

Walking the Talk about Measuring Access to Justice



Applying the Access to Justice Triple Aim and Measurement Framework: A User's Guide

Access to Justice

“There is a serious access to justice problem in Canada. The civil and family justice system is too complex, too slow and too expensive. It is too often incapable of producing just outcomes that are proportional to the problems brought to it or reflective of the needs of the people it is meant to serve.” [Access to Civil and Family Justice: A Roadmap for Change” Action Committee, 2013](#)

How do we Know if Access to Justice is being Achieved?

Access to justice means enabling people to avoid, manage, and/or resolve legal problems and disputes. [Access to Justice BC](#) is asking the BC justice system to align around the Access to Justice Triple Aim. Knowing whether the Triple Aim is being achieved involves consideration of three elements:

1. Improved population access to justice
2. Improved experience of access to justice
3. Improved costs.

To assist in measuring success in achieving the Triple Aim, A2JBC has produced a resource that describes access to justice outcomes comprehensively. It is called the **Access to Justice Measurement Framework**.

Who is this Guide for, and for What Purpose?

This user guide is for justice system stakeholders – organizations, government and funders – who wish to understand Triple Aim thinking more fully, and engage in practical and effective measurement of the three elements of the Triple Aim. It introduces both the Triple Aim and the measurement framework that supports it. The guide then describes how the framework can be applied to initiatives of government, institutions and organizations, and how all actors in the BC justice system can act collaboratively to produce effective measurement of access to justice. In other words, to "walk the talk".

What's the Ultimate Vision?

Measurement itself is not the end goal or vision, but it is an important means to the end. If we take measurement seriously, we can use it to understand more profoundly how sub-populations are impacted by public policy and the availability of services, what works and does not work for people in their pathways to justice, and how available funds can best be allocated to serve the A2J vision. These understandings are essential to reach the ultimate vision, as stated by the Chief Justice of Canada, of a justice system that is “accessible, responsive and citizen-focused.”

Questions?

If you have questions after reading this guide, get in touch with A2JBC at contact@accesstojusticebc.ca.

What is A2JBC?

[Access to Justice BC](#) (A2JBC) was formed in March 2015 as BC's response to a national call for action to make family and civil justice more accessible.

A2JBC is chaired by BC's Chief Justice, the Honourable R. J. Bauman. It includes leaders from all major justice system organizations, including those representing diverse users of the justice system, (e.g. self-represented litigants, businesses, Indigenous peoples of BC, people with disabilities and immigrants). It also includes representatives from related sectors such as health and municipalities.

A2JBC is a network of people and organizations connecting with each other to realize a common vision – access to family and civil justice for all British Columbians. It seeks to align justice system stakeholders around a [Framework for Action](#) that reflects a different approach from past justice reform initiatives. It does not implement top-down policy or directly run innovation projects. Rather, it supports justice stakeholders in access-to-justice initiatives that create a justice system shift:

From siloed to collaborative
From court-centred to user-centred
From reluctant to change to innovative, and
From “expert” run to evidence-based.

As part of this strategy, A2JBC is actively connecting with justice system stakeholders to encourage them to align around the Access to Justice Triple Aim and use the Measurement Framework, as an evidence-informed approach to improving the justice system.

Developing the Access to Justice Triple Aim and Measurement Framework

In February 2016, the A2JBC [Leadership Group](#) adopted its Framework for Action. The Triple Aim and practical, common outcome measures were two core elements of that Framework. A [Measurement Working Group](#), formed in 2015, has met regularly over two years to define the Access to Justice Triple Aim and develop the Access to Justice Measurement Framework. The Measurement Framework was adopted by A2JBC's Leadership Group in May 2017.

The Triple Aim and Framework support a shared approach to monitoring and evaluating improvements in access to justice. The Framework is flexible enough to be used by all justice system stakeholders – community agencies, funders, provincial organizations, the Courts and the Ministry of Justice - to align their monitoring and evaluation efforts, and to learn from each other's experience with access to justice innovation. It will also be of use to the evaluation community that serves these stakeholders.

The framework is a “living document” and will go through further iterations over time. Some areas of the framework have many suggested measures, and others have few or none. A2JBC welcomes your suggestions for additions.

1. Why is a Common Measurement Approach Important?

The Triple Aim and Measurement Framework are important for two reasons.

Firstly, together they are a comprehensive overall outcome measurement approach. The Triple Aim sets the high level objective. It does so in a way that is measurable and takes into account both benefits and costs. The set of measures related to the first element of the Triple Aim captures various dimensions of access to justice for the whole population, and/or the differential outcomes for sub-populations within our society. They encourage measurement that is allied with a social vision that is inclusive of all populations. The set of measures related to the second element of the Triple Aim describes outcomes related to users' actual experience of access to justice. They make it clear that understanding (and therefore improvement) of user experience goes far beyond a simple measure of satisfaction. The set of measures related to the third element of the Triple Aim will provide evidence of the value (costs and benefits) of improved access to justice, and encourage attention to the achievement of access to justice in a practical and economic manner.

“Reliable and meaningful metrics need to be established across all levels of the system in order to evaluate the effects of reform measures”
Access to Civil and Family Justice: A Roadmap for Change. Action Committee on Access to Justice in Civil and Family Matters. October 2013

Secondly, the Triple Aim and Measurement Framework provides justice system stakeholders with a shared frame of reference with which to align their efforts to monitor, evaluate and learn from the impact of their respective initiatives and strategies to improve access to justice. There is a need to measure both the impact of individual initiatives and strategies, as well as their overall collective impact in terms of increased access to civil and family justice. In this way, access to justice becomes a quantifiable concept rather than simply a broad aspiration.

This shared frame of reference does **not** mean that all organizations are required to use all the measures, nor measure the same objectives or outcomes. However, as noted below, alignment with other organizations and institutions around certain outcome measures can yield significant benefits.

There are several additional benefits that flow from use of a common measurement approach:

- **Improved program and sector analyses.** When identical measures are used for innovative projects, programs or services in similar areas, it creates the opportunity to share data, compare results and more effectively determine sector impacts.
- **Efficiency.** Planning and evaluation processes are more efficient for institutions and organizations when they can access an existing format for assessing the impacts of strategies on

clients or populations. Organizations can also easily identify to evaluators specific metrics that are important to them, thereby enhancing the relevance and utility of the evaluation.

- **Benchmarking.** The use of common and consistent metrics for similar strategies or populations makes it possible to create benchmarks for a sector. This in turn creates a valuable reference point for services to assess their own strategies and chart improvements over time, and for government or funders to identify methods to better serve poorly-served populations.
- **Breaking down of silos between organizations.** A common measurement framework is one way to break down organizational silos and encourage dialogue between groups about their objectives. In the longer term, such exchanges can lead to sharing of data, building joint programming and sharing resources to achieve common goals.

2. The Triple Aim

The “Triple Aim” is an approach developed originally by the Institute of Healthcare Improvement, and has been widely used and tested in the health sector, including in BC.¹ In the health field, the Triple Aim is designed to optimize the performance of health systems, It adapts readily to the justice system and the objective of increasing access to justice.



The “Triple Aim” is the *simultaneous* pursuit of three interrelated elements for improving access to justice. These elements are interdependent; change in one element may produce change in the others. The Triple Aim approach is therefore an exercise in dynamic balance – a recognition that good ideas are subject to financial, policy and other practical constraints.

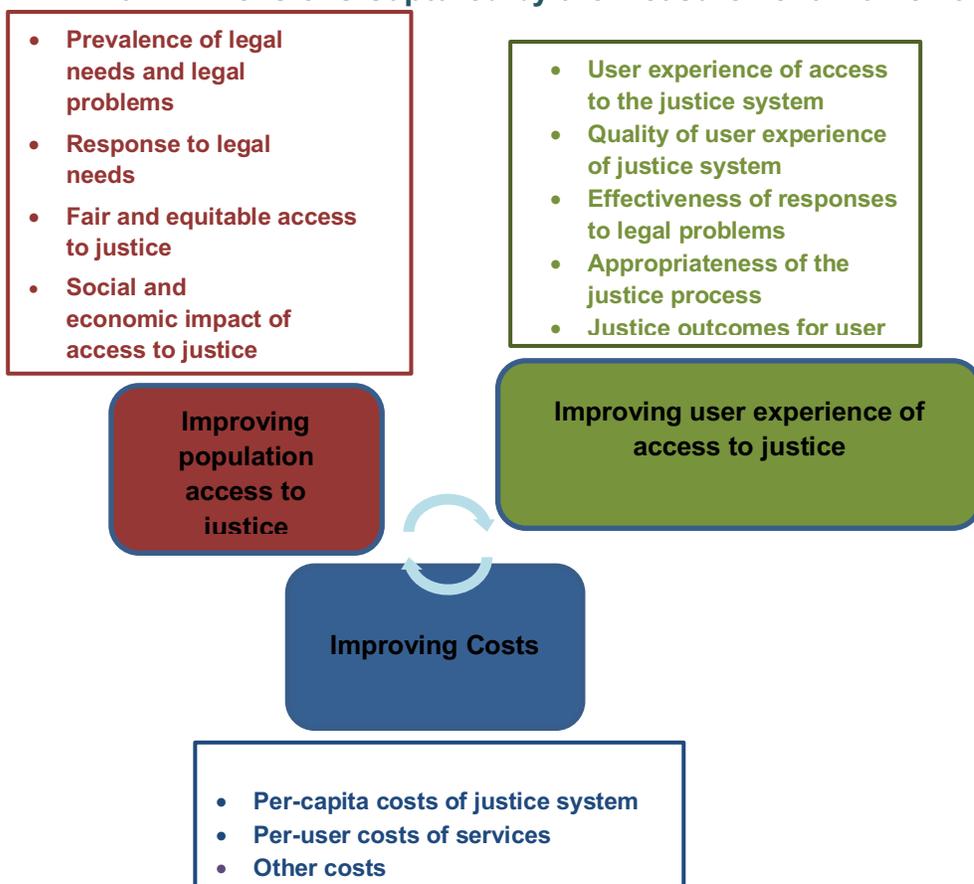
Action is required simultaneously at several levels, and it is difficult to isolate the impact of different initiatives on the overall quality of access to justice in British Columbia. A flexible measurement framework incorporates both high-level indicators (e.g. province-wide), together with ones that monitor impacts of distinct innovations to improve access to justice.

- *Element 1: improving population access to justice*
This element concerns how **populations** (either the population as whole or sub-populations based on culture, language, gender, geographic location, ethnicity, etc) are able to access justice, the needs they have, and how they differ in their attitudes or confidence about accessing justice.
- *Element 2: improving the user experience of access to justice.*
This element focuses on **individuals** in everyday life and how they attempt to gain knowledge, manage their legal needs or take action to resolve problems in various ways within the justice system. The justice system includes not just courts, but all services, institutions and organizations that support people in getting the skills, knowledge, resources, and services they need to manage their legal problems.
- *Element 3: improving costs*
This element addresses the **sustainability** of different ways of delivering services to meet access to justice objectives, the **costs of needs that are unmet**, and **per user costs** of access to justice initiatives. Delivering services in a cost-effective manner and understanding the impact of unmet needs is ideally a concern of government, funders, and all organizations in the field, but typically receives little emphasis. Over time, it is hoped that the Triple Aim and Measurement Framework will include more measures in regard to costs.

¹ For comprehensive information on the Triple Aim in the Health field, see <http://www.ihl.org/Engage/Initiatives/TripleAim/Pages/default.aspx>

Within each of these elements there are three to five dimensions shown below.

Main Dimensions Captured by the Measurement Framework



These dimensions are further divided into components in the summary table on page 6.

The main part of the Measurement Framework document is devoted to a description of each of these components. It does so in three ways:

- *A definition of the component.*
- *A reference to the literature.* For some components, quotes from one or more sources help to justify the importance of this component, or suggest different aspects of this component that should be considered.
- *Sample measures.* For many of the components, sample measures are provided that can be used in evaluations or studies. Over time, more measures will be defined for the framework.

Table 1 - Access to Justice Measurement Framework - Summary

Elements	Dimensions*	Components*
Improving Population Access to Justice	Prevalence of legal needs/problems (1.1)	<ul style="list-style-type: none"> • Prevalence of legal problems in the population (1.1.1) • Prevalence of unaddressed legal needs in the population (1.1.2) • Public legal awareness (1.1.3)
	Response to legal needs (1.2)	<ul style="list-style-type: none"> • People's choice of path to justice (1.2.1) • Legal information and education needs (1.2.2) • Legal advice needs (1.2.3) • Need for legal representation and other legal assistance (1.2.4) • Need for consensual dispute resolution process (1.2.5)
	Fair and equitable access to justice (1.3)	<ul style="list-style-type: none"> • Accessibility of justice system for British Columbians (1.3.1) <ul style="list-style-type: none"> • Including geographical access, accessibility for Indigenous people, accessibility for people with mental illness, and accessibility for immigrants and refugees • Financial access to justice system (1.3.2) • Timeliness of access to justice system (1.3.3)
	Social and economic impact of access to justice (1.4)	<ul style="list-style-type: none"> • Social policy objectives (1.4.1) • Protection of people's rights (1.4.2) • Public confidence in the justice system (1.4.3) • Public confidence in social institutions (1.4.4) • Gender equality (1.4.5) • Justice for Indigenous people (1.4.6) • Social & economic costs and benefits of access to justice (1.4.7)
Improving User Experience of Access to Justice	User experience of obstacles to access to justice (2.1)	<ul style="list-style-type: none"> • Obstacles to access (distances, technology, affordability) (2.1.1) • Eligibility to services (2.1.2) • Affordability of services (2.1.3) • Delays in accessing justice services and their impact (2.1.4)
	Quality of user experience of the justice system (2.2)	<ul style="list-style-type: none"> • Quality of legal information and education (2.2.1) • Trust and confidence in legal information (2.2.2) • User empowerment (2.2.3) • Quality of legal advice (2.2.4) • Quality of legal assistance and representation (2.2.5) • Quality of referral services (2.2.6) • Experience of self-represented litigants (2.2.7) • Quality of consensual dispute resolution processes (2.2.8)
	Effectiveness of justice system in addressing user legal problems (2.3)	<ul style="list-style-type: none"> • Effective resolution of legal problems (2.3.1) • Mitigated impact of legal problems (2.3.2) • Prevention of legal problems (2.3.3) • Prevention of conflicts (2.3.4) • Unmet legal needs and their consequences (2.3.5) • Limits to the assistance received (2.3.6)
	Appropriateness of the justice process (2.4)	<ul style="list-style-type: none"> • Fairness, equity and impartiality of the process (2.4.1) • Cultural appropriateness (2.4.2) • Voice and participation (2.4.3)
	Justice outcomes for the users (2.5)	<ul style="list-style-type: none"> • User satisfaction with outcomes of justice process (2.5.1) • Compliance with court orders, judgments, and mediated agreements (2.5.2) • Post-resolution support (2.5.3) • User enhanced legal awareness (2.5.4) • Enhanced legal capability (2.5.5)
Improving Costs	Per-capita costs of services (3.1)	<ul style="list-style-type: none"> • Per capita costs of services • Impact on new initiatives on per-capita costs
	Per-user costs of services (3.2)	<ul style="list-style-type: none"> • Per user costs by type of services • Impact of new initiatives on per-user costs
	Other costs (3.3)	<ul style="list-style-type: none"> • Social and economic costs of unresolved legal problems (3.3.1) • Impact of unresolved problems on costs in other sectors (3.3.2)

* numbers in parentheses refer to section numbers in the main document, where specified.

3. Applying the Measurement Framework

For organizations and institutions to make full and best use of the Measurement Framework, three principles should be kept in mind:

1) Incorporate the Triple Aim in your planning; consider the impacts of innovations on all three elements of the access to justice Triple Aim.

If the Measurement Framework is seen only as a pick-list of measures, the richness of the Triple Aim and the inter-connectedness of its three elements may be lost. Planning should consider how all three elements interrelate. This does not mean that every innovation must be aimed at improving all three elements, but the impact on the other two elements is relevant and should be measured. For example, measurement of the experience of users in a program may show excellent outcomes. However, this may not mean that the program is significantly increasing access to justice. It may inadvertently be creating access obstacles to certain populations of users, who therefore will not use the program at all. Similarly, a program may show excellent outcomes for a small group of users and be inclusive of different populations, but is enormously costly to deliver. A less expensive delivery model may be equally or more effective.

We can and must improve collaboration and coordination not only across and within jurisdictions, but also across and within all sectors and aspects of the justice system (civil, family, early dispute resolution, courts, tribunals, the Bar, the Bench, court administration, the academy, the public, etc.). We can and must improve collaboration, coordination and service integration with other social service sectors and providers as well.

Access to Civil and Family Justice: A Roadmap for Change. Action Committee on Access to Justice in Civil and Family Matters. October 2013.

2) Collaborate and seek alignment in measurement with other institutions and/or organizations

The Measurement Framework is a tool to improve access to justice outcomes in British Columbia as a whole. If the Triple Aim is pursued by programs in silos, without reference to other organizations or institutions, the power of the Triple Aim and Measurement Framework approach is radically diminished. Collaboration can be undertaken by organizations that provide the same services or that target the same sub-populations. For example, common metrics are currently being developed in B.C. among major Public Legal Education and Information deliverers. In many situations outcome measurement could be significantly more powerful with collaboration between stakeholders across all sectors of the justice

system. This can include government, the courts, private bar, pro bono services, early resolution services providing advice and referrals, or even non-justice sectors (e.g. social services, housing or health). Among other benefits, collaboration heightens the collective capacity to learn from experience and develop effective strategies to improve access to justice. A2JBC is a vehicle for encouraging this type of alignment between organizations and institutions.

3) Monitor measures over time

Changes in the metrics of population access, user experience and costs over time can inform provincial and regional A2J development strategies and funding allocations, or become the basis for gap analyses, needs studies and benchmarking for organizations and institutions. Such studies can be done for the province as a whole or for sub-regions, and for sub-populations.

4. Applying the Framework: An Example

The following example shows how the Framework might be used with different units of analysis, objectives and measures.

Facilitating Access to Justice for Self-Represented Litigants

Facilitating access to justice for self-represented litigants is an important objective at all levels and stages of the justice system, whether it be in the actual court system, or at earlier stages. Prior to deciding whether to self-represent, individuals need to determine the nature of their problem, and start on the path to address it. Along this path they may access a range of services (information, education, skills enhancement, coaching, advice, advocacy) through different mediums (online, over the telephone or in person), and from different deliverers (lawyers, other professionals and support persons). Their decision to self-represent may result from non-eligibility for legal aid, be due to financial constraints, or be a choice (e.g. based on a desire to have more control over the process). Self-representation in court may be conducted alone, may involve a lawyer's unbundled service at a key stage, and/or may involve other support persons.

The following is a sample use of the measurement framework to address some aspects of this issue.

Unit of analysis: unrepresented litigants in civil (non-family) provincial court, as determined by court records or other methods.

Objective: to document the extent of and reasons for self-representation in the court, the pathways and resources used prior to and during court, the impacts of self-representation in terms of problem resolution, and the cost implications of self-representation, both for the individuals involved and for the courts.

Optimum collaboration requirements: maintenance of data by Court Services, Provincial court, and selected advice/information services; periodic access through interviews or questionnaires with judges, registry staff, duty counsel and self-represented individuals

Examples of outcome measures applicable to this issue:

Table 2 provides a sample of applicable measures related to the various dimensions and components of the triple aim that were shown in Table 1. The section numbers of the components refer to sections in the Measurement Framework document. Many other measures could be chosen, so these should be considered as a sample only. Since the unit of analysis in this example is "unrepresented litigants", measures referring to "users" would apply to this sub-group. However, to assess the significance of the results for self-represented litigants, comparative data for represented litigants would add depth to the analysis.

Application to innovation: using these measures in an innovation project designed to improve the experience of Self-Represented Litigants would assist in demonstrating the value of the innovation, and increase the likelihood of ongoing funding and scaling of the innovation across the justice system.

Table 2: Sample Framework Measures Applicable to the Issue of Unrepresented litigants

Element and Dimensions of Triple Aim	Component	Description of Types of Measures
Improving Population Access to Justice		
Prevalence of legal needs	1.2.1 Choice of path to justice	Proportion of target population who contact a lawyer at some point in their pathway.
		Proportion of people experiencing a legal problem who seek various forms of assistance (by type of assistance, by type of legal problems).
		Proportion of people experiencing a legal problem who go to court to solve the problem (by type of legal problem).
Fair and Equitable Access to Justice	1.3.2 Financial Access to System	The proportion of the population which cannot access a particular path to justice because of their financial situation.
Improving User Experience of Access to Justice User experience of obstacles to access to justice	2.1.1 Obstacles to access	Many different obstacles and barriers may prevent people from identifying a problem as a legal problem, understanding their legal rights and responsibilities, using legal assistance services to help solve their legal problem, and participating meaningfully in the resolution of their legal problem. There barriers may include costs or affordability of services, procedural complexities, communication challenges, and physical restrictions
	2.1.2 Eligibility to Services	Consequences of the criteria established to determine whether individuals are eligible to receive services (including, but not limited to free, subsidized, or low cost legal assistance services and benefits from such services) - Multiple measures are listed in the document
	2.1.3 Affordability of Services	The extent to which the cost of access to legal representation is within the financial means of people facing a justice need or problem - Multiple measures are listed in the document
	2.1.4 Delays in accessing justice services and their impacts	The extent to which individuals seeking access to justice mechanisms are appropriately referred to these mechanisms in a timely manner.

Element and Dimensions of Triple Aim	Component	Description of Types of Measures
Quality of user experience of the justice system	2.2.1 Quality and usefulness of legal information	Multiple measures are listed in the document, e.g. -experience of users in locating and accessing relevant and updated legal information -whether the legal information helped users understand what steps to take to address their legal needs and problem(s)
	2.2.6 Quality of referral services	Multiple measures are listed in the document, e.g. - the extent to which various referrals produce favourable outcomes in terms of timely access to the referred service - the extent to which the referrals are perceived by the clients as responsive to their needs
	2.2.7 Experience of self-represented litigants	The following summary statement is in the document, which suggests further indicators: While financial distress is a strong predictor of self-representation, other factors include distrust and negative predispositions towards lawyers; the litigant perceives their legal problem as simple and straightforward; reliable access to legal help, often from friends or family members; high level of education and professional experience, which may enable them to navigate legal documents and court proceedings; familiarity with courts or legal processes; an amicable relationship between the two parties; desire to retain control over the case; and a litigant may hold a 'do-it-yourself' mentality.
Effectiveness of justice system in addressing user legal problems	2.3.1 Effective resolution of legal problems	- the extent to which the legal problems faced by justice system users are resolved (by type of problem)
Justice outcomes for the users	2.5.1 User satisfaction with outcomes of justice process	- the extent to which users perceive, based on the nature of their legal problem and the circumstances surrounding it, that their best interests were considered, fulfilled, and reflected in the outcome of the justice process.
Improving costs	3.2 Per user costs of services	- the costs of delivering various forms of access to justice services calculated in relation to the number of users of these services (by type of service or path to justice, or for each new access to justice project or initiative).

5. Effective Use of Indicators to Improve Access to Justice

The example in the previous section suggests ways the Measurement Framework can be used to develop meaningful indicators supported by reliable data related to an access to justice issue or program.

The measurement of reliable indicators is not an end goal; it is a means to learn from experience about how to achieve access to justice and monitor progress towards that goal. Systematic measuring of the Access to Justice Triple Aim can lead to:

- Improved services
- Successful innovative projects
- Identification of needs and gaps
- Evidenced-based public policy
- Informed funding priorities

Effective measurement of key Access to Justice Triple Aim indicators will require the combined and collaborative actions of government, organizations and funders. The essence of collaboration is best captured by the notion of the "learning system." This is a key concept that originated in the application of the Triple Aim in the Health field:

Organizations and communities pursuing the Triple Aim also need to integrate their measures into a learning system to fuel simultaneous improvement of population health, experience of care, and per capita cost.

Institute for Healthcare Improvement, [A Guide to Measuring the Triple Aim: Population Health, Experience of Care, and Per Capita Cost.](#) 2012.

What can government, organizations and funders do to ensure that collaborative and effective measurement of indicators takes place, and leads to improvements in access to justice?

Government can:

- Embrace the Triple Aim and lead the development of ongoing impact and outcome monitoring systems, both within government and among other system stakeholders, that will support ongoing assessment of access to justice in B.C. This includes the establishment of performance measures to assess progress over time. It is not possible to address access to justice issues comprehensively without the lead of government. For example, in the description in Section 4 of this guide, it would not be possible to measure the number of unrepresented litigants without comprehensive court data. Currently that data is not consistently and reliably available.
- Work with other stakeholders to create learning systems that can drive change.
- Develop policies and protocols that will make data from government repositories more accessible to researchers, practitioners, funders, and service providers in order to deepen the interpretation of their own results and aid decision-making about priorities for increasing access to justice. Ideally this process would lead to the creation of an "observatory" or centre that pro-actively identifies opportunities to acquire and warehouse data in a variety of formats that are more readily accessed by organizations.

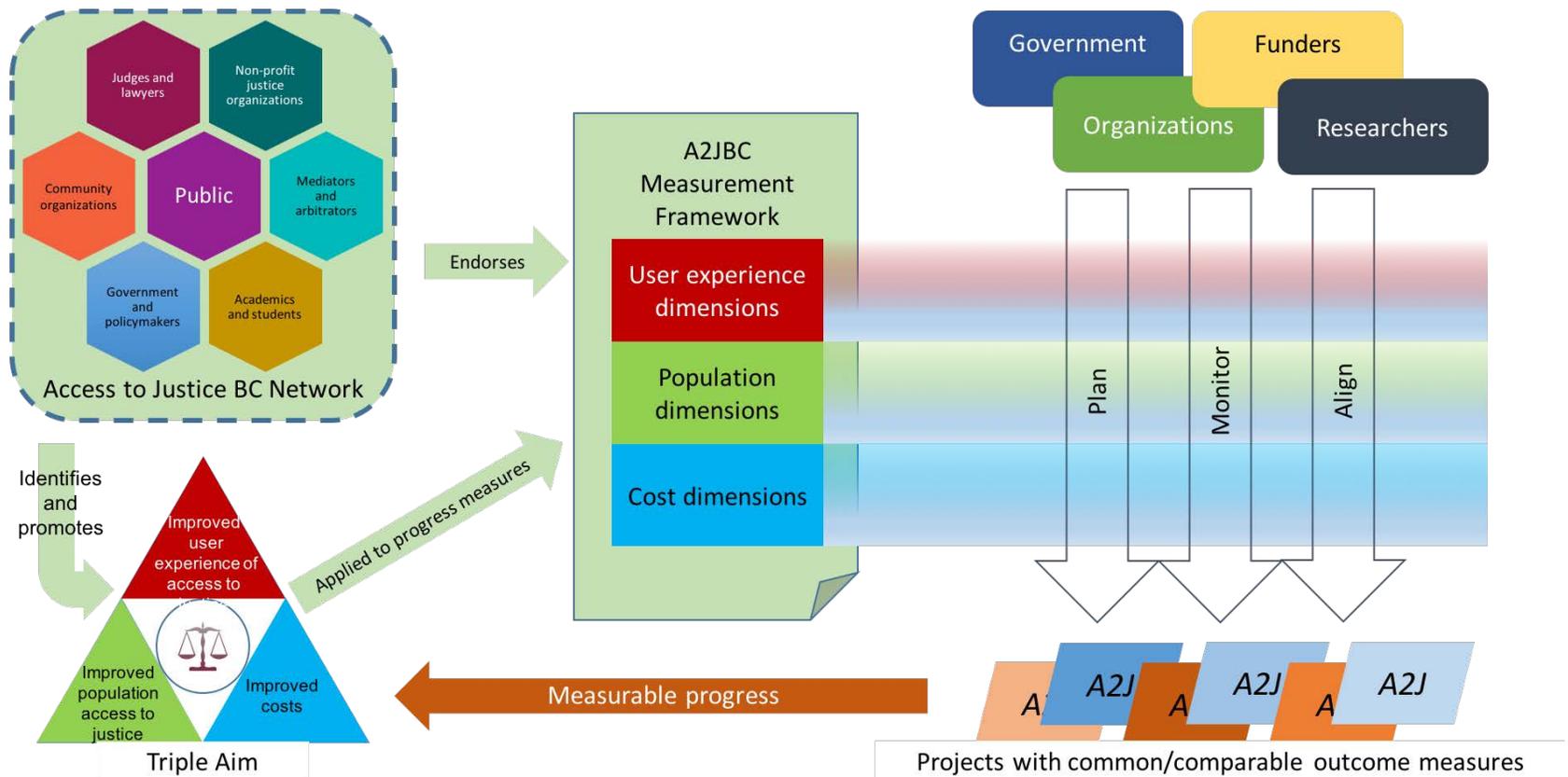
Organizations can:

- Use measures in the Measurement Framework to evaluate their access-to-justice innovation initiatives.
- Develop monitoring systems, evaluative processes and outcome benchmarks that will inform progress in facilitating access to justice.
- Share results with other organizations in their sector, or undertake joint data-gathering and sharing initiatives with other groups in their sector.
- Develop measures that align well with those of other stakeholders in the overall justice system, in order to develop the larger learning systems that will drive effective change.

Funders can:

- Support sector development and data initiatives by providing facilitation and resource assistance to organizations to gather, maintain and report data from sector collaborations. If data is to become more robust and truly be one of the drivers in achieving greater access to justice, both funders and organizations themselves, as well as government, need to allocate sufficient resources to that process.
- Adopt the Access to Justice Triple Aim and work towards incorporating contribution to the Triple Aim as a possible criterion for funding.

Access to Justice Measurement Framework: Its Development and Recommended Use



The graphic above summarizes the key themes of this user guide: the need for effective outcome measurement and the vision it serves, the importance of the Access to Justice Triple Aim and Measurement Framework, and the collaborative role of all players in the justice field required to align efforts that will lead to measurable progress towards access to justice.

Credits

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The Guide was written by Tim Roberts of Tim Roberts and Associates Consulting and Yvon Dandurand of Dandurand, Chin and Associates, with considerable editorial assistance from Jane Morley, QC of A2JBC. Inspiration for and review of the guide was provided by the A2JBC Measurement Working Group.

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