



## About the Access to Justice Lab

The Access to Justice Lab was founded in July 2016 thanks to the generous support of the Laura and John Arnold Foundation. The Arnold Foundation’s core objective “is to address our nation’s most pressing and persistent challenges using evidence-based, multi-disciplinary approaches.”

The Lab is housed within the Center on the Legal Profession (CLP) at Harvard Law School, which seeks to make a substantial contribution to the modern practice of law by increasing understanding of the structures, norms and dynamics of the global legal profession.

## Our Mission

The Access to Justice Lab is dedicated to transforming adjudicatory administration and engagement with the courts into evidence-based fields.

In no field is resistance to evidence-based thinking more ferocious than in United States legal practice. For more than a century, U. S. practice and judging have reflected an ethos of professionalism in which individual lawyers and judges purport to make irreducibly complex judgments about each client’s or litigant’s legal needs and the merits of their claims. Only a lawyer knows what is best for a client, and the only person a lawyer should listen to about her client’s legal needs is another lawyer. As a result, law currently recognizes only two sources of truth about what works and what doesn’t: (i) the pronouncements of legal elites, and (ii) each individual lawyer’s or judge’s own personal experience.

Almost a century ago, U.S. medicine was the same. In the 1920s and 1930s, doctors thought that they alone, as professionals, knew what was best for patients, and that no non-physician could say anything useful to improve professional medical judgments. In this time period, medicine recognized only two sources of truth about what worked: (i) the pronouncements of medical elites, and (ii) each physician’s own personal experiences with “his” particular patients.

Medicine transformed itself from an art into (more of) a science. Starting more than 100 years ago, medicine began to recognize a role for ideas from non-medical fields. And in the first half of the Twentieth Century, medicine began accepting the randomized control trials (“RCTs”), as a critical tool in deciding what works. U.S. legal practice, another other quintessential U. S. profession, underwent no transformational change.

The Access to Justice Lab will work to produce transformational change in U.S. legal practice. We will produce rigorous evidence of what works, by incorporating evidence-based thinking and learning from other fields, and by implementing creative interventions and randomized control trial field studies.

## Examples of Our Work: Collaboration with Courts

### Pre-trial release

The Laura and John Arnold Foundation (the “LJAF”) developed the Public Safety Assessment (the “PSA”) to provide an accurate tool to distinguish criminal defendants according to the risk that they will engage in future misconduct. Jurisdictions across the United States have begun to implement the PSA at the initial release/detention hearing at the start of a criminal case. We are conducting a randomized control trial to assess whether providing the PSA to judicial officials making initial release/detention decisions leads to reductions in the following outcomes:

- failures to appear at future hearings;
- new criminal activity;
- new violent criminal activity; and
- the number of days defendants spend incarcerated pretrial.

### Mediation in federal court

The A2J Lab has partnered with a federal district court to conduct a randomized control trial evaluating the effect of a formal mediation session with inmates in federal prison with civil rights complaints. This study is the first of any kind to evaluate an alternative dispute resolution (ADR) program rigorously on multiple dimensions, including court and party expenditure of resources, litigant opinions of the judicial process and the result, and nature of the parties’ post-litigation relationship.

### Default in debt collection cases

We know that 95% or more of debt collection defendants lose their cases because they do not show up to court, even when they have a strong chance of winning their cases. Our debt collection studies address the question: How can legal services providers and courts persuade individuals to participate in legal processes?

Our pilot study, [Problems of default, part I](#), demonstrates that a well-constructed letter sent to debt collection defendants at the start of their case can more than triple the rate of defendants coming to court to contest their cases. This randomized control trial was a collaborative effort of the Access to Justice Lab, a legal aid organization, and a local court. We are currently expanding the study to test the effectiveness of images and translation as elements of a well-constructed letter.

### Self-help tools in guardianship cases

Court-based self-help centers and volunteer attorney programs that assist litigants in guardianship proceedings report a major obstacle: serving documents on interested parties. In this randomized control trial, the A2J Lab will partner with a court system and a legal aid provider to develop self-help materials and then conduct a randomized study to address the following question: can well-designed informational packets improve the current system by increasing the rate at which petitioners effectuate service?