

Access To Justice And Legal Empowerment Making The Poor Central In Legal Development Co Operation Law Governance And Development

This book tries to reunite and rebuild faith in public institutions by highlighting the availability of judicial remedies for the poor and the excluded in South Asia. The central idea of this book is the inevitable link between judicial capacity and good governance. It critically discusses the state of 'access to justice' to the poor and addresses the problems of various structures and procedures approached by the poor to seek justice. The formal system remains locked in the whimsical fantasies of the lawyers and the state structure which aborts the rule of law for the privileged and works in open defiance of the increasing disempowerment of the poor due to an overwhelming judiciary. This book highlights the growing need for restorative justice as against retributive and thus emphasizes a more intensive action research in alternative dispute resolution systems (ADRs). This argument is further developed to assess the competence of many people's led informal institutions of judiciary such as Saalish in Bangladesh, Jirgas in Pakistan or Lok Adalats in India. The book is also radical in its approach towards the use of alternative dispute resolution systems to support marginalized communities, including women in distress, through mediation and arbitration which are gaining a new intellectual space in justice discourse. This book is an indispensable guide to administrators, and social scientists interested in governance and legal research. It would also be useful for those working in the non-state sector of pro-poor reforms.

"Equal Justice Under Law" is one of America's most proudly proclaimed and widely violated legal principles. But it comes nowhere close to describing the legal system in practice. Millions of Americans lack any access to justice, let alone equal access. Worse, the increasing centrality of law in American life and its growing complexity has made access to legal assistance critical for all citizens. Yet according to most estimates about four-fifths of the legal needs of the poor, and two- to three-fifths of the needs of middle-income individuals remain unmet. This book reveals the inequities of legal assistance in America, from the lack of access to educational services and health benefits to gross injustices in the criminal defense system. It proposes a specific agenda for change, offering tangible reforms for coordinating comprehensive systems for the delivery of legal services, maximizing individual's opportunities to represent themselves, and making effective legal services more affordable for all Americans who need them.

This book considers how access to justice is affected by restrictions to legal aid budgets and increasingly prescriptive service guidelines. As common law jurisdictions, England and Wales and Australia, share similar ideals, policies and practices, but they differ in aspects of their legal and political culture, in the nature of the communities they serve and in their approaches to providing access to justice. These jurisdictions thus provide us with different perspectives on what constitutes justice and how we might seek to overcome the burgeoning crisis in unmet legal need. The book fills an important gap in existing scholarship as the first to bring together new empirical and theoretical knowledge examining different responses to legal aid crises both in the domestic and comparative contexts, across criminal, civil and family law. It achieves this by examining the broader social, political, legal, health and welfare impacts of legal aid cuts and prescriptive service guidelines. Across both jurisdictions, this work suggests that it is the most vulnerable groups who lose out in the way the law now operates in the twenty-first century. This book is essential reading for academics, students, practitioners and policymakers interested in criminal and civil justice, access to justice, the provision of legal assistance and legal aid.

Vulnerable Consumers and the Law

The Cost and Value of Accessing Law

The Justice Crisis

Consumer Protection and Access to Justice

Legal Services in Texas

Legal Education, Legal Practice and the Community

Access to Justice and the UN Convention on the Rights of Persons with Disabilities

Access to Justice in Arbitration Concept, Context and Practice Edited by Leonardo V P de Oliveira & Sara Hourani The exponential growth of arbitration beyond commercial and investment matters, reaching disputes that have traditionally been decided by courts - such as labour and employment, sports, and competition disputes, and those involving human rights violations - raises questions about the impact of this expansion on access to justice. This collection of essays by arbitral practitioners, academics, and arbitral institution officials presents, for the first time, an in-depth analysis of the role access to justice plays in arbitration. Overall, the book assesses how access to justice can be guaranteed in arbitration and, in particular, shows how access to justice works in various types of arbitration. The book and its contributions will be of immeasurable value in determining the practical application of such concerns as the following: when issues of access to justice can be raised in arbitral disputes and when violations of access to justice can be challenged; ramifications of arbitration clauses in contracts; ensuring fairness and efficiency arising from technological innovations applied to arbitration; legal framework applicable to online dispute resolution and blockchain-based arbitration, especially with regard to recognition and enforcement; and access to justice in arbitrations involving sexual harassment. The book concludes with three chapters on access to justice under the rules of arbitral institutions as revealed by studies of the World Intellectual Property Organisation, the Singapore International Arbitration Centre, and the International Centre for Settlement of Investment Disputes. Arbitration provides a final binding decision that can be challenged on very limited grounds; thus, with arbitration settling disputes that were

originally a prerogative of the judiciary, securing fairness in such procedures is paramount to the survival of arbitration. For this reason, arbitration practitioners, institutions, and academics will appreciate this deeply-informed analysis and commentary on a crucial aspect of a highly significant and rapidly evolving area of practice.

This book focuses on four topical and interconnected, innovative pathways to civil justice within the context of securing and improving access to justice: the use of Artificial Intelligence and its interactions with judicial systems; ADR and ODR tracks in privatising justice systems; the effects of increased self-representation on access to justice; and court specialization and the establishment of commercial courts to counter the trend of vanishing court trials. Top academics and experts from Europe, the US and Canada address these topics in a critical and multidisciplinary manner, combining legal, socio-legal and empirical insights. The book is part of 'Building EU Civil Justice', a five-year research project funded by the European Research Council. It will be of interest to scholars and policymakers, as well as practitioners working in the areas of civil justice, alternative dispute resolution, court systems, and legal tech. The chapters "Introduction: The Future of Access to Justice - Beyond Science Fiction" and "Constituting a Civil Legal System Called "Just": Law, Money, Power, and Publicity" are available open access under a Creative Commons Attribution 4.0 International License via link.springer.com.

Marginalized Communities and Access to Justice is a comparative study, by leading researchers in the field of law and justice, of the imperatives and constraints of access to justice among a number of marginalized communities. A central feature of the rule of law is the equality of all before the law. As part of this equality, all persons have the right to the protection of their rights by the state, particularly the judiciary. Therefore equal access to the courts and other organs of the state concerned with the enforcement of the law is central. These studies - undertaken by internationally renowned scholars and practitioners - examine the role of courts and similar bodies in administering the laws that pertain to the entitlements of marginalized communities, and address individuals' and organisations' access to institutions of justice: primarily, but not exclusively, courts. They raise broad questions about the commitment of the state to law and human rights as the principal framework for policy and executive authority, as well as the impetus to law reform through litigation. Offering insights into the difficulties of enforcing, and indeed of the will to enforce, the law, this book thus engages fundamental questions about value of engagement with the formal legal system for marginalized communities.

Towards New European Standards of Affordability, Quality and Efficiency of Civil Adjudication

Lawyers and the Public Good

A Review of World Bank Practice

Access to Justice and the Judiciary

Access to Justice and Human Security

Studies Inspired by the Work of Malcolm Feeley

Technology, Innovation and Access to Justice

We live in a denial of justice age when it comes to the individual pursuit of justice against international organisations (IOs). Victims of institutional conduct are generally not provided reasonable means of dispute settlement at the international level. They also have been unable to seek justice at the national level due to IO immunities, which aim to secure institutional independence. Access to justice and IO independence are equally important values and realising them both has so far proven elusive. Private international law techniques can help allocate regulatory authority between the national and institutional orders in a nuanced manner by maintaining IO independence without sacrificing access to justice. As private international law rules can be adjusted nationally without the need for international action, the solution proposed can be readily implemented, thereby resolving a conundrum that public international law has not been able to address for decades.

This book is a timely addition to the literature on access to justice. The book's essays address all aspects of the topic, including differing views on the meaning of access to justice; ways to improve access to legal services; litigation and its role in achieving social justice; and the roles of lawyers, citizens, and legal institutions. Access to Justice for a New Century is based on papers given at an international symposium presented by the Law Society of Upper Canada, sponsored by the Law Foundation of Ontario.

Disability offers a new lens through which to view the effectiveness of access to justice, and the inclusiveness of the justice system as a whole. This book analyses the experience of people with disabilities through the entire justice system, from making a complaint, to investigation, and through the court/tribunal process. It also considers the participation of people with disabilities in a variety of roles in the justice system - as witness, defendant, complainant, plaintiff, lawyer, judge and juror. More broadly, it also critically examines the subtle barriers of access to justice which might exist in a given society - including barriers to grassroots disability advocacy, legal education and training, the right to vote and the right to stand for election which may apply to people with disabilities. The book is international and comparative in scope with a focus primarily on examples of legal practice and justice systems in common law countries. The work will be of interest to scholars working in the areas of human rights, equality and non-discrimination, disability rights activists and legal professionals who work with people with disabilities to achieve access to justice.

Problems of the Access to Justice in the UK's Legal System

Providing Access to Justice

Access to Justice in Iran

Marginalized Communities and Access to Justice

Challenges of Access to Justice

Access to Justice and Legal Aid

Access to Justice and the Need for Legal Information

Access to justice is among the most important notions in modern legal vocabulary. It is a central topic in the

famous book series edited by the late Mauro Cappelletti, the case law of the European Court of Human Rights, the land-slide reforms of Lord Woolf in England, and the reform of most other modern justice systems. From all these sources, one general line of thought emerges: every individual deserves legal protection that is not only quick, but also effective and affordable. In a time when an ever growing demand for justice meets economic crisis and shrinking resources, innovative approaches to the access to justice are urgently needed. This present volume discusses a variety of such approaches from across Europe and beyond, all united by their significance in contemporary trends in legal and judicial reform. They are presented in the four sections of this book: Access to Justice and Legal Aid; Accessibility by Improvement of Quality; Access to Justice through Mediation and Arbitration; and Accessing Justice through Efficient Enforcement.

Access to Justice and Legal Aid Comparative Perspectives on Unmet Legal Need Bloomsbury Publishing

This book examines the state of access to criminal justice by considering the health of the lawyer-client relationship under legal aid. In the largest study of its kind for some two decades, ethnographic fieldwork is used to gain a fresh perspective upon the interaction that lies at the heart of the criminal justice system's equality of arms. The research produces two contradictory messages; in interview, lawyers claim a positive relationship with their clients while, under participant observation, there emerges quite the opposite. Paying more heed to what was seen than what was said, it is supposed that these lawyers were able to talk the talk but not walk the walk. The lawyers treat their clients with wanton disrespect; making fun of them, talking over them and pushing them to plead guilty - despite protestations to the contrary. The evidence is damning for this branch of the legal profession - and tragic for the clients who depend on them. What is responsible for this malaise...inadequate financial remuneration? Increased time pressures? Lapsed ethical training? Whatever the origin, this book is intended to show the profession that there is a problem - one that could get worse unless they choose to learn from the mistakes made by the lawyers in this study.

Access to Justice for All

Access to Justice and Legal Aid in Africa : Conference Report

The Way Forward

Access to Civil Justice in America

Concept, Context and Practice

Access to Justice and Legal Process

Published in 1999, this volume contributes to the debate on convergence and differences in the role of law and legal institutions throughout the world. Globalization and technology may allow convergence of lawyers training, practices and values. However, local conditions may create resistances and barriers which must be acknowledged and studied. The book focuses on social values in legal education and practice in four regions: East Asia, South Asia, South-East Asia and Latin America.

Essay from the year 2014 in the subject Law - Philosophy, History and Sociology of Law, grade: A, University of Birmingham, language: English, abstract: The continuous reduction of legal aid funding has raised question whether the UK is denying its citizen's access to justice and missing its rule of welfare state. It had been put into practice since the second half of the twentieth century, where the indigenous people, unable to afford the cost of access to justice, were granted legal aid funding with public money. Access to justice is no more prioritised like education, healthcare, and social security to utilise taxpayer's money, while legal advice cost of barristers and solicitors has accelerated at a higher rate. Although equal opportunity and human rights are the two major focal points of English Legal System, austerity caused by economic downturn made it difficult to balance the spending of public money for common necessities of the society and curtailed legal aid. Thus, access to justice is far away from essential needs, and just a luxury for the poor people, which may bring lawlessness in the society.

For the 2010 Hamlyn Lectures, Alan Paterson explores different facets of three key institutions in a democracy: lawyers, access to justice and the judiciary. In the case of lawyers he asks whether professionalism is now in terminal decline. To examine access to justice, he discusses past and present crises in legal aid and potential endgames and in relation to judges he examines possible mechanisms for enhancing judicial accountability. In demonstrating that the benign paternalism of lawyers in determining the public good with respect to such issues is no longer unchallenged, he argues that the future roles of lawyers, access to justice and the judiciary will only emerge from dialogues with other stakeholders claiming to speak for the public interest.

Access to Justice and Legal Empowerment

Access to Justice for a New Century

The Case of Individual Victims of Human Rights Violations

Access to Justice

Women, Perceptions, and Reality

Making Legal Institutions Responsive to Poor People in LDCs

Legal Needs Surveys and Access to Justice

This report offers an empirical tool to help planners, statisticians, policy makers and advocates understand people's everyday legal problems and experience with the justice system. It sets out a framework for the conceptualisation, implementation and analysis of legal needs surveys and is informed by analysis of a wide range of national surveys conducted over the last 25 years. It provides guidance and recommendations in a modular way, allowing application into different types of surveys. It also outlines opportunities for legal needs-based indicators that strengthen our understanding of access to civil justice.

This groundbreaking book offers a compelling articulation of the right of access to justice for individuals facing human rights violations by international organizations. Following an examination of the human rights obligations of a variety of international organizations, the author

scrutinizes their dispute settlement mechanisms as well as the conflict between their immunities and the right of access to justice before national jurisdictions. Highlighting recent examples, such as the cholera outbreak in Haiti, this book reveals how individual victims of human rights violations by international organizations are frequently left in the cold, due to the lack of an independent, impartial dispute settlement mechanism before which they can file such claims. Considering both global mechanisms and current mechanisms established by international organizations such as administrative jurisdictions for employment-related disputes, Pierre Schmitt finds that they either are not competent or that they have a limited scope. He concludes by offering normative proposals addressed both to international organizations and to national judges confronted with such cases. Offering a wealth of empirical and practical wisdom, this book will appeal to scholars in public international law and human rights. It is also a must-read for practitioners, judges and legal advisers working in the field and will prove a useful tool for national authorities negotiating immunity conventions with international organizations.

Malcolm Feeley's classic scholarship on courts, criminal justice, legal reform, and the legal complex, examined by law and society scholars.

Comparative Perspectives on Unmet Legal Need

Access to Justice in Arbitration

Democracy in Action?

Access to Justice, State Planning for Access to Civil Legal Services

Justice for All

Access to Justice. Part 2, Legal Aid

Legal Aid Lawyers and the Quest for Justice

In international law, as in any other legal system, respect and protection of human rights can be guaranteed only by the availability of effective judicial remedies. When a right is violated or damage is caused, access to justice is of fundamental importance for the individual and it is an essential component of the rule of law. Yet, access to justice as a human right remains problematic in international law. First, because individual access to international justice remains exceptional and based on specific treaty arrangements, not on general principles of international law; second, because even when such right is guaranteed as a matter of treaty obligation, various doctrines of international law may effectively impede its exercise, as in the case of sovereign immunity or non reviewability of Council measures directly affecting individuals. Further, even access to domestic legal remedies is suffering because of the impact of security threats, such as terrorism, on the full protection of freedom and human rights. This collection of essays offers several perspectives on the present status of access to justice: its development in customary international law, the stress put on it in times of emergency, its problematic exercise in the case of violations of the law of war, its application to torture victims, its development in the law of the UN Human Rights Committee and of the European Court of Human Rights, its application to the emerging field of environmental justice, and finally access to justice as part of fundamental rights in European law.

While legal technology may bring efficiency and economy to business, where are the people in this process and what does it mean for their lives? Brings together leading judges, academics, practitioners, policy makers and educators from countries including India, Canada, Germany, United Kingdom South Africa and Nigeria Includes contributions from Roger Smith, Dory Reiling, Christian Djeflal, Geoffrey Williams and Odunoluwa Longe Offers a dialogue between theory and practice by presenting practical and reflective essays on technological changes in the legal sector Analyses technological changes taking place in the legal sector, situates where these developments are taking place, who has brought it about and what impact has it had on society Around four billion people globally are unable to address their everyday legal problems and do not have the security, opportunity or protection to redress their grievances and injustices. Courts and legal institutions can often be out of reach because of costs, distance, or a lack of knowledge of rights and entitlements and judicial systems may be under-funded leading to poor judicial infrastructure, inadequate staff, and limited resources to meet the needs of those who need such services. This book sets out to embed access to justice into mainstream discussions on the future of law and to explore how it is addressed in different parts of the legal industry. It examines what changes in technology mean for the end user, whether a citizen, a client or a student. It looks at the everyday practice of law through a sector wide analysis of law firms, universities, and civil society organizations. In doing so, the book provides a roadmap on how to address sector specific access to justice questions and draw lessons for the future. The book draws on experiences from judges, academics, practitioners, policy makers and educators and presents perspectives from both the Global South and the Global North.

Building on a series of ESRC funded seminars, this edited collection of expert papers by academics and practitioners is concerned with access to civil and administrative justice in constitutional democracies, where, for the past decade governments have reassessed their priorities for funding legal services: embracing 'new technologies' that reconfigure the delivery and very concept of legal services; legal aid budgets; and introducing putative cost-cutting measures for the administration of courts, tribunals and established mechanisms for the delivery of legal advice and assistance. Without underplaying the future potential of technological innovation, or the need for a rational system for the prioritisation and funding of legal services, the book questions whether the absolutist approach to technological innovation, austerity and the promise of new technologies that have driven the Coalition Government's policy, can be squared with obligations to the fundamental right of access to justice, in the unwritten constitution of the United Kingdom.

Earl Warren and the Nation He Made

New Pathways to Civil Justice in Europe

Disabled Justice?

Dialogues on the Future of Law

Speech

Middle Income Access to Justice

Free and Low Cost Legal Resources in Virginia

A critical and in-depth analysis of access to justice from international and Islamic perspectives, with a specific focus on access by women.

This report offers an empirical tool to help planners, statisticians, policy makers and advocates understand people's everyday legal problems and experience with the justice system. It sets out a framework for the conceptualisation, implementation and analysis of legal needs surveys and is ...

One of the most acclaimed and best political biographies of its time, Justice for All is a monumental work dedicated to a complicated and principled figure that will become a seminal work of twentieth-century U.S. history. In Justice for All, Jim Newton, an award-winning journalist

for the Los Angeles Times, brings readers the first truly comprehensive consideration of Earl Warren, the politician-turned-Chief Justice who refashioned the place of the court in American life through landmark Supreme Court cases whose names have entered the common parlance -- Brown v. Board of Education, Griswold v. Connecticut, Miranda v. Arizona, to name just a few. Drawing on unmatched access to government, academic, and private documents pertaining to Warren's life and career, Newton explores a fascinating angle of U.S. Supreme Court history while illuminating both the public and the private Warren.

Cultural Contradictions in Rural South Africa

Making the Rule of Law a Reality

Strengthening Governance through Access to Justice

Educating for Justice Around the World

Access to Justice as a Human Right

The Legal Aid Department Serving the Community for 30 Years

The Legal Process and the Promise of Justice

Featuring contributions by leading Canadian and international scholars, practitioners, and members of the judiciary, this multidisciplinary collection draws on scholarship in the fields of law, social science, and public policy. There is a particular emphasis on family law, consumer law, and employment law, as these are the areas where research has indicated that unmet legal needs are highest.

Are Americans making under \$50,000 a year compelled to navigate the legal system on their own, or do they simply give up because they cannot afford lawyers? We know anecdotally that Americans of median or lower income generally do without legal representation or resort to a sector of the legal profession that - because of the sheer volume of claims, inadequate training, and other causes - provides deficient representation and advice. This book poses the question: can we - at the current level of resources, both public and private - better address the legal needs of all Americans? Leading judges, researchers, and activists discuss the role of technology, pro bono services, bar association resources, affordable solo and small firm fees, public service internships, and law student and nonlawyer representation.

Unfulfilled legal needs are at a tipping point in much of the Canadian justice system. The Justice Crisis assesses what is and isn't working in efforts to strengthen a fundamental right of democratic citizenship: access to civil and family justice. Contributors to this wide-ranging overview of recent empirical research address key issues: the extent and cost of unmet legal needs; the role of public funding; connections between legal and social exclusion among vulnerable populations; the value of new legal pathways; the provision of justice services beyond the courts and lawyers; and the need for a culture change within the justice system.

Beyond Elite Law

Coordinating Jurisdiction between the National and Institutional Legal Orders

Access to Justice and International Organizations

Beyond the Policies and Politics of Austerity

Access to Justice and International Organisations

Access to Justice in Africa and Beyond

Summary of Civil Legal Needs and Access to Justice in Nevada

This book charts the difficulties encountered by vulnerable consumers in their access to justice, through the contributions of prominent authors (academic, practitioners and consultants) in the field of consumer law and access to justice. It demonstrates that despite the development of ADR, access to justice is still severely lacking for the vulnerable consumer. The book highlights that a broad understanding of access to justice, which encompasses good regulation and its public enforcement, is an essential ingredient alongside access to the mechanisms of traditional private justice (courts and ADR) to protect the vulnerable consumer. Indeed, many of the difficulties are linked to normative obstacles and lack of access to justice is primarily a vulnerability in itself that can exacerbate existing ones. In addition, because it may contribute to 'pushing' already vulnerable consumers into social exclusion it is not simply about economic justice but also about social justice. The book shows that lack of access to justice is not irreversible nor is it necessarily linked to consumer apathy. New technologies could provide solutions. The book concludes with a plea for developing 'inclusive' justice systems with more emphasis on public enforcement alongside effective courts systems to offer the vulnerable with adequate means to defend themselves. This book will be suitable for both students and practitioners, and all those with an interest in the justice system.

For most people in rural South Africa, traditional justice mechanisms provide the only feasible means of accessing any form of justice. These mechanisms are popularly associated with restorative justice, reconciliation and harmony in rural communities. Yet, this ethnographic study grounded in the political economy of rural South Africa reveals how historical conditions and contemporary pressures have strained these mechanisms' ability to deliver the high normative ideals with which they are notionally linked. In places such as Msinga access to justice is made especially precarious by the reality that human insecurity - a composite of physical, social and material insecurity - is high for both ordinary people and the authorities who staff local justice forums; cooperation is low between traditional justice mechanisms and the criminal and social justice mechanisms the state is meant to provide; and competition from purportedly more effective 'twilight institutions', like vigilante associations, is rife. Further contradictions are presented by profoundly gendered social relations premised on delicate social trust that is closely monitored by one's community and enforced through self-help measures like witchcraft accusations in a context in which violence is, culturally and practically, a highly plausible strategy for dispute management. These contextual considerations compel us to ask what justice we can reasonably speak of access to in such an insecure context and what solutions are viable under such volatile human conditions? The book concludes with a vision for access to justice in

rural South Africa that takes seriously ordinary people's circumstances and traditional authorities' lived experiences as documented in this detailed study. The author proposes a cooperative governance model that would maximise the resources and capacity of both traditional and state justice apparatus for delivering the legal and social justice - namely, peace and protection from violence as well as mitigation of poverty and destitution - that rural people genuinely need.

Around the world, access to justice enjoys an energetic and passionate resurgence as an object both of scholarly inquiry and political contest, as both a social movement and a value commitment motivating study and action. This work evidences a deeper engagement with social theory than past generations of scholarship.