



Developing a portfolio of
financially sustainable,
scalable basic legal service
models

Costing methodology paper

OSF/IDRC

3 June 2016



Introduction

1. This methodological paper sets out an approach to costing the delivery of basic legal services at scale as applied to a range of basic legal service models in a recent study funded by the Open Society Foundations and International Development Research Centre. The study developed a broader framework for thinking about how basic legal service interventions can be taken to scale in a sustainable manner to enable improved access to justice for people living in the most vulnerable Low Income Countries (LICs) and Fragile and Conflict-Affected States (FCAS).
2. Analysing costs and benefits is key to understanding the feasibility of scaling up basic legal service provision. Accordingly, one aspect of the study considered what we know about the unit costs of basic legal services and how we calculate them. This question was considered in the context of 17 case study interventions. 12 case studies were in low and middle income countries and were distilled into five broad models of intervention: community-based paralegals (Liberia, Myanmar, Sierra Leone), microfinancing justice (Bangladesh, Microjustice4All and Microjusticia Argentina), community law centres (China and Rwanda), hybrid models (South Africa and Ukraine) and justice hubs (Kenya and Uganda). Four case studies were in OECD contexts (Australia, Canada, the UK and the Netherlands) and were considered by way of comparison. The study then drew on a range of country legal needs surveys to develop a new methodology for calculating the unit costs and affordability of basic legal services and applied it to twelve of these case studies.
3. This methodological paper sets out the five step methodology used in the study, explaining its limitations where appropriate, provides examples of its application to the case studies, and summarises some of the key data constraints and methodological challenges for further discussion.
4. It is hoped that the methodological approach proposed will assist a wide range of stakeholders in expanding available models for the development and financing of scaled up interventions, capable of meeting the primary justice needs of the poor and vulnerable.



1. A Five Stage Approach

- 1.1 This section of the paper sets out the five stage methodology used in the study to cost the delivery of basic legal services at scale.
- 1.2 By way of context, it is relevant to note that there are at least two distinct approaches to determining the unit cost of legal service provision:
 - Costing a national justice system from the top down; or
 - Costing a particular aspect of legal service delivery from the bottom up.
- 1.3 The top down approach is more holistic and identifies costs in terms of (a) % of GDP or government spend as well as (b) per capita cost. This is the approach used most often in other sectors seeking to build a case for financing such as health¹ and education² and it lends itself to helpful comparisons with other measures of economy within and between sectors. However, by examining the cost of the justice system as a whole as reflected within national budgets, this approach tends to encompass criminal justice as a large proportion of the system as well as civil and administrative justice; it may also reflect the role of the police in both civil and criminal matters. By contrast, the bottom up approach identifies costs in terms of the provision of specific legal services either to particular groups or to the population as a whole. It therefore has the potential to offer a more targeted approach to costing scaled up legal provision, subject to being able to identify suitable pilot interventions together with an assessment as to whether they are meeting the relevant legal needs in a country.
- 1.4 In the study, “basic legal services” were defined by reference to the types of legal problems they assist people to resolve, focusing on problems of a civil and administrative nature where primary justice needs are most often found. Legal problems of this kind include those relating to personal security, family relationships, financial disputes, employment issues, service delivery and violations of consumer rights. Basic legal services addressing such needs comprise those offering an elementary level of legal education, such as advice and assistance, together with non-court-based forms of dispute resolution and referral to providers of formal litigation services and court-based representation where appropriate. Consequently, the study did not generally consider national models of legal aid for formal litigation services and court-based representation to be pilot models of basic service provision but more akin to secondary services in other sectors such as healthcare and education. However, exceptions were made where court-based representation formed part of a wider range of services that include basic legal services.³
- 1.5 In keeping with this definition, the study adopted a bottom up approach to costing. This enabled a tight focus on basic legal service provision in the context of legal problems of a civil and

¹ The first global costing for essential health care services was prepared in 2003 by the Global Commission. The most recent update was undertaken by the Centre on Global Health at Chatham House which costed the delivery of universal health care at USD 87 per capita in LICs and they recommend a target of spending on health of 5% of GDP. Many African countries have subscribed to the Maputo target of 15% of government expenditure. See Manuel et al ODI Working paper 416 <http://www.odi.org/publications/9462-financing-future-international-public-finance-should-fund-global-social-compact-eradicate-poverty>

² As part of the Global Monitoring Report on education that has been running for some years UNESCO have costed the delivery of primary and secondary education. In their latest report (2015) this was costed at an average of USD 47 per capita in LDCs. They also urged countries to target total spending on education at 6% of GDP and/or 20% of the government’s budget. Ibid.

³ For example, Bangladesh Rural Advancement Committee’s Human Rights and Legal Aid Services, China’s Legal Aid Centres, Rwanda’s Maison d’Accès à la Justice and Legal Aid Ontario in Canada.



administrative nature while avoiding the challenges of disaggregating national budget expenditure on problems of this type versus expenditure on criminal and other types of legal problems. However, recognising the benefits of the top down approach, the study sought to reflect the bottom up costs of scaled up legal provision in terms of (a) per capita cost but also measures such as (b) % of GDP or government spend. This allowed the same comparisons to be drawn with other measures of economy both within justice and in comparison with other sectors as the top down approach, enabling valuable stories to be told about government resources and prioritisation of justice relative to other services in case study countries.

1.6 Specifically, the methodology used in the study seeks to cost basic legal service delivery from the bottom up using a total of five potential steps:

- Identifying a pilot service that seeks to respond to basic legal needs of a civil and administrative nature and calculating its input costs;
- Transforming the input costs of the pilot service into the per capita costs of delivery to a community of identifiable size;
- Scaling up the cost of provision by the pilot service to the national level, either at current levels of service delivery or at levels capable of meeting all basic legal needs, where those needs are identifiable;
- Benchmarking the cost of scaled up provision against government revenue and spending on the judiciary to develop a picture of the affordability of scale-up to government; and
- Comparing the costs of basic legal service provision to its benefits, where data on benefits are available, to develop the case for financing scale-up.

It will not always be possible to apply all of these steps given the likelihood of data gaps. Nevertheless, each is explained in more detail in what follows.

Step 1: Determining the Input Costs of a Pilot Service

1.7 When considering the costs of delivering a model of basic legal services provision, there are at least three categories to consider:⁴

- **Monetary costs** which may include, on a micro-level, lawyers' or paralegals' fees, experts' and expert witness fees, filing fees, translator fees, bailiff's fees, notary fees, services for summons, discovery related costs, travel expenses, costs for communication, copying and other overheads and, on a macro-level, may include the cost of regulating the legal profession.⁵
- **Opportunity costs** which are, on a micro-level, the resources users of justice spend on their paths to justice, such as missed opportunities, time and foregone earnings and, on a macro-level, the resources spent on basic legal services that could be spent on other services or projects.⁶

⁴ Tilburg Institute for Interdisciplinary Studies of Civil Law and Conflict Resolution Systems (2009). Handbook for Measuring the Costs and Quality of Access to Justice, p.29.

⁵ Ibid, pp.30-31.

⁶ Ibid, pp.31-33.



- **Intangible costs** which may be constituted, on a micro-level, by the stress and damage to relationships associated with a given path to justice, including those resulting from perceptions of unfair outcomes and, on a macro-level, by delays in case resolution through the formal system and perceptions of inadequate transparency.⁷

1.8 In donor-funded basic legal service interventions, services are often provided to users free of charge i.e. without monetary costs. In many cases there is a paucity of data available in relation to opportunity and intangible costs. As a result, in practice the costs of basic legal service provision are likely to be approximated using the monetary input costs; for example, the annual operating budget of a community legal centre or paralegal service.

Step 2: Determining the Size of the Community Served and Calculating Per Capita Costs

1.9 In order to turn monetary input costs into per capita costs it is necessary to adjust figures for, for example the annual operating budget of a community legal centre or paralegal service, with reference to the size of the community served.

1.10 There are a number of tools and methods for estimating the reach of service provision or size of the community served, including:

- **Geographic reach:** data on the number of people that can walk to a community justice adviser or centre can be used as a proxy for the size of the community served by that adviser or centre. However, this approach fails to reflect constraints on the accessibility of services to more vulnerable groups as well as the capacity of service providers who may be unable to serve additional members of the community despite their location within a certain geographic area.
- **Case capacity:** data on the number of cases handled by a community justice adviser or centre can be used to understand how many cases can be dealt with over a particular time period. However, this approach does not shed light on whether existing capacity is meeting the legal needs of the surrounding community and assumes that case handling is the only way of meeting basic legal needs when legal awareness and education can often be just as, if not more, effective.

Step 3: Scaling Up to National Provision

1.11 The above methods of determining per capita costs are based on assessments of the coverage provided by current service provision. Per capita costs of this kind only provide an appropriate basis for calculating scale up costs if it can safely be assumed that the current level of service provision is sufficient and that it is not necessary to extrapolate from this to a greater level of service provision to ensure that all basic legal needs are accounted for.

1.12 Where such extrapolation is necessary, legal needs surveys can be used to identify the proportion of the population who have a basic legal service problem across a particular geographic area or the country a whole. The percentage of the population with a demand for basic legal services each year can then be used to extrapolate the level of service provision required to meet that demand i.e. to bridge the justice gap.⁸

⁷ Ibid, pp.33-34.

⁸ Legal Service Corporation (2009). Documenting the Justice Gap in America: The current unmet civil legal needs of low-income Americans.



- 1.13 Once the appropriate per capita cost has been identified, it can be scaled up according to population size to estimate the cost of delivering the identified level of service provision to the entire population. The linearity of this approach masks the nuances and complexities of real world situations including capacity issues, potential economies of scale and the potential costs associated with delivering services to the hardest to reach populations. Nonetheless, this scale up cost provides a calculation of the size of the funding required for national provision of basic legal services.

Step 4: Benchmarking Against Macro-Level Data

- 1.14 The scale up cost provides the size of the funding required for national provision of basic legal services. However, it is by benchmarking the unit cost per capita against measures of the economy, government resource and spending prioritisation that it is possible to determine the government's prioritisation of justice relative to other sectors and the affordability of funding basic legal services to them. For example:
- **GDP per capita** contextualises scale up costs relative to the size of the economy;
 - **Total government revenues per capita** situates the cost of scale up within the resources available to government;
 - **Spending on justice/judiciary per capita** contextualises basic legal services as part of overall spending on justice as a % GDP spent on health and education; and
 - **Share of the budget spent on justice/judiciary**⁹ compared to share allocated to other sectors such as health and education establishes the relative prioritisation of justice as well as general spend on non-basic civil and administrative legal services and criminal legal services.

Step 5: Determining Benefits to Compare with Costs

- 1.15 Analysing benefits is also important for assessing the value for money of a basic legal services intervention: where these can be quantified it is possible to assess whether those benefits justify the costs.
- 1.16 As with costs, there are a variety of different categories of benefit to consider in the context of basic legal service provision, including:¹⁰
- **Quality of procedure** which may involve, on a micro-level, assessing people's perceptions regarding the fairness, accuracy and consistency of the procedure and the ability of individuals to participate within it and, on a macro-level, societal benefits such as greater adherence to the law.
 - **Quality of outcomes** which may involve, on a micro-level, assessing people's perceptions regarding the distribution of compensation or other monetary outcomes, the repair of

⁹ Note that there are a spectrum of budget lines which may be included under the umbrella of the justice sector including from funding to Ministries of Justice, Supreme Courts or courts and tribunal services, Attorney General's offices and Home Departments where they have responsibility for police and prisons. While only a proportion of the overall funding to the justice sector will target legal problems of a civil and administrative nature, and therefore be directly relevant to the provision of basic legal services, the functioning of the entire legal system, including spend on enforcement mechanisms such as the police, is essential for effective legal service provision at all levels. However, for the purposes of simplicity, in this report, we have focused on funding to the judiciary only.

¹⁰ Tilburg Institute for Interdisciplinary Studies of Civil Law and Conflict Resolution Systems (2009). Handbook for Measuring the Costs and Quality of Access to Justice, p.29.



emotional harm through the use of victim statements and apologies, punishment of offenders through various types of sentences and opportunities for reconciliation but again, on a macro-level, societal benefits at the macro-level such as a sense of security, empowerment and social cohesion.

- 1.17 At the micro-level, survey data is valuable in capturing benefits. For example, a willingness to pay (WTP) / willingness to accept (WTA) survey which asks service users what they would be willing to pay for service provision (for example, what annual fee to maintain a community legal centre with a particular level of staffing) and how far they would be willing to accept this service not being provided.¹¹ Such data can then be scaled up in the same way as costs, as outlined above. However, data of this kind is expensive to collect and caution must be used in drawing cross-country comparisons given differences in income levels and purchasing power between countries.
- 1.18 At the macro-level, existing quantitative datasets can be analysed as a proxy for macro-level benefits. For example, trends in the caseload handled by the formal justice system could be considered a proxy for the societal benefits brought about by the early prevention qualities of basic legal service provision. Such data is often more readily available but can be costly to analyse. Moreover, caution must be used in interpreting the data since, for example, a reduction in caseload in the formal justice system will not capture outcomes among traditional justice providers and on its own is unlikely to tell a story about causality – for example, a reduced faith in the formal system could as readily be the reason behind a fall in caseload as “legal sensitisation”.

¹¹ The WTP and WTA approach has been widely used to cost intangible benefits of interventions, including in evaluations of environmental, health, and safety practices (as an alternative to the quality adjusted life years measure).



2. The Methodology in Action

- 2.1 This section of the paper demonstrates the application of each of the five stages of the methodology used in the study to a selection of country case studies.

Example 1: Determining the Per Capita Costs of Legal Aid Ontario (Steps 1-2)

- 2.2 The study considered the 56 community-based legal clinics of Legal Aid Ontario which provide a good example of scaling up input costs based on the assumption that current service provision is sufficient.
- 2.3 In 2013-2014, the 56 clinics operated on an annual budget of USD 44 million and served a catchment area with a population of 12.8 million people.¹² Assuming that this funding was sufficient for the legal needs of the province, the cost per capita was approximately USD 3.4, or USD 15.4 per low-income person, in the catchment area.

Example 2: Determining Per Capita Costs in Sierra Leone Using a Geographic Reach Approach (Steps 1-2)

- 2.4 The study considered the work of TIMAP and others in Sierra Leone which used a geographic approach to determining the per capita costs of basic legal service provision.
- 2.5 In 2005, each of TIMAP's eight offices handled an approximate average of 20 new cases per month,¹³ and the programme planned to expand its operations from five chiefdoms to ten with an annual budget of USD 260,000 to include salaries for two lawyers, 23 paralegals, vehicle costs and overheads. TIMAP estimated that the ten chiefdoms covered an area of approximately 736,000 people excluding Freetown, producing a per capita unit cost of USD 0.34 per capita after a USD 10,000 discount for Freetown operations.¹⁴

Example 3: Determining Per Capita Costs in Liberia Using a Case Capacity Approach (Steps 1-2)

- 2.6 The study considered the work of the Carter Centre in Liberia which used a case capacity approach to determining the per capita costs of basic legal service provision, modified to take account of the fact that basic legal service delivery was not limited to case handling but included legal awareness, and compared this to a geographic reach approach.
- 2.7 The average yearly Carter Center operating budget between 2010 and 2014 was USD 447,095 with an average annual case intake of 1272 cases in that time period. This produced a crude unit cost of USD 351 per case handled using a case capacity approach.¹⁵ Attributing programme cost to both cases handled and the estimated 241,638 people sensitised or trained provides a unit cost of USD 1.85 per person directly interacted with.¹⁶ Using a geographic reach approach produced numbers that are different again, 52 community justice advisers having worked for the Carter Center in 2014 serving ten communities each, with an average population reached an estimated 575,329 people at a unit cost of USD 0.78 per capita.¹⁷ The differences in these figures demonstrate the impact of different approaches to catchment size.

¹² Legal Aid Ontario (2014). 'Statement of Operations'.

¹³ Maru V. (2006). 'Between Law and Society: Paralegals and the Provision of Justice Services in Sierra Leone and Worldwide', The Yale Journal of International Law.

¹⁴ Ibid (2006).

¹⁵ Email from Tom Crick at the Carter Center, 18 December 2015.

¹⁶ Ibid.

¹⁷ Ibid.



Example 4: Using a Case Multiplier and a Legal Needs Surveys to Calculate Scale Up Costs in Ukraine (Step 3)

- 2.8 The study considered the work of the International Renaissance Foundation with the Open Society Justice Initiative in Ukraine, which used a case multiplier and a legal needs survey to estimate scale up costs.
- 2.9 The Open Society Justice Initiative estimated that in 2014, a community law centre cost approximately USD 8,000 to USD 12,000 per year to operate and directly provided an average of 961 services.¹⁸ This provides a crude unit estimate of USD 8.3 to USD 12.5, or an average of USD 10.4 per case handled or client seen.
- 2.10 A legal needs assessment conducted by the International Renaissance Foundation found that of the 2,500 adults surveyed, on average 54% had encountered at least one legal problem in the past three years, of which 55% described the problem as “very important”.¹⁹ Accordingly, 30% of adults encountered a very important legal problem in the last three years – 10% per year. Assuming that adults responded on behalf of households, and assuming 3 people in a household, approximately 3% of the population had a legal need each year, implying each case is covering the legal needs of 33 people. Assuming a multiplier of 33 to scale up the average per case cost of USD 10.4 to a per capita cost of coverage that meets the true level of legal needs produces the figure of USD 0.32. This makes the cost of scaling up for a population of 45m USD 14.18m.

Example 5: Benchmarking Against Macro-Level Data in Ukraine (Step 4)

- 2.11 This unit cost of USD 0.32 for Ukraine can be benchmarked against five key indicators: GDP; government revenue and spending on judiciary, health and education as follows:

Table 1: Benchmarking of Unit Costs in Ukraine

Basic Legal Service Unit Cost (USD per capita)	National Scale Up Cost (USD)	Revenue (USD per capita)	GDP (USD per capita)	Basic Legal Service Unit Cost (% GDP per capita)	Judiciary spend (USD per capita)	Health spend (USD per capita)	Education (USD per capita)
0.32	14.18	1,317	3,560	0.000090	10	151	239

- 2.12 These figures can be used to begin to tell a story along the following lines:

- The per capita spend on the judiciary in Ukraine is low compared with health and education;
- The per capita cost of basic legal service provision is relatively low compared with spend per capita on the judiciary but particularly health and education;
- The cost of basic legal services looks affordable relative to GDP and government revenues.

¹⁸ Open Society Foundations (2015). ‘Delivering Community Justice Services at Scale: Community Law Centres in Ukraine’. Also email from Olga Halchenko, Coordinator of Programme Initiatives ‘Human Rights and Justice’, International Renaissance Fund, dated 19 October 2015.

¹⁹ International Renaissance Foundation (2011): Level of Legal Capacity of the Ukrainian Population: Accessibility and Effectiveness of Legal Services.



- 2.13 While the same exercise can be undertaken in each country case study, again, caution must be used in drawing like-for-like comparisons across case studies given that pilot interventions vary widely and operate in a range of contexts, different methodologies may be used to determine costs and different accounting methods may produce discrepancies in national level statistics used for benchmarking.

Example 6: Using Micro-Level Survey Data on Benefits in South Africa (Step 5)

- 2.14 The study considers an analysis of basic legal service provision by the National Alliance for the Development of Community Advice Offices (NADCAO) which provides a good example of the use of micro-level survey data to assess the cost-benefit of community advice offices (CAOs).²⁰
- 2.15 The costs of two idealised CAOs were estimated at R 500,000 and R 250, 000 or USD 46,000 and USD 23,000 based on the total project operating cost and the catchment size per office extrapolated from the number of users in the office on a sample day i.e. estimating the number of cases handled. Benefits were then quantified using a contingent willingness to pay approach asking what annual contribution users would make for the CAO (looking, for example, at the value attributed to a particular service received and the number of visits per year or asking what annual fee would be reasonable).²¹ The willingness to pay approach does not necessarily fully capture the benefits to the state of not having to provide similar services through state entities and preventing adverse consequences.²² So additionally, benefits were quantified in terms of a reduction in caseload for the national legal aid service. The potential additional caseload for the legal aid service was based on CAO users who indicated that they would have taken their problem to another government department or service if the office did not exist.²³
- 2.16 The study compared costs against benefits and concluded that core state annual funding of USD 15,000 to 236 community advice offices would be strongly defensible from a value for money perspective to ensure the sustainability of the sector.²⁴ The study's model estimates vary widely based on assumptions made, but suggest that funding at this level could result in an overall project net value of USD 3.4million to USD 6.4million.²⁵

Example 7: Using Cost-Benefit Analysis in Queensland, Australia (Step 5)

- 2.17 By way of comparison with NADCAO's South Africa study, Pricewaterhouse Coopers (PwC) have conducted a cost-benefit analysis of legal aid assistance to the community in Queensland, Australia.²⁶ A cost-benefit analysis was undertaken to assess increased efficiency, in terms of the avoidance of costs to the justice system, of services which included the provision of duty lawyers, dispute resolution services, and legal representation, modelled against a counterfactual that assumes a world with no legal aid. The study did not quantify the benefits associated with educational services

²⁰ National Alliance for the Development of Community Advice Offices (2014). Towards a Sustainable and Effective Community Advice Office Sector in South Africa: A Cost-Benefit and Qualitative Analysis.

²¹ Ibid, pp.102-115. Ideally, willingness to pay (WTP) estimates should be analysed together with willingness to accept (WTA) estimates derived from the same sample of service users to obtain the most balanced results (i.e. because it has been widely shown that the WTP generally underestimates the true cost and WTA generally overestimates the true cost). However, the study did not evaluate the WTA responses since the question was not phrased clearly enough and seemed to have led to confusion based on responses given.

²² Ibid, p.116.

²³ Ibid, p.117.

²⁴ Ibid, pp.7 and p.133-134.

²⁵ Ibid, p.7 and 134.

²⁶ Pricewaterhouse Coopers. (2009). 'Economic value of legal aid: analysis in relation to Commonwealth-funded matters with a focus on family law'.



and legal advice services but did recognise the relevance of educational and information services as well as those provided to clients directly: see Figure 2 below.

Figure 1: Catchment size - legal aid services (Queensland, Australia)



2.18 The cost-benefit analysis is summarised in Table 2 below and Table 3 then explores several models of monetised benefits. The study concludes that the benefit-cost ratio of service provision is positive and there is thus a strong economic case for appropriately and adequately funding legal aid services, based on the magnitude of the quantitative benefits as well as potential qualitative benefits that have not been quantified.

Table 2: PwC cost benefit analysis of legal aid in Queensland²⁷

Benefits – avoided costs (million USD)	Funding legal aid (million USD)	Net benefits (million USD)	Benefit – cost ratio
53.50	23.81	29.69	2.25

Table 3: PwC cost benefit analysis – monetised benefits

Case study	Potential outcome without legal aid	Avoided cost type	Avoided cost
1	Underlying issues contributing to family violence not identified and addressed	Continuation of domestic violence over the life of the victim	USD 93,449
2	Child taken out of grandmother’s care	Child living in out of home care from 1 to 18 years	USD 31,759 to USD 527,921
3	Family loses home	Housing related costs and children living in poverty for 1 year	USD 57,210

²⁷ The study made assumptions about case outcomes in order to model avoided costs since data on outcomes of legally aided matters commended in the court were not available. Results are presented for the scenario in which 50 % of legal aid matters result in mediated agreements and 50% result in final orders. Weight is given to final order outcomes, which is supported by findings of Dewar et al (2000) that self-representing litigants are less likely to settle.



3. Data Constraints, Methodological Challenges and Recommendations

3.1 This section of the paper discusses some of the main constraints to using the methodology employed by the study to cost the delivery of basic legal services at scale, together with recommendations for addressing these challenges.

Limitations to the Choice of Pilot Interventions for Modelling Scale Up

- 3.2 The choice of pilot interventions used for modelling scale up may be limited by the following:
- Few provide exclusively basic legal services of a civil and administrative nature; for example, 10% of the cases dealt with by Rwanda’s Maisons d’Accès à la Justice relate to criminal rather than civil matters.
 - Many provide basic services as part of a broader package; for example, BRAC’s Human Rights and Legal Aid Services programme which offers court representation alongside information and advice, alternative dispute resolution and referrals.
 - Several provide sector specific basic legal services of a civil and administrative nature which address particular legal problems rather than the full range of legal problems in this category; for example, Namati’s paralegals in Myanmar focus on land disputes.

Limitations to Step 1

- 3.3 The accuracy of calculations of the input costs of pilot interventions may be limited by:
- The availability of data on non-monetary costs such as intangible and opportunity costs; and
 - Any inefficiencies or under-resourcing reflected in the cost structures of pilot interventions.

Limitations to Step 2

- 3.4 A geographic reach approach to determining per capita costs may be limited by:
- Challenges faced by vulnerable groups in accessing services in geographic proximity; and
 - Constraints on the capacity of case handlers to meet legal needs
- 3.5 A case capacity approach to determining per capita costs may be limited by:
- Basic legal service interventions not seeking to serve their entire coverage area but rather to focus on critical cases such as Namati’s land paralegals in Myanmar; and
 - Case handling being only one aspect of the work of a basic legal service intervention, alongside legal awareness and training such as Liberia’s paralegals.

Limitations to Step 3

3.6 Scaling up per capita costs may be limited by:



- The availability of legal needs surveys to enable an extrapolation from current levels of service provision to a level sufficient to meet all legal needs; and
- Scale up being a function of service density, impact or targeting such that simply multiplying per capita costs by population size may produce inaccurate scale up costs.

Limitations to Step 4

3.7 Benchmarking the cost of basic legal service provision against other figures may be limited by:

- Cross-country differences in accounting methods and presentation which may limit the extent to which GDP, government revenue and spending on judiciary, health and education can be identified as well as compared across countries.

Limitations to Step 5

3.8 Comparing the cost of basic legal service provision to its benefits may be limited by:

- The availability of data on benefits; and
- The cost of either collecting fresh micro-level survey data or analysing existing macro-level data.

Recommendations

3.9 These constraints suggest that the following recommendations may be of utility:

- Developing an agreed definition of basic and primary justice concepts to facilitate cross-country cost comparisons.
- Investing in the collection of better micro-level data on the costs and benefits of existing levels of basic legal service provision by pilot interventions.
- Investing in greater use of legal needs surveys to better identify the true extent of basic legal needs in pilot intervention countries.
- Developing a common approach to macro-level benchmarking data, including the potential development of three affordability benchmarks relative to revenue, spending on the judiciary and spending on healthcare and education.

It is hoped that the opportunity presented by Global Goal 16 will be used to take discussions around these recommendations forward.