Introduction to Data, Findings, Indicators, Indexing & The Justice Index

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What is the problem to be solved?

People's Concerns

- **Safety** – domestic violence
- **Family** – divorce, child support, custody, neglect
- **Savings** – debt, consumer credit, court fees and fines
- **Housing** – evictions, foreclosures
- **Food & benefits** – public assistance, health, disaster
- **Jobs** – wages, conditions, terminations
- **More** – discrimination, education, torts, contracts, wills, guardianship, commitment, motor vehicle violations, court fees and fines

Barriers

- Awareness
- Lack of lawyers
- Language limits
- Disabilities
- Doctrinal obstacles

Some Helped

- One million served by LSC programs
- Millions served by non-LSC Programs
- 3.7 Million in court self-help centers
- Unknown number, pro bono

Many Still in Need

Safety, family, savings, housing, food, jobs, more:

- Millions defaulting
- Millions alone in court
- Millions unaware of problem
- Millions lumping it
- Millions tackling problems without lawyers or courts

What is Access to Justice?

Access to Justice means:

- individuals and groups

- can learn about their rights

- and protect their interests (home, family, financial security, safety, more)

- before a neutral and non-discriminatory decision-maker

- in a formal or informal process

- that determines the facts

- applies, interprets and shapes the law

- and enforces the result.

-- Source: Justice Index 2016, www.justiceindex.org
National Center for Access to Justice at Fordham Law

What are Key Questions for Research?

Six Questions:

    I.   What are people's legal needs?

    II.   Is "best model in theory" actually "present"?

    III.   Is the model "implemented far and wide"?

    IV.   Does the model accomplish its goal?

    V.   Does the model improve the life of the individual?

    VI.   Does the model reduce poverty in society

What Kinds of Data Exist?

Administrative Data:

Presence or absence of laws, etc.

Numbers of people, cases, etc.

Amounts saved, other impacts

Survey Data from Lay People:

"I know I can appeal"

"I met with a lawyer"

"I found the judge unfair"

Survey Data from Experts:

"There is a right to appeal"

"Thousands do get helped by a lawyer"

"The judges are unfair"

Experimental Data – Studies show:

How the assistance actually works

Whether assistance actually makes a difference (randomized control trials)

How much of a difference it makes

What are Indicators?

(Hint: they "indicate" something)

Inputs:

- Laws, rules, practices

- Structures: courts, judges, lawyers, paralegals

- Number of needs, people, complaints, defenses

- Demographic factors:
  - Age
  - Education
  - Immigrant status
  - Languages
  - Income
  - Location

Outputs:

- Number of cases

- Number of mediations

- Number of judgments

- Number of contacts

- Number of services

- Number of decisions

Outcomes:

- Victories & losses

- Delays

- Perceptions of fairness

- Actual fairness

- Money recovered by litigant

- Savings recovered for society

- Job saved; working conditions improved

- Apartment saved

What are Findings?

To establish "findings", data needs to be:

1. *Clean -* so it is responsive to the indicator, not irrelevant or ambiguous

2. *Accurate* - through a process that corrects errors and fills in gaps.

3. *Organized -* so it will be clear to the viewer.

4. *Declared -* final or official, by some authority.

What is Indexing?

An index is a system of indicators that organizes findings into a score. Comparison is possible without a score. But a score makes comparison sharper. Indexing:

1. **Helps the public understand** – A few key findings may help the public understand the importance of complex systems

2. **Motivates officials** – findings may embarrass or reward officials prompting them to take action, e.g., to allocate funds, change policy

3. **Reveals gaps** – everyone sees "what's present and what's missing", making it easier to replicate best policies and practices

4. **Empowers reformers** – scores enable reformers to cite policies and performance as basis for claiming resources & to securing reform

5. **Helps researchers** – indexed findings, based on data, help researchers see connections, and determine what to research next.

Mapping Laws & Policies, Ranking Performance:
The Justice Index

Justice Index – A data-indexing website, www.justiceindex.org, that presents selected best laws and policies, and ranks the states based on their adoption of these models, to help expand access to justice in four categories (and in so doing, effectuating SDG Goal 16):

- **Attorney Access Index** – civil legal aid attorneys (a count; and ratio per 10,000 poor).

- **Self-Represented Index** – models for self-represented litigants

- **Language Access Index** – models for people with limited English proficiency

- **Disability Access Index** – models supporting for people with disabilities

Composite Index – scaled scores combine the four indexes, each contributing 25%.

Models determined by experts, subject to continuing research – American Bar Association, respected social scientists, consensus among stakeholders, authors' expertise in the field, Chief Justices' and Chief Court Administrators' 100% resolution.

Justice Index - SRL Policies (1-18, of 56)

1. Dedicate a Court Employee (34 states)
2. Authorize Specific Steps by Judges (23)
3. Train Judges on SRLs (31)
4. Authorize Court Staff on Specific Steps (32)
5. Train Court Staff on SRLs (27)
6. Authorize Unbundling (44)
7. Train Judges on Unbundling (9)
8. Fund a Self-Help Center (20)
9. Count Self-Represented Cases (9)
10. Require Plain English Written Materials (7)
11. Encourage Plain English in the Courtroom (20)
12. Designate Responsibility for Plain English in Courtroom(1)
13. Publish a Plain English Style Guide (8)
14. Train Judges on Plain English (17)
15. Train Court Staff on Plain English (12)
16. Make Electronic Filing Accessible (16)
17. Waive Civil Filing Fees (52)
18. Simplify Waiver of Civil Filing Fees (26)

How Researchers & Others use The Justice Index

1. **Researchers -**
   - A matrix of best practice models for study.

   - Free data sets show degree of adoption of models.

   - Compare Justice Index findings to human survey findings (and other data sets) to see correlations.

2. **Reformers** - Road map for advocacy to replicate best practices

3. **Officials** - Rankings create incentives to adopt best policies, with easy access to citations for those policies.

4. **Public** - Rankings simplify complex system, help people, journalists, and other stakeholders see access to justice.

How NCAJ Created the Justice Index: Pro Bono Partnerships

Justice Index 2014

Pfizer – Brought in Deloitte. Guided process.

Law firms – Skadden Arps and Kirkland & Ellis carried out research with UBS attorneys and staff.

Law students – Cardozo Law School clinic students and University of Pennsylvania Law School pro bono students carried out research.

Deloitte – A data analytics team designed the indexing methodology and created the data visualizations with "tableau".

Constructive – MSDS, a NYC web design firm, built the web site that houses the data.

Justice Index 2016

Chief Judges & Chief Court Administrators – These officials completed a "questionnaire".

Law Firms – 50 lawyers from five law firms did QA review and research (including "the CLA count"):
- Kirkland & Ellis
- Morgan Lewis & Bockius
- O'Melveny & Meyers
- Patterson Webb & Tyler
- Simpson Thacher.

Deloitte – Trained NCAJ staff on the data uploading & visualization technologies.