

The
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DIGITAL DELIVERY OF LEGAL SERVICES TO PEOPLE ON LOW INCOMES

QUARTERLY UPDATE

Spring 2015



Roger Smith

The Legal Education Foundation

This Report was commissioned by The Legal Education Foundation and we are very pleased to publish it as a contribution to identifying the advances being made in the use of information technology to aid the provision of legal services for people on low incomes.

The Author

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All the information in this Report is verified to the best of the author's and publisher's ability, but they do not accept responsibility for loss arising from decisions based upon them and whilst Internet addresses were believed to be accurate at the time of publication they may have changed since then. Where opinion is expressed it is that of the author, which does not necessarily coincide with the editorial views of The Legal Education Foundation.

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1. Welcome

Roger Smith

Welcome to this first quarterly roundup of developments in relation to digital delivery of legal services for people on low incomes. This report updates research published in December 2014 and available on The Legal Education Foundation website (www.thelegaleducationfoundation.org/digital-report). It also follows a special report on the US Legal Services Corporation's Technology Initiatives Grants programme also published by TLEF earlier this year (and available at www.thelegaleducationfoundation.org/wp-content/uploads/2015/01/LSC-TIG-conference-report.pdf).

The reason for producing regular information on developments at the present time is the speed at which things are moving. In British Columbia (BC), the Legal Services Society is progressing with its construction of its MyLawBC.com website. In England and Wales, Citizens Advice, the major national advice organisation, is revamping its adviceguide.org.uk website. The Netherlands is introducing the latest version of its trailblazing rechtwijzer.nl. This takes its innovative programme to a new level by incorporating resolution procedures within the original advice oriented site - initially in family matters. BC's Ministry of Justice is proceeding with work on its Civil Resolution Tribunal (CRT) which is largely oriented to small claims.¹ Overall, the link between website-based advice and online dispute resolution is opening up as a potential area for exploration. The Dutch and the British Columbians are doing this practically by way of *Rechtwijzer 2.0* and the CRT respectively. At least, here in England and Wales we are talking about it. A recent report of a committee under the chairmanship of Professor Richard Susskind has recommended that England and Wales follow the CRT with similar online small claims provision and the creation of a new online court service. There are losses. New Zealand, for example, seems to have abolished its *LawAssist* website.

¹ and 'strata disputes' i.e disagreements over the common parts of groups of 'owner occupied' flats

These developments are reported on below with, as often as possible, contributions from those involved to whom thanks are owed. As important as innovation is evaluation. Use of the internet for legal information and advice is an area which cries out for objective research and assessment - from the very basic issue of access to web-based programmes to the detail of how they operate. To this end, included below is a summary and assessment of research by the University of Twente on the initial version of the *Rechtwijzer* and a response to the issues raised by the main researcher, Marian van Dijk.

By its very form, an updater is likely to be a bit disjointed. To make sense of a number of these contributions readers may need to refer to the original TLEF research (see above) or earlier work by myself and Professor Alan Paterson which was published as *Face to Face Legal Services and Their Alternatives: global lessons from the digital revolution* and available at www.strath.ac.uk/media/faculties/hass/law/cpls/Face_to_Face.pdf.

Also included in this updater, as a more comprehensive contribution, is an assessment of provision of website-based provision advising on employment law in England and Wales which allows a degree of overview on what is available. The notable conclusion is that the best website is actually provided by a statutory body, the Advisory, Conciliation and Arbitration Service, and that no website approaches the standard of interactivity demonstrated by the *Rechtwijzer*.

The plan is to produce further updates in the summer and the autumn (or possibly develop the quarterly updates into a more regular blog), following that with a more comprehensive assessment at the end of the year. These are intended to encourage experiment and mutual learning from those engaged in - or contemplating - online legal services for those on low incomes. Contributions, assistance, criticism or comment are welcome and can be made to The Legal Education Foundation, who have prioritised legal technology as one of their major areas of interest and have provided space on their website to cover it, or to the author at rsmith@rogersmith.info.

Roger Smith, OBE

1 May 2015

2. British Columbia

There follow two updates on events in BC - from Sherry MacLennan on the latest work on developing an advice website, MyLawBC.com, being developed by the Legal Services Society, and a short note on the Conflict Resolution Tribunal being designed by the BC Ministry of Justice.

2.1. MyLawBC: Update

Sherry MacLennan

Director of Legal Information and Applications, Legal Services Society of British Columbia

We had scrums with a wide variety of stakeholders back in November to brainstorm initial guided pathways and endpoints for *MyLawBC* in the subject areas of family law, domestic violence, wills, estates & life planning, and foreclosure. Since then, work with our legal advisors, technical writers/editors and The Hague Institute for the Internationalisation of Law (HiiL) has continued on refining the content of the pathways and end points. We hosted a consultation on domestic violence with community advocates who were unable to attend the November scrum. Our graphic design team has been developing the look and feel of the website, including the visuals and potential logos. In February, we did some fairly extensive early user testing of a prototype put together by HiiL. As the content was very draft at this stage, we focused on reaction to the look and feel of the website, the draft logos, navigability and the guided pathway and dialogue (negotiation platform) concepts. We completed a report of the user testing results in March. User testing is so critical to the process and we have been well supported by our colleagues in the justice sector from the Ministry of Justice, to other PLEI agencies and Access Pro Bono who all participated by providing staff to user test, or hosted user testing at their facilities to referring clients to participate in our testing. One of the first results of the user testing was something I think one of your reports mentioned *Rechtwijzer* experienced early on - the need to have fewer words on a page! This is a challenge when working with people who love to write and share information.

We have narrowed our logo design choices to two and will do further testing online before making a final decision, with a view to ensuring the logo inspires trust and credibility for a website visitor. The user testing also reminded us of the importance of diversity in our visual representations, and we received strong feedback that users want images that are aspirational rather than empathetic - so no frowning Mom with paperwork, but happy family pics are desired. (We will have to adapt our Family Law Website visuals now too). Also in March, the graphic design team mocked up a number of pages for the overall website, which will incorporate our LSS Publications currently situated on the LSS corporate website. Next steps include working with HiiL/Modria to determine if some new ideas we have can be incorporated into the platform, and get another prototype "stitched together" to do further user testing on the latest work. The staff here remain excited about the project, and the more visual, more streamlined look and feel of this website. The user testing experience has been very positive as was the scrum process as technical writers/editors who do not get to work directly with members of the public had the opportunity to hear directly what worked, so the project is having many positive ramifications. We have run into some resistance with members of the Bar, primarily with lawyers that we have not worked with in the past on PLEI and who were not too comfortable with the self-help approach in "their area" of the law. Overall however, this has not been a significant issue and that may be because generally in BC the Bar is used to us and our history of self-help resources, particularly in family law. Although, it is possibly because the project scope is not yet well known among others that may seem themselves as affected. Finally, we have put together a multi-agency advisory committee that will be having its first meeting shortly. The purpose of the committee will be to support the innovative and technology aspects of the project, ensure coordination with other projects (especially all the Government initiatives underway) and ensure a collaborative approach to development and future opportunities.

2.2. The Conflict Resolution Tribunal (CRT)

Roger Smith

Developments in the CRT are being covered by a blog at www.civilresolutionbc.ca/. The big news is that Ministers have introduced legislation, now close to final passage through the provincial Parliament, to make use of the CRT compulsory for many small claims under \$10,000 and 'strata disputes' (see above). The blog indicates the reason for the change: 'we are learning that voluntary dispute resolution programs show low uptake and as a result do not improve access to justice or reduce costs'. There will, however, remain in small claims the possibility of taking the matter to the Provincial Court after a decision and a right of appeal in strata cases. An interesting video interview with Shannon Salter, a judge who is the chair of the CRT, is available at mediatoracademy.com/interview/how-odr-improves-access-to-justice/ for the price of disclosure of your email address.

3. England and Wales

This section contains three contributions. The first is a report on the revamping of the Citizens Advice England and Wales general advice website; the second an attempt to take one area of law - that relating to employment - and to analyse what assistance is available on the internet; and the third an assessment of the 'Suskind Report' on online dispute resolution.

3.1. Citizens Advice England and Wales

Beatrice Karol Burks

Head of Advice, Information and News, Citizens Advice, London

Citizens Advice delivers advice services from over 3,300 community locations in England and Wales, helping 2 million people to solve 6.6 million problems each year, and 16 million people (one third of the online population) also visit our self-help website Adviceguide.org.uk.

We want to keep up with our clients' expectations and part of this means developing a new digital service, based on user need. Since summer 2014 Citizens Advice has been looking at:

- what a digital service could do for our clients
- how a digital service can help advisers work more efficiently with clients
- how multiple 'channels' (like website, phone, email, face-to-face) could work together more effectively.

This meant starting with an organisation-wide discovery: understanding what different users (with clients always being the most important) need from the service and how digital tools can improve their experience. We didn't want to repeat mistakes of the past where digital products had been developed piecemeal, resulting in a range of different systems and processes that need patching together at a later stage, not to mention the password proliferation this created!

We started with our core need: advice. This is tricky because just like in a local Citizens Advice, people come to citizensadvice.org.uk in two frames of mind. There are those people who know what they're looking for - "how much maternity pay can I get" for example and there are those who know they have a problem but don't know what the answer is - "bailiffs at the door" or similar. We knew that ultimately we'd need a way to help people navigate with these two different purposes, a self-diagnosis tool for example, but we could not do anything about that until we made sure that our core advice offer was as good as it possibly could be.

We have initially focused on Employment and Support Allowance (ESA) because it is one of the most common and complex issues that people approach Citizens Advice about: it would give us some knotty problems to think through and allow us to have maximum impact through improvement.

Taking user insight, we developed a few different content options to help support people through applying for ESA and then tested them to find out what sort of language was needed and what depth of information would be most appreciated. Based on the feedback from this testing we then adapted the content and tested different layouts with users to help us understand the impact each design had on people's ability to read, focus on and understand the content.

Following a service-wide piece of research (discovery) to understand the digital needs of the whole organisation, it also became clear that we would need to develop a new case management system, which could be integrated with our online advice delivery. We spent several weeks hearing from hundreds of advisers and CAB managers. We did this in person, on the phone and online. We also spoke to 40 different teams within Citizens Advice about their digital needs. This enabled us to map out what was needed from a case management system.

We have now developed a prototype for a case management system and online advice content on ESA which are both out for testing with users.

Our case management system prototype is being tested by a pool of CABs from across England and Wales. We have lent these bureaux laptops so we can run online feedback sessions with their advisers. We will take this initial feedback and use it to amend and refine the prototype and then test it further, and more widely, in the summer.

The ESA advice content is accessible from our current ESA advice pages on *Adviceguide* and we are also promoting it through various communications channels, including social media.

At the same time we are now researching the needs of clients accessing advice on home energy, benefits entitlement and universal credit and we'll be using the feedback we get from this research and the ESA content testing to develop other online advice prototypes and also releasing those for testing in the summer.

3.2. Employment Law on the web in England and Wales: a comparison

Roger Smith

Employment law provides a good example on which to explore internet advice provision because both employees and employers may each be rich or poor. Thus, there is scope for privately funded providers to seek to use the internet on a commercial basis, seeking to obtain paying clients. However, there are also plenty of employees on low incomes who have, at least in England and Wales until the recent programme of legal aid cuts, been entitled to publicly funded legal advice provided by a range of private and not for profit providers. Finally, the existence of organised labour and a union movement, however residual, gives a balance to sources of advice in employment law that can be lacking, for example, in landlord/tenant or social security law.

The purpose of this report is to seek debate both on the criteria for comparison and on the assessment of individual sites. There is an initial point. There seems no website which meets the standards set by rechtwijzer.nl. The great advance of that website is its interactivity. Instead of presenting information as if wallpaper in a flat linear form, the *Rechtwijzer's* designers have digested the content so that it proceeds with an interactive approach that begins by asking the user a series of questions from which it distils the issues on which advice is required - the establishment of 'guided pathways'. This approach is fairly standard in the commercial field: no contemporary airline site, for example, simply provides timetables of all its flights - they all elicit where you want to go, when and in what class and then present you with information filtered to your needs. The *Rechtwijzer* seeks to adapt this approach to the provision of advice.

There is a major caveat to be stated to this study. It necessarily lacks information about users in terms of their use and experience of a website. So, it completely lacks the whole raft of data on which the *Rechtwijzer* has been evaluated (see above). Assessment is entirely based on external evaluation. This is a major weakness which just has to be acknowledged. But, bearing this in mind, let's cut to the chase and state the findings as baldly as possible:

- a) no employment law website in England and Wales uses the interactive possibilities of the internet to the full - though some provide content such as standard letters for users;
- b) thus, websites have to be compared in terms of their design and content within a conventional information format;
- c) a number of private providers are using the internet in various ways as part of what might be described as variants of a virtual legal practice to obtain paying clients, often by providing a degree of information on the internet, by email or on the telephone;
- d) the best, go-to website on employment law in England and Wales is provided by ACAS (the statutorily created Advice Conciliation and Arbitration Service);
- e) the Government website has information about employment which does refer to excellent ACAS material but is, by itself, somewhat general and a little hard to navigate;
- f) the two general advice websites in England and Wales that include employment law, advicenow.org.uk and adviceguide.org.uk, appear adequate on sexual harassment and unfair dismissal but neither of them provide guided pathways on the *Rechtwijzer* model.

Basis of comparison

The basis of any comparison between websites needs to be made transparent. Below are the (slightly amended) criteria for website comparison which were developed during the original digital delivery project (for the report see thelegaleducationfoundation.org).

Websites should:

- a) *Meet basic standards.* No website should be misleading, have major technical failings, be offensive or discriminatory, inadequately protect data, be out of date (preferably indicating when last checked); or inaccessible below the best current standards; be transparent about ownership.
- b) *Be user oriented:* the content should be user-oriented to the target constituency not advisers or lawyers, specific, relevant, practical, balanced, in plain language, structured around key points and route maps of the way forward, translated into major languages of likely users, evaluated and continually adapted to user outcomes; provide a way in which a user may give feedback on, or complain about, their experience.
- c) *Be functionally integrated with individualised assistance* - both within and outside the website;
- d) *Meet current commercial standards of design:* including responsiveness to different formats, particularly smartphones; effective use of graphics, audio and video; attractive presentation.
- e) *Be interactive and resolution-oriented:* offering a process that is interactive e.g. Using 'guided pathways', dynamic in being oriented to the resolution of any dispute or query, providing sample letters and forms, automatic document assembly, practical tips on proceeding, assistance with necessary skills, emotionally supportive; ideally leading the user into a resolution process.
- f) *Justify the expenditure on them.* This, in practice is extremely hard to do. It takes a serious research or evaluation exercise which is capable of measuring the website against a comparator, usually the position before it was established. It will also involve such methods as testing the quality of provision by 'dummy shoppers' and there is likely to be an inescapable level of qualitative assessment. It is, clearly, the most important measure from the point of view of a funder.

Relevant issues would include a capacity to:

- i) increase the identification and resolution of disputes;
- ii) increase access;
- iii) increase the affordability of assistance;
- iv) increase the quality of services;
- v) comply with appropriate ethical standards;
- vi) operate at a cost acceptable to its funder and likely to remain stable;
- vii) increase the skills and capability of users;
- viii) respond to the needs of users;
- ix) generate feedback for policy-makers.

Comparison—examples

Let us take two specific cases that facilitate comparison of websites. First, what advice do they give someone who raises an issue of sexual harassment? You would look for information and advice to a user raising the issue to cover definitions; the need to note incidents and to obtain witnesses and corroboration; to get assistance; and to be advised on further action. Second, someone raising an issue about immediate dismissal from a job needs to know about contractual and statutory rights to notice; the circumstances in which such dismissal might be justified; and potential remedies ranging from letters to employers to action of some kind.

- contractual and statutory rights to notice;
- the circumstances in which such dismissal might be justified;
- potential remedies
- writing letters to employers
- action of some kind.

Employment Law: Commercial Provision

A range of commercial providers are using the internet to provide various packages of advice that include elements without charge. As at 21 April 2015, 15 providers were responsible for paid for ads on Google. Some like Australian Alternative Business Structure Slater and Gordon Ltd are simply flagging freephone and email opportunities to seek advice which is then provided in, presumably, a fairly conventional paid-for way. Others, like Setfords solicitors or Castle Associates, offer an expressly free initial consultation. A number of websites provide some basic information about employment law issues and then invite the user to call for specific paid-for advice: Lezmore solicitors are an example. *WetalkLaw* provides a free assessment but then a fixed price (£68) package of legal advice. A more internet-oriented approach is taken by justanswer.uk which provides a named lawyer who will answer your question for free; provides feedback from other users on the lawyer and previously answered queries; and presumably works on the basis that users will instruct the lawyer with whom they have had initial contact - although these seem to be fairly consistent in not being too pushy about users coming to them. By comparison, a more traditional offer is made by lawsurgery.com, set up by two barristers, which offers their services at agreed prices for particular pieces of work. All in all, if you compare employment with family law, the commercial providers do seem to provide less information on the internet - though it may be given in phone calls or by email. Indeed, the way would seem still open for some provider really to establish themselves with the essential go-to website for employment law.

Employment Law: provision by Government and Statutory Bodies

There are two employment law websites provided by Statutory Bodies in England and Wales.

One is part of the general government gov.uk website. This has a section entitled 'Working, jobs and pensions' which is relatively comprehensive. The section on dismissal is clear and includes coverage of the right to have the dismissal and its reason in writing (where applicable). Sexual harassment is less well covered. There is a section on 'workplace bullying and harassment' and it does identify that harassing someone because of their sex is actionable but it does not specifically deal with sexual harassment separately. Its definition of harassment is pretty generic: 'Examples of bullying or harassing behaviour include: spreading malicious rumours; unfair treatment; picking on someone; regularly undermining a competent worker; and denying someone's training or promotion opportunities'. There is no discussion of behaviour such as groping, openly visible pictures of naked women and so on. Nor is there any stress on keeping a diary of unacceptable behaviour - though there is encouragement to go to your employer, human resources department or trade union. There is also a link to a pdf of an ACAS booklet which does illustrate sexual harassment by reference to 'unwelcome sexual advances - touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected'. The booklet also illustrates sexual harassment in relation to someone who is gay and subject to taunting. It also suggests: 'Keep a diary of all incidents - records of dates, times, any witnesses, your feelings, etc. Keep copies of anything that is relevant, for instance annual reports, letters, memos, notes of any meetings that relate to your ability to do your job. Bullying and harassment often reveal themselves through patterns of behaviour and frequency of incidents. Keep records and inform your employer of any medical help you seek.' The result is perhaps as one might expect. The Government website is relatively clear; relatively general; leads on to the correct information but does not really process it much for the user; it is competent but not exciting.

The other is the ACAS website. This is much more focused on users. The opening page leads off in a number of directions - to advice, research, tools in terms of useful letters and forms, training and 'Helpline Online' which gives instant answers to a number of questions with which ACAS advisers have become familiar. The website explains its genesis:

A team of Helpline advisers were involved in the development of Helpline Online, bringing together their awareness and knowledge of questions that are frequently asked by Helpline callers. Their up to date and in-depth knowledge of employment legislation and dispute resolution good practice make the tool a valuable resource. All of the content within the database was identified and written by our Helpline Advisers, who update FAQs and add to the system as necessary.

The standard answers work well enough for the issue of dismissal: the answers in relation to sexual harassment use language like 'protected characteristic under the Equality Act 2000' which seems a little legalistic to insert into a question for the ordinary user.

In addition, the ACAS website gives a number on which you can speak to an ACAS helpline adviser: there is even a warning about identifying and avoiding ACAS imitators. Advice on the website for both employers and employees is eminently sensible and aimed at maximum informal resolution. This is its information for employees:

Simple steps for employees

- It's always simpler to talk to people directly and informally about a problem.
- Check with your line manager, HR, your finance team or others you think can help, to see if there has been a mistake or misunderstanding that has caused the problem unintentionally.
- Keep a record of relevant events: include dates and times and a description of what happened; plus copies of any relevant paperwork, eg letters, memos, emails, notes of meetings.
- Get advice about your rights from the ACAS helpline (0300 123 1100) or [Helpline Online](#).
- If all informal internal procedures have been exhausted, make a formal complaint (follow your employer's procedures - if you have a union representative or other adviser, ask them to help).
- Contact ACAS for advice on Mediation, ACAS Dispute Resolution and Arbitration. We provide all of these services for individuals and groups of employees (usually through a representative such as a Trade Union).

There are a number of informational videos including one about the work of ACAS as a conciliator and another from a solicitor describing the procedure for a case at the employment tribunal.

All in all, the ACAS website sets a fair standard though subject to one big issue: it is not iterative in the way of *Rechtwijzer*: it provides no guided pathway through the information. As to the Government website, it is not clear what it offers in addition - certainly nothing as to content though there may be some value in the comprehensive information on a range of topics provided under the [gov.uk](#) brand.

Employment Law: Not For Profit Provision

The two main NGO advice websites are adviceguide.org.uk and advicenow.org.uk. Adviceguide gives a detailed five step guide to work through to identify unfair dismissal. There are some instances here which might confuse a lay person though the advice is basically sound. For example, as under step one, 'there are some employees who can never claim unfair dismissal. They are ... people who are not employees, such as independent contractors or freelance agents'. The website has a further guide on sexual harassment which gives examples and reasonable suggestions on how to respond. It does say that:

Sexual harassment might be deliberate or nasty but it doesn't have to be. Someone could be sexually harassing you, even if they don't mean to, or don't realise they are doing it. This doesn't mean that it isn't wrong or that you shouldn't complain about it.

The website has a chat facility.

Advicenow, operating as an aggregator website, references the adviceguide.org.uk website and also rather more specific material from the Equality and Human Rights Commission which does deal with sexual harassment rather well. This also has a section headed 'dealing with discrimination at work - how to use the grievance procedure' which uses a complaint of sexual harassment as an example. It is quite good on the basics of taking a grievance and the practical considerations in whether and how to do so.

Both these websites are, like the ACAS website, competent but, again like ACAS, neither of them processes the information by way of guided pathways through the information.

3.3. ODR@UK—Online Dispute Resolution for Low Value Civil Claims, ('the Susskind report')

Roger Smith²

We have a new addition to the clutch of reports from around the world on Online Dispute Resolution. This is *Online Dispute Resolution for Low Value Civil Claims* from a committee chaired by the well-known future guru of the law, Professor Richard Susskind. The report is worth a read for two reasons. First, it represents the case for ODR as put by an expert. Second, chapter four contains an update on the major examples of ODR extant at the time of its publication (February 2015).³ This information is expanded by an accompanying part of the website of the judiciary which includes videos, audios and more information (www.judiciary.gov.uk/reviews/online-dispute-resolution/). The report received a pretty unanimous welcome - except for some perhaps predictable harrumphing from the Bar - but its fate in terms of implementation is not yet clear. In the current political context, there is clearly a regrettable possibility that ODR's chances are tied to its potential to deliver further savings rather than to increase rapidly diminishing levels of access to justice. However, and though biased, I commend the report as, at this moment, the latest well-informed contribution to the topic.

The report argues for a wholly new inter-based court service to be known as HM Online Court as separate from the existing HM Court and Tribunal Service. That represents a tactical judgement that a new structure will best deliver innovation: it is not really integral to the idea. The central concept is that the court will provide three levels of service.

² I declare an interest. I was a member of the committee that approved the report. I am happy to accept that this binds me to its general conclusions while leaving a degree of freedom on detail.

³ and covering eBay, *Rechtwijzer 2.0*, the BC Civil Resolution Tribunal, Financial Ombudsman Service, Nominet, Resolver, Youstice, Online Schlichter, Cybersettle, Modria and the Traffic Penalty Tribunal

Firstly, Online Evaluation: ‘This facility will help users with a grievance to classify and categorise their problem, to be aware of their rights and obligations, and to understand the options and remedies available to them’.⁴

The second tier would be Online Facilitation: ‘To bring a dispute to a speedy, fair conclusion without the involvement of judges, this service will provide online facilitators. Communicating via the Internet, these individuals will review papers and statements and help parties through mediation and negotiation. They will be supported where necessary, by telephone conferencing facilities. Additionally, there will be some automated negotiation, which are systems that help parties resolve their differences without the intervention of human experts’.⁵

Finally, the third tier would provide Online Adjudication with ‘full-time and part-time members of the Judiciary who will decide suitable cases or parts of cases on an online, largely on the basis of papers submitted to them electronically as part of a structured process of online pleading. This process will again be supported, where necessary, by telephone conferencing facilities.’⁶

The range of objectives for the HMOC seem fair enough - moving from accessible and affordable down onward through the alphabet - though there might be some nits to be picked among the definitions. For example, the report requires the system to be ‘fair’ and defines that to mean ‘affording an opportunity for citizens to present their cases to an impartial expert, delivering outcomes that parties feel are just’.⁷ That is surely a bit too subjective. The challenge for ODR systems is to deliver outcomes which not only feel subjectively fair to the parties but which are also objectively fair in the sense of ‘just’ - i.e. made on the basis of the relevant facts and applying the relevant law. This is not a point which can safely be fudged. The dangers are perhaps particularly clear in matrimonial cases involving abuse of any kind - physical, financial, emotional or other.

⁴ Para 2.2

⁵ Para 2.3

⁶ Para 2.4

⁷ Para 3.2

The job of ODR is not to reconcile the weaker party to an unjust fate: it is to provide an adequate means of attaining justice. Designers of ODR have to rise to the challenge of working to this standard. If they do not, then there is severe danger that new systems will fall victim to the predictable arguments of lawyers that they deliver inferior service and that, if developers do not take a strong enough stand on this issue, they will collaborate in doing so.

The initial target of the proposal, as contained by the terms of reference to the committee, is small claims – similar to the BC Conflict Resolution Tribunal but different from the *Rechtwijzer* with its initial concentration on family and consumer cases. The defects of the current system in England and Wales are well explained in the report.⁸

The current ‘small claims track’ in the civil court system is designed for less complex cases – those usually up to a value of £10,000, and personal injury and housing disrepair claims up to a value of £1,000. Small claims cases make up almost 70% of the total number of hearings in the civil courts, even though the number of small claims going to hearing has decreased over the past 10 years from 51,046 in 2003 to 29,603 in 2013. Despite the simplified and informal procedures, it can take more than six months for a small claims case to reach a hearing before a judge.

The statistics in this paragraph encourage me to be such an advocate of ODR in England and Wales. It is pretty clear that small claims court hearings are being reduced by near enough a half in a decade by a combination of substantial cuts to legal aid and massive hikes in court fees. ODR represents one way in which unit costs might be reduced such that more citizens will come into the system. And, there is an important point from the report’s three tiers. Success would mean that higher numbers entered for initial advice in the first tier than whatever is their current equivalent and, only if dealt with properly in the first two tiers, one could live easier with fewer cases being determined in the final phase.

⁸ Para 7.3

The report contains an unimpeachable endorsement for state-provided adjudication:

a primary role of the state in a democratic liberal democracy is to provide an affordable and accessible public dispute resolution service with an independent Judiciary at its core. We acknowledge and welcome the work and services of the ADR community, which often provides a private sector alternative to the courts but we maintain that the health of a legal system and the rule of law itself depend on the existence and widespread use of a public court system that applies, clarifies, and develops the law through decisions that are authoritative, enforceable, final, and can set precedent. However, this ... does not preclude the possibility of judges providing this service across the Internet. Nor need it limit the role of the courts to dispute resolution.⁹

It also acknowledges - but does not take a line on - a potential problem for ODR. This is compliance with the requirements of the fair trial provisions of the European Convention on Human Rights.¹⁰ These require from criminal cases and some civil ones a 'public hearing' but this is for another day:

There is some debate in the ODR community as to whether an online dispute handling process of the sort that we recommend would provide a fair trial. In respect of Tier 3 of HMOC, we see no reason why traditional principles of natural justice (requiring that parties are given an opportunity to plead their cases and that judges are independent) cannot be achieved in using a transparent ODR process that is governed by a clear set of rules. Similarly, we have concluded that well-conceived ODR can provide a fair hearing under Article 6 of the European Convention on Human Rights.

⁹ Para 9.1

¹⁰ article 6

We are, however, monitoring the work of Spain's Mr Jordi Xuclà, a member of the Parliamentary Assembly of the Council of Europe, who is preparing a report on the human rights implications of ODR.¹¹

Also whacked into the long grass - at least for now - is any argument about access.

One concern that is commonly raised in connection with ODR is that its compulsory use could greatly disadvantage those who do not use the Internet. This is an important issue and one on which one of our members has recently written at length.¹² While it is important that ODR does not create new problems of access to justice, it is also crucial that the current level of Internet usage in England and Wales is grasped. The 2013 edition of *The Internet in Britain* (the biennial analysis of Internet usage produced by the Oxford Internet Institute at the University of Oxford), establishes that 78% of the British population are now users (of whom, 65% 'used at least one of a set of government information and service delivery applications in the past year'). While the balance of 22% is certainly a significant proportion, it transpires that only a small fraction of these non-users 'definitely' have no-one who could assist them. This suggests that around 5% of the adult population are in fact out of reach today, which is a smaller proportion than is popularly assumed.

Nonetheless, we cannot assume that all Internet users will be able to use HMOC confidently. We suggest that those who are unable to use the service (and this minority group itself is likely to shrink over time) should be given special support by officials at HMOC in the future rather than delay or prevent the introduction of ODR into the court system of England and Wales.¹³

¹¹ Para 9.3

¹² Yes. This was me. See *Digital Delivery of Legal Services to People on Low Incomes* (2014) at www.thelegaleducationfoundation.org

¹³ Para 9.5

This somewhat skirts over the issue of those who may have physical access to the internet but yet are not be able to use it. If you include those who get help from what the Oxford study calls 'a proxy' - such as a friend, family member or other assistant - then physical access is probably pretty well total. However, there may be other barriers such as those of culture, language and adequate cognitive skills which are not so easily wished away. Nonetheless, it seems legitimate to argue that we will not know the full extent of barriers to access unless we set up a process of which users want to avail themselves.

This report may - or may not - lead England and Wales to follow British Columbia and the Dutch into the establishment of cutting edge ODR systems. Professor Richard Susskind's capacity to drive through a reform on which he has fixed his mind should not be underestimated. A personal judgement would be for an immediate decision in principle in favour of a major experiment with ODR. There is enough already visible in the plans for BC's Civil Resolution Tribunal and the Dutch *Rechtwijzer* to suggest that there are serious advances to be made. There might be two caveats. 'Wait,' you might tell any Minister who asked. 'Just see what the lessons there are from Canada and the Netherlands and then proceed to implementation no sooner than a year after they have been running and have ironed out all the bugs and identified the problems'. You could also detach the first advisory tier from the second and third. In England and Wales, it would make much more sense to integrate advice websites into the first tier that have been developed in the NGO sector rather than seeking to build up a *Rechtwijzer* type advice website from first principles.

Whether or not anything comes from this report it is still worth reading particularly until we have a further report which summarises developments as at a later date.

4. The Netherlands

Three contributions follow on the Dutch *Rechtwijzer*. The first two relate to research undertaken on the first version (*Rechtwijzer 1.0*) which had the prime function of signposting users towards resolution of their problems. The third is a report on the more ambitious latest version of the programme (*Rechtwijzer 2.0*)

4.1. A review of ‘Online Legal Advice and Conflict Support: a Dutch Experience’ (E Bickel, M van Dijk, E Giebels)

Roger Smith

The Dutch *Rechtwijzer* website has taken the world of digital legal advice by storm. We now have the first report of a Dutch research project evaluating the effectiveness of the *Rechtwijzer* in its original form (Version 1.0). This is *Online Legal Advice and Conflict Support: a Dutch Experience* by Bickel, van Dijk and Giebels, published by the University of Twente in March 2015 (available on the website of the Hague Institute for the Internationalisation of Law, hiil.org, or of the University of Twente). It takes the form of a longitudinal survey of the usefulness of the website over time by measuring how users begin in terms of skills, stress and competence. Then after a short period (1-5 weeks) and again later - in further work to be undertaken - the position in the longer term, 3-6 months later. The research looked at both family and consumer problems.

The report happily quotes *Face to face legal services and their alternatives: Global lessons from the digital revolution* in its introduction as naming the *Rechtwijzer* ‘as one of the frontrunners in the digital delivery of legal aid.’¹⁴ And, the *Rechtwijzer* is surely a game changer. Its user-orientation and accompanying interactivity sets a new standard for websites delivering legal advice and information. At the moment, it stands head and shoulders above any comparator website around the world. Sustaining such a judgement on an empirical basis would take a rather different methodology than this study - which is no criticism of its approach - just an indication that there are different ways of undertaking an evaluation.

¹⁴ p4

At some stage, the *Rechtwijzer* is going to have to be tested against the criteria of the more sceptical in its audience notably:

1. What proportion of the population (particularly that historically eligible for publicly funded legal aid) can be shown to derive benefit from website-based provision (ie how many are excluded by reasons of lack of access and adequate skills such as literacy?)
2. Does *Rechtwijzer 1.0* meet its objective of adequately signposting users to effective (and preferably conflict reducing) solutions to their problems?
3. Does it do this better than traditional individualised assistance?
4. Does it adequately 'red flag' out those cases (notably involving domestic violence in the family) for which legal representation is available (in most jurisdictions) and desirable (in all)?
5. To what extent does website-based provision depend for its greatest effect on integration with some measure of individualised assistance and what form of such assistance works best and provides most value for its cost?
6. How good is the advice and information provided and, in particular, does the *Rechtwijzer* adequately protect the rights of weaker parties - traditionally women in family disputes?
7. *Rechtwijzer 2.0* does inherently a different job than the first version: it is designed to go beyond signposting and provide a means of resolution itself. Given that, are there lessons from the study of *Rechtwijzer 1.0*?
8. For those like myself who assert the *Rechtwijzer's* superiority over traditional non-interactive websites, is there any empirical evidence to sustain this argument? For the moment, this study provides us with user evaluations of *Rechtwijzer 1.0* as compared with a control group of non-users.

The core nature of *Rechtwijzer 1.0* is well summarised by the report:

The Legal Aid Board developed *Rechtwijzer* to improve access to justice and legal information. Its primary goal is to encourage self-reliance by improving control over the conflict process and understanding of your own and the other party's positions and motivations in the conflict. It is designed to assist conflict parties in solving legal conflicts on their own where possible, and finding the right kind of help where needed ... *Rechtwijzer.nl* also asks questions that aim to incite self-reflection and reflection on the conflict process. It asks whether visitors generally feel capable of resolving problems themselves or whether they prefer help. In divorce conflicts, visitors are asked to reflect on their and their (ex-) partner's cooperative stances and possible consequences of the divorce. In consumer conflicts, visitors are presented with questions that help them to do a cost benefit analysis of the conflict and possible steps towards claiming their rights. They are asked to reflect on how much the conflict issue is worth financially as well as how important it is to them, how much they have already spent in trying to reach a solution to the conflict, and how much more they are willing to spend. This is then compared to the costs of possible steps they can take towards conflict resolution or claiming their consumer rights.¹⁵

The study does not incorporate any objective or comparative assessment of the *Rechtwijzer* content. It follows users through the process and is concerned with their assessment of their progress - largely through self-produced answers on a seven (sometimes 10) point scale - ranging from 'not at all' (1) to 'to a large extent' (7). To cut to the chase, the study found that the *Rechtwijzer* seemed moderately useful for user orientation to a problem; helpful in complex conflicts (though without objective or external verification) and to have a short term effect on 'self-efficacy'.

¹⁵ para 1.1

The average degree of satisfaction by users of the *Rechtwijzer* was 7.51 out of 10 which does not seem that high - particularly given clients traditional inability adequately to rate the quality of the assistance that they are given. In a way, the most impressive statistic might be the one for the average number of user visits to the website at 3.92: that suggests that people are following it through the process. On quality (out of 7), users rated the attainability of advice they had been given at 4.53 and their likelihood of following it at 4.56. They reported their faith in the advice with pretty well the same statistical number: 4.52. These figures might suggest that there are perhaps questions to be asked as to whether the efficacy of the advice provided could be improved (but see also the following article). More worryingly, users reported no significant difference in their ability to handle their own case after consulting the website or, indeed, in comparison with the rating given by those who did not use the website:

In the first post-test, the *Rechtwijzer* group responded with an average answer of 4.15. This was not significantly different from the pre-test, and thus indicates that their perceived self-efficacy in relation to their divorce had not changed during the time between the pre-test and the first post-test. There were no significant differences between the *Rechtwijzer* group and the control group, meaning neither the *Rechtwijzer* group nor the control group experienced changing levels of self-efficacy between both tests.¹⁶

The website is clearly most used - entirely appropriately because that is what it was designed for - as a first port of call. About a third of those using it had not gone elsewhere before using it. However, there was evidence that users wanted reassurance from elsewhere about its advice:

¹⁶ p25

the data suggests that users were tentative about relying solely on it as a source of advice. On a scale from 1 (not at all) to 7 (to a large extent), the *Rechtwijzer* group reported a preference for a third party checking their agreements made with an average answer of 5.16. ... the most frequent answer was 'to a large extent' (30.0%). This means that the *Rechtwijzer* group found it important that agreements made were reviewed by a legal third party. The same can be said for the control group. They gave an average answer of 5.50, which is not significantly different from the *Rechtwijzer* group.¹⁷

The majority of the users were female and in a weaker position than their ex-partners which makes the need for support particularly necessary:

In ... divorce ..., most respondents were married and had children under the age of 21. This made them more dependent on their (ex-) partner, increasing the need to end the relationship on good terms. Moreover, participants going through a divorce experienced a high level of dependence asymmetry, meaning they felt more dependent on their (ex-) partner than vice versa. Women were more likely to be disadvantaged in terms of dependence than men. The high conflict stakes were also reflected in the relatively high percentage of respondents who reported additional concerns besides their divorce, mostly financial concerns such as an impending decline in income or serious debts.

Economic asymmetry between the parties places an imperative not only on them to end on good terms, of course, but also on the *Rechtwijzer* to provide a just result that minimises the impact of relative poverty and dependence.

¹⁷ p31

The final conclusion of the researchers was that:

Taken together, these results indicate that particularly people dealing with serious conflicts, which are characterized by high levels of escalation and stress, seem to find their way to *Rechtwijzer*. In addition, respondents evaluated *Rechtwijzer* very positively. First results suggest modest effects of *Rechtwijzer* on self-efficacy beliefs. This indicates that *Rechtwijzer* is a source of legal aid and support, especially at the outset of conflicts and for low income groups.

So, we can summarise thus. People are using the *Rechtwijzer* and for serious cases. They evaluate the process positively. We cannot yet correlate *Rechtwijzer* assistance with improved capacity for users to help themselves but it seems useful as a way of scoping the issues at the beginning of disputes. It is not quite clear from the research why it should be a source of legal aid support for those on low incomes - save for the logical fact that nothing else may exist.

The findings of the research are not perhaps quite as positive as might have been anticipated. They may suggest that more work may need to be done on content of *Rechtwijzer 1.0* and that there would be a role for an objective qualitative assessment of the advice provided. They are not immediately suggestive that the next step should be *Rechtwijzer 2.0* - although, in some ways, the new version is such a new product that it raises new issues to be explored, because it is intended to incorporate levels of assistance and resolution within it. As the University of Twente progresses with its research (this is but the first phase), it would be really helpful to develop an approach which would address the eight key questions posed earlier in this review. Examples of the objective testing of advice provision exist from before the days of the internet. Duncan Forbes, for example, co-authored a study entitled *Citizens Advice Bureau and Housing Advice*, which was published by the National Association of CAB in 1990. Something is not quite in synch: the research is not showing up the level of achievement of the *Rechtwijzer* that its supporters would intuit. Why is that?

4.2. Rechtwijzer 1.0 Research: A comment on Roger Smith's Review

Marian van Dijk

PhD student at the University of Twente

I have read Roger's review of our research. In general, I welcome it but there are a number of issues which I think should be highlighted. Fundamentally, the nature of the report should be understood. First, it was only ever intended as interim. As such, we have focused on two data points in time; user's experience directly before and after using *Rechtwijzer*. The full study design also incorporates a third data measurement point, tapping into the long-term effects of *Rechtwijzer*. Secondly, this initial report is mostly descriptive. In the final version, we will run more powerful statistical analyses. Those will allow us to better examine effects over time. It will also allow us to control for factors such as personal characteristics, types of third parties used and relationships between the conflict parties. We hope to match respondents from the control group to *Rechtwijzer* visitors in similar situations, in order to study the effect of *Rechtwijzer* under various circumstances. Thirdly, this study is part of my doctoral thesis, which takes a primarily psychological perspective. This is one of the primary reasons why it looks at the (subjective) experiences of conflict parties and use self-report data. In the final version we will also include behavioral data based on website use.

This context means that the current report covers certain aspects of evaluating *Rechtwijzer*, and does not cover others. Clarification regarding these choices might be helpful.

1. We have focused our inquiry on the aim of *Rechtwijzer*: to increase access to justice and legal information (sometimes by referral), and to increase self-reliance in the constructive resolution of conflicts. It does so by:
 - Promoting reflection on the conflict, and offering the tools for reflection online, rather than in a face to face conversation with a (legal) professional
 - Offering procedural information, with a focus on self-reliance. This information is offered in the form of 'routes' which are adapted to consumer conflict or/ marriage or other cohabitation form with or without children and include extra information or referrals for other procedural factors such as owning a business in a divorce.
 - Offering online tools or links to online tools, which conflict parties can use to prepare themselves for the conflict.
 - Presenting all of the above in an accessible and clear format.

As such, the goals of *Rechtwijzer* are ambitious and the intervention is innovative in design and approach. The data shows that people come back to visit *Rechtwijzer*, which suggests an important role for the step by step format of procedural information, and/or the tools. The improvement in access to justice is thereby articulated mostly in the structuring of information. The improvement in self-reliance is articulated in the greater sense of control over the procedure (because of the structured nature of the information, the grasp of the process might be greater as well) in addition to the tools with which individuals can prepare themselves.

We believe that the user experience of *Rechtwijzer* is important to its evaluation, as self-reported data generally has a high correlation to actual behaviour. We find that people indeed report a higher ability to cope with the conflict due to *Rechtwijzer*. We also find that people evaluate *Rechtwijzer* positively. Related to this point, we should state that in the Dutch system, a grade of 7.5 out of 10 is quite high, because the grades of 9 and 10 are very rarely awarded. The recommended conversion of a 7.5 grade to the UK system would be an A-¹⁸. However, Roger rightly points out that we find relatively few effects. We can offer a few possible explanations:

- As said, this first report is mostly focused on descriptive information. We might find more effects in the next report, when we hope to zoom in on the data and control for circumstances of the conflict, the conflict process, or characteristics of the conflict parties. This might be especially important in divorce cases, as a divorce in the Netherlands always requires involvement of professionals who will also have a significant impact on the same outcome variables as *Rechtwijzer* will have.
- *Rechtwijzer* focuses on procedural information and refers to other websites for further information on legislation and possible solutions. Although many of these websites are also managed by the Legal Aid Council, the focus groups and individual qualitative tests of *Rechtwijzer* suggested that this may sometimes dampen the enthusiasm of users, who expect a comprehensive package of all information on one website.
- Effects of *Rechtwijzer* might particularly become visible in the long term, when the preparation and reflection, and increased self-reliance and focus on constructive problem solving, have steered conflict parties to outcomes and conflict processes they evaluate more positively, possibly with less escalation.

¹⁸ www.studyinholland.nl/documentation/grading-systems-in-the-netherlands-the-united-states-and-the-united-kingdom.pdf

2. Roger suggests a review of the content of *Rechtwijzer*. This could indeed be an important step in the evaluation process. First of all, an expert evaluation would give an indication of the quality of the information presented. To the best of my knowledge, the content of *Rechtwijzer* was not only prepared by legal professionals but also checked by other legal professionals.

Secondly, a qualitative review by users or possible users would give a more detailed user evaluation of the content. In the last development stages of *Rechtwijzer*, both individuals who had gone through a divorce and those who had not, were invited for focus groups and individual qualitative (think aloud protocol) tests. A description of this iterative process is available in the Monitor publications of the Legal Aid Council.

3. For comparison and an evaluation of access to those legal aid products that the Legal Aid Council offers, we refer to the work done by the Monitor team of the Legal Aid Council. Our report only looks at conflict parties at the start of the process. In the follow-up research we will be able to offer a better description of the use of third parties by the control group versus *Rechtwijzer* visitors.

4. Roger points to two vulnerable groups that deserve specific attention. We fully agree that in evaluating any tool which aims to increase access to justice, these groups deserve attention. *Rechtwijzer* promotes reflection on one's power position vis a vis the other party in the conflict. The information offered to visitors does not differ depending on this position, but visitors do receive tools, and referrals to professionals who can help, to better prepare themselves. Whether this is enough to impact the power balance between parties is an interesting question. In the follow-up research we will look at how asymmetries affect evaluations of process and outcome. By matching with the control group, we can examine more powerfully whether the use of *Rechtwijzer* interacts with asymmetries to affect these evaluations of process and outcome.

Secondly, victims of domestic violence should be flagged by the system. In *Rechtwijzer*, they receive information pertaining to the available additional help in situations of domestic violence. As a relatively high proportion of visitors reported domestic violence, the final questionnaire includes a question that will measure domestic violence more precisely by asking about the intensity and type of violence. Through this question, we will be able to determine whether the question originally posed in *Rechtwijzer* adequately discriminates between high and low risk cases.

5. Roger rightly asks for a more explicit elaboration on lessons learned for the future, based on this evaluation of *Rechtwijzer*. First of all, we believe insight into the types of conflicts visitors to *Rechtwijzer* deal with, and their experiences of these conflicts, offer important lessons for future designers. For example, the large range in the amount of money involved in consumer conflicts suggests that the cost benefit tool that is incorporated in *Rechtwijzer* for consumer conflicts, is important and could be developed further. The relatively large proportion of visitors who report domestic violence in divorce cases first needs further analysis, but perhaps calls for a separate routing for those cases through the *Rechtwijzer* portal.

Additionally, the self-reported higher self-efficacy beliefs in combination with the repeat visits to *Rechtwijzer*, in our view, underscore the importance of the clear and structured format which offers procedural information in a step by step plan and the tools with the help of which people can prepare themselves for the process. In the final study we will try to narrow this down by looking at user clicks of *Rechtwijzer* visitors and see if there is a relation between which parts of the website were visited and for how long, and effects and evaluations of *Rechtwijzer*.

6. Finally, we want to address an important lack of clarity on our part: The question pertaining to the need for a third party check, on page 31 of the report, referred to the need for a professional third party, such as a lawyer or judge, to evaluate final divorce agreements as drafted by the (ex-) partners. This particular question was included as an indicator for the popularity of the 'review' feature of *Rechtwijzer 2.0* and is not related to the evaluation of *Rechtwijzer 1.0*, as the older version of the divorce - and parenting plan was not a feature of *Rechtwijzer 1.0* but a separate website.

4.3. Rechtwijzer 2.0: an update

Corry van Zealand

**Head Justice Innovation Lab, Hague Institute for the Internationalisation of Law
Managing Director Tisco-Tilburg University**

The Beta version of *Rechtwijzer Divorce and Separation* was soft-launched in November 2014.

The Legal Aid Board and HiiL adopted a cautious approach, making sure that the pilot phase would take place in a controlled environment with prompt technical and other assistance to the first clients. No publicity is sought during the pilot phase. The only reference to the new platform has been made on www.echtscheidingsplan.nl, on which the Legal Aid Board provided the now redundant divorce and parenting plan. Couples and individuals using the divorce and parenting plan 1.0 received an email in September 2014 that the application would go offline in December. They were informed about the alternative – *Rechtwijzer Divorce and Separation* – and invited to proceed on the new platform. Also new visitors of www.echtscheidingsplan.nl are referred to *Rechtwijzer Divorce and Separation*.

Contact Centre

A contact centre was set up to assist both clients and service providers in the pilot phase. Clients and service providers get in touch by phone and email, mainly with technical problems. Issues that cannot be solved by the contact centre are referred to HiiL and, if needed, to Modria. A protocol for solving these issues is in place. Urgent issues are resolved within a few days.

In addition, the Legal Aid Board has a generous refund policy. Up until 5 March, 10 users have received a refund of 50 euros each due to technical problems that could not be solved within a few days. One received a refund of € 50 + the costs for the review. These users were interviewed afterwards. They indicated that they understood that working with a Beta version could come with technical problems. They also indicated that they probably would use *Rechtwijzer* once it was fully developed, but at this stage of their case they found it too difficult to cope with bugs.

Other questions received by the Contact Centre are about *Rechtwijzer* (what is it, how does it work, what are the costs); how to convince the partner to use *Rechtwijzer*; and very practical questions ('we push the review button but we want to change something in the arrangements we've made in the previous phase. How to get back?').

Service Providers

The pilot phase started with eleven service providers, all certified family lawyers, who offer their services on *Rechtwijzer* as mediator, adjudicator or reviewer. This pool is now extended as more people come to the platform.

Statistics (as at 27 March 2015)

Phase	Numbers
Intake	68 are now in the intake phase; 24 having finished intake, are waiting for their partner to join
Dialogue	41 couples have initiated negotiations
Mediation	1 couple has initiated mediation
Adjudication	1 couple has initiated adjudication
Review	3 cases have finalised the dialogue and are now in the payment process preceding review; 1 case has paid and is waiting for a reviewer to be appointed; 9 cases are in the review phase; 13 cases have passed the review phase and have been submitted to court
	Most cases are still pending, court decisions are expected any day now. 1 case has been decided by court and has been finalized.
Total	160 (both people and cases)

These first clients are very likely former users of the online divorce and parenting plan and visitors of www.echtscheidingsplan.nl. About half of the clients are eligible for legal aid, which implies that *Rechtwijzer* seems to be able to reach the target audience of public legal aid.

Process Flow

People start with the diagnosis on *Rechtwijzer*, which is free. They proceed to the intake, for which they have to pay (€50 at the start and €40 when they enter the review). After finalising the intake, an invitation is sent to the partner. Once the partner has accepted the invitation and has finished the intake, both parties enter into a dialogue (free). If they get stuck they can call in the online assistance of a mediation and/or adjudicator (€180 per person for mediation/€18 per person if eligible for legal aid, and €120 per person for adjudication/€12 per person if eligible for legal aid). When all topics have been agreed upon (or have been adjudicated) the parties proceed to the mandatory review by a lawyer (€150 per person/€15 if eligible for legal aid). The reviewer checks whether the arrangements in the divorce plan are legally, financially and practically valid, and sustainable. If this is the case, the reviewer will submit the joint request for divorce to court.

First experiences

Both HiiL and the Legal Aid Board collect continuous feedback from clients and service providers.

- On-going client satisfaction surveys have been held, calling clients and asking them about their experiences;
- One session was held with two of the reviewers.

Clients report:

- *Amicable divorce*: all clients seem to be able to communicate reasonably well with each other. Some of them report sitting next to each other while working on *Rechtwijzer*. Some say *Rechtwijzer* enables cooperation.
- *Process and costs*: Many tell us they like the structure and the step-by-step process (“being guided through an unfamiliar process”). Being able to work in their own time and tempo is a positive feature, as are the low costs.
- *Technical issues*: users experiences teething problems. Of course this was annoying, although most clients were very understanding and happy with the assistance from the contact centre.
- *Unclear interaction*: what was missed were alerts for changes in the dialogue, and for messages sent by the reviewer, which were not noticed;
- *Wish list*: informative are the wishes for improvement, such as more information and check lists; being able to print the divorce plan; having the reply time time-boxed; a button between dialogue and review; the option to go back from review to dialogue.

The reviewers paint a slightly different picture:

- *Collaboration with clients*: arrangements made by parties tend to be very brief (“X will take on all debts”) or postponed (We’ll sort this out later”; We don’t want any alimony”) although arrangements for the children are more elaborate. Reviewers indicate they miss the underlying information: how did the parties come to the agreement; what were the considerations; do they understand the consequences of the agreement, does it fit in the whole package of arrangements, etcetera. Some reviewers started working with clients by phone as they were not satisfied with the arrangements made and the chat and text box in the review section did not work as envisioned (no alerts; text disappeared (bug); limited words in chat/text box).
- *Separation plan*: the legal version of the separation plan is insufficient (related to first point and to the format);
- *Technical issues*: service providers too experienced teething problems.

On-going improvement

Different improvement processes are in place.

Priority: helping clients and service providers: Urgent technical problems are solved as soon as possible (within a couple of days). Issues that can wait will be fixed in the next release.

Design: the platform is being improved constantly. Currently HiiL is implementing model solutions in the intake and dialogue, which will help clients to make more elaborate, detailed arrangements. This will also tackle some of the problems mentioned by the reviewers (too brief or postponed arrangements; legal version of separation plan).

Monitoring and client satisfaction processes: currently clients and service providers are interviewed by phone. We are now developing a sophisticated nine-point user evaluation plan for constant user feedback, which will be replicated to other justice journeys and jurisdictions that have implemented *Rechtwijzer*. The goals of the plan are:

- Optimization of the usefulness of feed-back users, for learning purposes
- Optimization of the usefulness of data for marketing purposes
- Optimization of the response rates, not overload users
 - So ask different groups of users different questions if we want more information
- Optimization of the links between data, using identifiers
- Optimization of the link to earlier data collection (Legal aid monitor, HiiL surveys, other client organization tools with longitudinal data).
- Ensure comparability between different jurisdictions, justice journeys and manage effects of selection, by having the right demographics available

The nine processes are:

1. Semi-structured, initial interview users:
 - a. Currently done by contact centre;
 - b. Should be further optimized.
2. Survey after each phase on *Rechtwijzer* using measuring access to justice methodology merged with questionnaire used by the Legal Aid Board for the Legal Aid Monitor.
3. Survey six months after the divorce process on *Rechtwijzer* has been finished.
4. Survey among people dropping out of the platform.
5. Data from the system (provided by Modria).
6. Google analytics.
7. Focus groups with users and service providers.
8. User ratings:
 - a. Of service providers, to be put on the website;
 - b. Of tools.
9. External research by Twente University.

Other developments

Rechtwijzer Landlord – Tenant Netherlands

The Legal Aid Board, the Rent Tribunal and HiiL have started work on the new Landlord – Tenant Module. We expect it to be ready in September/October 2015.

Rechtwijzer Debt - Netherlands

The Legal Aid Board and HiiL have started work on *Rechtwijzer Debt*, which will be limited to diagnosis and triage.

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