Civil [Justice] Engineering

- Maintaining and Strengthening Bridges to Justice Through Iterative Evaluation Techniques -

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Innovative Techniques for Fostering the Development of Thriving Justice Systems

Over the years, in many communities, the bridges that created access to justice have gradually deteriorated or failed. Aging bridges need repair and new bridges need to be built or strengthened. One way to maintain and strengthen these bridges to justice can be through innovative approaches to program evaluations. If jurisdictions and organizations create processes for iterative evaluation of justice programs, collect meaningful, actionable data, and seek continual feedback from stakeholders, the bridges to justice in each community can be sustained and strengthened.

Over the last 10 years, we have worked with legal services organizations, advocates, organizers, government, community-based organizations, courts, plaintiffs and defendants in civil matters and their counsel, and other stakeholders to develop methods of data collection, integration, and analysis that have facilitated dialogue and advanced reform improving access to justice. Simultaneously, this creates an ecosystem of organizations that can work together to continue to use these techniques to advance access to justice in the years ahead. In some instances, this approach has contributed to historic legislation and new rights to legal representation. In other instances, this approach has provided pathways to gradual improvement in access to justice sustained to create lasting and transformative change over time. It is important to note that in certain instances, such improvement can materialize through the identification of challenges or failures and the development of recommendations for improvement based on a collaborative understanding of the issues and solutions. In our work, it has been essential to identify, as much as possible, what is working and what is not working – continually seeking to understand and refine what is not working, and to reinforce what is working.

Reforms in areas of civil access to justice can often be a decades long endeavor. Organizers, community-based organizations, civil legal services organizations, bar associations, courts, and countless local stakeholders are often the backbone of transformative change and local access to justice reform in many communities. In the

pages that follow, we will discuss how our work has contributed to the effort of local stakeholders. This should not take away from the work of many local stakeholders who work together to pursue ecosystem change in their communities. Nor should the pages that follow be taken to suggest that the only means of achieving change is through the methods we describe. Further, we do not intend to suggest that cost effectiveness should be placed at a premium to equity or other considerations. Rather, there are many ways in which reform has been, and will be, achieved and sustained. We simply and humbly offer our experience as a contribution to and consideration for further efforts to sustain and refine local reforms related to access to civil justice.

This paper will review the development and application of these varied techniques, discussing each individually and the synergies associated with a comprehensive, integrated, independent evaluation and implementation.

Developing a Shared Understanding of the Ecosystem

Before we can assess what is needed, or imagine what could be, it can be helpful to develop a shared understanding of the local justice ecosystem. In our role as non-lawyer, non-local, independent advisor, we begin our work mindful of the limitations of our knowledge and awareness. We seek to develop an independent view of what is known and what is not known - of the limitations and barriers (funding, staffing, experience, expertise, technology, infrastructure, outreach, awareness) as well as opportunities. We work to appreciate the history of the local ecosystem that we now observe in the present – the history of policy, practice, and purpose. The history of development, progress and innovation. And the history of harm, trauma, destruction, displacement, racism, and fear.

Throughout our work, among the questions we must seek to understand is the disproportionate impact of inequities in justice systems on communities of color, women, persons with intellectual and developmental disabilities, persons with low incomes and other disadvantaged communities. We seek to acknowledge when a history of racism and racist policies as well as various exclusionary laws, policies, practices and systems have disproportionately impacted these communities and have contributed to the circumstances people are facing today.

Through phases of intentional, genuine, authentic stakeholder engagement, listening, and information gathering we seek to develop a shared understanding of the justice ecosystem dynamics. While this is unlikely to create unified agreement on all aspects of the justice system and potential opportunities for change, areas of common understanding (of things that are known and what is not known) create pathways for continued dialogue and collaboration through the course of our work.

The Role of Comprehensive, Iterative, Independent Program Evaluation

The traditional approach to program evaluations and impact analyses often includes identifying a benchmark measure, implementing a new program, waiting for the program

to expire or the grant period to end, and then evaluating outcomes of the program relative to the benchmark. We approach program evaluations and impact analyses differently. Instead of solely performing an evaluation at a program's end, we begin the program evaluation as soon as the program begins or before implementation during the program design phase. Our approach of comprehensive, iterative, independent program evaluation generally centers on four primary themes:

- Designing, expanding, and integrating data collection based on feedback from local stakeholders and persons with lived experiences
- Collaborating with and seeking continuous feedback from a broad range of local stakeholders
- Sharing data and insights to create an iterative dialogue that centers on listening, learning, and discerning
- Considering the fiscal sustainability of a program and the potential return on investment from several perspectives

The development and use of this method for conducting evaluations was intentionally designed to achieve multiple objectives:

- Comprehensive understanding of client circumstances and goals
    - Asking clients what they hope to achieve in their case
    - Expanding or enhancing data collection to create a robust understanding of the variety and combination of circumstances clients are facing
- Detailed understanding of client outcomes
    - Focusing on the frequency with which clients' goals are achieved
    - Developing techniques for segmenting clients based on case and personal circumstances to create a spectrum of services providing effective assistance
- Assessment of social safety net responses that may be avoided (fiscal impact), such as:
    - Emergency shelter, rapid re-housing, transitional housing
    - Out-of-home foster care placements for children experiencing homelessness
    - Increased public spending on mental and physical health care
    - Educational impacts to children and potential lost funding for public schools when families with children migrate out of the jurisdiction
    - Costs associated with policing, particularly the criminalization of poverty and homelessness
- Organizational change toward data driven, strategic advocacy
    - Engaging with staff through data collected
    - Identifying what type of information or data would be impactful to collect that could be used strategically for advocacy purposes or for identifying opportunities for impact litigation or law reform
- Strengthen community and stakeholder relationships

- o Including a myriad of local stakeholders in the iterative evaluation process
- o Creating processes for continuous engagement through sharing of data, findings, observations and seeking feedback to be used in iterative improvement throughout the justice ecosystem
- Learn from the views and perspectives of other stakeholders
  - o Ensuring different perspectives are considered – including those of adversaries
  - o Identifying opportunities for partnerships and collaborations for systemic change that could be beneficial across stakeholders
  - o Leveraging the knowledge and expertise of local stakeholders to ensure reasonable understanding and interpretation of data and trends
- Identification of needed complementary reforms or program expansions
  - o Expanding or structuring data to enable multi-variable analyses that can be used to identify common client or case characteristics where other interventions or services would be assistive
  - o Considering the financial cost of service delivery and opportunities use a spectrum of services or interventions that effectively match client needs

This technique is as much about what the evaluation is attempting to measure, as ***how*** it is being done. This method of evaluation is designed to help foster a justice ecosystem that can continue to thrive long after the evaluation is done. The evaluation report serves as an output – but the method of evaluation enables ongoing dialogue, refinement, innovation, and collaboration long after the evaluation work-product is completed. In many instances, the reason for completing an evaluation should not simply be to measure an output or report on what has already occurred. Rather, the reason to undergo evaluation is to learn from the process of evaluation and develop the capacity to sustain continual evaluation techniques as part of the ecosystem design. Infusing these techniques in the ecosystem enable stakeholders to change organizational culture, create stakeholder engagement, identify pathways for advocacy, pursue policymaker engagement, and continually evaluate and re-evaluate the health and efficacy of the justice ecosystem. Iterative program evaluation techniques create the opportunity for the program or justice initiative to refine, evolve, adapt and grow.

It is important to appreciate the role an independent advisor has in this process. In many of the places we have worked, a tenuous, if not adversarial, relationship has developed between certain stakeholders. Skepticism, frustration, and resentment have eroded the potential for effective dialogue. An independent, and often non-local, advisor can assist in re-engaging stakeholders, empathetically listening to their views and perspectives, and identifying underlying reasons for disagreement, as well as where there may be hidden or unforeseen alignment and shared understanding. An independent advisor may be able to assist in rebuilding bridges of effective dialogue and provide a space for that dialogue to take root long enough that it can be sustained after the work of the advisor is completed.

Designing, Expanding, and Integrating Data Collection Based on Feedback from Local Stakeholders and Persons with Lived Experiences

Legal services organizations, and other local nonprofit organizations, often collect only the data required to comply with funder reporting requirements and to represent a client. In our experience, funder reports often require aggregated metrics, such as the number of opened cases, number of closed cases, number of clients by race and ethnicity, and number of clients by gender. While this high-level aggregated data is sufficient for understanding case volumes and broad client characteristics, it is not very informative or actionable for an iterative evaluation.

As we worked with dozens of civil legal aid organizations across the country, we noticed that organizations are collecting valuable information during intake, through the course of representing a client, and at case closure. The data that attorneys collect about a client, their circumstances, and the potential defenses in a case is valuable and often quite detailed. However, this data is most frequently collected in notes, memos or other text fields or narrative forms. Data in this format is exceedingly challenging to analyze systematically and on a recurring basis. We have worked with civil legal aid organizations across the country to change the way they are collecting data, transforming narrative fields into structured data fields (often with drop down menu options of checkbox functionality) that can be used to build data visualizations.

Developing the structured data fields should be guided by the experiences and expertise of the civil legal services organizations' staff and informed by other research and stakeholder feedback. They have intimate knowledge of how conversations with clients generally unfold and can identify data points that may be challenging to collect, considered to be intrusive, or could potentially jeopardize the rapport and trust they are building with their client. Stakeholders should carefully consider the feedback from attorneys, paralegals, and intake specialists regularly interacting with clients and share that they are deferential to their professional opinions and encourage them to use discretion, particularly when trying to minimize the frequency with which clients must recount or relive potentially traumatic experiences. Feedback from other stakeholders can also inform supplemental data points that could be collected and would be particularly impactful for the ongoing dialogue they seek to have.

When discussing data collection, we are always careful to balance the amount of data collection with the perceived burden of collecting data. Nearly every jurisdiction we have assisted to transform narrative, qualitative data to structured, quantitative data fields reports no material difference in the time spent conducting data collection compared to when that data was being drafted in narrative form. Data collection is not necessarily expanded, and jurisdictions often report that the data we seek is already being collected by staff either through the screening, intake or interview processes, or the natural course of representing and developing a litigation strategy. We seek to change *how* data is collected, not necessarily what data is collected.

With this new, structured data collection, stakeholders can analyze a variety of single data points and combinations of data points. This type of analysis is enabled because data is collected on a client-by-client basis and can be exported in the same format from the civil legal services organizations' case management system to be further analyzed. In our experience, these row-level data exports are significantly more flexible than asking organizations to "run reports." The raw data exports, with a row for each unique client and a column for each unique data field have the flexibility and granularity to develop a dynamic data visualization platform.

The structured data exports from the civil legal services organizations are only one data set that stakeholders can consider for an iterative evaluation. Additional data sets can be collected from publicly available sources (e.g., United States Census Bureau data, court docket data) and may help to inform analyses and further dialogue with stakeholders. In many of our program evaluation engagements, we seek to integrate data sets from civil legal services organizations, the courts, emergency rental assistance administrators, and data sets related to community requests for assistance (e.g., 2-1-1 and 3-1-1). This provides the opportunity to understand and incorporate data from community stakeholders who are assisting residents with a variety of intersecting issues and identify correlations, trends, and patterns among residents and client populations.

Each of the data sets we review from any stakeholder are imperfect. In many instances, the data collection design was created many years ago and intended for a specific, narrow purpose. For example, data collected by the courts is often limited to only the data elements necessary to efficiently process cases through the legal system. It does not capture demographic information about the parties, the full scope of circumstances being experienced by the parties, the forms of assistance the parties may require, or the details of the final resolution of the matter. Often times, the data the courts do collect is stored in text fields that cannot be easily analyzed, are not reviewed to ensure accurate entry, are compromised by various default setting in the case management systems, and cannot be easily extracted to assist with comprehensive analysis of the data that is collected. However, these limitations and imperfections does not yield court system data useless. Quite to the contrary, data from the court system can be very valuable initially to conduct preliminary analyses of filing and representation trends. In addition, the review of court data (like other data sets) can open important dialogue about the importance of additional data elements that could be collected, exploring ways to efficiently collect such information, and demonstrating how if that information was collected what it could be used to inform. This expanded data collection is not recommended simply to enable a study or to test a hypothesis, but rather in an effort to begin to understand the experience of court users and to be able to ask better questions about the potential reforms that could cost-effectively improve the justice ecosystem. Over time, we have seen many examples where local community stakeholders have expanded data collection to enable more strategic use of data and to inform local dialogue about the justice ecosystem. The collection of additional data thus also creates

pathways for engagement and dialogue, while also enhancing the quality and impact of the evaluation work-product.
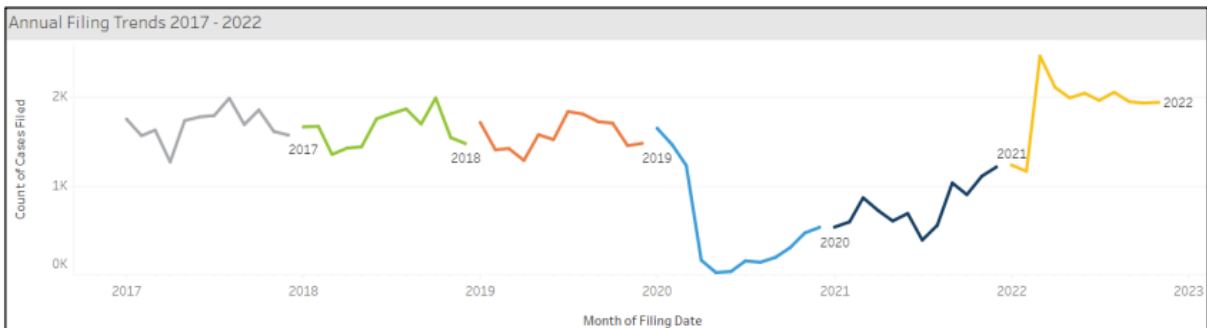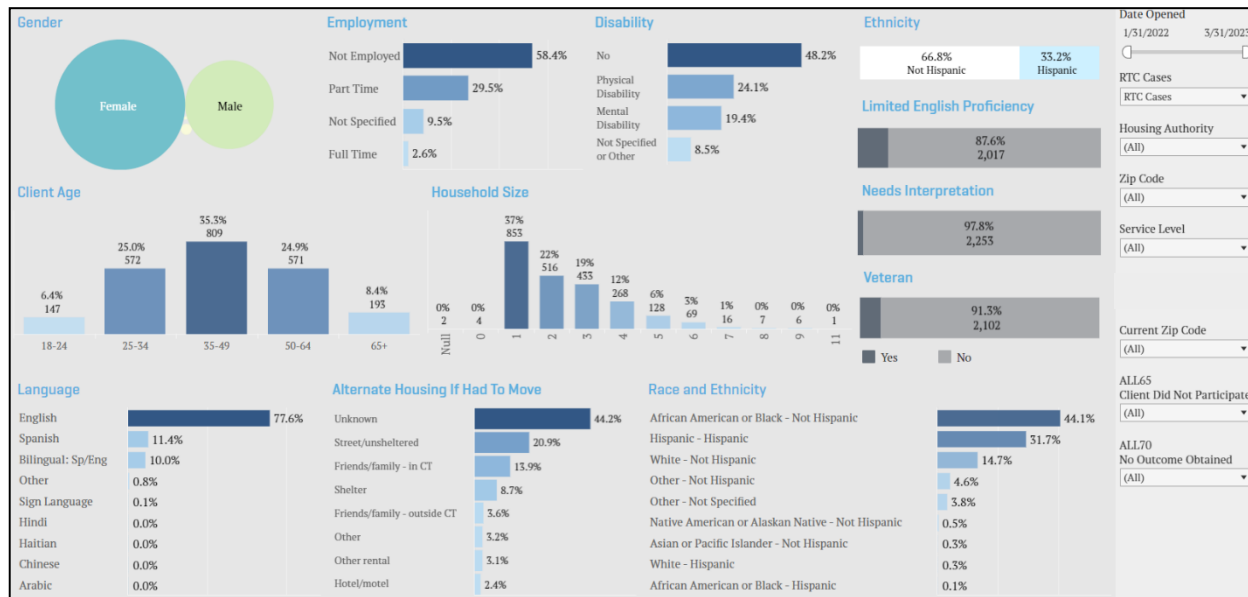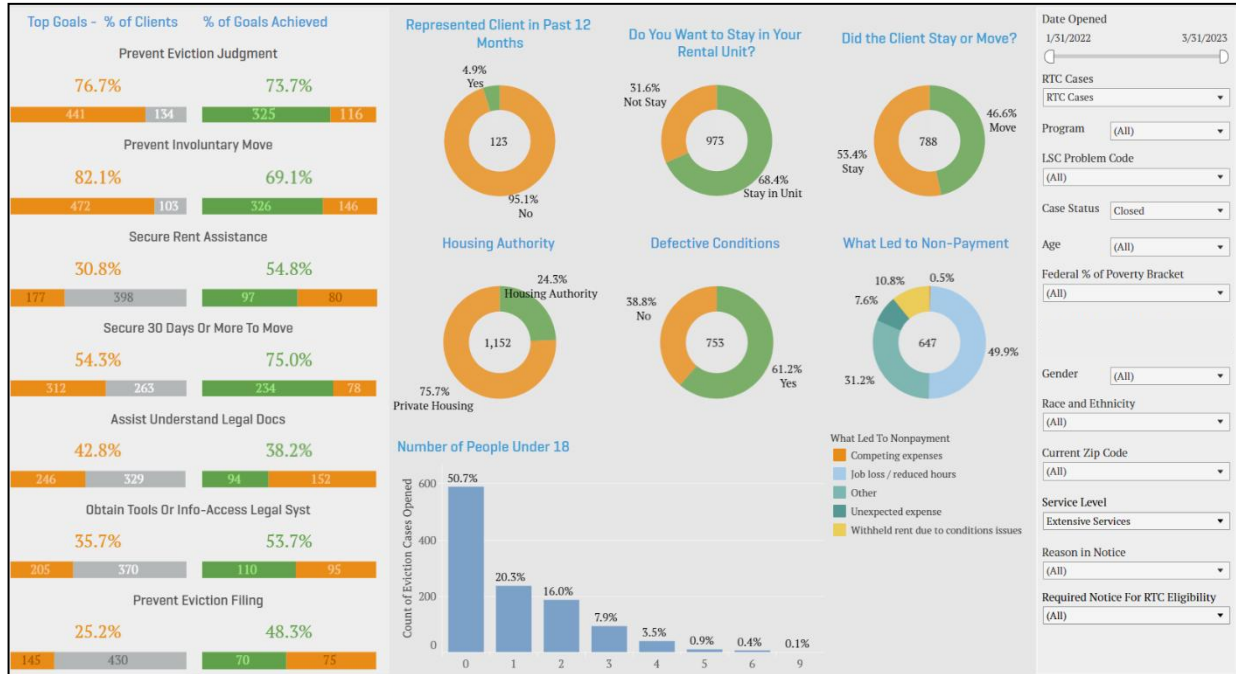
In our eviction right to counsel evaluations, we seek to supplement the civil legal aid providers' expanded data collection with detailed data sets from the local emergency rental assistance providers and the local 2-1-1 call center. The data from the local emergency rental assistance providers give us further insights on the characteristics and circumstances of residents seeking emergency rental assistance and therefore may also experience an eviction filing (and need representation through eviction right to counsel programs). The 2-1-1 call center connects residents with community resources to assist with food insecurity, education and employment, health care, housing, among others. Given that residents, particularly residents with low incomes, often experience multiple challenges at once, understanding the full range of needs was informative and provided more context for specific evaluation analyses. While the 2-1-1 data typically reflects the primary and immediate needs of a resident contacting 2-1-1, we are able to appreciate the complexity of client and community needs by integrating, as much as possible, several data sets.
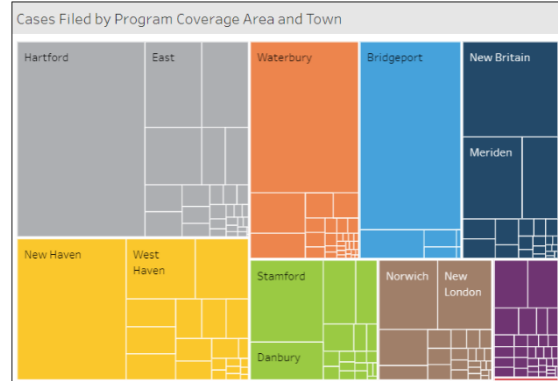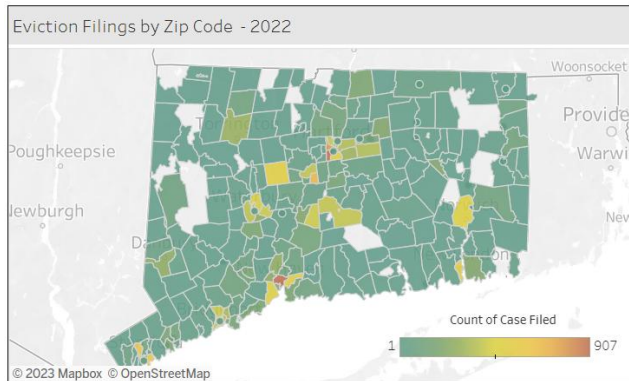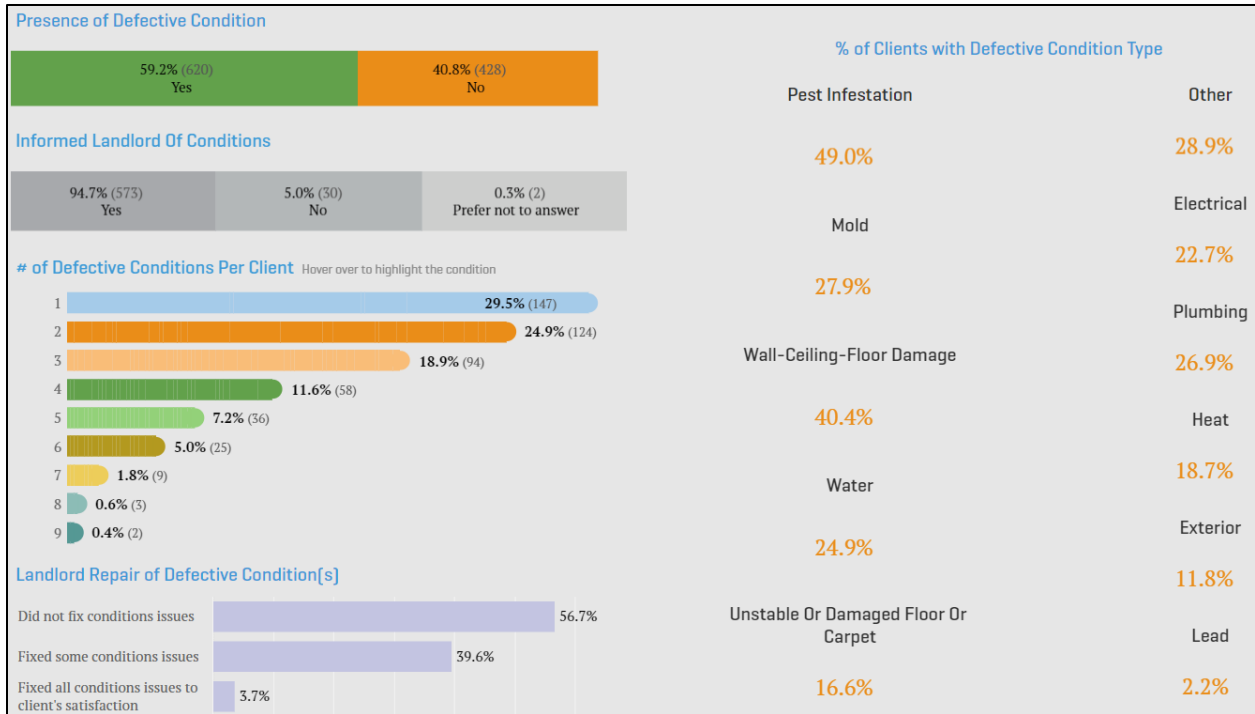
In many instances, local stakeholders and community-based organizations will note that their data and technology infrastructure is antiquated and ineffective, and may also note that they have not developed the skills and expertise necessary to efficiently and effectively analyze data. For this reason, we assist organizations as an external resource with data export, analytics and visualization expertise. We work with organizations to identify ways to export data and import it to a secure database environment that we host. Our analytics are then made available to the stakeholders providing the data through a secure web-based data visualization platform. This minimizes the investment in time and technology the organization needs to make, provides them access to advanced data analytics, and enables them to learn about the benefits of data strategy and analysis as well as the types of experience and expertise they would need to sustain such work going forward.

In many instances, we have observed that the combination of data strategy and access to analysis and visualization can contribute to organizational change. For some organizations, staff have long been interested in contributing to systemic change through data collection and have sought to see the results of the data collection on a regular basis. They have often voiced to us an appreciation for their role as participants in systemic change and their willingness to invest their time and expertise. Enabling this through data strategy and visualization, particularly when complemented with regular dialogue and action, can energize staff and provide pathways for training, mentorship, internal collaboration and advocacy.

The constellation and combination of data sets can create a strong foundation for creating a dynamic data visualization platform. A dynamic data visualization platform can include several different charts (e.g., bar, pie, line or trend, scatterplot), tabular formats of data, and maps. This type of platform can then be made accessible to the

civil legal services organizations, the courts, and other community stakeholders. The data visualizations can be filtered, adjusted to review certain time periods, and updated on a monthly basis as new data is collected by each of the stakeholder groups contributing data to it (examples below).

Presence of Defective Condition

| 59.2% (620) Yes | 40.8% (428) No |

Informed Landlord Of Conditions

| 94.7% (573) Yes | 5.0% (30) No | 0.3% (2) Prefer not to answer |

# of Defective Conditions Per Client Hover over to highlight the condition

1	29.5% (147)
2	24.9% (124)
3	18.9% (94)
4	11.6% (58)
5	7.2% (36)
6	5.0% (25)
7	1.8% (9)
8	0.6% (3)
9	0.4% (2)

Landlord Repair of Defective Condition(s)

Did not fix conditions issues	56.7%
Fixed some conditions issues	39.6%
Fixed all conditions issues to client's satisfaction	3.7%

% of Clients with Defective Condition Type

Pest Infestation	Other
49.0%	28.9%
Mold	Electrical
27.9%	22.7%
Wall-Ceiling-Floor Damage	Plumbing
40.4%	26.9%
Water	Heat
24.9%	18.7%
Unstable Or Damaged Floor Or Carpet	Exterior
16.6%	11.8%
	Lead
	2.2%

Eviction Filings by Zip Code - 2022

Cases Filed by Program Coverage Area and Town

Once the primary data sets (e.g., court data, legal services provider data, rental assistance data, and 2- 1-1 data) are integrated and visualized, organizations should explore the potential to gather and integrate additional data (both row level data and periodic reports) from the homelessness response systems, public education, healthcare, foster care or child protective services, and policing, among others, to identify trends and correlations when possible.

The data sets and related visualizations are intended to facilitate dialogue, identify areas for further exploration, and prompt the development of new programs or service delivery models to improve access to justice and limit the impact that arises when effective assistance is not accessible. Rather than providing "solutions", having access to data presented in a dynamic, user-friendly, easily understandable format presents the opportunity to ask better questions, identify interesting patterns or trends, and begin to understand where there are opportunities to create new programs or refine existing ones.

This data collection and analysis, combined with interpretative feedback from staff and leadership, can demonstrate where certain services are particularly impactful. It can also identify what circumstances appear to be challenging to effectively resolve. This can enable further engagement or advocacy about the need for complementary services designed to address these circumstances. For example, in several jurisdictions that have expanded their client data collection, we have found that approximately 90% of clients who connect with free legal services indicate that they have access to technology to participate in a virtual hearing. However, this also indicates that 10% of clients do not, creating the opportunity to develop means of providing access to technology for these clients when a virtual hearing is necessary. Many jurisdictions that have implemented expanded data collection also center their data collection on the goals of the client in the matter they are assisting with and whether the goals of the client are achieved. These goals could include, but are not limited to, avoiding an eviction judgment, accessing rental assistance, securing additional time to move, developing a payment plan, improving housing conditions, etc. For each, while the programs providing services to these clients are highly effective at helping clients achieve these goals, there are cases where client goals cannot be achieved (to varying degrees). This data provides valuable opportunities to engage with staff about the barriers to achieving these specific goals and considering how these barriers could be overcome.

This data also enables multi-variable analyses that can demonstrate the disproportionate impact of certain circumstances on communities of color, women and other population segments. For example, we have found, through expanded data collection in our eviction right to counsel evaluations, that female eviction right to counsel clients are more likely than male clients to be living in substandard housing, are more likely to have had a previous eviction filed against them, and are more likely to have issues or concerns with the rental property owner or management. Clients identifying as African American or Black and clients identifying as Hispanic were also more likely to have experienced a previous eviction filing and issues with the rental property owner or management compared to clients identifying as White.

Without sufficient knowledge, experience and expertise, the analysis and interpretation of the complex, imperfect data sets can result in misinformed conclusions or observations. In our experience, continued engagement with stakeholders to inform the interpretation of data, and to seek qualitative feedback and context, can ensure independent analysis and observations are well-founded, accurate and helpful in fostering an environment for continued dialogue.

Collaborating with and Seeking Qualitative Feedback from a Broad Range of Local Stakeholders

In our experience, stakeholder collaboration is critical to iterative, independent program evaluation and sustainable implementation of programs and justice initiatives. We often observe that there are a variety of stakeholders assisting clients with the same or

intersecting issues. Unfortunately, there often is not a mechanism to facilitate collaboration or regular, structured knowledge sharing across these stakeholder groups. When stakeholders are aware of one another, aligned on system-wide priorities, and able to make helpful referrals among one another, clients are more likely to get consistently connected with resources they need. Establishing cross-functional working groups or diverse advisory committees that meet regularly, review data and key performance indicators, and share insights from their unique experiences can facilitate knowledge sharing as well as provide the opportunity to refine and enhance the program or justice initiative.

In our experience, continual stakeholder engagement is just as important after a reform has been implemented or a program has been expanded, as before. In our work, it has proven to be essential to engage with a broad group of local stakeholders, and to continue to engage with them as data is collected, analyzed and interpreted. Their insights and expertise are invaluable as we work to understand how to interpret that data and to appreciate their views on opportunities for change or refinement. Continual stakeholder engagement can take many forms and should be tailored to the needs and opportunities in each community. In some instances, it may be reflected in periodic meetings of broad groups of stakeholders, perhaps complemented with sub-committees or working groups engaged on certain topics. In other instances, it may be more fluid. Regardless, the method of engagement reflects a shared commitment between stakeholders toward inclusiveness, empathy, responsiveness, communication, accountability, and action.

Quantitative data analysis is valuable for understanding and monitoring key metrics of a program or justice initiative, understanding the frequency of certain occurrences, and calculating descriptive statistics. However, there is also tremendous value in talking to seeking the feedback of diverse stakeholder groups to ensure the proper context and nuance is included in any interpretation of the quantitative data. We have found that, for meaningful and sustainable change, stakeholders should continually seek feedback from people interacting with the system.

Formal and informal feedback mechanisms should be considered to gather this qualitative data. Formal structures and processes like committees and periodic meetings can ensure feedback is continuously being collected, evaluated, and used for iterative refinement or identification of new opportunities. For example, in certain jurisdictions, there are already statewide advisory councils comprised of a variety of eviction ecosystem stakeholders (e.g., rental property owners, tenants, civil legal aid providers, court representatives, non-profit organizations, and government agencies). These statewide advisory councils meet periodically to discuss program implementation, opportunities for reform, stakeholder concerns and other topics.

Likewise, other mechanisms such as convening focus groups and conducting interviews with stakeholders can be utilized. In our eviction right to counsel cost-benefit analyses and evaluations, we are intentional about collecting feedback from people with lived

experiences – both and tenants and rental property owners. These focus groups and interviews are generally open, honest conversations where we seek to learn about their perceptions, why they have certain viewpoints, and how their experiences have shaped those viewpoints and perceptions. The insights shared in both formal and informal feedback mechanism can be used to ask better questions, refine data collection, and enable a more nuanced understanding of quantitative data.

There may also be opportunities to conduct periodic surveys of court users to seek feedback from litigants who are directly interacting with the civil justice system. Survey development and deployment should follow sustainable processes that will enable iterative refinement as new issues and opportunities emerge. For example, throughout 2020 and 2021, Stout assisted a statewide access to justice commission in developing a court user survey. The commission gathered the data to learn about the experience of court users across the state related to new technological and process innovations and overall court experiences by conducting a statewide survey of represented and unrepresented court users. This data was then used to inform recommendations made to the court.

These techniques of gathering quantitative and qualitative information, continually informed through stakeholder engagement, can foster an ecosystem that maintains an active and effective dialogue regarding issues of shared interest, issues of genuine disagreement and issues that require further inquiry and dialogue. Essential to maintaining such an active dialogue, is sharing data and insights among stakeholders to provide the opportunity for iterative refinement of justice programs.

Sharing Data and Insights to Create an Iterative Dialogue and an Understanding of Barriers to Access to Justice

Through expanded data collection, the development of a dynamic data visualizations, qualitative research and feedback mechanisms, and collaborative meetings, emerges an iterative evaluation process. An iterative dialogue is one that is continually seeking to learn from new information and adapt to new circumstances through the engagement of local stakeholders, informed by data, analysis and visualization.

Through the course of this iterative dialogue, the data elements necessary to collect are periodically evaluated and refined. While there is value in collecting consistent data over a period of time to identify trends, there are also instances when certain data elements are no longer contributing valuable insights to the dialogue, or conversely that the dialogue has identified other data elements that should be added to the data collection.

In addition, local justice ecosystems adapt over time. Stakeholders, funding, personnel, outreach, technology, infrastructure, elected officials, neighborhoods, and many other aspects of the local justice ecosystem will change. Consequently, local stakeholders learn to continually adapt to new circumstances through this shared dialogue and are informed by data, analysis and visualization. Rather than change being a disruptive force that gradually erodes the momentum of iterative dialogue, change can become an

expected feature of the justice ecosystem, enabling stakeholders to collaborate to effectively navigate through changes with a heightened ability to observe the effects of change using this data and analytics.

Iterative evaluation techniques do not necessarily "solve" problems nor "answer" questions. Rather, they enable better questions to be asked and present opportunities for developing effective dialogue about a spectrum of solutions based on the ecosystem's varied needs. Stakeholder groups may interpret the findings or insights of the data differently, which should be encouraged as part of the iterative evaluation. As new issues emerge or certain data points become obsolete, data collection should be iteratively refined. These refinements should follow the same process as the development of the initial data points did – with input from civil legal aid organizations and other community stakeholders, and with an eye toward incorporating them into a multi-source data visualization platform that seeks to bring together data sources across different programs and stakeholders.

Considering the Fiscal Sustainability of a Program and the Potential Return on Investment

When trying to sustain a program or justice initiative, a key consideration is ensuring that adequate staffing and funding exist to support the program or justice initiative. Non-profit organizations, government agencies, and court systems often operate within severely resource constrained models. Although they can (and do) undertake impactful work, it is with the underpinning that significant financial and human resource constraints influence what they can reasonably achieve both in the short and long term. The resource constraints are real and should be considered as stakeholders assess whether and to what extent the programs or justice initiatives currently implemented or under consideration of being implemented are financially sustainable.

In our experience, the primary cost resource for programs or justice initiatives is personnel – attorneys, supervising attorneys, intake specialists, case managers or social workers, paralegals, and administrations (e.g., human resources, information technology, finance, and other support staff roles). When implementing a new program or justice initiative, many organizations gravitate toward hiring more attorneys but may not always consider increasing other staffing levels relative to the increase in attorneys. If an organization believes it needs to hire five more staff attorneys, they should also consider how that increase will impact the need for other staff (e.g., supervising attorneys, paralegals, social workers, administrative staff). Stakeholders should also consider how the program or justice initiative may increase overhead and operational expenses like rent and utilities. Particular attention should be paid to the variable program costs that are driven by the number of staff to ensure they are calculated on a variable basis (e.g., per staff person) rather than a fixed basis.

As the sustainable, scaled funding estimates are developed, the amount required for a sustainable program may be significant. This should not be a deterrent. Rather,

stakeholders can consider phased implementation with moderate periodic increases in funding until the fully sustainable, scaled amount is secured and implemented. This approach can be helpful not only for securing incremental funding but also creates the environment for gradually implementing what could be a large, systemic change while having the opportunity to iteratively refine and learn as implementation is occurring. We have observed several jurisdictions approach implementing widescale programs, such as statewide eviction right to counsel, with a phased implementation (or an appropriately scaled and funded program).

In many instances, the programs implementing these changes have never implemented a program at this scale, nor have they done so as part of a right or guarantee to the community. This paradigm shift and expansion of resources can bring about numerous internal challenges as staff are hired, training is completed, and internal processes are adapted to the new or expanded program. When combined with the complexity of the law and client circumstances, the launch of these programs can be overwhelming to the organization. By incorporating internal metrics and performance indicators in the data strategy, the organization can develop management dashboards for internal use that are integrated with client data. This can create robust tools to identify the need for additional training, isolate and reduce inefficiencies, improve intake and service delivery processes and maximize the use and impact of technology. Doing so often results in a more efficient and effective service delivery model and can reinforce the financial sustainability of the program.

Developing a cost estimate for a sustainable, scaled and appropriately staffed program can assist in confronting barriers to service delivery and identify opportunities for innovation. As access to justice expands, the variety of client circumstances observed by the program may expand. If so, there may be opportunities to consider the modes of effective assistance that will be most effective and efficient for program clients. A broad view of resident circumstances intersecting with particular civil case types may provide insights as to the role of resources beyond lawyers that can assist community members. While certain civil case types may require lawyers providing extensive services in nearly every instance, for others, the needs of litigants may be effectively met through resources other than lawyers providing extensive services (e.g., limited representation, brief services, counsel and advice, paralegal assistance, trained and supervised non-lawyers, do-it-yourself forms, guided interviews).

When considering a new program or justice initiative, policymakers and stakeholders often inquire about the return on investment. In our evaluation engagements, we develop robust cost-benefit analyses that compare the overall cost of or investment in the program to the estimated fiscal benefits, which could be in the form of direct cost savings or the ability to redirect currently invested dollars. In our evaluations of eviction right to counsel programs, we use data collected by the civil legal aid organizations during the client interview process to assist in quantifying the program's return on investment. One of these key data points is the client's answer to the question "If you

had to move, where would you go?" Clients often answer that they would need to move to an emergency shelter, stay with friends or family who live locally, move to stay with friends or family who live in a different city or state, live on the street or unsheltered, stay in a hotel or motel, try to secure alternative rental housing, or that they have nowhere to go. Those responses inform the publicly funded housing social safety net responses that might be required to stabilize a displaced client. For example, a city that uses public dollars to pay for emergency shelter would incur an incremental cost if someone was displaced because of an eviction and needed to stay in emergency shelter. When client goals are achieved and the public social safety net does not need to support them, we can calculate the public funds that were saved or the amount of public dollars that could have been redirected or spent elsewhere. Other public cost savings or fiscal impacts can likely be recognized by the foster care, health care, education, and policing systems.

There may also be operational fiscal impacts for jurisdictions to consider. For example, if an eviction right to counsel is successful in decreasing eviction filings (as has been observed in New York City, Cleveland and elsewhere), court clerks and other employees are spending less time processing eviction complaints and may have available time to assist with other types of cases or court operations. This is particularly impactful inside high-volume courts where resources and time may be especially limited.

Conclusion

Maintaining and strengthening bridges to justice takes time. In our experience, authentic stakeholder engagement is often a critical starting point. It is important to listen and learn to create a shared understanding of justice ecosystem dynamics and forge pathways for continued dialogue and collaboration among diverse stakeholders. Comprehensive, iterative, independent program evaluation can be designed to help foster a justice ecosystem that can thrive long after the evaluation is complete. The reason to undergo evaluation is not to simply report on findings, successes, and challenges but to learn from the process of evaluation. The evaluation process itself, if undertaken in an inclusive manner with a keen interest in learning and collaborating, develops the capacity and mechanisms to sustain continual evaluation techniques as part of the ecosystem design. Careful consideration should be given to data collection when implementing sustainable, iterative evaluation techniques. What data is currently being collected? Is it sufficient to inform iterative evaluation? Are there opportunities to structure or refine data collection to make it actionable and enable us to ask better questions? In our experience, there is tremendous value in approaching data collection from a fresh perspective that considers what data is being collected and how, additional data elements that would inform evaluation or quantify metrics of interest, how the data could be used to create a dynamic data visualization platform, and how the data could be combined with or supplemented by other data sets. As data is being collected and visualized, sharing quantitative and qualitative insights with a diverse group of

stakeholders and seeking their feedback in a collaborative setting creates the process for iterative evaluation. The iterative approach and dialogue continuously seeks to learn from new information and adapt to emerging circumstances by engaging local stakeholders and being informed by data analysis and visualization. The constellation of quantitative and qualitative data, sharing of diverse perspectives, and engaging with the iterative evaluation process also informs how a thriving justice ecosystem can be fiscally sustainable with a positive return on investment. The result of an intentional, comprehensive approach to evaluation, data collection and visualization, and engagement of diverse local stakeholders is a sustainable process that enables continued cultivation of a thriving justice ecosystem.

Note: This is a companion to the paper "Civil [Justice] Engineering - Leveraging the Tools of Community and Research to Build Bridges to Justice -" presented at the Stanford Law School convening "New Voices in Access to Justice" on May 12, 2023.