

Modeling legal participation: from tribunals to courts

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Funding mode/funder:	British Academy/Leverhulme	
Start and End date:	Jan 2016 - May 2016	
1. Brief summary of what the research is about.	The research investigates whether it is possible to measure empirically the legal participation of individual litigants in court processes. A model of legal participation has been created to define and measure user participation in tribunal processes (McKeever, “A ladder of legal participation for tribunal users” (2013) <i>Public Law</i> 575). This identifies different types of participative experiences and a corresponding range of operational indicators to measure user participation. This application wishes to establish whether the operational indicators of tribunal participation can be applied to court litigants. It establishes which courts could be selected for a comparative participation project and to test, through litigant observation and interview, whether the tribunal-based operational indicators reflect the participative experiences of court litigants. The objective is to establish comparative differences between courts and tribunals,	

	to identify the participative value to litigants of legal support and to identify alternative indicators of participation for court litigants.
2. What are the research questions?	• Does the model of tribunal participation reflect the participative experiences of court litigants? • Could 'participation' establish comparative differences between courts and tribunals?
3. What, if any, outputs so far?	• Conference presentation at UKAJI/Bangor University conference on Administrative Justice in Wales and Comparative Perspectives (September 2015) outlining rationale for the research to apply the tribunal model to courts. • Conference presentation at the Administrative Justice stream of the annual SLSA conference (April 2016) outlining initial findings from the empirical data. • Further funding to develop the concept and measurement of legal participation for Litigants in Person (LiPs) in the Northern Ireland courts: Nuffield Foundation has funded a two-year research project, with Northern Ireland Human Rights Commission, on the impact of LiPs on the Northern Ireland courts from a human rights perspective, and to measure the impact of basic legal support on the experiences of LiPs
4. What outputs are planned?	Published article and further conference presentations
5. What is the anticipated impact?	Anticipated that constructive means of addressing participative gaps can be identified to assist litigants in progressing legal disputes and that further insight can be provided to understand the differences between courts and tribunals, as measured empirically though a focus on legal participation, in order to impact policy responses to supporting individuals through dispute resolution processes.
6. Comments / additional information / requests for data or input from the broader administrative justice community	Feedback welcomed on all aspects of the research.