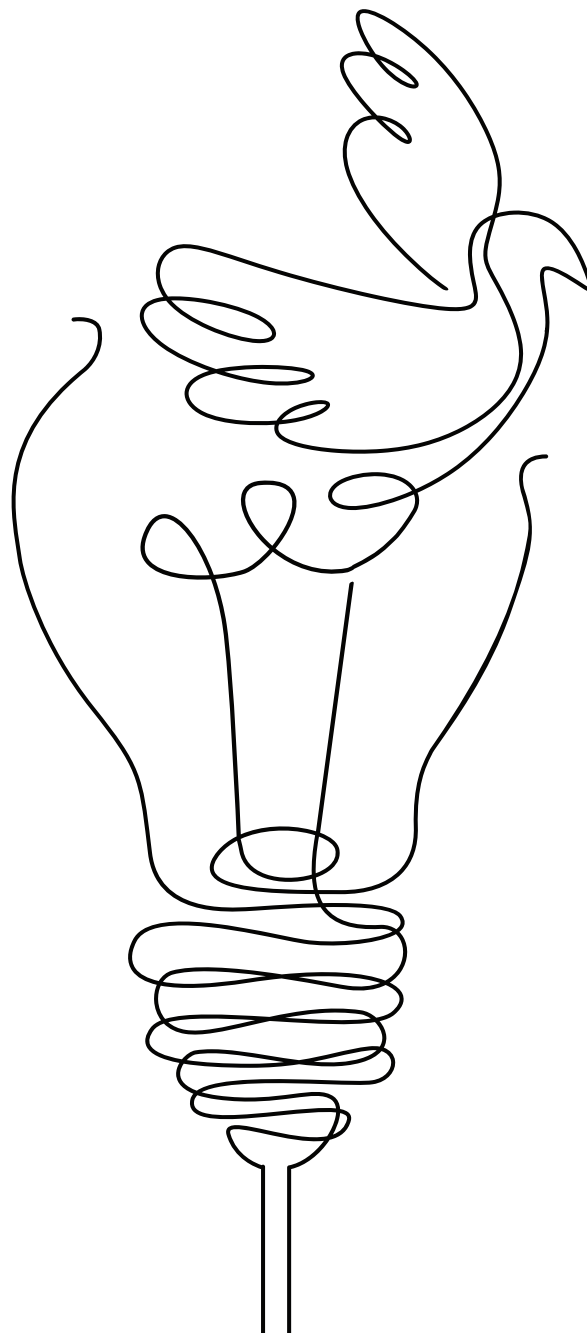


INNOVATING JUSTICE: NEEDED AND POSSIBLE

Report of the Innovation Working Group

2019



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1. Introduction

This is the report of the Innovation Working Group of the [Task Force on Justice](#). The Innovation Working Group was asked to review the evidence of unmet justice needs, explore the potential for innovation, explore the investment possibilities for promising innovation areas, provide parameters for enhancing innovation for SDG16.3, and to make recommendations on these matters to the Task Force on Justice.

The access to justice gap in the world is huge. Justice systems are not meeting the needs of people in a serious way. And what they do provide within the capacity they have is not good enough. In fact, the situation is much more urgent. Not only is there a serious problem now, but the world is changing fast, in many ways. Many uncertainties and transitions ahead of us make it more important than ever that we have good infrastructure in place to prevent and resolve justice problems.

We will need innovation to deal with this problem. We must challenge some of our basic assumptions about what justice systems must do and how they do that. Doing justice is currently perceived and organized as applying norms to people's behaviour. It should be re-framed in terms of the **justice needs of people** and the **fairness of their relationships**. We need a focus on outcomes. Did an aggrieved person get a solution? Was community harmony restored? Is further harm prevented? But also: is the number of people that believe the justice system is not open to them decreasing? Justice systems must also **open-up** and let others in besides lawyers. We must also start **seeing costs differently**: justice systems don't only cost money; they also provide 'revenue' and benefits in the social and economic sense.

We have seen the emergence of new technologies and services, both very new technological advances and 21st century upgrades of ancient traditions, that are available to close the justice gap. They all focus on people's justice needs, and the outcomes they need, in an open, interdisciplinary way. Rather than being restrained by old models of delivering justice, they are able to systematically add more value to economies and to manage conflict in an inclusive way that increases social cohesion. This is a **bottom-up movement**. It is a response to the fact that the lawyers and courts are not always delivering what is needed. We share some examples of what we see.

It is also necessary to open up when it comes to **financing justice innovation**. It does not seem likely that the justice gap will be closed with public, government funding alone. That would also not be wise, given the general argument for opening-up the legal sector we have made in this report. We can learn from other sectors like health and education to develop financing models that can support the justice innovation that is needed.

We end with some suggestions about what is needed from whom to make this change happen.

It is our hope that our work is a useful contribution to the incredibly important work of the Task Force on Justice.

Signed,

The members of the Innovation Working Group

2. What is this document?

The Task Force on Justice

This is the report of the Innovation Working Group of the [Task Force on Justice](#). The Task Force on Justice is an initiative of the [Pathfinders for Peaceful, Just and Inclusive Societies](#). This group of UN member states, international organizations, global partnerships, civil society networks, and the private sector is working to deliver the [Sustainable Development Goal](#) targets for Peaceful, Just and Inclusive Societies (SDG16+). It is convened by the governments of Brazil, Sierra Leone, and Switzerland and by the Center on International Cooperation (CIC) of New York University.

The Task Force on Justice aims to encourage acceleration in the provision of justice to people and communities who do not get the protection of the law they are entitled to. The international community has made strong commitments to ensure this in both national laws and international agreements. Those commitments were reaffirmed with [Sustainable Development Goal 16](#), and in particular Target 16.3: *ensuring equal access to justice for all*.

The co-chairs of the Task Force are [Priscilla Schwartz](#) (Minister of Justice, Sierra Leone), [Sigrid Kaag](#) (Minister of Trade and Development, The Netherlands), [German Garavano](#) (Minister of Justice, Argentina), and [Hina Jilani](#) of The Elders.

The Task Force is working towards the following outcomes:

- Governments (national or subnational) make ambitious commitments to implement SDG 16.3, backed up by credible, realistic, and funded strategies and plans.
- Increasingly coherent and comprehensive support for the implementation of SDG 16.3 from international and regional organizations, and from multi-stakeholder partnerships.
- A more effective and empowered movement for justice at global, regional, national and local levels.

The first meeting of the Task Force on Justice took place on February 20-22, 2018 in Buenos Aires, Argentina. The second meeting took place in Freetown, Sierra Leone on October 11-12, 2018. The third meeting took place in The Hague, the Netherlands on February 6-8, 2019. This event was preceded, on 6 February, by the Innovating Justice Forum 2019, which has as its main theme 'From Innovation to Scale', where this report was launched. More launch events will be held in Spring 2019, ahead of the High-level Political Forum (HLPF) in July and the SDG Summit in September 2019.

The Task Force on Justice has been structured according to three work streams identified in the Task Force terms of reference:

- **The justice gap.** What do people need and want when they seek justice? What kind of justice do they receive?
- **Making the case.** What is the case for action and investment in *equal access to justice for all*? What strategy is needed for financing *equal access to justice for all*?
- **What works.** What strategies, tools and approaches will increase access to justice? How should those defending justice be supported and protected?

The Innovation Working Group was set up to contribute to the research on what works to increase justice.

The [Task Force website](#) provides public access to key documents.¹

The Innovation Working Group

The Innovation Working Group was asked to:

- Review the evidence of unmet justice needs
- Explore the potential for innovation
- Explore the investment possibilities for promising innovation areas
- Provide parameters for enhancing innovation for SDG16.3.
- And to make recommendations on these matters to the Task Force on Justice.

The Working Group has 12 members (for the list of names see section 10 below). Each of the members brings a unique perspective to the innovation questions we were exploring.

The Working Group met in-person in Ottawa between 31 October and 1 November 2018. We are very grateful to the deputy minister of justice and attorney general of Canada, Nathalie Drouin, and her impressive team members; Janet McIntyre, Catherine Rudick and Hibak Muse, for making this meeting possible. Other meetings and conversations that led to this report were held via email and phone calls.

We first looked at the justice gap. For that, we used the data that is emerging from the Working Group on the Justice Gap, also set up by the Task Force on Justice.

In our exploration of the potential for innovation we looked at three levels:

- Firstly, we looked at innovation at the **product level**. Innovation is happening, both in the public and private sector. What is most promising and relevant to meet existing needs?
- We also see that these product level innovations face tremendous challenges when it comes to scaling. So, secondly, we looked at the **system level**. What systemic changes should be made in order to allow product-level innovation to scale?
- We also conclude that the system change that is needed requires a change of mental models and challenging basic assumptions regarding what justice systems must do. That is innovation at the **paradigm level**.

With this on the table, we subsequently looked at **funding and investment models** that could be used to support the innovation wave that must be unleashed. We end with a number of suggestions for **strategies** to make it happen.

3. The justice gap

The current picture

In the course of the exchanges within the Task Force on Justice a developed three distinct groups identified within the justice gap.* We find this distinction very helpful and therefore use it in this report. The numbers cited are preliminary estimates.

First, there are **people who experience extreme conditions of injustice**. The Working Group on the Justice Gap estimates that **around 244 million people** fall into this category. They are the most marginalised group, generally living in countries where insecurity is very high and rule of law is hardly present.

* These numbers are preliminary and may change. Ahead of publication of the report of the Task Force on Justice, both the data and the methodology are undergoing further checks for robustness by leading justice data organizations, led by the World Justice Project.

The second group is larger **people who cannot meet their everyday justice needs**. The Task Force's working group on the justice gap has undertaken a synthesis of available justice data. Based on its review of the evidence, the Task Force estimates that the world is failing to meet approximately half of the demand for justice: **globally, 1.5 billion people have unmet legal needs**. When they are victims of violence or crime, or are involved in a legal dispute, they either have no access to justice or are failed by poor quality, or abusive, justice institutions. Global data on satisfaction with justice systems are lacking, but country-level evidence points to widespread frustration with procedures, duration and outcomes. Data also shows that many people do not know when the problem they have is a legal problem or have a firm belief that the justice system 'is not there for them' and therefore do not even consider using it. Unmet legal needs are not randomly distributed. As people participate more in their economies and societies, their legal needs will increase. But in all countries, more vulnerable members of a society find it harder to access justice and suffer more severe impacts from injustice. They are also most likely to experience multiple justice problems and to have other related social needs. We also see that most justice problems are strived to be solved outside the formal justice sector.

As regards the third group, **those excluded from the opportunities the law provides**, it is estimated that worldwide, **4.4 billion people** lack legal identity or other crucial documentation related to employment, family or property, and are therefore unable to access economic opportunities and public services, or the protections of the law. For one in three children below the age of five, this is a result of their birth not being registered. Many adults never manage to rectify this, either because registration systems are inaccessible or costly, because of a reluctance to be exposed to government scrutiny, or because governments deny them formal identity. A lack of legal identity makes it difficult for people to access rights such as publicly-provided health care and education, to get married, or to buy property, get a job or set up a business. It also impedes access to institutions that are meant to protect and enforce rights, such as courts and the police, rendering abuses more likely.

The picture that emerges is very troubling. Justice systems are disconnected from the real nature of the problems people face. They are **not delivering the fairness people need and ask for**. Processes are complex, costly, inaccessible, and often a tool for the powerful more than a protector of the vulnerable. They do not provide the support to social stability, prosperity, opportunity, and economic growth that they could. In some cases they even undermine them.

Looking forward

This happens in a world that is changing fast, in many ways. Our social contracts will require careful maintenance. Many **uncertainties and transitions ahead of us** make it more important than ever that we have good infrastructure in place to prevent and resolve legal justice problems. We highlight a few.

Governance

The world faces an emerging trust problem. The [2017 Edelman Trust Barometer](#) (global data) observed a "deep disillusion on both the left and the right, who share opposition to globalization, innovation, deregulation, and multinational institutions. There is growing despair about the future, a lack of confidence in the possibility of a better life for one's family." In [the 2019 edition](#) this trend appears to continue, with trust reorientating to local actors within people's control, like their employer. Effective justice journeys are critical for building and maintaining trust in societies. It seems they will be more needed than ever.

Demographics

The world population is expected to grow from a current [7,3 billion to 8,5 billion](#) by 2030. Much of this growth is focussed in low-income countries where the education capacity, economic opportunity, and access to justice is limited. In Africa, a specific demographic trend is the so-called youth bulge. In 2050, three-quarters of the world's inhabitants [will be living in towns and cities](#). This increase in urbanisation will focus in Africa and Asia. Between [25 million to 1 billion people](#) may be on the move as a result from

climate change by 2050. These numbers tell us that the demand for effective journeys to justice will rise significantly. In absolute terms, demand for justice mechanisms will rise as the world population grows. Growing urban populations in sprawling megacities make that even more urgent. As will the populations on the move as a result of climate change.

In 2004 Facebook did not exist, Twitter was still a sound, the cloud was still in the sky, 4G was a parking space, 'applications' were what you sent to college, LinkedIn was barely known and most people thought it was a prison, Big data was a good name for a rap star, and Skype, for most people, was a typographical error.

Thomas Friedman, *Thank You for Being Late* (2016) at p.25.

Economy

Technology is a driver of a rising challenge connected with employment. About 60 percent of all occupations have at least 30 percent of activities that are [technically automatable](#). This means that most occupations will change, and more people will have to work with technology. In its 2019 [Development Report](#) on the changing nature of work, the World Bank President writes: "With 2 billion people already working in the informal sector unprotected by stable wage employment, social safety nets, or the benefits of education new working patterns are adding to a dilemma that predates the latest innovations."

We can do something

This is a moment of great urgency. Luckily, and as we show below, it is also a moment of opportunity. Innovation is possible. We live in a time in which division, fragmentation, and tensions continuously dominate headlines. It is also a time of unprecedented social entrepreneurship. A time in which knowledge about human behaviour and the human brain is providing amazing insights into better ways to manage conflicts and live together. A time in which technology can help improve lives in ways not possible before. And a time in which social impact investment is on the rise. It is time the justice sector embraces the opportunities this presents, at scale.

It has been done before. In 1978, a global group of health care professionals adopted the [Declaration of Alma-Ata](#). It redefined the critical importance of primary health care as part of the banner "Health for All". The declaration was considered a watershed that has since mobilized governments, international organisations, the private sector, academia, and health care workers, to prioritize primary health care. Access to health has increased tremendously.

4. New mental models

To close the justice gap **we must challenge some of our basic assumptions about what justice systems must do and how they do that**. Below we set out 4 areas which we ourselves challenged.

Putting people first

Doing justice is currently perceived and organized as applying norms to people's behaviour. It should be **re-framed in terms of the justice needs of people and the fairness of their relationships**. There is a stock of trust in society and it is either well maintained or not. That stock essentially consist of relationships. OECD research shows that institutions which ignore questions of social cohesion risk social instability and ineffective policy interventions. It also shows that a lack of social cohesion is likely to result in more conflicts, less agreement on norms and moral standards and a declined legitimacy of both national and international institutions, including judicial ones, in the eyes of the citizenry. A good justice system ensures that relationships are managed well and that the stock of trust grows. We need to make sure there are many more user-friendly paths to this kind of justice.

For this it is also important that justice systems take what people need and the way people are and behave as the point of departure, and not what the legal profession thinks people need and how they should behave. Less as 'access to justice' but more as a road with a beginning (a justice problem) and hopefully an end (a solution). A **justice journey**. Almost universally the road has number of segments:

- Being confronted with an issue.
- Trying to understand whether it is a legal issue or not and whether the law might help you.
- Working out whether you need advice and if so, where you might get it.
- Then, based on that advice, taking action to resolve it.
- Making sure the resolution sticks.
- And, finally, transitioning to the new situation when the criminal has been convicted, the divorce settlement rendered, or the new employment relationship started.

This generally unfolds when people are under stress and not always at their best. They face what for them is an upsetting and sometimes existential situation: not being paid, losing a house, having been robbed or attacked, or breach of an important business contract.

Driving towards outcomes

The current paradigm in courts and the practice of law is that the product of 'doing justice' as a sanction or an acquittal, often as a result of a ruling or a judgement, after which people go to prison or have to pay. Access to justice is also narrowed down to the same. **We need a focus on outcomes**. Did an aggrieved person get a solution? Was community harmony restored? Is further harm prevented? After all, the best outcome is not having a dispute in the first place. This shift to outcomes requires data and systems to measure whether we are on track in delivering results. Whether the journeys to fair solutions and effective outcomes work. This outcome and data driven approach is in line with the Sustainable Development agenda adopted in 2015.

Opening up

Currently, the people who participate in designing and running justice systems are almost exclusively legal practitioners/lawyers. In the health sector, doctors do not exclusively run ministries of health, hospitals, and supervisory bodies. The exclusivity of lawyers is unparalleled and contributes to an inward looking sector that does not innovate. This 'guild'-like system is determined by rules and a culture that make it hugely difficult to participate if you are not from that closed group. To make justice systems more fit for purpose and to ensure they meet justice needs in line with the people and relations paradigm that we advocate, **others** - psychologists, social scientists, data analysts, designers, neurologists, social workers, public and business administrators, and critically users - **must be let in**.

In Chapter 5 of her important work, *Rules for a Flat World*, Gillian Hadfield describes how the legal profession has laid down its roles and working methods in legislation and strengthened them with regulation in the course of the past centennial and decades. You may call it the '**robe model**'; those with robes determine and decide. What attorneys, judges and prosecutors do, the procedures they follow when solving disputes or coping with crimes, yes even what young lawyers have to learn at university, all this has been laid down in precise rules. That in itself does not have to be a problem. However, these rules are predominantly only made by the legal profession itself. This works like a powerful closed community, stifling innovation, keeping out technology, complicating informal justice in communities and evidence-based conflict resolution. The doors through which game-changers from the outside have to pass are heavily guarded by bar associations and courts who apply early 20th century rules to 21st century technologies, firms, start-ups and online supported procedures.

At the level of ministries, the budget for doing justice is almost exclusively going to the organizations in which lawyers traditionally work in their individual capacities: courts, prosecution and legal aid.

New look at costs

In this new paradigm, we must also start seeing costs differently: justice systems don't only cost money; they also **provide 'revenue' and benefits** in the social and economic sense. Similarly, unmet justice needs are not only a burden: they can also be seen as a huge market for which a renewed legal services industry can provide new and better value propositions. 1 billion new justice problems a year can be seen as an opportunity to increase social cohesion and economic development. It can also be seen as a huge potential market for services.

5. New services

Now let us see what innovation is happening. We have seen the emergence of **new technologies and services**, both very new technological advance and 21st century upgrades of ancient traditions, that are available to close the justice gap. They all focus on people's justice problems and the outcomes they need. They do that in an open, interdisciplinary way, not restrained by old models of delivering justice. This is a **bottom-up movement**. It is a response to the fact that the lawyers and courts are not always delivering what is needed.

Our working group did not have the means to do a fully comprehensive global scan of what is happening. What follows, is a overview of promising categories and examples of innovations. They come from knowledge available within the working group.

Accessible justice helpers

In many part of the world we see the emergence of initiatives that create accessible justice helpers. They are the equivalent of neighbourhood nurses, walk in clinics, general practitioners, and social workers in the field of public health. They are close to the communities where they work. A person with a legal problem can obtain information from them to try to resolve it him or herself, or get the helper to contact the other party to try to resolve the problem. The help people get can be purely legal, but it can also include advice relating to something financial or something connected with health. We see many variations of this model.

The helpers can be lawyers, although that often is difficult because lawyers are generally only allowed to represent one party to a dispute. And they are generally too expensive. Judges can also take the role of such helpers. Mostly, they are people with basic legal training, but also in mediation and conciliation. People trusted by the communities they work in, building bridges between people, rather than following the adversarial model. Sometimes these helpers are attached to courts. Sometimes they are run by NGO's. They can also run on the basis of a for-profit model, through legal insurance programmes. Or such services can be run by the national or local *ombudsman* that many countries have.

Uganda has the Local Council Courts: easily accessible dispute resolution mechanisms organised at the village or community level. Data shows that they are seen as the most useful source of information and advice for legal problems. They are also most often referred to as the most useful dispute resolution mechanism.

Argentina has created a Legal Aid Hospital. Citizens can get advice, mediation, assistance with complaints, legal sponsorship, and even representation in trial. The hospital can also provide a Legal Health Checkup. Citizens can request their complete clinical legal history at any time. The Ministry of Justice has set up 90 [Access to Justice Centers](#) ("CAJ") in the country. CAJs help resolve legal problems and administrative challenges faced by marginalized groups. Each Center has a team of lawyers, psychologists, social workers, and community mediators. They work closely with social security public defenders offices, law schools, and bar associations. Between 2017 and the first quarter of 2018, this network supported 498,410 people. It is complemented by the *El Estado de tu Barrio* (State in your

Neighbourhood) program, which seeks to ensure that the State is present and accessible to people who live in vulnerable conditions.

In **Mali** the *Bureaux d'assistance juridique et judiciaire (BAJJ)* were set up in 2015 by the civil society organisation [Deme So](#). 38 such offices were set up. The BAJJ provide citizens with legal information and help mediate solutions. Interestingly, the approach is data-driven. Deme So built a dashboard to track the progress of the work of the *parajustises* and developments in the field in real time and to monitor the quality of the work. The BAJJ programme has now been linked to the formal justice system; their offices are included in court buildings, creating proximity and opportunities for interaction between the formal system and informal service provision.

The [Facilitadores Judiciales](#) are specially trained justice problem solvers who work under the supervision of the judges. They act as a bridge between the formal justice system and communities where the reach of courts is problematic. There are currently more than 11000 such facilitators. Through cooperation agreements with the OAS the following states are part of the programme: Argentina; Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Paraguay and the Dominican Republic.

In **the states and provinces of the US, Canada and Australia**, hundreds of legal aid organizations provide legal information through websites, telephone helplines and social media. Citizen advice NGOs in the UK have a centralized website: AdviceNow. In Poland and other countries of Eastern Europe, government traditionally offered citizens help with solving (legal) problems and there is still a network of government organizations providing useful information. All over **Africa and South Asia**, NGOs, law clinics at universities and legal aid lawyers are providing information. The sheer number of access points can be overwhelming, however, because there are no clear quality standards yet, there are no clear leaders in providing trustworthy information.

Accessible justice helpers can also be made available through legal insurance schemes. Companies like Das and Arag provide quick and affordable lawyer or paralegal help to their clients. They have an interest to help their client and to do so as quickly and efficiently as possible. They deal with many legal problems each year. Many people in **The Netherlands, Sweden, and Germany** have a legal expenses insurance. This model mainly works for neighbour problems, employment and personal injury. Insurers are reluctant to cover crime issues and family problems.

Three core challenges that these innovations face:

- Maintaining **high level quality**. What is important in this model is that they run on the basis of shared protocols and quality standards, that are somehow monitored.
- The **longer-term funding** model. Many of these helpers are funded by 'do good' money from donors. This funding can suddenly stop when donor priorities change. Government budgetary restraints might also affect the sustainability. It requires leadership and political will from the authorities to understand the importance of these services, as well as the need to sustain them in the long term.
- Reaching enough **scale**. As a result of the regulation of the legal services market, they often lack the ability to build trusted brands. In most legal systems their room for manoeuvre is limited.

A promising way forward is providing these helpers with knowledge about what works best to solve conflicts, improving their financial sustainability and scaling their organizations.

Legal tech²

Technology has the promise to revolutionize the legal industry at large, and to narrow – if not erase - the justice gap. In the United States and Europe, Middle East, and Africa alone, more than 400 for-profit legal technology enterprises have emerged.³

Broadly speaking, legal technology organizations can be categorized based on the issue they primarily set out to address:

Legal work product optimization is a group of technologies that aim at increasing the efficiency of law firms and general counsel's offices. This is generally by helping employees to become more productive, increasing the quality of their output, replacing labor with capital (technology), or a combination of these activities.

- **Examples.** CaseText, FastCase, Kira Systems, Disco, Logikcull, Relativity, Everlaw, ROSS, IronClad, SimpleLegal, CT Corp (Wolters Kluwer), PLC (TR), WestLaw (TR)
- **Impact.** Legal work product optimization may help reduce law firm prices, although there are other issues at play in this arena, such as the economic signaling of high hourly rates. Furthermore, many law firms prefer to keep profits for themselves rather than pass the savings to their clients.

Legal quality analysis allows issues in legal work product to be identified. It is distinct from legal work product optimization in that its primary market is consumers, rather than producers, of legal work product (although producers may be a secondary focus.)

- **Examples.** LawGeex, Judicata, eBrevia, Legal Robot, LexMachina, Intelligent Trial 1.0.
- **Impact.** The promise of legal quality analysis has yet to be fully realized. In the long run, this should allow consumers of legal time to understand what they are purchasing, creating downward pressure on legal prices through comparative shopping, while simultaneously improving quality in the same way that the introduction of the Pure Food and Drug Act had in the United States, or the Food and Drugs Act in Canada.

Technology-Enabled Law Firm Alternatives are organizations that produce legal work product, often at a sharp discount versus traditional law firms, through a combination of technology and human labor.

- **Examples.** Atrium Law, Axiom Law, Beaumont Law, Riverview Law, Pangea3
- **Impact.** These organizations are slowly bringing prices down, but to date have primarily appealed to corporations rather than small businesses or households.

Legal Matchmakers use technology to help individuals find a lawyer, sometimes remotely (which is particularly important for residents of remote areas.)

- **Examples.** Hire an Esquire, Avvo, LegalHero, LegalMatch
- **Impact.** One of the greatest issues facing those seeking justice is finding a quality provider. Multiple sources confirm that a large proportion of consumers find it difficult to identify a lawyer or lawyers that fit their needs, irrespective of price. By making it easier to search for a lawyer, and by providing an indication of a lawyer's competency (for example, through ratings and reviews), these services are a major step up from the simple legal directories of the pre-tech era.

Legal Information Providers furnish reference material and, more rarely, analysis or expert systems to guide an individual seeking justice to basic legal guidance. Legal information is often coupled with an introduction to a lawyer, often the source of the legal information, who can provide additional help for a fee.

- **Examples.** JustAnswer, Free Advice, Justia, Nolo, LawHelp, Barefoot Law (see below), Jiading Fabao
- **Impact.** While the idea of guided access to reference material seems like a good idea, research has shown that most individuals are unable to correctly interpret legal information without the help of a professional. Systems that incorporate a lawyer's advice have an advantage here, and have provided assistance to hundreds of thousands of individuals, but sometimes merely provide a high-pressure pathway for turning knowledge seekers into paying clients. In China, the use of

WeChat as a platform to access legal advice, both from lawyers and from the Courts, using a mixture of lawyers and AI has led to a reported 75% satisfaction rate.

Technology-First Legal Service Providers may replace a lawyer entirely with technology and human (non-lawyer) labor, or integrate the skill and knowledge of a lawyer as a component of delivery rather than the primary delivery mechanism. Customers of such organizations can often find a complete solution to their legal need, such as through online document production or registration of intellectual property, although the services furnished tend to be basic, as they are intended for a mass audience.

- **Examples.** A2J Author, LegalZoom, LawPath, SilverFlume, Clerky, SimpleCitizen, Law Base, The Company Corporation, FaXiaoTao
- **Impact.** The primary effect of such companies is to provide millions of individuals affordable legal solutions to their basic issues. The secondary effect has been a demonstrable downward pressure on legal prices among traditional providers, evidence that more competition is required in the basic legal services market. In China, the Shanghai High Courts are trialing an entirely AI based legal advice platform, accessible via WeChat, with a view to helping citizen's identify and resolve legal issues without needing to engage a lawyer or file a court claim.

Technology-Enabled Legal Subscriptions connect individuals and small business owners with on-demand legal advice, within a set framework of services, for a recurring fee (typically a low monthly rate.)

- **Examples.** Prepaid Legal Services, Hyatt Legal Plans, LegalZoom
- **Impact.** Limited scope legal plans have provided useful legal help for several decades, and have become more and more effective with the incorporation of internal legal knowledge management systems and automated workflow technologies.

These technology platforms can also **support accessible justice helpers** referred to above, and help them scale.

It is challenging to motivate consumers to pay for legal information or for guidance that is not the product of an officially-sanctioned legal practitioner. Guidance models that employ expert systems and / or machine learning are increasingly powerful, but lack acceptance; furthermore, technology products that encroach on the traditional provenance of lawyers frequently receive a sharply negative response from the established legal community. Legal innovators report being sued multiple times, sometimes by bar organizations, and in at least one instance before their product was fully launched to the public.⁴

Below we share some examples of successful justice tech entrepreneurship, falling into one of these categories.

Legal information providers

BarefootLaw, Uganda provides legal information around land disputes, violence against women and girls, family or children issues, and for business issues for small to medium enterprises. It has over 400,000 users and uses three means to reach those with questions: an automated response system called LawVoice, LawText that provides short targeted text messages, and a web/Facebook interface. The business model is still grant supported but there is a possibility to generate revenue through the partial commercialization of specialized services and their data.

Sauti, Kenya helps cross border traders in East Africa. They are often unaware of their rights and obligations. This makes them vulnerable to harassment, impounding of goods, and extortion from border officials. The Sauti platform allows these traders direct access to officially sourced and up-to-date trade and market information, accessible on any mobile phone. Sauti's trade and market information platforms have benefited over 3,700 cross-border traders to date. They are currently operational in Kenya and Uganda, and launched in Rwanda just over a month ago.

[Axdraft](#) from Ukraine provides a solution to the problem of the lack of access to high quality legal documents for individuals (in particular vulnerable groups), small business. Its main target customers are employees, veterans, people who don't get paid their alimonies, and starters of small business. Axdraft customers have created more than 10,000 legal documents to date. Templates are provided by local top-tier law firms as a part of their corporate social responsibility initiatives. For now, they deliver the service free of charge and via donations, but are evaluating selling a white-labeled version of the service to corporations to build a sustainable business.

Alternative Legal Service Providers

LegalZoom, US and UK, has helped several million individuals and small businesses obtain the help they need. LegalZoom is primarily known for:

- Business services, empowering customers to create as many as one out of three new companies in states like California, and to keep such businesses compliant with relevant organizational and tax law.
- Non-profit and not-for-profits: According to a recent study, more than 15% of all charitable and otherwise tax exempt entities in the United States are created through LegalZoom.
- Intellectual property registration: LegalZoom's customers register more trademarks, patents, and copyrights than any other organisation, worldwide, by an order of magnitude. Customers have the option of self-service trademark registration, or working with an attorney to complete the process, including defense against office actions.
- Estate planning services: While precise statistics are not available, it is believed that LegalZoom protects more families and individuals with wills, trusts, powers of attorney, living wills, and related documents than any other company or firm, globally.
- Lawyer services: Through pre-paid legal services in the US, and through its ownership of Beaumont Legal in the UK, LegalZoom connects individuals and small business owners with skilled lawyers, to provide legal guidance "on demand." Subscribers to LegalZoom's legal plans may also employ lawyers for more serious legal issues at a discounted rate.

In 2015, LegalZoom acquired Beaumont, a law firm based in Leeds, UK, making it the first corporation in the US to purchase a law firm.

Research by the Ewing Marion Kauffman Foundation has determined that the entrance of LegalZoom into a new legal practice area both increases awareness of that legal need among consumers, and lowers the average price of service by increasing beneficial competition. LegalZoom actively works with legal innovators globally.

Innovative contracts supporting relationships in a better way

Can we make better contracts? Easier to understand, easier to use? Contributing more to high quality transactions and relationships? Can we make it easier for people to conclude them? This is what a range of innovators are currently working on. They bring in visual design. They utilize new models and new technology to create a more level playing field for millions of people. [Margret Hagan](#) from Stanford University has been one of the people leading the change.

- **Smart contracts** allow two parties to conclude a contract with an immutable record of what was agreed, using blockchain technology. Such contracts automatically execute themselves, with payment if the agreed services are performed or product delivered. Penalties if that is not the case. The technology is still very much under development, but there are examples where they have been used, for instance by Barclays Bank and Walmart. Another important application of smart contracts relates to land and property transactions: ownership transfers, and management

of leases. The promise of these technologies is that transactions can be made more secure and transparent, and that costs can be saved.

- **Contracting models for employment** are forms of relational contracting developed in the construction industry (*partnering*) which avoid the blame game and enhance collaboration. They include a *single open ended contract* instead of having discrete stages of protection through temporary contracts and contracts for an unlimited period, the protection of the employee and the employer grows with the relationship and the needs of the parties. Recently, Aurecon, a globally operating infrastructure and advisory company, switched to visual employment contracts.

[DocuSign](#) has technology that allows you to electronically sign contracts and other agreements and approvals. It is widely used, globally, with more than 400.000 paying customers and hundreds of millions of users in the world.

Comic Contract, South Africa, makes easily accessible contracts that everyone can understand. This creates fair and equal relationships. Primary target groups are medium to large enterprises and employment related contracts. The initiative has just started but more than 200 such contracts have been signed to date. The business model is based on selling the service to business.

Resolution

Online systems supporting the **resolution of disputes** are another class of legal innovation. **Case management systems** for courts are now available in which each stage and action in a process can be configured. Starting from the needs of the end-users, there are now systems which allow citizens to diagnose their situation, to be informed about their rights and the ways to solve their dispute; then move to a structured negotiation stage, which may involve assistance by a mediator; followed by a smooth transition to an adjudication phase, where a judge may plug in to solve the remaining issues, or impose interventions only she is entitled to order. This *one stop shop* concept can potentially revolutionize the resolution of disputes.

In **Canada**, the [Civil Resolution Tribunal](#) is an online platform for small claims and strata disputes (connected with housing). It is organised in three steps that align well with the justice journeys people experience. First, a diagnosis phase. Is there a dispute falling within the ambit of the tribunal and what is it? Second, it offers self help tools. Finally, should self-help not have worked, you can then bring your case to the tribunal. The decision of the tribunal is enforceable like any court order.

[Uit Elkaar](#) is an online conflict resolution platform in **The Netherlands** that uses the latest knowledge on conflict resolution to help parties resolve their problem. The current configuration is for divorce, but it can also be configured for other dispute types. Couples collaborate on their personal divorce agreements. Working together, step-by-step towards fair agreements. Online, in their own time and own pace. The platform also provides access to individual and professional support. The business model is a user-pay model.

Court annexed online dispute resolution models are also gathering pace. An analysis of user satisfaction with the [Modria platform](#) demonstrate the technology not only enhances pre-trial resolution of divorce cases, but also enhances public satisfaction. Similar court-annexed and non-court-annexed platforms, such as Resolve Disputes Online are being adopted in Singapore and other advanced jurisdictions. Indeed, Singapore announced its own AI court tech programme at the opening of the legal year in January 2019, including AI decision making for some misdemeanors.

In China, in response to the scale of cases before the courts, the Supreme Court has mandated that Courts adopt a technological approach to the efficient resolution of disputes. For commercial disputes, this can best be seen in the Cyber-Courts (also known as the Court of the Internet) in Hangzhou, Zhejiang Province. In Hebei province, an application called [Intelligent Trial 1.0](#) is helping judges analyse data and trends for use in decisions, thus significantly reducing the workload.

For civil and criminal matters, the Shanghai High Court has led the way, offering AI bot-based legal advice via WeChat, one of China's most popular social media platforms. In Liaoning province, the Courts launched an intelligent robot named "Heping Fabao" to provide 24/7 AI based legal advice to citizens. Shanghai has also introduced AI-based case review, through which case files and evidence are analysed using AI, which flags issues regarding evidence, the likely most relevant laws and, although Chinese courts do not follow the principle of *stare decisis*, previous decisions based on similar facts and law, for the benefit of the trial judge. This has already led to over thirty criminal convictions being overturned. As recently as January 2019, the Shanghai High Court showcased an AI platform that could review the entirety of a case file and write a draft judgement, referencing the law and facts of the case, for a judge to review. It comes as no surprise that it was the Supreme Court of China that became the first Court in the world to officially recognise that courts should accept digital data that is submitted as evidence, if collected and stored via blockchain with digital signatures, reliable timestamps and hash value verification or via a digital deposition platform.

6. The challenge of scale

Everywhere in the justice sector, **innovations have problems scaling**. The sector lacks an infrastructure for continuous challenging of current products and services, monitoring effectiveness, developing improved services, welcoming innovations and then implementing them wholesale.

As we pointed out above, it is a heavily regulated, government controlled sector, with exclusive roles for specific professionals and their organizations. These roles are clearly defined by laws, regulations, education and traditions: a lawyer acting for one side, a judge delivering judgments, the police collecting evidence, the prosecutor making the case for sanctions and the state enforcing judgments. Procedures leading to these outputs are the basic services and products delivered. Both are prescribed in detail in the current system. These roles, procedures and outputs are what gets government funding. Institutions such as bar associations, courts and ministries of justice guard these roles and the current ways of working within these procedures. Innovative ways to deliver key outcomes are very likely to interfere with these roles and to suggest new working methods.

Whether the outputs delivered in this way lead to the best possible outcomes in the lives of citizens and businesses **is not tested systematically**. Whether the procedures are the most efficient ways to achieve such outcomes is **not challenged by continuous innovation**. Currently, the system can only change by adopting new laws that slightly amend the current procedures and outputs. Highest courts can adapt procedures and outputs by setting new precedents.

New products and services as described in Chapter 5 challenge the status quo. That is how innovation works and delivers its benefits to society. So legal systems require an infrastructure in which:

- There is a **level playing field** for innovative products and services compared to existing ways of delivering justice (including key processes such as court procedures, court outputs, models for delivery of legal services, prosecution methods);
- New products and services are compared with existing products and services against **clear criteria for effectiveness**;
- These criteria are defined in terms of **outcomes and safeguards** for citizens;
- By **assessors that are independent** from professionals or organizations who have a stake in existing services or products (such as bar associations or courts);
- **Investments in innovation are encouraged** by a clear perspective of being allowed to complement or replace current products or services within a reasonable timeframe needed for assessment and testing;

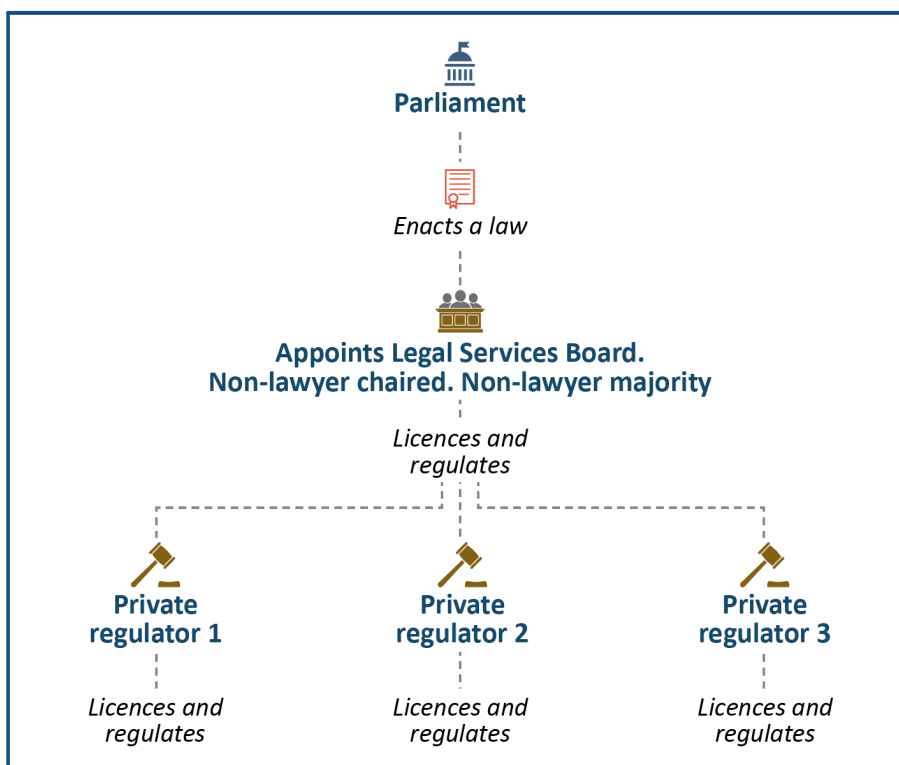
- High risk investments for key new technologies are **done by the state**, because they are unlikely to be by private investors (see the work of Marianna Mazzucato, now underpinning government innovation strategies by the EU and many governments).

Below we share examples where such change is being pioneered.

New regulatory models for legal services

A fundamental innovation of the regulatory model for the justice sector, and in particular the legal services industry, is needed. We need regulatory models that encourage and support new ideas about how to provide justice at lower cost to more people. In addition, we need to start re-designing the procedures through which people raise their justice claims and those claims are resolved.

The **United Kingdom** provides an example of a country where the legal services sector has been opened up with a new regulatory model that fosters innovation and accessibility. It is hoped that this will lead to more access against lower costs for consumers. By shifting from a focus on regulating people--the lawyers who historically have provided legal services--to regulating services--which could be provided by a host of innovative people and businesses, the U.K. regulatory approach has the flexibility to accommodate new models. Moreover, it fosters responsible competition to help drive costs down and quality and accessibility up. It is an inspirational model that deserves to be followed and developed further. The model can be generalized as follows:



Parliament creates a Legal Services Board, by law. The Legal Services Board is tasked to regulate and licence multiple regulators, which can be non- and for-profit. They can resemble organisations like the International Standards Organisation, or they can operate like for-profit compliance companies such as we see in food safety regulation. These regulators, in turn, regulate Legal Services Providers, like law firms and legal businesses like LegalZoom. Legal services providers, in turn, are required to choose a Private Regulator from among the multiple regulators licensed by the Legal Services Board. The licences under which the Private Regulators operate are outcomes-based, focusing on ensuring regulators achieve desired results, not that they implement pre-specified educational or procedural requirements for service providers.

For example, under the Legal Services Act, U.K., regulators are required to ensure that the services provided promote (among other things) access to justice, the rule of law, competition, and adherence to professional principles such as independence and integrity.

Opening up of court and other neutral procedures

The deregulation of the legal services market alone, is not sufficient. A smart mediation service or online access to lawyers working for a fixed fee offered to consumers or SMEs will not improve dispute resolution in itself. If the other party is not willing to settle, access to a third party is needed to come to decisions and to increase the likelihood that such decisions are implemented. Resolution of disputes and determining the consequences of crime happens in the shadow of the law. So court procedures, or alternative third parties, have to perform this role in the system in a better way.

High quality in third party procedures requires that courts will adopt the best procedures, based on the best available knowledge, developed by the smartest innovators and tested rigorously against clear criteria. A moderate degree of competition between courts and other third parties may be desirable. We certainly have to move away from a system where every innovation has to fit in a law of procedure that is designed in the 1920s or 1950s.

Data and ‘What Works’ platforms

In order to achieve more people centered justice journeys and to allow the best approaches to scale up data is essential. An effective infrastructure requires that innovations and current processes are **tested against objective criteria referring to outcomes** in the real world. In the world of justice this is complex, because there is not yet a tradition of defining desirable outcomes and measuring them. On the other hand, legal scholars have always defined broad outcomes such as prevention, retribution, distributive justice, procedural justice or transparent outcomes. These outcomes can be operationalized further. Two categories of data are essential for this.

Firstly, **data about the needs and experiences of the users** of justice mechanisms. What problems do they have? How did they arise? What paths do they follow to resolve them? What works well on those paths? What does not? What are the experiences of justice providers in helping to find solutions?

The second category of **data is about what works**. What works to reduce violence against women in a divorce procedure? What works when you need to bring together a big land owner and a small farmer who have a land dispute? ‘What works’ experiences can be protocolized; much like the treatment protocols for the prevention and cure of certain conditions from the health sector. These protocols can be constantly updated and developed, and shared.

Strong **support from leadership** to set up such mechanisms is crucial. There are always people/institutions that resist the collection of data and best practices. Such leadership could come from the minister of justice or the chief justice. It is important to demonstrate to the participating organisations that there is value in the data and that having it will enhance their legitimacy. It helps to have an Access to Information Act. That forms an encouragement for national agencies and institutions to cooperate. The expertise required for this must include, besides lawyers, data mining experts, statistical experts, methodological experts, and others. It is important that the head of the programme is a lawyer with a strong political and technical leadership.

Argentina has pioneered an innovative system to gather data on the functioning of the justice system and to share that data on an online public platform. The data is also linked to results-based management. The model is entirely funded from the budget of the national Ministry of justice. The Open Justice Program is based on open data principles. With open data the dialogue and collaboration between society and the justice is enriched. This program works with over 50 national and subnational justice institutions, helping them to adopt these principles and to create common collection and publishing standards. Journalists, researchers, activists and educators are using the portal as a primary

and official source of dependable data. The legal community is using it to explore and analyze specific aspects of their practice. Entrepreneurs and user communities could potentially use it to develop civic technology applications and projects. Data is available on Argentina's first open [judicial data portal](#). The portal currently holds 49 datasets, offering over 150 resources, and has had about 90,900 unique users since its launching in January 2017. For example:

A national registry on femicides and gender-related murders, which compiles cases from all over the country between 2012 and the present, including people who were killed when attempting to protect an aggressor's female primary target or in order to inflict psychological harm. All cases dealt with since 2016 at the 90 Access to Justice Centers belonging to the Ministry's country-wide network (see above). Data regarding all entities that have been legally registered before the Argentinian General Inspection of Justice (stock and non-stock companies, civil associations, foundations, entities incorporated abroad).

Argentina also developed a program called Justicia 2020, an online platform where citizens can debate and take part in the design, implementation and evaluation of justice sector policies. This initiative seeks to ensure that justice policies are a result of collaboration between the State and civil society. Through Justicia 2020, Open Justice prioritizes datasets and works closely with civil society to define different aspect of its open judicial data policy.

Namati's [Global Legal Empowerment Network](#) brings together 1753 organizations and 6244 individuals, all dedicated to grassroots justice. The community is actively moderated and shares best and less good practices: evidence of impact, good practices, toolkits for things like communication and community lawyering, and briefs on particular types of justice problems, like land and environment - related problems. An impressive and growing open source library of legal empowerment resources is emerging. The [platform](#) also allows the network's members to collectively campaign and get funding.

A recent study showed that 19% of Ugandans have been faced with one or more family problem during the past four years. The judiciary of **Uganda**, together with HiiL and the Swedish embassy in Kampala started developing the [Family Justice Catalogue](#). This innovative tool is intended as a treatment guideline to provide the best solutions for family justice issues. Practitioners in the field of family justice have to cope with all the complexities of family relationships breaking down. As social workers, as justice workers with a legal background, as experts in children behaviour or as providers of informal justice they all work from different backgrounds. They highly appreciate best practices becoming available that bridge the gaps between family members and the different disciplines. The Catalogue combines identifiable best practices with evidence about what works in order to provide a more standardised, quality way of solving family problems. The first edition of the catalogue will be released in Uganda in two versions: one for family justice providers (such as Local Council Courts, clan elders, community leaders, police, social workers, judges and lawyers) and another version will be designed for the ordinary people. The best practices were collected from over 100 practitioners and users. These are categorized into two main sections: topics related to specific issues/content, and topics related to processes. Within each of these sections the best practices are organized into a series of categories and sub-categories. These suggestions are being methodologically reviewed and graded to determine the level of evidence supporting them.

[Justice Dashboard](#)

Innovation ecosystems

Innovations **need an ecosystem** in which they can develop. The backoffice of a law firm having to produce legal documents overnight or a courthouse where cases are running late are not a suitable environment for this. Nor is the hierarchy in a ministry of justice with civil servants who are trained in political sensitivity rather than the best practices of delivering justice.

According to the Working Group, an ecosystem for innovation in the justice sector has the following characteristics:

- It is a safe space where **ambitious innovation targets** can be set, achievements can be monitored, and people bring examples of great ideas for closing the justice gap.
- It is a place with **ideation and incubation expertise** so that ideas can be developed into innovations that really solve the problems of citizens. Researching needs, building a first version, testing it, adapting and learning, iterating many more versions, and then scaling. It is also a safe place for collaboration between public and private actors.
- There are clear and rigorously applied **criteria for success and failure**.
- There is **access to financing** to develop innovations: There is participation of both the public and the private sector. There is space to work together.
- It is **separate from, but sufficiently close** to the organizations where innovations need to be accepted and implemented, with participation of the organizations who will have to work with the new products and services.

Such ecosystems can be built. We encourage ministries of justice, councils of judiciaries, law societies, bar associations, and universities to start doing just that.

With the National Action Committees on Access to Justice in Civil and Family Matters (NAC) **Canada** has adapted the Millennium development Goals and Sustainable Development Goals process to work for justice innovation. Based on data, and in an inclusive process nine Justice Development Goals advancing a public centred, comprehensive vision of access to civil and family justice in Canada have been formulated. They relate to innovation, institutions and structures and research and funding. The [Justice Development Goals](#) are shared on a publicly accessible website. Each Goal has targets and all projects aimed at achieving these targets are shared on the website. In this way, efforts are mobilized across the country towards common objectives. The NAC works with its provincial and territorial access to justice collaboratives to promote engagement and collaboration and foster research and evaluation.

The [Accelerator Hubs](#) developed by Hiil are based on 6 years of experience in scouting and developing justice innovations. The Hubs are communities in countries or cities that support justice innovations. Often, justice startups need local expertise, daily or weekly guidance, and community connections in order to grow and succeed. These Hubs, led by a professional and experienced manager, provide this support. Hubs provide customized support to justice innovations based on their phase of development. This includes helping brand new startups develop and validate their ideas, or later stage startups prepare for investment and international recognition. Other support is provided by fostering and guiding connections to the formal justice sector. A Justice Innovation Growth Fund is now being set up to support this structure.

The ministry of justice of the UAE (in fact, all ministries of the UAE) has created the position of [Chief Innovation Officer](#). Such a position, if given the right level of seniority and financial resources, can drive innovation. He/she connects needs and innovation possibilities and helps generate and drive a structural innovation agenda.

Singapore's Academy of Law, which sits within the domain of the Supreme Court, has pioneered a lawtech environment called the Future Law Innovation Programme, identifying the blocks to legal innovation in Singapore and providing and guidance and tools to lawyers in Singapore, not only to improve their practice but also to make the best use of the technology platforms offered by the Singapore courts.

New partnerships

To deliver new paradigm justice you need **new partnerships** that are now often not possible because of existing rules or not deemed possible because of engrained cultures. Partnerships between these different groups need to be possible and part of the way of working.

Sometimes a collaborative partnership. Sometimes a supervisory relationship, with the public supervising the private. Sometimes in healthy competition. In the table below we set out some of the core strengths of each group that need to come together.

Sector	Core Strengths
Public sector	Convening power, citizen perspective, coercion and enforcement, protection of the vulnerable, quality control, enabler, data platforms, what works research, financing (public funds).
Private sector	Customer perspective, agile, fast, innovative, scale, data platforms, 'what works' research, financing (impact investment)
Civil society	User perspective, presence 'on the ground', specialized knowledge on specific groups and needs, data on what works
Academia/think tanks	Data collection, what works research, connector and convener.
Business	Business acumen, delivery capacity, organisational skills, investment.
(Impact) investors	Funding, business acumen, road to sustainable funding models

Training and education

As long as law schools teach lawyers what they have taught them in the past, most lawyers will continue to do what they do. The paradigm shift for which we advocate must be supported by a system change in legal education. The curriculum needs to be adapted to include training in skills that will allow lawyers to work in more evidence based and data-driven ways. In addition, the system change that is needed will require a lot of justice entrepreneurship, which can be taught. Lastly, legal education would benefit from insights from psychology, behavioural economics, sociology, and neurology. We also see room for changes in the way of teaching. Traditionally, the best hospitals are connected to universities. There is no reason why this model should not apply to law schools. Legal clinics and incubators for young graduates should set the pathway to school-based law firms and legal clinics that act as agents of change, where students are supervised by the practitioners involved with the school. Computers will soon outshine lawyers' unskilled and perfunctory tasks. Therefore, education needs to shift towards problem solving models, merging theory and practice. Problem solving legal education focuses on having students (in small groups) analyse their surroundings and choose a legal challenge related to the subject in question. They carry out empirical studies, conduct surveys and collect data. Then analyse their results vis-à-vis historical or cultural factors, and propose workable solutions.

7. Financing innovations

Funding for justice innovation is a challenge.

Generally, ministries of justice have limited budgets. These are almost entirely spent on applying law to cases by lawyers. There is little or no funding designated for innovation, or for applying new services and innovative products that have a better fit to the needs of citizens. In OECD countries (the richest group of countries in the world), the average spending on justice is around 5% of the national budget. In many countries it comes closer to between 1% and 3%. The public finance picture is even gloomier: even if one could consider the percentages increasing, the fact is that in most countries where the justice gap is the biggest, the tax base is lowest. Increasing the tax base is not something that happens quickly.

Donors are spending less on justice: in 2016 it comprised only 1,3% of total aid. Much more is being spent on education and health.

Another potential source of funding, impact investment, is not yet used in the justice sector. The [Impact Investor Survey](#) 2018 of the Global Impact Investment Network, does not mention justice among the top sectors receiving impact investment funding, which include financial services, energy, microfinance and housing.

In order to close the justice gap and to use the innovation opportunity before us, we need new thinking about financing justice. Public money alone will not be enough. The private sector, including both philanthropy and investment, will be needed. We are not able to provide a full exploration of the needs and possibilities within the scope of this study. However, some parameters can be highlighted.

Most fundamentally: it is our assessment that more private funding will only be unlocked if the justice services marketplace is opened (Section 5, above). The existing limitations on who can provide legal services and procedures limit the space for justice providers to innovate the solutions that people need and ask for. This, in turn leads to the fact that their innovations are not attractive for social impact investors or investors looking for financial return on investment. This is exacerbated by the uncertain and sometimes highly conflictual process of getting innovations implemented and accepted by regulators which represent the interests of the current providers.

The Justice Accelerators (Section 6, above) point to a model where private funding (mostly philanthropic grant funding) provides initial seed funding to develop and test innovative ideas. Those innovations that then turn out to work can then be picked up by government (or donor agencies in low-income countries) and brought to scale with funding from the national budget.

Justice innovation requires an ecosystem that contains different kinds of funding:

- **Seed funding** for potential innovations and prototypes. This is give-away money. It does not expect any return on investment.
- **Larger grants** when innovations become serious initiatives that can be developed more.
- **Soft loans, social impact bonds**, and the like when serious initiatives start to produce impact and need to scale up.
- **Investment, social impact bonds**, stable funding from the government budget (or donor agencies) when serious initiatives become running businesses/government services.
- For key, costly technologies that can unleash a plethora of new products of services (think of GPS, human genome as examples), **government funding** is the usual avenue.

In other areas than justice - the environment, education, and health - pay-for-performance solutions have proven to work. Through social impact bonds a government or a donor funds an innovative solution, but only if it delivers in accordance with set performance goals relating to the quality of justice over a time period, and if cost savings are realized for the public sector. The funders are then private sector, and the government only pays if the innovation is successful. The social impact bond financing mechanism was pioneered by UK ministry of justice at a programme to reduce recidivism for young male offenders from [Peterborough Prison](#).

Companies like LegalZoom show that private investment to enhance access to justice is possible. The company provides small and medium enterprises and middle income citizens access to all kinds of legal documents and forms of legal advice connected with them, at a more affordable price than lawyers and notaries generally do. It has been funded by private sector capital and is run as a for-profit business.

We estimate that the willingness to pay for justice solutions is higher than is sometimes assumed.

We have not come across private sector revenue models at scale connected with the provision of legal information. However, we have noted examples in other sectors -- such as healthcare and agriculture -- in which the provision of free information is made sustainable through advertising revenues. Guidelines

for evidence based medical treatments (which are costly to produce) are the basis for (low cost) apps and websites that inform the public.

Ministries of justice could allocate a dedicated portion of their budgets to innovation. The Prime Minister's Office of the United Arab Emirates, for example, requires each ministry to allocate 1% of its budget to innovation. This may grow to 5% in the future.

It is also possible to make smart use of data: if, for example we know which business or government sectors generate the most disputes it may be possible to ask them to contribute more to access to justice.

Collaborative models have also been developed in China between the judiciary and technology companies. This includes the use of WeChat by the judiciary as a platform for AI legal advice, the work by Alibaba in the development of the technology for the Court of the Internet and the private sector firm that has developed the case review platforms adopted by the Shanghai Courts. Whilst there are issues of concern about private sector involvement in the development of judicial AI, the Supreme Court in China would appear to be trying to balance the needs of the citizens for technology based solutions with the need of the judiciary for decision making independence..

To recap: it is also necessary to open up when it comes to financing justice innovation. It does not seem likely that the justice gap will be closed with public, government funding alone. That would also not be wise, given the general argument for opening-up the legal sector we have made in this report. We can learn from other sectors like health and education to develop financing models that can support the justice innovation that is needed.

8. Strategies to make it happen

A lot is needed to make the changes that are needed to make innovation happen. We highlight what some of the key actors may do in the table below.

Who	What
<p>Justice leaders</p> <p><i>Government</i> Ministers of justice, chief justices, chief prosecutors, ministers of development, parliamentarians.</p> <p><i>Civil society</i> Presidents of bar associations, civil society leaders, deans of law schools, presidents of think tanks, presidents of philanthropic organisations</p>	<p>Lead the reframing at the paradigm level and accept the necessity of system change because the 'robe-model' model is at the end of its life-cycle.</p> <p>Create an infrastructure for justice innovation with a level playing field, clear criteria, independent evaluation, which replaces current regulation and legal frameworks for products and service delivery.</p> <p>Encourage the creation of bold new partnerships which encourage creativity, risk-taking and innovation.</p> <p>Develop mechanisms to invest in key, disruptive technologies and in early stage innovation.</p> <p>Create access to new, trustworthy, financial and investment models.</p> <p>Create success stories and communicate them. Focus on quick wins. Show they work.</p> <p>Can we convene and proclaim the equivalent of the Alma Ata Declaration that revolutionized access to health in 1978?</p> <p>Meet, work together, coordinate more across borders to build the necessary coalitions for change and share best practices.</p>
<p>Current government systems and professions</p> <p><i>Government services</i> Courts, prosecution services, police departments,</p> <p><i>Private sector</i> Law firms, individual lawyers, paralegal organizations, all other justice workers and their organizations.</p>	<p>Accept that the robe model is at the end of its life-cycle. Accept independent regulation of legal services and independent evaluation of competing models for court procedures.</p> <p>Participate in innovation, create a professional culture of evidence based practice and openness to innovation.</p> <p>Address the feelings of pain and loss that are associated with this transition.</p> <p>Remove all current barriers to interdisciplinary cooperation, business models and technologies.</p>
<p>Others</p> <p>Ministries of finance, ministries of health, national bureaus of statistics, research institutions</p>	<p>Start measuring success in terms of outcomes. Show what effective justice does for people. Link to Open Government Platform.</p>
<p>Business</p> <p>Justice entrepreneurs</p>	<p>Develop new services and products for delivery of fair outcomes models</p> <p>Include justice entrepreneurs in existing innovation ecosystems.</p> <p>Encourage and be at the forefront of developing inclusive innovations with a special focus on the most poor and vulnerable in society.</p>
<p>Citizens</p>	<p>Demand better justice delivery services.</p>

9. List of members

(In alphabetical order, first name)

- Abdulla Al-Majid, Court innovation, Chief Innovation Officer, Ministry of Justice, UAE
- Allyson Maynard-Gibson QC, former Attorney-General and Minister of Legal Affairs, Bahamas
- Eddie Hartman, co-founder, LegalZoom, USA
- Gerald Abila, Founder Barefoot Law & mSME Garage, Uganda
- Gillian Hadfield, University of Toronto, Canada
- Mark Beer OBE, President, The International Association for Court Administration
- Michelle Arevalo-Carpenter, co-founder, IMPAQTO, Ecuador
- Michiel Scheltema, Special Adviser on Justice to the government, The Netherlands
- Luis Franceschi, Dean, Strathmore Law School, Kenya
- Robert Kraybill, managing director Impact Investment Exchange, Singapore
- Sandra Elena, head, open justice programme, Ministry of Justice, Argentina
- Sam Muller, CEO HiIL, Justice innovation, HiIL, The Netherlands
- Janet McIntyre, Deputy Dir. Gen., Intergovernmental and External Rel. Div., Min. of Justice, Canada

From the Task Force on Justice secretariat

- David Steven, Centre for International Cooperation
- Maaïke de Langen, Centre for International Cooperation

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Endnotes

¹ <https://www.justice.sdg16.plus/>

² For definitional purposes, a legal tech organization must have technology as an integral part of its operating service or product. Merely having a website, for example, does not qualify an organization as “legal tech” any more than simply having a Twitter account would.

³ Touchdown Capital, a venture capital firm that tracks for-profit companies in the legal tech space.

⁴ See [published interview with Law Base]; [published interview with Amicus]; [litigation records of LegalZoom]; [trial motions of Trademarkia].