanisms, called the “Faso Bu Kaooré Law” in the national Mooré language.²⁰ In support of the legislation, the Ministry of Justice cited evidence from a 2023 legal needs study, which highlights the importance and prevalence of traditional and customary justice practices in Burkina Faso.²¹

However, in many countries, publications and dialogues about the findings and implications of legal needs studies do not translate into a political commitment to evidence-based planning, design, and implementation in the justice sector. OECD’s role in pushing legal needs data from the knowledge to the political domain is crucial. Data about the legal needs of individuals and businesses is a key pillar in the OECD Recommendations on people-centered justice.²² An annual roundtable on Access to Justice urges OECD member states, as well as candidate and Justice Action Coalition-member states, to integrate legal needs studies into the management of their justice systems.²³

The field needs convincing examples of the value of legal needs studies in steering and managing national justice systems. In Kenya, Chief Justice Martha Koome’s vision integrates strategy and implementation plans with output and outcome indicators, which can be derived from legal needs research. HiiL, WJP and OECD have developed a system of national-level indicators for benchmarking the processes and outcomes. In Indonesia, Colombia and Ethiopia, data from legal needs surveys have been used in sectoral planning documents. These are good examples, but more knowledge and practical experience are needed to effectively integrate legal needs data into management and decision-making.

Making the leap from gathering data on legal needs to analytical findings, akin to healthcare research connecting laboratory studies to medical conclusions, is crucial. Currently, there is a scarcity of robust research and development focused on understanding which interventions are effective within the justice sector. The connections between needs, interventions, and outcomes in justice policies and practice are rarely rigorously designed, engineered, or evaluated. While

legal needs data provides a strong foundation for a knowledge chain, that chain often stalls at the first step. In healthcare, epidemiological studies are followed by laboratory studies, which then lead to clinical research, implementation, dissemination of findings, and effectiveness studies. The justice field cannot replicate all these stages exactly, but the global community of legal needs researchers and practitioners must develop viable pathways forward.

We have yet to see excellent examples of integrating knowledge and insights from legal needs research into core political and managerial processes.

Conceptual standardization

While the structure and key methodological premises of many legal needs surveys are highly consistent, there are areas in which collaboration and standardization are needed to improve the comparability of the studies. Below are some of the areas in which further standardization of key concepts and taxonomies will help develop the field.

- Definitions and taxonomy of legal problems/justiciable events;
- Stages of justice journeys: information, assistance, advice, negotiation, formal and informal dispute resolution;
- Sources of help and providers of legal and justice services;
- Interventions of the sources of help and providers of legal and justice services; and
- Key parameters of the processes and outcomes of justice pathways.

Move beyond descriptive survey research

The typical legal needs survey employs a descriptive design. Descriptive design is both the most significant strength and the greatest challenge for the real-world application of legal needs studies. Policy action and legal practice require a solid understanding of the numerous interrelations between the occurrence of legal problems, the individuals who encounter them, their actions and interventions, and the outcomes and impacts of fair resolutions. Exploratory and experimental studies can advance the field by addressing the “Why” questions at each stage of a justice journey.

Here are a few dimensions where legal needs studies will benefit from confirmatory qualitative and quantitative research designs:

- Better understand justice users. Legal needs surveys “know” the key socio-demographic characteristics of the respondents, including the “users of justice”—respondents who reported experience with legal need during the study’s reference period. To draw inferences about “what works” and “what does not work” in the field of justice, we need to know much more about the user: her personality type, history, relationships, temperament, mood, capabilities, legal status, legal knowledge, etc. This enhanced understanding of the user requires a different research design.
- Legal needs studies provide a comprehensive overview of problems and typically gather detailed data on a justice user’s specific issue. However, even this focus does not give a great deal of information about the specific legal problem or problems described. Returning to the healthcare analogy, legal needs studies reveal that the patient presents with specific symptoms but lacks knowledge about the disease’s history, vital indicators, genetics, the environment, and other relevant factors. A precise diagnosis of the problem is key to understanding the impact and outcome of the interventions.
- Due to time and resource constraints, most legal needs studies have a role-based view on interventions for resolving legal problems. Usually, we ask, “Did you seek advice from a friend?” Or, “Did you file a lawsuit in a court of law?” From social and professional roles, we infer the intervention based on assumptions and expectations. For instance, we assume that a friend provides unqualified information and advice; a lawyer provides qualified information; a mediator is a neutral promoter of agreements; and the courts adjudicate with authoritative decisions. In reality, there is considerable variation in the interventions offered by these sources of help. Legal needs studies, or the second generation of legal needs studies, must focus much more on the interventions rather than the intervenors.

- Following a better understanding of the interventions, the field needs to move towards a more nuanced and comprehensive understanding of the outcomes of justice pathways. Research must move beyond the simplified categories of resolved, pending, and dismissed to understand in better detail the outcomes of justice—what actually happened because the problem has or has not been resolved?

Consider the needs of specific populations

Surveys conducted with probability samples of populations provide critical insights into access to justice. There is a growing need to understand the legal needs of specific populations such as:

- Micro, small and medium enterprises;
- Refugees, internally displaced persons, stateless people, regular and irregular migrants;
- Indigenous peoples;
- Incarcerated individuals;
- Children, youth and elderly people;
- Minorities (racial, ethnic, gender, sexual, religious, linguistic minorities); and
- People with disabilities.

Business models of legal needs data

The field also needs to critically examine the sustainable business models of legal needs studies. Donors' support is vital, but it is also volatile. Legal needs studies yield knowledge which is a public good, but its value is not always seen and appreciated. Several models could be explored to promote regular funding based on three premises: legal needs data is a public good; the principle of *cui bono*; and development-driven funding.

First, based on the understanding that legal needs data is a public good and following the practices of high-income countries with experience in gathering data on legal needs, public funding options can be explored. Legal needs research can be regularly organized with public funding by integrating it as an independent survey or as a module of a larger omnibus survey. This could be funded through the budgets of institutions such as ministries of justice, supreme courts, supreme judicial councils, legal aid, or similar justice institutions, provided there is strong political leadership and a clear understanding of the value of legal needs data.

Second, the business model of legal needs surveys could be grounded in the answers to the *cui bono* question: who benefits? On the one hand, this approach could engage more public partners that stand to benefit from a robust and regular understanding of legal needs, justice journeys, resolutions, and outcomes. A non-exhaustive list could include national or local institutions from various fields, such as justice, social security, home affairs, public health, and economic development. Private sector, civil society and academic partners can be added to such arrangements through public-private partnership arrangements. The United Kingdom's Behavioural Insights Team (BIT)²⁴ is one example that can be explored: started as a governmental unit, BIT transitioned into a joint venture between the government, civil society organizations, and employees, and is now a self-sustaining social purpose consultancy.

Lastly, public and private development donors often fund legal needs studies. In lower- and middle-income countries, most research has relied on donor funding, yet this approach creates significant volatility and proves unsustainable over time. While donors play a crucial initial role in establishing legal needs research, they should prioritize integrating these studies into existing national monitoring and research frameworks rather than producing one-off reports. To address the inherent instability of donor-dependent funding, both national and international donors must work collaboratively to develop transition strategies that support the institutionalization of legal needs research and facilitate its gradual shift toward sustainable domestic funding sources. This approach enables donors to serve as catalysts for change while building the implementation and absorption capacity, as well as the political commitment necessary for countries to repeat legal needs studies independently over the long term.

Concluding Recommendations

This concluding section offers seven recommendations to advance the field of legal needs research.

- 1) **Attract more international and regional organizations to join the small club of supporters, implementers, users and stakeholders of legal needs studies.** Organizations such as United Nations Development Programme, International Development Law Organization, the African Union, the Association of Southeast Asian Nations, the European Union, the Council of Europe and others can add considerable value.
- 2) **Develop standard practices for legal needs studies.** Recommendations such as the OECD/OSF's guidelines for conducting legal needs studies are helpful. The approach can be replicated further.
- 3) **Integrate legal needs studies into policy and management practices.** Legal needs studies must be integrated into national initiatives, and national stakeholders must take full ownership and control of these initiatives.
- 4) **Develop data on the implementation of legal needs studies.** Create a repository of instances where legal needs data has influenced policy, decision-making, and service delivery.
- 5) **Build capacity.** The capacity to gather, analyze and use legal needs data is still unequally distributed. The access to justice field will gain strength with the increase of capacity and resources for legal needs research in the Global South.
- 6) **Engage practitioners and policymakers.** The design and implementation of legal needs studies must pursue knowledge and practical access to justice improvements. Researchers should write and publish legal needs studies in a way that has the most impact on policy and practice, demonstrating the practical value of legal needs research.
- 7) **Innovate legal needs research with value in mind.** Connect with data and insights from other disciplines. Explore the developments in fields such as machine learning, neural networks, the Natural Language Toolkit, and large language models for their critical contributions to the field of legal needs research.

* * *

Dr. Martin Gramatikov is an expert in empirical legal research, with a focus on access to justice, dispute resolution, and human rights. He holds a law degree and a PhD in political science from Sofia University. His work centres on large-scale justice needs studies, measuring public perceptions of justice, and evaluating the impact of access to justice and dispute resolution programs. Dr. Gramatikov develops and applies innovative quantitative and qualitative methods to measure justice as people experience it. His research is widely used to assess justice gaps and progress towards improving access to justice and making justice more people-centered. He currently serves as Director of Knowledge and Research at HiIL, where he sets the organisation's research agenda and leads the internalization and externalization of knowledge on access to justice and people-centered justice.

¹ See generally Hazel Genn, *Paths to Justice. What people do and think about going to law?* (1999).

² See generally Am. Bar Ass'n Consortium on Legal Services and the Public, *Legal Needs and Civil Justice: A Survey of Americans – Major Findings from the Comprehensive Legal Needs Study* (1994), https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/downloads/legalneedstudy.pdf.

³ See generally Open Soc. Inst., *Report on Developments 2005-2007* (2007), https://www.justiceinitiative.org/uploads/3bdc941e-ae1b-4c88-bbf8-f8135840d9e2/developments_20071221.pdf; Open Soc. Justice Initiative, *Legal Clinics: Serving People, Improving Justice* (2009), https://www.justiceinitiative.org/uploads/0763f81d-04c4-4f72-bd88-67f6ee89dd69/legalclinics_20090101.pdf; Open Soc. Justice Initiative, *Towards a New Consensus on Access to Justice Summary of Brussels Workshop, 29-30 April 2008* (2008), https://www.justiceinitiative.org/uploads/b1e187c7-c85d-46e3-8cb5-40135b47d389/justice_20081124_0.pdf; Linn Hammergren, *Balanced Justice and Donor Programs: Lessons from Three Regions of the World* (2008), https://www.justiceinitiative.org/uploads/1c7224a3-c198-40f9-a0a5-d2f59f2d5b0a/justice_20081124b.pdf.

⁴ HiIL, *Justice Needs and Satisfaction Survey - Methodological note* (last visited Dec. 22, 2025), <https://dashboard.hiil.org/justice-needs-and-satisfaction-survey-methodology/>.

⁵ World Justice Project, *WJP Atlas of Legal Needs Surveys* (last visited Dec. 22, 2025), <https://worldjusticeproject.org/our-work/research-and-data/atlas-legal-needs-surveys>.

⁶ Genn, *supra* n. 1, at 12.

⁷ HiIL, *supra* n. 4 (citing Martin Gramatikov et al., *A Handbook for Measuring the Costs and Quality of Access to Justice* (2010)).

⁸ World Justice Project, *WJP Atlas of Legal Needs Surveys* (last visited Dec. 22, 2025), <https://worldjusticeproject.org/legal-needs-atlas/>.

⁹ *Id.*

¹⁰ HiIL, *Justice Needs and Satisfaction Survey - Methodological Note* (2019), <https://dashboard.hiil.org/justice-needs-and-satisfaction-survey-methodology/>.

¹¹ Org. for Econ. Coop. & Dev. ("OECD") & Open Soc'y Found., *Legal Needs Surveys and Access to Justice* (2019), https://www.oecd.org/content/dam/oecd/en/publications/reports/2019/05/legal-needs-surveys-and-access-to-justice_g1g9a36c/g2g9a36c-en.pdf.

¹² See The Task Force on Justice, *Justice for All – Final Report* (2019), <https://s42831.p1622.sites.pressdns.com/pathfinders/wp-content/uploads/sites/3/2023/03/Task-Force-on-Justice-Report-27Jun19.pdf>.

-
- ¹³ See *Hague Declaration on Equal Access to Justice for All by 2030* (2019), <https://www.sdg16.plus/wp-content/uploads/sites/3/2023/04/Hague-Declaration.pdf>.
- ¹⁴ See generally N.Y.U. Ctr. On Int'l Cooperation, *Justice Action Coalition* (last visited Dec. 22, 2025), <https://www.sdg16.plus/justice-action-coalition/>.
- ¹⁵ OECD, *Recommendation of the Council on Access to Justice and People-Centred Justice Systems*, OECD/LEGAL/0498 (adopted July 12, 2023).
- ¹⁶ See generally Martha Koome, *Social Transformation Through Access to Justice* (2021), <https://www.judiciary.go.ke/wp-content/uploads/2023/07/SOCIAL-TRANSFORMATION-THROUGH-ACCESS-TO-JUSTICE.pdf>.
- ¹⁷ Hiil, *Justice Needs and Satisfaction in Kenya 2017* (2017), https://www.hiil.org/wp-content/uploads/2018/07/hiil-report_Kenya-JNS-web.pdf.
- ¹⁸ A “multi-door” approach refers to the understanding that justice takes place not only in court rooms but in many other rooms such as traditional justice reconciliation, Alternative Dispute Resolution mechanisms, Online Dispute Resolution mechanisms, restorative justice approaches, public offices, hybrid justice mechanisms and many more. The idea is that different parties and dispute types are better suited to different resolution mechanisms, and that justice users should have access to various options rather than relying solely on formal court adjudication.
- ¹⁹ See Judiciary of the Republic of Kenya, *A Blueprint for Social Transformation Through Access to Justice 2022-2023* (2023), <https://judiciary.go.ke/staj-blueprint-3/>.
- ²⁰ See Government of Burkina Faso, *Compte rendu du Conseil des ministres du 04 septembre 2025* (2025), https://www.sig.gov.bf/actions-du-gouvernement/details?tx_news_pi1%5Baction%5D=detail&tx_news_pi1%5Bcontroller%5D=News&tx_news_pi1%5Bnews%5D=2336&cHash=78a0d9a8471ab4ce00438103d063ca5a.
- ²¹ *Id.*
- ²² OECD, *Recommendation of the Council on Access to Justice and People-Centred Justice Systems*, OECD/LEGAL/0498 (adopted July 12, 2023).
- ²³ See OECD, *2025 OECD Global Roundtable on Equal Access to Justice: Justice Leaders Dialogue* (2025), <https://www.oecd-events.org/2025-oecd-global-roundtable/en>.
- ²⁴ See generally Behavioural Insights Team, *Welcome to BIT* (last visited Dec. 22, 2025), <https://www.bi.team/>.

Alternative Dispute Resolution: What We Know, Don't Know and What We Need to Know to Fill the Gaps

Maurits Barendrecht

Abstract

This paper reviews alternative dispute resolution (ADR), focusing on what we know—and still need to know—about the role and importance of dispute resolution processes in achieving people-centered justice. Based on existing research, we know that ADR encompasses a wide variety of processes, including mediation, arbitration, conciliation, and negotiation, designed to resolve disputes outside formal court procedures. Legal needs surveys reveal that while formal mediation and arbitration conclude only about 1.6% of justice problems globally, negotiation leading to agreement is by far the most common pathway to resolution. If one party giving in to the demands of the other party is included, agreed resolution accounts for over 50% of concluded disputes. Dispute resolution research has identified five main barriers to resolution: understandable and natural emotions, information asymmetry, hard bargaining over distributive issues, abuse of power, and differing beliefs about fairness. Plausible interventions to overcome these barriers, such as active listening, focusing on interests, and providing objective criteria, have been developed and applied by practitioners, though evidence on their actual effectiveness remains limited. We also know that integrating ADR elements into court processes, creating seamless resolution pathways, and developing effective accountability mechanisms to monitor and improve the quality of ADR outcomes show promise for improving resolution rates and procedural fairness. However, important questions remain around how to evaluate ADR effectiveness using standardized criteria, which specific interventions work under which conditions, and how to scale and sustain ADR systems across jurisdictions. Significant gaps also persist in understanding how ADR can be systematically monitored, how accountability for fair outcomes can be ensured, and how effective dispute resolution can contribute to broader development goals such as poverty reduction and inclusive governance.

Drawing on legal needs data, negotiation research, and evaluation studies, this paper argues that creating shared standards for evaluating processes and building scalable, sustainable ADR systems is an essential—and feasible—next step for advancing people-centered justice.

Suggested citation: Maurits Barendrecht, *Alternative Dispute Resolution: What We Know, Don't Know and What We Need to Know to Fill the Gaps* 103 (Global Perspectives on People-Centered Justice: Exploring the Evidence, Matthew Burnett & Rebecca L. Sandefur eds., 2026) abfn.org/alternative-dispute-resolution.

Alternative Dispute Resolution: What We Know, Don't Know and What We Need to Know to Fill the Gaps

*Maurits Barendrecht**

Introduction

Alternative dispute resolution (ADR) refers to processes and interventions for resolving disputes other than formal procedures provided by courts of law or other authorities. In legal needs surveys, few respondents identify mediation or arbitration as the process by which their legal problem is resolved. Another ADR process, negotiation leading to agreements or to doing what the other party requests, is by far the most frequent process for concluding disputes.

This white paper investigates what is known and not known about the effectiveness of ADR processes. Dispute resolution research has identified five main types of barriers to resolving conflicts. Many plausible interventions and process steps to overcome these barriers have been suggested and are applied by practitioners.

Developing, testing, and gradually improving effective interventions would be enabled by agreement on criteria for effectiveness. A promising area for further research is how effective interventions can be integrated into seamless resolution pathways. Accountability and ownership for effective dispute resolution is an area of concern. Impact of ADR on broader goals like poverty reduction, inclusive growth, and participation is plausible if effective ADR processes are applied in a scalable and sustainable way. The conclusion is: if we figure out what processes work to resolve disputes, and we apply them, the world is more likely to be a better place for people.

1. Overview

People-centered justice is a broad approach emphasizing understanding people's justice needs and tailoring solutions to meet those needs. This approach aims to make justice more accessible, user-friendly, and effective by focusing on outcomes that matter to people.

For example, the OECD Recommendation of the Council on Access to Justice and People-Centered Justice Systems of July 12, 2023 defines access to justice as the ability of people, businesses, and communities to prevent conflicts and obtain effective, fair, equitable, and timely resolution of their legal and justice-related needs.¹ Legal and justice-related needs include the problems with a legal or justice dimension in any sector or any party to the dispute and the subsequent demands for justice services and other dispute resolution mechanisms to obtain recognition of and remedy to such problems. The Recommendation then describes legal and justice services as services offering individuals and businesses 1) support in the form of legal information, advice, resources, and representation, and 2) formal or informal mechanisms to resolve their disputes or address their legal needs, including alternative dispute resolution (ADR) mechanisms that enable out of court settlements and schemes that support prevention and de-escalation.

In this paper, we investigate what is known, not known, and what needs to be investigated about alternative dispute resolution (ADR) as a way to resolve justice problems by out of court settlements or otherwise. Section 2 presents a high-level overview of ADR processes and ADR research. Section 3 explores what is known about how people with justice problems use ADR and reasons behind this. Section 4 delves into effectiveness of ADR interventions. Section 5 suggests how knowledge regarding ADR can be improved to increase effectiveness and eventually achieve positive societal impacts like reduced poverty and improved governance. Section 6 offers concluding remarks on priorities.

* Professor of Innovation of Justice Systems (Emeritus), Tilburg University; R&D Advisor, Hague Institute for Innovation of Law (Hiil).

2. Alternative dispute resolution

2.1. A variety of dispute resolution processes

As the concept suggests, ADR refers to all alternatives to traditional court processes as means to resolve disputes. Courts are conventionally seen as independent institutions that decide disputes according to preexisting rules, in an adversarial process, and in a winner-take-all way.² Alternative dispute resolution then encompasses any process aiming to resolve disputes or intervention contributing to resolution that courts do not use or use ineffectively.

By definition, ADR is then a very broad movement, looking for processes that respond to what courts fail to deliver. In particular, ADR processes may be more effective than courts in delivering fair solutions. Another advantage of ADR could be that it is easier to provide at scale than court processes. This is also related to sustainability: can the process be applied with the available financial resources and used confidently by the professionals and volunteers that have to apply them?

A narrower view on ADR focuses on a number of specific processes like mediation, arbitration, conciliation, negotiation, alternative sanctioning, restorative justice, or neutral fact-finding. These processes may be facilitated by mediators, arbitration panels, ombudsmen,³ therapists, or other specialized professionals.

Within these categories, the variation can be huge. Court-annexed mediation can be a one-hour interaction on the day of the court hearing. It also may be a process with many phases and multi-hour sessions extending over many months.⁴

In the current state of affairs, it is impossible to give a comprehensive overview of ADR processes on offer. Most countries organize courts at the state, provincial, or county level. Whether ADR processes are organized at all, and under whose formal responsibility, is even less transparent, because ADR may be provided by the private market and individual companies may implement their own ADR systems. For example, the EU has established a process for consumer ADR systems to be certified by governments. As of December 2025, EU countries have certified 453 ADR procedures for consumer disputes.⁵ Different types of disputes may be covered by different types of ADR.

ADR may be difficult to distinguish from informal justice. In a particular dispute, the parties are likely to be able to find some third party who can assist them in some way: mutual friends, family members, elders in the community, social workers, civil servants, paralegals, scribes, or notaries. This third party may or may not use a standardized resolution process when supplying interventions, and the third party may have described and documented the interventions more or less well for purposes of replication and learning.

2.2. ADR research and development

As might be expected, ADR research is as broad as the field itself.⁶ Many ADR projects and services exist and many of them have been researched or evaluated. Data on interventions and procedures have been collected by game theorists and social psychologists in their labs. Institutional economists, scholars of legal procedure, and negotiation theorists have assessed interventions using a broad variety of theoretical frameworks. Socio-legal researchers have collected justice needs data and mapped the landscape of providers.

The vast literature provides plausible answers or less solid hypotheses for many research questions that are relevant for the effectiveness, scalability, and sustainability of ADR processes.⁷ In the worldwide body of knowledge, an awful lot is available. So what can be considered known or not known? Sandefur and Burnett have noted that research in access to justice appears to be about many different activities, in many different places, with many different populations.⁸ It does not include all activities involved in access to justice, nor does it reflect some kind of universal experience. The combination of diverse substance and uneven empirical coverage creates challenges both for scholars seeking understanding and for practitioners in the world looking for actionable intelligence. There is no explicit agreement yet on a common set of important questions or even common terminology.⁹

In the subfield of ADR, dispute resolution experts have begun to consolidate relevant knowledge. Dispute system design is an emerging discipline,¹⁰ which is closely related to legal design and human-centered design.¹¹ Scholars describe how elements of dispute systems can be integrated.¹² They write practical guides recommending to focus on key elements like the walk away option of disputants, interests, options for meeting interests, objective criteria for distributive issues,

communication, relationship, and commitment.¹³ As we will see, common frameworks for investigating dispute resolution processes are still in early stages and should be a high priority on research agendas.

3. Application

3.1. Few mediations and arbitrations, many negotiations

One area where some standardization has taken place is the field of legal needs surveys. The standard approach is now to investigate justiciable problems.¹⁴ In this way, data regarding usage of ADR processes for resolving problems with legal and justice elements have become available.

If ADR processes are defined narrowly, these data suggest that the most prominent ADR processes, mediation and arbitration, are of limited relevance in the current landscape of dispute resolution.

Table 1 lists the ways people currently resolve justice problems according to the World Justice Project Global Insights on Access to Justice surveys conducted in three major cities in 100 countries.¹⁵ The Table lists the average ways problems are concluded in low income, lower middle income, higher middle income, and higher income countries. Only 1.6% of problems are concluded by mediation or arbitration, with twice as many problems concluded by a decision of a court or other formal authority (3.1%). Mediation and arbitration are used somewhat more often in countries with lower incomes. Afghanistan (11%), Ethiopia (8%), and Namibia (7%) report the highest rates of problem closure by mediation or arbitration.

Table 1. Manners of conclusion of justice problems

Manner of conclusion if problem is done with	LIC	LMIC	HMIC	HIC	All
A decision or intervention by a court or a formal authority	3%	3%	3%	3%	3.1%
Mediation or arbitration	4%	2%	1%	1%	1.6%
Action by another third party	2%	2%	1%	1%	1.2%
Agreement between you and the other party	38%	35%	38%	29%	34.1%
The other party independently doing what you wanted	12%	9%	10%	14%	11.2%
You independently doing what the other party wanted	9%	7%	6%	6%	6.6%
The problem sorting itself out	13%	17%	16%	15%	15.6%
You moving away from the problem (e.g., moving homes, changing jobs)	5%	5%	5%	8%	6.1%
You and/or all other parties giving up trying to resolve the problem	3%	4%	6%	9%	6.1%
None of these	9%	14%	12%	13%	12.4%

If ADR is defined more broadly, the data in Table 1 confirm that negotiation is a key process for dispute resolution. Agreement is the most prominent way to conclude problems. Thirty-four percent of problems have been settled by agreement. A further 18% are concluded by one of the disputants doing what the other party asked. Taken together, a negotiation-like interaction between the parties resolved more than half of the problem situations that concluded, and even 60% in countries with lowest incomes.¹⁶

3.2. Possible causes of use or non-use

Looking for explanations for these usage patterns, one option is that mediation, arbitration, or similar types of dispute resolution services are not available for disputants. Disputants may not know about the possibility of ADR or cannot find a suitable mediation or arbitration service.

Another possible factor is that mediation and arbitration processes are voluntary. Both parties have to agree to use the process and submit to the process the third party will propose. This may not happen because of what has been called the submission problem. Both parties have to agree simultaneously to use this mechanism, which is unlikely to happen for a variety of reasons.¹⁷ Agreeing on a dispute resolution mechanism before the conflict occurs is most likely to happen in a formal contract, which is unlikely to exist in many conflict situations (crime, accidents, family issues, informal work relationships, neighbor issues, land conflicts, debt problems). Mediation or arbitration can be agreed in employment

and consumer contracts, but many countries (EU countries, US) have developed laws or doctrines that regulate ex ante arbitration agreements, because they may refer the complainant to a procedure with limited remedies or fact-finding options.

Agreeing on a conflict resolution mechanism after the conflict has occurred is unlikely because of strategic considerations and/or cognitive biases. Some jurisdictions have responded to this by making mediation mandatory before a court can be addressed for certain types of disputes and a variety of other incentives to consider or use mediation.¹⁸ To what extent these incentives are effective is an area where more data would be helpful.

Negotiation is an intuitive way to resolve a justice problem. Some form of communication between the parties needs to be established, but no meeting of minds to use a particular process is needed. Negotiation requires an initiator who is willing and able to contact the other party and another party who is willing and able to respond in a constructive way.

Legal needs surveys tend to show that around 10% of problem owners lump the problem: they do not take any action on it. Reasons for this are also included in most standard legal needs surveys. A minority of problem owners, for instance, does not take action because of fear of retaliation.

Why the other parties to the dispute fail to respond is not as well defined and less researched. Barriers to entering negotiation may be related to the way organizations handle complaints and the perceived need to consult legal experts before communicating with a potential adversary. Being in denial about the issue, being overburdened by other issues or strategic unresponsiveness are other potential reasons for not engaging.

4. Effectiveness of ADR

4.1. Criteria for effectiveness

Assessing what is known about the effectiveness of ADR processes and interventions is difficult. Thousands of evaluation studies have been conducted, but very few pass the standard of randomized controlled trials using standardized criteria allowing comparison that are generally recognized by a community of evaluators.¹⁹

Perhaps the most common way ADR—and formal legal—processes are evaluated is by asking participants about their satisfaction with the process or with the way they are heard and respected by the neutral. A fundamental weakness of this type of evaluation is that many disputants have few-hard-to-resolve conflicts in their lives, so it is difficult for them to compare the current process with other similar experiences.

Another perspective is taken by research on distance, costs of access, and usability of services.²⁰ The weakness of this research, which is often commissioned by suppliers in order to convince funders to help scale the services, is that it doesn't relate costs to quality. Traveling for three hours may well be worth the effort if a difficult conflict about ownership of a farm is resolved. Effectiveness of services requires investigation of all substantial benefits and negative effects of using the process.

The Justice Action Coalition, a coalition of 19 governments, international organizations and NGOs, is working on a framework for assessing outcomes and impacts of justice sector interventions (see Box 1 below). In an outcome-focused approach, researchers are likely to investigate the resolution rate and whether the solutions are perceived by the participants, or by an external evaluator, as fair ("just solutions").²¹ This can be gauged by indicators of procedural justice and distributive justice that are well tested as meaningful evaluation criteria.²²

Box 1. Effectiveness criteria suggested by the Justice Action Coalition

Measuring efforts are now culminating in a Workstream of the international Justice Action Coalition which is tasked to define outcomes and suggest indicators.²³ Based on initial dialogue and literature research, seven types of effectiveness criteria are likely to be considered.

- Problem resolution status: resolution by an independent, legitimate third party or by agreement; when that decision or agreement is recognized and enforced by all parties; indicators: resolved completely, resolved partially, ongoing, not resolved and no longer taking actions.
- Needs being met: satisfaction; accommodating the user's specific needs to address disparities and level the playing field.²⁴
- Prevention: preventing problems, preventing recurrence of disputes.
- Procedural justice: being heard, being able to participate in solutions, respected as a person, able to correct mistakes.
- Substantive justice: subjective fairness and equity of the resolution (distributive justice, restorative justice, retributive justice).
- Costs: time and resources spent on achieving resolution, including costs of advisors and experts. This may also include the costs of unintended side-effects like stress, absence from work, damage to relationships.
- Empowerment: A positive change in people's and communities relation to law.

4.2. Outcomes mediated by negotiation and decisions

In this just solutions approach, monitoring is likely to zoom in on agreements and third-party decisions that are imposed on the disputants. As discussed, these are the main ways to arrive at solutions (see Table 1). Adjudication and arbitration are then ways to provide third-party decisions. Mediation, negotiation, and conciliation provide agreed solutions.

The distinction between both ways to resolve disputes is blurring in the paradigm of negotiation in the shadow of the law or litigation.²⁵ In this paradigm, negotiation usually happens with the option of third-party interventions and with the objective criteria provided by social norms and laws in the background. Each party can walk away from the negotiation table and let the court or village elders decide. If no court or other third party with authority to resolve the problem is accessible, the parties negotiate in the shadow of power.²⁶

Seen from the perspective of the third party, negotiation is also helpful. A decision is more likely to be complied with if the parties have participated in the decision and/or this decision is acceptable for them, so they do not take further action (e.g., appeals, or attempts to evade the decision). For courts, settlement is less costly than trials and court decisions.

Researchers have asked disputants about their process preferences and the results confirm that negotiation and third-party decisions are linked in their minds. Negotiation, mediation and adjudication all tend to receive positive evaluations.²⁷ Research into the public perceptions of the settlement process finds that people associate settlements with money, agreed solutions, a substantial role of the third party in deciding outcomes, and assuming responsibility.²⁸

4.3. Barriers to resolution

Empirical studies of negotiation processes led to models of integrative and distributive negotiation.²⁹ Integrative negotiations are modelled as processes leading to win-win outcomes maximizing interests (utility; Pareto and Kaldor Hicks efficiency) and settling distributive issues by objective criteria (social norms, formulas and schedules from the practice of law, third party or expert assessments).³⁰ Distributive negotiation is the bargaining process regarding money, land, and other assets in dispute.

The difficulties of achieving agreement are well researched empirically and intuitively known by justice practitioners, who now often have additional training in mediation and legal negotiation skills. Building on this research, effective dispute resolution services need to be able to overcome the following main barriers to resolution:³¹

1. Understandable and natural emotions. People who are dependent on other parties for their basic human needs are likely to experience anger and fear about ongoing existential threats, feelings of failure and loss, and worries about the future.
2. Information asymmetry. Different perspectives on needs, on what happened and on what will work in the future are common, influenced by a range of self-serving and cognitive biases.
3. Hard bargaining over distributive issues. Bargaining research has confirmed that over-asking, low offers, delaying, threats to walk away, and ignoring leads to better results. But hard bargaining also increases the probability of impasse and damages relationships.³²
4. Abuse of power. Besides hard bargaining over distributive issues, a powerful party may also use threats to weaken the other party's position. More powerful (less dependent) parties can impose a settlement.³³
5. Different beliefs and social norms about fair and effective relationships. For example, people may have a preference for needs, for proportionality, for authority or for harmony in the group as a basic underlying justice principle for objective criteria.³⁴

The extent to which interventions work to overcome these barriers is less clear. A useful distinction is between interventions that increase the probability of finding win-win improvements and interventions that help settle distributive issues—in dispute resolution lingo: interventions for increasing the pie and for splitting the pie.

4.4. Interventions contributing to win-win improvements: evidence-based practice

A vast literature exists that hypothesizes interventions used in mediation and integrative negotiation as more or less effective.³⁵ Active listening, focusing on interests, avoiding or reframing blaming and defensiveness, and jointly identifying possible solutions are generally recommended.

Many experts report a lack of data on the actual effects of interventions.³⁶ Besides the unmet demand for generally accepted effectiveness criteria, an additional challenge is that an actual dispute resolution process is a complicated interaction. It consists of many phases, attempts to communicate, issues to be addressed, questions to be answered, ways of summarizing answers, asking follow-up questions, analyzing evidence, reactions to emotions and interactions, suggestions about solutions, and many more types of verbal and non-verbal communication that may all have an impact on the results. Some interventions and types of data are appropriate for land conflicts but may be counterproductive for domestic violence cases. Some interventions may work under specific conditions or in specific relationships, but not in others.

One way to address this knowledge gap is to use the PICO-GRADE method for supporting evidence-based practice that has been developed in the health care and social services sectors. The essence of this method is to compare two plausible interventions (Population, Intervention, Comparator, Outcome) and to report evidence on the effects of these interventions, as well as the strength of this evidence (Grading of Recommendations Assessment, Development, and Evaluation).³⁷ For instance, mandatory mediation is reported to lead to slightly lower resolution rates than voluntary mediation, but is likely to bring many more disputants to the table than voluntary mediation so the overall resolution rate is likely to increase.³⁸ This can lead to a recommendation to consider mandatory mediation, accompanied by a qualification of the strength of the evidence by independent experts.

4.5. Interventions contributing to settling distributive issues

Hard bargaining, abuse of power, and differences in beliefs about fairness can be addressed by delivering objective criteria and by the option of a third-party decision. The option of asking a third party to decide the open issues is an essential guarantee for a just agreement. This is why low-cost access to a court or another neutral authority—access to justice in a narrow sense—is seen as a crucial element of the rule of law. A credible option (threat) of a neutral decision with a high probability of compliance is essential for achieving just agreements.

Empirical research has revealed how experienced negotiators operate in the shadow of adjudication by a court and use a court or arbitral decision as an exit option (also BATNA, Best Alternative to Negotiated Agreement) if negotiations

fail.³⁹ This research revealed that legal negotiations are then likely to mimic adversarial court procedures, which may decrease the likelihood of resolution and the experience of procedural justice.⁴⁰ Developing and testing better ways for third-party decision makers to influence and join the (integrative) negotiation process is therefore a promising area for additional ADR research.

Settling distributive issues is also thought to be facilitated by objective criteria: formulas for fair settlements, schedules, tables and other norms for splitting the pie.⁴¹ Objective criteria reveal to disputants how similar disputes have been settled by others: the level of nuisance one should accept, the amount of severance pay, child support, or the length of a prison sentence. They can be seen as concrete applications of general ideas about fairness in specific relationships, which are informed by the vast body of empirical research on distributive justice, retributive justice, and restorative justice.⁴²

How these formulas and guidelines develop in practice and how development can be organized has also been investigated. Systematically improving and refining objective criteria for the most common and frequent disputes can contribute to the effectiveness of ADR and is another promising field for further data collection.⁴³

5. Promising directions for further research

5.1. *Integration of ADR interventions in court processes*

As would be expected from attempts to improve on court procedures, ADR interventions are also applied in the context of court and tribunal procedures, as well as administrative procedures.⁴⁴ Judges may act as judicial mediators.⁴⁵ Problem-solving courts are applying a range of ADR processes. Plea-bargaining, online dispute resolution, settlement conferences, and mandatory mediation phases can be seen as ADR elements that are integrated in court procedures.

The interlinkages between negotiation and third-party decisions by courts (or other authorities) illustrate the need for more research on effective integration of court procedures and elements of ADR. What are the conditions under which integration improves resolution rates, (procedural) fairness and other desirable outcomes? How can courts systematically provide the option of a neutral third-party decision, suitable objective criteria, the interventions likely to improve exchange of information and what is needed to cope with strong emotions? How can these dispute resolution interventions be integrated with applying laws to claims and defenses or pursuing other agreed objectives for the activities of courts? The effectiveness of courts on their own terms, which is often questioned, may be enhanced by improving integration of case management and alternative dispute resolution.⁴⁶

5.2. *Seamless resolution pathways*

Another angle for this type of research and development is that disputants are likely to prefer seamless pathways to resolution.⁴⁷ A one stop shop, where a person seeking justice can get information and advice, assisted negotiation and a decision if negotiation fails, may also benefit from economies of scale.

Examples of seamless pathways can be found in specialized ADR and tribunal services. They have been proposed as a model for online courts, enhanced with online dispute resolution.⁴⁸ Seamless ADRs have achieved resolution through agreement rates of incoming cases as high as 85%.⁴⁹ They build on the premise that services delivering just solutions should be timely, targeted, trustworthy and transparent, with regulatory environments supporting this.⁵⁰

5.3. *Accountability and ownership of ADRs*

This is related to the additional knowledge of how to best supervise and strengthen ADRs. In most countries, there seems to be no clear allocation of responsibilities for effective dispute resolution mechanisms. Ministries of Justice or officials in the judicial system operate courts and may be involved in ADR pilots or court-connected mediation. ADR systems operated by industries of companies may lead to binding awards or agreements under a contract with employees, consumers, tenants, or other individuals.

Whether these ADRs deliver fair processes and outcomes is not monitored systematically.⁵¹ Systems operated by private providers risk being structurally biased towards industry interests in a similar way as informal justice systems may protect the vested interests of powerful local actors. One way to increase fairness of these systems is a prohibition of

consumer contracts that exclude the jurisdiction of formal courts, ensuring that consumers have a choice between the protection of the ADR system and the formal court.⁵²

Many countries have laws that recognize informal justice systems and set quality criteria for them. The EU has set up a certification system for ADRs that invites member states to provide quality criteria and reporting requirements regarding effectiveness, scale, and sustainability.⁵³ Several jurisdictions (Utah, England, and Wales) also operate a certification system for legal services that could be expanded in the direction of ADRs.

5.4. Scalability and sustainability

The most urgent gap in knowledge is related to the siloed and scattered ADR landscape. To what extent can ADR processes be scaled and delivered in a sustainable way? Is an intervention adaptable to new contexts, crossing jurisdictional borders? Is experimentation and learning guaranteed, benefiting from what has been found to be effective in other jurisdictions?

Is funding sustainable, by fees for service or otherwise? Can the justice workers, IT-providers and leaders operating the system be found and retained? Is there sufficient support by actors in the enabling environments, including legal professionals, politicians and the public?⁵⁴

In order to achieve economies of scale and achieve meaningful access to justice for all, the framework for assessing dispute resolution interventions should also be able to compare scalability and sustainability.

5.5. Development and other societal outcomes

The mission of the Justice Data Observatory is to investigate how people-centered access to justice can combat poverty and inequality, promote inclusive development and growth, and empower democratic participation and governance. The preceding paragraphs shed some light on the way ADR processes, as one way to deliver people-centered justice, can contribute to these macro-economic and social objectives. Table 2 gives an impression of the number of justice problems societies have to solve and the issues that are disputed. The issues strongly suggest that resolving justice problems fairly is a direct, inclusive way to address problems related to basic human needs and thus to poverty and productivity of economies.

ADR processes, if well designed, scalable, and sustainable, can deliver agreements and decisions that reflect win-win solutions with fair distribution of money, land, responsibilities, and other goods in dispute. Increasing the pie in the most frequent and urgent disputes helps people to recover from accidents, stabilizes their residency status, and improves the use of community and natural resources. It can increase the quality of consumer goods, the productivity of relationships at work, and ensure access to education. The quality of family life, housing arrangements, and land use can be improved. Law enforcement, money and debt management, and public services can be improved, whilst avoiding negative side effects like the ones from excessive imprisonment, in processes that are more inclusive.

Table 2. Prevalence of justice problems in 2 years per million of population⁵⁵

Problem type	Lower income countries	Lower middle income	Higher middle income	High income countries	World (100 countries)
Accidental Illness & Injury	34,000	20,000	23,000	58,000	36,000
Citizenship & ID	74,000	73,000	37,000	42,000	53,000
Community & Natural Resources	137,000	112,000	70,000	88,000	97,000
Consumer	322,000	189,000	196,000	252,000	230,000
Employment	72,000	47,000	66,000	115,000	78,000
Education	58,000	32,000	41,000	69,000	50,000
Family	113,000	65,000	69,000	111,000	88,000
Housing	142,000	115,000	132,000	250,000	169,000
Land	159,000	85,000	82,000	92,000	96,000
Law Enforcement	26,000	12,000	8,000	15,000	14,000
Money and Debt	123,000	85,000	119,000	212,000	142,000
Public Services	92,000	70,000	81,000	161,000	107,000
Problem incidence	595,000	416,000	408,000	535,000	478,000

Alternative dispute resolution by definition and by its nature focuses on achieving these outcomes that are highly valued by people seeking access to justice. ADR is likely to be superior in achieving their objectives than traditional court procedures, insofar as ADR is guided by people's interests and needs rather than by sanctioning disobedience of rules. That is also why ADR has been proposed in the first place.

6. Concluding remarks on priorities

What do we know and what don't we know about ADR? What additional data are needed, and how should research be organized?

Many decades of evaluation studies and interdisciplinary research have delivered a messy field. ADR consists of all dispute resolution that is not a court process. Yet most ADRs focus on facilitating agreements and third-party decisions, which is also the core business of lawyers and courts. Every jurisdiction has their own patchwork of ADR.

Which processes and interventions work is a matter of informed guesses. Many of these guesses have been tested in labs, in pilot evaluations, or on the basis of dispute resolution theories. But these results are hardly used and shared outside their contexts. This is related to jurisdictions being small and ADRs operating on a small scale. The field would benefit from a shared body of knowledge that enables governments, private ADR providers, and donors to invest in ADR that is effective, scalable, and sustainable.

One essential move to improve this state of affairs would be that the field creates agreed standards for evaluating processes and interventions. Adding more research and data to the current messy stack of knowledge is unlikely to lead to useful insights on effective, scalable, and sustainable ADR. Scalability, sustainability, and integration of dispute resolution processes—alternatives and court procedures—is another knowledge gap, which includes the ways dispute resolution systems are monitored and accounted for. Scaled and research-informed, evidence-based practices are also key to achieving macro-economic and social objectives.

In sum, a promising way forward would be an investment in the way knowledge is gathered, made available and used by the supervisors and owners of ADR systems. As we have seen, many reviewers of ADR evidence have come to similar conclusions.

Prof. Maurits Barendrecht is Professor Innovation of Justice Systems (emeritus) at Tilburg University (Netherlands) and R&D advisor at the Hague Institute for Innovation of Law (HiIL). He specializes in evidence-based innovation in the justice sector. His work focuses on integrating interdisciplinary knowhow on dispute resolution in formal, mandatory legal procedures. He has worked on innovating resolution pathways for divorce, personal injury, day to day crime, disputes with government agencies and more. He has published extensively on outcome metrics, regulation and financing of justice pathways, using a people-centered perspective. Most of his work is internationally comparative. He holds a PhD in Law from Tilburg University.

¹ Org. for Econ. Coop. & Dev. ("OECD"), Recommendation of the Council on Access to Justice and People-Centred Justice Systems, OECD/LEGAL/0498 (adopted July 12, 2023).

² MARTIN M. SHAPIRO, COURTS: A COMPARATIVE AND POLITICAL ANALYSIS, 1 (new ed., U. Chi. Press, 1986).

³ Naomi Creutzfeldt, What do we expect from an ombudsman? Narratives of everyday engagement with the informal justice system in Germany and the UK, 12 INT'L J. L. CONTEXT 437, 437-52 (2016).

⁴ For one of the latest summaries of this variety, see Nancy A. Welsh, What Mediation Romantics Can Learn from the Model T (or Maybe the Chevrolet Trax), 26 CARDOZO J. CONFLICT RESOL. 271 (2024).

⁵ See EUROPEAN UNION, Consumer Redress in the EU: Dispute resolution bodies, https://consumer-redress.ec.europa.eu/dispute-resolution-bodies_en (last visited Dec. 20, 2025).

⁶ See SSRN, "alternative dispute resolution," 7382 results (last visited Oct. 20, 2025); GOOGLE SCHOLAR, "alternative dispute resolution," 167,000 results (last visited Oct. 20, 2025).

⁷ See Carrie Menkel-Meadow, Mediation, Arbitration, and Alternative Dispute Resolution (ADR), in INTERNATIONAL ENCYCLOPEDIA OF THE SOCIAL AND BEHAVIORAL SCIENCES (Elsevier Ltd., 2015). For useful overviews of ADR trends, see Mehnaz Begum, Shabir Ahmed Khan & Muhammad Zubair Khan, Alternative Dispute Resolution in the Contemporary World, 4 GLOB. INT'L RELS. REV. 11 (2022); Murillo De Oliveira Dias et al., Mediation & Dispute Board Resolution: A Systematic Literature Review, 6 J. Soc. Sci. & HUMANITIES RSCH. 13, 21-32 (2023) for a network analysis of the research literature. For a recent overview of negotiation research, see Erica J. Boothby, Gus Cooney & Maurice E. Schweitzer, Embracing Complexity: A Review of Negotiation Research, 74 ANN. REV. PSYCH. 299 (2023).

⁸ Rebecca L. Sandefur & Matthew Burnett, All together now: Building a shared access to justice research framework for theoretical insight and actionable intelligence, 13 ONATI SOCIO-LEGAL SERIES 1330 (2023).

⁹ Id. See also Hugh McDonald, Assessing Access to Justice: How Much "Legal" Do People Need and How Can We Know?, 11 U.C. IRVINE L. REV. 693, 733 (2021); Marta Blanco Carrasco, Andrés Arias Astray & Jorge Manuel Leitão Ferreira, Is Mediation a Scientific Discipline? Theoretical and Practical Perspectives, 42 CONFLICT RESOL. Q. 437, 437-447 (2025).

¹⁰ LISA BLOMGREN AMSLER, JANET K. MARTINEZ & STEPHANIE E. SMITH, DISPUTE SYSTEM DESIGN PREVENTING, MANAGING, AND RESOLVING CONFLICT (2020). DISPUTE SYSTEM DESIGN is the most recent handbook for dispute system designers.

¹¹ See Zainab Malik, Human-Centered Design the contribution by Zainab Malik to this volume.

¹² Richard Susskind, Online Courts and the Future of Justice (2021), <https://global.oup.com/academic/product/online-courts-and-the-future-of-justice-9780192849304>; Christopher Hodges, Delivering Dispute Resolution: A Holistic Review of Models in England and Wales (2019), <https://www.amazon.nl/Delivering-Dispute-Resolution-Holistic-England-ebook/dp/B07YQMW3P3Q> (describing how tribunals and courts, ombuds procedures and various mediation programs can be integrated in England and Wales).

¹³ Lisa K. Dicker & Neil McGaraghan, The Seven Elements of Dispute Systems Design, 75 WASH. U. J. L. & POL'Y 116 (2024), <https://journals.library.wustl.edu/lawpolicy/article/id/8933/download/pdf/>.

¹⁴ See OECD & Open Soc'y Funds., Legal Needs Surveys and Access to Justice (2019), https://www.oecd.org/content/dam/oecd/en/publications/reports/2019/05/legal-needs-surveys-and-access-to-justice_g1g9a36c/g2g9a36c-en.pdf.

¹⁵ World Justice Project, Global Insights on Access to Justice: Findings from the World Justice Project General Population Poll in 101 Countries (2019), <https://worldjusticeproject.org/sites/default/files/documents/WJP-A2J-2019.pdf> (Table 1 is based on the summary statistics, available at <https://worldjusticeproject.org/our-work/research-and-data/global-insights-access-justice-2019>).

¹⁶ These data have to be considered taking into account the lower conclusion rates in countries with lower incomes. The fraction of problems reported as ongoing (not concluded) are 46,1% in LICs, 37,9% in LMICs, 34,9% in HMICs and 31,7% in HICs. Some countries (i.e., Pakistan, Liberia, Ethiopia) reported more than 60% of problems as ongoing.

¹⁷ Berend R. de Vries & Maurits Barendrecht, Fitting the Forum to the Fuss with Sticky Defaults: Failure on the Market for Dispute Resolution Services?, 7 CARDOZO J. CONFLICT RESOL. 1, 1-31 (2006), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=811244; Talia Fisher, Law and Economics of Alternative Dispute Resolution, 3 OXFORD HANDBOOK OF L. & ECON. 280, 280 (2017).

¹⁸ Nadja Alexander, Comparative Mediation Law Mapping Mediation Law with the Mediation Matrix in COMPAR. PROCEDURAL L. & JUST. (Burkhard Hess, Margaret Woo, Loïc Cadiet, Séverine Menétrey & Enrique Vallines García eds., 2024).

¹⁹ See supra sec. 2.2.

²⁰ See Teresa Marchiori, Framework For Measuring Access To Justice Including Specific Challenges Facing Women (2015); for the state of the art, see also OECD, Measuring and improving access to justice in court services: Learning from the United Kingdom's experience (2024), https://www.oecd.org/en/publications/measuring-and-improving-access-to-justice-in-court-services_a8226ccc-en.html.

²¹ Tom R. Tyler, The Quality of Dispute Resolution Procedures and Outcomes: Measurement Problems and Possibilities, 66 DENV. U. L. REV. 419, 419 (1989); Lisa Blomgren Bingham et al., Dispute Resolution and the Vanishing Trial: Comparing Federal Government Litigation and ADR Outcomes, 24 OHIO ST. J. DISP. RESOL. 225 (2008); Catherine R. Albiston & Rebecca L. Sandefur, Expanding the Empirical Study of Access to Justice, WISC. L. REV., (2013), <https://papers.ssrn.com/sol3/Delivery.cfm?abstractid=2282498>; Mark Weston, The Benefits of Access to Justice for Economies, Societies and the Social Contract: A Literature Review (2022), <https://www.sdg16.plus/resources/the-benefits-of-access-to-justice-for-economies-societies-and-the-social-contract/>.

²² See the publications of the HiIL/Tilburg University programme, MARTIN GRAMATIKOV, A HANDBOOK FOR MEASURING THE COSTS AND QUALITY OF ACCESS TO JUSTICE (Maklu ed. 2010), https://books.google.nl/books?id=eZ4cCsfXyUC&pg=PA16&dq=A+handbook+for+measuring+the+costs+and+quality+of+access+to+justice&hl=nl&newbks=1&newbks_redir=1&sa=X&ved=2ahUKEwXpDnNvfiNAXh-QIHXXH9MNEQ6AF6BAGFEAM, and the survey approach of the World Justice Project analyzed by Margaret L. Satterthwaite & Sukti Dhital, Measuring Access to Justice: Transformation and Technicality in SDG 16.3, 10 GLOB. POL'Y 96 (2019), <https://www.globalpolicyjournal.com/articles/development-inequality-and-poverty/measuring-access-justice-transformation-and>.

²³ Justice Action Coalition, <https://www.sdg16.plus/justice-action-coalition/> (last visited Dec. 20, 2025).

²⁴ Sandefur & Burnett, supra n. 8.

²⁵ See the extensive work on bargaining in the shadow of the law, following Robert Cooter, Stephen G. Marks & Robert Mnookin, Bargaining in the Shadow of the Law: A Testable Model of Strategic Behavior, 11 J. LEGAL STUD. 225 (1982), https://scholarship.law.bu.edu/cgi/viewcontent.cgi?article=3616&context=faculty_scholarship;

Robert Cooter & Daniel Rubinfeld, *Economic Analysis of Legal Disputes and Their Resolution*, 27 J. ECON. LITERATURE 1067 (1989), https://www.researchgate.net/profile/Daniel-Rubinfeld/publication/4722380_Economic_Analysis_of_Legal_Disputes_and_Their_Resolution/links/54006cad0cf2194bc29ace1d/Economic-Analysis-of-Legal-Disputes-and-Their-Resolution.pdf; Betsey Stevenson & Justin Wolfers, *Bargaining in the Shadow of the Law: Divorce Laws and Family Distress*, 121 Q. J. ECON. 267 (2006), <https://users.nber.org/~jwolfers/papers/Divorceweb.PDF>; Kathryn E. Spier, *Litigation*, in 1 HANDBOOK OF LAW AND ECONOMICS 259, 259-333 (A. Mitchell Polinsky & Steven Shavell eds., 2007), [https://books.google.nl/books?d=3GW9F1N9t5WC&pg=PA259&dq=KATHRYN+SPIER,+LITIGATION+HANDBOOK+OF+LAW+AND+ECONOMICS+HL=NL&NEWBKS=1&NEWBKS_REDIRE=1&SA=X&VED=2AhUKFWCMBN_TPiNAX3-AIHHeODCEQ6AF6BAGIEAM;CARRIE+MENKEL-MEADOW,DISPUTE+PROCESSING+AND+CONFLICT+RESOLUTION:THEORY,PRACTICE+AND+POLICY\(2017\),https://www.routledge.com/Dispute-Processing-and-Conflict-Resolution-Theory-Practice-and-Policy/Menk-Meadow/p/book/9780754623052?srsltid=AfmBQoqIKwv4s2ARLx-GRMHZlWd0Vb41z66e61kjuMp5L5ZNcGwggUTW](https://books.google.nl/books?d=3GW9F1N9t5WC&pg=PA259&dq=KATHRYN+SPIER,+LITIGATION+HANDBOOK+OF+LAW+AND+ECONOMICS+HL=NL&NEWBKS=1&NEWBKS_REDIRE=1&SA=X&VED=2AhUKFWCMBN_TPiNAX3-AIHHeODCEQ6AF6BAGIEAM;CARRIE+MENKEL-MEADOW,DISPUTE+PROCESSING+AND+CONFLICT+RESOLUTION:THEORY,PRACTICE+AND+POLICY(2017),https://www.routledge.com/Dispute-Processing-and-Conflict-Resolution-Theory-Practice-and-Policy/Menk-Meadow/p/book/9780754623052?srsltid=AfmBQoqIKwv4s2ARLx-GRMHZlWd0Vb41z66e61kjuMp5L5ZNcGwggUTW). “Litigation” is another concept used to describe these findings on how third party interventions by courts are used in negotiations. See Marc Galanter, “... A settlement judge, not a Trial Judge:” Judicial Mediation in the United States, 12 J. L. & Soc’y 1 (1985), https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/jlsocty12§ion=7.

²⁶ Robert Powell, *Bargaining in the Shadow of Power*, 15 GAMES & ECON. BEHAV. 225, 225-289 (1996), <http://pages.ucsd.edu/~bslantchev/courses/pdf/powell-geb1996v15n2.pdf>.

²⁷ For an overview of research on the preferences of users, informed by procedural justice research and research on effectiveness of different designs, see Donna Shestowsky, *Civil Litigants’ Evaluations of Their Legal Experiences*, 19 ANN. REV. L. & SOC. SCI. 19 (2023), <https://www.annualreviews.org/content/journals/10.1146/annurev-lawsofsci-111022-082509>. See also Avital Mentovich, J.J. Prescott & Orna Rabinovich-Einy, *Legitimacy and online proceedings: Procedural justice, access to justice, and the role of income*, 57 L. & Soc. Rev. 189 (2023), <https://www.cambridge.org/core/services/aop-cambridge-core/content/view/6067AB977B545D57D258EB59A06D1BF2/S0023921600014110a.pdf/legitimacy-and-online-proceedings-procedural-justice-access-to-justice-and-the-role-of-income.pdf> (using the lens of legitimacy for investigating the preferences of users); Donna Shestowsky, *Great Expectations? Comparing Litigants’ Attitudes Before and After Using Legal Procedures*, 44 L. & HUM. BEHAV. 179 (2020); Onuorah Edeh Hyacinth., George Mavrotas & Bedru Babulo Balana, *Land tenure security and preferences to dispute resolution pathways among landholders in Nigeria*, 119 LAND USE POL’Y 1 (2022).

²⁸ Jennifer K. Robbenolt, Jessica Bregant & Verity Winship, *Settlement schemas: How laypeople understand civil settlement*, 20 J. EMPIRICAL LEGAL STUDS. 488 (2023), <https://onlinelibrary.wiley.com/doi/pdfdirect/10.1111/jels.12360>.

²⁹ Roy J. Lewicki, Stephen E. Weiss & David Lewin, *Models of Conflict, Negotiation and Third Party Intervention: A Review and Synthesis*, 13 J. ORG. BEHAV. 209, 209-52 (1992); Erica J. Boothby, Gus Cooney & Maurice E. Schweitzer, *Embracing Complexity: A Review of Negotiation Research*, 74 ANN. REV. PSYCH. 299, 299-332 (2023).

³⁰ Rebecca Hollander-Blumoff & Tom R. Tyler, *Procedural Justice in Negotiation: Procedural Fairness, Outcome Acceptance, and Integrative Potential*, 33 L. & SOC INQUIRY 473 473-500 (2008).

³¹ KENNETH J. ARROW ET AL., *BARRIERS TO CONFLICT RESOLUTION* (1995); RUSSELL KOROBKIN, *THE FIVE TOOL NEGOTIATOR* (2021); for comprehensive literature reviews, see Martin Schweinsberg, Stefan Thau & Madan M. Pillutla, *Negotiation Impasses: Types, Causes, and Resolutions*, 48 J. MGMT. 49 (2022), <https://psycnet.apa.org/record/2022-12934-003>.

³² ABHINAV MUTHOO, *BARGAINING THEORY WITH APPLICATIONS* (Cambridge Univ. Press, 1999).

³³ Michael Schaerer et al., *Power and negotiation: Review of current evidence and future directions*, 33 CURRENT OP. PSYCH. 47, 47-51 (2020), <https://core.ac.uk/download/pdf/227556630.pdf>.

³⁴ See moral psychology and justice research and, for instance, JONATHAN HAIDT, *THE RIGHTIOUS MIND: WHY GOOD PEOPLE ARE DIVIDED BY POLITICS AND RELIGION* (Vintage, 2013).

³⁵ For overviews, see Daniel Druckman & James A. Wall, *A Treasure Trove of Insights: Sixty Years of JCR Research on Negotiation and Mediation*, 61 J. CONFLICT RESOL. 1898 (2017), https://www.researchgate.net/profile/Daniel-Druckman-2/publication/318993306_A_Treasure_Trove_of_Insights_Sixty_Years_of_JCR_Research_on_Negotiation_and_Mediation/links/5a93fa2e45851535bcd987d5A-Treasure-Trove-of-Insights-Sixty-Years-of-JCR-Research-on-Negotiation-and-Mediation.pdf; ALEXIA GEORGAKAPOULOS, *THE MEDIATION HANDBOOK: RESEARCH, THEORY AND PRACTICE* (Routledge, 2017); ROSELLE L. WISSLER, *THE ROLE OF ANTECEDENT AND PROCEDURAL CHARACTERISTICS IN MEDIATION: A REVIEW OF THE RESEARCH* (Margaret S. Herrman eds., 2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1725439; Peter Kaiser et al., *Qualities and Long-Term Effects of Mediation*, 16 NEGOT. & CONFLICT MGMT. RSCH. 132 (2022), <https://oado.uni-vechta.de/handle/21.11106/384>.

³⁶ James A. Wall & Timothy C. Dunne, *Mediation research: A current review*, 28 NEGOTIATION J. 217, 217-44 (2012); Mehura Sinnadurai et al., *A Call for Evidence-Based Research in ADR*, 32 CAN. ARB. & MEDIATION J. 13, 13-16 (2023), https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=4045&context=scholarly_works; Maaike De Langen, *Delivering Justice and Fairness in People’s Lives, Looking Beyond the Usual Suspects to Understand the Knowledge and Skills Required to Solve People’s Justice Problems* (2023), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4587998.

³⁷ Hiil, *Justice Dashboard*, <https://dashboard.hiil.org/treatment-guidelines>. adapted this method for guideline development to pathways for resolving justice problems and developed initial drafts of guidelines for resolving family problems, land problems, and employment problems.

³⁸ Wissler, supra n. 35.

³⁹ John M. Lande, *A Framework for Advancing Negotiation Theory: Implications from a Study of How Lawyers Reach Agreement in Pretrial Litigation*, 16 CARDOZO J. CONFLICT RESOL. 1 (2015), <https://scholarship.law.missouri.edu/cgi/viewcontent.cgi?article=1516&context=facpubs>; Ayelet Sela, Nourit Zimmerman & Michal Alberstein, *Judges as Gatekeepers and the Dismaying Shadow of the Law: Courtroom Observations of Judicial Settlement Practices*, 24 HARV. NEGOT. L. REV. 83 (2018), <https://papers.ssrn.com/sol3/Delivery.cfm?abstractid=3131664>.

⁴⁰ Rebecca Hollander-Blumoff, *Fairness beyond the adversary system: Procedural justice norms for legal negotiation*, 85 FORDHAM L. REV. 2081 (2016).

⁴¹ Lisa K. Dicker & Neil McGaraghan, *The Seven Elements of Dispute Systems Design*, 75 WASH. U. J. L. & POL’Y 117 (2024), <https://journals.library.wustl.edu/lawpolicy/article/id/8933/download/pdf/> (explaining how the concept of objective criteria has emerged from negotiation theory).

⁴² See, e.g., Soc. Just. Rsch., <https://www.springer.com/journal/11211>; James Konow, *Which is the Fairest One of All? A Positive Analysis of Justice Theories*, 41 J. ECON. LITERATURE 1188, 1188-1239 (2003), https://digitalcommons.lmu.edu/cgi/viewcontent.cgi?article=1024&context=econ_fac; James Konow, *Is Fairness in the Eye of the Beholder? An Impartial Spectator Analysis of Justice*, ECON. FAC. WORKS (2009); CLARA SABBAGH & MANFRED SCHMITT, *HANDBOOK OF SOCIAL JUSTICE THEORY AND RESEARCH* (2016).

⁴³ See J. H. VERDONSCHOT, *SHARING RULES THAT WORK: DEVELOPING LAW AS PRACTICAL AND CONCRETE GUIDELINES FOR FAIR SHARING* (Wolf Legal Publishers, 2013), [https://research.tilburguniversity.edu/en/publications/sharing-rules-that-work-developing-law-as-practical-and-concrete-;STEFAN+TRAUB+BERNHARD+KITTEL,NEED-BASED+DISTRIBUTIVE+JUSTICE:AN+INTERDISCIPLINARY+PERSPECTIVE\(2020\),https://link.springer.com/book/10.1007/978-3-030-44121-0](https://research.tilburguniversity.edu/en/publications/sharing-rules-that-work-developing-law-as-practical-and-concrete-;STEFAN+TRAUB+BERNHARD+KITTEL,NEED-BASED+DISTRIBUTIVE+JUSTICE:AN+INTERDISCIPLINARY+PERSPECTIVE(2020),https://link.springer.com/book/10.1007/978-3-030-44121-0). See also BARRY NALEBUFF, *SPLIT THE PIE: A RADICAL NEW WAY TO NEGOTIATE* (2022) for one of the many attempts to define optimal cooperative outcomes for distributive issues.

⁴⁴ THE OXFORD HANDBOOK OF ADMINISTRATIVE JUSTICE (Marc Hertogh et al. eds., Oxford U. Press, 2022) (various contributions).

⁴⁵ Jean-Francois Roberge & Dorcas Quek Anderson, *Judicial Mediation: From Debates to Renewal*, 19 CARDOZO J. CONFLICT RESOL. 613 (2015), https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/cardcore19§ion=27.

⁴⁶ Erica Bosio, *A Survey of Judicial Effectiveness: The Last Quarter Century of Empirical Evidence*, 40 WORLD BANK RSCH. OBSERVER 185, 185-215 (2024).

⁴⁷ The OECD Recommendation of the Council on Access to Justice and People-Centred Justice Systems of July 12, 2023, supra n. 1, recommends governments “enable seamless, efficient, integrated, sustainable, resilient, and user-centred justice pathways” and defines justice pathways as “formal and informal pre-court and court mechanisms and services used by people and other stakeholders to prevent legal issues and/or seek their resolution.”

⁴⁸ RICHARD SUSSKIND, *ONLINE COURTS AND THE FUTURE OF JUSTICE* (2020), [https://global.oup.com/academic/product/online-courts-and-the-future-of-justice-9780192849304;CHRISTOPHER+HODGES,DELIVERING+DISPUTE+RESOLUTION:A+HOLISTIC+REVIEW+OF+MODELS+IN+ENGLAND+AND+WALES\(2019\)\(describing+how+tribunals+and+courts,+ombuds+procedures+and+various+mediation+programs+can+be+integrated+in+seamless+pathways+in+England+and+Wales\).](https://global.oup.com/academic/product/online-courts-and-the-future-of-justice-9780192849304;CHRISTOPHER+HODGES,DELIVERING+DISPUTE+RESOLUTION:A+HOLISTIC+REVIEW+OF+MODELS+IN+ENGLAND+AND+WALES(2019)(describing+how+tribunals+and+courts,+ombuds+procedures+and+various+mediation+programs+can+be+integrated+in+seamless+pathways+in+England+and+Wales).)

⁴⁹ Shannon Salter, *Online Dispute Resolution and Justice System Integration: British Columbia’s Civil Resolution Tribunal*, 34 WINDSOR Y.B. ACCESS JUST. 112, 112-29 (2017); MAURITS BARENDRECHT ET AL., *LEREN VAN ADR PRAKTIJK IN NEDERLAND: VERSTERKT CONFLICTOPLOSSEND VERMOGEN* (2025).

⁵⁰ Rebecca L. Sandefur & Matthew Burnett, *Justice Futures: Access to Justice and the Future of Justice Work*, in *RETHINKING THE LAWYER’S MONOPOLY: ACCESS TO JUSTICE AND THE FUTURE OF LEGAL SERVICES* (David Engstrom & Nora Freeman Engstrom eds., 2025).

⁵¹ Nancy A. Welsh, *But Is It Good: The Need to Measure, Assess, and Report on Court-Connected ADR*, 22 CARDOZO J. CONFLICT RESOL. 427, 427 (2020).

⁵² Jean R. Sternlight, *In Defense of Mandatory Binding Arbitration (If Imposed on the Company)*, 8 NEV. L. J. 82 (2007).

⁵³ See the EU policy on Alternative dispute resolution for consumers with the ADR Directive 2013/11/EU as a basis.

⁵⁴ Matthew Burnett & Rebecca L. Sandefur, *A People-Centered Approach to Designing and Evaluating Community Justice Worker Programs in the United States*, 51 FORDHAM URB. L. J. 1509 (2024), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4946163. On funding, see Maurits Barendrecht, Juan Carlos Botero & Isabella Banks, *Charging for Justice* Hiil SDG 16 (2020).

⁵⁵ See Table 1 and accompanying text for the source of these data.

Knowledge for Implementing People-Centered Justice: The Promise of Medical-Legal Partnerships/Health Justice Partnerships

Michele M. Leering

Abstract

This paper reviews the evolution and implementation of medical-legal partnerships (MLPs) and health justice partnerships (HJPs), focusing on what we know—and still need to know—about the role and importance of cross-disciplinary health-legal collaborations in achieving people-centered justice. Based on existing research, we know that HJPs, which embed access to legal services within healthcare settings to address health-harming legal needs, have proliferated over the past three decades across Australia, Canada, the United Kingdom, and the United States, with national coordination bodies now supporting implementation in three countries. Evidence demonstrates that HJPs can effectively resolve legal problems and improve socioeconomic circumstances; improve access to legal assistance for populations who would otherwise not seek help; generate positive mental health outcomes, particularly reductions in stress, depression, and anxiety; and ameliorate burdens on healthcare. We also know that HJPs align with all four pillars of people-centered justice: designing people-centered services, enabling governance infrastructure, empowering individuals and professionals, and supporting planning, monitoring, and accountability. The model facilitates early intervention, prevention, and holistic problem-solving by integrating legal advocacy with healthcare, and positions access to justice as a social determinant of health. However, important questions remain around whether to standardize evaluation methodologies across disciplines with different research hierarchies and evidentiary standards, particularly given tensions between research design (e.g., randomized controlled trials) and the complex realities of HJP implementation. Significant gaps also persist in understanding the long-term impacts of these partnerships, how to sustainably scale them with scarce resources, and how workforce preparedness—including legal education reform—can support effective delivery.

Drawing on systematic reviews, case studies, and practitioner knowledge from four countries, this paper argues that HJPs and the health justice approach offer a promising model for people-centered justice and concludes with recommendations for developing shared evaluation frameworks, building an international community of practice, and aligning legal professional competencies with people-centered justice principles.

Suggested citation: Michele Leering, *Knowledge for Implementing People-Centered Justice: The Promise of Medical-Legal Partnerships/Health Justice Partnerships* 115 (Global Perspectives on People-Centered Justice: Exploring the Evidence, Matthew Burnett & Rebecca L. Sandefur eds., 2026) abfn.org/medical-legal-partnerships-health-justice.

Knowledge for Implementing People-Centered Justice: The Promise of Medical-Legal Partnerships/Health Justice Partnerships

*Michele M. Leering**

Preface

This White Paper forms part of the Knowledge for Implementation series sponsored by the Justice Data Observatory that explores what solutions are effective for people-centered justice (“PCJ”), and how to sustain and scale them. This paper explores how the health justice partnership (“HJP”) approach as implemented in four higher-income countries helps to close justice gaps, improves health equity for “made vulnerable” and marginalized individuals and communities, and offers a model aligned with the four pillars of PCJ and related design principles. The content is partially drawn from a Canadian background paper that captured how HJPs evolved, how they have been researched and evaluated, and their impact.¹ Focused on four countries, this paper relies on a large body of scholarship and grey literature but does not explore less formal health and justice approaches that may exist in other countries, although these are worthy of future study due to their transformative potential.

The introductory section sketches out the spectrum of health justice approaches, synthesizing information about developments in Australia, Canada, the United Kingdom, and United States, and how HJPs function as a model for PCJ. The second section summarizes what we can learn from empirical and other studies about HJPs’ multi-faceted benefits and impacts, and what we know about how this model functions best. Research gaps, questions of interest, and developments to monitor are explored in the third section. The final section considers next steps for research and inquiry, mindful of logistical challenges and limited resources for implementation and evaluation. Logistical challenges include issues of workforce preparedness, and more specifically the current limitations of legal education for preparing legal professionals to effectively and efficiently advance PCJ. However, HJPs provide an opportunity to overcome these challenges by engaging legal professionals in robust cross-disciplinary collaborations with healthcare professionals. The justice sector can learn much from healthcare professionals given the healthcare sectors’ ongoing quests for health equity, people-centered healthcare, social accountability, evidence-based practice, and commitment to robust professional competency frameworks.

1. Introduction

Known in the United States as medical-legal partnerships (“MLPs”) and in Australia, the United Kingdom, and often in Canada as health justice partnerships (“HJPs”), these innovative and context-dependent multi-disciplinary service delivery models have evolved over the last three decades. They offer a service model that aligns with the four pillars for people-centered justice described in the *OECD Framework and Good Practice Principles for People-Centred Justice*: (1) designing and delivering people-centered services, (2) creating governance enablers and infrastructure, (3) empowering people, and (4) planning, monitoring and accountability.² In particular, HJPs are designed and delivered as people-centered and are holistic and collaborative in approach. They are focused on people empowerment—both for individuals experiencing justiciable issues and those who are trying to help them, by cultivating a whole-of-society approach and more responsive *justice ecosystem*. Furthermore, they are evidence-informed: many partnerships are committed to collaborative planning, monitoring and accountability to improve their effectiveness and impact.

* Visiting Scholar, Queen’s University Faculty of Law.

Increasingly, law³ and access to justice itself⁴ are being posited as Social Determinants of Health (“SDoH”).⁵ These multi-disciplinary approaches to helping people solve their problems with a legal component hold promise to improve health equity and to protect human rights aligned with the social and structural determinants of health.⁶ To date, developing these partnerships has primarily been a practitioner-led innovation and movement, working from the ground up,⁷ viewed with increasing interest by policy makers and governmental organizations.⁸

The *health justice approach* attempts to respond to the challenges faced by disadvantaged, marginalized and “made vulnerable” populations, including needs for early intervention and prevention, holistic problem solving, and systemic advocacy on structural injustices. Aspects of this approach are responsive to a growing body of research about how legal assistance services for people should be designed.⁹ HJP approaches show promise for ameliorating *health-harming legal needs* (“HHLN”) through individual and systemic advocacy, as well as reconfiguring service delivery to provide better people-centered services. HJPs, in Canada at least, are part of a much broader movement to increase access to justice by legal service providers (“LSP”) working more systematically with *trusted intermediaries*¹⁰ to reach “made vulnerable” communities who do not perceive or recognize their problems as legal and/or may not trust legal or justice sector professionals.

Tobin-Tyler et al. identified four assumptions that are common to HJP approaches across Australia, the US and UK:

(1) low-income and other marginalized groups experience worse health due to injustices that are both directly caused or exacerbated by and potentially remediable through law; (2) access to justice—especially through direct legal advice and support—is crucial for improving health and health equity; (3) because the same low-income and marginalized populations experiencing poor health also experience poor access to justice, formal partnerships among service providers working with these populations can facilitate both justice and better health equity; and, (4) by collaborating health and legal service providers are in a unique position to identify the downstream health effects of law and policy failures.¹¹

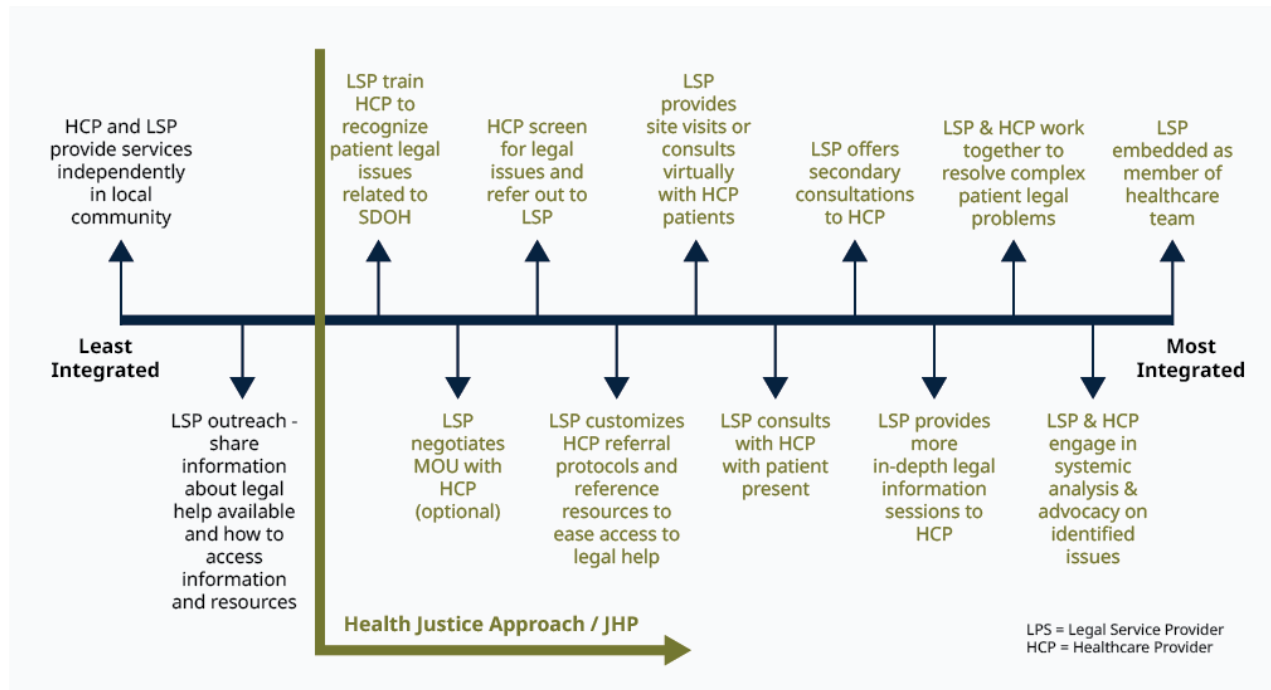
The US has the longest and most comprehensive history of explicitly developing these partnerships. The earliest collaborations began there in the 1960s, followed by hospitals and civil legal aid agencies working closely together in the 1980s during the AIDS crisis. The first official MLP was formed in 1993 between the Boston Medical Center and Greater Boston Legal Services to address the poor housing conditions of children with asthma.¹² According to the National Center for Medical-Legal Partnership’s (“NCMLP”) website there are at least 450 partnerships in 49 states.¹³ This includes academic MLPs (“A-MLPs”)¹⁴ with 61 connected to US university law schools (and to 39 medical schools).¹⁵ A-MLPs have three beneficial and transformative goals: educating pre-professional learners, creating interprofessional learning opportunities, and engaging in research to contribute to the evidence base for MLPs as a health equity intervention. They have influenced a generation of medical and law students who are helping to shift their professional cultures: MLPs have been endorsed by the American Bar Association and American Medical Association and others.¹⁶

Advocates in Australia, UK and Canada have also been developing similar models, although these were not initially described as MLPs. In the UK, the movement began in the 1990s with free welfare advice in physicians’ offices, with research starting around 2006 of initiatives described as HJPs, followed by a 2018 mapping study identifying 380 HJPs.¹⁷ There were early Australian developments in the 1980s, with a considerable expansion since 2012. Health Justice Australia’s 2022 mapping study identified 105 HJPs, with a 2024 update counting 141.¹⁸ In Canada, the movement has been relatively nascent, with the first inter-disciplinary partnership funded in Ontario in the early 1980s, followed by Pro Bono Ontario’s 2009 MLP initiative in children’s hospitals. Starting in 2014, more community-based HJP initiatives began, largely catalyzed by time-limited funding from Legal Aid Ontario. A 2019 mapping study revealed 11 legal hosts, with 33 associated HJPs.¹⁹

HJPs include a wide spectrum of collaborations between LSP and healthcare providers (“HCP”). In Ontario, Canada these range from focused outreach and referral networks to more formal arrangements characterized by negotiated Memorandums of Understanding (“MOU”), to lawyers embedded in healthcare teams as set out in Figure 1 below. In appropriate situations, *secondary consultations* are offered to HCP to help them help their patients navigate their problems with a legal aspect.²⁰ In more complex situations with intersecting legal, health and social issues, LSP and HCP might work together to help the patient/client resolve their issues.

Figure 1. Spectrum of HJP approaches in 2019 in Ontario, Canada²¹

A spectrum of HJP approaches also exists the other countries. As examples, Australians described a *health justice landscape* that included student clinics with legal services provided in a health setting, service hubs with place-based



multidisciplinary services, outreach services where lawyers attend healthcare settings, integrated services where a LSP is employed by a health service or a HCP is employed by a legal service, and partnerships between separate health and legal services to embed legal help in healthcare teams or services.²² In the UK, four typologies were identified from least to most integrated: partnerships performing a *social prescribing* function, those connected by indirect links, those with direct links such as referrals or co-location, and partnerships where legal advisors work within health teams, or single service providers.²³

2. Existing Research

Studies over the past 30 years of varying quality and size have explained and documented the impact of these partnerships. Scoping and systematic reviews²⁴ have explored legal and health benefits. Other research has explored “what works” and the challenges faced in implementing the partnerships.

2.1. Evidence from scoping, systematic and literature reviews

UK-based Beardon et al. ambitiously categorized the intended impact and outcomes of HJPs in an international systematic scoping review of 118 studies originating from Australia, Canada, New Zealand, Ukraine, UK, and US.²⁵ They provided a narrative synthesis of the studies’ findings related to partnerships objectives according to eight thematic outcomes: (1) *preventing health and legal problems*; (2) *accessing legal assistance*; (3) *improving health*; (4) *resolving legal problems*; (5) *improving patient care*; (6) *supporting health services and providers*; (7) *addressing inequalities*; and (8) *catalyzing systemic change*.²⁶ They found

strong evidence for their effectiveness in resolving legal problems and thereby improving the socioeconomic circumstances of individuals, outcomes reported from all regions and service types. This demonstrates the important role of HJPs in addressing social determinants of health There was also strong evidence that HJPs improve access to legal assistance for patient groups that would otherwise not seek help for social welfare issues. HJPs therefore facilitate action on health and social inequalities by reaching those most likely to be affected by health harming legal need.... Overall, there was strong evidence among the studies (both

quantitative and qualitative) for improvements in mental health, particularly stress, depression, and anxiety.²⁷

Danny Jomaa et al.'s more limited scoping review synthesized the findings of 30 studies from Canada, Australia, the UK, and US.²⁸ Most examined the impact of interventions on patients/clients, but several assessed changes in HCP capacity to identify unmet legal needs related to the SDoH or calculated the financial return on investment ("ROI") for healthcare organizations. Partnerships addressed diverse legal needs including housing, utilities, income and food security, personal and/or family stability, health insurance, employment, education, immigration and legal status, powers of attorney and wills, and advice in criminal law matters. Evidence of benefits in multiple domains was found, categorized into three thematic outcomes: (1) *patient health status and healthcare utilizations*;²⁹ (2) *justice, social, and economic outcomes*;³⁰ and (3) *degree of health-justice integration*.³¹

Other systematic and scoping reviews explored the potential for resolving HHLN for specific populations. How MLPs might identify and meet the needs of vulnerable populations, particularly those who are HIV-affected, was addressed by compiled empirical evidence from 13 US studies by Martinez et al.³² They concluded that MLPs should be customized to serve specific populations, given the diversity of possible interventions to meet their needs. League et al. focused on how MLPs could help meet the needs of immigrant and refugee populations, noting positive outcomes when medical professionals contribute to legal proceedings.³³ "[P]eople may feel more comfortable disclosing personal trauma and persecution to medical professionals rather than legal professionals."³⁴ Alur et al. reviewed what MLPs can do for trauma patients because those living on a low income are disproportionately impacted.³⁵ Dowling et al. discovered a high number of HHLN in cancer patients, with studies documenting reduced stress, better compliance with treatment, and monetary benefits for patients who received MLP legal services.³⁶ Positive effects on children's physical health, cognitive development, use of mental health care and health care, and improving family wellbeing were found by Shchetinina et al.³⁷

Adams et al. synthesized the health, social and financial impacts of welfare rights advice delivered in healthcare settings based on 54 UK studies and one US study.³⁸ Most studies were considered grey literature and showed financial benefits.³⁹ Common themes were: delivering legal advice in healthcare settings legitimizes it, improves access, and decreases stigma; receiving this advice decreases worry and anxiety and improves mental health and the quality of life regardless of whether financial benefit resulted. Increased financial benefits helped elderly clients maintain independence, improved physical health, and reduced health services use. They cautioned that benefits may only be temporary, and increased income benefits offset by the health impact of long-term illnesses.⁴⁰

Building on Adams et al., Allmark et al. used 87 UK studies to construct a logic model outlining the potential causal pathways between advice interventions and health outcomes.⁴¹ They plotted where the interventions occurred, who intervened, and the anticipated *primary* (short term—direct result of the intervention), *secondary* (indirect), and *tertiary* (longer term) outcomes. For each outcome, the potential health, financial or non-financial benefits were described with the weight of the existing evidence represented. Short-term financial benefits included recovering unclaimed benefit income and managing debt, as well as non-financial benefits like free prescriptions, dental care, and other enhancements. There was self-reported evidence of health improvements.⁴² Some studies showed strong associations between financial capability and psychological well-being, as well as a *counselling effect* (positive impact of being listened to).⁴³ Non-financial secondary outcomes included reduced social isolation, improved family and other relationships, and improved home environment.⁴⁴

Continuing to build on Adams et al. (2006), Reece et al.'s critical narrative systematic review explored the impact of UK welfare rights in healthcare using studies published between 2010 and 2020.⁴⁵ Although noting concerns over the scientific quality of some studies, they tracked improved financial security, wider health and welfare benefits for both patients and healthcare services, and factors for successful implementation.⁴⁶ Two studies captured an average rate of return of £27 per every £1 invested in social, economic, and environmental benefits.⁴⁷

The NCMLP sponsored three consolidations of the US MLP literature in 2013,⁴⁸ 2020,⁴⁹ and 2025.⁵⁰ Gallo's review confirmed beneficial outcomes in five areas: (1) *changes in patient health and well-being*, (2) *improved housing and utility stability*, (3) *improved access to financial resources*, (4) *improvements to health care systems and workforce*, and (5) *improvements in policies, laws, and regulations* and 13 beneficial sub-outcomes.⁵¹

2.2. Other research and evidentiary developments

A growing body of literature builds *knowledge for implementation*. Johnson et al. delved deeply into MLPs' structures and functions.⁵² Liaw et al. identified facilitators and challenges hampering MLP effectiveness.⁵³ Facilitators included coordination and communication strategies to enhance trust and enhance impact including co-location and predictable office hours, periodic organizational meetings, a clinic champion and staff buy-in, educating patients about the MLP and what to expect, sharing lessons learning across sites to disseminate best practices, and effective data systems.⁵⁴ Implementation challenges included mistrust, communication gaps and inconsistent staffing, lack of buy-in by some staff and organizational leadership, coordination challenges, poor information flows, lack of information and follow through led to client distrust, trouble reaching non-English speaking clients, a mismatch between capacity and referrals, and data collection challenges with LSP.⁵⁵ A two-year implementation evaluation of a US multi-state MLP to address housing instability showed how essential MLPs are to upstream interventions in healthcare systems.⁵⁶ Implementation facilitators were identified: clinical champions, ongoing patient-facing staff training, integrating legal screening with preexisting and social health screening protocols. Implementation challenges included information sharing due to several factors including consent issues and software incompatibility for permissible data sharing, a geographic services mismatch, and orienting legal partners to complex health systems.

Knowledge for implementation also includes how best to develop a responsive workforce. An example of this type of research is Welch et al.'s systematic review that explored how effective MLPs were for teaching undergraduate and graduate medical students about the SDoH and how to engage in cross-disciplinary work.⁵⁷ Positive results illustrated how MLPs can better enable both people-centered health care and health equity, justice goals, and influence the future delivery of integrated health and legal care, and professional competence.⁵⁸

To support better program design, research, and evaluation, McLaren et al. recommended a social-ecological framework to map how MLPs operate in multi-dimensional ways to produce beneficial outcomes. They mapped research findings showing impact at five levels: intrapersonal, interpersonal, organizational/institutional, community, and policy/societal.⁵⁹

Efforts to create an enabling infrastructure in each country have been critical to the growth of this PCJ approach. This includes, as examples, creating centralized resources, training, and advocacy supports in each country: NCMLP since 2006, HJA since 2016, ongoing efforts at University College London (UCL) under the leadership of Professor Hazel Genn, and the forthcoming virtual HJP Learning Hub and proposed Centre of Excellence in Ontario, Canada. There is now substantial grey literature documenting how best to support HJP development.⁶⁰ Reference texts have been published in the US and Canada.⁶¹ Exemplary resources to develop partnerships and implement effective service delivery models have been developed by NCMLP, HJA, and UCL.⁶² As an example, writing for UCL, Beardon created a brief implementation guide that summarized her doctoral and other research findings: she identified three overarching principles: being accessible and responsive to needs, offering high quality and impactful advice, and working with collaborative and engaged partners.⁶³

A comprehensive review of new research is beyond the scope of this paper, but US trends worth mentioning include: introducing a legal health check-up in a school-based health center for low-income adolescents⁶⁴; examining MLPs as a *structural intervention* in HIV/AIDS treatment and conceptualizing a legal continuum of care⁶⁵; integrating MLPs into trauma care⁶⁶ and perinatal care⁶⁷; MLPs facilitating *cost of care conversations*⁶⁸; and new initiatives to meet the needs of specific populations.⁶⁹ In the Canadian context, systematic advocacy initiatives are being documented.⁷⁰

In Australia, by 2018 one in five HJPs addressed some form of domestic and family violence: the promise and impact of the HJP approach has been evaluated in several studies.⁷¹ Research studies are illustrating the impact of HJPs on the legal needs of families experiencing adversity and enabling early intervention.⁷² Research is helping to identify legal needs arising in mental health settings and ascertain the baseline level of legal capability prior to HJP implementation.⁷³ Plage et al. identified service principles to inform integrative and culturally responsive care.⁷⁴ The benefits for Indigenous communities are being documented: an Aboriginal HJP continues to show positive benefits and reaching benchmarks set of an embedded evaluation for reach, engagement, capability, empowerment, and collaboration.⁷⁵

In Australia, First Step Legal conducted a robust evaluation study with the help of academic partners identifying improvements in client health, well-being, capability and confidence to address their legal issues and access justice.⁷⁶ This study also revealed an increase in service providers' professional capability and improved job satisfaction and reduced

stress.⁷⁷ NSF Consulting undertook a five-year impact study evaluating the appropriateness, efficiency, and impact of a health justice collaboration focused on mental health and complex client need with useful outcomes for clients and service providers.⁷⁸

In the UK, UCL will soon release a summary of recent UK research. And, as discussed in the next section, the UK's Ministry of Justice will soon report on its commissioned evaluation research.

2.3. Gaps in research, data, and evidence, questions of interest and developments to monitor

Until very recently, there have been methodological differences and few similarities between how non-legal actors including HCP, evaluators, social scientists and biomedical researchers research and evaluate—and how LSP and justice sector actors do this work (to the extent it even happens). To reduce this gap, future research will benefit from establishing HCP and LSP consensus on appropriate research methodologies, and a common discourse including a taxonomy of HJP terms that can be operationalized for research purposes.

Several other factors could improve capacity on the justice sector side including an infusion of resources for research and evaluation. LSP could be better prepared and participate more meaningfully in designing and implementing research and evaluation studies if they were working from an enhanced professional competency framework.⁷⁹ Law is decades behind other disciplines in understanding empirical research strategies and until recently there were few incentives to catch up. Law has much to learn from healthcare about how to study effectiveness and impact. Collaborating with HJPs to evaluate and research these initiatives will help LSP increase their skills, including in evaluative thinking.⁸⁰ A shift to PCJ requires a culture shift in the kind of research that should be valued. As a cautionary note—unless there is a cultural and competency shift, research and evaluation expectations for HJPs may provide a disincentive for embracing this service innovation.

2.4. Research, data and evidence gaps

As is traditional in systematic, scoping and literature reviews, and research studies more generally, there were many recommendations for how to improve the quality of research studies and how to further and better investigate a particular HJP phenomenon. Space does not permit a full exploration of these improvements.⁸¹ Many recommendations made by earlier reviews have been remedied in later studies, including providing details of how partnerships are structured and how they operate, information that had been missing from some of the earlier studies. Better documentation will increase our understanding of factors that lead to success: this is essential for efficient implementation.

Reviews also recommended conducting more studies, and ensuring empirical studies become more rigorous by using validated research instruments.⁸² Of note, several reviews recommended prospective longitudinal studies to ascertain continued impact. There were conflicting recommendations about whether RCT studies would add value. NCMLP's most recent literature review recommended gaps be filled by developing “shared metrics and rigorous evaluation frameworks”; expanding “longitudinal and population-level research”; promoting sustainability by identifying and sharing “scalable financing and staffing models”; promoting integrative practice by strengthening “cross-sector training and workforce development”; and documenting “policy-level achievements” and creating “advocacy tools.”⁸³

Given the striking diversity of ways in which HJPs are implemented, a consensus could help ensure consistency in documentation and evaluation of these initiatives. This will make it easier to understand what works, how it works, why it works, for whom it works, and at what cost. As an example, Leering's study recommended using program logic models to outline an initiative's theory of change: this is the better practice for designing evaluations with model updated for each phase of partnership development.⁸⁴ This approach aligns with the OECD's delivery and design criteria for PCJ.⁸⁵

Establishing better evidence of cost-effectiveness of HJPs and social ROI could be beneficial. Granger et al.'s rapid review explored economic returns resulting from HJPs and recommended developing an interdisciplinary research agenda between health economics and HJPs to address the research gap.⁸⁶

We need to understand better under what conditions HJPs are most effective for creating change. For justice sector actors, HJPs are a strategy used to narrow justice gaps, support early intervention and prevention, diversify professional competencies, engage in cross-disciplinary problem-solving, and undertake systemic advocacy on

problematic structural issues and injustice with HCP. It will be interesting to monitor the impact of this enhanced requirement for evaluation. Will it eventually mean that other types of access-to-justice interventions will be closely monitored for evidence of effectiveness? Will it ever be possible to compare the effectiveness of one type of innovation to another?

Funding for evaluation and research in the justice sector is scarce, unlike the health sector. To the extent that it is a goal (part of the program logic) that an HJP initiative will contribute to growing the evidence base, it is important to partner with HCP who have better access to research funds. Publishing the results of studies is essential: academic articles have provided an important catalyst for raising awareness, creating and mobilizing interprofessional knowledge to better help people, fostering innovation, and building interest in the health justice movement across countries.

2.5. Questions of interest to explore

In all four countries, acquiring and sustaining funding for HJPs has been a challenge. Each country has a distinctive history of how they have funded these partnerships, a recounting of which is beyond the scope of this paper.⁸⁷ Very little funding has been dedicated to developing and maintaining these initiatives on a permanent basis (many of which were started as pilot projects). Furthermore, in Canada it has become apparent that HJPs are most often successfully scaled up on a service infrastructure of pre-existing non-profit community-based legal services for people living on a low income that are largely government funded.⁸⁸ In provinces where that infrastructure does not exist, HJPs are more nascent, and sometimes non-existent. How will these factors impact the feasibility of scaling up the HJP approach?

Do we need more consistent or theory-driven approaches to research and evaluation? Is applying the social-ecological framework to better design, evaluate, understand and map the impact of HJPs useful?⁸⁹ Do theories of implementation science, a field largely developed by the healthcare disciplines, offer anything to understanding what works?⁹⁰ What are the relative merits of realist evaluations compared to other research strategies? Can healthcare's Quintuple Aim framework⁹¹ provide a better basis for evaluating HJPs, understanding their beneficial impact and how they align with PCJ principles?

Given that developing HJPs is largely a practitioner-led movement, how can HCP and LSP use action research as a methodology to support service innovation in ways that are more accessible and sustainable within existing resources?⁹² How could this help expand this health justice approach to grassroots healthcare workers, and in other countries? Given the relatively early stage of HJPs as an access-to-justice intervention in some countries, how can developmental evaluation help advance them? Embedded research evaluations have much to offer for developing partnerships.⁹³

To learn more about how to enable PCJ, HJPs may be a useful model. To support a cultural shift in legal service delivery, what can we learn from engaging in HJPs to become more people centered? Can this interdisciplinary work produce more evidence of the harmful impacts of unmet legal needs and law (or lack of law) on people's health and wellbeing? Can these partnerships improve people's belief in the efficacy and trustworthiness of the justice system? Can they increase legal empowerment? Would it be useful to measure the social capital created by interdisciplinary problem solving, improved legal literacy, and interprofessional collaboration? Given the transformative changes that have resulted from HCP's emphasis on health equity and understanding the impact of the SDoH, would it be helpful for the justice sector to better understand the impact of *social determinants of justice*?⁹⁴

2.6. Developments to monitor

Although an evidence base has been established in the UK for the beneficial impacts of HJPs, the UK's Ministry of Justice recently supported new research to ascertain whether integrating advice in a healthcare setting helps resolve legal problems earlier and improves individuals' socio-economic and health outcomes.⁹⁵ The study also explores what models and types of advice are most effective and the challenges of delivering these services in healthcare settings. Up to 11 HJPs are participating in the study led by IFF Research and York Health Economics Consortium.⁹⁶ Informed by a comprehensive program logic model and sophisticated theory of change, they developed an evaluation framework with three types of evaluation: impact, process, and economic. They are expected to report their results soon.

Health Justice Australia has undertaken new research on the factors that support effective implementation. They have hypothesized 12 foundational and functional attributes of successful HJPs based on their prior research and the new *Evidence in Partnership Project* study, a collaboration with 11 HJPs.⁹⁷

HJP champions expressed their interest in convening an international consortium or community of practice to advance the model, as well as coordinate approaches to evaluation and research.⁹⁸ This initiative will begin in 2026 and will create new knowledge for implementation, initially involving Australia, Canada, US, and UK.⁹⁹

Developments to watch include new areas for MLP work as advanced at the 2023 US symposium *Medical-Legal Partnerships: Equity, Evaluation, and Evolution* including centering racial justice issues and structural health inequities, assisting those impacted by the ‘family regulation system,’ providing civil and criminal law help in an addictive medicine setting, and directly engaging impacted and marginalized communities.¹⁰⁰ Efforts to expand this approach into the problems of people who are justice-involved show potential with Vanjani et al. discussing a physician-public defender collaboration.¹⁰¹ In April 2024, the US Department of Justice announced that they were sponsoring a MLP project in Texas to reduce the barriers incarcerated people face to re-entry and to reduce recidivism.¹⁰²

It would be profitable to monitor developments in aligned research fields beyond this paper’s scope including Public Health Intervention Research, Public Health Law Research, inclusion health research, interprofessional collaboration, legal epidemiology, new research approaches for measuring the effectiveness of health equity interventions,¹⁰³ and new insights from intersectionality and vulnerability theory applied to HJPs.¹⁰⁴

Conclusion and Recommendations

A growing body of evidence attests to the multi-faceted impact of these partnerships, and how HJP models continue to evolve to respond to new challenges. These partnerships help alleviate the adverse impact of unresolved legal issues affecting people’s health and wellbeing, costs that have been documented by legal needs studies. Their work is increasingly seen as critical for creating access to justice opportunities for those who do not commonly “come to law” with their problems. Intervening early and in a timely way to prevent interconnected and festering legal problems is part of the appeal of HJPs. With a focus on wellbeing, people are put at the center of service design, planning, and accountability.¹⁰⁵ The health justice approach also offers hope to the LSP and HCP trying to help with complex, interrelated issues that cannot be resolved by one discipline alone. They are being recognized for how they increase service provider capability, job satisfaction and reduce stress.¹⁰⁶ These factors offer hope for their sustainability and expansion.

Sandefur et al. identified three essential components that will help shift the justice sector to a PCJ perspective: HJPs provide research and data relevant to all three.¹⁰⁷ First, they create cross-disciplinary knowledge to inspire a change in approach. Second, how they offer help demonstrates how PCJ matters by documenting the links between poverty, unmet justiciable needs, and access to justice.¹⁰⁸ Third, the practitioner knowledge produced, along with research and evaluation studies, help us understand what interdisciplinary solutions are effective, how to sustain and scale them, and what people-centeredness looks like in practice.

As a model for supporting PCJ, HJPs have much to offer. They align with three PCJ pillars and contribute to a fourth. They do this by modeling how to: (1) design and deliver people-centered services; (2) empower people on receiving and providing services, including HCP; and (3) ensuring planning, monitoring, and accountability. Not only do they provide holistic legal services and joined-up care for individuals and the promise of systemic advocacy in concert with healthcare providers, but their collaborative work also builds knowledge for how to deliver holistic and responsive legal services effectively. Also, the nature of the legal work and the intersecting *legal health* challenges that people living on a low-income face provide data, including lived experience, that can be analyzed to understand the impact of law and dispute resolution structures on the physical, emotional and mental health of marginalized populations. They create new professional knowledge about how to improve health outcomes, sustain good *legal health*, and better document the collateral and intersecting consequences of health inequities and impact of a lack of access to justice on health and wellbeing. Embedded in the model is the capacity to collect and analyze data on recurring issues which is a significant benefit for undertaking advocacy on systemic injustice. Their multi-disciplinary models how whole-of-society and whole-of-government approaches contribute to an enabling governance and infrastructure—a fourth PCJ pillar—promoting a people-centered justice ecosystem.

HJPs also provide an opportunity for LSP to benefit from HCP professionals’ more robust evidence-based understanding, for example, of how issues like child adversity (often related to issues of injustice, poverty, and violence not

adequately dealt with by the justice system) impact health, creating longer-term health impacts and social disadvantage. The synergies between the knowledge bases of the professions may help raise awareness of the interconnectedness of issues faced by marginalized communities, the cumulative impact of their intersecting problems, and the urgency of early intervention. This new knowledge can improve the capacity of legal professionals to better serve their clients, and the cause of justice.

The imperative, as set out by health justice champions: “The unfolding crises of pandemics and climate disasters expose the inequities that divide and harm our societies. There is an urgent need for training the next generation of health justice leaders to pursue and implement transformative system changes.”¹⁰⁹ HJPs can be a seeding and breeding ground for unique interdisciplinary approaches that—if well planned, executed and understood—could help narrow the tragic gap caused by unequal access to justice, health inequities, and a model for PCJ.

A cautionary note: learning from the experience of the medical profession and efforts to catalyze people-centered healthcare over the last three decades, we can predict that moving towards a system of PCJ will similarly require changes in how legal professionals are educated. *Workforce preparedness* presents its own set of unique challenges, as legal professionals will now be expected to play new roles for which they have not been adequately prepared. Existing professional competency frameworks need significant enhancement. How we educate legal professionals must become better aligned with these more sophisticated requirements. Healthcare professions are decades ahead in developing robust evidence-based competency frameworks to advance their goals of health equity, evidence-informed practices, and social accountability.¹¹⁰ Evidence-based practice is a foundational pillar of PCJ. Focusing efforts on evaluating access to justice innovations like HJPs allowing LSP to work with HCP with a different and more robust set of professional competencies will help support a cultural shift in law. But progress towards PCJ will be impeded if the law school curriculum and regulators’ licensing and continuing professional development requirements are not aligned with the anticipated roles and responsibilities within a re-envisioned justice system that puts people at the center. Visionary leadership is required: the profession must be prepared to enable and support change. This includes nurturing an access to justice consciousness¹¹¹ and mindset so legal professionals are motivated to act, and respect and value the findings of socio-legal, empirical, and evaluative research.

And yet another cautionary note: Made vulnerable and marginalized communities are disadvantaged in ways that contribute to a trajectory of health decline and perennial and pernicious stress. HJP interventions for individuals cannot hope to alleviate the overwhelming burden of disadvantage. Requiring high proof of concept for HJPs need to be realistic about what can be accomplished by LSP in light of embedded, intentional and unintentional structural disadvantages; societal unwillingness to take responsibility for attitudes and systems that are oppressive; social exclusion; income assistance programs that are characterized by “denial by design”; labor rights that are not easily enforceable, gender-based violence that is reaching epidemic status in some communities, and an increasing lack of respect for human rights.

Cross-disciplinary work is not without its tensions: there is a significant divergence of approaches and a complexity born of different disciplinary capacities and ways of understanding. The disciplinary divide and cultural differences are real, but these partnerships show that they are both surmountable, and in fact, transformative for the partners involved. LSP and HCP who work together to improve the legal, financial, and physical, emotional, and psychological health of the people they serve bring renewed energy to their professional practices. As a model for PCJ, they provide rich opportunities to create transformative change for individuals and vulnerable communities, as well as the potential to reduce healthcare and other societal costs.

Summarizing recommendations to advance HJPs and PCJs

It will be helpful to:

1. create a new discourse for capturing the nuances of HJP work and promoting it.¹¹² This includes creating a taxonomy of terms and operationalizing them.
2. develop a consensus on appropriate evaluation and research methodologies and find adequate resources to do evaluations properly.
3. build the capacity and commitment of the justice sector actors to conduct evaluation and engage in empirical research.
4. support an international community of practice to help advance the HJP approach and build evaluation and research capacity.
5. explore the questions of interest identified in this White Paper.¹¹³
6. advance A-MLPs as part of the health justice approach recognizing their transformative impact on emerging LSP and HCP and for seeding the ground for PCJ.
7. enhance legal professional competency frameworks by including expanded research capacity, including action research; capacity for evaluative thinking; and interprofessional collaboration.¹¹⁴
8. consider what else law can learn from health to advance PCJ. This could include further theoretical and empirical work to include law as a SDoH, and to develop an analysis of the social determinants of justice.
9. recognize that the HJP approach is aligned with and offers promise for all LSP collaborations with trusted intermediaries and frontline community justice helpers/workers by advancing as priorities early intervention and prevention of HHLN, collaborative approaches and multi-disciplinary problem solving, legal empowerment, and systemic advocacy on issues of structural and other injustices.

* * *

Michele Leering (PhD, CM) is a Visiting Scholar at Queen's University Faculty of Law in Canada. As the former Executive Director of the Community Advocacy & Legal Centre, she practiced as a community lawyer and over three decades led numerous participatory action research projects to tackle issues of local poverty, homelessness, unmet civil legal needs, and rural and remote access to justice. Her work focused on transforming legal services to be more holistic and evidence-based, addressing the multifaceted and intersecting needs of clients and marginalized communities. Michele promotes a diversity of legal service delivery approaches, including early intervention and prevention, proactive and systemic advocacy, and robust community legal education initiatives. Her research contributes to building a people-centered justice ecosystem that values legal literacy, capability, and empowerment; and the contributions of trusted intermediaries, paralegals, and community justice workers. Her recent research includes health justice partnerships, imperatives for legal education reform (reflective practice as meta-competency), and designing more robust professional competency frameworks. She has collaborated with organizations like Namati and the Open Society Foundations to advance community-based legal clinics as a vibrant model for enhancing access to justice and legal empowerment globally.

¹ Michele M. Leering, *Measuring what matters: Exploring evaluation frameworks for justice and health partnerships - Background and Discussion Paper* (2024), <https://communitylegalcentre.ca/tcdownloads/Measuring-what-matters-background-paper-2024>.

² Org. for Econ. Coop. & Dev. ("OECD"), *OECD Framework and Good Practice Principles for People-Centred Justice* 11 (2021), <https://www.oecd-ilibrary.org/sites/cdc3bde7-en/index.html?itemId=/content/publication/cdc3bde7-en>. For a useful introduction to people-centered justice and how the concept evolved, see Adrian Di Giovanni & Maaik De Langen, *People-Centered Justice in International Assistance: Rule-of-Law Path Dependencies or New Paths to Justice for All?* 39 CANADIAN J. L. & SOC'Y (SPECIAL ISSUE 3) 383 (2024).

³ Hazel Genn, *When Law is Good for Your Health: Mitigating the Social Determinants of Health through Access to Justice*, 72 CURRENT LEGAL PROBS. 159 (2019), <https://doi.org/10.1093/clp/cuz003>.

⁴ Robin L. Nobleman, *Addressing Access to Justice as a Social Determinant of Health*, 21 HEALTH L. J. 49 (2014), <https://www.thefreelibrary.com/Addressing+access+to+justice+as+a+social+determinant+of+health.-a0382949948>.

⁵ See also Sara Gilboe & Liz Curran, *The Role of Justice in Addressing the Social Determinants of Health*, 55 INT'L J. SOC. DETERMINANTS HEALTH & HEALTH SERVS. 249 (2025), <https://doi.org/10.1177/27551938251321973> (discussing the role of justice in addressing the SDoH explicitly connecting HJP work with the pillars of people-centered justice).

⁶ Genn, *supra* n. 3, at 178-179; Joel Teitelbaum & Ellen Lawton, *The Roots and Branches of the Medical-Legal Partnership Approach to Health: From Collegiality to Civil Rights to Health Equity*, 17 YALE J. HEALTH POL'Y, L., & ETHICS 343 (2017), <http://hdl.handle.net/20.500.13051/5947>.

⁷ Genn, *supra* n. 3.

⁸ OECD, *supra* n. 2; OECD, *EQUAL ACCESS TO JUSTICE FOR INCLUSIVE GROWTH: PUTTING PEOPLE AT THE CENTRE* (2019), https://www.oecd-ilibrary.org/sites/597f5b7f-en/index.html?itemId=/content/publication/597f5b7f-en&.csp_=67307576eea7cf85ba9867047256bcbf&itemIGO=oecd&itemContentType=book.

⁹ PASCOE PLEASANCE, CHRISTINE COUMARELOS, SUZIE FORELL, & HUGH M. McDONALD, RE-SHAPING LEGAL ASSISTANCE SERVICES: BUILDING ON THE EVIDENCE BASE: A DISCUSSION PAPER iii (2014), https://lawfoundation.net.au/wp-content/uploads/2023/11/25PJPR_Reshaping-legal-assistance-services-building-on-the-evidence-base-a-discussion-paper_2014.pdf (identifying four thematic directions: “targeted to those most in need, joined-up with other services (non-legal and legal) likely to be needed, timely to minimize the impact of problems and maximize utility of the services, and appropriate to the needs and capabilities of users”).

¹⁰ KAREN COHL, JULIE LASSONDE, JULIE MATHEWS, CAROL LEE SMITH & GEORGE THOMSON, TRUSTED HELP: THE ROLE OF COMMUNITY WORKERS AS TRUSTED INTERMEDIARIES WHO HELP PEOPLE WITH LEGAL PROBLEMS 4 (2018), <https://lawfoundation.on.ca/download/part-1-trusted-help-the-role-of-community-workers-as-trusted-intermediaries-who-help-people-with-legal-problems-2018/>. “Trusted intermediaries” is used as an all-encompassing term to capture front-line workers, often members of helping professions, as well as others (voluntary or inadvertent intermediaries like friends, relatives, faith leaders, food banks, cultural organizations, hair stylists, etc.) who can help connect people to the justice help they need, including lay and professional advocates. *Id.* Julie Mathews and David Wiseman have also explored this phenomenon by identifying three types of “community justice help” which include HJPs. JULIE MATHEWS & DAVID WISEMAN, SHIFTING THE PARADIGM: EXPLORING OPPORTUNITIES FOR COMMUNITY JUSTICE HELP (2021), https://www.justice.gc.ca/eng/rp-pr/jr/ecjh-eamjc/docs/Shifting_Paradigm_Report_EN.pdf. Lisa Moore also categorizes HJPs within the realm of multi-disciplinary approaches to access to justice. LISA MOORE, CROSSING BOUNDARIES: EXPLORING MULTI-DISCIPLINARY MODELS FOR LEGAL PROBLEM RESOLUTION (2023), <https://cfjc-fcjc.org/wp-content/uploads/Crossing-Boundaries-Exploring-Multi-Disciplinary-Models-for-Legal-Problem-Resolution-by-Lisa-Moore.pdf>.

¹¹ Elizabeth Tobin-Tyler, Tessa Boyd-Caine, Hazel Genn & Nola M. Ries, *Health Justice Partnerships: An International Comparison of Approaches to Employing Law to Promote Prevention and Equity*, 51 J. L., MED., & ETHICS 332, 333, 334-340 (2023), <https://doi.org/10.1017/jme.2023.84> (providing an excellent high-level summary of HJP developments in Australia, US and UK).

¹² Joel Teitelbaum & Ellen Lawton, *The Roots and Branches of the Medical-Legal Partnership Approach to Health: From Collegiality to Civil Rights to Health Equity*, 17 YALE J. HEALTH POL’Y L. & ETHICS 343, 354-359 (2017).

¹³ National Center for Medical-Legal Partnership, <https://medical-legalpartnership.org/partnerships/> (last visited Feb. 20, 2026).

¹⁴ Heaton et al. described A-MLPs as educating and training “aspiring lawyers, doctors, nurses, social workers, case managers, and other health professionals to identify and understand people’s health-harming legal needs, to collaborate with professionals in various disciplines to address these needs, and to use their collective expertise to transform the systems that prevent people from achieving optimal health and well-being” (2021, p. 1880). Girard et al. defined A-MLPs as including one university-based partner. Vicki W. Girard, Yael Z. Cannon, Deborah F. Perry & Eileen S. Moore, *Leveraging Academic-Medical Legal Partnerships*, 51 J. L., MED. & ETHICS 798, 799 (2023).

¹⁵ Girard et al., *id.* at 800.

¹⁶ Edward B. Heaton, William M. Treanor, John J. DeGioia & Vicki W. Girard, *Training future health justice leaders: A role for medical-legal partnerships*, 384 NEW ENGLAND J. MED. 1879, 1879 (2021), <https://doi.org/10.1056/NEJMp2100530>.

¹⁷ SARAH BEARDON & HAZEL GENN, THE HEALTH JUSTICE LANDSCAPE IN ENGLAND AND WALES: SOCIAL WELFARE SERVICES IN HEALTH SETTINGS (2018), https://www.ucl.ac.uk/laws/sites/laws/files/lef030_mapping_report_web.pdf.

¹⁸ Health Justice Australia, *Health justice landscape November 2022 snapshot* (Nov. 2022), <https://healthjustice.org.au/app/uploads/downloads/November-2022-Health-justice-landscape-report.pdf>; Health Justice Australia, *Health justice landscape: December 2024 snapshot* (April 3, 2025), <https://healthjustice.org.au/resource/snapshot/health-justice-landscape-december-2024-snapshot/>.

¹⁹ Leering, *supra* n. 1.

²⁰ Liz Curran, *Lawyer secondary consultations: Improving access to justice and human rights: Reaching clients otherwise excluded through professional support in a multi-disciplinary practice*, 8 J. SOC. INCLUSION 46, 48 (2017), <https://pdfs.semanticscholar.org/5f3a/9c4e38334f121de180c4678bfa367d088e9b.pdf>.

²¹ Excerpted from Leering, *supra* n. 1, at 29.

²² SUZIE FORELL & TESSA BOYD-CAINE, SERVICES MODELS ON HEALTH JUSTICE LANDSCAPE: A CLOSER LOOK AT PARTNERSHIP (2018), <https://healthjustice.org.au/resource/report/service-models-on-the-health-justice-landscape/>. In a more recent article, Health Justice Australia (“HJA”) identified three categories of partnerships along a spectrum: referral and outreach initiatives, partnered and embedded collaborations, and integrated care as one co-located organization. DOROTHY DRABAREK, SUZIE FORELL, LOTTIE TURNER, KIMIA RANDALL, MICHELLE CUNICH & LISA WARD, THE ATTRIBUTES OF HEALTH JUSTICE PARTNERSHIP: A CONCEPTUAL FRAMEWORK (2025), <https://healthjustice.org.au/app/uploads/downloads/Attributes-of-HJP-Framework-The-Evidence-in-Partnership-project.pdf>.

²³ Beardon & Genn, *supra* n. 17. It should be noted that justice help is often provided by trained advisors, for example, working as volunteers for Citizens’ Advice Bureaus who are not lawyers, but rather a species of community justice help.

²⁴ Suzie Forell and Abigail Gray (2009) described systematic reviews as a “methodology for selecting and synthesising the results of relevant research and evaluation studies in order to provide practitioners with practical information that is based on the best available research on a specific question.” SUZIE FORELL & ABIGAIL GRAY, OUTREACH LEGAL SERVICES TO PEOPLE WITH COMPLEX NEEDS: WHAT WORKS? 2 (2009), https://lawfoundation.net.au/wp-content/uploads/2023/11/24JI_Outreach-legal-services-to-people-with-complex-needs-what-works-Justice-issues-paper-12_2009.pdf. In the health and biomedical sector, systematic reviews are highly regarded and well-established methods of summarizing the findings of quality research studies, although less well known in law and underutilized as a research strategy to ascertain what is known about an intervention, or the effectiveness of any activity in the justice sector.

²⁵ Sarah Beardon, Charlotte Woodhead, Silvie Cooper, Elizabeth Ingram, Hazel Genn & Rosalind Raine, *International evidence on the impact of health-justice partnerships: A systematic scoping review*, 42 PUB. HEALTH REVS. 1, 2-3 (2021), <https://doi.org/10.3389/phrs.2021.1603976>. (eighty-seven studies included were primary research studies, and 69 were published in peer-reviewed journals. Each study’s robustness was evaluated using a customized quality assessment tool.)

²⁶ *Id.* at 4.

²⁷ *Id.* at 7 (internal citations omitted).

²⁸ Danny Jomaa, Chalani Ranasinghe, Nicole Raymer, Michele Leering & Imaan Bayoumi, *The impact of medical legal partnerships: A scoping review*, 3 U. TORONTO J. PUB. HEALTH 1 (2023), <https://doi.org/10.33137/utjph.v3i2.38094>.

²⁹ *Id.* at 5-6. Nine studies reported outcomes related to health/healthcare use including bettering children’s health. One showed improved diabetes management and three found reduced levels of lead in the blood following multi-disciplinary, complex interventions. In another, asthma became better controlled following a legal intervention related to substandard housing. Three studies found positive impacts on mental health, and a fourth recorded mental illness symptoms reduced and sustained at 3 and 12 months.

³⁰ *Id.* Justice, social and economic outcomes included improving patient income and healthcare access, as well as impressive cost-benefit ratios and ROI for US hospitals (that are not publicly funded in the same ways as in Canada, Australia, and the UK).

³¹ *Id.* at 6. Health-justice integration captured how well healthcare and legal professionals collaborated to improve services. This included establishing formal partnerships, offering cross-disciplinary and often reciprocal learning and training opportunities to increase professional competence, improving legal literacy, and implementing screening tools.

³² Omar Martinez, Jeffrey Botes, Miguel Muñoz-Laboy, Ethan Levine, Chukwuemeka Ayamele, Rebecca Eisenberg, Justin Manusov & Jeffrey Draine, *Bridging Health Disparity Gaps through the Use of Medical-Legal Partnerships in Patient Care: A Systemic Review*, 45 J. L., MED. & ETHICS 260 (2017), <https://doi.org/10.1177/1073110517720654>.

³³ Avery League, Katharine M. Donato, Nima Sheth, Elizabeth Selden, Sheetal Patel, Laurie Ball Cooper & Emily Mendenhall, *A Systematic Review of Medical-Legal Partnerships Serving Immigrant Communities in the United States*, 23 J. IMMIGRANT & MINORITY HEALTH 163, (2020), <https://doi.org/10.1007/s10903-020-01088-1>.

³⁴ *Id.* at 172.

³⁵ Rucha Alur, Erin Hall, MJ Smith, Tanya Zakrisson, Carly Loughran, Franklin Cosey-Gay & Elinore J. Kaufman, *What medical-legal partnerships can do for trauma patients and trauma care*, 96 J. TRAUMA & ACUTE CARE SURGERY 340 (2023), <https://doi.org/10.1097/ta.0000000000004167>. Although there was limited evidence, they theorized that MLPs would be effective interventions based on the evidence for positive impacts for targeted interventions with other patient populations. *Id.* at 344-345.

³⁶ Allison B. Dowling, Caitlin Schille Jensen, Abigail Sweeny, C. Scott Dorris, Deborah F. Perry, *Legal needs and health outcomes for people with cancer in medical-legal partnership programs: A systematic review*, 34 J. HEALTH CARE FOR THE POOR AND UNDERSERVED 1105 (2023), https://scholarship.law.georgetown.edu/hja_scholarship/1/.

³⁷ Anna Shchetinina, Natsuka Hayashida, Bruce Ramphal, Rachel Mark, Anne Fladger & Natalie Slopen (2025). *Medical-legal partnerships and child health and family wellbeing: A scoping review*, 156 PEDIATRICS 1, 3-9 (2025), <https://doi.org/10.1542/peds.2024-069940>.

³⁸ Jean Adams, Martin White, Suzanne Moffatt, Denise Howel & Joan Mackintosh, *A systematic review of the health, social and financial impacts of welfare rights advice delivered in healthcare settings*, 6 BMC PUB. HEALTH 1, 4 (2006), <https://doi.org/10.1186/1471-2458-6-81>.

³⁹ *Id.* at 6.

⁴⁰ “Although there was little evidence of measurable health or social benefit using quantitative methods and validated research instruments, this was ‘primarily due to lack of good quality evidence, rather than an absence of effect.’” Leering, *supra* n. 1 (quoting Adams et al., *id.* at 1).

- ⁴¹ Peter Allmark, Susan Baxter, Elizabeth Goyder, Louise Guillaume & Gerard Crofton-Martin, *Assessing the health benefits of advice services: Using research evidence and logic model methods to explore complex pathways*, 21 HEALTH & SOC. CARE IN THE COMMUNITY 59 (2012), <https://doi.org/10.1111/j.1365-2524.2012.01087.x>.
- ⁴² *Id.* at 63.
- ⁴³ *Id.*
- ⁴⁴ *Id.* Studies from the wider literature were used to link better housing with mental health improvements and physical health gains, suggesting that long-term health and well-being benefits could be plausibly attributed to the advice intervention. *Id.* They cautioned on using RCTs for complex interventions, preferring research design based on logic models. *Id.* at 64.
- ⁴⁵ Sian Reece, Trevor A. Sheldon, Josie Dickerson & Kate E. Pickett, *A review of the effectiveness and experiences of welfare advice services co-located in health settings: A critical narrative systematic review*, 296 Soc. Sci. & Med. 1 (2022), <https://doi.org/10.1016/j.socscimed.2022.114746>.
- ⁴⁶ *Id.* at 14.
- ⁴⁷ *Id.* at 13.
- ⁴⁸ Beeson et al. conducted the first review from 1992–2011 and identified three emerging themes: *financial impacts, impacts on patient health and well-being, and impacts on knowledge and training of health providers*. Tisha Beeson, Brittany Dawn McCallister & Marsha Regenstein, *Making the case for medical-legal partnerships: A review of the Evidence* (2013), <https://medical-legalpartnership.org/wp-content/uploads/2014/03/Medical-Legal-Partnership-Literature-Review-February-2013.pdf>.
- ⁴⁹ Murphy updated the literature review noting a growing body of evidence related to five types of outcomes, subsequently confirmed by Gallo's review of articles from 2020–2024. Caitlin Murphy, *Literature review: Making the case for medical-legal partnerships, 2013-2020* (2020), <https://medical-legalpartnership.org/download/literature-review-2013-2020/>; Michael Gallo *Making the case for medical-legal partnerships: An updated review of the evidence, 2020–2024* (2025), <https://medical-legalpartnership.org/mlp-resources/making-the-case-for-medical-legal-partnerships-an-updated-review-of-the-evidence-2020-2024/>.
- ⁵⁰ Gallo, *id.*
- ⁵¹ These included fewer emergency department visits; reduced asthma exacerbation; improved children's access to care and holistic wellbeing fewer days of poor health, stress and worry; improved housing/utility stability and securing, retaining, and recovery of financial benefits; more successful navigation by families of complex service systems; greater capacity of clinicians to address the SDoH; reducing clinician stress; providers' improvement in advocacy knowledge, skills, and professional identity; and improved family-provider relationships. *Id.* at 3–6.
- ⁵² Daniel Y. Johnson, S. Asay, Grace Keegan, Lisa Wu, Maeson Zietowski, Tanya L. Zakrisson, Nathan Muntz, Rhea Pillia & Elizabeth L. Tung, *US medical-legal partnerships to address health-harming legal needs: Closing the health injustice gap*, 39 J. GEN. INTERN. MED. 1204 (2024), <https://doi.org/10.1007/s11606-023-08546-0> (based on narrative review of US peer-reviewed literature from 2007–2022).
- ⁵³ Winston Liaw, Thomas F. Northrup, Angela L. Stotts, Christine Bakos-Block, Robert Suchting, Alvin Chen, Abigail Hernandez, Lisandra Finzetto, Charles Green & Thomas Murphy, *Medical-legal partnership effects on mental health, health care use, and quality of life in primary care: A randomized clinical trial*, 36 J. AM. BOARD FAM. MED. 414, 419–422 (2023), <https://doi.org/10.3122/jabfm.2022.220349R1>.
- ⁵⁴ *Id.* at 419–421.
- ⁵⁵ *Id.* at 419–422.
- ⁵⁶ Natasha Arora, Sarah Terry, Holly R. Stevens, Vanessa W. Davis, Gerson Sorto, Bethany Hamilton, Marisa Conner, Alejandra Cabrera, Shane R. Mueller, Maria Casoni, Hiba Elkhathib, Ellen Lawton & Elizabeth Tobin-Tyler, *Health, housing, and justice: Two-year implementation evaluation of a health systems' multi-state medical-legal partnership to address housing instability*, 60 HEALTH SERVS. RESEARCH (Supplement.3) 1, 9 (2025).
- ⁵⁷ Kristian Welch, Benjamin Robinson, Michaela Lieberman Martin, Amy Salerno, & Drew Harris, *Teaching the social determinants of health through medical legal partnerships: A systematic review*, 21 BMC MED. EDUC. 302 (2021), <https://doi.org/10.1186/s12909-021-02729-1>.
- ⁵⁸ A recent U.S. paper explored how important A-MLPs are for developing structural competency. Sarah Davis, *Teaching structural competency in law school: Interdisciplinary inspiration from medical legal partnerships and health-related disciplines to meet ABA Standard 303(c)*, 52 J. L., MED., & ETHICS 251 (2024), <https://doi.org/10.1017/jme.2024.87>.
- ⁵⁹ Susan McLaren, Lisa R. Bliss, Christina Scott, Pam Kraidler & Robert Pettignano, *Applying a social ecological model to medical legal partnerships practice and research*, 51 J. L., MED. & ETHICS 817, 820 (2023). It is also a framework the World Health Organization (WHO) has used to design health interventions. *Id.* at 819.
- ⁶⁰ For example, Scott & Forell conducted a qualitative exploratory case study of an Australian HJP that has been running for 28 years that including examining the factors leading to its sustainability and contributing to positive outcomes. Sue Scott & Suzie Forell, *Sustaining health justice partnerships: Learning from the experience of the Integrative Services for Survivors Advocacy partnership* (2024), <https://healthjustice.org.au/app/uploads/2024/03/ISSA-Report-v4-accessible.pdf>.
- ⁶¹ Americans Tobin-Tyler et al. and Canadians Shoucri & Stone created textbooks to support HJP development. Elizabeth Tobin-Tyler et al. eds., *POVERTY, HEALTH AND LAW: READINGS AND CASES FOR MEDICAL-LEGAL PARTNERSHIP* (2011); Rami Shoucri & Jennifer Stone eds., *HEALTH-HARMING LEGAL NEEDS: A GUIDE FOR CANADIAN PRIMARY HEALTH CARE CLINICIANS* (2025).
- ⁶² NCMLP, <https://medical-legalpartnership.org/resources/>; HJA, <https://healthjustice.org.au/resources/>; UCL, <https://www.ucl.ac.uk/health-of-public/research/ucl-health-public-communities/health-equity-community/health-justice-partnerships> (last visited Feb. 20, 2026).
- ⁶³ SARAH BEARDON, *HEALTH JUSTICE PARTNERSHIP: A GUIDE TO SUPPORT THE IMPLEMENTATION OF HEALTH JUSTICE PARTNERSHIPS* (2024), https://www.ucl.ac.uk/health-of-public/sites/health_of_public/files/hjp_implementation_guide_v.2.pdf; Sarah Beardon, *Implementation of health-justice partnerships: Integrating welfare rights advice services with patient care* (2022) (Doctoral thesis, University College London), <https://discovery.ucl.ac.uk/id/eprint/10152199/>; SARAH BEARDON, *HEALTH JUSTICE PARTNERSHIPS IN ENGLAND: A STUDY OF IMPLEMENTATION SUCCESS* (2022), https://www.ucl.ac.uk/health-of-public/sites/health_of_public/files/ucl_research_hjps_in_england_report_recommendations.pdf. Necessary steps include assessing needs and gaps, laying adequate foundations for the partnership, agreeing how to work together, adapting the service over time, planning the service activities, working collaboratively, finding sufficient funding to develop and sustain the HJP, and developing evaluation strategies.
- ⁶⁴ Lisa Kessler, Yael Cannon, Nicole Tuchinda, Ana Caskin, Christina Balz Ndjatou, Vicki W. Girard & Deborah F. Perry, *Co-creating a legal check-up in a school-based health center serving low-income adolescents*, 15 PROGRESS IN COMMUNITY HEALTH PARTNERSHIPS: RESEARCH, EDUCATION, AND ACTION 203 (2021), <https://doi.org/10.1353/cpr.2021.0022>.
- ⁶⁵ Omar Martinez, Miguel Muñoz-Laboy & Robin Davison, *Medical-legal partnerships: An integrated approach to advance health equity and improve health outcomes for people living with HIV*, 4 FRONTIERS IN REPRODUCTIVE HEALTH 1 (2022), <https://doi.org/10.3389/frph.2022.871101>.
- ⁶⁶ Erin C. Hall, J. J. Current, Jack A. Sava & Jennifer E. Rosen, *The case for integrating medical-legal partnerships into trauma care*, 274 J. SURGICAL RSCH. 153 (2022), <https://doi.org/10.1016/j.jss.2021.12.043>.
- ⁶⁷ Loral Patchen, Roxana Richardson, Asli McCullers & Vicki Girard, *Integrating lawyers into perinatal care teams to address unmet, health-harming legal needs*, 142 OBSTETRICS & GYNECOLOGY 1310 (2023).
- ⁶⁸ Jean S. Edward, Kimberly D. Northrip, Andrew Welker & Julia F. Costich, *Medical-legal partnerships facilitate patient-provider cost of care conversations: A multisite qualitative study in the U.S.*, 31 CLINICAL NURSING RSCH. 1500 (2022), <https://doi.org/10.1177/10547738221120339>.
- ⁶⁹ See also Kristi E. Gamarel, Wesley M. Correll-King, Laura Jadwin-Cakmak, Julisa Abad, Jay Kaplan, Belinda Needham & Arjee J. Restar, *Intersectional structural oppression as a fundamental cause: Reflections on implementing a medical-legal partnership*, 44 HEALTH PSYCH. 285 (2025), <https://doi.org/10.1037/hea0001421> (exploring how a MLP can assist with transgender issues); Heather Ngai, David Wang, Tim P. Moran, Steve Gottlieb, Candice Priest, Randi N. Smith, Dennis Hsieh, Margaret Samuels-Kalow & Amy Zeigen, *Prevalence of health-harming legal needs of patients seeking care in the emergency department*, 6 JACEP OPEN 2025 1 (2025) (MLP used to serve patients in emergency departments); Samantha Morton, Andrew Maude, Theresa Brabson, Hervette Nkwihoreze, Robin Davison, Migel Munoz-Laboy & Omar Martinez, *Health-harming legal needs identified by people with HIV: Data from a medical-legal partnership study to improve HIV care continuum outcomes*, 5 J. L., MED., & PUB. HEALTH 626 (2025), <https://doi.org/10.52609/jmlph.v5i2.159> (MLP used to ascertain what unmet legal needs should be priorities for targeted interventions and comprehensive care for people with HIV/AIDS).
- ⁷⁰ Nishwa Shah, Kim Radford, Steve Durant, Rami Shoucri, Jennifer Stone, Navindra Persaud & Andrew D. Pinto, *Advocating for policy change: Examples emerging from a medical-legal partnership in primary care*, 35 J. HEALTH CARE FOR THE POOR AND UNDERSERVED 8 (2024).
- ⁷¹ See Suzie Forell & Marie Nagy, *Health justice partnerships as a response to domestic and family violence* (May 27, 2021), <https://healthjustice.org.au/resource/insights-paper/health-justice-partnership-as-a-response-to-domestic-and-family-violence/>.
- ⁷² Sarah Loveday, Suzie Forell, Rebecca Bosward, Lingling Chen, Leanne N. Constable, Wilhelmina Ebbett, Ashraf Kabir, Hueiming Liu, Alexandra Preddy, Natalie White & Harriet Hiscock, *Health Justice Partnership: An opportunity to respond to childhood adversity*, 25 INT'L J. INTEGRATED CARE 1 (2025), <https://doi.org/10.5334/ijic.8917>.
- ⁷³ Suzie Forell & Sarah O'Connor, *Legal needs arising in mental health settings and staff capability and support to respond*, 19 INT'L J. INTEGRATED CARE 1 (2024), <https://doi.org/10.5334/ijic.7693>.

⁷⁴ Stefanie Plage, Rebecca E. Olson, Nathalia Costa, Karime Mescouto, Sameera Suleman, Asma Zulfiqar, Jenny Setchell & Rita Prasad-ildes, *Justice in health? Studying the role of legal support in a culturally responsive mental health service in Australia*, 35 QUALITATIVE HEALTH RESEARCH 418, 426-428 (2025).

⁷⁵ Elizabeth Curran, *Strength and uniqueness: The ripple effect of the BBM Health Justice Partnership sharing of knowledge and increasing empowerment: Report to Aboriginal Community of Albury Wodonga* (July 6, 2024), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4887353. Themes emerging from the evaluation including increasing trust, evidence of effectiveness in reaching the desired populations, providing cultural safety and trauma-informed practice, being responsive to the SDoH, undertaking work on systemic reform, and transformation in service delivery. *Id.* at 64.

⁷⁶ FIRST STEP LEGAL, EVALUATING THE OUTCOMES OF FIRST STEP LEGAL'S HEALTH JUSTICE PARTNERSHIPS (2024), https://assets.nationbuilder.com/firststep/pages/1238/attachments/original/1736138760/FSL_Evaluation_Report_DEC_2024.pdf?1736138760.

⁷⁷ *Id.* at 42.

⁷⁸ NSF CONSULTING, FIVE YEARS OF IMPACT: EVALUATION OF THE HEALTH JUSTICE PARTNERSHIP BETWEEN KINGSFORD LEGAL CENTRE, PRINCE OF WALES HOSPITAL AND THE EASTERN SUBURBS OF MENTAL HEALTH SERVICES (September 2024), [https://www.unsw.edu.au/content/dam/pdfs/law/klc/research-reports/5%20Years%20of%20Impact-%20Eval%20of%20HJP%20between%20KLC%2c%20POWH%20and%20ESMHS%20\(1\).pdf](https://www.unsw.edu.au/content/dam/pdfs/law/klc/research-reports/5%20Years%20of%20Impact-%20Eval%20of%20HJP%20between%20KLC%2c%20POWH%20and%20ESMHS%20(1).pdf).

⁷⁹ For example, in the relatively new field of legal epidemiology one of the first tasks was to delineate a competency model to guide those who are undertaking this work. See U.S. Centers for Disease Control & Prevention Public Health Law, *Legal Epidemiology Competency model Version 1.0*, <https://www.cdc.gov/phlp/php/publications/legal-epidemiology-competency-model-version-1-0.html> (May 15, 2024). Creating professional competency frameworks shows the heavy influence of healthcare: healthcare-related disciplines develop robust professional competency frameworks to which each discipline's professional teaching and learning, and regulatory regimes are attuned.

⁸⁰ Jane Buckley, Thomas Archibald, Monica Hargraves & William M. Trochim, *Defining and teaching evaluative thinking: Insights from research on critical thinking*, AM. J. EVALUATION 1 (2015).

⁸¹ See Leering, *supra* n. 1 at 64-67 (reviewing recommendations arising from the scoping and systematic reviews).

⁸² Note, however, that both Adams et al. (*supra* n. 38) and Allmark et al. (*supra* n. 41) cautioned that validated research instruments may not be sufficiently sensitive to detect changes or measure the important outcomes.

⁸³ Gallo, *supra* n. 49 at 6.

⁸⁴ Leering, *supra* n. 1.

⁸⁵ See OECD, *supra* n. 2 at 190. As a cautionary note, program logic models that are too narrowly crafted are problematic, as these often fail to capture the emerging value-added aspects of these partnerships, or changing expectations as partnerships mature. Capturing value-added benefits that were not anticipated at the outset is important. These could include decisions to diversify the initial menu of legal services to ensure more responsive legal help, leveraging in new resources, creating new professional learning materials or establishing a community of practice, sharing knowledge to support the creation of other HJPs, or engaging in systemic work.

⁸⁶ Rachel Granger, Hazel Genn and Rhiannon Tudor Edwards, *Health economics of health justice partnerships: A rapid review of the economic returns to society of promoting access to legal advice*, FRONT. PUB. HEALTH, 8 (2022).

⁸⁷ Tobin-Tyler et al., *supra* n. 11, canvass some of the financing arrangements, acknowledging that most LSP are publicly funded.

⁸⁸ Pro bono initiatives in some provinces are supporting the health justice approach but are limited in their capacity to scale up. See discussion of other Canadian developments in Leering, *supra* n. 1 at 26-32.

⁸⁹ McLaren et al., *supra* n. 59.

⁹⁰ Beardon, *supra* n. 58.

⁹¹ Dipti Itchaporia, *The evolution of the quintuple aim: Health equity, health outcomes, and the economy*, 78 J.A.C.C. 2262, 2262 (2021), <https://doi.org/10.1016/j.jacc.2021.10.018> (the Quintuple Aim framework considers improved patient experience, better outcomes, lower costs, clinician wellbeing, and contributions to health equity).

⁹² Michele M. Leering, *Enhancing the legal profession's capacity for innovation: The promise of reflective practice and action research for increasing access to justice*, 34 WINDSOR Y.B. ACCESS TO JUST. 189, 194 (2017). Casey et al. have developed a checklist for ensuring action research quality criteria (QuARC) to ensure these studies are rigorously designed, studies are reported in sufficient detail, the methodological rigour can be evaluated, and a report's comprehensiveness can be assessed. Mary Casey, David Coghlan, Aine Carroll & Diarmuid Stokes, D, *Towards a checklist for improving action research quality in healthcare contexts*, 26 SYSTEMIC PRAC. & ACTION RSCH. 923, 930 (2023).

⁹³ Liz Curran & Sue James, *Integrated legal practice: Going to where people are who need our help – legal empowerment and multidisciplinary evaluation* (June 16, 2023), <https://irep.ntu.ac.uk/id/eprint/53770/>. Leering recommended a range of evaluation approaches and research methodologies and factors to consider. See Leering, *supra* n. 1 at 43-75. Choices should be guided by context, resources, and the HJP's theory of change. Evaluation findings will help guide efforts not just on how to improve the services to individuals, but to understanding how interprofessional partnerships work best.

⁹⁴ There are two ways in which this work has been started. See, e.g., Ruth McAusland & Eileen Baldry, *Who does Australia lock up? The social determinants of justice*, 12 INT'L J. FOR CRIME, JUST. & SOC. DEMOCRACY 37 (2023), <https://doi.org/10.5204/ijcjsd.2504>; see also Government of Canada, *Social Determinants of Justice* (June 27, 2024), <https://www.justice.gc.ca/eng/cj-jp/cbjs-scjn/transformativ-transformateur/p8.html>.

⁹⁵ UK MINISTRY OF JUSTICE, IFF RESEARCH AND YORK HEALTH ECONOMICS CONSORTIUM, EVALUATION OF INTEGRATED ADVICE HUBS IN PRIMARY HEALTHCARE SETTINGS: FEASIBILITY STUDY (2023), <https://assets.publishing.service.gov.uk/media/64899277103ca6000c039e77/evaluation-of-integrated-advice-hubs-in-primary-healthcare-settings-feasibility-study.pdf>.

⁹⁶ *Id.* at 47.

⁹⁷ Drabarek, *supra* n. 22.

⁹⁸ Tobin-Tyler et al., *supra* n. 11.

⁹⁹ NCMLP has recently offered to provide administrative support to host these gatherings.

¹⁰⁰ See 51(4) J. L. MED. & ETHICS (special issue featuring 19 articles from the symposium).

¹⁰¹ Rahul Vanjani, Sarah Martino, Sheridan F. Reiger, James Lawless, Chelsea Kelly, Vincent J. Mariano & M. Catherine Trimbur (2020). *Physician-public defender collaboration – A new medical-legal partnership*, 383 NEW ENGLAND J. MED. 2083 (2020), <https://www.nejm.org/doi/full/10.1056/NEJMms2002585>.

¹⁰² This is the original press release, with the initiative likely now defunded: *Justice Department Announces Medical Legal Partnership Project for Incarcerated Individuals*, <https://www.justice.gc.ca/archives/opa/pr/justice-department-announces-medical-legal-partnership-project-incarcerated-individuals> (April 19, 2024).

¹⁰³ See discussion and references in Leering, *supra* n. 1, at 10-12.

¹⁰⁴ Jess Mant, Naomi Creutzfeldt & Sonila M. Tomini *Health justice interventions in England and Australia: An intersectional approach to legal capability and health literacy*, 47 J. SOC. WELFARE & FAM. L. 236 (2025), <https://doi.org/10.1080/09649069.2025.2530885>.

¹⁰⁵ Suzie Forell, *Working together for client wellbeing: An outcome of health justice partnership* (Aug. 2021), <https://healthjustice.org.au/app/uploads/downloads/Health-Justice-Australia-Working-together-for-client-wellbeing.pdf>.

¹⁰⁶ FIRST STEP LEGAL, *supra* n. 76.

¹⁰⁷ Rebecca L. Sandefur & Matthew Burnett, *All together now: Building a shared access to research framework for theoretical and empirical insight and actionable intelligence*, 13 ONATI SOCIO-LEGAL SERIES 1330 (2023), <https://doi.org/10.35295/OSLS.IJSL/0000-0000-0000-1357>.

¹⁰⁸ See also LYNNE HAULTAIN & ZHIGANG WEI, ARE LEGAL PROBLEMS BAD FOR YOUR HEALTH? ARE HEALTH ISSUES BAD FOR YOUR LAW? (2025), <https://www.victorialawfoundation.org.au/research-publications/legal-problems-and-health-issues> (adding to the growing evidence on the impact on health on unmet legal needs).

¹⁰⁹ Tobin-Tyler et al., *supra* n. 11, at 340.

¹¹⁰ An excellent example is the CanMEDs meta-competency framework that outlines roles and responsibilities as medical expert, scholar, collaborator, leader, communicator, professional and health advocate. Royal College of Physicians and Surgeons of Canada, *The CanMEDS Framework*, <https://www.royalcollege.ca/en/standards-and-accreditation/canmeds.html> (last visited Feb. 20, 2026). It commits physicians to taking action on health equity and advocacy on the SDoH. Its creation was influenced by a WHO White Paper in the 1970s. This White Paper became part of a world-wide movement to reform medical education: it advocated for the profession to be *socially accountable*. Notably in 2010, WHO endorsed preparing physicians for patient-centered and interprofessional practice. Canadian medical schools and stakeholders across the medical education spectrum now ensure that appropriate competencies are cultivated to support all seven roles, including health advocate. Social accountability is defined as “The obligation to direct their education, research, and service activities towards addressing the priority health of the community, region, and/or nation they have a mandate to serve. The priority health concerns are to be identified jointly by governments, healthcare organization, health professionals, and the public...” See Angela Towle & William Godolphin, *A meeting of experts: the emerging roles of non-professionals in the education of health professionals*, 16(5) TEACHING IN

HIGHER EDUC. 495 (2011), <https://doi.org/10.1080/13562517.2011.570442>. See generally Leering, *supra* n. 1, at 81-84.

¹¹¹ An access to justice consciousness is a neologism Leering coined to capture a formative, evolving, and normative expectation about the legal profession's responsibility to ensure equal access to justice with a heightened awareness of justice gaps and the impact of a lack of access to justice. Leering, *supra* n. 1 at 193-194.

¹¹² Examples of terms include health justice approach, health-harming legal needs, early intervention and prevention, triage, legal health, secondary consultations, curbside consults (US term for secondary consultations), multidisciplinary problem solving, systemic advocacy, people-centered, trusted intermediaries, and justice ecosystem. Establishing common discourse is an enabler of change. RONALD HEIFETZ, ALEXANDER GRASHOW & MARTY LINSKY, *THE PRACTICE OF ADAPTIVE LEADERSHIP: TOOLS AND TACTICS FOR CHANGING YOUR ORGANIZATION AND THE WORLD* (2009).

¹¹³ *Infra* at sec. 2.5.

¹¹⁴ Joan M. Blakey, Alana J. Gunn & Kelli E. Canada. *Supporting the end of prostitution permanently (SEPP) prostitution court: Examining inter-professional collaboration within alternative criminal justice settings*. 35 J. INTERPROFESSIONAL CARE 266, 267 (2021) (describing Bronstein's model of an interprofessional collaborative framework).

Human-centered Design and People-centered Justice

Zainab Malik

Abstract

This paper reviews the application of human-centered design (HCD) in the justice sector, focusing on what we know—and still need to know—about the role and importance of design methodologies in achieving people-centered justice. Based on existing research, we know that HCD, which offers a structured approach emphasizing empathic inquiry, user engagement, ideation, prototyping, and iterative testing, is increasingly applied to justice challenges through innovation labs, design units, and interdisciplinary collaborations. We also know that HCD interventions, including simplifying legal forms, streamlining court procedures, developing digital tools, and establishing community justice centers, have shown positive outcomes: increased user satisfaction, greater trust, improved perceptions of procedural justice, and enhanced legal literacy. The conceptual integration of HCD with dispute system design has generated approaches specifically tailored to legal contexts, recognizing that justice problems are intertwined with human behavior, cognition, and emotion. However, important questions remain around how to move beyond anecdotal evidence to rigorous, replicable studies that demonstrate measurable impact on people-centered justice outcomes. Significant gaps also persist in standardized metrics for evaluation, scalability of promising pilots, and strategies for overcoming institutional resistance within traditional legal systems. Moreover, much HCD work remains focused on improving user experience within existing institutions rather than challenging who defines legal problems or the deeply entrenched inequities that cause them.

Drawing on case studies, conceptual analyses, and interdisciplinary research, this paper argues that HCD holds significant promise for advancing people-centered justice but requires standardized evaluation frameworks, sustainable financing models, enabling regulatory environments, and genuine co-creation with affected communities to move from isolated pilots to systemic transformation.

Suggested citation: Zainab Malik, *Human Centered Design and People-Centered Justice* 130 (Global Perspectives on People-Centered Justice: Exploring the Evidence, Matthew Burnett & Rebecca L. Sandefur eds., 2026) abfn.org/human-centered-design-people-centered-justice.

Human-centered Design and People-centered Justice

Zainab Malik*

Introduction

Human-centered design offers a structured, empathetic approach to problem-solving, traditionally applied in product development and service industries. Its increasing recognition in solving complex challenges, such as climate change, public health and social inequalities, stems from its core philosophy: understanding user needs and iteratively developing solutions that genuinely address those needs. The methodology prioritizes the human experience, shifting the focus from institutional convenience and efficiency to individual needs, preferences and wellbeing.¹ The application of design in public sector innovation is resulting in an emerging practice in which design approaches are used to develop and implement public services, products, policies and procedures across domains such as housing, employment, health, crime prevention, and education.²

Human-centered design (HCD) is a methodology that prescribes structured activities rather than offering a definitive solution to a problem. Its value lies in these processes: (1) empathic inquiry, (2) user engagement, (3) ideation, (4) prototyping, and (5) iterative testing, all of which ensure that solutions are context-sensitive, participatory, and responsive to the user's actual needs. Ultimately, it emphasizes the activities a team should undertake to create the most appropriate solution for a given context, rather than being limited to a particular format.³

People working to bring innovations or improved services to the justice system have begun to employ human-centered design. In practice, this is rolled out through designated design units, innovation labs, and digital transformation units found in governments, academia and the private sector. The application of HCD principles to the legal and justice sector has given rise to an interdisciplinary field known by various terms, including *legal design*, *justice innovation*,⁴ and *human-centered civil justice design*.⁵ The field of *legal design* is defined as “the marriage of a human-centered design approach to the challenges and structures of the legal system,” in order to “develop a human-centered, participatory approach to reforming the legal system” so as to “make the legal system work better for people.”⁶ *Legal design* is about rethinking law as a service, not just an institution, which means bringing what we know about the potential for redesigning services to improve people's lives and applying it to their legal journey.⁷

Given their shared focus on understanding and addressing the real needs of justice users, *legal design* and *human-centered design* are aligned as tools for advancing people-centered justice. However, it is important to recognize that simply applying HCD methods does not guarantee progress toward a truly people-centered justice system. Much of the HCD work within the legal field still targets processes or strategies that may not fully embody or prioritize justice users' perspectives and experiences.

HCD is an emerging approach that extends beyond traditional design applications. There is a notable gap in comprehensive studies that capture the entire HCD project lifecycle, particularly within the justice sector. Rigorous evaluation of HCD outcomes in this domain is also scarce. Currently, there is no standardized or comprehensive collection of HCD methods specifically for *justice innovation*. While HCD is gaining prominence as an innovation methodology, its application in justice reform often lacks a foundation in rigorous, evidence-based practices. To achieve *legal design* that not only generates novel innovations but also develops interventions capable of being piloted, evaluated, and scaled into

* Senior Policy and Advocacy Advisor at the Hague Institute for Innovation of Law (HiIL).

evidence-based reforms and policymaking, it is crucial to implement greater methodological rigor and a stronger focus on the lived experiences of justice users.

This paper addresses the following question: *How can Human-centered design be rigorously applied and evaluated in the justice sector to advance justice that is genuinely people-centered, beyond improving institutional processes, and toward centering the lived experiences and priorities of justice users?*

1. Existing Research, Data and Evidence

1.1. Conceptual and methodological integration

The integration of HCD into the justice sector has led to a rich conceptual and methodological landscape. The proliferation of terms pointing to HCD principles like *justice design*, *legal design thinking*, and *human-centered civil justice design* indicates that HCD provides the overarching theoretical and methodological framework for these various initiatives. These terms all seem to share the core HCD principles of empathy, iteration, and deep user involvement. The explicit synthesis with *dispute system design* further demonstrates a deliberate adaptation of HCD to the unique characteristics of legal problem-solving, moving beyond general design principles to address specific legal contexts. Key to this integration is the empathetic understanding of users—parties, lawyers, judges, and the public—achieved through methods such as observation, interviews, and broader empirical and psychological inquiry. Specifically, *legal design thinking* is a user-centric approach that combines design thinking methods with legal work to create solutions tailored to client needs, leveraging techniques like empathy mapping, ideation, prototyping, and iteration.⁸ The ultimate aim is to make legal systems and services more human-centered, usable, and satisfying. This widespread adoption of HCD terminology and methodologies across legal academic, nonprofit, and private sectors signifies a growing recognition of HCD's utility in a domain traditionally resistant to external methodologies.

Sources repeatedly highlight the need for interdisciplinary methodologies and collaboration among diverse experts, including designers, psychologists, technologists, and others.⁹ For example, Stanford's Legal Design Lab is an "interdisciplinary team."¹⁰ The *human-centered civil justice design* approach draws from psychological and behavioral science.¹¹ This reflects an acknowledgment that justice problems are rarely purely legal; they are deeply intertwined with human behavior, cognition, and emotion, and thus require understanding from fields beyond traditional law.

1.2. Types of HCD initiatives in the justice sector

HCD initiatives in the justice sector encompass several types of interventions,¹² including:

- simplifying legal information by redesigning forms, websites, and documents with plain language and clear visuals to enhance public legal literacy;
- streamlining court procedures, legal aid intake, and alternative dispute resolution mechanisms to reduce complexity and administrative burden;¹³
- developing user-friendly digital tools such as online dispute resolution platforms and mobile applications to improve access to justice services;
- redesigning physical environments, like courtrooms and legal service offices, to be more welcoming and less intimidating;¹⁴ and
- establishing community justice centers that provide legal information, advice, and referrals at the local level.¹⁵

The application of HCD in the justice sector has shown positive outcomes, like increased user satisfaction, as simplified processes, clear information, and empathetic interactions foster respect and trust in the system. For instance, simplifying complex legal forms has improved user experience.¹⁶ HCD interventions have also contributed to greater trust and better perceptions of procedural justice among court users.¹⁷ By focusing on individuals' underlying problems rather than solely on their legal disputes, HCD facilitates more holistic and effective resolutions.¹⁸ Additionally, user-centric approaches help reduce conflict and stress by offering clearer, less intimidating pathways, thus alleviating the emotional burden justice

seekers face.¹⁹ Improved legal literacy and empowerment result from designing accessible information and processes that enable individuals to better understand and advocate for their rights.²⁰ Finally, although not always the primary goal, these initiatives often lead to cost savings through increased institutional efficiency and reduced repeat interactions by users.²¹

However, most interventions have primarily focused on enhancing user experience within the formal justice system. These include for example, redesigning court signage, simplifying forms, improving courtroom navigation, or using human-centered methods to make legal information more accessible to court users.²² These efforts, while important in making justice institutions more navigable, generally remain anchored in institutional settings and processes. Given that legal needs data indicates most individuals with justice problems do not engage with courts or lawyers,²³ the overall impact of these interventions arising from HCD approaches on advancing people-centered justice (PCJ) outcomes may be limited by this narrow application.

Additionally, HCD interventions are often standalone projects that may focus on improving one part of a user's justice journey.²⁴ This is not aligned with the prescription of seamless and streamlined dispute resolution pathways that deliver a continuum of PCJ justice services contained in the Organization for Economic Co-operation and Development's (OECD) 2023 *Recommendation on Access to Justice and People-centred Justice Systems*.²⁵ A more effective application of HCD to PCJ justice would involve "end-to-end system" design—where different dispute resolution phases are intentionally structured to flow into each other.²⁶ For instance, a structured negotiation phase becomes more effective when preceded by a self-help resolution process that helps parties identify key issues and begin dialogue. Similarly, facilitation gains meaning when parties understand it as part of a trajectory that may lead to binding adjudication.

In contrast, adding a single process—such as mediation—into a traditional adversarial court model may provide some benefit but does not improve overall outcomes. Such "add-on" approaches often fail to deliver the escalating intensity, seamlessness, and coherence of a fully integrated, people-centered justice pathway. For example, research shows that adding on a collaborative resolution process to an existing structure oriented around judicial decision-making leads to under-resourcing and undervaluing alternative dispute resolution processes, despite their high level of success in obviating the need for adjudication.²⁷ These added-on processes risk being treated, by parties and the justice institution alike, as just another speed bump on the way to trial, rather than as the core of a user-focused public justice process.

1.3. Empowerment by design

HCD has emerged as a promising methodological approach for fostering participatory innovation within the justice sector. At the foundation of *legal design* work is the recognition that reform efforts must move beyond expert-led, top-down approaches toward more inclusive processes that involve a wider community of stakeholders in the agenda-setting, design, and evaluation of justice innovations. Central to HCD is the principle of co-creation, which encourages collaboration among a diverse and interdisciplinary group of actors, including legal professionals, technologists, designers, and, crucially, the end-users of legal services. Rather than relying on closed, internal processes, HCD emphasizes shared ownership through participatory methods such as design workshops, user interviews, and iterative prototyping. This shift not only introduces diverse perspectives into legal problem-solving but also challenges the historically siloed and hierarchical nature of legal decision-making.²⁸

Scholars and practitioners have highlighted the potential of HCD to "democratize" innovation in legal systems by repositioning those traditionally viewed as passive recipients of justice—such as those experiencing legal problems and community members—as active contributors to system redesign.²⁹ This participatory shift is not merely procedural; it is seen as a normative reconfiguration of authority within justice reform. By grounding *legal design* in the lived experiences of users, HCD promises not only more contextually appropriate solutions but also greater legitimacy in the eyes of the public. Research suggests that this legitimacy stems from the alignment of solutions with the actual needs, preferences, and realities of justice users, thereby fostering greater trust.³⁰

Implementing HCD in the public sector, especially within the justice sector, poses considerable difficulties. As van der Bijl-Brouwer observes, identifying "the human" at the center of design is complex in public sector contexts.³¹

Stakeholders are not limited to end-users but also include those responsible for implementing and managing solutions. Given the interconnected nature of many intricate societal issues, numerous stakeholders are involved who are either affected by the problem or could contribute to its resolution.³² There is a risk that focusing too narrowly on specific user profiles or dominant voices may obscure or reinforce systemic inequities or inadvertently marginalize less visible or underrepresented groups.³³ Despite HCD's framing as a collaborative approach with end users, power structures are insidious to its practice history. This concern is central to *design justice* principles, which advocate for a shift from design done to communities to design done with communities.³⁴

A further gap in both research and practice is how HCD in justice often centers on improving user experience within existing legal institutions rather than challenging who gets to define legal problems and their solutions. As scholars of legal empowerment note, people-centered justice requires not only democratizing innovation but also democratizing law itself.³⁵ This means shifting authority from lawyers and formal justice institutions toward communities who live with justice problems, enabling them to define priorities, generate solutions, and shape the very terms of justice reform.

1.4. Methodological limitations and challenges

As noted above, the application of HCD principles in justice-related contexts has led to some positive outcomes for users of justice systems. But it has also brought certain methodological limitations to light. HCD can sometimes lead to superficial engagement or “performative gestures” rather than genuine partnership and shared decision-making with marginalized communities.³⁶ While it aims to center user needs, there is a risk that solutions might address surface-level problems without tackling deeper, more meaningful issues or the root causes of inequality embedded within broader economic and political systems.³⁷ This can result in “bounded justice,” where interventions fail to recognize or address the cumulative effects of historical marginalization and systemic power imbalances.³⁸

HCD processes, with their emphasis on deep research, iterative testing, and broad stakeholder involvement, can be resource-consuming in terms of both human effort and financial investment.³⁹ This can be a significant barrier to widespread adoption and scaling successful pilot projects across large, complex justice systems.

2. Gaps in Research, Data and Evidence

2.1. Need for more rigorous, replicable studies beyond anecdotal evidence

Despite the emphasis on data by both *legal design* and people-centered justice, there are acknowledged gaps in empirical data and evidence on people's justice needs and access.⁴⁰ The central data infrastructure for civil justice is underdeveloped in most countries when compared to more established sectors like health or education. While *legal design* has been shown on occasion to improve user experience and increase user engagement, precise empirical data on its broader impact is not yet available.

A major barrier to assessing the effectiveness of HCD interventions to advancing people-centered justice is the absence of universal, standardized metrics to measure people-centered outcomes. Without shared indicators or evaluation frameworks, it is difficult to compare HCD interventions or assess their scalability.

Many examples of *legal design* and PCJ initiatives are described as “innovative solutions” or successful “pilots.” However, the transition from a successful pilot to a proven, scalable, and widely applicable intervention necessitates rigorous, large-scale empirical studies that are currently largely absent. The current research landscape is fragmented, consisting primarily of individual studies of specific contexts, using unique data collected and analyzed by people who do not understand themselves as participating in a shared intellectual field.⁴¹

There is to date no empirical verification that design thinking, as a standardized practice, can be scaled up to an entire policy sector, or government, and endure over a prolonged period of time.⁴² This may explain why most governments have been willing to invest in specialized units and pilots but none have implemented design thinking across the board.

This fragmentation severely hinders the accumulation of generalizable knowledge and the development of evidence-based policy. This implies an urgent need for increased funding and enhanced coordination to move beyond isolated case studies.

2.2. Improved problem diagnosis

While HCD methods are clearly defined,⁴³ applying them within the complex and often bureaucratic justice system presents unique challenges. The “fuzzy front end” of HCD—specifically *the empathize* and *discover stages*—is a phase where problems are still ambiguous and a wide range of ideas are explored.⁴⁴ This stage can be difficult to explain or justify, particularly to stakeholders who believe they already understand their users’ needs, or who are inclined toward quick, tangible solutions. This is often the case when the problem definition process focuses primarily on insights from lawyers, judges and other traditional legal experts. As a result, many design processes begin from assumptions or preconceived notions that may not reflect users’ real experiences. For example, a commonly held assumption is that the biggest barrier to accessing legal advice is financial cost. If a design process adopts this assumption as its starting point, it is likely to arrive at solutions focused on offering pro bono or low-cost legal aid. However, such an approach overlooks significant non-financial barriers to accessing legal services, such as lack of trust, unfamiliarity with legal procedures, or fear of negative consequences.

On the other hand, an exclusive reliance on Legal Needs Surveys to diagnose and define design challenges can be limiting.⁴⁵ While these surveys are valuable for providing broad, quantitative snapshots of justice demand, they often sideline the importance of qualitative research needed to explore the deeper dimensions of a problem. Such an approach risks overlooking the underlying causes of justice problems, as well as the contextual and emotional dimensions that are often critical to how people experience and resolve disputes.

A related research gap relates to *who defines the problem*. Much HCD work in the justice sector begins from the perspective of legal professionals or survey framings set by institutions. There is little empirical evidence on outcomes when communities themselves, particularly marginalized groups, lead the problem-definition stage. Without this shift, HCD risks reinforcing institutional assumptions rather than surfacing the lived realities of those most affected by justice system failures.

2.3. From prototypes to pilots

Not all ideas deserve to be prototyped and not all prototypes deserve to be piloted. Currently, there is no standardized set of metrics or methods to determine which designs merit advancement to pilot. This means that significant resources are spent on pilots with limited chances of success. Evaluation tends to be ad hoc, often missing key dimensions such as user experience, feasibility, and long-term impact. To address this, the *legal design* community must develop and adopt a core set of evaluation criteria that can be tailored to different types of interventions, whether technologies, services, policies, or organizations.

2.4. Strategies to address resistance to change within traditional legal systems

The integration of design practices into sectors beyond traditional design has led to a growing number of non-designers, such as public managers, adopting or engaging with design approaches to drive innovation. In the public sector, design-based approaches are increasingly seen as tools for transformation.⁴⁶ A widely recognized requirement for effective public sector innovation is the development and implementation of solutions that cut across agencies and organizational silos.⁴⁷ This makes cross-departmental collaboration not just beneficial but essential.

In justice systems, however, fostering such collaboration is particularly challenging. While legal professionals may be committed to serving justice users, they often become constrained by current procedures

and tools, which limit their ability to help people effectively. These systems are often resistant to change due to entrenched interests, hierarchical structures, and a lack of interdisciplinary skills among legal professionals. Designers—even those deeply committed to justice reform—may lack the political capital, institutional knowledge, or credibility to navigate complex bureaucratic and political landscapes effectively. This resistance can manifest in a reluctance to join pilot programs, share data, or experiment with new methodologies. Such barriers limit both the scope of user research and the broader applicability and roll-out of design-driven insights. This can be seen in practice from the relegation of HCD in the justice sector to innovation labs and digital offices, limiting its structural impact.

2.5. Barriers to scaling

HCD processes, particularly in the justice sector, often carry an implicit assumption that a well-designed solution will naturally be adopted and scaled. In reality, however, many innovations remain stuck at the early prototype stage. For an innovative service to scale, it must land in a supportive, enabling environment—one where it is welcomed, rewarded, and made accessible to people with pressing justice needs.

Yet, in practice, service delivery models in the justice sector are constrained by restrictive regulatory frameworks.⁴⁸ In many countries, only licensed legal professionals are permitted to offer legal advice. Regulations frequently limit the types of business models legal service providers can adopt. Courts, bound by rigid procedural rules, often exclude customary or informal modes of dispute resolution, even when these may be more accessible and trusted by users.

Beyond regulation, institutional barriers also inhibit scale. For new services to be adopted widely, they must be embedded within public budgets, procurement systems, and delivery structures—a process that is often opaque, slow, or resistant to unfamiliar approaches.

Therefore, for HCD solutions to move beyond the pilot phase and achieve meaningful, scalable impact, design processes must anticipate and address the regulatory, institutional, and structural barriers to implementation. This means not only designing the service itself, but also crafting strategies for policy change, stakeholder engagement, and systems integration as part of the design challenge.

2.6. Financial models

While many promising initiatives begin as short-term, grant-funded pilots, scaling and sustaining these solutions requires financing strategies that go beyond project cycles and are integrated into broader systems of service delivery. This calls for a shift in research, from isolated, anecdotal case studies to longitudinal, impact-oriented research that demonstrates not only improved access and user satisfaction, but also cost-effectiveness, efficiency gains, and systemic benefits. Funders and policymakers increasingly seek robust, interdisciplinary evidence that can justify long-term investment and policy change. At the same time, research must explore which financing mechanisms, such as public-private partnerships, outcomes-based funding, or integration into public budgets, are most viable across different institutional and legal contexts. This includes examining not only their financial sustainability but also how they support the adoption of user-centered tools and processes, incentivize innovation within organizations, and align with regulatory frameworks. By identifying financing models that are both effective and adaptable, justice institutions can be empowered to implement HCD initiatives at scale while ensuring these solutions are embedded, supported, and sustained over time.

These financing models cannot take root without enabling regulatory environments. In many jurisdictions, restrictive laws limit who can deliver legal services, how they are financed, and what kinds of organizations may participate, while rigid procurement and budgeting systems prevent public institutions from adopting or funding innovative approaches. To unlock and sustain investment in legal innovation, regulatory reforms must broaden

definitions of legal service provision, allow for diverse delivery models, and modernize procurement frameworks to support inclusive, performance-based funding. In short, research must not only identify what works, but also help shape the legal and policy infrastructure that enables those solutions to grow and endure.

Concluding Recommendations

This concluding section offers nine recommendations to further develop justice applications of human-centered design to advance justice that is genuinely people-centered.

1. **Create Standardized Metrics for PCJ:** Developing robust, internationally recognized metrics for measuring PCJ outcomes will be critical for consistently demonstrating impact, guiding policy decisions, and facilitating cross-jurisdictional comparisons. This could be achieved by adapting methodologies from health and education, where internationally recognized indicators (including from public health) were developed to allow cross-country comparison.
2. **Identify Enabling Conditions for Adoption and Scaling:** Research the regulatory, financial, institutional, and cultural conditions that support or block the uptake and diffusion of HCD innovations in justice systems. This means not only studying enabling regulations (such as relaxed rules on legal service provision) but also understanding how procurement frameworks, funding models, and institutional incentives shape adoption.
3. **Improve Transition from Prototyping to Scalable Pilots:** Define clear criteria and evaluation methods to determine which prototypes merit piloting based on feasibility, user impact, scalability, and alignment with systemic goals.
4. **Address Ethical and Power Dynamics in HCD Practice:** Develop research frameworks to ensure genuine co-creation and participatory design that empower justice users rather than perpetuate tokenism or “bounded justice.” Investigate how to mitigate power imbalances within interdisciplinary teams and stakeholder groups involved in HCD processes. This includes not only mitigating tokenism within interdisciplinary teams but also shifting problem-definition authority to justice users themselves. Research should explore models where communities define justice challenges and co-own the design of solutions, rather than being positioned only as consultees.
5. **Explore HCD in Preventive Justice:** Exploring how HCD principles can be proactively applied to prevent legal problems from escalating or even arising in the first place, rather than solely focusing on their resolution after they occur. Preventive approaches should be developed in partnership with affected communities, so that definitions of risk and priorities for early intervention reflect their lived experiences rather than institutional assumptions.
6. **Research Financing Models:** Investigate which sustainable financing mechanisms—such as public-private partnerships, outcome-based funding, or integration into public budgets—are most viable for supporting people-centered legal innovations.
7. **Create Evidence Translation Mechanisms for Policymakers:** Develop tools and formats (e.g., dashboards) to translate complex research into actionable insights for policymakers, practitioners, and funders. These mechanisms should be designed with input from policymakers themselves to ensure usability and uptake. For example, evidence dashboards developed in public health provide models of how complex data can inform real-time policy decisions.
8. **Investigate the Long-Term Organizational Impacts of HCD:** Study how embedding HCD affects organizational culture within justice institutions, including attitudes towards innovation, user-centeredness, and collaboration. This could involve longitudinal ethnographic studies within courts, legal aid organizations,

or ministries of justice to track how design practices shift power, incentives, and professional norms over time.

9. **Build a Coordinated Research Community and Knowledge Base:** Facilitate interdisciplinary networks and data-sharing platforms to reduce fragmentation and build cumulative knowledge on HCD in justice. This might be achieved by creating a global repository of HCD-in-justice case studies, linked to standardized taxonomies and evaluation criteria.

* * *

Zainab Z. Malik is a human rights lawyer and international development professional with over 15 years of experience driving transformative change in the global justice landscape. She currently serves as a Senior Policy and Advocacy Adviser at the Hague Institute for Innovation of Law (HiiL), where she leads the development of global policy and advocacy strategies to advance people-centered justice and strengthen justice systems worldwide.

Her work has focused on expanding access to justice and addressing critical human rights issues, including sexual and gender-based violence (SGBV), fair trial rights, and the abolition of capital punishment and torture. Previously, Zainab was Head of Policy and Advocacy at Justice Project Pakistan (JPP).

Zainab also brings international program experience from her role as a Program Development Specialist at the International Development Law Organization (IDLO), where she designed rule of law and access to justice initiatives across Africa and the MENA region. An LL.M. graduate of Harvard Law School and an experienced litigator, she has represented survivors of SGBV, police torture, and prisoners with mental illness. She has also trained lawyers and judges on defending vulnerable clients and applying international law in domestic litigation. Zainab remains deeply committed to justice systems that are inclusive, humane, and responsive to people's needs.

Appendix

Intervention Type	Challenges	HCD Approach Utilized	Alignment with PCJ Principles
Legal Information Redesign	Complexity of forms; lack of legal literacy	User journey mapping, Plain language drafting, Usability testing	Enhanced user empowerment; Improved legal literacy.
Court Process Streamlining	Procedural delays; complexity of procedures	Ethnographic research, Process mapping, Rapid prototyping	Improved efficiency; Reduced user stress; Enhanced trust in justice.
Digital Platform Development	Inaccessibility of services; geographic divides	Co-design workshops, Iterative prototyping, User testing	Enhanced accessibility; Focus on holistic problem resolution; User empowerment.
Legal Aid Intake Reform	Bureaucratic hurdles; lack of empathy	User interviews, Service blueprinting, Pilot programs	Improved well-being; Enhanced trust; More empathetic service delivery.
Procedural Justice Interventions	Systemic biases; perceptions of unfairness	User feedback loops, Training for court staff, Communication design	Increased trust in justice; Improved procedural fairness; Reduced conflict.

¹ U.S. Gen. Servs. Admin., *Human-Centered Design Discovery and Insight Documents*, Performance.gov, <https://www.performance.gov/cx/hcd/#discovery-insight-documents> (last visited Dec. 2, 2025).

² Cabinet Off., *Public Design Evidence Review: Literature Review Paper 2 – Public Value* (2025), <https://www.gov.uk/government/publications/the-public-design-evidence-review/public-design-evidence-review-literature-review-paper-2-public-value-html>.

³ Margaret D. Hagan, *A Human-Centered Design Approach to Access to Justice: Generating New Prototypes and Hypotheses for Intervention to Make Courts User-Friendly*, 6 IND. J.L. & SOC. EQUAL. 199 (2018), <https://www.repository.law.indiana.edu/ijlse/vol6/iss2/2>.

⁴ Justice innovation can be understood as the process of designing new or improved solutions to make the justice system work better for the public. While it often overlaps with human-centered approaches, it does not necessarily have to be human-centered.

⁵ Human-centered civil justice design is an approach that brings together ideas and methods from two interdisciplinary traditions: human-centered design thinking and dispute system design. It grounds the design of civil justice processes in the lived experiences of people as they interact with justice institutions, actors, procedures, and environments. See Victor D. Quintanilla, *Human-Centered Civil Justice Design*, 121 PENN ST. L. REV. 745 (2017), <https://www.repository.law.indiana.edu/facpub/2588>.

⁶ Ingo O. Karpen & Metis Senova, *Designing for Trust: Role and Benefits of Human-Centered Design in the Legal System*, 12 INT'L J. CT. ADMIN. 7, n. 12 (2021), <https://doi.org/10.36745/ijca.422>.

⁷ Portable, *Increasing Access to Justice Through Human-Centred Design*, <https://portable.com.au/articles/increasing-access-to-justice-through-human-centred> (last visited Dec. 2, 2025).

⁸ Using Design Thinking to Improve Legal Operations Processes, Wolters Kluwer, <https://www.wolterskluwer.com/en/expert-insights/using-design-thinking-to-improve-legal-operations-processes> (last visited Dec. 2, 2025).

⁹ Michael Curtotti, Helena Haapio & Stefania Passera, *Interdisciplinary Cooperation in Legal Design and Communication*, Conference Paper, 18th International Legal Informatics Symposium IRIS 2015 (2015) 455-62, https://www.researchgate.net/publication/280065153_Interdisciplinary_Cooperation_in_Legal_Design_and_Communication.

¹⁰ Legal Design Lab, Stanford Impact Labs, <https://impact.stanford.edu/organization/legal-design-lab> (last visited Dec. 2, 2025).

¹¹ Quintanilla, *supra* n. 5.

¹² See Appendix.

¹³ See, e.g., Hagan, *A Human-Centered Design Approach to Access to Justice*, *supra* n. 3.

¹⁴ See, e.g., T. Anthony & E. Grant, *Courthouse Design Principles to Dignify Spaces for Indigenous Users: Preliminary Observations*, 8(1) INT'L J. FOR CT. ADMIN. 43 (2016).

¹⁵ Hiil, *Community Justice Centres in Ethiopia: Bridging Traditional Justice Practices with the Formal Legal System*, <https://www.hiil.org/news/community-justice-centres-in-ethiopia-bridging-traditional-justice-practices-with-the-formal-legal-system/> (last visited Dec. 2, 2025).

¹⁶ See, e.g., Marlia Marlia et al., *Plain Language Intervention to Improve Public Understanding of Legal Language: Descriptive Analysis of Controversial Articles in the Job Creation Law*, 12(2) J. L. & SUSTAINABLE DEV. e3224 (2024), <https://doi.org/10.55908/sdgs.v12i2.3224>.

¹⁷ See, e.g., Bill Henderson, *Is Access to Justice a Design Problem?*, Legal Evolution (2019), <https://www.legalevolution.org/2019/06/is-access-to-justice-a-design-problem-099/>.

- ¹⁸ Australian Gov't Att'y-Gen.'s Dep't, Online Dispute Resolution Tool, <https://www.ag.gov.au/families-and-marriage/families/family-law-system/amica-online-dispute-resolution-tool> (last visited Dec. 2, 2025).
- ¹⁹ See, e.g., Ricardo Lillo & Patricia Acevedo, *Legal Design and Access to Justice: A Case Study on Child Support Payments in Chile*, 15(1) TalTech J. Eur. Stud. 282-308 (2025), https://www.researchgate.net/publication/390502089_Legal_design_and_access_to_justice_a_case_study_on_child_support_payments_in_Chile; Nicole Aylwin, Canadian Forum on Civil Justice, *Human-Centered Design and the Justice System: Lessons from the Field*, <https://www.cfcj-fcjc.org/sites/default/files//Human-Centered%20Design%20and%20the%20Justice%20System%20-%20Lessons%20from%20the%20Field.pdf> (last visited Dec. 2, 2025).
- ²⁰ Nat'l Ctr. for State Courts, Self-Represented Litigants, <https://www.ncsc.org/resources-courts/access-fairness/self-represented-litigants> (last visited Dec. 2, 2025).
- ²¹ USAJOBS achieved a 30% reduction in help desk calls after the first improvements, showing significant savings in support costs and improved user independence. See *Introduction to human-centered design: HCD Principles*, DIGITAL.GOV, <https://digital.gov/guides/hcd/introduction/principles> (last visited Dec. 2, 2025).
- ²² Karpen & Senova, *supra* n. 6.
- ²³ World Justice Project, *What Is People-Centered Justice?*, <https://worldjusticeproject.org/news/what-people-centered-justice> (last visited Dec. 2, 2025).
- ²⁴ Shuai Zhai et al., *Evaluating Behavioral Intervention Technologies: Integrating Human-Centered Design and Implementation Science Outcomes*, 11 Digit. Health (2025), <https://doi.org/10.1177/20552076251348579>.
- ²⁵ OECD, *Recommendation of the Council on Access to Justice and People-Centred Justice Systems*, OECD/LEGAL/0498 (adopted July 12, 2023).
- ²⁶ Shannon Salter & Darin Thompson, *Public-Centred Civil Justice Redesign: A Case Study of the British Columbia Civil Resolution Tribunal*, 3 McGill J. Disp. Resol. 113 (2016), <https://mjdr.openum.ca/files/sites/154/2018/05/Salter-and-Thompson-January-20.pdf>.
- ²⁷ See, e.g., U.S. Dep't of Justice, *Statistical Summary: Use and Benefits of Alternative Dispute Resolution (Fiscal Year 2015 Report)* (reporting a 71% success rate for voluntary ADR in 2015).
- ²⁸ IDEO.org, *The Field Guide to Human-Centered Design*, Design Kit Production (2015), https://design-kit-production.s3.us-west-1.amazonaws.com/Field_Guides/Field+Guide+to+Human-Centered+Design_IDEOorg_English.pdf?utf8=%E2%9C%93&method=patch&authenticity_token=QZRbnzBBPY3M%2FCd3xeDx424IAxgVkgcTAi74f6cW4pU%3D&resource%5Btitle%5D=&resource%5Bsubtitle%5D=&resource%5Bauthor%5D=&resource%5Babout%5D=.
- ²⁹ Sasha Costanza-Chock, *Design Justice: Community-Led Practices to Build the Worlds We Need*, MIT Press (2020), <https://direct.mit.edu/books/oa-monograph/4605/Design-JusticeCommunity-Led-Practices-to-Build-the>.
- ³⁰ Ingo O. Karpen & Melis Senova, *Designing for Trust: Role and Benefits of Human-Centered Design in the Legal System*, Int'l J. Ct. Admin. nn. 4, 12 (2021), <https://doi.org/10.36745/ijca.422>.
- ³¹ Mieke Van der Bijl-Brouwe, *The Challenges of Human-Centred Design in a Public Sector Innovation Context*, in DRS Conference Proceedings 2016 (Design Research Soc'y 2016), <https://dl.designresearchsociety.org/cgi/viewcontent.cgi?article=1376&context=drs-conference-papers>.
- ³² C. H. Dorst, *Frame Creation and Design in the Expanded Field*, 1(1) SHE J: J. DESIGN, ECON., AND INNOVATION 22 (2015), <https://www.sciencedirect.com/science/article/pii/S2405872615300241?via%3Dihub>.
- ³³ *Id.*
- ³⁴ Ibo van de Poel et al., *White Paper: Design for Justice* (Delft Design for Values Institute 2024). See van de Poel, I., Secomandi, F., Abraham, E., van Uffelen, N., Feenstra, M., Liem, C., Melnyk, A., Rocco, R., & Moreno Inglés, A. (2024). *White Paper: Design for Justice*. Delft Design for Values Institute.
- ³⁵ See Open Soc'y Found., *Participatory Design and Systems Thinking in Making the Law Work for People: A Handbook on Legal Empowerment and Inclusive Innovation* (2021).
- ³⁶ Rick P.F. Wolthusen & Jane P. Gagliardi, *Using Human-Centered Design Tools to Improve Health Justice*, 16 J. Grad. Med. Educ., 136-39 (2024), <https://doi.org/10.4300/JGME-D-23-00668.1>.
- ³⁷ *Id.*
- ³⁸ Melissa S. Creary, *Bounded Justice and the Limits of Health Equity*, 49 J.L. Med. & Ethics 241-56 (2021), <https://doi.org/10.1017/jme.2021.34>.
- ³⁹ Sustainability Directory, *What Are the Limitations of Design Justice Principles?*, <https://lifestyle.sustainability-directory.com/question/what-are-the-limitations-of-design-justice-principles/> (last visited Dec. 2, 2025).
- ⁴⁰ Org. for Econ. Coop. & Dev. ("OECD"), *Access to Justice*, www.oecd.org/en/topics/sub-issues/access-to-justice.html (last visited Jan. 16, 2026).
- ⁴¹ See, e.g., Carbonell Muñoz, Juan Pablo, and Ana Sofia Roa-Chica, *Legal Design and Effectiveness: The Quest for a Theoretical Grounding for Legal Innovation*, 1(2) L. DESIGN J. 1 (2015), <https://ojs.library.lancs.ac.uk/dj/article/view/163/190>.
- ⁴² Amanda Clarke & Jonathan Craft, *The Twin Faces of Public Sector Design*, 32 WILEY GOVERNANCE 5 (2018), https://www.researchgate.net/publication/324117231_The_twin_faces_of_public_sector_design.
- ⁴³ *What Is Human-Centered Design?* | HBS Online, online.hbs.edu/blog/post/what-is-human-centered-design (last visited Jan. 20, 2026).
- ⁴⁴ Sheng-Hung Lee, *From computation to curation: Expanding the boundaries of design practice*, 101 DESIGN STUDIES 1 (2025), <https://doi.org/10.1016/j.destud.2025.101357>.
- ⁴⁵ See, e.g., Hiil, *Justice Innovation Labs*, <https://dashboard.hiil.org/justice-innovation-labs/> (last visited Dec. 2, 2025).
- ⁴⁶ Ali Asker Guenduez et al., *Digital Innovation Strategies in the public sector*, 54(8) RESEARCH POL'Y 105274 (Oct. 2025), <https://doi.org/10.1016/j.respol.2025.105274>.
- ⁴⁷ Mieke Van der Bijl-Brouwe, *The Challenges of Human-Centred Design in a Public Sector Innovation Context*, Design Research Society Conference 2016 27-30 (2016), <https://dl.designresearchsociety.org/cgi/viewcontent.cgi?article=1376&context=drs-conference-papers>.
- ⁴⁸ See Hiil, 5. *Enabling Environment, Justice Dashboard*, <https://dashboard.hiil.org/publications/deep-dive-ogun-state-final-report/enabling-environment/> (last visited Dec. 2, 2025).