



To: ATILS Task Force  
From: Joyce Raby  
Date: June 21, 2019  
Re: E.1. Task Force Consideration and Action on General Recommendations Not Addressed by Subcommittees.

**Recommendation not yet approved by the Task Force:** That the implementation body be assigned to identify metrics designed to assess the impact of the ATILS reforms on the justice gap in California.

**Background:** A framework for measuring the impact of the Task Force's work is important and should be identified and articulated before implementation. The framework should allow benchmarks (any measurement that tells us where we are now, with the idea that we will measure the same thing after implementation) to be captured prior to any changes to the ecosystem.

The Task Force should consider the Drake Equation work that has been done at FJTC as a potential part of the evaluation strategy (<https://floridajusticetechnologycenter.org/project/the-drake-equation/>). Attached is the last published report on how to create and implement a Drake Equation formula specific to an online tool, project, or effort. RAND, Pew, A2J Lab, and others have all contributed to this work and while it is in the early stages, it has great potential to quantify in a credible way the impact of any regulatory changes.

**How the Recommendation Relates to the Charter:** As stated in the charter, one of the dual goals of the task force recommendations is to increase access to justice. The task force has developed proposed regulatory changes that are intended to achieve that critical goal; however, it is important that the plans and processes for implementation of any of the proposals include a deliberate effort to identify metrics to assess the actual impact of the changes on the justice gap.

**Pros:** Absent a plan and methodology for capturing data and applying measures to evaluate the impact of regulatory changes, there would be no reliable way of knowing whether regulatory changes are having any positive effect on the access to justice crisis. Particularly where the providers to be regulated are developing technology driven delivery systems, the regulators plan and methodology for capturing data and applying quantitative and qualitative metrics should be considered by the providers at the time that the technology itself is being developed. In addition, the details of the regulatory changes should be thoughtfully considered to determine whether rules should require certain data collection and reporting, as long as such requirements do not unduly burden user privacy or data security.

**Cons:** To quote Mark Twain: "There are three kinds of lies: lies, damned lies, and statistics." It is very hard to capture with any certainty cause and effect - in other words one might say "over a period of time, these changes occurred" but it will be very hard to say it is solely the result of the implementation of a new set of rules or a change in regulatory oversight. In addition, development of strategic data collection and metrics likely will involve the cost of retaining expert consultants and vendors who possess the resources and skills to design reasonable and realistic benchmarks. Similar costs should be anticipated for the ongoing periodic analysis of the data. Lastly, a culture of evaluation and improvement assumes you will be making changes as a result of what you learn and this can be very

challenging, especially in a regulatory environment. However, if you don't make a commitment to act on what you may learn, then evaluation is entirely wasted and unnecessary.

**Attachment:** Measuring Online Legal Resources: A Framework Inspired by the Drake Equation (February 2018)

# Measuring Online Legal Resources: A Framework Inspired by the Drake Equation

February 2018

Laura Quinn, Laura Quinn Consulting

Joyce Raby, Florida Legal Technology Center

Sponsored in part by the Institute for the Advancement of the American Legal System

## Executive Summary

A 2017 report from the Legal Services Corporation explored a “justice gap”: the difference between the civil legal needs of low-income Americans and the resources available to meet those needs. It found that of 86% of the civil legal problems reported by low-income Americans received inadequate or no legal help.<sup>1</sup>

Those of us creating online legal aid tools and resources instinctively surmise that members of the public – our target end users – find these tools useful. But from a broader perspective, what impact do these tools have on the justice gap? Online resources provide many readily collectible metrics, such as page views, documents assembled and satisfaction scores; but is it possible to create a framework or model that allows us to compare both these tactical metrics and their connection to a broader impact?

We started with a hypothesis that it would be possible to create a framework that allows an overarching view of the variables that determine the impact of an online resource. Our inspiration for this line of exploration was the Drake Equation, created in 1961 by Frank Drake to summarize the factors that scientists should consider when evaluating the potential of extraterrestrial life. The Drake equation includes both reasonably knowable factors—such as the average number of planets around a sun—and ones that appear difficult to ever determine—such as the average lifespan of a civilization that can communicate extraterrestrially. As such, the purpose of the

---

<sup>1</sup> 2017 Justice Gap Report, Legal Services Corporation, <https://www.lsc.gov/media-center/publications/2017-justice-gap-report>

equation isn't to enable a precise calculation of the number of alien civilizations, but rather to enable a *conversation* about what factors affect that calculation, what results are plausible and where additional information is critical.

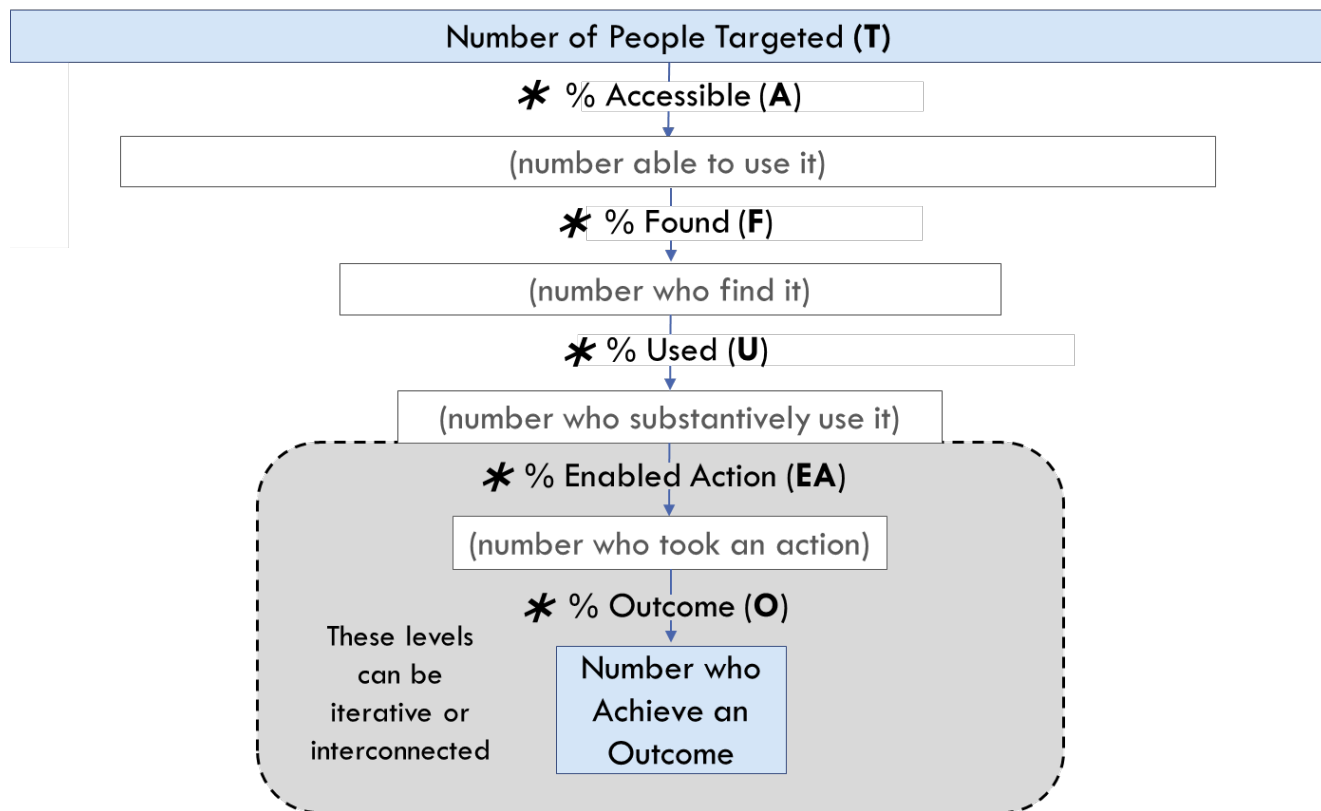
To explore these ideas, we conducted an initial investigation in three pieces: a set of ten interviews with national experts, a literature review and an in-person session to validate and workshop an initial framework. See the *Methodology* section for more information on these activities.

Through our interviews and literature review, we collected a sizable set of potential metrics for online resources that might fit into a framework in the model of the Drake Equation. For instance, widely used metrics such as page views and documents assembled provide useful measures of how many people found and used the resources. A number of people mentioned the importance of thinking about “penetration”—essentially, the number of people using the resources divided by the number of people in the target audience. As the interviews turned to ways to measure the ultimate outcomes for “access to justice”, it became apparent that there are many ways of understanding what success would mean in this area.

Ultimately, we created a framework based on a general “market” model that shows promise. We present this framework here not as a final product, but rather a “beta” version to allow others to consider it and provide feedback.

The framework starts, as per a typical market model, by showing the number of people in the target audience and then funnels that audience down by their use of the resources. We added steps to represent potential actions and outcomes at the end. We propose the following framework:

- **Targeted (T):** People that the resource would ideally serve in the geography and legal topic covered.
- **Accessible (A):** The percentage of T that are able to use the existing resources— for instance based on literacy, language or technology.
- **Found (F):** The percent that find the resources—for instance, by being aware of the site, via a Google search or through a referral from a community partner.
- **Used (U):** The percent that interact with the resources in some more substantive way—for instance, by navigating to the end, printing information or assembling a form
- **Enabled Action (EA):** The percentage of people for whom the resource enabled some meaningful next step in the real world—for instance, filing a form, creating a referral or a decision by the constituent that it's not worth their time to act.
- **Achieved Outcome (O):** The percent that reach an outcome – which could be defined in many ways. We've identified seven different types of outcomes; see the discussion in *Appendix B* for more detail.



By using “sub-variables” to detail out what factors should be considered at each level of the framework, we can add specificity and help prevent overlap between levels. This becomes difficult, however, as we get to the Enabled Action and Outcome levels—more work is needed to understand how best to model these often iterative or interconnected elements. See the *Applying the Framework* section for more information on sub-variables, open questions and an example.

There are several important open questions remaining, including how precisely this frameworks maps those who use a resource to eventual outcomes and impacts to access to justice, but our initial working draft is robust enough to enable useful conversations about how resources should be measured, and we have gathered the support of a sector-wide advisory group<sup>2</sup> to move it forward. Among other benefits, this framework can foster conversation, help develop a shared language, facilitate resource allocation and guide researchers to fill in the gaps of our knowledge about efficacy and impact(s) on the justice gap.

Our next steps—in the first few months in 2018—are to convene a set of working groups to apply the frameworks to real situations and data. Each working group will define their own goals, their own answers to the

<sup>2</sup> The advisory group includes researchers from; National Center for State Courts, the Legal Services Corporation, RAND Corporation, Pew Charitable Trusts, the Harvard A2J Lab and the Institute for the Advancement of the American Legal System as well as practitioners from a diverse set of legal aid programs. See *Appendix A* for contact details for all advisory group members.

above questions, assemble a set of data and analyze that data to see what lessons can be learned from the exercise. The resulting models will help inform the framework and provide tactical examples for the field.

We encourage others to use the framework in their own work and report back to this effort what they found or join us and participate on a working group. We will be collecting and compiling data sets and making them available on a website we plan to develop in 2018 including implementation guidance and toolkits. The more this framework is used, updated and revised, the more accurate it will become and ultimately the more value it will have to our community.

While we do not have concrete plans at this time for another in-person conversation; please let us know<sup>3</sup> if you would be interested in attending such an event and what conference or other meeting would provide the most convenient venue for your participation.

We believe that this framework can provide an important bridge from tactical to aspirational measures of access to justice. Measuring the impact of these resources is challenging—but that’s insufficient justification to not pursue a broad understanding of the impact of our online resources on access to justice.

---

<sup>3</sup> Please send an email to Laura Quinn at: [laurasquinn@gmail.com](mailto:laurasquinn@gmail.com)

# Measuring Online Legal Resources: A Framework Inspired by the Drake Equation

February 2018

Laura Quinn, Laura Quinn Consulting

Joyce Raby, Florida Legal Technology Center

Sponsored in part by the Institute for the Advancement of the American Legal System

## Introduction

Those of us creating online legal aid tools and resources instinctively surmise that our target end users find these tools useful. But how useful are they, and how can we compare the relative usefulness of each type of online tool or resource or understand its impact on the justice gap? Online resources provide many readily collectible metrics, such as page views, documents assembled and satisfaction scores, but is it possible to create a framework that:

- 1) Allows us to compare different tools/resources to each other to determine relative impact?
- 2) Connects these tactical metrics to more aspirational ones, such as those measuring access to justice?

To explore these questions, we spoke to ten leading U.S. experts on online legal aid resources to understand what measures can be collected, what outcomes they would include in an aspirational end goal like “access to justice” and how we might be able to bridge from one to another. We also asked the experts about prior research and investigated the existing literature to understand what work has already been done in this area. We then built a draft framework and workshopped it with thirteen experts in person in January 2018.

We started with a hypothesis that it would be possible to create a framework that allows an overarching view of the variables that determine the efficacy of an online resource. Our inspiration for this line of exploration was the Drake Equation, created in 1961 by Frank Drake to summarize the factors that scientists should consider when evaluating the potential of extraterrestrial life. The Drake equation includes both reasonably knowable factors—such as the average number of planets around a sun—and ones that appear difficult to ever determine—such as the average lifespan of a civilization that can communicate extraterrestrially. As such, the purpose of the equation isn’t to enable a precise calculation of the number of alien civilizations, but rather to enable a *conversation* about what factors affect that calculation, what results are plausible and where additional information is critical.

Similarly, our initial goal for a legal aid framework was not to be able to calculate a numerical result per se, *but to foster a conversation as a sector* about what the variables should be and what data we do or don’t have. Access to justice can be defined in many ways; a community-wide, shared set of definitions and tools will help us all better measure and compare the success of the products we are creating against those goals. Our purpose in publishing this report, similarly, is not to propose this framework as a finished outcome, but rather to invite others to use this “beta” version for themselves and offer feedback.

## Methodology

This study was designed as an exploration of the information that has already been gathered—by industry experts and into published reports. Rather than trying to build a framework from the ground up, we focused on understanding what the literature and experts had to say about these concepts and then validated a draft framework.

The exploration was conducted in three parts: a set of ten interviews with industry experts, a literature review and then an in-person session with thirteen experts to validate and workshop an initial framework.

### Expert Interviews

We conducted a set of ten interviews with the goal of understanding the general mental framework of a set of professionals. Questions were geared towards understanding what metrics are currently being measured about online legal aid resources, what would ideally be measured to determine if these resources are helping to achieve “access to justice” and their thoughts about bridging these gaps. The experts were chosen as a mix of those with long experience working with online legal aid resources, those with significant research already in this area and those with a broad, collective sense of the work happening around the country. See *Appendix A* for a full list of those interviewed as well as those that participated in the January working session.

### Literature Review

We supplemented these interviews with a review of literature about evaluation models that relate to online legal resources. See *Appendix C* for a full bibliography of resources reviewed for this report.

### Participatory Workshop

After conducting both the interviews and the literature review, we constructed a draft framework for initial review. We circulated that draft, with a very preliminary version of this report, to a set of thirteen experts and then workshopped that draft framework in person in January 2018. In the workshop, we explored how the framework applied to specific scenarios with the goal of identifying overall strengths and flaws. We validated the general approach, identified gaps and places where clarifications are needed and defined a set of open issues that should be addressed as part of next steps.

The thirteen participants were invited to represent a mix of practitioner, researcher and funder perspectives as well as different priorities and stakeholders across the legal aid spectrum. Four people were both interviewed in the first round and then participated in the workshop; a total of twenty people were included across both the interviews and workshop. See *Appendix A* for a full list of those who participated.



## A Preliminary Framework of Metrics

Through the conversations with our experts, we collected a sizable set of potential metrics for online resources that might fit into a framework in the model of the Drake Equation. For instance, widely used metrics such as page views and documents assembled provide useful measures of how many people are using the resources or proxies for how useful the resources are in the moment. A number of people mentioned the importance of thinking about “penetration”—essentially, the number of people using the resources divided by the number of people in the target audience.

As the interviews turned to ways to measure the ultimate outcomes for “access to justice”, it became apparent that there are many ways of understanding what success would mean in this area. Tangible legal outcomes, like increasing the number of cases for which an answer was filed, were frequently mentioned, but some preferred metrics like empowerment or perceptions of fairness. In total, we itemized seven different categories of possible outcomes for legal aid resources. See *Appendix B* for more detail.

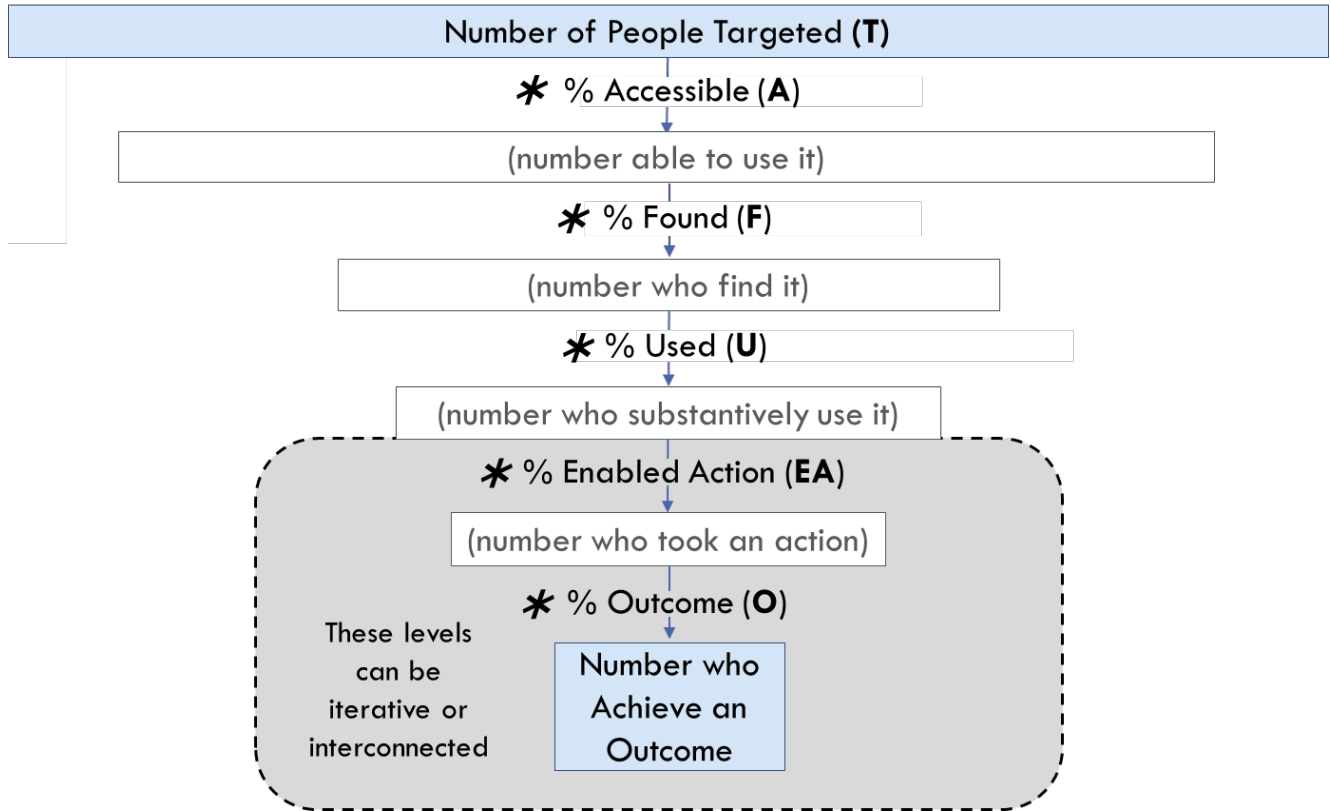
There is promise in creating a framework that shows how factors interrelate based on a general “market” model. As is typical for a market model, this framework starts by showing the number of people in the target audience and then funnels that audience down by their use of the resources. We add steps to represent potential actions and outcomes at the end.

We propose the framework:

- **Targeted (T):** People that the resource would ideally serve in the geography and legal topic covered
- **Accessible (A):** The percentage of T that are able to use the existing resources— for instance based on literacy, language or technology
- **Found (F):** The percent that find the resources—for instance, by being aware of the site, a Google search or by referral from a community partner
- **Used (U):** The percent that interact with the resources in some more substantive way than simply arriving at them—for instance, by navigating to the end, printing or assembling a form
- **Enabled Action (EA):** The percentage of people for whom the resource enabled some meaningful next step in the real world—for instance, filing a form, enabling a referral, having a key conversation or deciding it’s not worth their time to act.
- **Achieved Outcome (O):** The percent that reach an outcome – which could be defined in many ways. We’ve identified seven different types of outcomes that could be included; see the discussion in *Appendix B* for more detail.

At every stage in the framework, the demographics and legal subject matter at hand would need to be considered. For instance, if a resource is geared at helping those in Michigan living in poverty achieve a divorce, each step of the equation used to measure that specific resource would need to be tailored to that target audience and legal subject area.

As we arrive at the bottom of the framework, with Enabled Actions and Outcomes, these two levels can be iterative or interconnected. More work needs to be done to determine how best to model these important levels to accommodate the frequent real-life scenarios in which a resource enables several actions and outcomes which are linked or when the action enabled is to look for more resources.



Note that the framework purposely does *not* include a level for whether the resources were *useful* to the user. Although usefulness was frequently mentioned in the interviews and literature review (and was included as part of the draft framework we brought to the working group), the working group agreed that determining *usefulness* was 1) particularly difficult to measure quantitatively and 2) a factor that is both subjective and ultimately, not as important as measuring actions taken. In other words, if they were able to *use* the resource and able to *take action* because of that resource, it's redundant in the context of the framework to consider whether or not they found it *useful*.

We understand that many factors may need to be weighted to incorporate special circumstances. Equations may need to consider particularly vulnerable populations for example, such as transgender individuals or children or urgent but temporary work, such as disaster recovery. Articulating how to weight these factors appropriately and effectively is something we consider necessary but only feasible once the foundation has been laid.

## Applying the Framework

At each level of the framework, it's important to clearly define what data should be included. The working group determined that there's 1) potential for significant overlap between the levels unless they are clearly defined and 2) any use of the framework is going to require a certain level of assumptions to be made and these should be clearly stated, along with the actual data used. To address both issues, we determined that the eventual framework should include a suggested set of sub-variables for each level. These sub-variables will serve as a starting point for those implementing the model and will encourage the documentation of any additional sub-variables used for a specific scenario.

While an official definition of what sub-variables should be included in each level will require additional work, we outline below some of the variables we've discussed, which also serve to clarify the working definition of each level. We also provide a fictitious example to illustrate how the framework might be applied and the type of ballparks and guesstimates that are required in many practical applications.

As an overall note, it will be important at each level of the framework to consider what units are being used for each sub-variable. For instance, if Targeted is measured in people, Used is measured in unique visits to a webpage per computer and Enabled Action is measured in forms submitted, those numbers are not necessarily directly comparable. Further work will need to be done to determine what sub-variables should be recommended to reduce the danger of using importantly different units of analysis.

### Targeted (T)

The Targeted level represents an estimate of the number of people who would ideally be served by the online resource, in the geographic region and content area. Sub-variables might include:

- The population of the geographic area served
- The number of people who are old enough to have the issue that is being addressed
- The percentage who have a legal issue but don't have a lawyer
- The percentage who have the specific legal issue being addressed

It's a current open question as to whether this level should include those who have not recognized their need or whether it should rather be limited to the percentage who have sought help—or whether this should be left open in the framework to be decided on a case-by-case basis in individual applications of the framework.

To walk through an example, suppose we are creating a triage process to help those with eviction issues in a particular county. As example figures, suppose there are 100,000 adults in the county. Nationwide data tells us that 86% of all adults have legal issues but don't have a lawyer (ABA). Suppose that of all the cases served by the local legal aid organization, 10% of them have to do with eviction. If we multiply those three numbers ( $100,000 * 0.86 * .1 = 8600$ ), we find that there is somewhere in the magnitude of 8600 people in our target audience.

As mentioned above, calculating any figure requires a set of assumptions and guesstimates. Likely, the 86% national ABA figure is not exactly applicable to the county being studied. The percent of eviction cases served by the legal aid organization is not an exact proxy for the overall percent of all constituents that have this issue. But we use these numbers to estimate a figure—with recognition that it's not perfect.

## Accessible (A)

The Accessible variable is the proportion of T that is able to read and use the existing resources. Sub-variables might include the percentages that:

- have access to the internet
- have a high enough level of literacy to read the resources
- speak one of the languages in which information is presented
- are not precluded from using the resources by a disability
- can afford the resource, if it's not free

In thinking through the above factors, we should also consider what percentage of these people with difficulties could be enabled to use the resources by an intermediary that can help them.

In our example, assume that our county has widespread access to broadband internet, cell service and libraries—so access to the internet isn't an issue. Via census data, we find that 91% of adults have a high school diploma and 90% speak English at home. Further assume that there's not a substantive percentage with disabilities and that it's a free resource. Eyeballing those numbers, and with the knowledge that we have some strong intermediaries who can help those who cannot read the resources, we guesstimate that 95 *percent* of adults can use the resources. That puts the *number* of people who can access the resources at about 8000 ( $8600 \times .95 = 8170$ ).

## Found (F)

The Found percentage is those who interacted with the resource in some way, potentially very minimally. In practical usage, it likely makes sense to use a metric for how many *people* showed up to the resource—for instance, the page visits to a primary website page—and then calculate the *percentage* by dividing the number who Found it by the number to whom it was Accessible.

This is an easy one in our example—we can use the number of page views to the triage homepage as the *number* of people who Found it. Suppose we had 1000 page views; our *percentage* Found is then about 12% ( $1000 / 8000$ ).

## Used (U)

The Used percentage indicates the percentage of people who do more than simply view the resource, but who interact with it in some deeper way. The metric will differ substantially based on the specific resource under consideration, but it's likely to be a measure of how many people did something—for instance, the number who clicked to take an action, assembled a form, reached the end of a process or spent more than a certain amount of time on a page.

In our triage example, we could say that they Used the site if they made it through all the questions appropriate to them and arrived at some suggested information or action. If we say that 400 people arrived at this kind of endpoint, then 400 is our Used *number* and the Used *percent* is 40% ( $400 / 1000$ ).

## Enabled Action (EA) and Achieved Outcome (O)

In general, the Enabled Action level is intended to represent the percentage of people who took a real action in the world to address their issue, while the Outcome level represents the percentage who received real benefit

from this action. As we consider detailed definitions, however, it becomes clear that these two simple steps are likely not sufficient to satisfactorily model real-life scenarios. Issues include:

- A resource might enable several actions and outcomes linked to each other
- An enabled action might be to look for more resources, which would send the participant upwards in the framework
- An enabled action might be to decide not to take any action, in which case many definitions of outcomes would be problematic

In addition, the definition of what an Outcome might consist of is so varied across different stakeholders that some minimal standardization of the types of outcomes that will be supported by this framework makes sense. We identified seven different types of Outcomes—from Perception of Fairness to Legal Outcomes to Process Efficiency and more—referenced by experts. See *Appendix B* for a detailed discussion of possible outcomes for legal aid resources.

That said, for any given scenario, we can certainly define Enabled Actions and Outcomes. For instance, in our triage website example, we might measure two endpoints: assembled documents and those who were referred to providers. In that case, we might define:

- For document assembly, the Enabled Action might be the number of people who file one of the forms that contain our bar code. We could then measure Outcomes as cases through a carefully sampled evaluation study and perhaps measure the percentage of cases that resulted in a similar outcome as would be expected if the constituent was represented by a lawyer.
- For referrals, the Enabled Action might be a successful intake and the start of services by the referred entity. The Outcome could then be a successful outcome of the case as determined by the referred entity.

### **Using the Framework to Compare Different Resources**

This framework currently provides the number of people impacted as the final output. This number is useful in comparing similar resources in different circumstances—for instance:

- If 1000 people are provided with information by creating one resource, but only 500 with another, we can weigh the number served against cost to determine the best way forward.
- If we compare the figures for each level of the framework for similar resources across different geographies, we can understand what's typical and identify opportunities for program improvements.
- If we were to plug in maximum and minimum numbers rather than a single number for each factor, the result would be the range of possible impact. This range of impact could be used as one factor in determining resource allocation or as a way to prioritize resource development.
- We could model what the impact would be if we were able to change a given factor. For instance, in many cases, increasing the Found percentage by only a small percentage has a huge impact on the ultimate number of people served. Using a formula driven system allows us to identify the “weakest link” so a tool's impact could be improved by other factors rather than assuming the tools itself needs to be modified, improved or eliminated.

While the number of people impacted is useful for comparing similar resources, it's less satisfying as a means to compare resources that have different levels of impact. For instance, is a tool that provides 1000 people information about living wills more impactful than one that helps 100 people create and file restraining orders? More work needs to be done to determine how to translate the end metric provided by the framework to one that can be satisfactorily used to compare different types of resources.

## Open Questions and Next Steps

There are several important questions that need to be answered before this framework can be put into widespread use. To summarize the questions that have been covered already as well as a few additional ones prioritized within the working session:

- **Defining sub-variables to avoid overlap.** What “sub-variables” should be included in each level of the framework to help practitioners implement it consistently and without overlap between levels?
- **Including those who aren't aware of their legal needs.** How should the framework include the consideration that a potential user may not be aware that they have a need for the resources?
- **Prioritizing vulnerable populations.** How do we ensure the framework is helpful in ensuring that our resources are being used by the vulnerable populations that need them most, as opposed to incenting resources that are used by the widest possible audience?
- **Avoiding problems with different units of analysis.** How do we ensure that problems with different units of analysis (e.g. measuring Used in unique visits to a webpage per computer and Enabled Action in forms submitted) are minimized?
- **Further modelling of Enabled Actions and Outcomes.** How should be framework represent the sometimes interdependent and iterative nature of Enabled Actions and Outcomes?
- **Focusing on types of Outcomes.** Should the framework focus in on specific Outcomes among the seven identified? If so, which ones? Or should it be agnostic to which Outcomes are being measured?
- **Defining the end metric to facilitate comparison across resources.** How should we translate the end metric provided by the framework—people served—to one that can be satisfactorily used to compare different types of resources that have different levels of impact?

Our next steps—in the first few months in 2018—are to convene a set of working groups to apply the frameworks to real situations and data. Each working group will define their own goals, their own answers to the above questions, assemble a set of data and analyze that data to see what lessons can be learned from the exercise. The resulting models will help inform the framework and provide tactical examples for the field.

We encourage others to use the framework in their own work, report back to this effort what they found or to join us and participate on a working group. We will be collecting and compiling data sets and making them available on a website we plan to develop in 2018 including implementation guidance and toolkits. The more this framework is used, updated and revised, the more accurate it will become and ultimately the more value it will have to our community.

While we do not have concrete plans at this time for another in-person conversation, please let us know<sup>4</sup> if you would be interested in attending such an event and what conference or other meeting would provide the most convenient venue for your participation.

## Conclusion

The primary goal of this initial work was to explore the feasibility of creating an overarching framework to explore and compare the impact of online resources on the justice gap. We have succeeded in providing an initial working draft of this framework which is robust enough to enable useful conversations about how resources should be measured and gathering a sector-wide advisory group to move it forward. The framework has many benefits:

- Simply fostering a conversation about what factors are important enough to be included is an effective mechanism of shedding light on methods and end goals of the access to justice movement.
- Defining and promoting a language with which to compare results across different programs is useful in of itself.
- This framework can surface—or challenge—the assumptions that lead to resource allocations. Even without full data to calculate the differential outcomes for different strategies, we might be able to say *that any plausible guess* for the factors would result in prioritizing one tactic over another.
- While some factors will be easily supplied, ones that we currently consider to be too difficult to capture might – at some future point – become more easily collected. This framework may present guidance to the community about how our evaluation methods might be improved. For example, establishing a better relationship with a court system could provide needed case outcomes or triage systems might offer a way to collect data from many sources and provide analysis across an entire ecosystem of organizations.

We believe that this framework can provide an important bridge from tactical to aspirational measures of access to justice. Measuring the impact of these resources is challenging—but that’s insufficient justification to not pursue a broad understanding of the impact of our online resources on access to justice.

---

<sup>4</sup> Please send an email to Laura Quinn at: [laurasquinn@gmail.com](mailto:laurasquinn@gmail.com)

## Appendix A: Interviewees, Workshop Participants and Advisory Committee

Two aspects of our study included a set of external stakeholders: a set of ten interviews with industry experts and an in-person session to validate and workshop an initial framework. The workshop participants all agreed to serve as an official project Advisory Committee. The participants are defined below.

### Expert Interviews

As described in the Methodology section, we conducted a set of ten interviews with eleven people with the goal of understanding the general mental framework of a set of experts. The eleven interviewed were:

- Katherine Alteneder, Self-Represented Litigants Network
- David Bonebreak and Jane Ribadeneyra, Legal Services Corporation
- Tom Clark, National Center for State Courts
- Bonnie Hough, Judicial Council of California
- Joan Kleinberg, Northwest Justice Project
- Ed Marks, New Mexico Legal Aid
- Teri Ross, Illinois Legal Aid Online
- Rebecca Sandefur, University of Illinois College of Law
- Angela Tripp, Michigan Legal Help Program
- Richard Zorza, [accesstojustice.net](http://accesstojustice.net)

### Participatory Workshop and Advisory Committee

As described in the Methodology section, we circulated a draft framework and then conducted a working session with 13 experts. Laura Quinn facilitated the session. The 13 who participated were:

- Ethan Bauer, The Pew Charitable Trusts
- David Bienvenu, Simon, Peragine, Smith & Redfearn; ABA
- Tom Clarke, National Center for State Courts
- Zachariah DeMeola, Institute for the Advancement of the American Legal System
- Carlos Manjarrez, Legal Services Corporation
- Alison Paul, Montana Legal Services Association
- Joyce Raby, Florida Justice Technology Center
- Jane Ribadeneyra, Legal Services Corporation
- Erika Rickard, a2j lab, Harvard Law School
- Teri Ross, Illinois Legal Aid Online
- Angela Tripp, Michigan Legal Help Program
- Kristin Verrill, Atlanta Legal Aid Society
- Dulani Woods, RAND

At the conclusion of the workshop, all of the workshop participants agreed to serve on an official project **Advisory Committee**.



## Appendix B: Types of Outcomes

Our expert interviews included several questions about measuring ultimate outcomes. Across the 11 experts interviewed, there were different mental models as to how one would measure whether online resources were achieving aspirational access to justice goals—even in an ideal world where feasibility wasn't a factor.

Most agreed that the core issue at hand was whether the user of the online resources had effectively resolved their question or problem, but when asked what factors should be considered in determining that, their answers diverged substantially. Some of the major factors on which they diverged included:

- **What is the domain we're trying to cover—and therefore measure-- with online A2J resources?** Should these resources solely provide limited help to allow users to solve a specific problem in a legal way? To what extent should we be measuring whether they encourage solutions that don't involve a court or lawyer? What about answering questions when there is not actually a problem yet at hand (like considerations in signing a lease) and therefore there's no specific next action step to measure?
- **How important are the users' perception of fairness of the process or outcome?** Several interviewees mentioned concepts of procedural justice, such as that the user felt that the resources helped them feel like they had their say in court and that the process was fair. Several, however, mentioned specifically that they felt perceptions of fairness were not nearly as important as the reality of legal outcomes, such as whether users could achieve a better defense or an equitable ruling.
- **Are feasibly measured legal outcomes a reasonable proxy for whether "justice" occurred?** Some interviewees saw measuring typical legal outcomes—such as whether a defense was raised or money was saved—as a reasonable proxy of knowing whether the "best" outcome was achieved for the user. Others suggested using data to compare outcomes to similar cases to determine if the approximate "just" outcome occurred. Others felt that measuring whether something was the "right" outcome wasn't possible and preferred to think about access to justice as whether the user was empowered to make an informed choice about their next steps.
- **At what point should these outcomes be measured?** Logically, only a small percentage of the questions and issues that users are hoping to address can be resolved simply and immediately using online resources. For most resources, there would need to be some down-the-road follow-up (with the accompanying complexity). For some resources, it might be necessary to do multiple follow ups over an extended period to gain any real knowledge. Some interviewees were skeptical as to whether this was feasible or worth the cost.

The potential measures discussed by the interviewees to measure the ultimate efficacy of these legal resources broke down into seven categories:

1. **Perception of Fairness:** Do they help users feel that the process to get to an outcome was fair and they are able to have their say—as per a "procedural justice" lens?
2. **Education and Empowerment:** Are users more able to help themselves through the process of this legal situation—and for future situations?
3. **Solution without Official Process:** Is their problem solved without use of courts or lawyers (perhaps by choosing to do nothing or through informal methods)?
4. **Legal Outcomes:** Are fewer cases defaulted because of the resources? Do the users receive better settlements than those who didn't use the resources?

5. **Just Outcomes:** Was the user able to get what a typical lawyer would call justice in the situation—or some other definition of what “justice” would mean in an ideal world?
6. **Life Outcomes:** Did the resources reduce stress or provide a more stable family situation?
7. **Process Efficiency:** Do the resources create time or cost savings for organizations within the legal aid ecosystem?

Each of these seven are discussed in more detail below.

### 1. Perception of Fairness

About half of those interviewed mentioned using the perception of fairness as an outcome measure—often called “procedural justice”. This type of measure would determine whether the user felt that the process was fair, whether they felt that they’re voice has been heard or, on the opposite end of the spectrum, they were made to feel stupid or alienated or ashamed. This type of measure would likely need to be collected directly from users through interviews or surveys.

Two of those interviewed felt strongly that procedural justice measures tend to be *overused* as a measure of access to justice outcomes. To them, what matters are the legal outcomes and to the extent that it’s possible to know them, “just” outcomes. To paraphrase one of the experts interviewed, “you could have a very pleasant experience and still get screwed.... And if you feel it’s pleasant, you’re more likely to be compliant to the results.”

### 2. Education and Empowerment

About half the interviewees mentioned some kind of education or empowerment outcome as a desirable end goal—that the user is informed and more able to make their own choices. This could span not only the problem at hand—for instance, whether it’s a legal matter, whether they should pursue it and how they might go about it—but also help them be more prepared for similar issues that might come up in the future.

Several compared the idea of educating users about legal matters to the education that’s done in the financial arena. For instance, like there are resources to help people be more financially savvy, we could help them be more legally savvy. With this lens, it’s desirable to educate not just about specific legal matters but what to expect in court, how to negotiate, how to recognize a legal issue, how to protect themselves against future legal issues and more. Several mentioned specifically educating people that they may have remedies even if they can’t get a lawyer.

Measures of empowerment might include whether people feel that they’re more able to make decisions for themselves after using the resource or whether they’d be able to solve a problem like this again.

### 3. Effective Solution without an Official Process

An overarching model of successful use of online legal resources needs to consider the reality that at least some of the issues that prompt users to seek out online resources can be solved without use of lawyers, courts or any official process. Perhaps the right solution to their situation is to do nothing, to have a conversation (with their landlord, for instance) or to seek mediation outside the courts. Perhaps when they understand all the options and ramifications, they decide that other priorities (for instance, their time, relationships, money) outweigh the benefits of seeking justice.

About a third of the interviewees mentioned this type of outcome.

#### 4. Legal Outcomes

If a user of online resources pursues a legal remedy, are they able to achieve a result? Nearly every interviewee mentioned some sort of legal outcome as a desirable measure. Several mentioned that it's very challenging to know what users used what resources to achieve what results, but others offered examples of evaluations that tracked users through to case resolution—for instance in divorce cases in Michigan or via text message in Atlanta. Among the types of legal outcomes mentioned were:

- In how many of the cases were people able to raise defenses?
- How long does it take for a case to get to closing?
- Were those seeking a divorce successful in achieving one?
- Was money saved or debt forgiven?
- Is the rate of defaults going down?
- Are more answers filed, for eviction or debt collection cases?

Two people mentioned that given the level of difficulty of tracking these type of measures, they felt there has been *too* much focus on them. Both felt that more emphasis should be put on expanding the number of people using resources—so on the Accessible and Found aspects of the model.

#### 5. Just Outcomes

About half the interviewees mentioned specifically that knowing what a “fair” settlement is or what the “right” outcome is would be nearly impossible to know. The litigant themselves will often not have a useful lens on this topic—so instance, a litigant who was evicted may feel they had an “unfair” outcome, but if they haven't paid rent, a delay to their eviction may be the best outcome that is reasonable. While most would likely agree that they'd like to see online resources help to provide “just” outcomes, they don't see it as a feasible measure.

Two of the interviewees, however, suggested a “big data” approach to this problem. If we were to collect a large pool of data about cases, it would be possible to see whether any individual case was within the parameters one would expect based on the factors in play and therefore make a judgement as to whether it was fair. In fact, if this data existed, perhaps it could be shown to litigants to help them understand what they should expect as a judgement.

They suggest that this same data might allow the community to monitor systematic injustices as well—for instance, if rulings are systematically biased by factors that shouldn't impact them or if a bank appears to be targeting a specific demographic profile unfairly.

#### 6. Life Outcomes

Two interviewees provided an even wider lens for measuring outcomes: did the resources contribute to a better life for the user? For instance, did they reduce stress through a legal process or provide a more stable family situation?

#### 7. Process Efficiency

Efficiency wasn't a top priority outcome measure of any of our interviewees, but it came up in some way in about half the interviews. Metrics mentioned in this area would measure the efficiency of the system—especially the court system, but also lawyers' processes, particularly to serve more people with the same staff. Metrics could include tracking the number of filings that go through the first time around, the time to resolve a case or the number of issues resolved outside of court.

## Appendix C: Literature Review and Bibliography

As part of this study, we reviewed fifteen different reports that were mentioned as related to the intersection of tactical and aspirational metrics. Only a few of these specifically related to the measurement of online legal aid metrics; more were about measuring access to justice or online resources more generally.

We included the specific information gleaned from the literature review into the overall analysis for the framework. It has, however, become clear that we only found the tip of the iceberg when it comes to literature that might be relevant to the development of a framework. While it seems likely that we discovered most of the resources specific to measuring online legal aid resources that were written in the US, a completely comprehensive literature review would need to consider:

- Research done outside the United States. Many countries, like the United Kingdom, have made considerably more public investment in civil legal aid than the US and likely have an accompanying body of research.
- Non-legal-sector research about specific stages. There are many sectors that use online resources to encourage effective decision making—for instance, in the public health or financial education areas. Metrics identified within these sectors to measure similar stages, like *Found* or *Enabled Action*, could usefully inform this framework.

It seems likely there that is quite a bit of relevant research that hasn't yet been identified in one or both areas, but a literature review that included all existing useful research was beyond the scope of this initial engagement.

The list of reports reviewed follows, in approximate order of their relevance to this research.

### **Michigan Legal Help Evaluation Report: An examination of the efficacy of the Michigan Legal Help website in helping self-represented litigants successfully navigate the divorce process.**

<https://michiganlegalhelp.org/news/michigan-legal-help-evaluation-report>

Michigan Legal Help, January 2015

Evaluation of a document assembly process, including how many were filed and some research into case outcomes. Michigan's evaluation of their website's efficacy in helping litigants achieve a divorce provided a very useful set of data for thinking through the middle steps of the framework.

### **Evaluating a Statewide Triaging Portal Designed to Link People with Legal Problems with Effective Resources to Help Resolve Them**

(Reviewed in draft; not yet published)

Tom Clarke, John Greacen, Chris Griffin, Paula Hannaford, Rachel Perry and Rebecca Sandefur. Reviewed in draft, March 2017.

Rigorous look at potential measures for various aspects including efficacy of a triaging portal. This report's bonanza of metrics was very useful in considering what specific measures could be included in the middle steps of the framework.

### **The 2017 Justice Gap Report**

Legal Services Corporation

<http://lsc.gov/justicegap2017>

Service based metrics to show the gap of people nationwide who are unlikely to be getting legal services, including those who were turned away at LSC funded legal aid orgs. The Legal Services Corporation's report

includes extensive statistics about needs in various legal areas, which maps directly to the Targeted area in our framework. The rest of the report focuses specifically on professional legal assistance as the primary avenue of support and so aided our thinking about the Legal Outcomes area.

### **Towards a Proposed Universal Measure for Access to Justice and Economic Mobility**

Richard Zorza, 2016

<https://richardzorza.files.wordpress.com/2016/09/outcomes-savings.pdf>

Richard Zorza's paper includes a similar linear progression in narrowing down from targeted populations to those to whom services are available and so on. Our framework doesn't map specifically to his, but the approach influenced ours.

### **Access to Justice Measurement Framework (British Columbia)**

Yvon Dandurand and Jessica Jahn, 2017

<http://nouvelleculturejudiciaire.quebec/export/sites/judiciaire/pdf/Proposed-Access-Justice-Measurement-Framework-20170510.pdf>

Very detailed framework of metrics to measure access to justice developed for British Columbia.

### **Everyday Legal Problems and The Cost Of Justice In Canada: Overview Report**

<http://www.cfcj->

[fcjc.org/sites/default/files/Everyday%20Legal%20Problems%20and%20the%20Cost%20of%20Justice%20in%20Canada%20-%20Overview%20Report.pdf](http://www.cfcj-fcjc.org/sites/default/files/Everyday%20Legal%20Problems%20and%20the%20Cost%20of%20Justice%20in%20Canada%20-%20Overview%20Report.pdf)

Trevor C.W. Farrow, Ab Currie, Nicole Aylwin, Les Jacobs, David Northrup and Lisa Moore, 2016.

Findings from a major legal aid needs study in Canada, including a look at the different "pathways to justice" that people use and an estimate of the costs incurred.

### **Measuring the Online Impact of Your Information Project: A Primer for Practitioners and Funders**

[https://www.knightfoundation.org/media/uploads/publication\\_pdfs/Measuring-the-Online-Impact-of-Information-Projects-092910-FINAL\\_1.pdf](https://www.knightfoundation.org/media/uploads/publication_pdfs/Measuring-the-Online-Impact-of-Information-Projects-092910-FINAL_1.pdf)

FSG Social Impact Advisors and John S. and James L. Knight Foundation, Oct 2010.

Overview of using website metrics to assess traffic to and quality of content heavy websites.

### **Public Legal Education Evaluation Framework**

<https://namati.org/resources/public-legal-education-evaluation-framework/>

Sharon Collard, Dr. Chris Deeming, University of Bristol Personal Finance Research Centre, Lisa Wintersteiger, Martin Jones, John Seargeant, Law for Life, November 2011.

Framework for evaluating the "legal capability" of a population and educational materials to increase it.

### **Model Self-Help Pilot Programs - A Report to the Legislature, March 2005**

<http://www.courts.ca.gov/partners/211.htm>

Evaluation report of five programs from the early stages of the self-help movement, providing an overview of potential metrics, particularly those with court stakeholders.

### **Documenting the Justice Gap In Michigan, Update**

<https://www.michbar.org/file/programs/atj/pdfs/JusticeGap.pdf>

Prepared by the State Bar of Michigan in Collaboration with Michigan's Legal Services Corporation, Spring 2012 (Updated: Spring 2017)

### **Evaluating a Statewide Triaging Portal Designed to Link People with Legal Problems With Effective Resources to Help Resolve Them**

Reviewed in draft; not yet published

Interesting, very different look at how one might evaluate, which include measures of the stress of the process.

### **Florida Commission on Access to Civil Justice, Final Report**

<http://www.flaccessjustice.org/wp-content/uploads/2016/06/ATJ-Final-Report-Court-06302016-ADA.pdf>

Florida Commission on Access to Civil Justice, 2016

### **Statewide Website Assessment: Findings, Recommendations and Tools for Improving Usability**

<https://webassessment.lsc.gov/>

Ernst & Young LLP, 2017

Primarily a look at usability and accessibility metrics; could be used to look at things like metrics for providing access to non-native speakers of English or the disabled

### **The Justice Index**

<http://justiceindex.org/>

A look at the state level of indicators of access to justice (like number of lawyers per low income resident and number of self-help centers); no obvious connections between these indicators and ones that would tie into online resource measurement.

### **Perceptions of Procedural Fairness: How Online Systems Can Build Trust and Fairness into Their Processes**

Nancy Welsh, Joyce Raby 2017

[http://scho.wshd.org/hosted\\_files/2017tigconference/cc/TIG%202017%20-%20Proc%20Fairness%20%26%20Online%20Systems.pdf](http://scho.wshd.org/hosted_files/2017tigconference/cc/TIG%202017%20-%20Proc%20Fairness%20%26%20Online%20Systems.pdf)

A TIG presentation on how to think about/ measure perceptions of empowerment and fairness in online systems. Appears to be the source of some widespread discussion on this topic.