



Legal Aid: What's Next?

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2023 International Forum on Legal Aid

Taipei, Taiwan

November 2023

Acknowledgments and Appreciations



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FAcSS

Governance and Service models

- Financing
- Governance
- Eligibility
- Delivery models
- Service coverage





People with legal problems want to get on with their lives; and they want problem-solving processes that are:

- 1. Easy to use,**
- 2. Inexpensive,**
- 3. Timely,**
- 4. Authoritative,**
- 5. Transparent,**
- 6. Fair.**

Three legal aid building blocks 1948-99

Procedural Justice

- 1960s SCOTUS - Gideon
- Law societies, lawyers & judges lead
- Court centred



Social Justice / Civil Society

- 1960s - Dr. King
- Empowerment
- Community clinics
- Non-lawyers lead
- Political but non-partisan

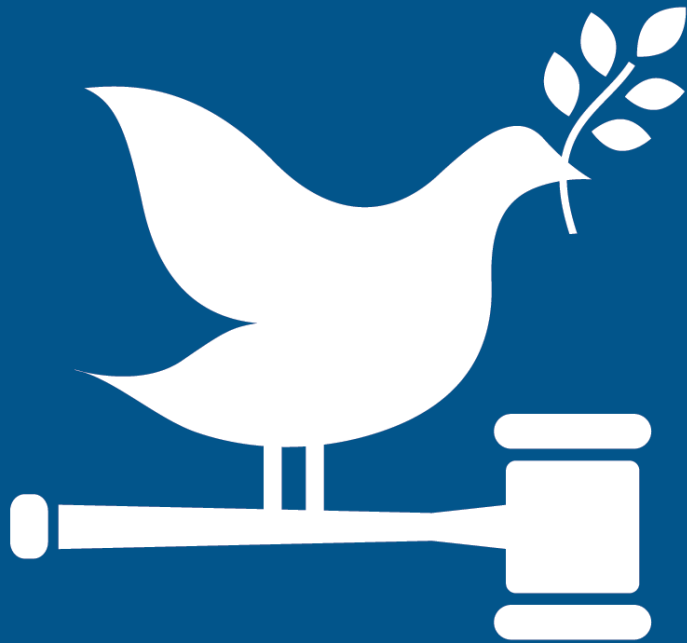


Politics and Social Policy

- 1947 - UK legal aid
- 1974 - Canada Dept of Health
- EU Human Rights frame
- Government leads



16 PEACE, JUSTICE AND STRONG INSTITUTIONS



16.3

Promote the rule of law at the national and international levels and ensure equal access to justice for all

- **16.3.3** - *Proportion of those who **experienced a legal** problem in the last two years who could access appropriate information or expert help and were able to resolve the problem*

EQUAL ACCESS TO JUSTICE

OECD Expert Roundtable
Background notes



Equality Under the Law
+ Transparency of Law
+ Independent Judiciary
+ Accessible Legal Remedy
= The Rule of Law



Three Big Rocks For Legal Aid



Big Rock #1

As competition for public funding increases it has become increasingly important for legal aid plans to be adept at demonstrating the public value of legal aid services.



Big Rock #2

Align with government, lawyers, the Judiciary, NGOs and health care providers to take a whole system approach to justice needs. This will require new collaborative and coordination skills to achieve client centered outcomes



Big Rock #3

With the trend towards more client-centred services and the persistence of tech change there will be increasing pressure on legal aid programs to incorporate more non-legal expertise in legal aid delivery and to have greater mastery of the tech environment to support the justice system and achieve better client outcomes.

Moving the rocks: Technology as an enabler and an environmental risk



Four technology strategies to better meet legal aid clients' needs:

1. Use tech to support cooperation and collaboration with other agencies to deliver to support early information, advice, referral and access to legal services.
2. The development of online tools to assist those people who can use them.
3. Online support to the delivery of legal services by lawyers, paralegals and others.
4. Innovating- finding new ways to use and advance the use of technology through research, experimentation and implementation

Bias in the algorithms?- almost certainly

- Biases can be imbedded in any of the data, the design, and the use of the algorithms.
- *Data* – for example facial recognition software where the data group is different than the subject group
- *Design* – Where the algorithm does not produce accurate results
- *Use and interpretation*-Where the user misunderstands or mistakenly interprets the results
- Note that where rights and entitlements are involved potential bias becomes an important consideration. We need to presume bias in the algorithm based system to address it.



**Lawyers need
to be aware
of the risks of
AI assisted
research**

*Who knew that
I had to check
that ChatGPT
would not
fabricate six
cases that I
used in my
brief to the
Court?*

Algocracy? Government by algorithm – or worse, program administration by algorithm

- Australia's Robodebt
- Netherlands child care benefit scandal
- English Post Office Scandal

England's Post Office
scandal



Some opportunities

- Guided Pathways
- Document assembly
- Generative AI: Chat GPT, and others
- Cheaper, faster, better support to service providers

Rechtwijzer advises and shows you the way

Are you worried because, for example, you have been fired, have relationship problems, your benefits have been stopped and you do not agree with this or because you do not feel physically well? Rechtwijzer helps you find a solution.



First aid for solutions

Are there multiple problems at the same time? And how do I get my problems under control?

Get a **grip** and **overview** of your situation

Get a **clear action plan**

Fill in the **First Aid Guide** to find a solution:

[Start First Aid Guide >](#)

[More about First Aid Guide](#)

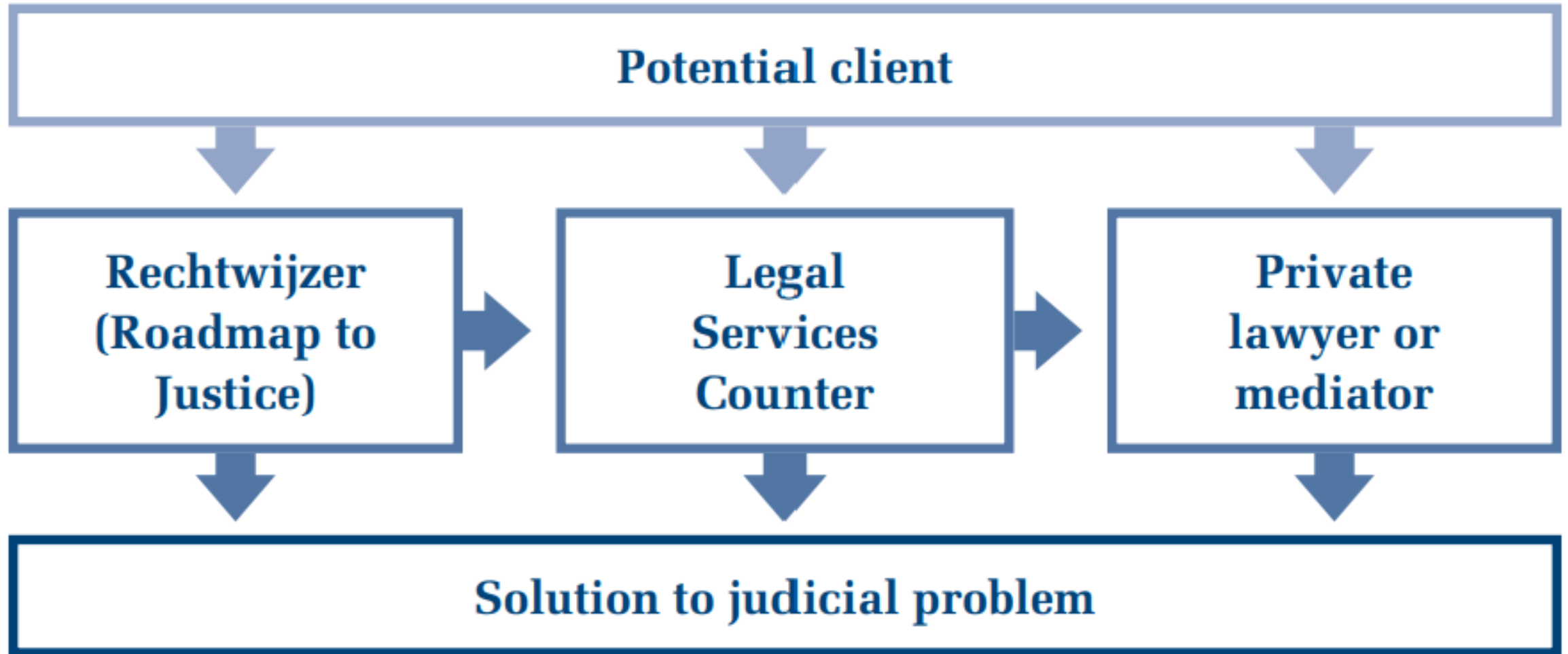
Rechtswijzer and the guided pathways

- 2007-Dutch Legal Aid Board launches Rechtswijzer a guided pathways approach to client triage it was developed as a collaboration involving Netherlands Legal Aid, Netherlands Ministry of Justice and Netherlands lawyers among others
- 2012- Bigger platform and international approach to be self funded
- 2014- Rechtswijzer 2.0 launches as a collaboration of the Dutch Legal Aid Board, the NGO HiiL, and Modria (now Tyler Technologies) to be self funded.
- 2014 and 15 – Legal Aid BC begins its work to tailor Rechtswijzer to meet a more modest client information target including the negotiation platform that launches as MyLawBC
- 2017- End of collaboration on Rechtswijzer 2.0 although the Dutch Legal Aid Board continues to operate a lighter version as part of its operations
- 2022 LegalAidBC discontinues the MyLawBC program. The ongoing cost was considered too high for the services delivered

What we learned from Rechtswijzer and MyLawBC

- Tech applications require project discipline and dedicated resources
- Collaborations are necessary but messy and hard to do well.
- Some but not all the people in the legal aid client group have the digital skills and digital comfort to use online legal services.
- Using tech to support service delivery builds capacity to both do more delivery and to understand legal aid delivery better – it changes your organization and
- Many service delivery professionals are skeptical of the idea of tech based legal services but many end up using them to help them help their clients.
- It changed the way I think about legal aid services.

Dutch Legal Aid Board Services Schematic



Document assembly

- **Rechtwijzer**
- **LawHelp Interactive:** An online platform that provides free legal document assembly services for low-income people and pro bono lawyers in the United States. It uses HotDocs and A2J Author software to create interactive interviews that guide users through the process of generating legal documents.
- **New York State Courts Access to Justice Program:** A program that develops and implements online document assembly projects for court users who do not have a lawyer. It uses A2J Author software to create user-friendly web-based applications that produce court documents for various matters.

Generative AI and support to service providers- too soon to tell

- Tech will change the environment we work in and the supports necessary to do legal aid work well.
- Problem analysis, issue identification and possible resolutions will all be affected.
- Legal aid Plans will need to ensure that their services providers are properly supported. Looking to how governments are supporting their own legal work and how other legal aid plans are addressing the issues will be important .
- Look to collaborate and cooperate to spread risk and explore whole system solutions. It is important to engage rather than ignore the changes happening around us.

Important collateral issues: Data, Design , Interpretation, Digital Skills

- Make sure your data is robust.- it will help you to plan, to identify opportunities and convince others of the need for change
- Treat tech changes as both a threat and an opportunity in your strategy development
- Engage with tech to understand its implications. Its too important to leave to your tech specialists.
- Have a look at the sites I have referred to and watch for legal aid tech developments in Europe, the UK, Australia, and in the USA.
- Be cautious about the hype- it's a feature of tech change that is a risk.

*Technology is not a
magic bullet but it
may be a silver one !*



*Assess,
experiment,
implement !*



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and, they want problem-solving processes that are:

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- Authoritative, Transparent, Fair

A middle-aged man with short, light-colored hair is smiling and looking towards the camera. He is wearing a dark blue suit jacket over a light blue button-down shirt. To his right is a large, solid blue speech bubble. The background is an office setting with a window and white blinds visible on the left.

The end