

Data to Promote Civil Access to Justice: 5 Key Questions

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June 2022

The Civil Access-to-Justice Gap

The civil access-to-justice gap in the American legal system has reached a crisis point. Self-represented litigants (SRLs) can struggle to navigate court systems due to their inexperience with legal processes and may end up experiencing worse case outcomes as a result. If some demographic groups (e.g., race and ethnicity, income, immigrant status) disproportionately appear in court as SRLs, the access-to-justice gap also raises concerns about equity and disparate impacts.

Data are a critical tool in the courts' efforts to promote access to justice in civil cases. The *Data Framework for Promoting Civil Access to Justice* provides a framework for data collection and analysis that courts can use as they engage in efforts to promote access to justice in civil cases. The framework helps courts to answer 5 key questions about access to justice in their jurisdictions, laying the foundation for data-informed policy change.

What Questions Can the Courts Answer with Data?

Data allows the courts to answer 5 key questions about access to justice within their jurisdictions. In this report, we define access to justice broadly to include:

- equitable access to legal assistance in the form of representation, court self-help services, and assistance navigating legal procedures;
- equitable case processing and court experiences, regardless of representation status and demographic characteristics;
- and equitable case outcomes, regardless of representation status and demographic characteristics.

In this brief report, we outline the key questions that courts can answer with the right data. The full *Data Framework for Promoting Civil Access to Justice* describes the data elements needed

to answer each key question and provides more detailed guidance on data governance, measurement, and analysis.

1. What are the key characteristics of litigants in civil cases?

Using data, the court can determine the important demographic characteristics of litigants in their jurisdiction. Critical demographic characteristics include important identities, such as race and ethnicity, gender, and socioeconomic status. They also include information about litigants' barriers to access, such as representation status, disability and accommodation needs, and English proficiency. This information is critical for delivering accessible and culturally responsive court services.

2. How many litigants make use of court navigation and self-help services? Is access to these services equitable?

Using these data elements, the court can determine how many litigants are using available access-to-justice services, such as court forms, court navigators, help desks, and more. This information helps the courts identify service capacity and budgetary needs. The court can also examine whether there are disparities or disproportionality in access to these services based on demographic characteristics. This information is critical for ensuring that services are equitable and culturally appropriate.

3. How long does it take to process cases? Is case processing equitable?

Using core data about case processing, the court can determine how long it takes litigants to reach disposition in their cases. The court can also examine whether there are disparities or disproportionality in case processing based on demographic characteristics. This information is crucial for evaluating case processing efficiency and identifying specific points in the case processing timeline where litigants are being unequally burdened by the process.

4. Are case outcomes equitable?

Using these data elements, the court can determine whether there are disparities or disproportionality in case outcomes based on representation status and demographic characteristics. This information is crucial for promoting equity, as well as public trust and confidence in the courts.

5. How much time and money do the courts spend helping litigants who are experiencing barriers to access?

Using these data elements, the court can determine how much staff time and other resources are being spent helping self-represented litigants who might otherwise receive more tailored and more timely help from other sources (or who might not need help if court processes were simplified enough for SRLs to navigate). This information is crucial for identifying priorities for reform and examining program capacity and budgetary needs. It can also help the court gain political and financial support for important access-to-justice initiatives.