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Paralegals in Comparative Perspective

What Have We Learned across These Six Countries?

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1. INTRODUCTION

In Mbiuni, a town in a dry region of eastern Kenya, sand miners from Nairobi nearly destroyed the only local sources of drinking water. Sand retains water – removing it in vast quantities causes the water table to drop. A prominent woman from Mbiuni, Mary M., said simply: “The water catchment was on the verge of drying up . . . Water is very precious here. Without it we will all be dead.”

Mary and several other community members approached the police, the district officer, and the local chief to complain. Every one of those officials claimed he lacked the authority to act against the miners. Desperate, some people set fire to a truck that came to pick up sand. Police arrested and imprisoned two of the demonstrators. The mining continued.

Where were the people of Mbiuni supposed to go? Kenya adopted national guidelines on sand harvesting in 2007. According to the guidelines, no one can mine sand outside of sites approved by district-level sand-harvesting committees. The committees are supposed to designate sites only after considering social and environmental risks.¹

The mine in Mbiuni was not in an approved site. Mary and others in Mbiuni hadn't seen the guidelines and didn't know approval was required. The district officer didn't mention the guidelines when they approached him. Mary suspected that he and other officials were receiving a cut of the revenue from the mine.

The situation of the Mbiuni residents is not uncommon. For perhaps a majority of human beings – 4 billion people as estimated by the UN Commission on Legal Empowerment – the promises of law and government are often unmet.² Many people have never heard of laws that are supposed to protect them. Others cannot avail themselves of nominally good rules and systems because of cost, dysfunction,

¹ National Environment Management Authority (NEMA), Kenya National Sand Harvesting Guidelines, 2007, Section 4.

² See Commission on Legal Empowerment of the Poor, UN Development Programme, *Making the Law Work for Everyone: Report of the Commission on Legal Empowerment*, vol. 1 (New York: United Nations, 2008), 1.

corruption, or abuse of power. In many other cases, the law itself is unjust. As a result, people are denied even basic rights to dignity, safety, and livelihood.

Advancing justice requires at least three elements. First, people need to conceive of themselves as bearers of rights, as agents capable of action. In other words, they must undergo that transformation of outlook in which, as Hannah Pitkin puts it, “I want” becomes “I am entitled to.”³ Second, state institutions – administrative agencies, legislatures, the courts – need to be fair, effective, and responsive to their citizens. Much of political science is about how to make governments more so. Third, in our view, there is a need for intermediary institutions that assist citizens in exercising their rights.⁴ In other words, there needs to be, as Gauri and Brinks describe it, a “legal support structure appropriate to the claims being brought, in light of the institutional requirements” in any given context.⁵

There are many kinds of intermediary institutions. Political parties and unions, for example, serve as intermediaries for electoral politics and workplaces respectively. Public interest lawyers help people access formal courts. Ombudsman offices serve as intermediaries for citizens seeking to resolve grievances against the state. In this book, we aim to characterize and assess a lesser-known intermediate institution – the community paralegal.

According to the 2012 Kampala Declaration on Community Paralegals, community paralegals “use knowledge of law and government and tools like mediation, organizing, education, and advocacy to [help people] seek concrete solutions to instances of injustice.”⁶

While conventional paralegals typically serve as back-office assistants to lawyers, *community* paralegals – also known as community legal workers, or barefoot lawyers – work directly with people affected by injustice. Because these community

³ Hanna F. Pitkin, “Justice: On Relating Public and Private,” *Political Theory* 9, no. 3 (1981): 347, www.jstor.org/stable/191093. On this transformation of outlook, see also Lynn Hunt, *Inventing Human Rights: A History*, for a history of how Europeans and Americans came to believe in universal rights. Lynn A. Hunt, *Inventing Human Rights: A History* (New York: W. W. Norton & Co., 2007). See also Arjun Appadurai, “The Capacity to Aspire: Culture and the Terms of Recognition,” in *Culture and Public Action*, ed. Vijayendra Rao and Michael Walton (Stanford, CA: Stanford University Press, 2004), 59–84.

⁴ See, for example, Daniel Brinks and Sarah Botero, “Inequality and Rule of Law: Ineffective Rights in Latin American Democracies” (paper presented at the American Political Science Association Annual Meeting, Washington, DC, September 2–5, 2010), 11. Brinks and Botero emphasize the importance of what they call “lateral support,” which they describe as a “dense network . . . of ancillary rules, and of third party facilitators and controllers” that promotes rule enforcement. This network helps close the gap between de jure rule regimes and de facto practice.

⁵ Varun Gauri and Daniel M. Brinks, “Introduction: The Elements of Legalization and the Triangular Shape of Social and Economic Rights,” in *Courting Social Justice: Judicial Enforcement of Social and Economic Rights in the Developing World*, ed. Varun Gauri and Daniel M. Brinks (Cambridge: Cambridge University Press, 2008), 1–37.

⁶ “Kampala Declaration on Community Paralegals,” Kampala, Uganda, July 26, 2012, www.namati.org/news/newsfeed/kampala-declaration/. The Declaration was adopted in 2012 by more than fifty paralegal organizations from more than twenty African countries. Full disclosure – one of us, Vivek, helped draft the Kampala Declaration.

paralegals help people to understand and use the law themselves, their work is often referred to as “legal empowerment.”

Stephen Golub, who coined the phrase “legal empowerment” in the early 2000s, distinguishes legal empowerment from what he calls the “rule of law orthodoxy.” Golub describes rule of law orthodoxy as “a ‘top-down,’ state-centered approach [that] concentrates on law reform and government institutions, particularly judiciaries, to build business-friendly legal systems that presumably spur poverty alleviation.” In contrast, legal empowerment focuses on placing the power of law in the hands of ordinary people.⁷

Throughout this volume, when we use the term “paralegal,” we are referring to community paralegals rather than conventional paralegals unless we specify otherwise.

Community paralegals and their clients⁸ typically address three kinds of problems: disputes among people, grievances by people against state institutions, and disputes between people and private firms. Sometimes these cases involve individuals seeking justice; often they involve groups or entire communities.

Paralegals aim to help people achieve practical remedies: a group of workers wins unpaid back wages from their employer; a fishing community secures environmental enforcement against a factory releasing illegal effluents into the sea; a mother receives support for her children from a derelict father.

Like community health workers – who have an established place in health care delivery systems around the world⁹ – community paralegals are close to the communities in which they work and deploy a flexible set of tools. Also like community health workers, paralegals work in tandem with a strong, typically well-organized profession. While community health workers refer difficult cases to doctors and the formal medical system, community paralegals are typically connected to lawyers who can engage in litigation or high-level advocacy if the paralegals’ frontline methods fail.

⁷ Stephen Golub, “Beyond Rule of Law Orthodoxy: The Legal Empowerment Alternative,” *Carnegie Endowment for International Peace Working Papers* 41 (October 2003), 3, 33–37.

⁸ In this book, we often use the term “clients” to refer to the people whom paralegals serve. We borrow that term from the legal profession. It’s a convenient but imperfect shorthand. “Client” can connote dependency, whereas paralegals aim to equip people to advocate for themselves. Many legal empowerment groups do not use the term for that reason. Paralegals working with the organization Natural Justice in Kenya, for example, call the people they serve “community partners.”

⁹ Community health workers were a central part of the vision of primary health care endorsed by 134 countries at Alma-Ata in 1978. See “Declaration of Alma-Ata,” International Convention on Primary Health Care, Alma-Ata, USSR, September 6–12, 1978, art. 7, sec. 3.7. Today they are a front line for health care delivery systems around the world, and a key focus of the global public health movement. See Anne Liu, Sarah Sullivan, Mohammed Khan, Sonia Sachs, and Prabhjot Singh, “Community Health Workers in Global Health: Scale and Scalability,” *Mt. Sinai Journal of Medicine* 78 (2011): 419–35. See also Prabhjot Singh and Jeffrey D. Sachs, “1 Million Community Health Workers in Sub-Saharan Africa by 2015,” *The Lancet* 382, no. 9889 (2013): 363–65, doi: 10.1016/S0140-6736(12)62002-9.

In Mbiuni, after local authorities refused to take action, and public demonstrations led to violence and arrests but no progress, Mary and others approached a pair of community paralegals. The paralegals organized two public meetings, attended by 400 people each, in which they suggested the community use the law. The paralegals explained the sand-harvesting guidelines and other regulations related to natural resources.

The chief and assistant chief objected to the gatherings, but the paralegals urged the community not to be afraid. The paralegals helped community members draft a written petition to several agencies, including the National Environmental Management Authority (NEMA), which issued the sand harvesting guidelines. NEMA responded: it ordered the operation to close, and requested the provincial administration to enforce its order.

The mining stopped. According to Mary, “now there is enough water.” She said, “the paralegals cooled tempers, educated us and even told [people involved in mining] the legal provisions on sand harvesting . . . The law says water catchment areas belong to the community . . . We have said no to sand mining forever.”

Mary could be overestimating the victory. Sand-mining cartels are very powerful in Kenya, as they are in many countries.¹⁰ The profits at stake are often enough to overcome legal prohibitions and the officials who are supposed to enforce them. It’s hard to say how long the “no” from the community will hold. But those two paralegals helped Mary and others bend a hopeless situation in the direction of justice.

Community paralegals of different kinds exist throughout the world,¹¹ and date back to at least the 1950s, when Black Sash and other organizations deployed paralegals to help nonwhite South Africans navigate and defend themselves against apartheid. Community paralegals are recognized by legislation in Afghanistan, Indonesia, Kenya, Malawi, Moldova, Mongolia, New Zealand, Nigeria, Sierra Leone, Uganda, England and Wales, and Ontario and British Columbia in Canada.¹²

¹⁰ See, for example, Shadrack Kavilu, “Kenya’s Illegal Sand Miners Destroy Farms to Plunder Scarce Resource,” *Reuters*, October 6, 2016, www.reuters.com/article/us-kenya-landrights-sand-mining/kenya-illegal-sand-miners-destroy-farms-to-plunder-scarce-resource-idUSKCN126116.

¹¹ See, for example, Vivek Maru, “Between Law and Society: Paralegals and Provision of Justice Services in Sierra Leone and Worldwide,” *The Yale Journal of International Law* 31 (2006), 427–76; Mary McClymont and Stephen Golub, eds., *Many Roads to Justice: The Law-Related Work of Ford Foundation Grantees around the World* (New York: The Ford Foundation, 2000); Stephen Golub and Kim McQuay, eds., “Legal Empowerment: Advancing Good Governance and Poverty Reduction,” in *Law and Policy Reform at the Asian Development Bank* (Asian Development Bank, 2001), 7–164.

¹² Legal Aid Regulation, OFFICIAL GAZETTE No. 950 (2008) §§ 2, 15 (Afghanistan); Law Concerning Legal Aid, No. 16/2011 §§ 1, 4, 7–10 (Indonesia); The Legal Aid Act, No. 6 (2016), KENYA GAZETTE SUPPLEMENT No. 56 § 68; Legal Aid Act No. 7 of 2011 (Malawi); Law on State Guaranteed Legal Aid, Law No. 1988-XVI, of July 26, 2007 (Moldova); National Program on Legal Aid to Indigent Citizens 2006 (Mongolia); Legal Services Act 2011 (N.Z.), cls 3, 69, 75, 93–94; Legal Aid Act, 2011 §§ 17, 24 (Nigeria); The Legal Aid Act, No. 6 (2012), SUPPLEMENT TO THE SIERRA LEONE GAZETTE Vol. CXLIII, No. 42; The Advocates Act, Cap. 267 (Uganda); Access to Justice Act 1999 art. 4 ¶ 8 (England and

The NGO BRAC has one of the largest paralegal efforts in the world – it deploys more than 6,000 paralegals or “barefoot lawyers” and has addressed more than 2 million complaints through its legal aid clinics.¹³ Community paralegals have attracted increasing attention from international organizations, including the UN Commission on Legal Empowerment.¹⁴

Proponents of the paralegal approach have suggested the following four advantages, among others:

- **Empowerment.** A conventional legal aid approach tends to treat people as victims requiring a technical service. In contrast, paralegals aspire to cultivate the knowledge and power of the people with whom they work. Not “I will solve this problem for you,” but “We will solve it together, and in the process we will both grow.”
- **Mixed methods.** Community paralegals combine several strategies: advocacy, mediation, organizing, monitoring, and education. This allows them to pursue creative and constructive solutions to justice problems. Paralegals can tailor their approach in any given case to the wishes of the communities with whom they work.
- **Creative about institutions.** Community paralegals don’t focus on the judiciary alone. They pursue remedies everywhere: administrative agencies, local governments, accountability bodies like ombudsmen and human rights commissions, parliaments, customary justice institutions, and others.
- **Cost-effectiveness and scale.** Lawyers are the conventional providers of legal services, but lawyers are often costly and difficult to access. In many countries, one finds a few ad hoc legal aid centers, often in capital cities, and no serious attempt to reach those in the countryside. The paralegal approach poses a more plausible model for delivering primary justice services to all.¹⁵

On the other hand, a paralegal approach has several potential problems and limitations. For example:

- **Limits on effectiveness.** Paralegal involvement in local, intra-community disputes can be redundant with existing institutions. In conflicts with the

Wales); and in Canada the Province of Ontario Legal Aid Services Act, S.O. 1998, c. 26 (Can.) and the Legal Services Society Act, S.B.C. 2002, c. 30 (Can.).

¹³ BRAC, “Human Rights and Legal Aid Services Programme: Figure up to September 2013,” BRAC, September 2013, <http://hrls.brac.net/images/pdf/HRLS-Sept-2013.pdf>.

¹⁴ See Commission on Legal Empowerment of the Poor, UN Development Programme, *Making the Law Work for Everyone*, 24 (see n. 2) (stating “paralegals are critically important to improving legal service delivery to poor communities”).

¹⁵ See Vivek Maru, “Allies Unknown: Social Accountability and Legal Empowerment,” *Health and Human Rights* 12, no. 1 (2010): 85; See also Maru, “Between Law and Society,” 468–70 (see n. 11).

state or with private firms, on the other hand, paralegals and their clients may not be able to win against powerful interests.

- **Consistency and quality.** Without rigorous training, supervision, and support, paralegal efforts can be of inconsistent quality.
- **Risk of abuse.** Paralegals can use their knowledge and status to take advantage of others.
- **Sustainability.** Funding from donors, development agencies, and governments can prove inadequate and unreliable.

There has been relatively little systematic study of the workings of paralegal programs. In “Nonlawyers as Legal Resources for Their Communities,” Stephen Golub describes Ford Foundation grantees deploying paralegals in Asia, Latin America, and Africa.¹⁶ In “Legal Empowerment: Advancing Good Governance and Poverty Reduction,” Golub and Kim McQuay document paralegal work in several Asian countries.

One of us (Vivek) offered an overview of paralegal efforts around the world in a 2006 article that was primarily about the methodology of the Sierra Leonean program Timap for Justice.¹⁷ Another of us (Varun) has presented theoretical accounts of the kind of “legality” that paralegals engage with, and of the pathways through which paralegals can promote economic and social outcomes for poor individuals.¹⁸

A 2017 review of evidence on civil society efforts at legal empowerment, which considered academic articles as well as “grey” literature like organizational reports and conference papers, turned up twenty-nine pieces that deal with paralegals, not including the ones in this book.¹⁹ The majority was published in the past decade. Most of these pieces are case studies of individual programs; some involved research on impact.

For example, Jacobs, Siggers, and Namy studied a pilot program in Lowero District, Uganda that deployed paralegals to educate people about women’s land rights and to address individual disputes. The authors drew on surveys, interviews with clients and paralegals, and the program’s internal monitoring data. They found that paralegals were able to resolve many cases quickly – 17 percent of the cases

¹⁶ Stephen Golub, “Nonlawyers as Legal Resources for Their Communities,” in *Many Roads to Justice: The Law-Related Work of Ford Foundation Grantees around the World*, ed. Mary McClymont and Stephen Golub (New York: Ford Foundation, 2000), 297–314.

¹⁷ Maru, “Between Law and Society” (see n. 11).

¹⁸ Varun Gauri, “The Publicity ‘Defect’ of Customary Law,” in *Legal Pluralism and Development: Scholars and Practitioners in Dialogue*, ed. Caroline Sage, Brian Z. Tamanaha, and Michael Woolcock (Cambridge: Cambridge University Press, 2013), 215–27; Varun Gauri, “Customary Law and Economic Outcomes in Indonesia,” *Hague Journal on the Rule of Law* 2, no. 1 (2010): 75–94.

¹⁹ Laura Goodwin and Vivek Maru, “What Do We Know about Legal Empowerment? Mapping the Evidence,” *Hague Journal on the Rule of Law* 9, no. 1 (2017): 157, doi: 10.1007/s40803-016-0047-5. The review gathered evidence from 2013 and earlier, 199 studies in total.

brought to paralegals resulted in mediation agreements between disputing parties. For another 33 percent of cases, paralegals referred people to institutions like the local council or the local council court. In general clients praised paralegals for being accessible and responsive, in contrast to formal institutions that they found expensive, slow, and hard to reach.²⁰

Sunil Kumar narrates the experience of a government-sponsored program in Andhra Pradesh, India, which also sought to improve access to land rights for poor rural women. The Society for Elimination of Rural Poverty in the state's Rural Development Department trained community-based paralegals and community-based surveyors to work with women's self-help groups. The program was piloted in 2004 and extended to all twenty-two districts of the state in 2006.

Between 2006 and 2010, paralegals and community surveyors identified land problems of 610,000 rural poor people involving 1.18 million acres of land. Of those, the paralegals and community surveyors helped to resolve the problems of 430,000 people, which involved 870,000 acres of land. The National Rural Livelihoods Mission committed to scale up this approach to several more states throughout the country.²¹

Rachael Knight and her coauthors conducted a two-year randomized controlled trial in Liberia, Mozambique, and Uganda that compared the effectiveness of paralegals with two other ways of protecting community land rights. Organizations in all three countries supported communities to document customary land claims, resolve boundary disputes, and strengthen the rules and structures for governing community lands.

Knight and her colleagues found that paralegals were more effective than both a full legal services approach, in which communities had direct assistance from lawyers, and a pared-down rights education approach, in which information was provided and little else. They observed that communities receiving full legal services tended to place their hopes with the outside professionals, while communities with paralegals tended to take greater ownership over the process.²²

Scholars have conducted two evaluations of the Sierra Leonean legal empowerment group Timap for Justice.²³ In one study by Pamela Dale, researchers selected forty-two cases from Timap's docket and interviewed all parties involved. Dale

²⁰ Krista Jacobs, Meredith Siggers, and Sophie Namy, *How Do Community-Based Legal Programs Work? Understanding the Process and Benefits of a Pilot Program to Advance Women's Property Rights in Uganda* (Washington, DC: International Center for Research on Women, 2011), 2.

²¹ M. Sunil Kumar, "A Systems Approach for Providing Legal Aid for Land" (paper presented at the Annual World Bank Conference on Land and Poverty, Washington, DC, April 8–11, 2013), 15. See also Robert Mitchell and Tim Hanstad, *Innovative Approaches to Reducing Rural Landlessness in Andhra Pradesh: A Report on the Experience of the IKP Land Activities* (Seattle, WA: Rural Development Institute, 2008).

²² Rachael Knight, Judy Adoko, Teresa Aluma, Ali Kaba, Alda Salomao, Silas Siakor, and Issufo Tankar, *Protecting Community Land and Resources: Evidence from Liberia, Mozambique, and Uganda* (Rome: International Development Law Organization/Washington, DC: Namati, 2012).

²³ One of us, Vivek, cofounded Timap for Justice and served as co-director from 2004 to 2007.

reports that respondents were “overwhelmingly positive” about their experiences with Timap paralegals. Respondents “praised Timap’s effectiveness in resolving difficult disputes, particularly those that confront institutions or power relationships.”²⁴

A second evaluation focused on a newer program, in which Timap trains paralegals to work in police stations and prisons. The paralegals educate detainees and remand prisoners about criminal law and assist them with basic procedures like bail petitions. This initiative was modeled in part on the Paralegal Advisory Service in Malawi, which has deployed paralegals in prisons since 2000.

Justin Sandefur, Bilal Siddiqui, and Alaina Varvaloucas used a difference-in-difference approach to compare prisons in which Timap paralegals were working with other prisons where there were no paralegals. They found that the paralegal intervention led to a 13 percent increase in the share of detainees receiving bail and a 20 percent decrease in the share of prisoners held without trial or conviction.²⁵

The evidence on paralegal approaches is not limited to the developing world. Jay Wiggan and Colin Talbot review literature on citizen advocates in the United Kingdom who help people to understand and access basic welfare benefits. Wiggan and Talbot find that “welfare rights advisors” increase participation in public entitlements and improve the living standards and mental health of their clients.²⁶

Rebecca Sandefur and Thomas Clarke studied the work of non-lawyer “access to justice navigators” who assist self-represented litigants in housing and civil courts in New York City. The navigators help people to understand the legal process and to prepare basic documents, like a tenant’s “answer” to a landlord’s petition for nonpayment of rent.

Normally, one in nine nonpayment of rent cases in New York City leads to eviction. Many of the evictions result from imbalances of power between landlords and tenants. Sandefur and Clarke found that navigators could narrow those imbalances considerably, at a very low cost. Out of 150 cases handled by one set of navigators in the borough of Brooklyn, Sandefur and Clarke found no evictions at all.²⁷

Together, these studies suggest that community paralegals succeed in advancing justice in some circumstances, and that the advantages posited earlier in this

²⁴ Pamela Dale, *Delivering Justice to Sierra Leone’s Poor: An Analysis of the Work of Timap for Justice*, Justice for the Poor Research Report, no. 1 (Washington, DC: World Bank, 2009), iv.

²⁵ Justin Sandefur, Bilal Siddiqui, and Alaina Varvaloucas, *Timap for Justice Criminal Justice Pilot: Impact Evaluation Report* (Oxford: Center for the Study of African Economies, Oxford University, 2012), 9, 72.

²⁶ Jay Wiggan and Colin Talbot, *The Benefits of Welfare Rights Advice: A Review of the Literature* (Manchester: National Association of Welfare Rights Advisors, 2006), 6–7.

²⁷ Rebecca L. Sandefur and Thomas M. Clarke, “Roles beyond Lawyers: Summary, Recommendations, and Research Report of an Evaluation of the New York City Court Navigators Program and Its Three Pilot Projects” (American Bar Foundation, National Center for State Courts, Public Welfare Foundation, December 2016), 5. See also Matthew Desmond, *Evicted: Poverty and Profit in the American City* (New York: Crown Publishers, 2016). Desmond provides an in-depth account of how housing courts in the United States are biased against poor tenants.

chapter – empowerment, mixed methods, institutional creativity, cost-effectiveness – do apply, at least in some cases. There is very little existing research, however, on the factors that shape paralegal work, and the way paralegals interact with political and social context. We pay particular attention to those questions here.

This is the first book on the subject, and the first effort to bring together original empirical work on multiple paralegal programs from several countries, using a structured and explicitly comparative approach. By taking a comparative approach, we are able to venture more generalized conclusions, which extend beyond a particular program in a particular place.

In the next section, we describe the scope and methods of our research. After that we discuss the methodology of paralegals themselves, in particular the six approaches we found them using in their work. We then explore how three sets of factors shape community paralegal efforts: government institutions, culture, and paralegal organizations. We close with a summary of our findings and a reflection on the role of paralegals in deepening democracy.

II. METHODS AND SCOPE

This book considers community paralegals in six countries. We chose to study South Africa and the Philippines because they have some of the oldest and richest experience with paralegals, dating back to the 1950s and 1970s, respectively. In the other four countries – Indonesia, Kenya, Sierra Leone, and Liberia – community paralegals are more recent but are now serving significant portions of the population, and are the subject of current national policy debate. In Indonesia, Kenya, and Sierra Leone, recent legal aid laws recognize the role paralegals play and call for expansion of paralegal services.²⁸ We have organized the chapters by the longevity of the paralegal movements, with South Africa first and Liberia – where paralegals began to operate in 2007 – last.

In five of the countries (all but Liberia) we adopted an explicitly comparative approach in advance. The research teams first met in Washington, DC, in 2010 to discuss a shared methodology and approach. The core elements were (a) to study paralegal programs empirically, using case-tracking methods and a counterfactual where possible; and (b) to examine the factors – institutional, cultural, and organizational – that affect the nature and the effectiveness of paralegal efforts. Having developed this common approach, each of the country teams was free to adapt the methods in light of its specific circumstances.

²⁸ See The Legal Aid Act, No. 6 (2012), SUPPLEMENT TO THE SIERRA LEONE GAZETTE Vol. CXLIII, No. 42 § 36(1) (stating “The Board shall ensure that at least one legal assistant or accredited paralegal is appointed in a neutral office in every chiefdom . . . in order to provide legal advice and assistance to such chief, his officials and inhabitants of such chiefdom”); The Law of the Republic of Indonesia Concerning Legal Aid No. 16/2011 (Official Translation), available at www.namati.org/tools/legal-aid-bill-indonesia/; Legal Aid Act No. 6 (2016), KENYA GAZETTE SUPPLEMENT No. 56 §§ 7(1)(h), 7(1)(o), and 68(1).

All six research teams conducted interviews with paralegal organizations, including paralegals themselves, lawyers, and other program staff. The teams reviewed organization documents, including data on cases when they were available. All teams also interviewed key stakeholders in executive and judicial branches of government, as well as in the private bar.

Everywhere except the Philippines, the teams undertook some form of case tracking: selecting a sample of cases handled by paralegals and interviewing clients and others involved in those cases. The teams in Indonesia and Sierra Leone followed the same case-tracking process in similar areas where paralegals were not operating, in order to establish a basis for comparison. Researchers identified cases in those non-paralegal areas by interviewing chiefs and other leaders who commonly address disputes.

The Liberia chapter draws on interviews with stakeholders conducted by the chapter authors as well as a randomized controlled trial led by two other researchers, Justin Sandefur and Bilal Siddiqui.²⁹ The randomized controlled trial compared people who had help from a paralegal with people who had requested help but not yet received it.

The findings in the South Africa, Philippines, and Kenya chapters are largely qualitative, while the Indonesia, Sierra Leone, and Liberia chapters blend qualitative and quantitative analysis. Some variations in methodology were due to local circumstances, others to time and resource constraints. Despite the variation, we believe there is enough commonality across the six studies to yield meaningful comparative insight.

III. MODES OF ACTION: HOW PARALEGALS WORK

What exactly do community paralegals do? In our research we found paralegals using six broad approaches: (1) education, (2) mediation, (3) organizing, (4) advocacy, (5) monitoring, and, with the help of lawyers, (6) litigation. Most of these approaches appear, for example, in the diagram that follows, from the Timap for Justice paralegal manual, on the steps Timap paralegals take to address a case.

Paralegals try to demystify law – to transform it from something abstract and intimidating into something that people can understand, use, and shape. In all six countries, paralegals dedicate significant time to educating communities about laws that affect them. In Indonesia, paralegals conduct village-level discussions on topics like contract law, corruption, the rights of criminal suspects, and a 2004 law on domestic violence. Similar meetings in Liberia often address women’s rights, land rights, and labor rights.

In the two countries where we quantified comparisons between those receiving paralegal services and “control” populations – Sierra Leone and Liberia – we found

²⁹ Justin Sandefur and Bilal Siddiqui, “Delivering Justice to the Poor: Theory and Experimental Evidence from Liberia” (paper presented at the World Bank Workshop on African Political Economy, Washington, DC, May 2013).