



FOREWORD

PROFESSOR ALAN PATERSON, CHAIR, INTERNATIONAL LEGAL AID GROUP

Dear Colleagues

Access to Justice has rarely attracted as much interest internationally as it does today. The international commitment to SDG 16.3 has galvanised the efforts of institutions and jurisdictions across the world. In today's newsletter we announce the launch of a major research project on Global Access to Justice – revisiting 40 years on, the seminal study of Cappelletti and Garth. Yet this burgeoning of interest has not been matched by a freeing up of resources by legal aid funders. Hence our piece on the importance of pro bono work by law firms to supplement the work of the legal aid programmes, and our highlighting of another supplement to legal aid -the work of university law clinics. All these, and much more besides will feature at our ILAG conference in Ottawa next month. Such has been the interest in the conference that is now fully booked with a waiting list although there may be a few call offs at the last minute. All the presentation slots are also taken with a waiting list. If you are a definite attendee please book your hotel room as soon as possible because the conference hotels have begun to release the rooms we have reserved there. I am looking forward to what promises to be a most stimulating event.

Best wishes,

Alan (Paterson)
Chair, ILAG

****UPDATE* INTERNATIONAL LEGAL AID GROUP CONFERENCE, OTTAWA, CANADA, JUNE 17-19, 2019***

EILEEN RITCHIE, ILAG CONFERENCE CO-ORDINATOR

ACCOMMODATION

Several blocks of rooms have been secured at group rates for the conference (see also attached information).

The prices quoted are also available for 3-4 days prior and following the blocked dates, depending on the venue, for those wishing to extend their stay.

I WOULD ADVISE YOU TO BOOK ACCOMMODATION AS SOON AS POSSIBLE IF YOU HAVE NOT ALREADY DONE SO AS HOTELS ARE STARTING TO RELEASE UNBOOKED ROOMS BACK IN TO THEIR MAIN HOTEL BOOKING SYSTEM.

1. Novotel Ottawa

33 Nicholas Street, Ottawa

<https://www.novotelottawa.com/>

Rates: \$233 / night (\$199 + taxes). This rate will be available until May 17, 2019

Hotel has started to release unreserved rooms in the group

2. Les Suites Hotel

130 Besserer Street, Ottawa

<https://www.les-suites.com/>

This hotel has apartment suites, with kitchens

Premier 1 bedroom Suite – block of 30

\$269 / night (\$229 + taxes)

Premier 2 bedroom Suite – block of 10

\$351 / night (\$299 + taxes)

Hotel has started to release unreserved rooms in the group. However, the rates will continue to be available after that date.

3. Lord Elgin Hotel

100 Elgin Street, Ottawa

<https://lordelginhotel.ca/>

30 room block

\$269 (\$229 + taxes)

Unreserved rooms in the block will be released on May 16th, 2019. After that, availability of rooms and rates are not guaranteed

BIOGRAPHIES AND PHOTOGRAPHS

If you have not already done so, please send me a short bio (word format) and a photograph for the conference booklet and website as soon as possible.

CONFERENCE PAPERS/NATIONAL REPORTS

If you have been asked to provide a conference paper or national report, please email them to me in word format.

CONFERENCE VENUE

The Conference will commence with registration at 12 noon on Monday 17th June and finish at 4 pm on Wednesday 19th June. The Conference will take place in Ottawa Art Gallery (OAG), 10 Daly Avenue, Ottawa.

<https://oaggao.ca/>

REGISTRATION FEE

The registration fee is £300. To register for the conference and pay the registration fee, please use the link below:

<https://onlineshop.strath.ac.uk/conferences-and-events/humanities-and-social-sciences-faculty/school-of-law/international-legal-aid-group-conference>

Eileen

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INVITATION FOR AN AFTER CONFERENCE DINNER

LARISSA BEZO

PRESIDENT & CEO, CBIE /DIRECTOR QUALITY & ACCESSIBLE LEGAL AID IN UKRAINE

Members of ILAG have participated in a Council of Europe project in Ukraine about the assessment of the free secondary legal aid system in Ukraine in the light of Council of Europe standards and best practices. This project has continued with a project about the governance model. In this part of the project originated a fruitful cooperation between the ILAG members in the Council of Europe project and the Canadian Bureau for International Education (CBIE) with also ILAG members on board.

It is therefore that the CBIE would like to invite ILAG members for a working dinner with the following introduction:

Since 2014, the Canadian Bureau for International Education (CBIE) has been providing technical support to Ukraine's Coordination Centre for Legal Aid Provision (CCLAP), an arm's length Agency established by the Minister of Justice of Ukraine to make equitable access to justice a reality for all Ukrainians. The progress that has been achieved towards that objective in just under 5 years has been truly remarkable. CCLAP is currently administering an integrated network comprising some 24 regional legal aid centres (85,000 criminal cases since 2014), 97 local legal aid offices (575,000 civil and administrative cases since 2015) and 427 legal aid bureaus (70,000 instances of secondary legal provision since 2016).

With Ukraine's legal aid regime now firmly entrenched and a commitment to transparency one of its core principles, the Ukrainian Cabinet of Ministers recently passed an enabling normative resolution to establish an independent Supervisory Board to oversee the legal aid system's operations. The regulations under which the Supervisory Board will operate have not yet been finalized. To that end, CBIE is hosting a working dinner on the evening of June 19, 2019, immediately following the ILAG conference, to provide an opportunity for CCLAP representatives to benefit from the counsel of ILAG members that have worked with, or under the purview of, arm's length external supervisory boards.

Participants will be invited to discuss a range of issues, including:

- * Board Priority-Setting Processes
- * Evaluation and Performance Assessment Metrics
- * Board Autonomy, Resources and Reporting
- * Protocols Governing Board Advocacy and Conflict of Interest
- * Board Role with Respect to Strategic Litigation
- * Options to Managing Poorly Performing Legal Aid System

The details for the working dinner are as follows:

Date: Wednesday, June 19th, 2019

Time: Cocktails from 5:15 pm – 6:15 pm and dinner will be served at 6:30 pm

Location: Rideau Club - 99 Bank Street, 15th floor, Ottawa, Dress Code: Business Attire - Jacket and tie required

We kindly ask you to confirm your attendance no later than June 5th by sending an email to: alabine-fortin@cbie.ca with a cc to eileen.ritchie@ilagconference.com

We hope to see you there!

THE INEVITABLE RISE OF PRO BONO GLOBALLY & WHY LEGAL AID ORGANIZATIONS SHOULD TAKE ADVANTAGE OF IT

ATANAS POLITOV

EUROPE DIRECTOR OF PRO BONO AT DENTONS

The immense growth of organized pro bono¹ among the biggest law firms in the world is a relatively new phenomenon. In 2007 in Budapest, Hungary, PILnet organized the first European Pro Bono Forum.² Circa 150 people attended the event, and while the organizers bravely called it “European”, most of the participants had in fact crossed the Atlantic Ocean or the British Channel to attend. The number of non-Hungarian continental European lawyers was small - probably less than 40. Twelve Forums later, in November 2018 in Berlin, Germany, at the annual (now called Global) Forum, there were more than 400 people, most of them from continental Europe and the UK. Over the past 12 years, the event was successfully held in Paris, Madrid, Rome, Amsterdam, Warsaw London, and Berlin (twice). The 2019 PILnet Global Forum will be in Singapore. So, what happened in those 12 years?

1. Pro bono and the very essence of being a lawyer.

One can safely make the argument that doing free or pro bono work is part and parcel of being a lawyer, that it is an essential part of lawyers’ DNA. If we quickly go back to the very origins of the profession, we will see that in fact “pro bono” was the rule of thumb, the way “business” was done. We know of the famous, though regularly disregarded rule in Ancient Greece that “no one could take a fee to plead the cause of another.”³ While that ban on fees was abolished in I century AD, there was still a very serious cap, a fee ceiling on how much you can charge. This is not to say charging fees is wrong or bad. The story illustrates an important point in the history of the profession. Being a lawyer is not just like any other profession. Similar to practicing medicine professionally, practicing law has always carried an extra element of social service and a responsibility to give back to society. Outside of medical doctors, it is hard to find another profession that is so closely linked throughout its history with the idea of helping when the one who suffers cannot pay, i.e. doing your professional work for free.

So what is new now? What is this new pro bono practice that international law firms talk about?

What has changed is indeed the way firms practice law and especially the practice of corporate and business law. Over the past 15 to 20 years, we saw the rise of the global law firm. Two closely related tendencies shaped this new phenomenon – the globalization of the legal market worldwide and the consolidation of the market in capital cities and business centres across the globe. From Paris and Frankfurt to Moscow and Warsaw, from Dubai and Abu Dhabi to Singapore, Hong Kong and Shanghai, the biggest law firms in the world now employ not hundreds but thousands of lawyers. Dentons, the biggest in numbers, might soon be reaching 10,000 lawyers world-wide. Baker McKenzie has more than 5,000. Even more “traditional” corporate law firms like Linklaters, Clifford Chance and Allen & Overy in the UK and American firms like White & Case, Jones Day and Latham & Watkins have more than 2,000 lawyers each. Big, multinational companies are now everywhere, and the law firms are following them. Equally, practising law in

¹ There are many definitions of (legal) pro bono. The Oxford Dictionary defines pro bono as “denoting work undertaken without charge, especially legal work for a client on low income.” The origins are from the Latin “pro bono publico”, i.e. for the public good.

² www.probonoforum.org

³ Robert J. Bonner, *Lawyers and Litigants in Ancient Athens: The Genesis of the Legal Profession*

the big city has changed. We don't need to cover here traditional Big Law powerhouses like New York, London or Washington DC. Let's look at the rest of the world though. The White & Case office in Paris has more than 150 lawyers, Latham's four German offices have more than 170 lawyers combined and Dentons Warsaw office is nearing 200. Among the top law firms, these numbers are not the exception but the rule. Consider now another important fact - all of these law firms have pro bono policies that demand or encourage their lawyers to give back to society and do free legal work. That is an immense potential for doing something good. Law is everywhere in our lives and as PILnet's tagline says: "Justice needs advocates". Law can deliver justice and protect rights, but it does not happen automatically – law needs advocates to see that its promise is fulfilled, reads further PILnet's website.⁴ While the bulk of that work is traditionally done by human rights and legal aid lawyers, the role of pro bono lawyers is certainly changing as well.

Tens of thousands of lawyers are working for the top global law firms and many of them are actually struggling to find regular and meaningful pro bono opportunities. At the same time, the opportunities, i.e. people or NGOs that really need a lawyer and can't pay for it, are not finding the pro bono lawyers on their own. Ben Weinberg, Dentons Global Pro Bono Partner, in recent discussion about access to justice and innovation, said about his days as a legal aid lawyer working in a legal aid centre in Chicago, "the individuals just knocked on our doors, as we were in the neighbourhood". No poor person or small charity will simply knock on the (automatic) doors of the skyscrapers or the renovated old palaces in the centre of the big cities that law firms occupy these days and ask for their legal problems to be solved; and to be solved for free. They should, but they don't. Therefore, the real need and the amazing opportunity is the chance to build bridges between the needs and the potential law firm pro bono programs offer. Law firms, non-profits and funders are creating a global infrastructure and are empowering people to lead that effort, i.e. people who organize and manage pro bono in order to harness that immense potential. Law firms started hiring full time pro bono counsels and organizations like PILnet, Trust Law, A4ID, the Vance Center and others started offering pro bono opportunities to firms – via the regular mechanism of a pro bono clearinghouse and via regular local, regional and global events, like the PILnet Global Forum. Naturally, numbers started growing up dramatically across the sector.

2. Organizing the organizers

APBCo

It is difficult these days to find a major law firm without a dedicated team of people devoted to mobilizing and managing their pro bono work. The PILnet European Pro Bono Forum was actually an idea that came from several law firms back in 2005. In 2006, several courageous pro bono professionals in large law firms in the US founded the Association of Pro Bono Counsel (APBCo). APBCo is a mission-driven membership organization that seeks to increase access to justice through law firm pro bono services. It's not a coincidence that APBCo's annual report is called "[Improving Access to Justice Through Law Firm Pro Bono](#)."⁵ Originally started as an organization for the US-based pro bono people, today APBCo's 240+ members run pro bono programs in more than 120 law firms with offices all over the world. In the U.S., 75 percent of the firms listed on the 2018 Am Law 100 have APBCo members running their pro bono programs.⁶ APBCo takes policy positions on issues that relate to law firm pro bono as the network allows firms to mobilize and

⁴ <https://www.pilnet.org/public-interest-law.html>

⁵ <http://viewer.zmags.com/publication/00375867#/00375867/1>

⁶ <https://www.law360.com/articles/1092701/how-biglaw-pro-bono-pros-can-promote-access-to-justice>

deploy volunteer lawyers when and where there is the greatest need and to establish a collective voice and take collective action.

UK Collaborative Plan for Pro Bono

Following the experience of APBCo and their own common commitment to do more pro bono work and have bigger influence on access to justice challenges in the UK, in 2016 a group of more than 20 law firms came together and formed the UK Collaborative Plan for Pro Bono (the 'Plan').⁷ The Plan is a profession-led initiative for law firms – currently there are 51 one firm members. Each of the participating law firms has a strong institutional commitment to the mission and are collaborating with each other in order to improve access to justice through pro bono in the UK. The Plan also incorporates an aspirational target of 25 pro bono hours on average per fee-earner in the UK each year. The definition of *pro bono* used in the Plan is the same as that used by TrustLaw in its global TrustLaw Index of Pro Bono.⁸ It is worth mentioning here that according to that definition, “qualifying pro bono clients” include not only charities, non-profits and social enterprises, but also “low-income individuals”. Some of the statistics published by the Plan for the 2017/18 UK financial year are staggering: more than 340,000 total pro bono hours while almost 8,000 of the 14,000 lawyers employed by the Plan’s member firms did some pro bono work.

3. How does it work

Every law firm has its own pro bono policy, systems and set of criteria. They are similar and yet vary as firms are organized differently and have diverse cultures. For example in Europe, Dentons has set of generic criteria, establishes a system of intake and provides a definition of pro bono while also leaving a lot of freedom for each office to decide on priorities and matters. The leading principle is that the firm provides pro bono support predominantly to non-profit organizations - NGOs, charities, foundations, and associations. There are two important additional criteria – the mission of the organization has to be socially important, e.g. human rights, civil rights or environmental protection; and the means, i.e. if the NGO can afford it. Work that does not qualify as pro bono includes free-of-charge or discounted work performed to the firm’s commercial clients or free-of-charge work performed by the lawyers/employees for one another, members of their families or acquaintances.

4. Pro bono and legal aid: recent examples

There are countless examples of high quality and impactful pro bono work across the sector. Major law firms all issue annual pro bono and social impact reports. Here are few examples:
Firms collaborating for bigger impact

Through the UK Collaborative Plan firms have been able to partner together to develop joint projects addressing a number of legal needs.

A group of six London-based law firms members of the Plan carried two projects in collaboration with the University House Legal Aid Advice Centre in East London. Both projects aimed to assist vulnerable populations in the City’s poorest boroughs. Firms worked on an advocacy-based pro bono program to help individuals fairly access disability benefits provisions after these were abruptly terminated. Their work served to close the justice gap that existed between legal

⁷ <http://probonoplan.uk/>

⁸ <http://www.trust.org/contentAsset/raw-data/9838ba06-a760-4da9-a20b-1b14b7203a32/file?byInode=true>

representation and groups in need such as those unable to work due to mental and physical disabilities, long term illness or mental health issues. Separately, the Family Law and Domestic Violence Advice Clinic, launched in Tower Hamlets, set up a weekly drop-in clinic to provide free legal advice to victims of domestic violence. University house serves as a physical base for the Clinic as well as a source of mentoring and supervision for volunteers and, importantly, a connection with the local community.

Several Plan firms partnered to support the AIRE Centre as it faced an increased volume of demand for legal advice. The AIRE Centre (Advice on Individual Rights in Europe) aims to promote awareness of European law rights and assist marginalised individuals and those in vulnerable circumstances to assert those rights. One way in which the Centre achieves this is through the provision of free specialist legal advice to affected individuals and to other advice agencies and pro bono lawyers. This advice addresses legal topics such as the right to reside, right to work, health care and benefits. The volume of legal requests to this service increased significantly following the Brexit referendum and several Plan member firms joined together to increase the AIRE Centre's capacity to respond to new queries. Volunteers from each firm were trained to undertake discrete pieces of research and advice on EU free movement of persons, asylum and human rights. Several Plan member firms have also partnered with NGO Asylum Aid, to assist it with statelessness applications for stateless people currently living in the UK.

Saving legal aid funding – the power of Big Law.

One example of the power to have a collective voice thanks to organizations like APBCo comes from the recent debates in the US over the funding for the Legal Services Corp., the governmental entity that makes grants to legal aid organizations. LSC has been chronically underfunded for years. In late 2016, just before the US elections, an initiative started as a collaboration between six law firm leaders from Akin Gump, Dentons, Latham & Watkins, Paul Weiss, Seyfarth Shaw and Skadden. As Steve Schulman, the pro bono partner at Akin Gump, explained to me, the leaders all believed that while the firms had built successful pro bono practices, we had not put enough effort into supporting funding for civil legal aid. This smaller group was in place in early 2017 when the Trump Administration proposed to defund LSC in its entirety. These leaders quickly galvanized a broader group of law firm leaders to sign a letter to the White House (Office of Management & Budget), and then proceeded to draft a letter to Congress in support of LSC funding. More than 150 law firm leaders, whose firms had offices in all 50 states and the District of Columbia, signed the letter. The law firm leaders sent a second letter when the fiscal year 2019 budget proposal again included the elimination of LSC. As of December 2018, LSC remained intact, and even received a small increase as part of the overall government budget increase passed by Congress in March 2018. Allegra Nethery, the pro bono and philanthropy partner at Seyfarth Shaw and the 2018 APBCo President, wrote that “there is no way to know how much influence the advocacy of our members and our law firm leaders had in preventing the elimination of LSC, but the effort certainly shined a light on the need for legal aid funding in this country and the nexus between legal aid funding and the ability of volunteer lawyers to do pro bono work.”⁹

Similarly, in the UK in 2018 twenty seven UK Plan member firms joined together to produce a joint submission to the Ministry of Justice, regarding the Post-Implementation Review of Part 1, The Legal Aid, Sentencing and Punishment of Offenders Act 2012, which saw the original drastic cuts in legal aid.

⁹ see footnote 4

A strategic human rights litigation program ... run by a corporate law firm.

Most of the pro bono work in continental Europe is not for individuals but for non-profits, charities and NGOs. There are many reasons for that, not least, that law firms do not want to interfere with the state-funded and Bar-run legal aid schemes and programs, which – at least in theory – are very good to solid. I am quite proud that one of the major positive exception comes from Dentons. In Poland, Dentons Warsaw office has developed a unique pro bono strategic litigation practice. Throughout history, strategic litigation has been successfully deployed by NGOs and activists to tackle the Trans-Atlantic Slave Trade, Jim-Crow Era Segregation, Apartheid and Military Dictatorships in Latin America. However, pro bono strategic litigation is an exception to the norm in Europe. Such litigation is time consuming and expensive. Undeterred, Dentons Warsaw litigation department have sought to use this tool to fortify civic freedoms, human rights and the rule of law in Poland. Dentons has litigated, for example, to: counter Nazi propaganda and Holocaust denial; protect the freedom of expression of those persons critical of the government; counter xenophobia as well as ethnic and religious hatred; counter homophobic hate speech; and protect the rights of disadvantaged groups (such as the disabled, migrants and ethnic minorities).¹⁰ Here are two freedom of expression cases, to illustrate the point further. Lawyers represented blogger Andrzej Radke, a retired Solidarity activist who had been imprisoned during Soviet times, who published blog posts criticizing the local government's operations and posted a video that proved embarrassing for the local government. The authorities retaliated by claiming that a blog is a "periodical publication" and charged him with the petty offense of failing to register the blog in the official Polish media registry. The district court initially convicted him. Dentons appealed to the higher court, which ruled in favor of Mr. Radke. Elsewhere, the firm successfully took on a high-profile case in which Polish poet and activist Jan Kapela was charged with disrespecting the Polish national anthem by modifying the anthem's lyrics to make a statement about the country's refusal to take its fair share of refugees. These cases would probably not have been possible without the time and resources employed by Dentons. Each case takes sometimes years to litigate. State legal aid won't cover it or would refuse to do so as cases are deemed to be political. The plaintiffs would never be able to pay for the hundreds of hours spent by a team of lawyers or even the court fees.

5. Conclusion – let's work together.

Many legal aid organizations in Canada, the US or the UK, utilize the pro bono potential provided by law firms. However, globally, this is still an unexplored field. Law firms have hired professionals to run their pro bono programs; some global and regional organizations have created clearinghouses or other mechanisms to reach out to pro bono lawyers. The gaps are still immense. Legal aid funding is under threat everywhere while the needs are growing. Law firms and law firm networks like APBCo and the UK Plan as well as country specific organizations like Pro Bono Italia¹¹ and Pro Bono Deutschland¹² have made statements or adopted definitions that make it clear that pro bono is not a substitute but only an adjunct to state funded legal aid. The fight to save civil legal aid funding in the US and the UK demonstrates firms and legal aid organisations can work together in the public sphere for common goals. The promise of pro bono – if developed and harness properly – is immense and I believe we have so far only seen the tip of the iceberg.

¹⁰ see, for example: <https://www.usnews.com/news/world/articles/2018-04-10/polish-wwii-survivors-sue-publisher-of-nazi-books>)

¹¹ <http://probonoitalia.org/en>

¹² <https://www.pro-bono-deutschland.org/en/home/>

GUIDEBOOK UNIVERSITY BASED LEGAL AID CLINICS AND PERSONS IN CUSTODY

The Commonwealth Human Rights Initiative (CHRI) is pleased to announce the publication of its guidebook on “This guidebook brings together CHRI’s experience of working with few University based legal aid clinics in India. With several models being conceptualised and adopted, CHRI has been able to provide some pertinent suggestions for setting up of legal aid clinics and also provided training and orientation to students and provided materials for legal awareness, documentation and reporting etc. All these are important elements that enable the smooth functioning of a legal aid clinic.

Legal aid clinics and university students have enormous potential to facilitate legal aid delivery. This guidebook has been prepared in order to promote and strengthen their role in enabling access to justice. It aims to encourage students to engage with the criminal justice system through the means of legal aid delivery for person in custody, whether at the police station or prisons. Additionally, it provides guidance to university based legal aid clinics to expand the scope of legal aid work by collaborating with legal aid institutions.

CHRI recognises the idealism and energy of law students and intends to harness it through the guidebook in furthering Guideline 72 of the *United Nations Principles and Guidelines on Access to Legal Aid in the Criminal Justice System*, which states that,

72. States should, where appropriate, also take measures:

(a) To encourage and support the establishment of legal aid clinics in law departments within universities to promote clinical and public interest law programmes among faculty members and the student body, including in the accredited curriculum of universities;

(b) To encourage and provide incentives to law students to participate, under proper supervision and in accordance with national law or practice, in a legal aid clinic or other legal aid community scheme, as part of their academic curriculum or professional development;

(c) To develop, where they do not already exist, student practice rules that allow students to practice in the courts under the supervision of qualified lawyers or faculty staff, provided such rules are developed in consultation with and accepted by the competent courts or bodies that regulate the practice of law before the courts;

(d) In jurisdictions requiring law students to undertake legal internships, develop rules for them to be allowed to practice in the courts under the supervision of qualified lawyers.

While framed in the Indian context, the information provided in the guidebook can be easily adapted to other jurisdictions as it lists out the essentials of a model legal aid clinic and further elaborates on the procedures to collaborate with various stakeholders of the criminal justice system like the police, prisons and legal aid institutions. A list of possible activities that can be undertaken by student run legal aid clinics have also been provided. CHRI thus hopes that this guidebook will provide an impetus and encourage legal aid clinics across jurisdictions to expand their work in the area of access to justice for persons in custody. The guidebook can be downloaded [here](#).

AN INTRODUCTION TO 'A COMPARATIVE ANALYSIS OF ONLINE DISPUTE RESOLUTION'

The University of Cambridge's Pro-Bono Project has produced a report for the International Legal Aid Group entitled 'A Comparative Analysis of Online Dispute Resolution'. The report analyses ODR systems in several jurisdictions and considers what lessons HMCTS can learn in the implementation of their own digitisation project.

As many readers will be aware, Her Majesty's Courts and Tribunal's Service (HMCTS) of England and Wales recently announced a £1 billion digitisation effort. This is intended to encompass over 50 distinct projects, including an integrated case management system and ODR systems. HMCTS has indicated that, by 2023, this will have delivered millions in annual cost savings and will have removed 2.4 million cases per year from physical courtrooms. HMCTS has to date undertaken very little consultation on this project and there appears to have been a lack of consideration of the far-reaching implications of such a project for access to justice.

In order to go at least some way to addressing these issues, the International Legal Aid Group commissioned a report from the University of Cambridge's Pro-Bono Project (CPP) entitled 'A Comparative Analysis of Online Dispute Resolution'. [The report has been published on the ILAG website today.] The aim of the CPP project was to explore the various concerns associated with ODR, particularly those relating to HMCTS's proposed Online Court. It is hoped that the final report will provide useful background information that may assist and inform policymakers, together with a comprehensive analysis of the potential impact of ODR that has so far been absent from the debate.

At the heart of the CPP report lies explanation and analysis of first the proposed ODR system in England and Wales, and secondly ODR systems that have been implemented, or that are in the process of being implemented, in other jurisdictions, namely: the United States (specifically Michigan and Utah), Australia (specifically New South Wales and Victoria) and Canada (specifically British Columbia). The jurisdictional research was undertaken by four postgraduate students at the University of Cambridge: James Humphrey (England and Wales), Laura Hannan (United States), Long Pham (Australia) and Jennifer Anderson (Canada). The research was overseen and collated by Alex Allan and Ellie Brown, both PhD students and former practising solicitors.

The first step in preparing the report was the creation of a questionnaire that would be used to structure the reports on individual jurisdictions. This covered all of the crucial issues associated with ODR, including the reasons for the introduction of ODR, how it has been implemented, any benefits and problems that have been identified, concerns regarding access to justice, transparency and open justice, together with a detailed explanation of the ODR mechanisms themselves. The structured format of the questionnaire meant that the same information was provided for each jurisdiction. This allowed for a more comprehensive and accurate comparative analysis. The jurisdiction reports were then collated, a summary table was produced and conclusions were drawn.

Summary of the Report's Findings

It is immediately clear from the report that there is a substantial variation in the extent to which ODR has been implemented in each jurisdiction. This means that there is a corresponding variation in the availability and nature of information and accompanying commentary.

ODR in all of the jurisdictions under consideration is primarily confined to small civil claims. Some jurisdictions specifically confine the use of ODR to claims below a certain value. The reasons for introducing ODR systems are also generally consistent. The potential for a substantial reduction in costs and an increase in efficiency feature in every jurisdiction, as do justifications in terms of ease of access, reducing reliance on legal representatives and reducing the time that it takes a case to go from issue to resolution.

While the aims and intended benefits are similar, the nature of the ODR systems and the methods employed to attain those aims and benefits vary between jurisdictions. This is particularly the case as regards whether an ODR system will act as a procedural tool allowing easier case management, or whether it will eventually replace the traditional role of the court in terms of ruling on applications and adjudicating on claims.

Having undertaken this jurisdictional research, it proved difficult for the authors of the report to determine unequivocally the value of ODR. It appears to have been well-received by users in at least some jurisdictions. It has also been suggested that ODR provides access benefits, may reduce court time and reliance on costly legal representation, and may lead to quicker resolution of disputes. On the more negative side, concerns were voiced that ODR systems could negatively impact both access to justice and open justice. There are concerns across the jurisdictions that, for example, technology may prove a barrier to access for some and that an insufficiently well-designed ODR system could in fact cause additional delays. Care does need to be taken when evaluating the available commentary. The research reveals that much of it is provided by either creators of the system in question or the policy-makers driving its implementation. This means that truly neutral insights can be difficult to obtain.

Summary of the Report's Conclusions

Four general conclusions were drawn from an analysis of the jurisdiction reports:

- (1) There is a wealth of useful information and guidance for ODR in England and Wales to be obtained from the implementation and use of ODR in other jurisdictions.
- (2) In practical terms, the technology is available to create a workable ODR system.
- (3) Ensuring that practical reality, in terms of the design and functionality of an ODR system, lives up to theoretical potential will require investment of time and resources.
- (4) It is essential for detailed studies to be undertaken in order to determine the success of ODR and to identify areas for improvement.

In short, the true implications of ODR systems for access to justice remain to be seen. Access to justice for all, achievable on a practical as opposed to merely theoretical level, is one of the fundamental principles that must underlie an effective justice system. ODR, if implemented carefully and resourced sufficiently, has the potential to achieve its aims without negatively affecting access to justice. The CPP report concludes that independent, ongoing and thorough research is required to ensure that this fundamental principle is upheld.

INSIGHTS INTO THE "GLOBAL ACCESS TO JUSTICE PROJECT"

During the second half of the twentieth century there was a broad expansion and development of legal aid mechanisms, especially in the main industrialized democracies of the western world. On continent after continent, in nation after nation the 1970's witnessed dramatic breakthroughs in legal assistance for the poor.

In 1975, Mauro Cappelletti, James Gordley and Earl Johnson Jr. developed an important research, in an attempt to document and explain what obviously was fast becoming a pervasive international phenomenon: an accelerating movement to make the legal system accessible to all citizens irrespective of income. The partnership between the three authors resulted in the publication of the book *"Toward Equal Justice: A Comparative Study of Legal Aid in Modern Societies"* (1975), considered a true historical landmark in the comparative study of legal aid.

In view of the rapid development of legal aid models and of the interest aroused in the theme of access to justice, Mauro Cappelletti initiated, with the essential collaboration of Professor Bryant Garth and Justice Earl Johnson Jr., the greatest survey on access to justice so far. The *Florence Access-to-Justice Project* brought together a team of lawyers, sociologists, anthropologists, economists and policymakers representing about thirty nations. The result of this comparative research was condensed into a five-volume book entitled *"Access to Justice"* (1977-79).

Forty years have passed since the publication of the final result of the Florence Project, and many advances have been made in the field of access to justice. However, this vast progress has not yet been properly studied and cataloged, hindering the search for promising solutions that could stimulate discussions and contribute to future reforms.

Curiously, the world today is again going through an interesting phenomenon of expansion and consolidation of legal aid mechanisms. Now though, this movement comes not only from high-income economies but also from many underdeveloped and developing nations. The philosophies, models and techniques that have evolved in various countries are diverse, yet common themes are beginning to emerge and new trends can be discerned on the horizon.

The *Global Access to Justice Project* intends to carry out a new global survey, in a broader theoretical and geographical approach, mapping and studying the diversified worldwide access to justice movement in Africa, Asia, Middle East, Latin America, North America, Europe and Oceania. Through the largest professional and academic network ever created, the project will collect information on the different justice systems, analyzing the legal, economic, social and psychological obstacles, which make it difficult or impossible for many to make use of the legal system.

Following an innovative methodology, which differs from other similar surveys, the project will not only collect statistical data on different justice systems. The project will gather critical reports from each participating nation, which will be prepared by the most qualified researchers in the contemporary world. Therefore, the project is not only designated to collect information; the project intends to combine and share knowledge, gathering opinions, criticisms and suggestions on attempts, achievements and failures of different legal aid systems in the world.

The project is being led by Prof. Alan Paterson, Prof. Bryant Garth, Prof. Cleber Alves, Prof. Diogo Esteves and Justice Earl Johnson Jr. However, due to the democratic nature of the project, it is important to emphasize that the final conclusions of the survey will not be formulated by the general coordinators, but by the joint action of all participating researchers. For this reason, the

project adopts a different leadership style, which is not exclusively being driven top-down, but also is also bottom-up.

The project also assumes a strong and sincere commitment to geographical equity. Although the knowledge produced in the poorest nations has historically been neglected, these theoretical alternatives are extremely valid and innovative, especially with regard to access to justice. So, unlike other surveys, the project will not be restricted to the developed countries.

In order to ensure a broad geographical approach, a better integration of the countries involved and a deeper understanding of the sociological context of each continent, the *Global Access to Justice Project* will have nine regional coordinators. In Europe, the research will be coordinated by Anna Barlow (Nordic Countries), Peter van den Biggelaar (Western and Central Europe) and Anželika Banevičiene (Eastern Europe and Central Asia). The Asian coordinator will be Tomoki Ikenaga, who will lead the research in East, South and Southeast Asia. The Iranian and British Professor Sahar Maranlou will be the coordinator of the Middle East and North Africa (MENA), and Prof. Hennie van As will coordinate the rest of the large African continent. Oceania will be coordinated by Professor Kim Economides, who worked actively on the *Florence Access to Justice Project* (1976-79). And finally, the American continent will be coordinated by Earl Jonhson Jr. (North America), Cleber Alves and Diogo Esteves (Central and South America).

The project will also have the participation of Prof. Deborah Hensler, Prof. Bryan Clark, Prof. Franklyn Roger, Prof. José Aurélio de Araújo, Prof. Fábio Schwartz and Prof. Roger Smith, who will prepare thematic reports respectively on class actions, ADR, criminal procedure, civil procedure, substantive law and new technologies for improving access to justice.

Currently, 97 researchers have already confirmed participation in the project, coming from 57 different nations. And the numbers are increasing every day.

The *Global Access to Justice Project* will be published in a six-volume book and the regional reports will open the section of each respective region, followed by the local reports of the respective countries. And the first volume will concentrate the general report and the global thematic reports, which will examine in depth each of the epistemological aspects of the survey.

Due to its multi-faceted epistemological approach and broad geographical scope, the project has the vocation to be the largest survey ever conducted on access to justice.

If you wish to be part of this project or wish to help to the research somehow, please contact us (globalaccesstojustice@gmail.com). Let's be the change we want to see in the world.

ALAN PATERSON, Professor of Law and Director of the Centre for Professional Legal Studies at Strathclyde University Law School, Scotland, Chair of the ILAG.

BRYANT GARTH, Distinguished Professor and Vice Dean at the University California-Irvine School of Law.

CLEBER FRANCISCO ALVES, Professor of Law at Fluminense Federal University (Brazil), Public Defender of State of Rio de Janeiro – Brazil.

DIOGO ESTEVES, Professor of Law at FESUDEPERJ, researcher at the Fluminense Federal University's Program of Sociology and Law, Public Defender of State of Rio de Janeiro – Brazil.

EARL JOHNSON JR., Former Justice of the California Court of Appeal, Former Professor of Law at the University of Southern California, Visiting Scholar at the Western Center on Law and Poverty.

SELECTED 'LEGAL AID' NEWS FROM ACROSS THE WORLD

PAUL FERRIE, ONLINE ADMINISTRATOR, ILAG

The news items shown below are largely compiled from articles on the internet, found on the basis of a simple search for terms such as 'legal aid', 'access to justice' and 'pro bono'. Therefore, readers must, just as buyers, beware of authenticity. The links worked at the time of writing but some will obviously fail after a period of time.

Australia

[Legal Advice Website For Domestic Violence Survivors Launches In 23 Languages](#) – SBS News

[Legal Aid Funding Needs 'Critical' Help](#) - SBS News

[Legal Aid Misses Out In 2019 Federal Budget](#) – Lawyers Weekly

[Senate Report Backs More Legal Assistance For Small Businesses](#)- The Sydney Morning Herald

Cambodia

[Cambodia's Hun Sen Promises Legal Aid for 'Vulnerable Women'](#) – VOA News

[Justice Ministry Collaborating On National Legal Aid Policy](#) – Khmer Times

Canada

[30% Cuts to Legal Aid Are an Attack on Racialized Communities, Immigrants and Refugees](#) - Globe Newswire

[Advocacy Group Challenges Constitutionality Of B.C. Family Law Legal Aid Regime](#) – Canadian Lawyer

[B.C. Legal Aid Lawyers Threaten Strike If Funding Isn't Boosted](#) – Vancouver News

[B.C.'S Legal-Aid Lawyers Vote Overwhelmingly For Job Action](#) – Global News

[End Of Legal Aid's Immigration Work Slammed For Leaving Newcomers In Lurch](#) – The London Free Press

[Ian Mulgrew: Legal-Aid Review Falls Flat](#) – Vancouver Sun

[Immigration And Refugee Lawyers Denounce 'Abrupt' Legal Aid Cuts](#) – CBC Ontario's Cuts To Lawyers' Union Says Premier Ford's Numbers On Legal Aid Ontario Are Misleading – The Globe & Mail

[Legal aid cutbacks target the most vulnerable in Ontario](#) – The Hamilton Spectator

[Legal Aid For Refugees: Racist, Xenophobic And Possibly Unconstitutional](#) – The Conversation

[Legal Aid Lawyers Reach Interim Agreement In B.C.](#) – Canadian Lawyer

[Report On Legal Aid Service Delivery In BC Released](#) – Voice Online

[The Association Of Community Legal Clinics Of Ontario Calls On Government To Rescind Cuts To Legal Aid](#) – Globe Newswire

China

[361,000 Women Get Legal Aid In China In 2018](#) – Xinhua Net

England & Wales

[Government Gets The Ball Rolling On Criminal Legal Aid Review](#) – Law Society Gazette

[Justice Gap: The Towns Where There's No Access To Free Legal Advice](#) – The Guardian

[Legal Aid Agency To View Applicants' Bank Accounts](#) - Law Society Gazette

[Legal Aid Reforms Have Been An Abject Failure](#) – The Times

[MPs Address 'Gaping Hole' In Legal Aid For Families Of Victims Who Die In State Custody](#) – Rights Info

[No Funding, No Justice: Legal Aid At Inquests – Open Democracy](#)
[Red Alert On Housing Legal Aid - Law Society Gazette](#)
[Therium Sets Up Pro Bono Scheme To Tackle Legal Aid Gaps – Financial Times](#)
[‘Victims Of The Justice System’ Left To Rely On Free Help From Lawyers Let Down By Courts, Judiciary And Legal Aid, Blasts Former Top Family Judge – Legal Cheek](#)

Fiji

[Constitution Guarantees Equal Services For All In Courts: PM – FBC](#)
[Legal Aid Commission Opens Office On Taveuni - Fiji Times](#)
[Legal Aid Expands Services To People Of Keyasi – FBC](#)

India

[Ensuring Access To Justice – The Hindu](#)

Malaysia

[Legal Clinic: Husbands Who Don’t Provide For Muslim Wives, Children A Top Concern – Malay Mail](#)

Nigeria

[Breathing Fresh Air Into Legal Aid Council – Leadership](#)
[Legal Aid Council Lauds Ugwuanyi’s Commitment to Justice Delivery – This Day Live](#)

Republic of Ireland

[Cutting Legal Aid More Expensive In The Long Run, Committee Told – Independent](#)
[View On The Legal System: Access Denied - The Irish Times](#)

Scotland

[Exclusive: Scottish government will not reverse 2011 cuts to legal aid fees – Scottish Legal News](#)
[Experts From Across The Legal Profession To Advise Scottish Government On Fees For Legal Aid - Holyrood](#)
[Equality body launches research into legal aid for victims of discrimination in Scotland - Scottish Legal News](#)
[Justice Secretary Urged To Review Provision Of Legal Aid In Complex Immigration Cases – The Herald](#)
[Ken Dalling: At Last – An Increase In Scottish Legal Aid Fees – Scottish Legal News](#)
[Law Society Calls For ‘Wider Reform’ Following Legal Aid Fee Increase – Scottish Legal News](#)
[Law Society of Scotland to examine role of ADR and pro bono in legal services provision - Scottish Legal News](#)
[Sheriff Court Fee Increases ‘Inimical To Access To Justice’ – Scottish Legal News](#)

Uganda

[Museveni Supports Legal Aid For Soldiers – Daily Monitor](#)

United States

[Harvard Legal Aid Bureau Gets Landmark Win In Attorney’s Fees Case – Harvard Law Today](#)
[In New York, Free Legal Help Arrives For Low-Income Tenants In Housing Court – National Public Radio](#)

For more information about the work of the *International Legal Aid Group*, please visit our website which can be found at <http://www.internationallegalaidgroup.org>.