

# A new role for the court

Activating, informing and guiding defendants for an accessible and understandable subdistrict judge



**Master thesis**

**Rens de Graaf**

Design for Interaction  
Delft University of Technology



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**Rens de Graaf**

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Design for Interaction  
Industrial Design Engineering  
Delft University of Technology

## In collaboration with

**Rechtbank Noord-Holland**

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**“What does the citizen  
actually want? Does the  
judiciary still do the right  
things the right way?”**

Jensma, 2018





# Abstract

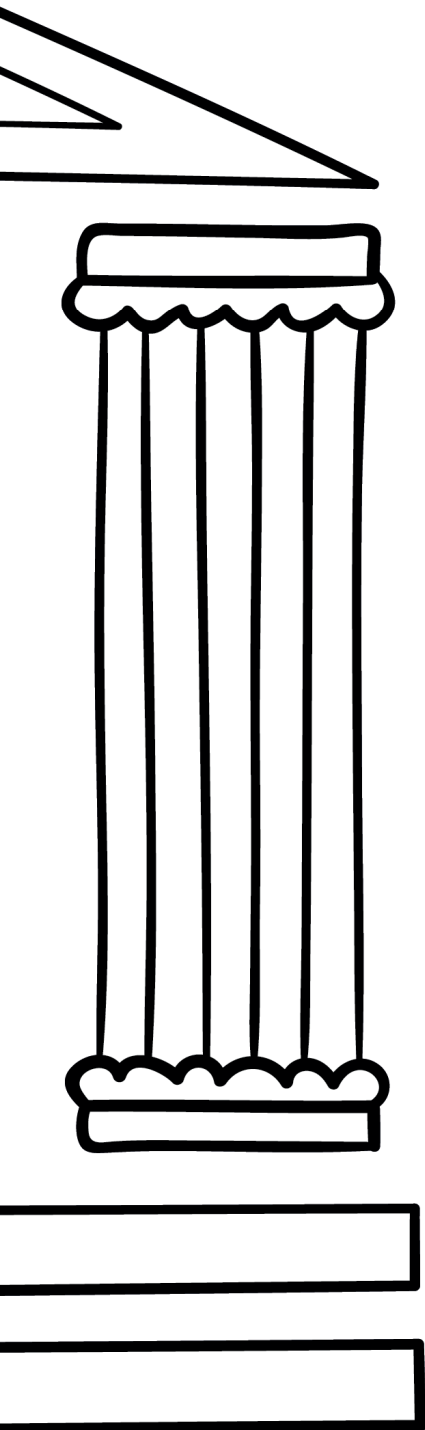
Every Dutch person has to deal with the court on average once in his life. There is a good chance that if this happens, you will have to deal with the subdistrict judge. In The Netherlands, this judge is the most accessible form for justice in (legal) conflicts. The subdistrict judge is relatively cheap, fast and deals with a big range of topics.

However, in practice, questions can be put about the actual accessibility. Currently, defendants often do not take action when receiving a summons, appear at the wrong moment at the court or have wrong expectations of the subdistrict judge. As a result, there is a good chance that legal processes escalate unnecessarily and that defendants do not receive the right help for underlying problems. All these aspects ensure that the court cannot properly provide its core service: provide justice.

Traditionally, the court can be seen as a wise old man on a hill, waiting for people on the top. However, waiting for the arrival of defendants at the court is often too late. Therefore, **the court needs to take up an active role in activating, informing and guiding defendants before going to court.** Precisely because of the neutral position of the court, it should create a level playing field: offer equal access to all litigants.

This new role should take shape by extending the current service of the court with three new touchpoints: a visual leaflet as a neutral starting point, an online environment to experience the court in advance and an online and physical helpdesk for human guidance and questions. Hereby, the first session in court (the roll session) can be adjusted to a more personal setting, without the formality and expectations of an actual judge. In this way, the roll session becomes a session fitting to its content: a qualitative moment for verbal responses.

After implementing the service, more defendants are expected to take a right legal decision in their situation, to appear in court at the right moment and to have a better court experience. In the longer term, more people will have a realistic view of the court and the solution will have a positive impact on the general sense of justice.





# Preface from the court

**Fig. 1** A creative session with court employees.

Usually, a search for the right answer starts with a question. It went a little differently for us. The court was invited for GovJam 2018, a three-day design-case, and only after deciding to participate, we started looking for what could possibly be a problem. That led to the following: “The person seeking justice in subdistrict cases usually does not have professional legal assistance. How can you increase accessibility and comprehensibility in subdistrict cases at the court of North Holland?”

We met Rens de Graaf as one of the members of the team that had dealt with our issue during the GovJam 2018. Because these days had shown us that Design Thinking as a method could quickly produce potential solutions, we asked Rens to do his graduation internship with us.

Rens guided us through the process with creative sessions in which we were challenged to step outside of our fixed thinking patterns (see figure 1). That was not always easy. The court usually looks at issues from the existing possibilities that the law offers and the impossibilities that arise from the same law. There are little expertise and space to approach a problem statement creatively and with an open mind.

The collaboration with Rens and the research he has done has given us insight into shortcomings in the legal system. He has taught us to look at our issues with different eyes. He has also shown us how you can quickly, and almost playfully, redesign a complete process. Through cooperation with Rens, the court has obtained an excellent solution to guide the litigants in the forest of difficult legal language and procedures.

Now it is up to us to get started with the solution of Rens and to implement it. Perhaps first in the form of a pilot to quickly resolve any errors in the system. If it succeeds, it would be good if our intended working method could be implemented nationally. Then the question “How can you increase accessibility and comprehensibility in subdistrict cases at the court of North Holland?” is no longer a question. It is then a fait accompli: the subdistrict cases have become more accessible and understandable. Local and national.

**“We were challenged to step outside our regular thinking patterns.”**

Sarah-Jane Rose,  
Court of North Holland

**Sarah-Jane Rose**  
**Court of North Holland**



## Preface from the author

**Fig. 2** A creative mess.

A design project at the court? A graduate student from the TU Delft? In both Delft and Haarlem, these questions were asked many times. What was I doing there? A combination that may seem illogical at first sight, but is highly relevant if you think about it. The court provides one of the most critical services in the Netherlands, conceivable for the broadest group possible. Here, design comes in as a process for improving its service to fit with the needs of the actual people using it.

This thesis provides a new service approach for a more accessible subdistrict judge, but also gives the court insights from an outside perspective. Throughout the project, I became convinced of the impact that you can make as a (social) designer. Especially in a place like a court where traditions prevail and the legal perspective is central.

During my project, I had a lot of freedom, support and fun. Freedom to arrange my process as needed. Support of not just one, but seven people at the court - a whole team, more about that later. And fun in diving into a totally different (legal) world, walking along with court employees and being able to come up with creative new ideas.

The ultimate result is the thesis in front of you. And to have made that possible, I would like to thank some people.

First, I would like to thank Froukje Sleeswijk Visser and Rebecca Price for all their constructive feedback, suggestions and ongoing support in the project as a mentor and chair of my supervisory team.

A big thanks to the supporting team at the court: Marloes Kanselaar, Ivo Dinkelaar, Jorieke Jansen, Sarah-Jane Rose, Wendy Stet, Anouk Snel and Eveline de Greeve. Thanks for being highly involved: explaining all the court basics, participating in multiple creative sessions and thinking along during

the whole project. Without all your input, there would never have been this output.

Thanks to all court employees, defendants and stakeholders for participating in my research. Rob, Conny and Helma for letting me walk along in their daily work. Claire van Lammeren (*Het Juridisch Loket*), Miriam Goudsmit (DAS) and Erin McAuliffe for their outside perspective on the court.

Thanks for the time and energy of all student colleagues participating in one of my experiments or creative sessions: Floris, Eveline, Timo, Willemijn, Sanne, Nick, Evelien, Sander, Frank, Sam, Emma, Daan, Cheyenne and Thomas.

Thanks to the participants and actors in the validation of the concept. Maaïke, Lenneart, Willemijn and Oscar for participating in the user test and for providing feedback on the concept. A special thanks for Bram and Kimberly who starred in the explainer video and acted impressively as future court employees during the simulation.

Thanks to all colleagues, friends and family involved in the final check of the thesis: Ivo, Sarah-Jane, Kees, Anna, Sofia, Gittan, Nadiye, Sanne, Koen and Gabrielle.

And a final thanks for Liesbeth and Ivo, my colleagues with whom I shared an office. Thanks for getting (dirty) coffee, watching birds and tolerating my creative mess (see figure 2).

Enjoy reading!

**Rens de Graaf**

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# Reading guide

## 5 tips for reading this report:

### 1. Colours represent design phase

Different colours represent different parts of the design process:

-  **Introduction** of project and context.
-  **Research** of users and context.
-  **Design** of ideas and final concept.
-  **Implementation** of the concept.



### 2. Visual glossary explains the most essential legal terms

Chapter 2.5 explains the most essential legal terms with icons to understand the context. The same icons are used in the rest of the report.

### 3. Coloured blocks represent conclusions

All (fully) coloured blocks contain the most essential pieces of information: key insights and conclusions.

#### 2.2.4 Key insights

- The judiciary is one of the three powers in the constitutional state of The Netherlands. The judiciary consists of judges who **independently judge in conflicts** which is right according to the laws and rules.
- Justice makes living together possible** and therefore is (one of) the most essential delivered services in our society.

### 4. Visual overview of main conclusions

A visual overview of the research insights and proposed concept can be found on page 57 and 79.

### 5. Fold-out showcase provides overview

The fold-out showcase contains bigger versions of the visual overviews and a separate visual glossary. Useful to keep next to the report for an overview or to scan the highlights of this master thesis.







# Introduction

**This chapter introduces the goal and the approach of the project.**

The first section explains the current problem and introduces the design goal. The second section describes the different steps and added value of the design process.

## **Overview chapter**

**1.1** Design brief

**1.2** Design approach

**1.3** Design process





USTITIA

81



# 1.1 Design brief

Every Dutch person has to deal with the court on average once in his life (Rechtspraak, 2019c). There is a good chance that if this happens, you will have to deal with the subdistrict judge. In The Netherlands, this judge is the most accessible form for justice in (legal) conflicts. The subdistrict judge is relatively cheap, fast and deals with a big range of topics.

However, in practice, questions can be put about the actual accessibility. For a lot of citizens, the rule of law is incomprehensible and so is the state of affairs at the court. Language and processes are difficult to grasp, which can make citizens feel embarrassed and even frightened of going to court.

Judges and employees of the court of North Holland notice this incomprehensibility in a lot of moments. Citizens interpret letters wrong, call the court often with questions and have wrong expectations for a trial. Sometimes citizens have no idea what they are doing in court or even do not appear in court cases at all.

This incomprehensibility does not only cost the citizen time and causes frustration, but can also be detrimental to the citizen's legal interests. For the court as an organization, the constant confusion also takes time and generates internal frustration. The court is afraid that all these ambiguities and incomprehension lead to a feeling of injustice and a loss of trust among citizens.

Currently, the court of North Holland has an unclear image of the perspective and needs of citizens. The court feels the urgency to change. Instead of people understanding the court, the court should also be able to understand its target group. Therefore, my graduation project will be focussing on the design goal stated below (see also figure 3).

To achieve this, it is essential to fully understand the legal process and court experience from the perspective of citizens. The intended outcome of this project is a service proposal with a human-centered strategy, represented by a tangible prototype. When successful, provided solutions could be implemented more broadly at other courts in The Netherlands.

Design goal:

**Design a service for the court of North Holland, which guides citizens in the legal process to make the subdistrict judge more understandable.**

**Fig. 3** Design goal.



JUSTITIA

WELCOME

..to make the  
subdistrict  
judge more  
understandable.

Design a service  
for the court of  
North Holland..

..which guides  
citizens in the  
legal process..



# 1.2 Design approach

## 1.2.1 Design process

This project takes a design approach. Designing has the image of 'thinking outside the box'. More practically, it is a process for creative problem-solving. The results of a design process are new desirable solutions: ideas that meet user needs and desires. Next to user values, vital elements of the design process are creativity, prototyping, visualization and stakeholder involvement (see chapter 1.2.2).

The design process consists of different phases. Based on *Brand-driven Innovation* (Roscam Abbing, 2010) and methods in the Delft Design Guide (Boeijen and Daalhuizen, 2013), for this project the

following six phases have been determined: context research, user research, focus, design, validation and implementation. See figure 5 for an overview of the different design phases, supplemented with executed design activities.

Every phase consists of a diverging and converging part. The diverging part is about broadening from a research or design goal to the creation of a large number of ideas or insights. Associated activities are observations in field research, brainstorming in a creative session or rapid prototyping. The converging part is about making choices, refining and narrowing down to a conclusion or the best idea. Associated activities are collecting results, analyzing insights and visualizing conclusions.

## 1.2.2 Design elements

An overview of five key elements in a design process:



**User needs** are central to creating value. Human needs can be explored by observing and interviewing both users and stakeholders.



**Creative thinking** is looking at problems with a new and fresh perspective. New stimuli and associations help create innovative ideas.



**Prototyping** helps to make ideas tangible with the least number of resources possible. Prototypes can be made for user validation and convincing stakeholders.



**Visualizing** is an effective method for brainstorming and communication. Visualizations help in both thinking creatively and conveying a clear message.



**Stakeholder involvement** is essential for the quality and support of promising ideas. Creating ideas together ensures implementing different knowledge and perspectives, but also creates ownership in the organization.

## Project kick-off

As start of the project, a kick-off has been organized with seven employees of the court of North Holland.

**The (creative) session has been held to get acquainted, to define the current problem and to shape the different steps of the design process together.**

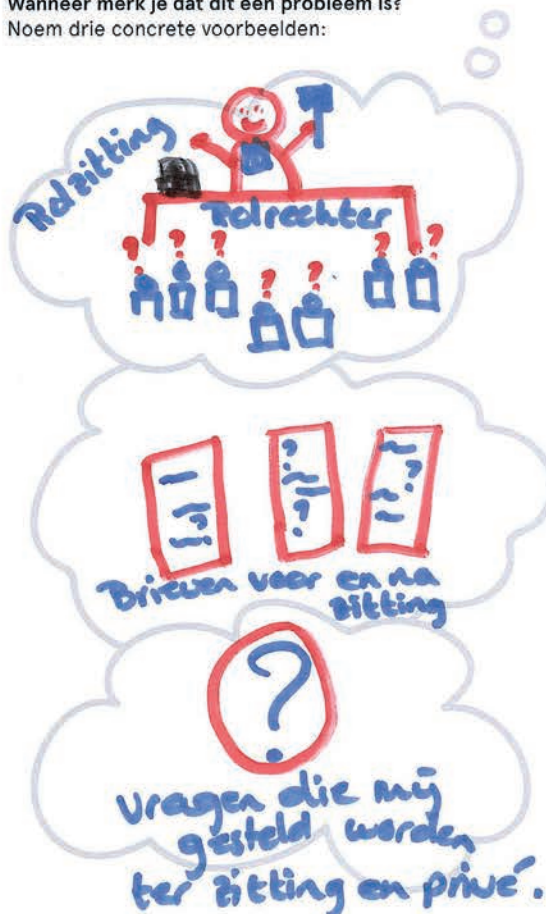
This provided a clear perspective on the current situation (see figure 4 and more in appendix B) and an exploration of possible (design and research) activities for the project. Based on the results, an initial version of the design brief and project planning (see appendix C) have been developed.

### Toegankelijkheid Rechtbank Noord-H Wat is het probleem?

Wat is er nu mis? Teken het probleem en gebruik steekw



Wanneer merk je dat dit een probleem is?  
Noem drie concrete voorbeelden:



Waarom is dit een probleem? Teken of beschrijf  
waarom het opgelost moet worden:

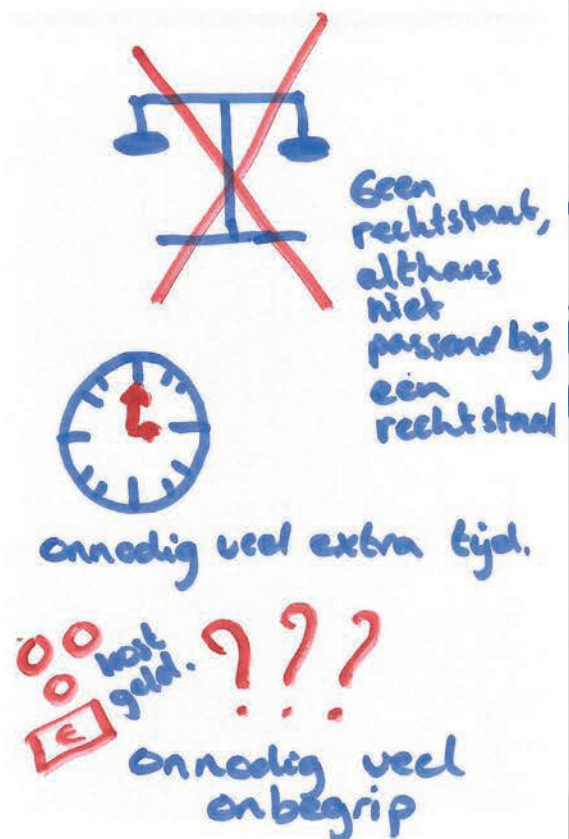


Fig. 4 Completed format (by one of the participants) about the perceived problem.

# 1.3 Design process

An overview of the six phases in this project:

2

**Context research** to the legal world, the court and the subdistrict judge.

3

**User research** to the court experience of defendants and perspectives of other stakeholders.

4

**Focus** based on insights of the research. This acts as a starting point for the design phase.

5 - 6

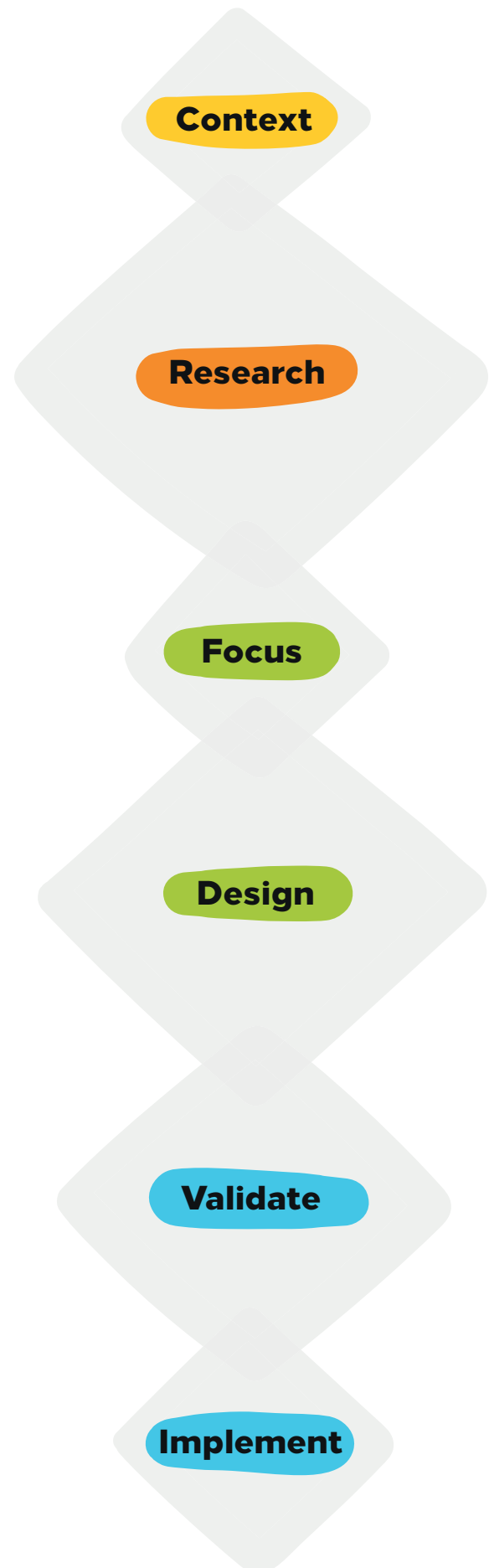
**Design phase** for the ideation, prototyping and development of different concepts, to end up with a final design for the service approach.

7

**Validation** of the concept by executing a simulation of the proposed service through a user test.

8

**Implementation** plan with the needed steps for the execution of the concept.



**Fig. 5** Design process.



## Design activities

The design phases consisted of the following research and design activities:



**Desk research** on the legal context.



**Literature research** on the legal context.



**Observations** of court touchpoints.



**Interviews** with defendants about the court experience.



**Interviews** with stakeholders about their perspective.



**Literature research** on principles for an active role.



**Desk research** on best practices for an active role.



**Creative session** with designers.



**Rapid prototyping** of promising ideas.



**Creative session** with court employees.



**Prototyping** of final concept.



**User test** with simulation of the concept.



**Creative session** with court employees.

## Co-creation activities

Co-creation methods have been central in this project to involve the court as an organization. The involvement was essential for the quality and ownership of both insights and ideas of the project. The co-creation activities included:



**Fig. 6** A two-weekly meeting was held with a team of four court employees for updates and discussion about the project.



**Fig. 7** Three creative sessions were organized with an extended team of seven employees for the project definition, ideation and implementation steps.



**Fig. 8** A judge was involved in the validation phase by providing feedback on prototypes and observing during the user test.

# 2

# Background

This chapter provides an introduction to the legal world, the court and the subdistrict judge to be able to understand the context of the project.

The first section explains the functioning of the court and the role it plays in our society. The second section zooms in on the subdistrict judge and explains the steps and involved stakeholders in the summons procedure. The third section analyzes the current state of Dutch courts by describing (recent) developments in the judiciary. For each section, an overview of the key insights is presented.

## **Overview chapter**

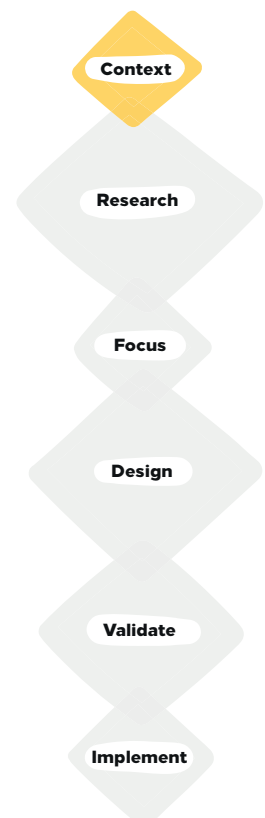
**2.1** Research approach

**2.2** The court

**2.3** Subdistrict cases

**2.4** Developments in the judiciary

**2.5** Visual conclusion



**Fig. 9** Design process.





## 2.1 Research approach

The design brief (see chapter 1) introduces the court, subdistrict judge and defendant as a context for this project. In order to understand this context, a literature research has been executed. The research has been done to get familiar with the legal world: the key stakeholders, judicial procedures and developments in the judiciary. The literature research consisted of papers, reports and news articles. This knowledge has been supplemented with explanations provided by subdistrict judge Jorieke Jansen en *griffier* Ivo Dinkelaar.

The following **research questions** have been formulated:

- What is the role of the court?
- What is the role of the subdistrict judge?
- How do subdistrict court procedures work?
- Who is involved in subdistrict court procedures?
- What are recent developments in the judiciary?

The research has been divided into the three most important aspects of the context: the court (chapter 2.2), subdistrict cases (chapter 2.3) and developments in the judiciary (chapter 2.4). Key insights from every part of the research are presented at the end of each section. A conclusion with a visual overview of the most important legal terms is presented in chapter 2.5.



**Fig. 10** Appelaar, one of the two locations in Haarlem.



## 2.2 The court

### 2.2.1 Constitutional state

The Netherlands is a constitutional state, 'rechtsstaat' in Dutch. A constitutional state is a country in which freedom, legal certainty and legal equality are central for citizens, organizations and government. The opposite is the police state or the totalitarian state, in which the government does what it wants. In a constitutional state, the citizen enjoys the protection of his rights and freedoms, against fellow citizens and the government (Prodemos, 2016b). Examples of (fundamental) rights are the freedom of expression, the right to privacy and the right to equal treatment (Ministerie van Binnenlandse Zaken en Koninkrijksrelaties, 2018).

People or organizations with much power are more likely to misuse their power. If the power is divided, this danger is less significant (Prodemos, 2016b). Therefore Montesquieu came up with the idea of the Trias Politica. This means that the legislative, executive and judicial powers in a country must lie with different institutions. This is called the separation of the three powers (see figure 11):

1. **The legislature** consists of the parliament and the government. Most legislative proposals come from the government, with which the parliament must then agree.
2. **The executive power** consists of the government, directing the ministries and civil servants who are involved in the implementation of laws.
3. **The judiciary** consists of judges who monitor the implementation of laws and judge in conflicts between powers.

Judges are independent. That means representatives of the other two state powers cannot tell judges what to do and how to decide. It is essential that the legislature, the executive and the judiciary understand and respect each other's role within the rule of law. This is important because citizens, organizations and the government must be able to rely on the judgment of the judge (Rechtspraak, 2018e).

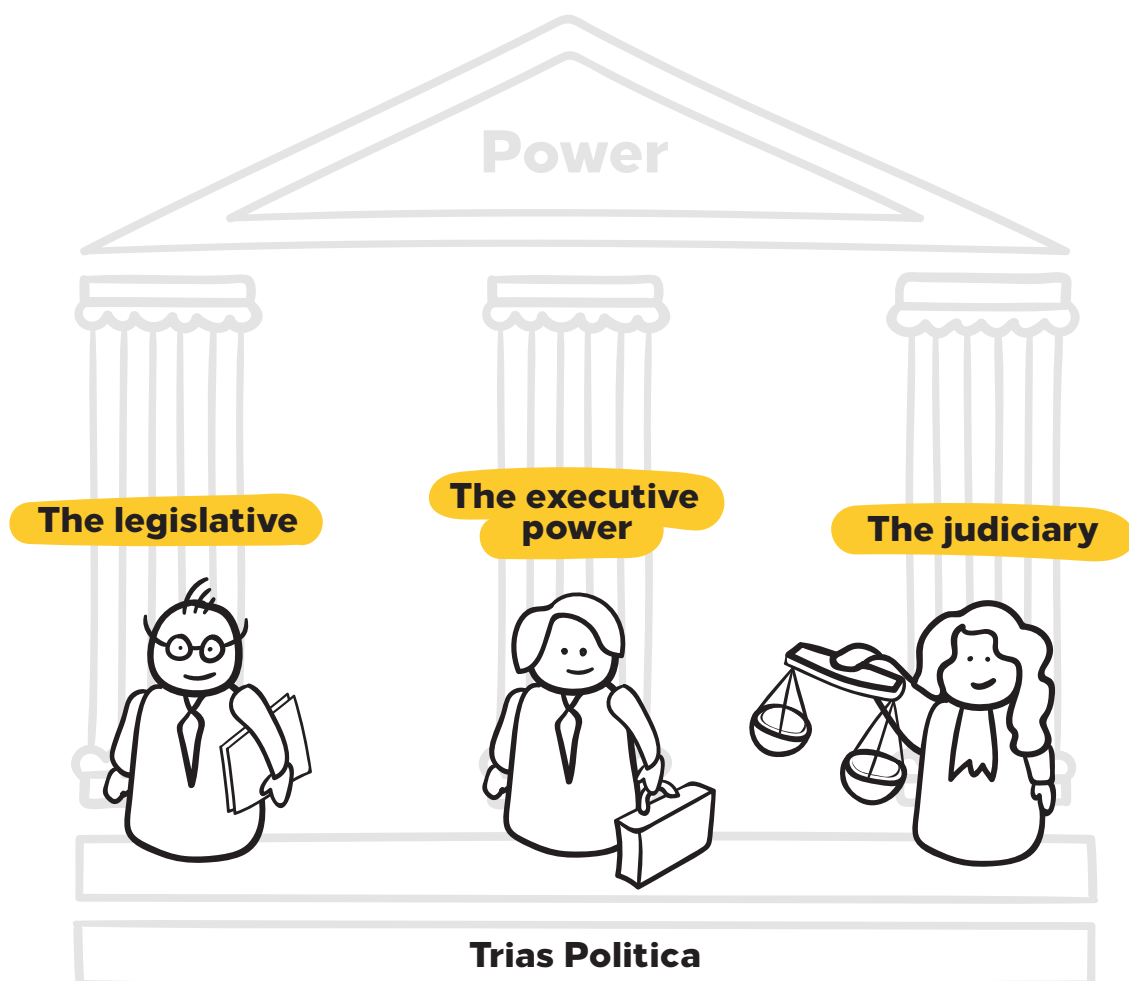


Fig. 11 Trias Politica: the separation of powers.

Mission:

**The Judiciary ensures ethical, timely and effective settlement of disputes and the trial of criminal offenses by independent judges.**

**The Judiciary contributes to the maintenance of the constitutional state and the trust of the citizen in the law.**

*Fig. 12 Mission of the Dutch judiciary (de Rechtspraak 2010).*

## 2.2.2 The judiciary

Anyone who believes that his rights or liberties have been violated can ask a judge for their opinion. In 2018, the judiciary was involved in handling more than 1.5 million cases (Rechtspraak, 2018e). Judges judge who is right in these cases, according to the laws and rules. Laws state what is allowed and what is not, but also what the rights and obligations of people are. After a judge heard both sides of the story in a conflict, he will be the one to make a decision.

Judges have an independent role and come to an impartial judgment. To prevent a conflict of interest, judges are appointed for life. During lawsuits, they wear a robe (see figure 14) to make clear that they do not decide as private persons but as representatives of the Dutch law (Prodemos, 2016a).

Not everyone always abides by the law. The judiciary prevents that people seek justice themselves in such situations. Justice makes living together possible (Rechtspraak, 2014) and “ensures mutual trust in society” (Jensma, 2018). Therefore it is “perhaps the most important sector in society” (De Correspondent, 2019).

Sense of justice is essential in the rule of law (see figure 12). For the proper functioning of the judiciary, rulings of judges must be generally regarded as just and are accepted by the residents of a country. It is therefore vital that citizens can take good notice of the how and why of judicial decisions (Prodemos, 2016a). The judiciary has a monopoly on providing justice: litigants cannot choose for different institutions and that “makes the responsibility as a service provider even greater” (Rechtspraak, 2010).

Every Dutch person has to deal with the court on average once in his life, either as a claimer, defendant, victim, witness or expert (Rechtspraak, 2019c). However, most people do not know what happens in a lawsuit: 60% of the Dutch citizens do not feel informed about what to do if they need to go to court (Flash Eurobarometer, 2013). Also, a majority of the European citizens (57%) have had no personal experience of any type in the courtroom within the last ten years, and have no close relative who has had this kind of experience.

### 2.2.3 Court of North Holland

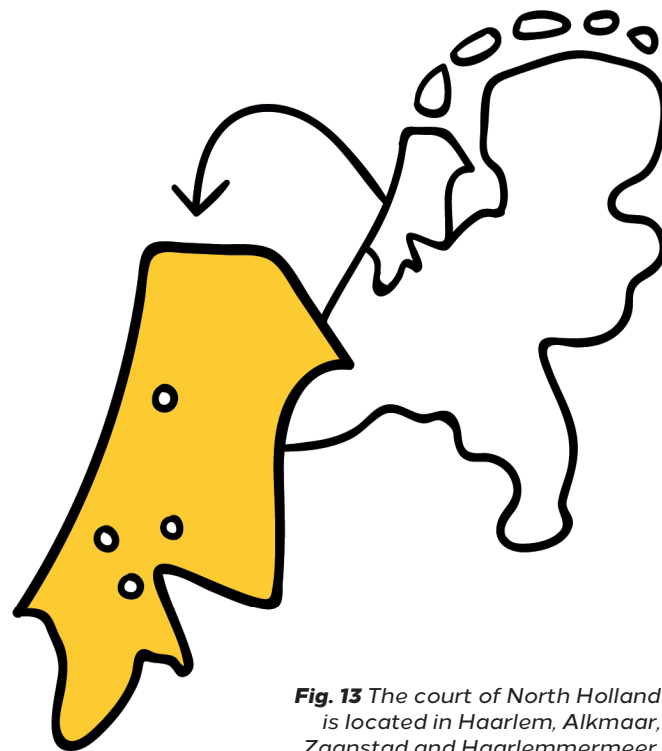
The judicial system of The Netherlands consists of eleven different districts, of which the court of North Holland is one. The districts are divided with the aim of an equal size of residents. For example, the court of North Netherlands consists of three entire provinces (Groningen, Friesland and Drenthe) and the court of Amsterdam only covers one city.

The judicial system is the same in every district: the same rules apply nationally. However, different districts can have a different organizational structure or have for example its focus points.

The court of North Holland is authorized to rule in the first instance in its district. This means that the court is the first institution to give a legal opinion on a case or conflict in the district. If one of the parties does not agree with the judgment of the court, that party can appeal to a higher court.

The district of the court was established in 2012 after a merger between the court of Haarlem and Alkmaar. Currently, the district of the court includes the whole province, except for Amsterdam (see figure 13). Approximately 750 people work at the court of North Holland (Rechtspraak, 2019e) and consist of departments representing different legal fields: 'Civil law and subdistrict cases', 'Criminal law', 'Administrative law' and a special department for 'Family and youth'.

The commitment and loyalty of employees are high. Employees are generally very motivated and feel a strong connection with the judiciary. Employees are proud of the work they do, based on a strong sense of duty (Rechtspraak, 2018g). The organization as a whole is focused on stability and that makes change difficult. In general, courts need to be reliable and therefore prefer to exclude risks.



**Fig. 13** The court of North Holland is located in Haarlem, Alkmaar, Zaanstad and Haarlemmermeer.

### 2.2.4 Key insights

- The judiciary is one of the three powers in the constitutional state of The Netherlands. The judiciary consists of judges who **independently judge in conflicts** which is right according to the laws and rules.
- **Justice makes living together possible** and therefore is (one of) the most essential delivered services in our society.
- **The sense of justice is essential in the rule of law.** For the proper functioning of the judiciary, rulings of judges must be generally regarded as just and are accepted by the residents of a country. It is therefore important that citizens can take good notice of the how and why of judicial decisions.
- **The court is focused on stability** and that makes the change as an organization difficult.



**Fig. 14** A judge.

## 2.3 Subdistrict cases

### 2.3.1 The subdistrict judge

In the court, there are different judges for three defined areas of law:

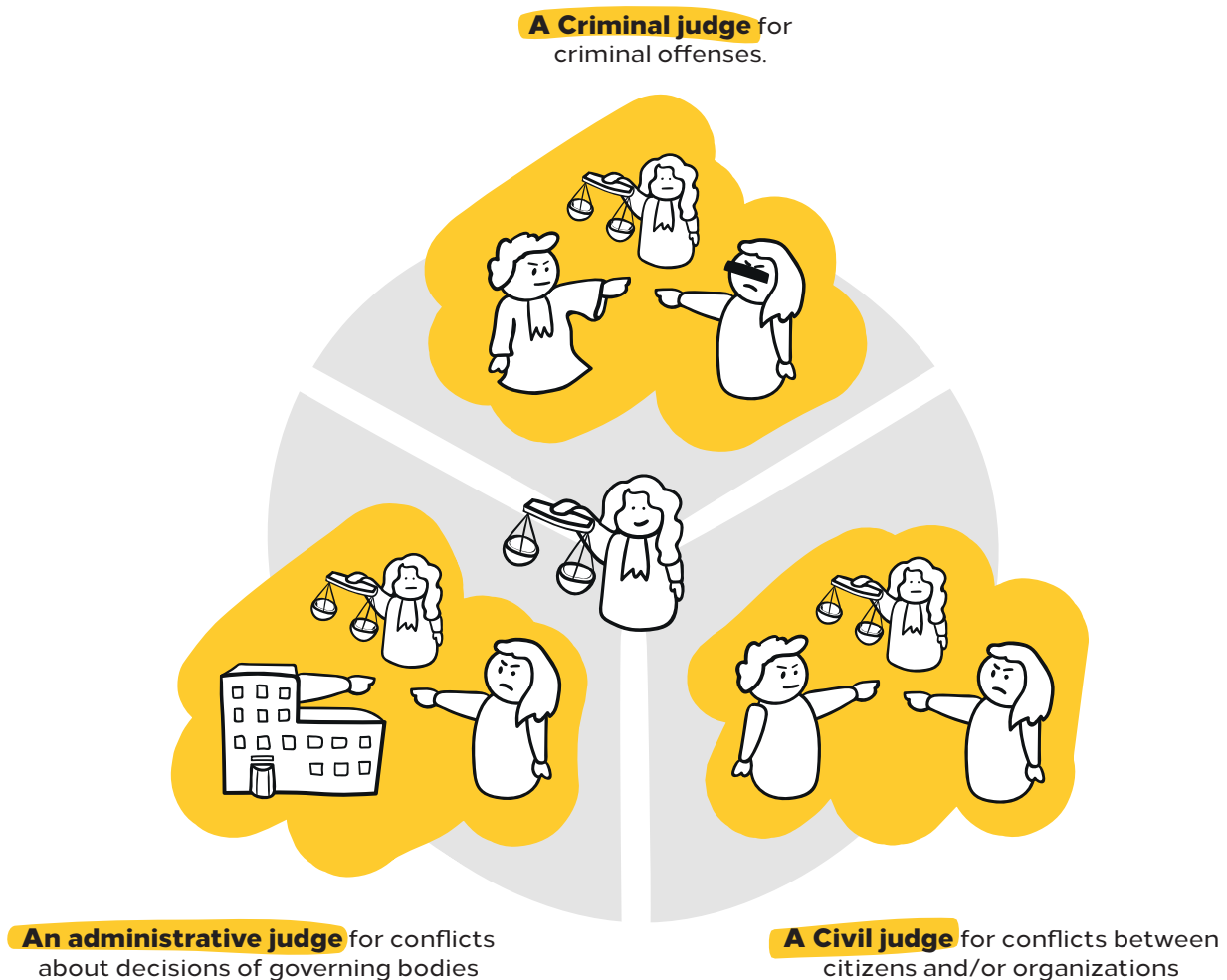
1. **A Criminal judge** for criminal offenses, such as theft or murder.
2. **A Civil judge** for conflicts between citizens and/or organizations, such as a conflict about financial compensations or a big renovation that would not have been carried out correctly.
3. **An administrative judge** for conflicts about decisions of governing bodies, such as tax assessments or permits.

**The subdistrict judge** is an odd man out, operating in all three areas (see figure 15). The subdistrict judge handles 'smaller' cases in all three areas of law to keep justice accessible. In civil lawsuits, up to a monetary interest of 25.000 euros cases are carried out by the subdistrict judge, trials with bigger claims are carried out by judges in either criminal, civil or

administrative law. The subdistrict judge is a faster and cheaper way of justice, compared to these other judges.

The subdistrict judge handles a big range of cases (see figure 16). In the different areas of law, the judge deals with different processes and different roles as a judge. Trials can be about anything: small criminal offenses like public drunkenness (criminal law), shopping bills that have not been paid (civil law) or an appeal against a fine for driving through a red light with a car (administrative law). Subdistrict judges also deal with all cases about rent and labor, such as employment contracts (civil law).

So generally speaking, the subdistrict judge deals with cases concerning everyday subjects: living, working and shopping. The subdistrict judge could be characterized as a judge for 'ordinary people'. Although the subdistrict judge handles 'smaller' cases than the other judges, there can still be a lot at stake. Verdicts about house evictions, dismissals or debts can have a significant impact on the lives of both the claimer and the defendant.



**Fig. 15** The subdistrict judge operates in three areas of law (based on the visualization in appendix U).



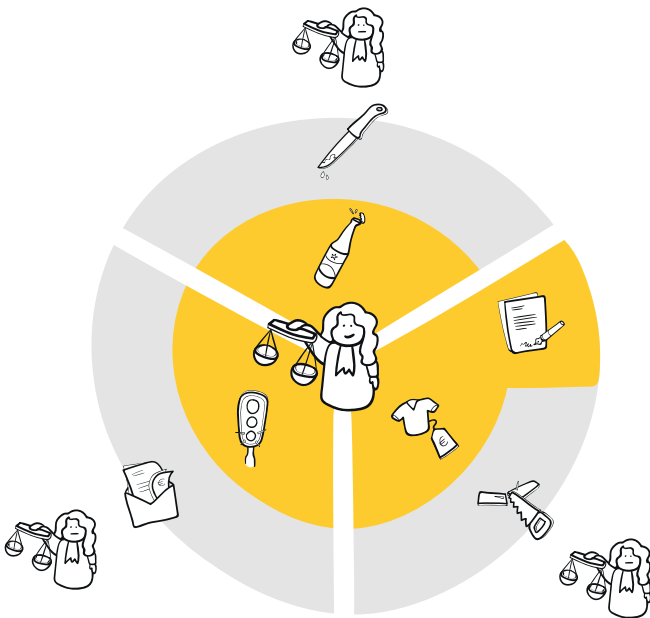
## 2.3.2 Summons procedure

Everyone can start a legal procedure at the subdistrict judge for asking judgement in a conflict. A procedure is always started by the claimer, a person who accuses another person (the defendant) of something. Within conflicts (in civil law) such a procedure is called a summons procedure.

The website of the court explains this procedure in seven steps (see figure 21). However, explaining the procedure through specific steps provides the wrong expectations. A subdistrict judge explains: “Not every step in a summons procedure always happens and sometimes steps happen multiple times. The explanation of *Rechtspraak.nl* is not that good.” So the actual procedure depends on the specific details of a case. And precisely the large number of possibilities makes the procedure complicated. Another judge explains: “We have no influence on the complexity of the law. At every moment in a procedure, there is a huge amount of options, a multitude of things. There is no way to explain that easily.”

In order to provide a clear and more realistic view of the summons procedure, a visual has been made with the possible roads through the seven different steps (see figure 17):

1. The procedure starts with a **summons** (see figure 19) from the claimer. The summons explains the conflict and the claim (what the claimer wants).
2. The defendant can **respond** to the claim, both verbally or in writing.
3. The **roll session** is the moment where the defendant can provide a verbal response.
4. A **written round** can be initiated by the judge, in which both parties can respond with more information in a letter.
5. A **trial** can be initiated by the judge, in which both parties come to the court. Both parties can respond to each other and answer questions of the subdistrict judge.
6. If the parties do not settle, the court will determine the **judgement**.
7. If one of the parties does not agree with the judgement, there is the possibility to **appeal**. Then a higher court will look at the case again.



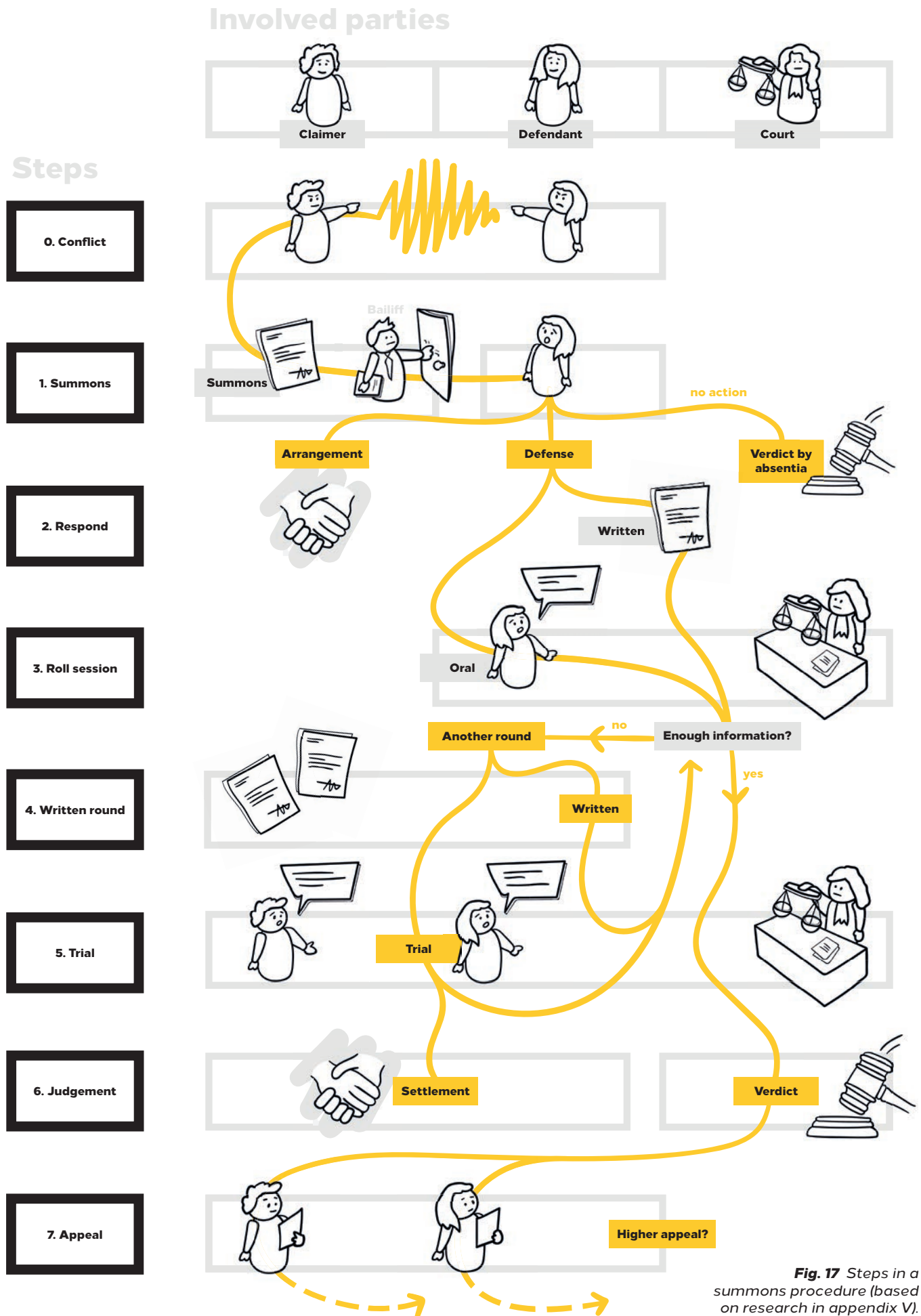
**Fig. 16** The subdistrict deals with ‘smaller cases’ in all three areas of law.

The subdistrict judge was originated in 1838, as a direct descendant of the French ‘peace judge’. This ‘*juge de paix*’ handled cases with an interest of up to 100 French francs. Napoleon determined that from 1811 every canton (a district) had a ‘peace judge’. This had to be a judge who is a citizen among the citizens: not judging remotely. With the introduction of the ‘*juge de paix*’ in France, the aim was to provide simple, fast, cheap and effective justice in everyday matters (van der Kraats, 2017). Until 2002 there was an independent subdistrict court within each district of The Netherlands. In 2002 these subdistrict courts were abolished and a subdistrict department at every court replaced them (Rechtspraak, 2019b).

It is striking how much the objectives of the ‘peace judge’ still correspond to the qualities of the subdistrict judge today. Speed and accessibility are still the most important characteristics of the subdistrict judge. The procedure of the subdistrict court is not very formal and more straightforward procedural rules apply (Tiesinga, 1990). The accessibility is ensured by the low court fees and the fact that no lawyer is required for representation. People can represent themselves and have their say if they wish. However, it is not always easy to estimate when a lawyer is needed: cheaper cases can be complex, but expensive cases can also be simple (Vrolijk, 2011).

The practical wisdom of the judge is essential for judicial judgment (Hartendorp, 2008). Especially with the subdistrict judge, this side prevails: the subdistrict judge is more pragmatic and practical, judges in criminal, civil and administrative law are more legal and formal. The subdistrict judge is less inclined to follow the rules strictly, but also decides faster and more efficiently (Van der Kraats, 2017). This is partly because subdistrict judges have more cases and less time. However, subdistrict judges are also more active in their approach: directing more in the process and acting closer to the parties, also by speaking in more familiar language.

# Summons procedure



## 2.3.3 Stakeholders

When a legal procedure is initiated, a defendant has to deal with many different parties. The most important parties can be divided into three clusters: the claimer, legal aid and the court. The different stakeholders are explained in this chapter and a visual overview is provided in figure 20.

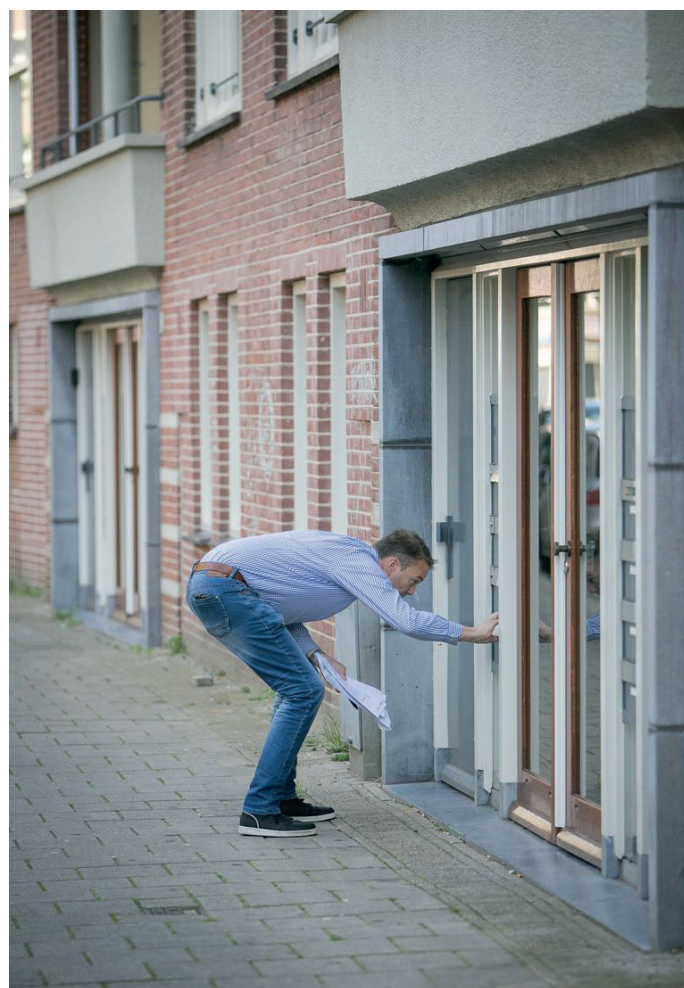
### Claimer

A legal procedure is always started by the claimer, the person who accuses the defendant of something (see chapter 2.3.2). This claimer can either be a private citizen, a company, the government or a public prosecutor. In summons procedures, the claimer is often represented by a bailiff (see figure 18). He can write the summons (see figure 19), hand over the letter to the defendant and send it to the court.

At all times, the defendant and claimer can stop the legal process if they settle. Settlements can either be reached with direct contact between the parties, during a session or with the help of mediation.

### (Legal) aid

In a legal procedure, a defendant can receive (legal) aid. *Het Juridisch Loket* provides legal advice for free and can also refer to other aid associations or the 'second line' of lawyers and legal counsel. The foundation is funded by the *Raad voor Rechtsbijstand* (council for legal aid) and the Ministry of Justice and Security. Other aid associations can provide help on the specific topic or with the underlying problem, such as debt restructuring from the municipality, *Consumentenbond* or *Vluchtelingenwerk*. Lawyers are not required and are often not involved because of the relatively high costs. Some people have legal insurance which can also provide legal counsel, such as DAS.



**Fig. 18** Bailiff Paul Otter in action for Syncasso in Amsterdam.



## Example of the summons

This summons has been created for a fake case of a fictive person. The full summons (4 pages) can be found in appendix D.

Beste heer / mevrouw Bakker,

378864512 OVR

Heden, de **veertiende februari** 1  
tweeduizendnegentien;

### **OP VERZOEK VAN:**

**de besloten vennootschap Agile Innovations B.V. tevens handelend onder de naam SCRUM gevestigd te Amsterdam en kantoorhoudende te Wassenaar Zuid** die voor deze zaak woonplaats kiest te Amsterdam aan de Arena Boulevard 83-95, op het kantoor van gerechtsdeurwaarders A. Niekus en Mr E. Krom, die door eiser(es) voor deze zaak tot haar gemachtigden worden gesteld, met het recht van substitutie;

Heb ik, **DANIËL MARCEL DE JONGH**, toegevoegd gerechtsdeurwaarder ten kantore van **VIOLA CAROLINE KNOPPER**, gerechtsdeurwaarder met vestigingsplaats te Amsterdam en aldaar kantoorhoudende aan de Arena Boulevard 83-95;

### **GEDAGVAARD:**

**Sam Doris Bakker**, geboren 12 mei 1992, volgens de Basisregistratie Personen wonende op een bij mij, deurwaarder, bekend adres in de GEMEENTE Haarlem, waarvan aan de gemeente om geheimhouding is verzocht, om welke reden het adres niet in dit exploit wordt vermeld, aldaar aan dat adres mijn exploit doende en afschrift van deze dagvaarding latende aan:

Het bij mij, gerechtsdeurwaarder, bekende adres in gesloten envelop met daarop de vermeldingen als wettelijk voorgeschreven, omdat ik aldaar niemand aantrof aan wie rechtsgeldig afschrift kon worden gelaten;

### **OM OP:**

**WOENSDAG VIJF JUNI 2019, 's morgens om 09:00 uur** in persoon of bij gemachtigde te verschijnen ter openbare civiele terechtzitting van de Rechtbank Noord-Holland, Kamer voor Kantonzaken, locatie Haarlem, alsdan zittinghoudende in het gerechtsgebouw te Haarlem aan het adres Jansstraat 81 (correspondentieadres: Postbus 1621, 2003 BR Haarlem);

#### **Gerechtsdeurwaarders**

R. de Klerk  
Mw. V.C. Knopper  
Mr E. Krom  
A. Niekus

#### **Toegevoegd**

#### **Gerechtsdeurwaarders**

Mw. C. Baas  
M.C. ter Beeke  
D.W.J. Hooijer  
D.M. de Jongh  
W. Sarabdjitsingh  
Mw. M.J. Stalenhoef  
Mw. H.B.E. van der Woud

#### **Juridisch medewerkers**

Mw. T.E. van den Akker  
Mw. A.N. Mulder  
J. Tolsma

#### **Vestiging Amsterdam**

Arena Boulevard 83-95  
Postbus 94282  
1090 GG Amsterdam  
T 020 - 462 80 00  
F 020 - 468 78 78

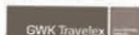
#### **Vestiging Ede**

Copernicuslaan 35  
Postbus 553  
6710 BN Ede  
T 0318 - 50 00 11  
F 0318 - 50 41 90

info@deklerkvisniekus.nl  
www.deklerkvisniekus.nl

#### **Betalingen uitsluitend**

**via derdengeldrekening**  
NL23RABO0121573524  
BIC: RABONL2U



#### **Telefonisch bereikbaar**

maandag t/m vrijdag  
09.00 - 16.30 uur

#### **Bezoek uitsluitend op afspraak**

Kamer van Koophandel  
Amsterdam nr. 33291062  
BTW nr. 8058.93.325.8.01

Alle opdrachten worden  
aanvaard en uitgevoerd  
conform onze Algemene  
Voorwaarden, die zijn  
gedeponeerd bij de  
Rechtbank te Amsterdam.  
De Klerk Vis Niekus,  
Gerechtsdeurwaarders en  
Incasso is de handelsnaam  
van de besloten vennootschap  
Gerechtsdeurwaarders-  
kantoor De Klerk Vis Niekus B.V.



## The court

The website *Rechtspraak.nl* is the most important source of information from the court. It contains all general information about the court and the legal procedures. Although often explained in simple words, it remains difficult to understand and especially a lot of information (see figure 21).

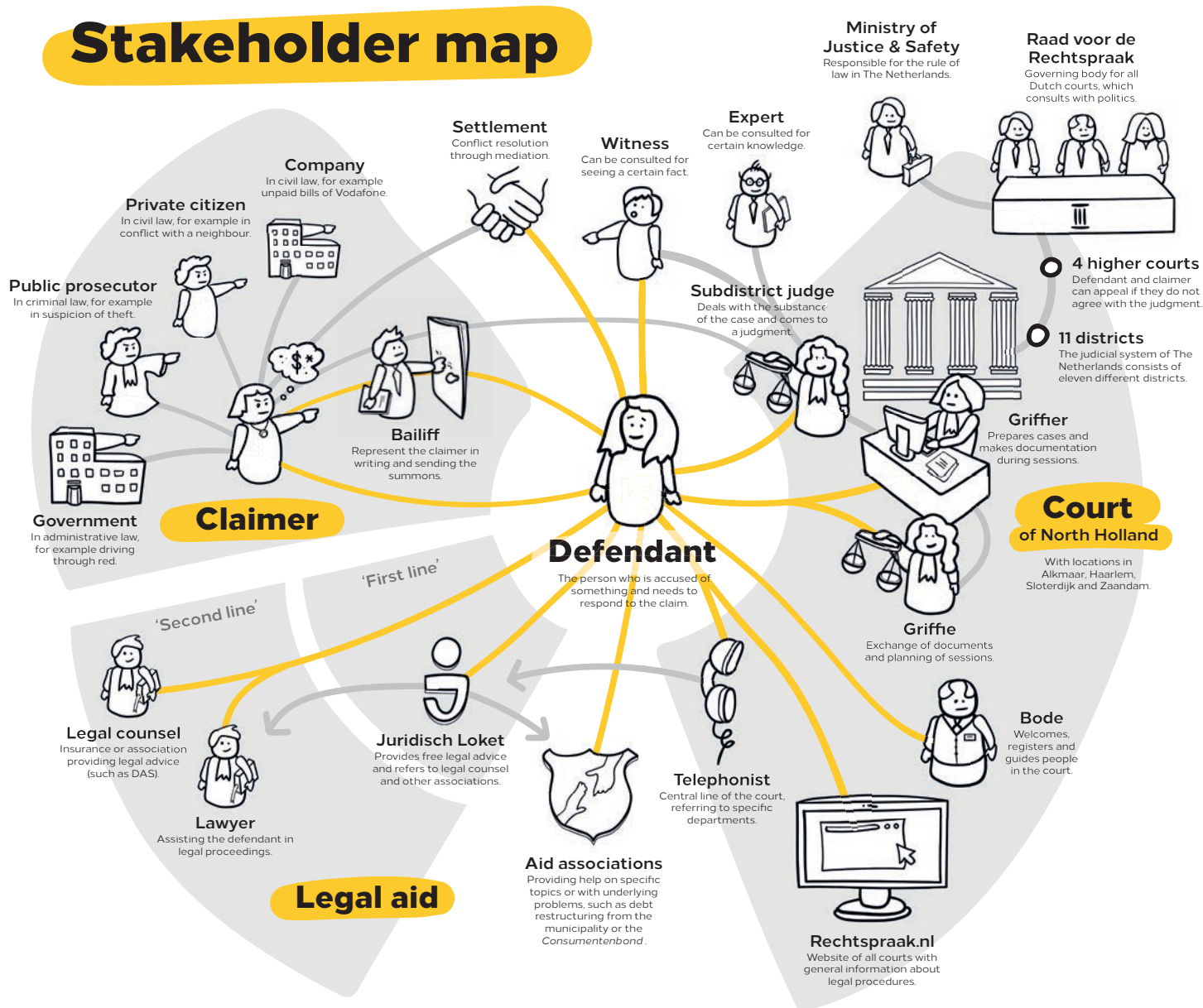
People can also call with the court, where a telephonist can refer to different involved departments in a specific case: *griffier* for substantive questions about the case, *griffie* and administration for the exchange of documents and planning of sessions. People can be referred to *Het Juridisch Loket* if they ask for legal advice.

When defendants arrive at the court, they are welcomed by the *bode*. He registers people at the counter and guides people to the right courtroom. The actual (roll) sessions are executed by the

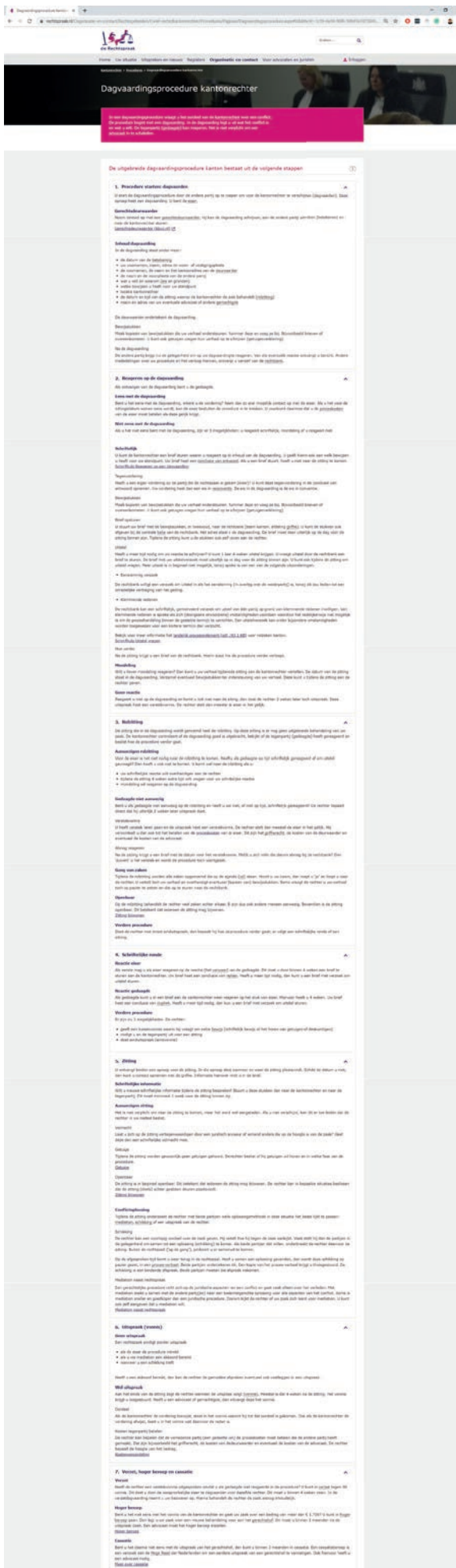
subdistrict judge and the *griffier*, of which the last one prepares the case and makes documentation during sessions. The subdistrict judge deals with the substance of the case, decides how a case will proceed and ultimately pronounces a judgment. During a session, the judge listens to both parties, but can also appeal to experts and appointed witnesses.

Both defendant and claimer can appeal if they do not agree with the judgment. Then the case goes from one of the eleven court districts to one of the four higher courts.

The governing body for all Dutch courts (of Appeal) is the *Raad voor de Rechtspraak*. The council was established in 2002 as an independent buffer between the judiciary and the government. The council defends the interests of the judiciary and consults with the minister of Justice and Security.



**Fig. 20** Stakeholders in a summons procedure.



**Fig. 21** Explanation of the summon procedure on Rechtspraak.nl (Rechtspraak, 2019a)

## 2.3.4 Key insights

- When a summons procedure is initiated, a defendant has to deal with many different parties. The most important parties can be divided into three clusters: **the claimer**, **legal aid** and **the court**.
- The **subdistrict judge** handles a big range of cases in three different areas: criminal, administrative and civil law. In these different areas, the judge deals with different processes and different roles as a judge. The judge generally deals with cases concerning everyday subjects: living, working and shopping.
- The subdistrict judge exists to keep law **accessible**. It is a fast and cheap way of justice: costs for court fees are lower and a lawyer is not required.
- The subdistrict court judge has a more **practical approach** and a human mindset.
- The legal procedure is often started with the **summons**, a letter originating from the claimer and delivered by a bailiff. For (inexperienced) defendants, the summons is often the first experience with the court.
- The summons procedure is a **complex procedure** where multiple steps are possible depending on the specific case. The primary source of information *Rechtspraak.nl* gives a wrong picture with seven fixed steps.



## 2.4 Developments in the judiciary

### 2.4.1 Strengths

The Netherlands has a robust legal system. The World Justice Project ranked The Netherlands in fifth place among the best legal systems in the world (World Justice Project, 2019). The research measures countries' rule of law performance across eight factors, such as constraints on government powers and the absence of corruption.

The legal system in The Netherlands also enjoys above-average trust from citizens. A European Union study shows that citizens' confidence in the independence of the judiciary in The Netherlands is the highest throughout the EU. 83% of people in The Netherlands, but only 22% in Italy, rate the independence of the courts and judges in the criminal justice system as good (Flash Eurobarometer, 2013). The same applies to the confidence in the fairness of judgment and equal treatment. With these results, The Netherlands is in the first place among 28 European countries (Sociaal Cultureel Planbureau, 2018).

### 2.4.2 Threats

Worldwide the rule of law is under pressure. In a majority of the 113 countries surveyed, the situation deteriorated compared to last year in terms of human rights and it was more difficult for people to get justice in court (Rechtspraak, 2018f). The legal system is under pressure in countries such as Poland, Hungary and Turkey. This while it seemed to be moving in the right direction until a few years ago. According to Frits Bakker, former chairman of the *Raad voor de Rechtspraak*, this raises the question of how obvious the position of the Dutch court is: "It is naive to think that such situations can never happen here."

Synthesizing the literature research led to **eight threats Dutch courts are currently facing:**



**Fig. 22** The judiciary still works with a lot of paperwork.

#### 1. The court uses outdated processes in which the legal perspective is central and where innovation lags.

Civil procedural law dates from the beginning of the 19th century. These procedures are still being used and create a complex structure. The bizarre amount of paper consumption can illustrate the traditional way of working (see figure 22). On the other hand, the court has to deal with more and more complex cases in a more and more complex society (Rechtspraak, 2014). A judge says: "Ten years ago we had relatively simple matters. Issues and relationships have become more complicated than twenty years ago."

The legal perspective is central in the systems of the judiciary. It appears that confidence in legal proceedings diminishes as soon as citizens gain experience with it. The Hague Institute for Innovation of Law (HiiL) states innovation in the judiciary is lagging: "Little digital solutions, little modern dispute resolution and many gowns, courthouses and slow, complicated procedures" (HiiL, 2017). HiiL explains the current situation with the established limitations within the law and the current financing arrangements, which hardly provides an incentive to help citizens better.

There is a lack of room for innovation, states the report of the visitation committee about the court: "On the one hand all layers in the courts are aware that something must change in the organization. On the other hand, few concrete change plans with a systemic approach have been encountered" (Rechtspraak, 2018g). For some judges, their independent position seems to be an alibi for aloofness to critical reflection. The committee advocates a more outward-looking culture. "Time catches up with the judge. Stagnation here is further deterioration." (Jensma, 2018)

**“The judiciary does not get the resources it needs to perform its task properly.”**

Petra van der Veen, Judge

## **2. The court has insufficient financial resources and is therefore overburdened.**

The past decade shows that courts have become overburdened, entail high costs and often work slowly (WODC, 2014). Judges complain about the increased commercial approach (see figure 23), in which courts receive an annual contribution from the Ministry of Justice and Security per settled lawsuit. That means the more cases, the more money, and vice versa (Rechtspraak, 2018g). Due to a decreasing number of cases, there is a broad complaint about a lack of finances (Rechtspraak, 2016b). The annual report of the court of North Holland states that the organization has had a financial loss for already several years, partly as a result of a decreasing inflow of cases.

As a result, the workload has risen and processing times increase. A third of the parties and professionals with a court case state it often takes too long before the judge makes a ruling (Rechtspraak, 2014). Petra van der Veen, a judge in Alkmaar: “There are enough courts where it takes eight months before such a case can be handled in court. In those eight months, a financial disaster can take place for people. Regardless of all the stress they have from it. Then, understandably, you feel dissatisfaction. This can be reflected in the judiciary as a whole. That is ultimately the result of the fact that the judiciary does not get the resources it needs to perform its task properly” (De Correspondent, 2019). The visitation committee also expressed its dissatisfaction: “This approach does not suit the nature of the court, given its constitutional and social duties” (Rechtspraak, 2018g).



**Fig. 23** Demonstrating judges in The Hague.

## **3. Increasing financial barriers for going to court limit access to justice.**

Successive Dutch cabinets have been working on policies to increase financial barriers for going to court, which ultimately limits access to justice. After 2010, the legislator and the Minister of Justice increased the court registry fees enormously, by almost 50% in a few years (NRC, 2018). Research shows that the increase in court fees since 2011 has led to a 20% decrease in the number of (mainly smaller) cases (WODC, 2014). The research also indicates that the number of subdistrict cases will increase when court fees are lowered.

The visitation committee concluded that the judiciary is increasingly seen as an “executive body that incurs too high costs” (Rechtspraak, 2018g). In the opinion of the committee, spending cuts that lead to reduced access to the courts result in constitutional risks: “Financial accessibility to justice is an essential value in the civilization model of our democratic constitutional state.”

## **4. Court mergers have caused a greater travel distance.**

Citizens have to travel further and further to go to court. The original 62 independent subdistrict courts were absorbed into 19 courts, which were subsequently reduced to 11 (Von Bóné, 2018). The physical accessibility of courthouses has been reduced by these closures (Rechtspraak, 2018g). Protests from society and the judiciary failed that this was at the expense of accessible justice. Politics were focused on efficiency and, above all, on controlling expenditure. This makes travel distances within the Dutch legal system higher than in surrounding countries (WODC, 2019).

Zojuist op een zitting.

Na uitleg over de zaak en wie er in de zittingszaal zitten, zeg ik tegen meneer: **“u mag nu het beroep toelichten.”**

Waarop hij zegt: **“ehh ja, ik ben vrachtwagenchauffeur.”**

Fig. 24 Anecdote of a judge about language confusion.

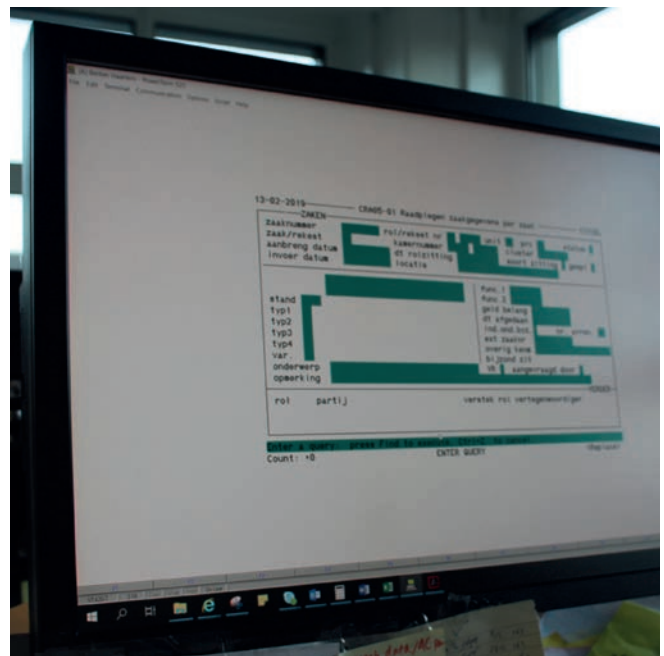


Fig. 25 Example of a computer program that is still in use.

## 5. The government increasingly works around the court.

Social enforcement is shifting from the judiciary to the executive progressively, putting the fundamental rights of citizens at stake. The government settles more and more cases without the intervention of courts (Rechtspraak, 2016b). The current Minister of Justice and Security proposed a revision of legal aid: fewer legal procedures and more mediation or other forms of assistance to resolve a conflict (de Volkskrant, 2018). The Minister sees it as a problem that too many people go to court (WODC, 2019).

Critics see this only as a cutback. Marc Chavannes, a journalist at The Correspondent, states: “If the perspective is chosen that it is better or just as good if you can settle disputes differently, then a real mistake is made. Everyone is bound by court decisions, including the government” (De Correspondent, 2019). Frits Bakker, chairman of the Raad voor de Rechtspraak agrees: “Keeping things away from the courts is a sham solution” (Rechtspraak, 2017).

## 6. Legal terms make communication with the court incomprehensible.

The legal system is known for its old-fashioned and challenging language use. Often, legal terms and complex sentence structures are used by judges and these are incomprehensible to people who are the subject of a lawsuit (see figure 24). And not only for them: the wider public also has difficulty understanding verdicts (Rechtspraak, 2018b). “I am afraid that our judgments are largely incomprehensible without legal knowledge,” says Bart Jan van Ettehoven, a judge for the Raad van State. “We just have to dare. Write a letter in plain Dutch and see what happens.” (Eck, 2015). Legal communication is mainly focused on legal correctness, but actually should be more accessible and written in ordinary human language (Rechtspraak, 2018e).

“That is just the way we do it,” says Hans Steenberghe, counselor in the court of Amsterdam. “But is a pragmatic mediation qualitatively less than if I had written judgment in that case that could perhaps be placed in a leading scientific journal?” (Rechtstreeks, 2019). Next to habit, many factors play a role in the use of complex language by the legal system: culture, status, social pressure, thinking through writing, uncertainty and laziness (Rechtspraak, 2016a). “The challenge for the judiciary for the next ten years is to provide equal access, also in the sense of being understandable and readable” (Jensma, 2018).

## 7. The court has poor digital accessibility and attempts to improve failed

Many court procedures are still handled in the paper world. Surveys by the court of North Holland indicated that customers are the least satisfied with the digital accessibility (Rechtbank Noord-Holland, 2017). Internally the court also works with outdated computer programs (see figure 25).

The project *Kwaliteit en Innovatie* (KEI), which has been running within the national judiciary since 2014, aimed to make the judiciary more accessible, faster and easier by digitizing litigation (Rechtspraak, 2018h). However, the costs have risen over 200 million euros in recent years and the project has been wholly reset (NOS, 2019b). Mark Chavannes, a journalist at De Correspondent: “KEI was a huge failure. Cost many millions and delivered nothing” (De Correspondent, 2019). Recently, a new digitization project has been started that focuses just on digital access to court, which meant canceling the digitization and automation of work processes within the judiciary (Rechtspraak, 2018h).





**Fig. 26** Media attention for sensational cases.



**Fig. 27** The new initiative Videorechter.

## 8. The image in the media creates wrong expectations for the real judicial process

The judiciary often makes the news, but there is often selective attention. The media pay a disproportionate amount of attention to incidental, controversial matters (see figure 26). In The Netherlands, Willem Holleeder, who was recently sentenced to life imprisonment, is a good example: a case with an enormous amount of media attention for the alleged '*Knuffelcrimineel*' ('cuddly criminal') (Trouw, 2019). As a result of selective and inaccurate reporting, an incorrect picture of the functioning of judges would have arisen among the population (Rechtstreeks, 2004).

The image of the judiciary is also influenced by television series. The famous Dutch television program *De Rijdende Rechter* ('The Driving Judge') has an uncomfortable relationship with official legal practice. Many people think that John Reid, acting as *Rijdende Rechter*, is a real representative of the law. However, on television, he is just a binding advisor. Where reality TV ends and where courts begin, is unclear. Both Dutch practice and American and Canadian studies into comparable phenomena show that this form of entertainment has an impact on the perception that people have of courts (WODC, 2019). Due to these types of programs and the many police series, people have a disturbed view of the justice chain. Judges are annoyed by the image of the judiciary as presented by the media: "They do not portray it correctly on television" (Rechtspraak, 2005).

## 2.4.3 New initiatives

There are more and more relevant initiatives for faster, more accessible and socially effective justice. In 2016, the courts appointed 'social effectiveness' as an important point of attention: making judgments that offer structural solutions, so no additional lawsuits are needed at a later date (Rechtspraak, 2018e). These initiatives attempt to resolve a dispute as practically and effectively as possible and to resolve an often underlying problem. Examples of these initiatives are:

- **De Spreekuurrechter** (Court of North Netherlands): Quick and accessible contact with the judge (Raad voor de Rechtspraak, 2018).
- **De Regelrechter** (Court of Rotterdam): The judge examines together with the parties whether they can work out a solution mutually in a good conversation (Rechtspraak, 2018a).
- **De Wijkrechter** (Court of The Hague): The judge comes to the district and discusses with the two parties in a conflict if a solution can be figured out with help and advice (Rechtspraak, 2018d).
- **De Videorechter** (Court of North Netherlands): Offers an accessible way to attend a lawsuit via video connection (see figure 27) (Rechtspraak, 2018c).
- **Wijkrechtbank** (Court of Eindhoven): Focuses on the person behind a lawsuit, including the underlying problems such as debts and family law situations (Eindhovens Dagblad, 2018).

The common thread in the named experiments is the focus on faster and cheaper procedures, accessible and straightforward access and a mediating judge (WODC, 2019). A clear development can be seen: the judge is slowly transforming from a choice-maker into a resolver of conflicts between people. Together with the involved parties and stakeholders, the court seeks a sustainable solution - the solution that is most useful to stakeholders and society (Rechtspraak, 2016b).

## 2.4.4 Key insights

- Law substantively, The Netherlands has a **robust legal system** with great trust from its citizens.
- In recent years, the subdistrict has become **less accessible** in various areas: costs for legal procedures have risen, travel distances have increased and the duration of legal processes has gone up. On top of that, attempted improvements in digital accessibility have failed.
- Many people **do not understand legal terms** and have a wrong image of the court (processes).
- The court is a relatively **traditional organization** with little incentive for innovation. However, in the last two years, multiple initiatives have started for social effective justice. The common thread is the focus on faster and cheaper procedures, accessible and straightforward access and a mediating judge.



## 2.5 Visual glossary

A glossary with the most **essential legal terms** of this chapter (visually) explained.



**Subdistrict judge**  
(Kantonrechter)

Judge for relative 'smaller' cases in all three areas of law. Fast and cheap way of justice.



**The judiciary**  
(De rechtsprekende macht)

One of the three state powers. Judges who independently judge who is right in conflicts.



**Judgement / Verdict**  
(Uitspraak / Vonnis)

A motivated, binding decision by a judge.



**Claimer**  
(Eiser)

The person who starts a legal procedure with a claim against another person (a defendant).



**Defendant**  
(Gedaagde)

The person against whom a claim is made in a lawsuit. Counterparty of the claimer.



**Summons**  
(Dagvaarding)

Document that summons a defendant to appear in court, with a certain reason (claim).



**Bailiff**  
(Deurwaarder)

The person who writes and delivers the summons on behalf of the claimer.



**Het Juridisch Loket**

Foundation which provides free legal advice for private individuals.



**Lawyer**  
(Advocaat)

Legal counselor who can be hired for advice in judicial procedures.



**Roll session**  
(Rolzitting)

Session in a courtroom in which parties can provide a verbal response.



**Trial**  
(Comparitie)

Session in a courtroom in which both claimer and defendant can tell their story.



**Bode**

Court employee who welcomes, registers and guides people who arrive at the court.



**Griffier**

Court employee who prepares cases and documents during sessions in the courtroom.

# Research

This chapter presents an overview of the research that has been done to map the experience of defendants and perspectives of other stakeholders.

First, the different research approaches are presented. The second section describes observations for the most important touchpoints of the legal process. The third section explores the court experience of defendants at those different moments. The fourth section provides an outside perspective of the most important stakeholders around the court. For each section, the research method is described, followed by an overview of the key insights.

## Overview chapter

- 3.1 Research approaches
- 3.2 Observations touchpoints
- 3.3 Experience defendants
- 3.4 Perspective stakeholders
- 3.5 Visual conclusion

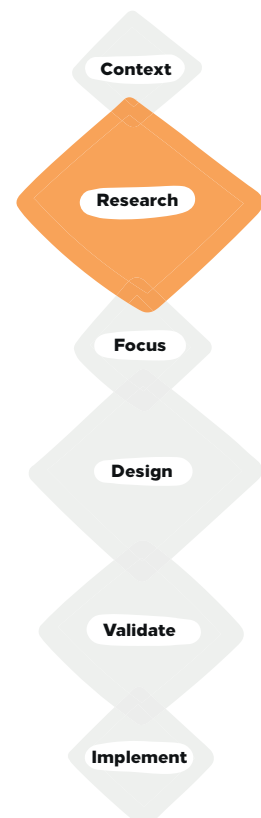
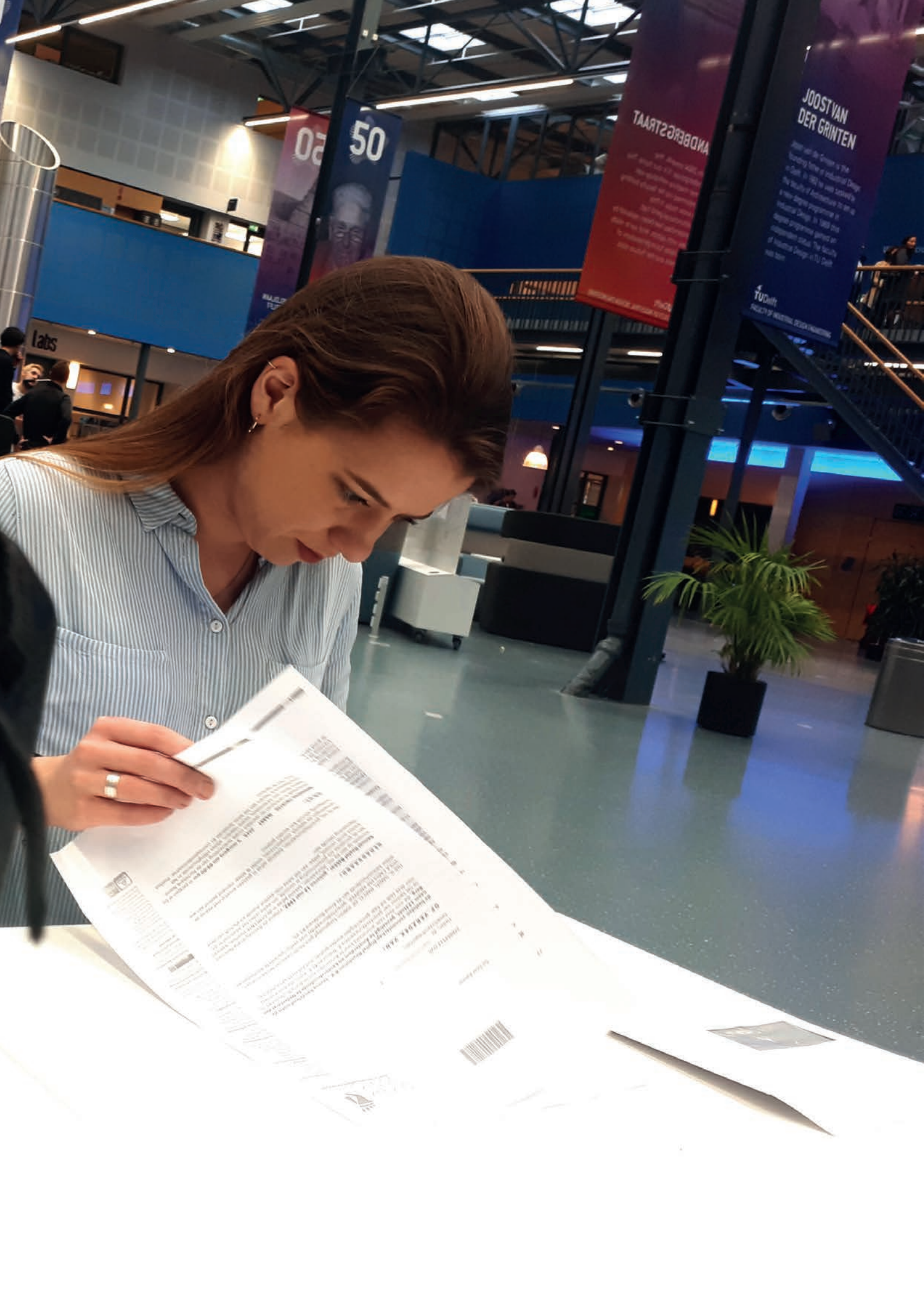


Fig. 28 Design process





ANDERBERGSTRAT

JOOST VAN DER GRINTEN

50

02

labs

TU Delft  
FACULTY OF INDUSTRIAL DESIGN ENGINEERING

# 3.1 Research approaches

The initial project brief (see chapter 1) describes the design goal and the background study (see chapter 2) provides insights about the role of the subdistrict judge, the legal procedure and acting stakeholders. However, to truly understand where it currently goes wrong, research in the context should be conducted to map the current experience of defendants in the legal process. Different research approaches have been used to identify perceived barriers.

## Research question:

What is the experience of defendants in the legal process of the subdistrict judge and what are perceived barriers?

Three different approaches have been taken to conduct research (see figure 29):

1. **Observing the most important touchpoints** of the legal process and interviewing employees acting in these moments (see chapter 3.2).
2. **Interviewing defendants** about their experiences in the most important touchpoints with the court (see chapter 3.3).
3. **Interviewing the most critical stakeholders** around the court about their perspective (see chapter 3.4).

After conducting the research, the interviews and observations have been fully transcribed. All data was categorized using “analysis on the wall” (see appendix X), a method where the most valuable insights are hung on the wall to be able to organize and analyze the data (Sanders and Stappers, 2014).

Key insights from every part of the research are presented at the end of each part of the chapter. A conclusion with an overview of barriers in the full judicial procedure is presented in chapter 3.5.

## Research approaches

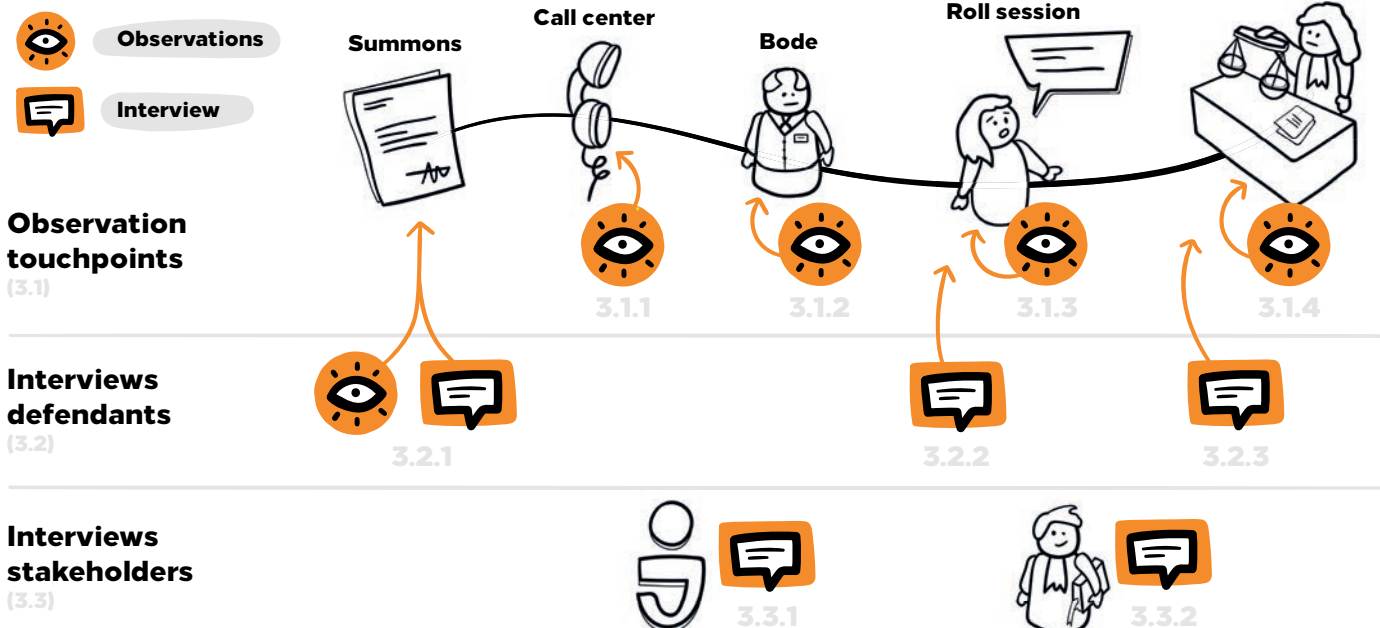


Fig. 29 General operator at her desk



## 3.2 Observations touchpoints

### 3.2.1 Research approach

To fully understand the judicial process, the most important touchpoints in the process of going to the subdistrict judge have been observed. Besides, employees of the court acting in those moments have been interviewed.

Observational data was collected at four different touchpoints in the judicial process. To be allowed as a researcher in the court, I have been officially appointed as *'buitengriffier'* (see appendix F). This role permitted me to be present in all touchpoints, with the promise to keep legal content confidential. All different touchpoints have been observed for multiple hours and observations were recorded by note taking.

During and after the observations, employees were (shortly) interviewed for (1) clarifications of specific observations and (2) their view on barriers in the judicial procedures.

Based on the study of the summons procedure and acting stakeholders (see chapter 2), the most important touchpoints to observe have been identified:

- **Calling the court:** observations of one afternoon at the call center of the court (see chapter 3.2.2).
- **Arrival at the court:** registration with a bode at the entrance desk of the court. Observations of two mornings behind the counter of both Haarlem and Alkmaar (see chapter 3.2.3).

- **The roll session:** providing a verbal response about the summons to a subdistrict judge in the courtroom. Observations of three mornings with roll sessions (see chapter 3.2.4).
- **The trial:** an actual trial of a case handled by a subdistrict judge, with both defendant and claimer present in the courtroom. Observations of three trials in the courtroom (see chapter 3.2.5).

The following sections present insights from the research, explained with quotes from interviewees.

### 3.2.2 Calling the court

Conny Stroet is the call center operator of the court of North Holland (see figure 30). She receives all the calls that are made to the general phone number of the court. In general, the operator does not provide substantive information. Conny: "Internal legal departments always know more." The operator connects most people with one of these departments, but also to *Het Juridisch Loket*, which provides free legal advice for private individuals.

**Defendants often do not know what they are calling for to the court.** Conny: "Many private individuals call the court blank, they do not know what they are calling for. If it would have been described better in the letter: 'Read this letter carefully.' It should be stated clearly what the letter is about: 'You are summoned for this.' People do not understand why they need to come to court."



Fig. 30 Call center operator at her desk.



**Defendants do not know what to expect from sessions in the court and generally do not understand legal terms.** Conny: “What do I have to take with me? Why do I have to come? Is it bad for me if I do not come at all? People do not understand all those legal terms. What do they all mean? Someone just said ‘dagvaardiging’ instead of ‘dagvaarding’.”

### 3.2.3 Arriving at the court

Rob van Dam is a *bode* at the court of North Holland, already doing this job for decades. Rob registers the people arriving at the counter (see figure 32), provides them with a sheet of explanation about the procedures and guides visitors to the right courtroom (see figure 34). However, the *bode* is not involved substantively: “I do not know what is going on inside the courtroom. You do what is in your power to help people.”

**The target group of the court is diverse and can be vulnerable.** Defendants arriving at the desk are a diverse group of people: all kind of age groups, cultural backgrounds and from different classes of the population. The court also has to deal with people in difficult situations and with complex problems. “Lawsuits concerning debt repayment often belong to a vulnerable target group,” says Rob.

**Just a small part of the defendants show up at roll sessions.** That morning, Rob had a list with more than 200 possible defendants, of which just seventeen showed up. This is a regular Wednesday morning: typically ten percent shows up. Around fifteen percent respond in writing, but the most significant group (70–80%) does not respond at all and gets a judgement by default, often assigning the claim to the claimer. The court never knows who will show up and who does not. “If everyone showed up, we would not be able to handle it at all,” says Rob.

**Some defendants show up while it was not needed.** Rob to a defendant who shows a letter from the court: “You did not have to be here, sir.” Defendant: “Oh, I read the letter but did not understand it. I am just here for certainty.” Rob: “The court sends a letter when they received a written response. In this letter (see appendix E for an example), it first seems as if you have to show up. Then people doubt whether or not to go. This happens at least once a week. I already told the court not to send this letter at all, that would make it easier.”

**Most defendants appear at the court for the first time and have wrong expectations.** Rob: “Most defendants have never been here. People often think they have a trial, but they actually have a roll session.” People ask Rob how long the session will take and when to go inside. Defendants are often surprised when Rob tells them to go inside with a group of defendants altogether. In general, defendants do not know what to expect. One defendant says afterwards: “My girlfriend was scared, she did not know what to expect. Afterwards, she thought: was this it? We cycled an hour for those few minutes. Could this not have been done by phone?”

**“Many people call the court blank, they do not know what they are calling for.”**

Conny Stroet,  
Call center operator



**Fig. 31** Security check at the entrance of the court.



**Fig. 32** Bode at the counter in Alkmaar.



**Fig. 33** Waiting visitors in the central hall of the court.

### 3.2.4 Roll session

Every Wednesday morning, roll sessions take place at the court. These sessions kickstart legal procedures: defendants get the possibility to respond to the claim in the summons and documents (of proof) can be exchanged. The summons invites defendants for this moment, but their appearance is not mandatory. Responding in writing is also allowed.

Before the session starts, the *griffier* receives a list of defendants who registered with the *bode*. The *griffier* then picks all relevant files from large piles of summons. The *bode* guides everyone into the courtroom (see figure 35), which is averagely ten persons in every round. The subdistrict judge starts with a central introduction: “You are here because you have been summoned. I will call you forward one by one. We will not deal with the content today and the claimer is not present. If you agree with the claim, I recommend that you acknowledge the summons and try to agree to a payment arrangement to prevent further litigation costs. If you disagree with the claim, you can defend it verbally. But if your story is complicated, I advise you to put it in writing.”

Defendants are then called forward one by one. The judge confirms their name and case, followed by the question if the summons is correct. Most defendants dive into their stories directly, which is different for everybody. However, a large part has payment arrears, from either health insurance, rent, purchases or subscriptions. After their defense, the judge assesses every specific situation, explains how the procedure continues and sometimes provides written explanations for the continuation of particular proceedings. “Thank you for coming,” the judge concludes, after which most defendants leave the courtroom immediately.

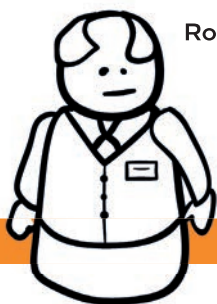
**At roll sessions people expect a real trial, but actually, it is just a procedural moment.** The roll session exists to offer an easily accessible contact moment for people who prefer to react verbally because not everyone can respond in writing. Judge: “Together, we review how your case should proceed, but we are not going to deal with your case substantively.” In practice, this creates confusion: people expect a trial and think they need to be present. In those cases, the moment is redundant, sometimes even double work. When a defendant wants to tell his whole story, the judge tells him: “This roll session is actually not the best place for a long story. It can best be written on paper.”

**Most people have never been in court and do not know how it works.** For many people, going to a roll session is the first time to be in court. That means that most people do not know how court actually works. This is noticeable in the number of questions that are asked by defendants during sessions. Questions about how to behave in the courtroom (“Do I have to sit?”), words the judge uses (“‘Verweer’, what is that?”) the purpose of the session (“Are we going through my story?”). Defendants also ask procedural questions about the next steps (“Do I still have to..”) and how these steps work (“Can I submit that? How does that work?”). “For many people, the procedures are opaque,”



**Fig. 34** Bode guides visitors to the right courtroom

**“People think they have a trial, but they actually have a roll session.”**



Rob van Dam,  
*bode*



says subdistrict judge Steven, “Letters are full of difficult words and magic formulas.” The result is that people do not know what to expect in court. Some defendants did not prepare themselves (“Sorry, I have not prepared very well.”) or did not prepare the right documents (“I just have not written that down yet..”).

**Defendants often bring personal stories into the courtroom, with everybody listening.** Explaining your situation means sharing personal stories in a lot of cases. Within one observed roll session, stories were shared about a divorce, debts and even a deceased son. “I feel sorry for someone like that. Sad thing,” says subdistrict judge Carla. “At least I want to let them share their story.” However, some people find it annoying that ‘roll sessions’ are public sessions. “I would appreciate it if there were no other citizens,” says one defendant. Judge Steven understands that: “Sometimes there are emotions and personal stories to certain cases. The courtroom is already scary and then everybody else is listening too.”

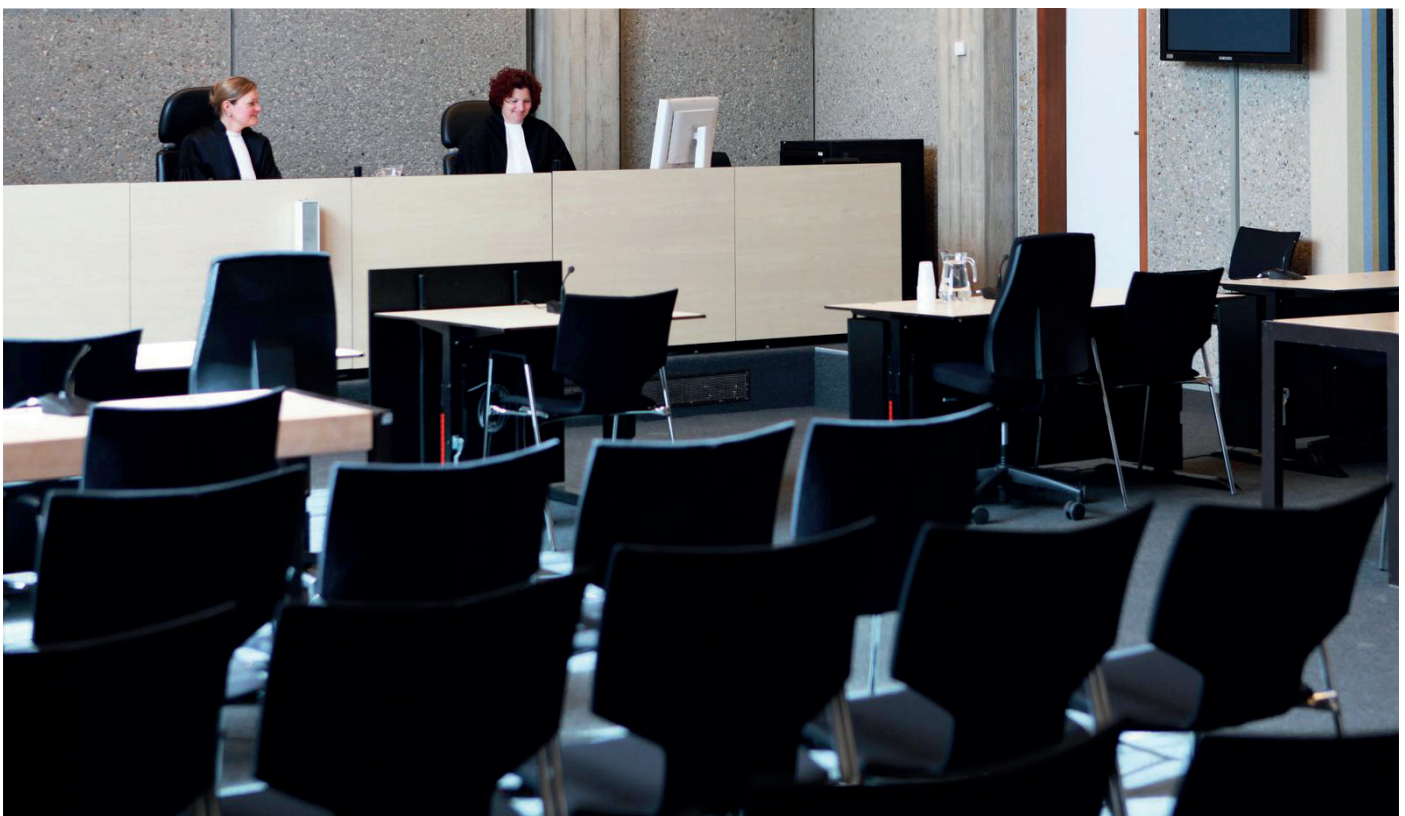
**The judge supports defendants with explanations and by showing compassion.** During roll sessions, judges take a human approach in their way of communicating with defendants. They give space to share their story and show empathy with the situation of defendants: “It is quite a high rent, isn’t it?”, says judge Steven. The judge also provides an explanation when a defendant is confused, for example what process costs consist of or who the claimer is in a particular lawsuit. One judge said: “I prefer people to show up at the roll session, then at least we can explain what is happening.”

**The judge makes an estimation of the best legal route to continue.** The judge extracts points that are legally relevant from stories told by defendants. Based on that, the judge tries to outline legal options and consequences. The function of the judge is officially not to give advice, yet he takes that role quite often when it comes to different procedural routes. “Maybe it is wise to try to achieve a payment arrangement with the claimer,” says the judge when a defendant wants to continue his trial. Afterwards, the judge says: “You often make an assessment what the best thing to do is. You do not want to increase process costs for defendants too far.”

**“For many people the procedures are opaque. Letters are full of difficult words and magic formulas.”**



Steven,  
Judge



**Fig. 35** The roll session takes place in a courtroom.





**Fig. 36** A judge and griffier during a trial in the courtroom.

**The judge often has to clarify his role (and what he is not).** There is quite some confusion among defendants about the role of the court. The judge often has to explain his role and especially what he is not: “I am not a social worker,” “I am not here to give advice,” “I am not here on behalf of the claimer” and “I did not make up the rules either.” “However,” says a judge, “We are here for judgement.” Although the court in some cases has a signaling function, it is an independent institution: “People think that we already know everything. That we already have called with tax authorities and know the whole situation.”

### 3.2.5 Trial

Jorieke Jansen is one of the subdistrict judges at the court of North Holland. She prepares trials by reading all submitted documents by both the claimer and defendant. At the start of a session she names all attendees, introduces herself and explains the goal of the day (see figure 36). “I have read all the documents and we are going to talk about it today.” Both the claimer and the defendant get the chance to respond and the judge asks both parties questions to get a better image of the context. Initially, the judge tries to let the parties settle. Without success, the judge closes the session with a date for the verdict.

**Legal language as main language is challenging to follow.** The spoken language during a trial is formal and legal. The judge addresses people with ‘sir’ and uses words as ‘*verweer*’ and ‘*comparitie*’, which only make sense if you are aware of the judicial process. Especially lawyers choose to speak in jargon by choosing for words as ‘*rappeleren*’ instead of ‘*herinneren*’, both words for remembering. Immediately after the trial, the judge says: “Your presence makes me aware of certain difficult words that I use.”

**Parties are not always optimally prepared.** Good preparation of one of the parties is sometimes lacking. Judge: “People should think about a session in beforehand, then I can do something.” One of the defendants appeared in the courtroom with the statement that she first wanted to speak to a lawyer. “That is not possible anymore, there has been enough time to arrange a lawyer,” says the judge. The defendant also did not bring supporting documents that were needed as evidence.

Also, defendants who did prepare themselves, have not always prepared the right documents. Judge to a defendant: “I have not seen anything in your documents about what you currently say.” In a lawsuit, the story of the documents in the file is leading. Judge: “I only read the file without context. Some people have a whole story in their heads, but I have not been there. If you do not provide the whole story to me, I cannot include that in the judgement..”

**Parties do not always know what is customary in court.** It can be challenging for defendants to understand what is and what is not customary during a court case. Who is allowed to speak when? Some people talk when it is not yet allowed and some people are not allowed to react at all. Also, the exact role and responsibilities of the judge are sometimes hard to estimate. When a defendant asks if an interpreter is present, the judge replies: “That is your own responsibility.”

**Parties have to decide under pressure without always knowing the legal consequences.** During a trial, decisions have to be made under pressure in a short time. What is wisdom? Whether or not to admit more in a settlement, whether or not to proceed the legal process with increasing costs, whether or not to answer the question of a judge. “You can say nothing, but then you run a risk,” says the judge. What risk? The defendant reacts: “Things I’m going to tell you here, are you going to decide on that?” Parties need to make decisions, of which they cannot always oversee the consequences.

### Lawsuits can be emotional for defendants.

A legal process can be frightening and can also become personal. Emotions of one of the parties sometimes become visible during a trial. Defendant: "I am just a small contractor and held responsible for 18,000 euros. I was shocked by that." Emotions also become visible implicitly with body language: a hard sigh, a hand to the head or a raised voice. "I blurted out some things because of the emotions," tells another defendant afterwards. Emotions have an effect on how people react during a trial and what choices they make.

**Judge tries to aim for de-escalation.** The judge first tries to aim for a settlement, rather than a verdict. Judge to both parties: "Do you see space for talking to each other? Is it possible to come up with a solution?" Parties can go to the hallway to discuss a possible settlement together. Judge while parties are in the hall: "I hope they agree with each other. Most of the time, providing judgement makes no one happy. With another judicial round, I only become more expensive. Sometimes with a verdict, both parties only go further in the trenches. They can both move forward when they agree on a solution."

**Judge looking for the human approach.** Although the primary language is legal, the judge sometimes deliberately switches to 'normal' language: "That is very legal. I will say it in my own words: if we were at a party now." The tone and approach of the judge are sometimes less legal: "Let me ask you differently.. not legally.. what do you think..?"

The judge takes into account if there are people with less experience in the courtroom: "For the people who are less often in court: we will first discuss the documents. Then we will talk about whether a solution is possible, or whether there should head for a verdict." The judge sees a difference without a lawyer: "You can see that these defendants didn't have a lawyer. If someone doesn't understand, I will explain it again. However, it is actually not my task. Although," says the judge: "I would rather have no lawyer than a bad lawyer."

## 3.2.6 Key insights

- Most defendants with a summons have payment arrears, from either health insurance, rent, purchases or subscriptions. The group is **diverse and often vulnerable**: people with difficult situations and complex problems.
- Most defendants **do not understand legal terms** in the summons. Also during trials, legal language is challenging to follow.
- Most defendants **have never been in court** and do not know how it works. They have wrong expectations: at roll sessions defendants expect a real trial, but it is actually just a procedural moment.
- Just a **small part of the defendants show up** at roll sessions and for the people who show up, regularly it was not needed.
- Defendants often tell **personal stories** during public roll sessions. Most people are ashamed or uncomfortable with telling their stories with everybody listening.
- The exact **role of the subdistrict judge** can be unclear. During sessions, multiple defendants had wrong assumptions about their duties and judges needed to clarify their role various times.
- During sessions with defendants, judges take an explaining and **human role** by clarifying procedures and showing compassion. The subdistrict judge tries to aim for de-escalation. Before heading for a verdict, the judge tries to see if arranging a settlement is possible.

**"Giving judgement makes no one happy"**

Jorieke,  
Subdistrict judge





## 3.3 Experience defendants

### 3.3.1 Research approach

To understand the user perspective of court services, defendants have been interviewed about their experiences with the subdistrict judge. Based on the study of the summons procedure (see chapter 2), the most important touchpoints for going to the subdistrict judge have been identified as receiving the summons, the roll session and the trial.

The summons is sent by the claimer, and therefore outside the responsibilities of the court. However, it is the starting point of many judicial procedures and therefore an important moment to investigate. Defendants who receive a summons are not yet in sight of the court and therefore hard to reach for an interview. To get an impression of the experience of the summons, the starting point has been simulated with students of the TU Delft (see figure 37). Five different students participated and were given an anonymized summons (see appendix D). The participants were asked to pretend they received the letter in their mailbox, to read the letter and to share their thoughts. Afterwards, the participants were interviewed about (1) what they would do in this specific situation and (2) their opinion about the letter. Both the simulation and interview were recorded with a camera.

After roll sessions, defendants who walked out of the courtroom were approached for an interview. These interviews took place immediately. Four interviews were held, which lasted approximately 20 minutes. The interviews were conducted in a separate room, ensuring a priving setting.

After a trial, defendants who walked out of the courtroom were approached for an interview. The interview was planned for another time at the home of the participants to ensure a private setting. One interview was held, which lasted approximately two hours.

The interviews with defendants used a semi-structured format, allowing for freedom to go deeper into topics that arise (see appendix G). Defendants were interviewed about (1) their experience in the courtroom, (2) their expectations, (3) their preparation and (4) their next steps. With the permission of the defendants, the interviews were recorded with a camera (see appendix H).

### 3.3.2 The summons

Immediately, it becomes clear all readers have difficulty with reading the summons. “I really feel a bit stupid that I don’t get this” says Eveline while reading, “I don’t understand the text. I’m not stupid, but I don’t get it.” Willemijn already struggles right away: “Okay, I don’t understand the first paragraph at all.” It takes a lot of time to get through the letter. Sanne: “With each paragraph, you have to think: do I understand this paragraph? No. Read again. Now, I understand it half. But it’s not going to get better.”

An experiment with students of the TU Delft provided the insight that the summons is perceived as a legal puzzle. In this section, ten reasons for its incomprehensibility are highlighted.

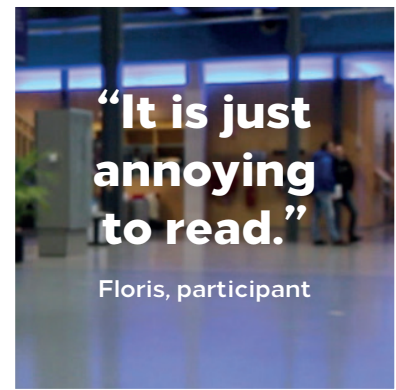
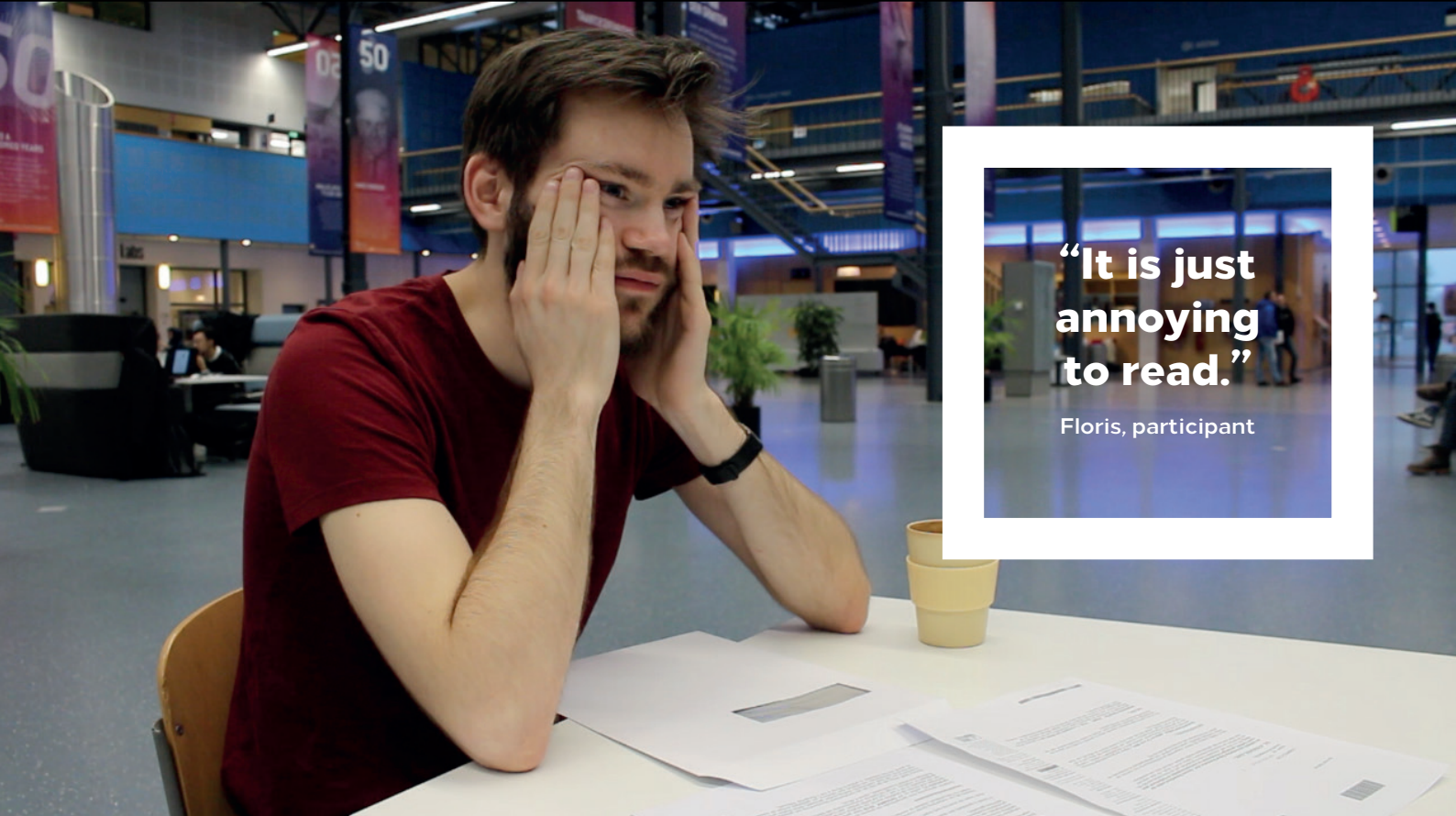
**Fig. 37** Participant reading the summons.



**“I feel stupid  
that I don’t  
get this.”**

Eveline, participant





**Fig. 38** Participant reading the summons.

### 1. Long letter: “Lots of text, little information”

“I have to say, I think it’s a lot of text,” says Eveline. Floris adds: “A lot of words, just to say who it is.” The letter uses a lot of text, while it does not convey a lot of information. Sanne: “I find it very difficult to read because it is just one long sentence that does not stop. I have to think all the time what it actually says. But it is also supplying information that is not important. There is a lot in it that I don’t want to know. To me, you could just say: the company wants this from you.” Timo summarizes: “How I feel about it now.. lots of text, little information.”

### 2. Structure letter: “Claim described too late.”

The actual claim is given only at the end of the letter.

“Described way too late in the letter,” says Floris. Willemijn: “All information that is not important at all is given right at the start of the letter. They only introduce what I really want to know in the very last paragraph: what’s going on.” Sanne adds to that: “Only under the headline ‘grondslag vordering’, is stated what I actually have done wrong. That is very late. First, you get scared: ‘I have to go to court’ and lots of difficult words. That scares off, while you then remain in uncertainty for a long time about what you have done or what I have to do.”

### 3. Difficult words: “Just annoying to read”

The language in the summons is difficult. The letter contains quite some words from the legal world that readers do not understand: ‘Met aanzegging’, ‘leegeskosten’, ‘griffierecht’ and even ‘kantonrechter’. “I don’t get it. All very difficult words,” says Willemijn, “they just say: give me money. Very old Dutch. Old-fashioned written language that nobody uses anymore in my opinion: ‘mitsdien’, ‘aldaar’.. Looks very superciliously.” Timo: “I have never heard anyone say it. I find the language deliberately too difficult. As if they want to look a bit authoritarian. It can all be said much easier than it is written down.” Floris: “I was very annoyed by how this was written down. Just annoying to read.” (see figure 38)

Sanne notes that the letter is even more difficult for people with less proficiency in Dutch: “I was confused. But I am still relatively good in Dutch and also relatively good in understanding texts. If I already don’t get it, let alone someone who is less highly educated or someone who doesn’t speak Dutch as a first language. He would be completely lost. Yes, far too difficult.”

### 4. Law references: “Add a noob introduction”

References to the law are meaningless for ordinary people. Sanne: “I understand that the articles must be mentioned, but they don’t mean anything to me.

**“Puzzle to understand what they want.”**

Sanne,  
participant





**Fig. 39** Participants reading the summons.

Again, a lot of information that is of no use to me, which makes me more insecure and only provides me more questions.” Floris: “It probably just needs to be established legally, so a lawyer cannot say: ‘no, no, this is described wrong, it must be so and so’. Just add a noob introduction. A kind of summary: hey, you have not paid an invoice, you have received reminders, now you must ultimately pay this amount and go to court. Then and then, but you can also send a letter, signed twice. Greetings. If necessary, add a disclaimer: this is not legally valid.”

#### **5. Different calculations of money: “Puzzle to understand what they want.”**

The letter introduces a lot of different costs, but does not give one clear overview. Eveline: “The different amounts are not entirely clear to me if I read it through so quickly.” It is not clear what all costs are for and therefore difficult to keep apart. Sanne: “They are now talking about ‘buitengerechtelijke’ costs. I think that’s something else than the ‘aanmaning’ costs... But I am not sure. What is it all about? I want to be able to solve the puzzle, to understand what they want. I need that.”

#### **6. Unclear action: “I would not know for sure.”**

Readers doubt about what is happening next. “I doubt if someone comes to me or if I have to go somewhere,” says Eveline. Other readers also doubt if they have to go to court, or if they are allowed not to be present: “I would not know for sure,” says Floris. Willemijn: “There is something vaguely said that you could let something be known verbally or in writing, but I don’t know what to say then.”

#### **7. Asking for help: “Don’t know where to go.”**

Contacting the bailiffs does not feel like an option. Sanne: “I find it a very high barrier to approach the company myself because at first, I feel a bit stupid that I don’t understand this. I might come across

that way. I do not know very well where I should go. Maybe I should google that.” Floris would prefer contacting the court about what to do: “What should I do with it? Probably would not contact these people, because they are my opponent in court, but then I would contact the court itself.”

Most readers would go to someone they personally know. Willemijn: “I would go to someone I know who understands this. My dad or something, to ask for advice. What should I do? Do I have to go to that summons?” But that would not be an option in all social classes. Eveline: “If I were a greengrocer, and I would get this, I think I wouldn’t know at all where I stand. Then the chance is also quite small that I have someone in my area who understands this.”

**“I would probably put it away again, in the stack with letters that I still have to look at.”**

Eveline, participant





**Fig. 40** Interview with a defendant after the roll session.

### 8. Role of the court: “What will the judge do?”

For readers, the function and role of the subdistrict judge is unclear. Floris: “I understand that I have to go to court. But I don’t yet understand what the judge will do.” Willemijn adds to that: “Why do I actually have to come?” The subdistrict judge is not introduced in the letter. Sanne: “The subdistrict judge appears here for the first time in the letter. That is understandable if you go to court, but then you do not know who that is. If a new important person is introduced, I think it would be good to add who that is.”

### 9. Tone letter: “Not empathizing.”

The tone of the letter is distant. Eveline: “Not empathizing with a person who gets this. Although I have not paid, so maybe it is not that surprising.” However, Sanne disagrees and advocates a more human tone: “I think it would be good first to reassure someone and just tell what’s in that letter. Precisely because I would be scared of such a letter and maybe I have just forgotten that invoice or I could not pay for it at the moment.”

### 10. Demotivated: “I would put it aside again.”

Initially, the letter makes quite an impression. “I am summoned, that’s scary” says Floris. Other readers say they would be “shocked” or “sweat a lot” when they receive a summons. “It consists of three leaves, all with a-b-c sections, so that looks a bit dangerous,” says Willemijn. However, the initial fright also makes place for demotivation: what do I actually have to do? Eveline: “It makes an impression, but it is not clear to me. I would probably put it away again, in the stack with letters that still have to look at.” Floris agrees: “I’m just being discouraged from actually reading it, because I find that I don’t get it when I read all the words one by one.” Sanne postpones reading: “It is also very demotivating. Because I don’t get it, I am less and less interested in reading. Now I have the idea that I have to read everything again before I get it. Tomorrow, if I feel like it again.”

## 3.3.3 Roll session

Interviews with defendants after a roll session provided the insight that people come to the court with the wrong expectations (see figure 40). In this section, four examples are highlighted.

**1. The opposing party is not present.** Defendants expect a session where the opposing party is present as well. This confirms the insights from the observations (see chapter 3.2). Defendant: “I expected that the bailiff would also be here, but he wasn’t. I would have become very angry with him. Bailiffs are such hypocrites. They send a letter: you have to do this, and then you go here.”

**2. The roll session is held with several defendants at the same time.** Defendant: “Yes, a bit strange, my first time I experience something like this. I thought it would be just one on one, you know. Then I saw all those people who came and had to tell their story. I thought that was a bit scary. I was lucky to be the last, everyone was gone and I could tell my story. A bit unusual that this is how it works, everyone hears about your money and your problems. Weird session, so to speak.” Another defendant adds: “All of them at the same time, I thought that was strange. You’re not going to tell each other your problems, right? I have never experienced this. Of course I have been to a judge before, but not like this.”

**3. The case is not dealt substantively during the roll session.** Defendants expect a session in which the judge deals with the content of the case. Defendant: “I expected them to talk more substantively about your case, but it was to hear your story and then write it down quickly. For me, it didn’t feel like I could make a difference in my case. I was finished pretty quickly: a five-minute conversation with the judge.”





**Fig. 41** Interview with a defendant after the roll session.

The judge has a pile of 200 possible cases and did not read or prepared them in beforehand. Defendant: "In the first session I handed over documents, they were there. But we were now rediscovering them. Together. I expected that if you are waiting here and it is your turn, that you look at the parts where the core is. That we would talk about where the difficulty is. This was just a repeat of moves."

However, the roll session is not meant to tell your whole story. It is just a procedural moment to exchange documents or a short verbal defense. The result is that some defendants do not feel heard: "I could not express myself."

**4. The role of the judge is to test legality.** "I had expected that she would help me a little bit more." Legal judgement is the role of the judge. Defendant: "This is the law and I must adhere to it, she also explains clearly: 'I understand you, but this is what I am bound to do.' Very clear, not confusing."

However, other defendants expected another role of the judge. Defendant: "I had hoped, expected, that she would help me a little bit more. That was not the case; I have to do it all myself and still pay for it. I had hoped that they would say: the extra costs can be removed, and you only have to pay the normal amount. That's a pity."

The judge cannot help with a payment arrangement, but only decides whether the required payment is legal. Defendant: "No judge will accept this when I have explained that I have been in the hospital with evidence. She didn't need to see the evidence. So she did accept it. I might as well not have come. I did not expect this in any case. If they could have made a reasonable arrangement for me, then I could breathe for a moment. Now I have to wait and see what will happen."

In general, summons procedures are an escalation of the situation for people who are often already in trouble. "I just thought shit, you know. The amount was 50 euros and has now become 300 euros, quite a difference you know. That's a bit of a shame," says a defendant. Often, the summons is a consequence of other problems. "I just became very ill and didn't pay the bill for two months. I just didn't know anything anymore," says a defendant. He received help from people in his surroundings: "I need someone for my papers. That person always reads my mail."

**"For me, it didn't feel like I could make a difference in my case."**

Defendant



**“Neutral info is just important in such a case.”**

Defendant

**Fig. 42** Interview with defendants after a trial.

### 3.3.4 Trial

In an interview, Martine and Sjoerd shared their experiences about going to court (see figure 42). The insights are based on one interview, but they are generalized in this section because they can be expected to apply to a larger target group.

Martine and Sjoerd are the owners of a hotel in Zandvoort. The couple rents a building in the coastal city, but also has a few months of payment arrears. The owner summoned them for this and wanted to kick them out of the building.

**“In retrospect, we regret that we have not taken a lawyer and that we have reached a settlement.”**

Defendant

#### **The summons: no neutral information .**

##### **The summons can be unexpected.**

Martine en Sjoerd received their summons while being on a holiday. Martine: “Furious. Really furious. This makes no sense at all. You go on vacation; they know that you are on vacation. Then you come back and there is a summons.”

##### **Summons is perceived as unclear and biased.**

The court does not communicate neutral information, procedures and expectations. Sjoerd: “Enough things are not right. Because you only get this from the opposing party, the summons just says things that aren’t right. What I find very strange at the court: the only thing you get is information from the counterparty, stated in the summons. They can write what they want, but you will not receive any message from the court.”

Sjoerd: “Neutral information is just important in such a case. I would like a simple letter from the court. With the date of the session, you are expected to be present 15 minutes in advance. Those kind of things. An explanation of how you can respond. Not just by the counterparty, but by the court, neutral. And maybe: how does a session go? Then you can prepare a bit for that.”

Martine: “If you have no experience with it, you want to know a little bit what to expect.” Sjoerd: “If you look at Schiphol and you have never flown before, you can see exactly where you need to check-in, where to go next and what you have to do. Your ticket states: you must check in at that counter, that departure hall, what you need to bring.”





**Fig. 43** Interview with defendants after a trial.

**The preparation:** unclear where to get explanations and advice.

**Website of court perceived as opaque.**

Sjoerd: "Website of the court.. just as opaque as the Tax Authorities website. There's nothing on it. When should you submit documents to the court? And how should you deliver that? Nothing at all on the website of the court. Searched a few times and couldn't find anything about how sessions work and things like that. How does a trial go? Only in very general terms. It is just very hard to find."

**Short time to prepare everything.**

Martine: "I only had 2.5 weeks to get rid of things and prepare a lawsuit. Ridiculous. You have to be able to think about things calmly and that simply wasn't possible in this case. There was too much." Martine to Sjoerd: "You arranged it, you have done that before and I have not. You would actually do the talking, but not enough was said in my opinion. We talked for hours about how we were going to do it. Shouldn't we immediately go out of the hotel right away? You just don't know anymore. These people are so unpredictable."

**Unclear where to receive help.**

Martine: "Who should you go to? I would have liked to get advice: take a lawyer or you can save this yourself. Sounds very stupid, but.." Sjoerd: "Court cannot give such advice."

**A lawyer could have helped with their legal position but is also an even bigger financial risk.**

Sjoerd: "If you go to a lawyer, of course, the lawyer knows it all. But you are not obliged to bring a lawyer, so you must also be able to get the information. And preferably neutral... at the court itself."

**"You want to know what to expect."**

Defendant

**The session:** making choices under pressure.

**The whole story is bigger and more complex.**

Martine: "You can't tell the whole story around it at the court. All very complex. I would like it if such a judge would hear the whole story around it."

**Making choices is hard under pressure of time.**

Martine: "In retrospect, we regret that we have not taken a lawyer and that we have reached a settlement. I still wrote it during the session. We don't do it. No settlement."

Sjoerd: "Actually we should have taken the time to get out of the room to be able to discuss." Martine: "But can you do that? I do not know. It was going very fast. You are promising things that are actually not possible. They were with three people. You just face three men who know exactly how to do it." Sjoerd: "There was also time pressure. The judge was in such a hurry. Then she's watching the clock... we have to hurry."

Martine: "So I also wondered: what if we hadn't settled? I still don't know that. Would we have had a verdict already that day?"

Martine: "A lawyer might have advised otherwise than to settle. Let the pressure run high. He might have said, don't settle, because you have a strong position. We have considered a lawyer, but it was financially not feasible. If you can hire a lawyer, you don't have to appear for such a case. It was not convenient to settle. That feeling sticks very much with me."



### 3.3.5 Key insights

- **Summons procedures** are an escalation for people who are often already in a situation with trouble. The summons makes a difficult situation only more difficult and demotivates to take action.
- **The summons** is hard to understand. The purpose of the letter only becomes clear at the end of the letter, which makes it hard for readers to understand what is being asked of them. Readability of the letter is poor due to the use of difficult legal words, complicated references to laws and different calculations of money. It consists of a lot of text, with relatively little information.
- **The role of the judge** and the judicial procedures are not explained well in the summons. It is unclear for defendants what their possibilities are.
- **The summons** is perceived as biased. Defendants would like neutral information from the court and know where to get help and (legal) advice.
- **The roll session** is a procedural moment with bad expectation management. Actually, the roll session is only meant for exchanging documents and short verbal defenses. However, defendants are poorly informed and therefore have wrong expectations of the roll session. They expect a trial where the case is handled substantively with the other party, but actually get an open session where everyone's problem is discussed publicly.
- **Lawsuits** can be an intense experience. Trials are difficult to prepare and it is challenging to make (legal) decisions for defendants. During trials, defendants need to make decisions under high pressure and emotions become visible.

## 3.4 Perspective stakeholders

### 3.4.1 Research approach

To get a broader image at the legal process, essential stakeholders have been interviewed about their perspective on the court. Based on the study of the stakeholder map (see chapter 2), two organizations who support defendants in the legal process have been chosen:

- **Het Juridisch Loket:** independent organization providing free legal advice for private individuals.
- **DAS:** organization providing legal insurance for (paid) legal support in cases.

The interviews took place at the offices of both organizations and lasted approximately one hour. A semi-structured format was used, allowing for freedom to go deeper into topics that arose. Stakeholders were interviewed about (1) their role in the legal process, (2) barriers for defendants and (3) possible improvements for both the court and their own organization. With permission, the interviews were recorded with an audio recorder.



**Fig. 44** Location of Het Juridisch Loket in Haarlem.

### 3.4.2 Het Juridisch Loket

Claire van Lammeren is employee at *Het Juridisch Loket*. This is an independent foundation which provides free legal advice, funded by the *Raad voor Rechtsbijstand* (council for legal aid) and the Ministry of Justice and Security. Private individuals can get advice through phone, at local counters and during appointments (see figure 44). However, legal choices are, in the end, up to the customer. "Most legal questions come in by telephone, then at the desk, then the consultation appointments. Advice on the phone in a limited way, others become increasingly more substantive."

**Het Juridisch Loket is acting as the 'first line': the first place people (could) appear in the legal system.** Claire: "We are actually like a general practitioner; we are generalists. If the doctor can no longer do something for you, he will send you to a specialist. We can refer people to lawyers."

**Het Juridisch Loket takes an active role, taking a broad and practical approach.** Claire: "We help the customer to prepare a letter and we have several sample letters. Sometimes we also adjust it to the specific situation of the customer. Sometimes situations are even so special that we make a letter ourselves and discuss those in quite some detail. We think broad and take everything into consideration. We try to work practically, but you keep the legal aspect in mind. After all, the customer has its rights."

**The target group is often a more vulnerable group.** Claire: "Group that is somewhat lower educated. They don't always know their way around. Also many foreign people who don't speak the language. There are also a lot of people who put their heads in the sand. You can ask: is that right or wrong? That is irrelevant. That is not our job. Actually, to some extent, I can imagine people do that."



**"We can only help if a client approaches *Het Juridisch Loket*."**

Employee, *Het Juridisch Loket*

"We are digitizing more and more, but with that, you also skip a huge target group. The Netherlands is aging. If you knew how many people cannot handle the computer. More and more older people with debts, who don't know about our existence, because they can't find us on the internet."

**Het Juridisch Loket depends on the referral of other parties.** Claire: "We can only help customers who come to us. Either the court has referred them, or they have heard of someone else: go to *Het Juridisch Loket*. Or they have found it on the internet, but we don't get everyone. If it stays out of our view, we can't do anything with it. We depend on the referral of other parties. I think there is a large group that does not reach us because they do not know about our existence."

"Perhaps a little more attention should be paid to a clearer referral. There should be an accompanying note with the summons. That should be clearer in the communication to the person who gets it, what his possibilities are. Clarification, simplification of the legal, but also stress-relieving, because people are so nervous. Going to court is very stressful for citizens. I think that is sometimes underestimated."

**A lot goes wrong in that preliminary phase before going to court.** Claire: "Defendants often do not realize that there are things in the summons that are incorrect. Scandalous, outrageous of bailiffs. I think that is really not possible. A lot goes wrong in that preliminary phase. You can say: there has to be something in that preliminary phase, but to what extent do you have an influence on that initial phase?"

"Information on the website of the court is explained simply, but it can still be quite difficult for customers. I don't know if that can be made even simpler. It does seem businesslike, more distant. It is also the design."

**Het Juridisch Loket could extend their services.** Claire: "I think we could do much more. Now we occasionally call to a counterparty; you could expand that much more. Then you don't even have to become an advocate. We work with sample letters, but you can also say: it becomes the standard method that we write letters for customers. In this, we could do much more for a customer. The 'first line' could be explored further, thereby preventing the legal process."

### 3.4.3 DAS

Miriam Goudsmit is an employee at DAS, an insurance company for legal assistance. Miriam: "We are just like lawyers, only on an insurance basis. We do the same; we just don't do criminal law. We only assist in subdistrict cases, since we have no authority for other judges. In principle, we simply assist people in procedures."

The interview provided insight into the paradox between accessibility and understandability.

Miriam: “On the one hand, I understand: the law must become more accessible, and people do not need assistance. But on the other hand: you need assistance because you don’t know those laws.”

This section highlights five ways how Miriam assists defendants in a legal procedure:

### 1. Explaining the legal terms.

Miriam: “If I have a contractor that I assist, I could say: have you sent an ‘ingebrekestelling’ (notice of default)? Then he will look at me: what the hell are you talking about. So then I have to say: have you sent a letter in which you say what went wrong? He will understand that.”

### 2. Determining a legal strategy.

Miriam will spot the legal opportunities: “The moment I get the case, I will study it. These are our chances and these are the problems we encounter.” It can be tough for defendants to come up with a legal strategy themselves. Miriam: “If you don’t know the legal system, maybe you shouldn’t try it yourself. That’s what lawyers exist for. You can cause so much damage if you try to solve everything yourself. Certain legal steps must be taken care of if you want to retain your rights.”

### 3. Dealing with the emotions of clients.

Feelings of clients can get in the way of getting justice. Miriam: Feelings and principles are often an obstacle during trials. Then the judge says: “I can’t do anything about it. The law is the law; you should have done this.” Sometimes you are half a psychologist. In court cases, people often reason based on feelings and principles, but you won’t win any case with that. I try to recognize those feelings, but I also try to make clear that it is no reason to start a procedure. I always say: as a person I understand, as a lawyer I can’t do anything with it.”

### 4. Setting expectations.

Miriam helps in setting expectations before a trial. Miriam: “Often I only see my clients in court for the first time. I always meet half an hour earlier so that we can go over the last things. You already know everything about the content of the case, but I will tell more about what such a session will mean. What they can expect the judge to do and to ask. For example, you should never interrupt the judge.”

### 5. Explain the legal game.

Miriam explains the legal core of a case, so her clients understand the legal ‘game’ during a trial. Miriam: “I try to sketch all the different paths in advance, which ways it could go. I explain what the important points are. If the judge is going to talk about this, it will go this way. What points will make or break the case.” Miriam sees the difference after an explanation. “My client recognized the terms and I saw them becoming more relaxed during the session. So she understands what’s going on. It is going in the right direction and she can lean back.”

**“If you don’t know the legal system, maybe you shouldn’t try it yourself.”**

Miriam Goudsmit, DAS



Fig. 45 Logo DAS.

## 3.4.4 Key insights

- **Het Juridisch Loket** is helpful and supportive in providing free legal advice. However, they are dependant on other parties for referring an often vulnerable target group to the organization.
- In the preliminary phase, the courts have **no influence** and bailiffs sometimes play a dubious role in making money from the debt industry.
- Subdistrict cases deal with a **paradox of accessibility and understandability**. On the one hand, accessible because legal assistance is not obligated. On the other hand, it also makes the subdistrict judge incomprehensible because people don’t know the laws.
- **Legal assistance** provides help in understanding legal terms and determining a legal strategy. Besides, it also plays a role in setting expectations and dealing with emotions.



## 3.5 Visual conclusion

This chapter described the research to map the current experience of defendants in the legal process. Two posters have been made with a **visual overview of all the key insights** of the research phase (see figure 46). One poster focuses on the judicial process and the other on the stage before going to court (see figure 47). Bigger versions of the posters can be found in appendix I or in the fold-out showcase.

### Processing insights

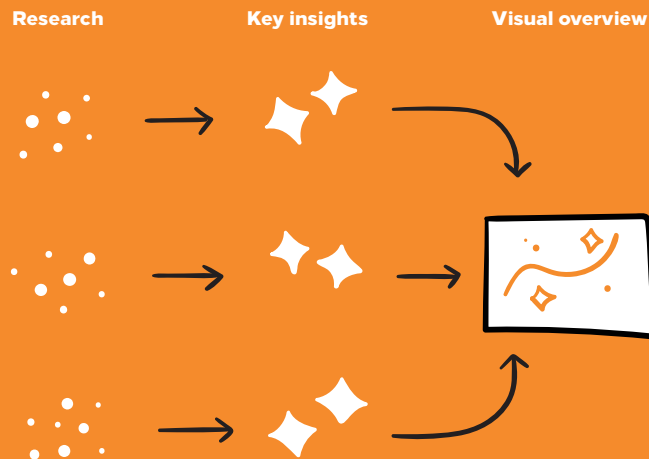


Fig. 46 Processing insights from research into a visual overview.

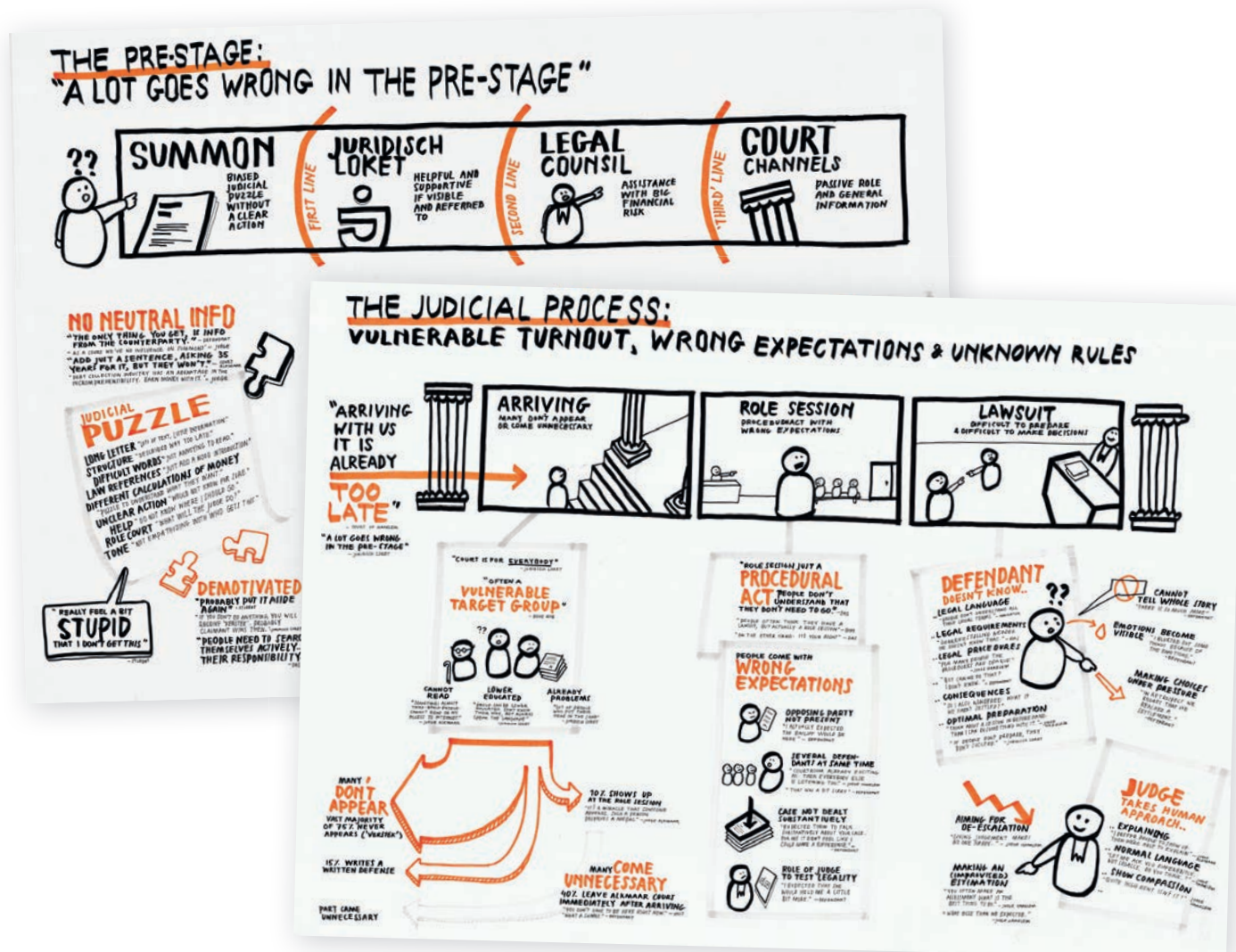


Fig. 47 Visual overview with key insights of the research phase. A bigger version can be found in appendix I.





# Focus

This chapter describes the proposed new role for the court and concludes with the design goal for the next phase.

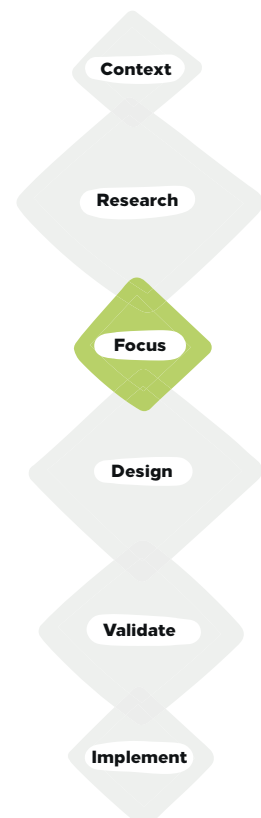
In the first section, the reason and the relevance of this new role are explained. The second section describes design principles for taking an active role, synthesized from literature research and best practices. Finally, this chapter concludes with the design goal, which serves as the starting point for the design phase.

## Overview chapter

### 4.1 Design focus

### 4.2 Design guidelines

### 4.3 Design goal



**Fig. 48** Design process.









**The court needs to take up an active role in activating, informing and guiding defendants before going to court.**


# 4.1 Design focus

## Why activate, inform and guide defendants?

Currently, defendants often do not take action when receiving a summons, appear at the wrong moment at the court or have wrong expectations of the subdistrict judge (see chapter 3). As a result, there is a good chance that legal processes escalate unnecessarily and that defendants do not receive the right help for underlying problems. All these aspects ensure that the court cannot properly provide its core service: provide justice.

## Why should the court take up this role?

The court is the only stakeholder with the knowledge, incentive and power to ensure equal access for both parties in a fair legal process. The neutral position does not have to be an obstacle because the court only needs to explain the legal game and its rules. Precisely because of the neutral position of the court, the court should create a level playing field: offer equal access. Ultimately, the entire society benefits from an accessible and understandable subdistrict judge: the court is able to provide not only justice, but also a sense of justice and help in a difficult situation.



**The court needs to take up an active role in activating, informing and guiding defendants before going to court.**

## Why is an active role needed?

The court cannot always expect defendants to take action. The Scientific Council for Government Policy (WRR) wrote a report about the need for a change in the mindset of all government organizations: “Today’s society places high demands on the resilience of citizens. A great deal of alertness is required from citizens in crucial parts of life. Not all citizens are capable of this under all circumstances. There is a considerable difference between what is expected from citizens and what they can actually handle. The group for whom the requirements are sometimes too high is not limited to a small group of “vulnerable” people such as those with a low IQ. People with proper education and a good social position can also end up in situations in which their self-reliance is insufficient, certainly at times when life is going wrong. That is not because their intelligence or knowledge is inadequate, but because all kinds of other mental abilities are called upon, such as the ability to take action, to keep a cool head, and to hold on to good intentions.”

“Moreover, living conditions influence the employability of those non-cognitive abilities. For example, we know that self-control due to demanding cognitive tasks or prolonged exposure to temptation comes under pressure. That is extra problematic at times when life is going wrong, such as a divorce, bankruptcy, or dismissal. It is precisely then that it is crucial that someone takes action, makes the right choices and knows how to sustain them. Unfortunately, these are precisely the situations that are associated with stress. The kind of circumstances that citizens who are reasonable under normal circumstances lose the overview and therefore postpone decisions or make the wrong choices, which causes them problems.” A realistic perspective is the translation of the behavioral findings of this report: “People do not always act, despite their good intentions. Knowing does not always lead to doing.” (WRR, 2017)

## Why before going to court?

Traditionally, the court can be seen as a wise old man on a hill, waiting for people on the top. However, waiting for the arrival of defendants at the court is often too late. The current stage in guidance before going to court is no man’s land. Bailiffs represent the claimer and have no incentive to guide defendants better than required by law. *Het Juridisch Loket* has the knowledge and human resources but is often an unknown party. And the court channels mainly provide general information from the perspective of the legal system.

## 4.2 Design guidelines

### 4.2.1 Research approach

In order to shape principles for the design, research has been conducted about current strategies and tools used in guiding clients before a process. Examples were sought of services that everyone could encounter in their life, but in which you have to take action with no experience before. For example, choosing a treatment option in healthcare. The research focussed on both literature and best practices.

#### Research question:

How are current strategies and tools used to guide clients before a process and which elements are useful in the design of services?

**Subquestions** for this research question were:

- How are current strategies and tools used to make something understandable?
- How are current strategies and tools used to guide?
- How are current strategies and tools used to activate?
- How are current strategies and tools used to support in making a decision?
- How are current strategies and tools used to set expectations?

Insights have been identified and summarized as design guidelines in the following sections. A conclusion with a visual overview of the design guidelines is presented in chapter 4.3.

### 4.2.2 Design guidelines

**Provide understandable information**



#### Less is more information

Present as little information as possible, providing only the most relevant and essential information. An example is a new format for the Dutch traffic fine, presented by the *Centraal Justitieel Incassobureau* (see figure 50). From July 2019, the fine only contains the most important parts of information (CJIB, 2017).

#### Simplify information

Simplify how information is presented to make it easy for people to remember and use (Van Lieren, 2018). Too much information can be overwhelming: simplification reduces mental stress and thus makes it possible to process information better. This can be done by presenting a route that consists of small steps to a long-term goal (WRR, 2017). Simple checklists for necessary multistep procedures are also effective reminders and useful in preventing errors (BM and PJ, 2006).



Fig. 50 New format Dutch traffic fine.



## Logical structure

Present information in a logical structure, starting with a clear overview. An example is a website *Thuisarts.nl* (see figure 54), which prepares people for going to a general practitioner (Thuisarts, 2018). The site starts with a summary, uses clear headings and presents a helicopter view of the structure in the sidebar.

## Use clear language

Understandable information requires the use of clear language. A report about debt problems states the introductory document in judicial procedures should, in contrast to the current summons, be written in more accessible writing (Rechtspraak, 2019d). The court of Amsterdam started the initiative What I Actually Mean, adding a more readable translation of the legal reasoning in the final verdict (Rechtspraak, 2018b). Nationwide, Dutch courts have started the competition *Klare Taal Bokaal* for the best-written verdicts, with the criterion that a layperson should be able to understand what the case is about.

Governments and companies usually write their texts at C1, language levels determined in the *Common European Framework of Reference for Languages*. About 60% of our population cannot understand texts on that level (Heij and Visser, 2006). Simple Dutch can be defined at the language level B1. Main principles for clear language at level B1:

- Know the target group and the intended goal of the communication.
- Use simple words and avoid jargon.
- Use short, active sentences.
- Use a clear title.
- Use blank lines.

## Use visualizations

Visualizations are a more accessible and more attractive way to present information. An example is a new style for medicine leaflets, made by the *College ter Beoordeling van Geneesmiddelen* (see figure 52). The goal is to translate long pieces of text in traditional leaflets into clear icons with the most critical information (NOS, 2019a). By using icons such as a glass of wine, a clock and a pregnant woman, the reader can discover relevant information more quickly. A good visualization example in Dutch courts is *Terecht* (see figure 51), an information brochure in preparation for a visit to the court (Raad voor de Rechtspraak, 2017). In this brochure, comics and infographics are used to explain how the court works. Currently, this brochure focuses just on children.

## Clear layout

A clear layout influences the user's behavior by making perceiving information easier. Examples are both the new style for medicine leaflets (see figure 52) and the new format for traffic fines (see figure 50), presenting information clearer and providing a better overview. Use principles of perceptual persuasion (Fabrique, 2012) to make an action easier to achieve on the visual level:

- Scan pattern: "Arranging elements to facilitate a users' general scan pattern. The top left gets the most attention, the bottom right least."
- Visual Sequence: "Making elements look like a sequence for users to follow. A sequence creates fluent interaction along with the elements involved."
- Font hierarchy: "Using font size and weight to create a hierarchy between words. Bigger and bolder fonts attract more attention, making the



Fig. 51 The comic TeRecht.

text easier to scan and perceive.”

- Image caption: “Users tend to read captions of images automatically. Pictures generally attract more attention than words.”
- Familiarity: “Giving an element a familiar visual appearance. Elements that have been exposed before are easier to perceive and therefore more persuasive.”
- Color difference: “Coloring an element differently relative to its related neighbouring elements. Differently colored elements stand out and attract more attention.”

2019d). However, it can also be in small things. An example is the provided tip on *Thuisarts* (see figure 54): “Ask questions if you do not understand.”

## Offer human contact

Offer human contact in guiding defendants. The value of the personal contact between parties and the court is significant. Information must also be available verbally at the court itself. (Rechtspraak, 2019d) Help that goes beyond just providing information is possible through one-on-one support. (WRR, 2017) Research in healthcare also showed the combination of written information and interactions with professionals is most effective (Coulter and Ellins, 2007). To achieve this, employees should be given the needed resources and trained in their communication skills.

## Use different media

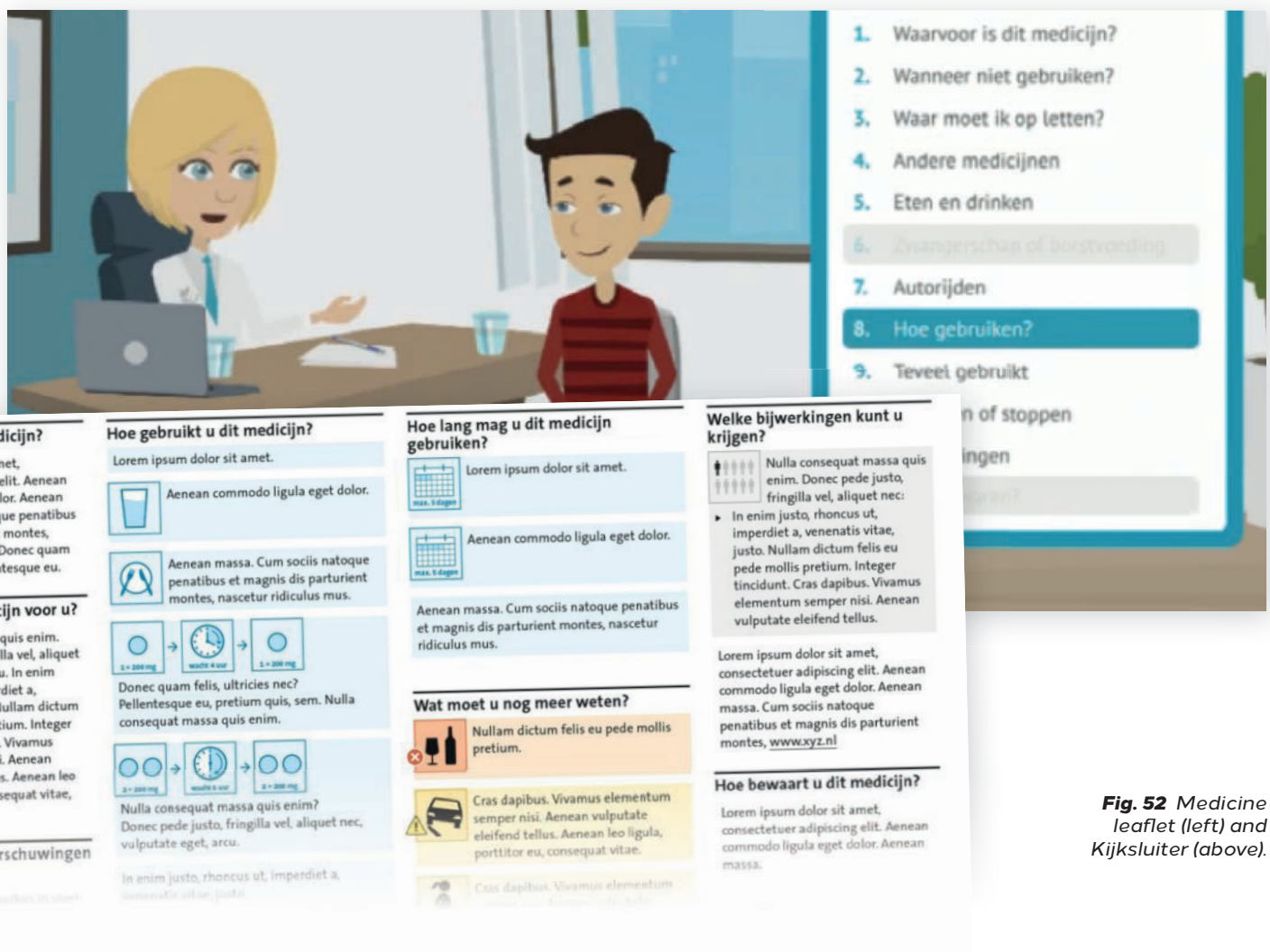
Present information not just in text, but use different types of media. A report about debt problems states more use should be made of audiovisual means such as films. In this way, information can also be provided to people who have no or insufficient understanding of the written language (Rechtspraak, 2019d). Using different media for information such as video helped to increase the attendance rate at psychotherapy sessions (Oldham et al., 2012). An example is *Kijksluiter*, short videos explaining how to use certain medicines in easy language (see figure 52). The videos have been introduced to prevent incorrect use of medication because many Dutch people have difficulty understanding long laps of hard-to-read text in the leaflet for medicines.

## Take a personal approach



## Take the user perspective

Greg Berman of the Center for Court Innovation in New York says: “The starting point is what people need, not our systems and layouts.” The court should think more from this perspective. The website of the judiciary should provide a more accessible and unambiguous explanation of the various procedures in which a person can become involved (Rechtspraak,



**Fig. 52** Medicine leaflet (left) and Kijksluiter (above).

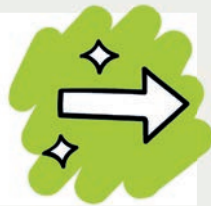
## Voorkom eventuele ontruiming van uw woning. Kom naar de zitting!

### Informatie van de rechter

Achter dit blad zit een dagvaarding. Dat is een oproep om voor de rechter te verschijnen. De verhuurder roept u op omdat er een huurachterstand is. Het kan zijn dat de verhuurder ook ontruiming van de woning vordert. Wat kunt u nu doen?

**Fig. 53** Letter from the court of Amsterdam: Come to the session! Full letter can be found in appendix J.

### Activate



### Suggest actions

Suggest possible actions for a defendant. Knowing there is the possibility for specific actions and being transparent about the available options. An example is the new format for the Dutch traffic fine (see figure 50) (CJIB, 2017), in which payment options are presented and the possibility to appeal.

### Facilitate actions

Facilitate actions for a defendant where possible. Research stated that people can find it challenging to remember deadlines and keep an overview. The mental burden can be reduced by offering instruments, such as checklists, reminders by SMS and material to put records in order (WRR, 2017). The court of Utrecht started an initiative in which help channels for debts are present on location in the court: "Don't wait for someone to ask for help. People have often never heard of help or are ashamed to ask for help" (de Volkskrant, 2019).

### Remove thresholds

Remove thresholds for a defendant where possible. Procedures should not be unnecessarily complicated or lengthy. Jensma, legal commentator at NRC: "During a brainstorm, it was suggested that citizens and businesses should be offered a fast track. A hearing within two weeks, with one judge instead of three and a ruling within 48 hours. Entrepreneurial justice, working on new services" (Jensma, 2018).

### Emphasize urgency

Emphasize the urgency of the situation. Alerts and reminders can be used to make people aware, to remember important actions or persuade people to perform desired behaviour. Alerts and reminders work as feedforwards and could be implemented as visuals that stand out (Jung and Mellers, 2016). Urgency can also be highlighted by making people aware of the stakes. People can be stimulated to make an active choice in a desired direction by highlighting losses incumbent in the non-preferred alternative (Keller et al., 2011). The court of Amsterdam is already experimenting with a letter attached to the summons (see figure 53), in which they warn defendants for the consequences of absence: "Avoid possible evacuation of your home. Come to the session!"

### Create commitment

Create commitment to take action. Let people create a specific commitment to achieve certain behaviour before they have to perform it. Make the commitment detailed and action-oriented (Hansen and Jespersen, 2013). An example is a trial in England to increase attendance at screening for cervical cancer. The study showed that participants can be induced to form implementation intentions through a straightforward manipulation (Sheeran and Orbell, 2000). Only two lines of text were added at the end of a questionnaire in the present case: 'I intend to do X at time Y and in location Z.'

### Send reminders

Remind defendants to take action. An example is a trial to increase attendance at screening for cervical cancer. Simple reminders by mail and phone drastically increased women's participation in screenings (Eaker et al., 2004). Attendance reminders were also an effective strategy in a trial to increase attendance at psychotherapy (Oldham et al., 2012).



## Support in making a decision



### Convey a choice exists

Knowing a choice exists is essential in being able to choose. According to a model in healthcare about *Shared Decision Making*, the first step is conveying awareness that a choice exists. Making sure people know that reasonable options are available (Elwyn et al., 2013). Offering a clear choice architecture can support this. It reduces mental stress and thereby increases the chance people take action. This can be done with the help of simple labels and standard options.

### Present possibilities

Well designed information is needed for making the right decisions. The second step in the model of *Shared Decision Making* is providing detailed information about the possibilities (Elwyn et al., 2013). Research in healthcare showed that if people cannot obtain, process, and understand basic health information, they will not be able to make good decisions (Coulter and Ellins, 2007). Decision-support materials should objectively lay out options in clear, accessible terms (Fowler, Levin and Sepucha, 2011).

### Make aware of the consequences

Being aware of the consequences of choices is vital in being able to choose. Decision aids are an effective tool to understand options and their effects. An example is a decision aid in healthcare, helping in decision making for different treatment options. Such aids improve patients' knowledge and

understanding of their condition, the treatment options and outcome probabilities (Coulter and Ellins, 2007).

### Talk about the decision

Talking about your decision is essential in being able to choose. The third (and last) step in the model of *Shared Decision Making* is decision talk. This refers to supporting the work of considering preferences and deciding what is best (Elwyn et al., 2013). Research showed decision aids can be cost-effective, especially if coupled with face to face counseling (Coulter and Ellins, 2007). The court cannot offer advice because of their independent position, but decision talk can be supported by *Het Juridisch Loket*.

## Set expectations



### Convey the goal

Knowing the goal of an appointment is important in setting expectations. An example is *Thuisarts* (see figure 54), a website for preparing to go to the general practitioner (Thuisarts, 2018). This website explains with what kind of things you can go to the doctor and what an appointment can offer. When in doubt, the site stimulates to call the assistant for an estimation.

### Explain different roles

Understanding different roles are important in setting expectations. A report on debt problems states the role of a judge can be unclear. Is he only there to handle the case or does his responsibility and care go further? (Rechtspraak, 2019d) Research about psychotherapy showed clear explanations of roles help to outline expectations and even to increase the attendance rate (Oldham et al., 2012). Here, role induction involved outlining the rights and responsibilities of both patient and therapist in psychotherapy.

### Know what is going to happen

Knowing what is going to happen is important in setting expectations. A recent report stated summons should be accompanied by an appendix that explains in an accessible way what is about to happen (Rechtspraak, 2019d). Research about psychotherapy showed balanced expectations helped to increase the attendance rate (Oldham et al., 2012). Preparation for such psychotherapy typically involved education about assessment, ensuring positive and balanced expectations regarding the duration and aims of therapy. An example is *Thuisarts*, a website for preparing to go to the general practitioner (see figure 54) (Thuisarts, 2018). It explains in bullet points what will happen in a conversation with the doctor.



Fig. 54 Thuisarts.

## 4.3 Design goal

**Design a service** in which the court of North Holland takes an **active role** in guiding defendants before going to court.

The service should:

1. Explain the situation of defendants with understandable information
2. Take a personal approach
3. Activate to take action
4. Support in making a decision
5. Set expectations for going to court

An overview of different aspects of the **design guidelines** is provided in figure 55, based on the key insights of the research in chapter 4.2.



### 1. Provide understandable information:

- Less is more
- Simplify
- Logical structure
- Clear language
- Visualizations



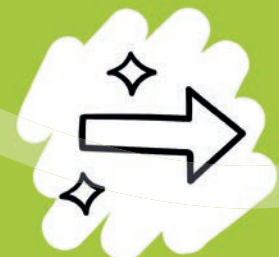
### 2. Take a personal approach:

- Take the user perspective
- Offer human contact
- Use different media



### 4. Support in making a decision:

- Convey a choice exists
- Present possibilities
- Make aware of the consequences
- Talk about decision



### 3. Activate:

- Suggest actions
- Facilitate actions
- Remove thresholds
- Emphasize urgency
- Create commitment
- Send reminders



### 5. Set expectations:

- Convey the goal
- Explain different roles
- Know what is going to happen

**Fig. 55** Design guidelines for an active role in guiding.

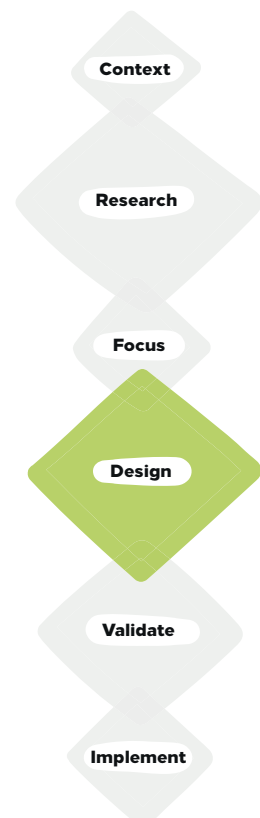
# Design

**This chapter provides an overview of the ideation and prototyping design activities.**

The first section describes the diverging ideation in a creative session with designers. The following section captures the rapid prototyping of the most promising initial ideas. These have been used as a starting point for a converging creative session with court employees, described in the third section. The chapter concludes with the development of the chosen concept as a final prototype.

## **Overview chapter**

- 5.1** Creative session with designers
- 5.2** Rapid prototyping
- 5.3** Creative session with the court
- 5.4** Visual conclusion



**Fig. 56** Design process.





# 5.1 Creative session with designers

## 5.1.1 Design approach

Eight design students were invited for a creative session of three hours at the faculty of Industrial Design Engineering (see figure 58).

### Design goal:

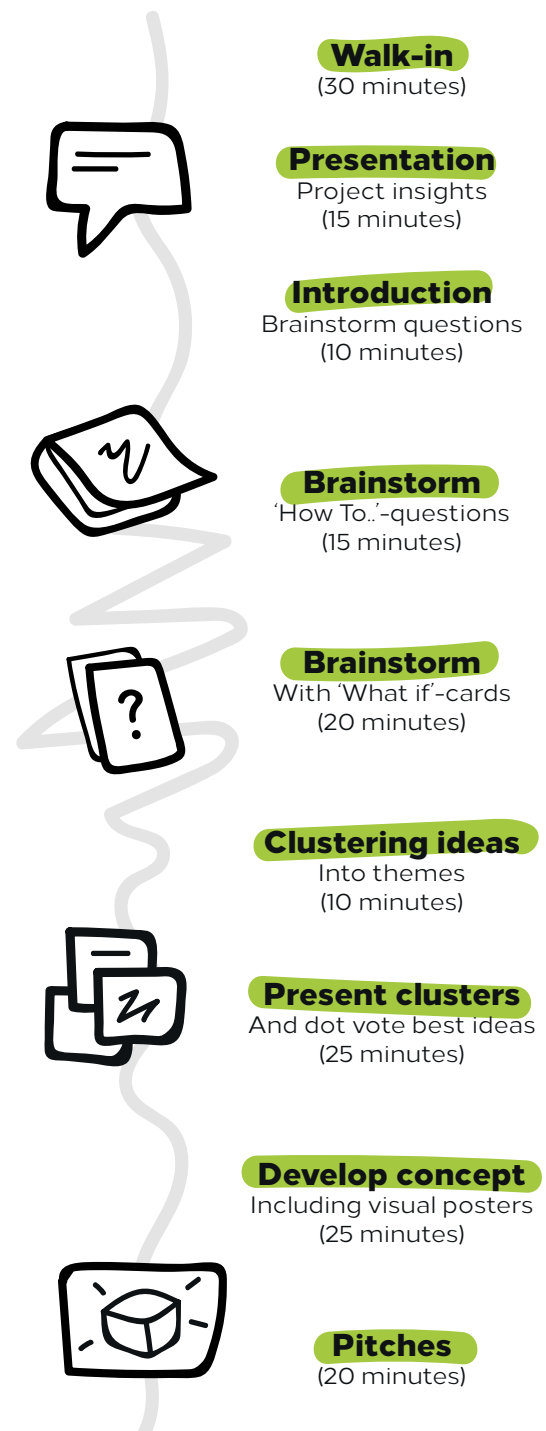
Exploring the design focus and enlarging the solution space with designers.

A creative session for coming up with as many creative ideas for court services as possible, and detailing the most promising ones. The focus is on quantity and diverging.

The group consisted of three different design disciplines for a broad look at the solution space:

- Three master students Design for Interaction (focus on user aspects)
- Three master students Strategic Product Design (focus on business aspects)
- Two master students Integrated Product Design (focus on development aspects)

A design studio was prepared with all the needed materials (flip-over sheets, post-it's, markers) for brainstorming. Posters with visualizations of the analysis results hang on the wall as inspiration. I acted as facilitator and prepared a session plan (see figure 57), based on techniques provided in the books *Creative Facilitation* (Tassoul, 2012) and *Delft Design Guide* (Boeijen and Daalhuizen, 2013). The full detailed session plan can also be found in appendix K. The session was recorded with a camera and an audio recorder.



**Fig. 57** Session plan of the creative session.

**Fig. 58** Participants during the creative session (next page).







## 5.1.2 Insights

The creative session was focussed on creating a large amount of ideas as ingredients for potential concepts (see figure 59). On these pages, four ideas are highlighted with a key insight and associated design guideline of chapter 4.3:

Fig. 59 Created ideas in the creative session.





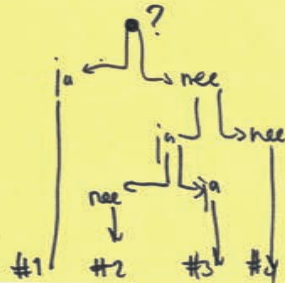
HARRY POTTER  
SCHREEUW-  
BRIEF



BLOGS  
LEZEN  
VAN ANDEREN



TOEGEVEN:  
LET OP! DIT GAAT  
VAAK FOUT!



Quiz  
☐ ja ☒ nee

FOTO VAN DE  
RECHTER



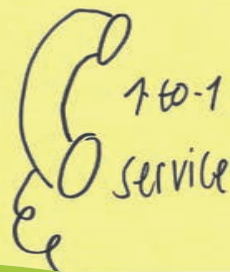
**Idea:** Fold-out court

**Insight:** Give defendants the chance to experience the court(room) in advance in an accessible way. Important elements could be highlighted for setting the right expectations.

KIJKDOOS



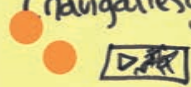
Juristic  
Tinder



KOP of  
MUNT



keuzes worden ook  
je gemaakt op  
basis van einddoel.  
(navigatiesysteem)



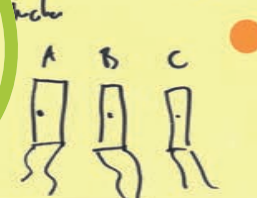
VOORBEELDEN  
SCENARIO'S

"Die deed  
dat zo..."

**Idea:** Example scenarios to help making a decision.

**Insight:** Instead of explanations of the court, defendants who already have been through the legal process can share their story.

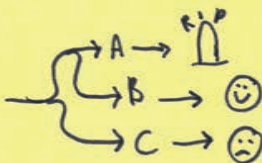
de keuze fysiek



PRIORITEREN

1	x x x
2	x
3	x x

Future scenario  
animatielijes



oma weet  
raadt apps

BOT  
RECHTBANK  
BOT

Mensen die  
hetzelfde proble  
hebben gehad  
op FB stalken

## 5.2 Rapid prototyping

Based on the ideas from the creative session with designers (see chapter 5.1), concepts were created to make possible ideas more concrete. Quick prototypes have been made to create a prototype scenario, using paper and cardboard materials. This acted as inspiration for the future service in the creative session with court employees (see chapter 5.3). Two prototypes have been highlighted with their main principles.

Website with explanations (see figure 60)

- **Title from the perspective of the defendant:** 'I received a summons, what to do?'
- **Highlighted terms** are clickable for possible explanations (in animations).
- **Interactive summons** to understand content.
- **Different court employees explain their role** in the legal process in small videos.
- **Chat feature** for (personal) questions.

**Fig. 60** Prototype of a new website. See appendix M for the full prototype.

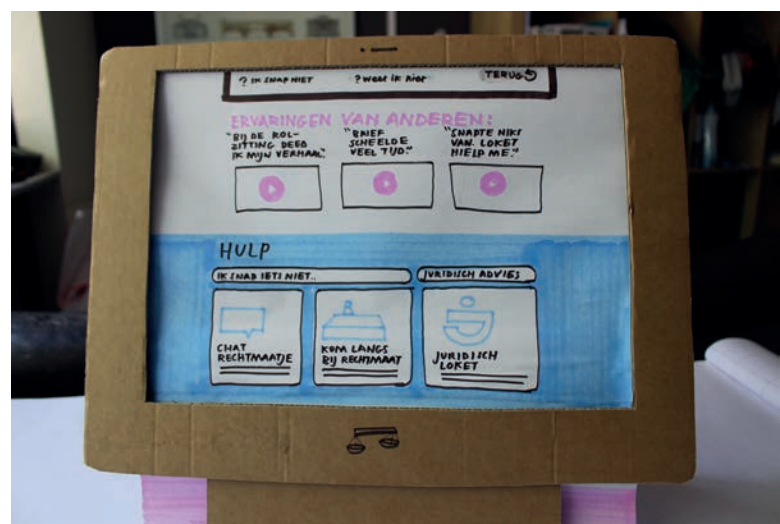
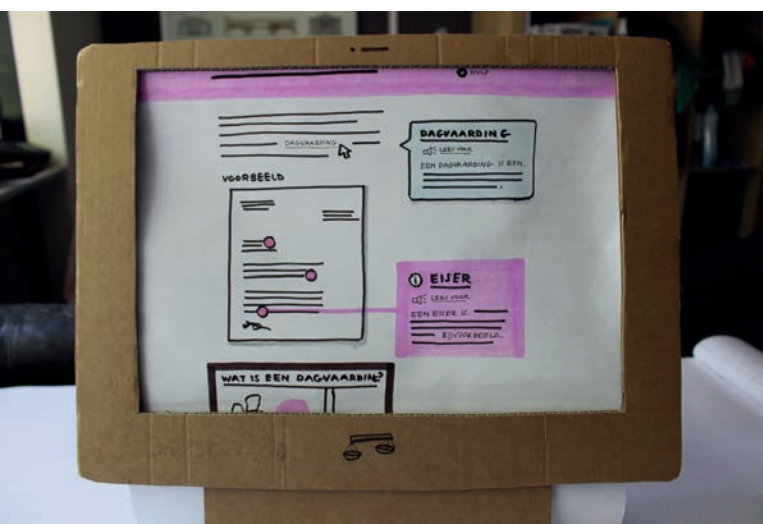






Fig. 61 Prototype of a visual attachment.

Visual attachment to the summons (see figure 61)

- **Warning:** stating urgency of the summons.
- **Main message in a big font:** what is it about?
- **Comic which explains legal process:** what is happening?
- **Highlighted elements from summons:** what does it tell?
- **Flowchart for possible actions:** what to do?

## 5.3 Creative session with the court

### 5.3.1 Design approach

Seven employees of the court of North Holland were invited for a creative session at the court in Haarlem (see figure 63).

#### Design goal:

Detailing the most promising ideas and creating support with court employees.

A creative session for inspiration and iteration on the most promising ideas. The focus is on quality and converging to concepts.

The same group of employees was present at the project definition session in the project. The seven employees represent different departments of the court, including the president:

- Eveline de Greeve (President)
- Marloes Kanselaar (Manager Business Operations)
- Jorieke Jansen (Subdistrict judge)
- Ivo Dinkelaar (Griffier)
- Sarah-Jane Rose (Communication adviser)
- Wendy Stet (Project adviser)
- Anouk Snel (Education adviser)

A meeting room was prepared with all the needed materials (flip-over sheets, post-it's, markers) for brainstorming. A full prototype scenario (see chapter 5.2) offered inspiration to empathize with what the future service could look like. I acted as facilitator and prepared a session plan (see figure 62), based on techniques provided in the books *Creative Facilitation* (Tassoul, 2012) and *Delft Design Guide* (Boeijen and Daalhuizen, 2013). The full detailed session plan can be found in appendix L. Multiple brainstorming formats have been prepared beforehand to use during the creative session, which can also be found in appendix L. The session was recorded with a camera and an audio recorder.

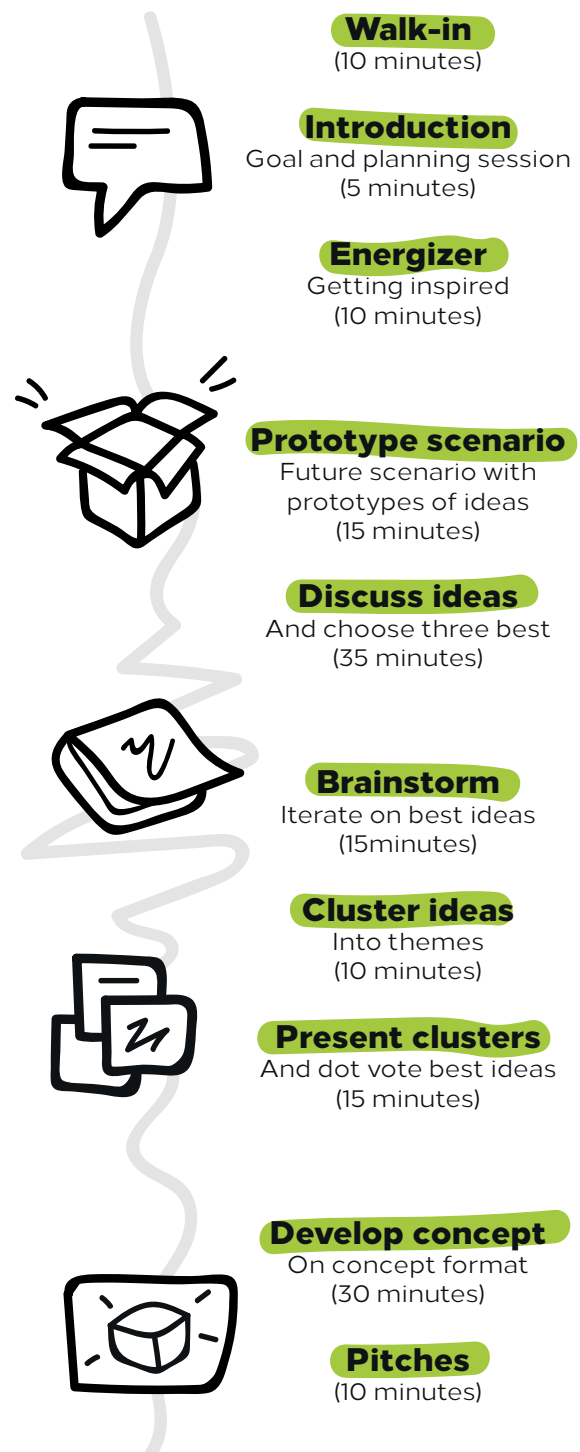


Fig. 62 Session plan of the creative session.

Fig. 63 Participants during the creative session (next page).





**“Why is there  
actually a judge in  
the roll session?”**

Jorieke Jansen,  
Subdistrict judge





## 5.3.2 Key insights

The creative session was focussed on converging and therefore delivered three concepts (see figure 64). All three concepts are highlighted with a key insight below.

**Fig. 64** Post-its of developed concepts in the creative session. The full concepts can be found in appendix L.



### No judge

**Idea:** A more personal roll session, facilitated by a law student instead of a judge.

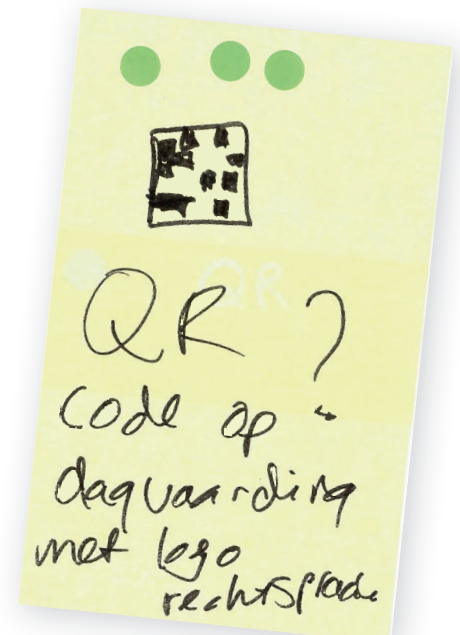
**Insight:** The roll session actually does not need to be facilitated by a subdistrict judge. The session could even get more accessible without the gown and official setting.



### Rechtwijzer

**Idea:** Rechtwijzer, a host that ensures on- and offboarding of visitors.

**Insight:** A host could give the court an open friendly face (live and digital).



### QR starting point

**Idea:** A compulsory QR-code on every summons for more information from the court about your specific case.

**Insight:** Creating a neutral starting point at the beginning of a legal process.

**“There is something radical about doing the entire session differently.”**

Eveline, President

**“In a world that becomes more and more digital, you actually add something human.”**

Ivo, Griffier

**“Isn’t it actually very strange that we never did this? We need to take control.”**

Marloes, Manager

## 5.4 Visual conclusion

This chapter described an overview of the ideation and prototyping design activities. The best ideas and most promising elements have been developed into a final concept (see figure 65). A poster has been made with a **visual overview of the final concept** (see figure 66). Bigger versions of the poster can be found in appendix O or in the fold-out showcase.

An extended explanation of the full concept can be found in the next chapter.

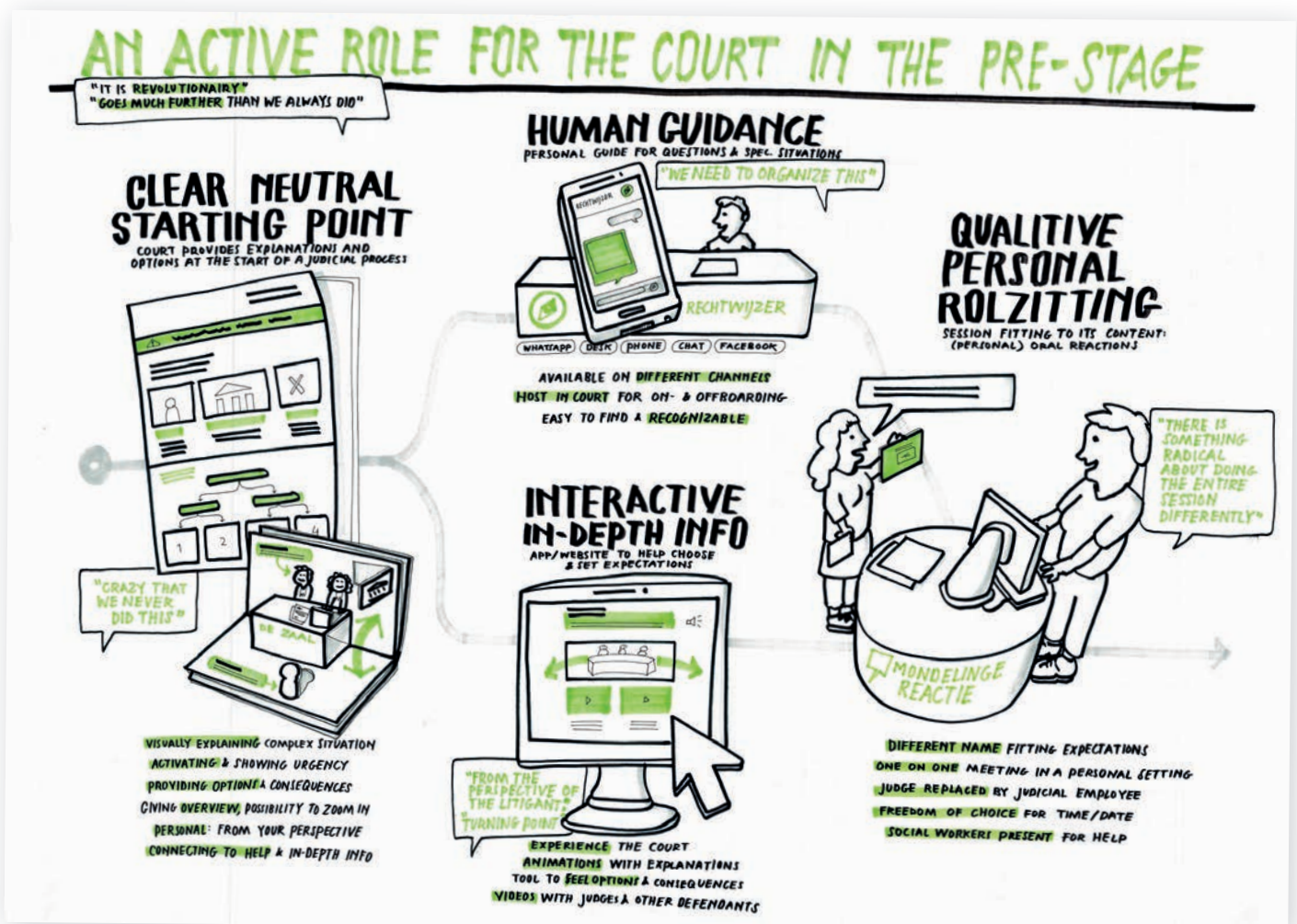
### Concept development

Creative sessions

Visual overview



**Fig. 65** Processing ideas from creative sessions into a visual overview of the final concept.



**Fig. 66** Visual overview of the developed concept.



# Concept

## This chapter describes the proposed new service approach for the court.

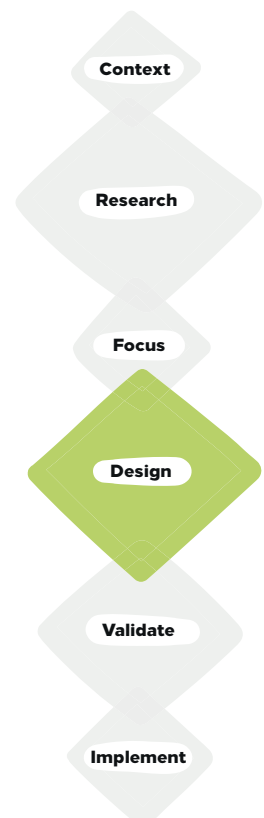
First, an overview of the new role is given, followed by three detailed proposals of how this service could take shape. The section also describes a new setup for the roll session; the first moment defendants arrive at the court. Every section zooms in on one of these touchpoints and elaborates on the details.

### Overview chapter

#### 6.1 An active role before going to court

1. Clear neutral starting point
- 2a. Online court experience
- 2b. Human guidance
3. Personal verbal response

#### 6.2 Conclusion



**Fig. 67** Design process.







# 6.1 An active role for the court

The previous chapters described the design focus (see chapter 4) and the resulting design process (chapter 5). The result is a final design that provides a service approach for an accessible and understandable subdistrict judge.

The court needs to take up an active role in activating, informing and guiding defendants before going to court (see chapter 4). This new role should take shape by extending the service of the court with three new touchpoints (see figure 69):

1. **A visual leaflet** as a neutral starting point.

2a. **An online environment** to experience the court in advance.

2b. **An online and physical helpdesk** for human guidance and questions.

In this way, the roll session can also become a session fitting to its content:

3. **A more qualitative moment for verbal responses** in a more personal setting.

All elements use the design guidelines for an active role (see chapter 4.2.2) as a foundation.

## 1. Clear neutral starting point: Visual leaflet attached to the summons

A visual leaflet attached to the summons is a clear starting point of a judicial process (see figure 70 and appendix P for the full leaflet). The leaflet actively provides neutral information to defendants to make their current situation more understandable. It gives context and it lays the ground rules for the process that is started by receiving a summons. It explains what a summons is, what it means, the parties who play a role and the possible actions a defendant can undertake.

It does so in a clear language and with a personal tone. It follows the rules of a readable text by using short active sentences and no difficult words - language at level B1. When a judicial word has to be used, it is introduced clearly and explained what it means, often also accompanied by a visual. Next to that, a clear title and blank lines are used. In multicultural regions, there could also be attached translations of the leaflet, for example English or Arabic.

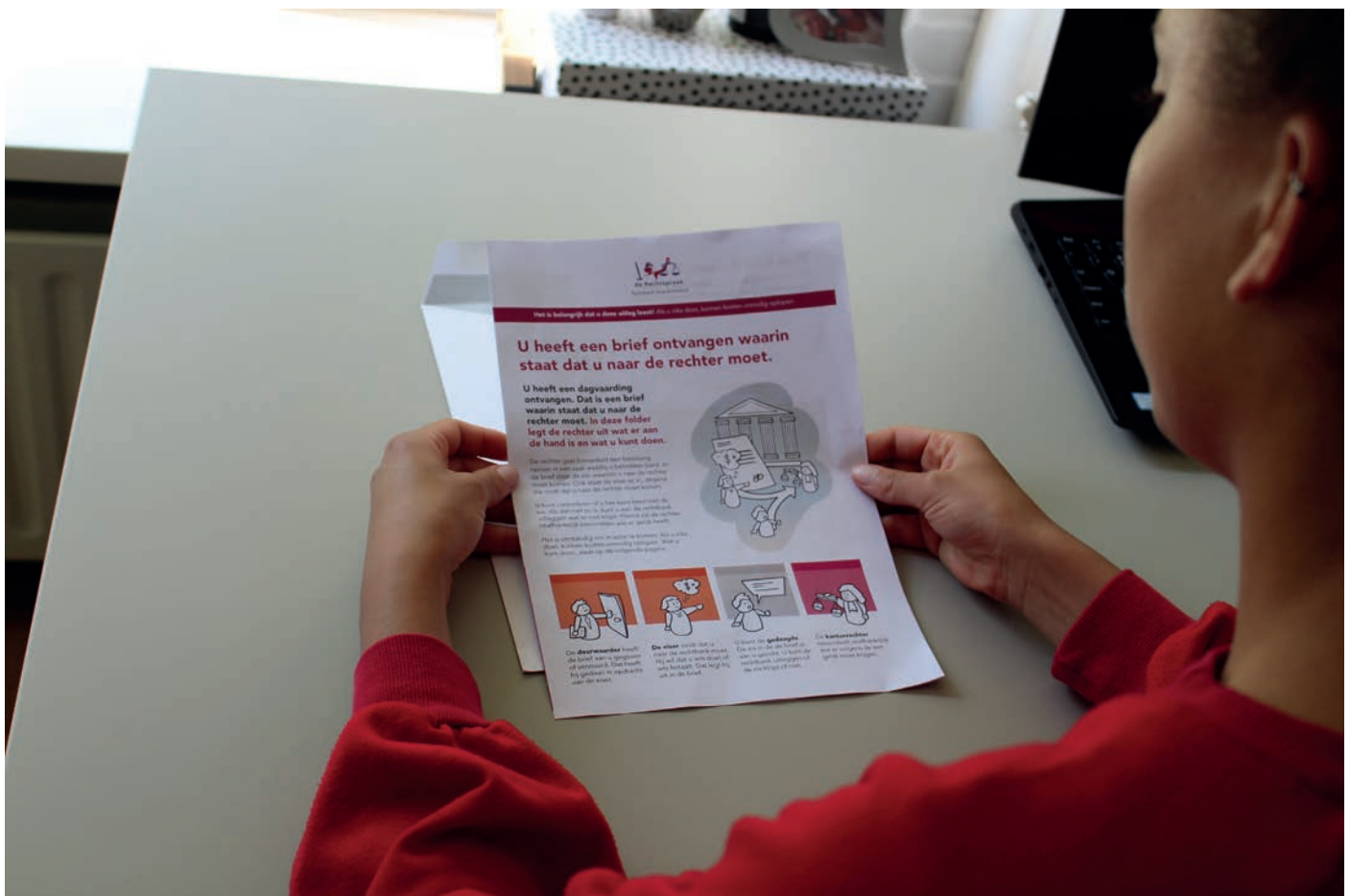


Fig. 68 Defendant receives the summons with attached visual leaflet.

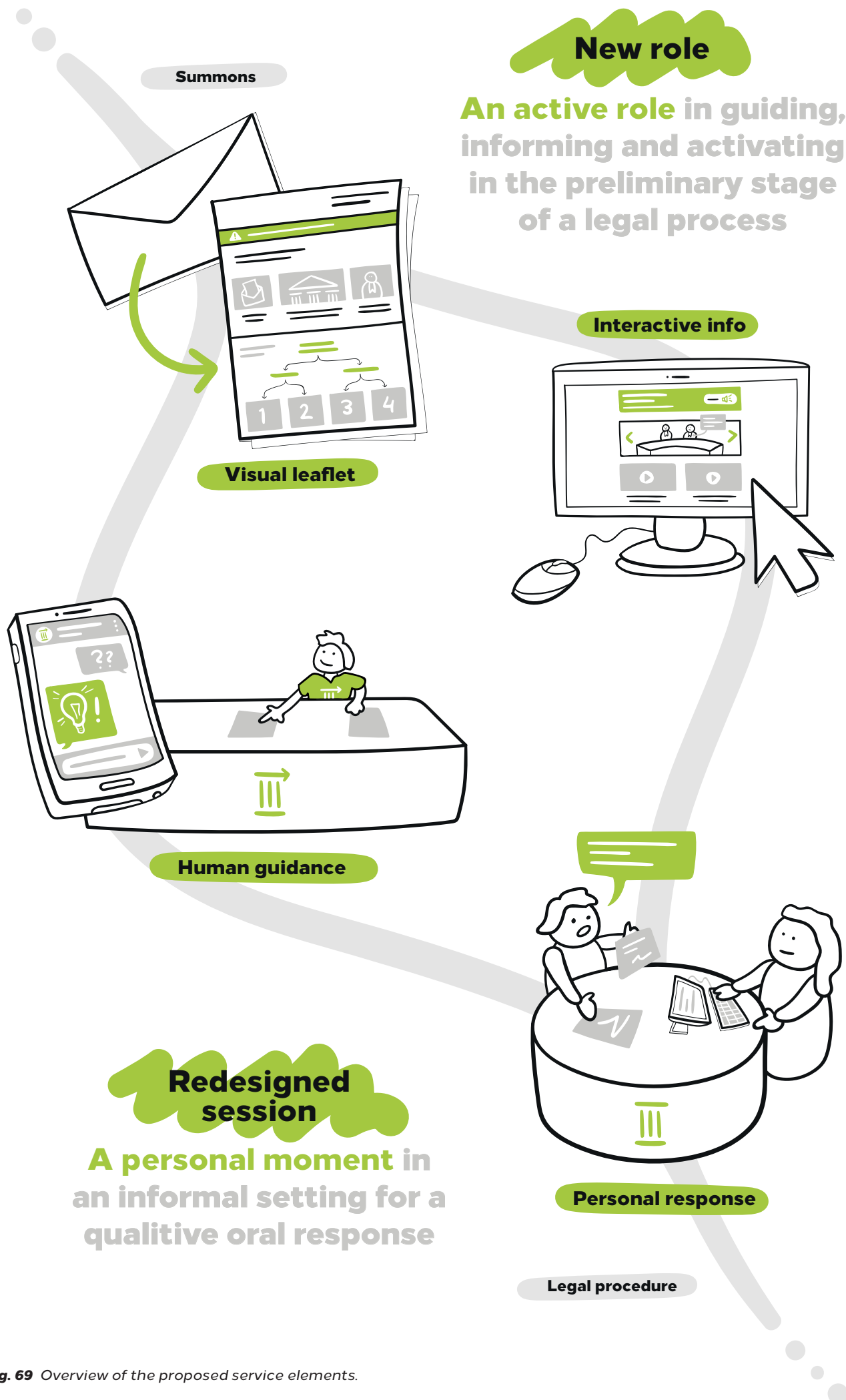


Fig. 69 Overview of the proposed service elements.



The leaflet uses the structure of a helicopter view: first stating the most critical parts of information, before zooming in on details and explanations. In this way, the most essential bits of information are consumed first. That also means the leaflet does not consist of all nuances; it focuses on the most simple version of the information to reach the biggest range of people.

The leaflet uses rules of perceptual persuasion to bring its message across better. Scan patterns, font hierarchy and image captions are used to make perceiving information on the first page easier. A visual sequence, color difference and saturation are used for perceiving the different options easier.



Het is belangrijk dat u deze uitleg leest! Als u niks doet, kunnen kosten onnodig oplopen.

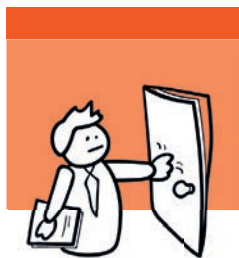
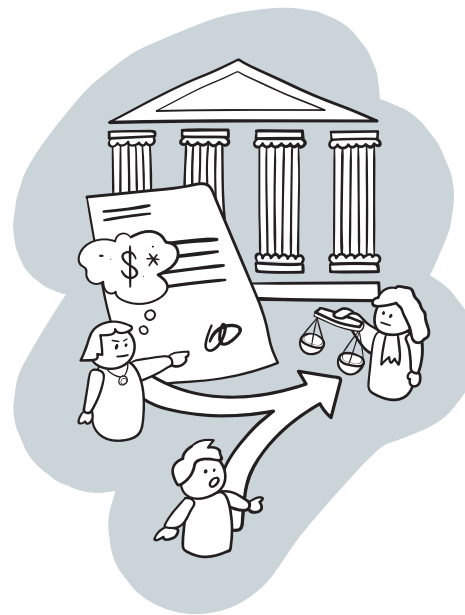
## U heeft een brief ontvangen waarin staat dat u naar de rechter moet.

**U heeft een dagvaarding ontvangen. Dat is een brief waarin staat dat u naar de rechter moet. In deze folder legt de rechter uit wat er aan de hand is en wat u kunt doen.**

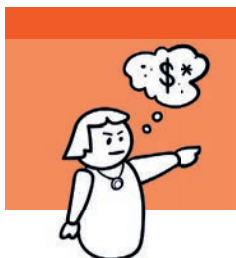
De rechter gaat binnenkort een beslissing nemen in een zaak waarbij u betrokken bent. In de brief staat de eis: waarom u naar de rechter moet komen. Ook staat de eiser er in, degene die vindt dat u naar de rechter moet komen.

U kunt controleren of u het eens bent met de eis. Als dat niet zo is, kunt u aan de rechtbank uitleggen wat er niet klopt. Hierna zal de rechter onafhankelijk beoordelen wie er gelijk heeft.

Het is verstandig om in actie te komen. Als u niks doet, kunnen kosten onnodig oplopen. Wat u kunt doen, staat op de volgende pagina.



De **deurwaarder** heeft de brief aan u gegeven of verstuurd. Dat heeft hij gedaan in opdracht van de eiser.



De **eiser** vindt dat u naar de rechtbank moet. Hij wil dat u iets betaalt. Dat legt hij uit in de brief.



U bent de **gedaagde**. De eis in de de brief is aan u gericht. U kunt de rechtbank uitleggen of de eis klopt of niet.



De **kantonrechter** beoordeelt onafhankelijk wie er volgens de wet gelijk moet krijgen.

Fig. 70 Front page of the visual leaflet.



**Fig. 71** The visual leaflet present all possible actions for a defendant.

The leaflet should activate and help in making a choice. It activates by showing the urgency, warning for possible consequences and providing clear possible actions. The letter should be sent in a pink envelope, what from now on should stand for an important message from the court. Over time, that color can get the same familiarity and urgency as the blue envelope from the tax authorities. To be able to make a choice, the leaflet clearly shows which actual options and choices you have as a defendant (see figure 71). It explains what each option entails, shows the consequences and needed actions in doing so.

And if it is still unclear at this point, it provides explicit references to places where to get help or ask further questions. Both references to the help channels of the court itself, and *Het Juridisch Loket* for free legal advice if needed. In case defendants do want to go to the court, the leaflets references to an online environment to be able to experience the court before actually going there.

The leaflet also contains an explanation about the broader description of the Dutch justice system on the back. It lays out the ground rules of the judiciary, explains who a subdistrict judge is and on which he bases his decisions. By providing the bigger context, defendants have the chance to understand the role of a judge better.

## 2a. Online court experience: Website for in-depth info and setting expectations

An online court experience could offer in-depth information and help to set expectations for going to court. This helps in making a decision and breaking the widespread false image of the court from movies and television. An app or website has digital opportunities to use animations and interactive tools to convey its message. The content can also be more accessible by enlarging the font size or by using a function to read the text aloud.

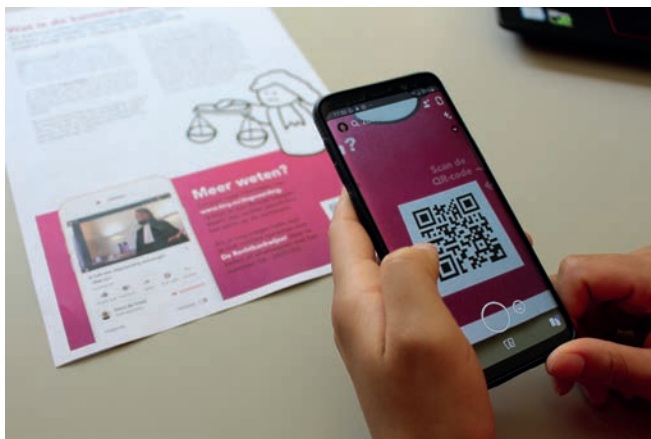
The website is written from the perspective of a defendant and uses a human tone. It focusses on providing an overview, but in-dept information could be offered by zooming in or zooming out. Legal terms and references to the law can be clickable for (visual) explanations, while the bigger role of the court could be explained in additional videos. If something is still unclear at this point, the website provides a chatbox to get help from *Rechtbankwijzer* for further questions.

The website should be personal: it provides only explanations applicable to you. It shows different parts and options of your specific procedure. The offered information is personalized to the defendant.



There could be a Track & Trace feature to be able to follow the status of your case.

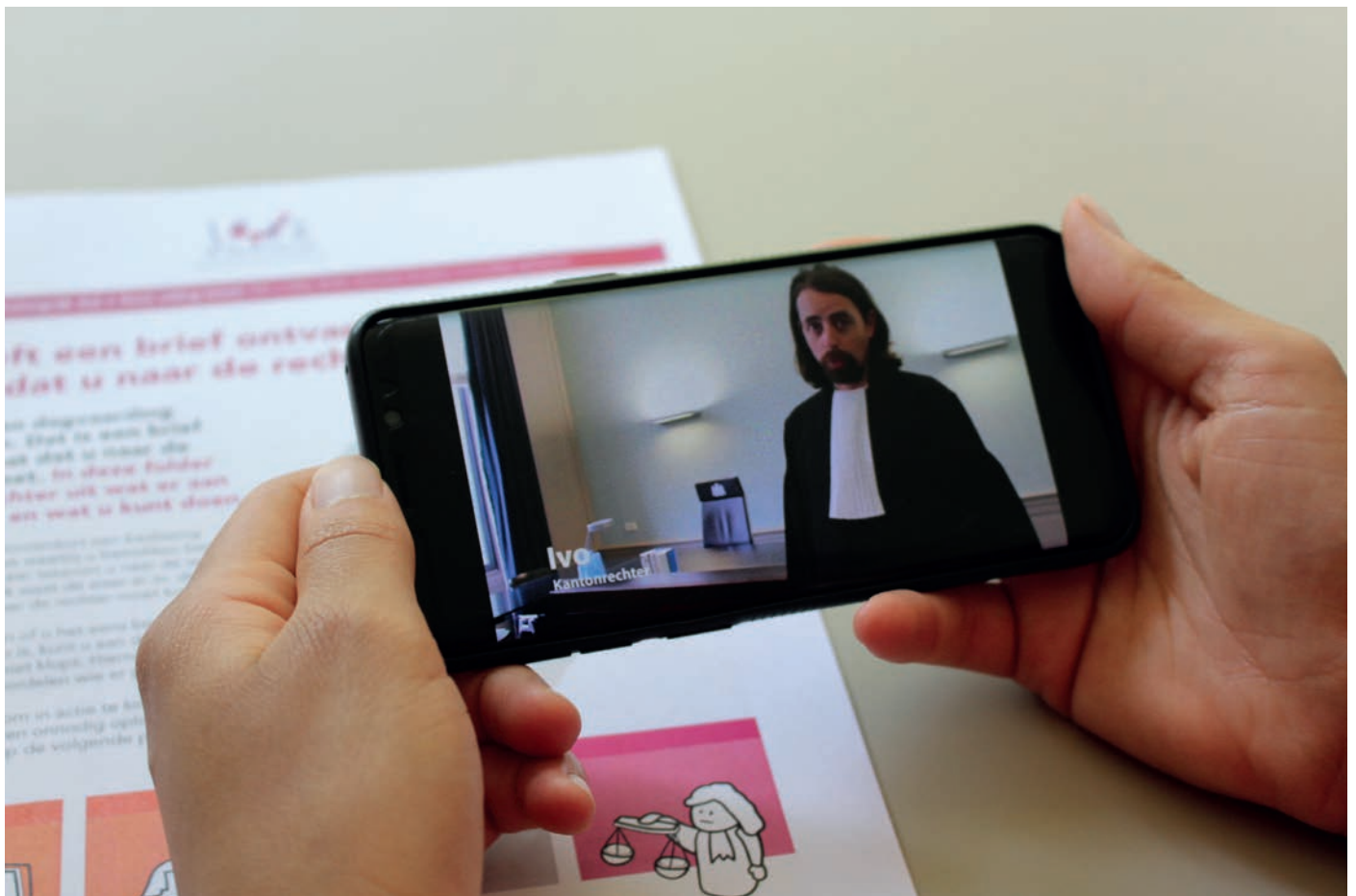
The website helps to set expectations before going to court. Defendants often have a wrong image of the court, the role of a judge and judicial procedures. Knowing what is going to happen helps defendants setting expectations and to be less nervous. This could be done by judges (and other employees) explaining their role in the court in short videos (see figure 73). Defendants who already visited the court could also share their stories in blogs/vlogs to tell about their experiences. The building itself could be available in 360-degrees to be able to already look around in for example, the main hall or the courtroom. These images could be interactive, so aspects as a griffier or a gown are clickable for further explanations.



**Fig. 72** Scanned QR-code for more online information.

The website can also offer an interactive version of the decision tool provided in the visual leaflet. The interactive tool could be a small serious game built around a fictive animation figure. Defendants can choose between different options, which influences the situation of the animation figure. So defendants can make choices and feel their consequences. They can just reset the situation to see if another choice has another impact, helping them make the best choice for their situation.

The court has to deal with the whole population and offer their information to a big range of ages. The younger generation lives more and more digital and will almost automatically search for information on Google. The presence of the court should be more extensive in this digital world, by being easily findable using Search Engine Optimisation. The court should clearly state this information is from a neutral source, distinguishing itself from other commercial parties. However, there is also still a big group which could be considered as 'digibeet', almost non-existent in the digital world. That means the court should strive for being more online and more offline. All information should be available in both 'worlds'.



**Fig. 73** Online video explaining the process and different people at the court.



**Fig. 74** Rechtbankwijzer host welcomes people at the court.

## 2b: Human guidance: Helpdesk Rechtbankwijzer

The *Rechtbankwijzer* is the personal guide in the court: he points the way and explains how the court works (see figure 74-76). The helpdesk is available on online channels and physically present at the court. The *Rechtbankwijzer* is recognizable and uses one (visual) identity on all different channels (see figure 77).

The *Rechtbankwijzer* is approachable and easy to find. The helpdesk is available on almost all online channels: Whatsapp, E-mail, Facebook and Website Chat (see figure 78). The *Rechtbankwijzer* is present at the court as a host at the central counter. Both online and physically, the helpdesk uses clear language and has supporting tools to explain the roles, rules and options visually.

The *Rechtbankwijzer* helps with personal questions and specific situations. What are the court's ground rules? How does the procedure work? What are my options and what are their consequences? What can I expect from a session? How should I prepare? However, the *Rechtbankwijzer* is part of the court and thus neutral. The helpdesk does not provide legal advice, but defendants can be referred to *Het Juridisch Loket*.



**Fig. 75** Rechtbankwijzer answers questions.



**Fig. 76** Rechtbankwijzer guides people at the court.



The *Rechtbankwijzer* is also present as a host at the court. He takes care of the on- and offboarding of visitors in court. He gives the court a face, can answer questions and reassures visitors. He also works as a filter and expectation manager. The *Rechtbankwijzer* ensures that the right people with the proper knowledge and the right expectations start a session – so that appointments for verbal responses and legal cases are about the substantive content.

After a hearing or appointment, the *Rechtbankwijzer* can ask how it went. In this way, people feel not only helped, but the court also has a structural listening ear in how people experience the court. The host can answer questions about the continuation of the procedure and refer them to other relevant aid channels, such as debt restructuring, the municipality or *Het Juridisch Loket*. The court cannot perform these functions, but by referring clearly, the court stimulates to ask for help.

The *Rechtbankwijzer* can be executed by legal staff and law students who have been trained for the job. It is a suitable position for people with strong legal and human skills. On the one hand, it is crucial to know the legal system and on the other hand, have adequate social skills. The host is helpful, practical and requires an open, patient and friendly attitude.

### 3. Personal roll session:

#### Appointment for a verbal response in personal setting

An appointment for a verbal response is the new name and setting for a more qualitative, personal roll session. An appointment that better fits the content and expectations of the moment: giving a verbal response to the summons.

The session must fit with giving a personal response: one-on-one and in a smaller, more informal space (see figure 80). Also, the moment must not create (incorrect) expectations for substantive handling the case. It must not be called a session, it must not take place in an actual courtroom and it does not have to be taken by a judge in a gown. After all, no substantive legal choices have yet to be made.

Judicial employees can fulfill this role from the court or by hiring law students. The main goal is to translate a verbal story into a correct legal representation. It is important to know where the legal essence is and when it is crucial to ask further. This skill can be developed by training and attending appointments for verbal responses.

**Fig. 77** *Rechtbankwijzer* answers questions about the procedure through WhatsApp (right).

**Fig. 78** Logo of *Rechtbankwijzer* (below).



However, the role is also about social skills: creating a comfortable situation to share a personal story and being able to deal with emotions that may emerge. Clear language is needed: being able to talk about legal procedures and questions in everyday sentences.

Making an appointment must become more flexible: defendants must be allowed to choose from different dates and times. For example, at least several days a week should be offered and eventually, the possibility of an evening court. Many people have compulsory activities during the day and through this way, it must become possible and more accessible to give a verbal response. In the future, it should also be possible for this appointment to take place online: a verbal response via, for example, Facetime or Skype.

Making an appointment also creates commitment to show up. The chance of attending is higher when defendants have pronounced their intention doing so. Once an appointment is made, the court is also able to send a reminder through either text or mail.

More people are expected to appear (at the right time) and come to court with a better expectation. As a result, the appointment will be more focused on the substantive verbal response and thus, defendants can make more qualitative use of the services of the court.

## 6.2 Conclusion

This chapter described the proposed new service approach for the court taking an active role in the stage before going to court. In this way, the roll session can also become a session fitting to its content: a more qualitative moment for verbal responses. The next chapter describes a user test as validation of the concept.



**Fig. 79** Name tag for court employee during the appointment.



**Fig. 80** An appointment for a verbal response in a personal setting.



# 7 Validation

**This chapter describes the user test as validation of the concept.**

The first sections contain the research method, setup and execution of the concept validation. The fourth section describes the limitations of the simulation of the user test. Finally, the last sections describe the key insights of each prototype from different stakeholder perspectives and draw the main conclusion.

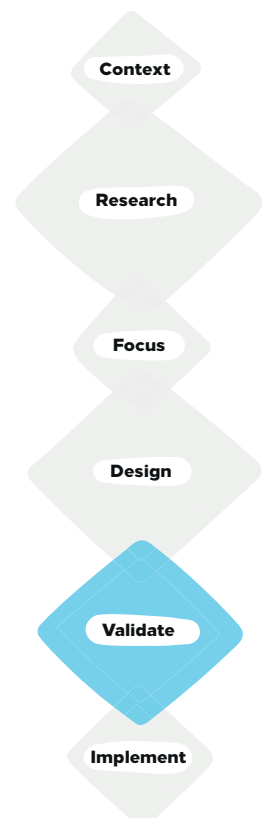
## **Overview chapter**

**7.1** Validation approach

**7.2** Test results

**7.3** Perspective bailiff

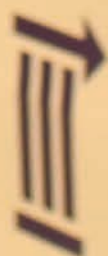
**7.4** Conclusion



**Fig. 81** Design process



rechtbank  
wijzer



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# 7.1 Validation approach

To validate the functioning of the concept, a user test has been organized at the court of North Holland (see figure 82). The user test consisted of a full simulation of the concept, using prototypes and actors in the real context of the court.

**Research goal:** (see figure 87)

Does the service approach for an active role before going to court lead to a more accessible and understandable subdistrict judge?

Based on the design guidelines (see chapter 4.3), **subquestions** for this research question were:

- Do the participants understand the (fictive) situation they are in? (**Understandable**)
- Do the participants take action? Do participants name a specific activity to undertake? (**Activated**)
- Are the participants aware of their options and consequences? (**Making a decision**)
- Do the participants know what to expect at the court? (**Setting expectations**)
- Do the participants feel comfortable? Do they feel listened to? Are they closer to a solution? (**Personal approach**)

The user test aims to simulate the new envisioned process. For this purpose, the second part of the test takes place at the actual court. The different elements of an active role are simulated using both high fidelity prototypes and roleplay, imitating the process for going to the court (see appendix N for the final prototyping activities). Two young employees at the court participate as an actor and have been briefed with a script in beforehand (see appendix R and S). Participants in the user test have been given a scenario and were asked to act how they would typically perform in such a situation.

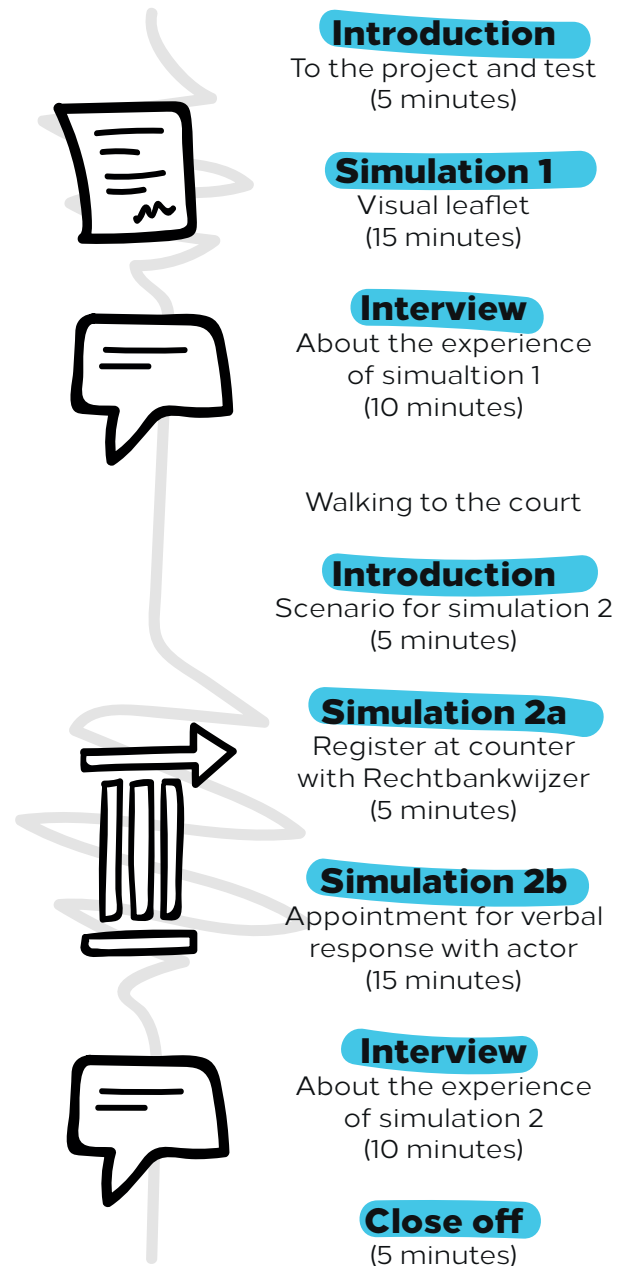
The simulation consisted of two different moments, representing both receiving the summons and going to the court itself. The moments have been simulated using the following elements:

1. Simulation of **receiving the summons**, before going to the court.

- Summons with a neutral visual leaflet from the court (see figure 83)
- Online video with employees explaining the court to set expectations (see figure 84).
- Whatsapp or call Rechtbankwijzer for human guidance, answered by a court employee.

2. Simulation of an **appointment for a verbal response** at the court.

- Security briefed to act normal, ignoring the camera.
- Arrival at the court guided by a Rechtbankwijzer court host, played by an actor (see figure 85).
- Appointment for a verbal response with a court employee, played by an actor (see figure 86).



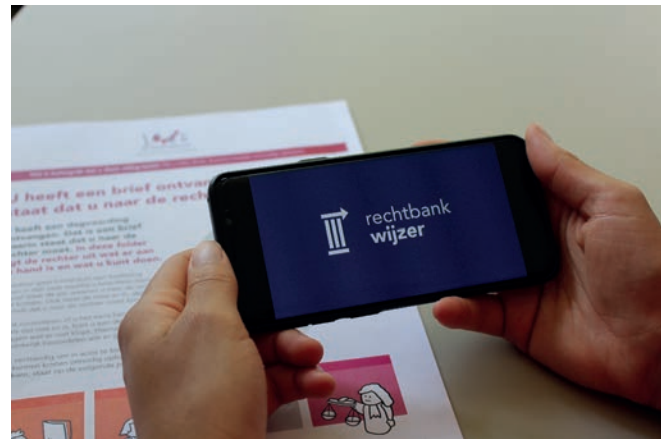
**Fig. 82** Test plan for the simulation.

The user test had a qualitative approach in simulating the new role and was therefore time-intensive. The user test had space to be conducted with three different participants, each taking one and a half hours. The participants were selected, based on the criteria of diversity in the factors of age, gender and education level.

The simulation of the starting point took place in the cafe 'The Square', close to the court. Participants received the summons with the attached leaflet in this outside location to keep their first reaction sincere - not to influence thoughts before going to the court. The second part of the simulation took



**Fig. 83** Prototype of the visual leaflet.



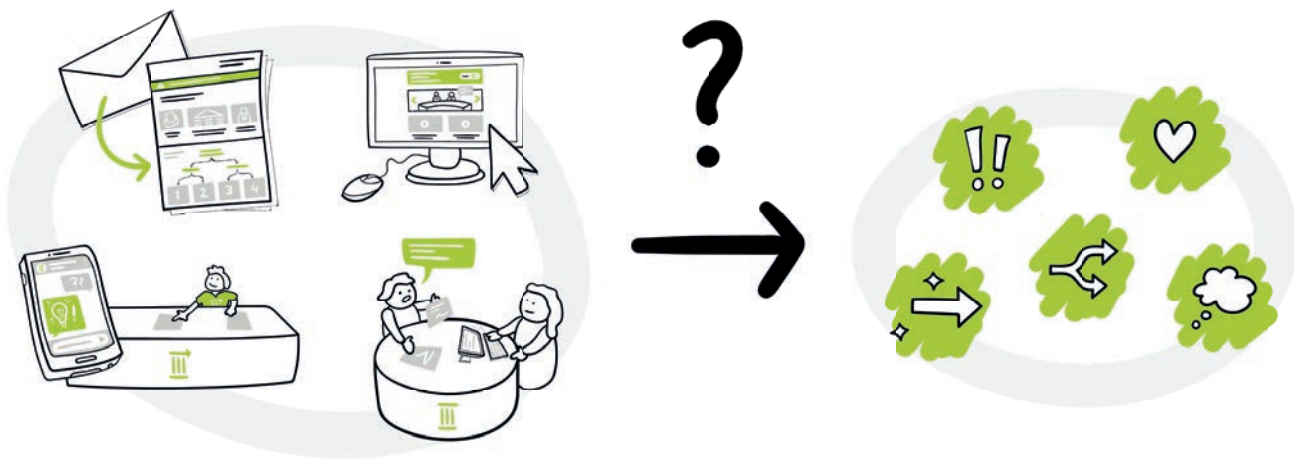
**Fig. 84** Prototype of the online environment.



**Fig. 85** Actor for the Rechtbankwijzer host.



**Fig. 86** Actor for the appointment for a verbal response.



**Fig. 87** Research question: Does the service approach lead to a more accessible and understandable subdistrict judge?

place in court. Participants entered in the same way as regular visitors. The counter included a spot for the representative of the help desk, to act as a host of *Rechtbankwijzer*. The new appointment for a verbal response did not take place in a regular courtroom, but in a smaller room at the main hall, regularly acting as mediation room. This room consisted of a small table and some chairs, to represent a more informal setting.

The results consisted of both interviews and observations. Interviews were held with both participants and actors about their experience of the concept. Simulations were recorded with a

fixed camera and audio recorder. The entry to the court was filmed along with a moving camera. A subdistrict judge was present in the second part of the simulation to observe and to be able to compare with the current situation.

There were also some limitations to the setup of the user test. The test was executed with few participants (due to the qualitative approach), some participants had difficulty to empathize with the (fake) scenario for the simulation and there were many elements and factors in the test, which makes it hard to prove one specific relationship (see figure 87).



## 7.2 Test results

### 7.2.1 Neutral starting point

All participants are positive about the newly attached leaflet to the summons. "I think the leaflet is very good," says Willemijn, "This is simple text which I understand immediately. The tone is excellent: action, but also with a clear explanation." Lennaert: "This looks good. It is all explained thoroughly." Maaïke adds to that: "I think this is a very clear document, the leaflet is well written. The appearance is friendly."

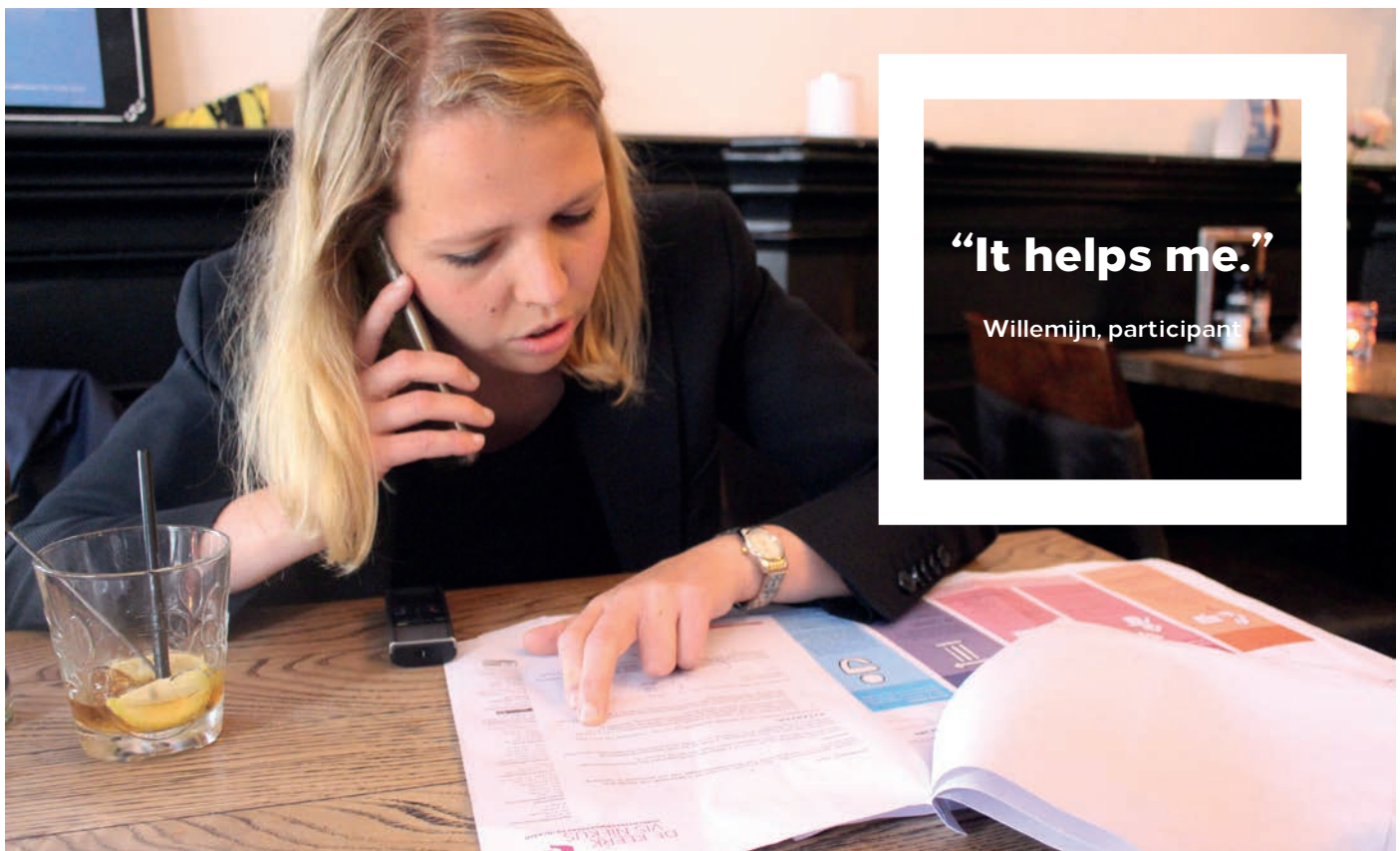
**The leaflet activates.** Willemijn: "This entire leaflet says: you have to take action! That's what it radiates. I got the feeling: I have to do something. That is good. If I do nothing, I run the risk of rising costs." The leaflet provides a clear overview of actions. "That helps me. If I only had the summons, I would think: oh my god, all kinds of difficult text. The leaflet shows all kinds of different options. You can ask for an explanation, you can object, you can call quickly with the claimer and then it could be settled. There are many different options, which would not be apparent from the summons. That makes you a little more self-assured."

**The reader can make a choice based on personal preferences.** To defend, Willemijn would respond in writing: "I think I would write a letter. That would be easier and faster. Then I could add a printout of my debts, for example. Otherwise, you have to

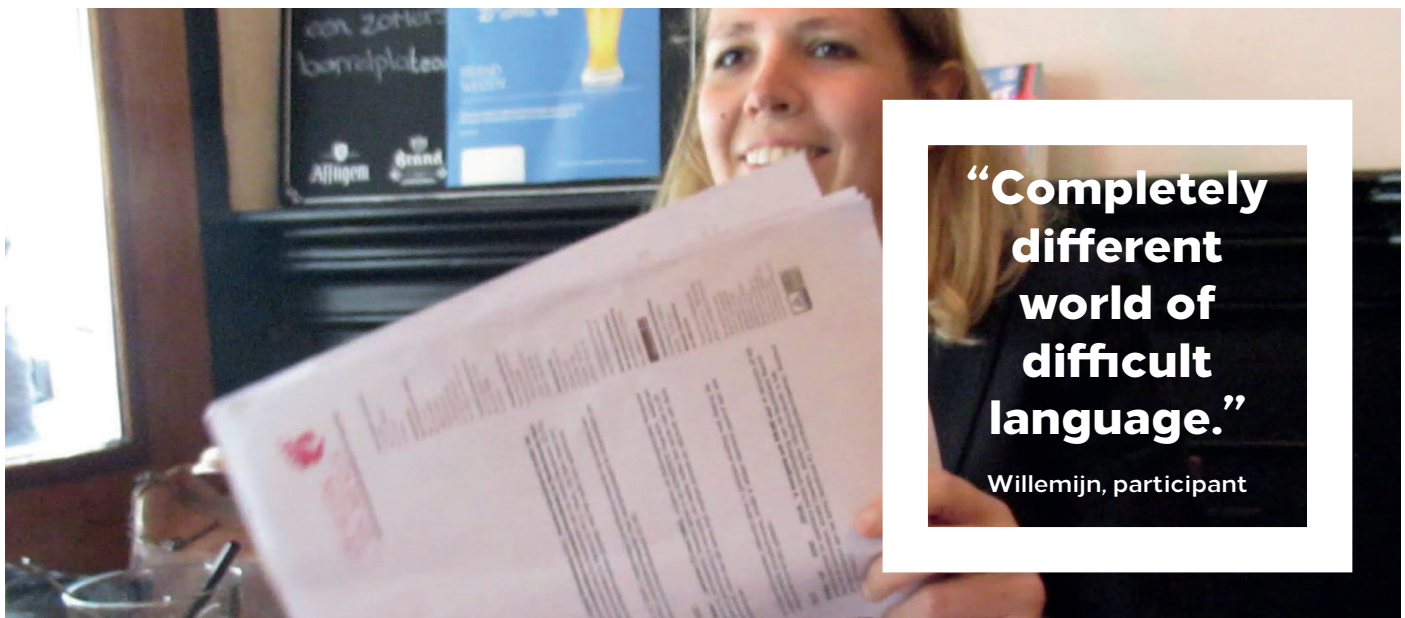
come all the way here." Lennaert, on the other hand, would instead tell his story at the court: "I would do it verbally. I could not describe it in a letter; I would find it difficult. I find verbal more easily anyway. You can tell what bothers you. Straight to the point and personal. You do not have to wait and you have a reply right away. Anyway, I am not from the computer era."

**All participants would use the help channels from the leaflet.** Maaïke would ask for help through her phone: "If I really cannot figure it out, I think I will WhatsApp or call. I won't go all the way there." Lennaert would visit the Het Juridisch Loket to ask for advice: "I would bring my letter and ask: what do they want from me? I would ask: what is wise to do?" Willemijn would go to Het Juridisch Loket for help in writing a defense: "How do you prepare such a letter? Do certain things have to be in it?"

**There are still some minor problems with the leaflet.** For example, the leaflet cannot be visible when it is behind the summons. Because of this, Lennaert first read the summons, which made it much harder to understand. For Willemijn, the colours in the leaflet are still somewhat unclear: "Do the colours correspond? I don't quite understand the colours yet." She also advises to let the style and pictures come back in the rest of the process. "The sign was on the door. Maybe it could be possible to do that even more. You recognize those signs and then you feel like you're in the right place."



**Fig. 88** Participant reading the summons during the user test.



*Fig. 89 Participant during an interview about the user test.*

## 7.2.2 The summons

Despite the leaflet, **the summons remains one step too far for the participants**, or maybe even multiple steps too far. Maaïke: “I was surprised that I had trouble with this as an academically educated person. Not to be arrogant, but it is quite complicated. There are a lot of complicated words in here. I was continuously a bit confused about what it says. Quite bad that you don’t understand what is written here. It is serious information.” Lennaert: “I’m closing off a bit, to be honest. It’s difficult language and hard to understand. If I read this, I am inclined to ignore the letter.”

**The leaflet and the summons contrast too much from each other.** Willemijn: “Now I have to go to the summons and then it is suddenly a completely different world of difficult language. It is a different layout and there are no pictures at all. I feel that it is still a bit too much apart from each other. I don’t see the same terms reflected. I still have a bit of trouble putting the links from the leaflet to the summons.”

**The different costs in the summons create confusion.** Willemijn: “It is not clear to me what amount I have to pay. It is pretty vague. The intention is that you all add it up together, hope that you end up well and transfer that amount. But there are several amounts in the letter, which I find very confusing. What about those different amounts and when do I have to pay them? Before or after I go to the court?”

**The claim in the summons is challenging to find.** “Where is the claim?” says Lennaert, “I cannot see why I am being summoned. I see that there is something, but not what to do with it. I do not understand what they are asking of me.” Maaïke adds to that: “First thing I think: what is the claim? That is the main question: check the claim. That should be very clear from the start.”

## 7.2.3 Court experience

**Participants expected a real session in the courtroom**, with the opponent also present. “I thought I would come into a courtroom with a judge and everything,” says Willemijn. “I was nervous about that. I had expected that from my view of courtrooms in films.” Maaïke also had different expectations: “I didn’t know how this would go at all. Sometimes I watch that program on TV about the court. But was good to see the court in real life.”

**None of the participants watched the video** in the leaflet about the procedure in the court. Willemijn: “I didn’t really look at this. I associate the back of such a flyer with contact details or other things that you don’t always need. If I would go to court, I would expect the video in the options tree of the leaflet.” Lennaert: “I would not watch the video myself. No, I do very little with computers. Very rarely use them. But I would like to know. Maybe I would call to have it explained to me.”

## 7.2.4 Human guidance

**Only one participant contacts the help desk Rechtbankwijzer** in beforehand (see figure 88). “He was easy to reach and he could explain well.” says Maaïke, “He helped me well. He did mention a lot of terms. I thought: I have to listen very carefully; otherwise, I don’t get it. But probably if you ask: what about that, he would explain it again.” Maaïke cannot believe the Rechtbankwijzer currently does not exist yet: “The WhatsApp isn’t there? No way! Oh, I thought it was very convenient. I think it’s pretty shocking that the boy normally isn’t there. What should you do then?”

**The Rechtbankwijzer as a host was friendly and helpful.** Lennaert: “The boy at the reception was clear. If you still have questions, you can ask then” (see figure 89). Willemijn: “Boy at the counter was friendly. The first lady behind the glass also had a kind of uniform. All very official. But that boy was just a normal boy who did nicely to you.”





**Fig. 90** Rechtbankwijzer answers question of a participant during the user test.

**Fig. 91** Participant during the appointment for a verbal response in the user test (next page).

However, most participants didn't have a question anymore. Willemijn: "Didn't quite understand why he was there. Felt a bit double in fact." However, he was useful for reducing the stress: "That boy made me feel a bit more reassured." Maaïke adds to that: "If you are nervous, it is helpful if there is someone who says kindly: this is going to happen, can I help you? He can explain your question."

## Court perspective

**The court also sees the added value** of Rechtbankwijzer. Actor Bram (who played the *Rechtbankwijzer*): "I think it was good that there was someone who could give extra information and give some extra personal attention. However, it takes a lot of time if everyone would register every 15 minutes. Then you are not doing anything most of the time. If everyone would come at the same time as it is now (9 am and 10 am), then I think it would work better." Judge Jorieke asks the same question: "Do we have enough manpower and money to offer this?"

**Maybe the Rechtbankwijzer should act mainly in the stage before going to court.** Actor Bram: "Perhaps the host of Rechtbankwijzer is especially useful for information in advance via the website or booklets and for questions via telephone, WhatsApp and email." However, the value could be captured differently. Bram: "I spoke with the bode and he could also give the same information that I gave and he would have time for it." A judge in Alkmaar also suggested organizing specific consultation hours in court. Jorieke also sees another possible opportunity: "The reception in court could also be done in collaboration with Het Juridisch Loket."

## 7.2.5 Personal roll session

**Participants expected a different appointment at the court.** "I thought I was going to see a judge, but that wasn't the case. I expected the other party to be there too." Willemijn: "I thought I would be in a courtroom with a judge and everything. I was nervous about that. I was just in a small office with a kind lady. It was better. It was more relaxed."

**However, the appointment was better than expected.** Willemijn: "I thought that lady was excellent. She was very clear. She was very kind to me and I became relaxed. And then I just explained. I no longer had the feeling that I could do it wrong. I started explaining and asking questions, taking the chance to make everything clear to myself" (see figure 91). Maaïke agrees: "I thought she explained it very clearly. The conversation was great. It was not loaded very heavily and easy to understand. I was able to tell my story."

**The ending felt still somewhat empty.**

Maaïke: "Just a bit unsatisfactory that you do not immediately know what the verdict is. But that makes sense." Willemijn: "I left there and then it was suddenly finished. It felt a bit empty. Maybe you could get a summary of the conversation, with what the lady had said. That you maybe get an overview of all the options that can happen. I can imagine that people just nod yes in the heat of the moment and realize when they leave: what have I actually heard?"

## Court perspective

**The court notices the new appointment is much more personal and informal.** Actor Kimberly (who played the court employee in the appointment): “I thought it was realistic. By realistic, I mean that I can imagine that this can happen in practice. If I compare this setting with the current roll session, I think that this setting feels a lot more personal and informal for defendants. About 15 minutes per defendant were allocated in this setting, just as with the current roll session. Although the same time frame is granted, I feel that more personal attention can be given to a defendant in this setting.” Judge Jorieke adds to that: “It was less formal, in the current session we are literally on a throne. The setting was much more relaxed. The moment fits in much better with what actually happens. Never looked at it that way. In fact, you mainly help to get a story on paper.”

**Clients seem to be at ease and feel they are being listened to.** Kimberly: “One client seemed a little nervous. I tried to explain to him what he could expect from the appointment and who I was. I think he felt a bit more comfortable then because he was going to explain his story. The other clients seemed at ease and asked a few things about the procedure. I think that the clients felt that they were being listened to accurately.”

However, **multitasking was sometimes a difficult job** for the court employee. Kimberly: “Normally as a griffier I do not have to say anything and I can focus on typing. I realized that I sometimes found it difficult to keep asking questions because I am not used to having to ask so many questions. What I found difficult was asking questions, looking at the defendant, listening and typing with the story. That was too much multitasking. It would be better if there was someone else typing along.” Jorieke: “We should train employees for a verbal response.”

There are **aspects which still need to be improved.** Jorieke: “At the end of the conversation, follow-up steps should be mentioned better. Possibly also giving a physical summary.” There are also aspects which still need to be elaborated: “How are we going to take care of angry people? What do we do with foreigners?” And the appointment can also still improve through time: “From now on keep monitoring. We should continue to collect feedback. For example, via the *Rechtbankwijzer*.”



**“I was able to tell my story.”**

Maaïke, participant



## 7.3 Perspective bailiff

To validate the concept with an outside stakeholder, a bailiff has been interviewed. Oscar Boeder, bailiff and co-owner of *Boeder Incasso* (see figure 92), has been presented the visual leaflet and he is asked for a first reaction. Key insights are described below and the main conclusion is drawn in chapter 7.4.

The bailiff sees the added value of a visual leaflet and wants to participate in a pilot. Oscar: “I am convinced of this. I also know that the summons is very difficult to read. This can improve that significantly. The format is excellent. It invites you to look at it. So that’s good. The target group is more visually oriented than to text.”

The bailiff expects defendants to understand their situation better and to take action faster. Oscar: “I think the number of non-appearances would be decreasing. I think that should be your main objective. That is also a realistic goal. The advantage of a decrease is that people understand that a procedure is being conducted against them. A legal procedure is often something that only occurs once in your life.”

“The objective is to get people to the subdistrict court. Either physically or in a different way. More people will be conducting a defense, which means that the numbers of verdicts by default decrease. I think that is the essence. The effect can also be that a procedure does not happen, because a paying arrangement is made. Or even another solution: debt assistance.”

### Points of attention

**1. A longer response time for defendants is required.** Oscar: “These positive effects will only work if you are summoned in four weeks. The legal term is currently just eight days. People never get this done within eight days. However, not everyone will be in favor of longer response time.”

**2. The physical distance to locations of the subdistrict court should be reduced.** Oscar: “Appearance has become a challenge because of the travel distance and travel costs. Sometimes people even have to take time off and have no income for half a day. A bus ticket from Den Helder to Alkmaar costs seventeen euros. Not everybody has that amount of money. Research proved: after the closure of locations of the subdistrict court, the number of absentees has increased. You could consider creating more locations for the subdistrict court, where a judge and a griffier do sessions. For example, in Hoorn, Den Helder or other more distant places. I also thought of town halls. There you already have a certain logistics, certain service and familiarity. Then it comes down to the willingness of the court: do we want more locations for sessions, closer to the people? I am very much in favor of that.”

**3. The number of attachments to a summons must be workable.** Oscar: “The summons has at

least four pages. Plus attachment 1, attachment 2 and a form to answer to the court. Then there are also attachments of the invoices. So much explanation for an illegible document in the beginning. We have to look together: how is it going to be workable? But that does not detract from the fact that I am convinced of the visual leaflet.”

**4. Digital opportunities for defense should be explored.** Oscar: “What would be great: online, the video judge. But I do not know how that should be done. Maybe defendants get a time slot to log in for a video call. However, people then start video conferencing while a child talks in the background. Then they are not focused. I think if you did that, you would eliminate yourself too much as court. It is not just something. Before you would consider this, there are many other intermediate steps.”

**5. The right balance between legal correctness and comprehensibility should be found.** Oscar: “A summons is never ‘sent’, it is ‘betekent’. That is the legal formulation. It is a terrible word. But sending it seems as if it was sent by post, which is legally wrong. I don’t know how it should be called differently, but the way it is now, it’s not right. On the other hand: what is wrong with ‘sent’? That is clear to the people involved. I look with tunnel vision at things like this. That is maybe why I should not worry about this at all.”

**6. The summons in itself will not change quickly.** Oscar: “Not a realistic scenario. There are too many legal parties that all have to adjust their internal processes to get that done. Legal assistance insurance, large parties that litigate themselves, debt collection organizations, bailiff organizations, lawyers... Before you get all of them on board, you have a PhD.”



Fig. 92 Oscar Boeder is bailiff at Boeder Incasso.

## 7.4 Conclusion

An active role of the court makes the subdistrict judge **more accessible and more understandable**. The neutral starting point of the leaflet activates, the personal help of Rechtbankwijzer reassures and the private session for verbal responses is more relaxed. However, the summons remains a huge unavoidable obstacle and participants still have wrong expectations of going to court.

- **The visual leaflet** is clear and helpful. It activates, helps to make a decision and connects to aid. The leaflet uses clear language, has the right tone and has a friendly appearance.
- **The summons** remains a huge unavoidable obstacle. Participants get lost when they need to go into the letter, which feels like a judicial puzzle. Costs remain incomprehensible and the claim is untraceable.
- **Expectations** for going to the court are still wrong. None of the participants visited the online video about going to the court. Participants still expected a real trial and their image is influenced by movies and television.
- **Rechtbankwijzer** is friendly, helps well en reassures visitors. However, sometimes the job feels redundant and the task is time-consuming.
- **The new (roll) session** is clear and much more personal. The setup is relaxed and clients seemed to be more at ease during the appointment. Future employees of the court should be trained for the job, both in human and legal aspects.
- A bailiff at Boeder Incasso sees **the added value of a visual leaflet** attached to the summons and would like to participate in a pilot. The bailiff expects more people who understand that legal proceedings are being conducted, more people going to the subdistrict court and more payment arrangements. Challenges are the short term to respond to a defendant, the number of attachments and the physical distance to locations of the subdistrict judge.

**Bailiff about the visual leaflet:**  
**“I am convinced of this. The format is excellent.”**

**User about the *Rechtbankwijzer*:**  
**“I think it’s pretty shocking that this isn’t there yet.”**

**Judge about the new roll session:**  
**“Fits in much better with what actually happens. Never looked at it that way.”**



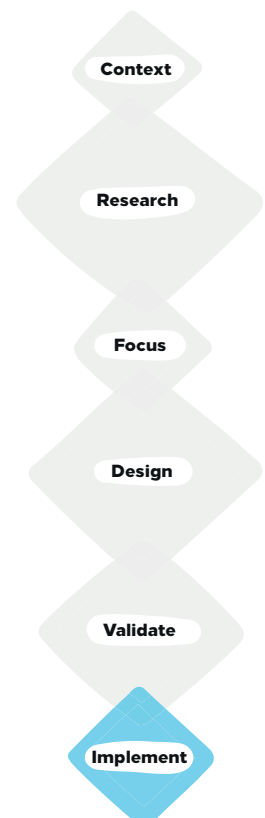
# Implement

**This chapter describes the implementation steps and the implications of the design solution.**

The first section provides a roadmap with the needed steps towards the implementation of the new service approach. The second section describes the expected effects on the medium- and longer-term, including the current impact. Finally, recommendations for the service and court as an organization are provided.

## **Overview chapter**

- 8.1** Roadmap to implementation
- 8.2** Effects
- 8.3** Investment
- 8.4** Current impact
- 8.5** Recommendations



**Fig. 93** Design process.







# 8.1 Roadmap to implementation

## 8.1.1 Approach

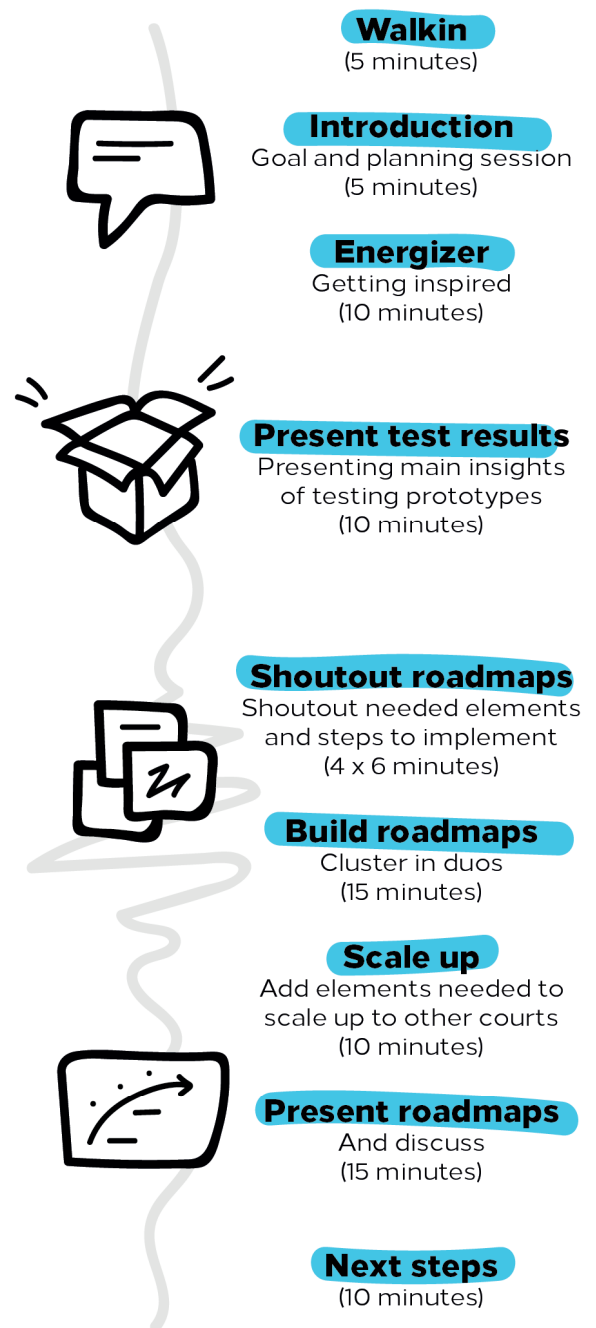
Seven employees of the court of North Holland were invited for a creative session at the court in Haarlem to create a roadmap to implementation (see figure 95).

### Design goal:

Create a roadmap with all needed steps and resources for implementing all four different elements of the proposed new service.

The same group of employees was present as the creative session for ideation in chapter 5.3. A meeting room was prepared with all the needed materials (flip-over sheets, post-it's, markers) for creating a roadmap. A visualization of the full proposed concept (see figure 66) offered inspiration with elements of the future service.

I acted as facilitator and prepared a session plan (see figure 94), based on techniques provided in the books *Creative Facilitation* (Tassoul, 2012) and *Delft Design Guide* (Boeijen and Daalhuizen, 2017). The session was recorded with a camera and an audio recorder. The session results can be found in appendix T and key insights in chapter 8.1.2.

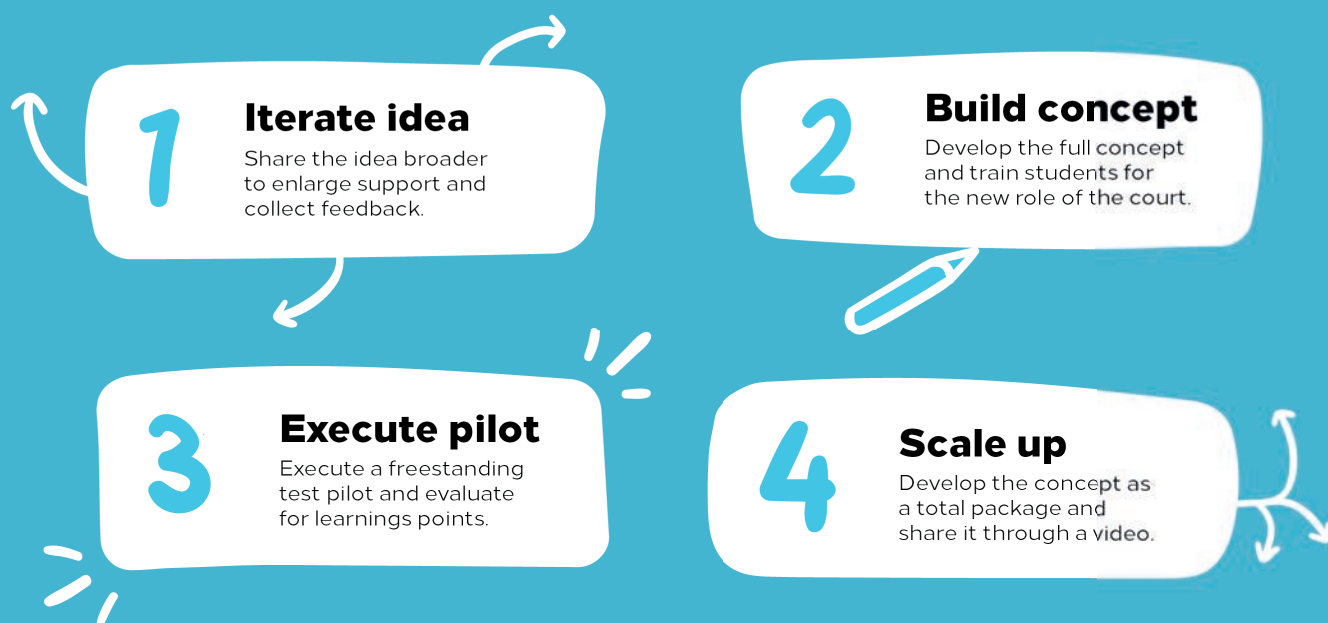


**Fig. 94** Session plan of the creative session.

**Fig. 95** Participants during the creative session (next page).

## 8.1.2 Key insights

The roadmap to implementation consists of four main steps: iterate on the idea, build the concept, execute a pilot and scale up the service (see figure 96). The full roadmap with all detailed steps can be found on the next two pages.



**Fig. 96** Four main steps in the roadmap to implementation.





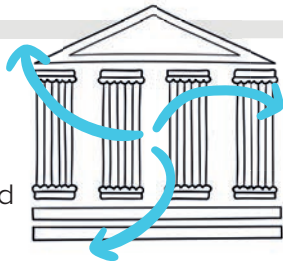
# Roadmap to implementation

## 1. Iterate idea

Share the idea broader to enlarge support and collect feedback.

### Sharing idea broader

Wider testing, enlarge support and involve partners



**Wider testing** with larger target group, including lower educated and low-literate people. Collect feedback for improvements.

**Enlarge internal support** and collect feedback within the court: share concept through posts on the communication platform and lunch lectures.

**Enlarge external support** and collect feedback among stakeholders: present concept to bailiffs, legal advice organisations and Het Juridisch Loket.

**Involve partners** within the organization for additions and collaborations. For example IVO (IT distributor) and RSC (national help desk).

### Iterate on idea

Improving concept with all collected feedback



**Improve concept** with feedback of all employees, users and stakeholders.

**Make decisions** for undecided parts:

- Collaborate or obligate bailiffs for a pilot?
- Appointment with law student or judicial employee?
- Freedom of choice or appointed time and date?

### Develop (pilot) plan

Decide on test goal, approach, planning and budget



**Decide on measurable goal** for pilot test. Based on this, the scale, approach, planning and budget of the test can be chosen. A working group with responsible persons can be appointed.

**Final decision by management** for pilot test and announce to overarching Raad voor de Rechtspraak.

## 2. Build concept

Develop the full concept and train students for the new role of the court.

### Develop full visual style

Develop and register full range of names and visual icons



**Develop visual style** and icons for all judicial terms and processes. These can be used in both the visual leaflet, on the website and in the court itself. Names, logo and style can be registered for protected use.

**Order court products:** visual leaflets, signage for in the court building and Rechtbankwijzer shirts.

### Develop website

Develop and register freestanding website and create content

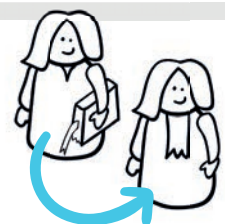


**Develop website** in separate environment from *Rechtspraak.nl* to prevent delay and system barriers. Website should take into account securing, search engine optimization and access on all mobile devices.

**Create needed content** (text, pictures, videos) with subdistrict judges and partners with expertise.

### Recruit and train students

Wider testing, enlarge support and involve partners



**Create job profile** with described function and needed skills, personality and competences.

**Recruitment campaign** at colleges and universities to create a group of employees. Emphasize unique opportunity in gaining experience. Use social media, guest lectures and a point of contact for questions.

**Develop education program** for hired students to train in both appointments and Rechtbankwijzer.

**Create suitable locations** in the court building for both appointments and for the Rechtbankwijzer. During the pilot, experiments can be executed to find out the best spot and best setup.

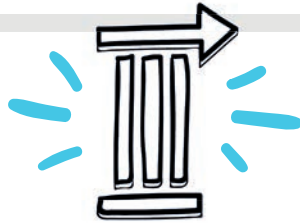
# 3.

## Execute pilot

Develop the full concept and train employees for the new role of the court.

### Launch event

Present and practice new way of working

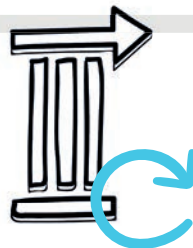


**Presentation** about the new way of working for employees, including judges, administration, bodes, telephonists and security. Also present to external partners about the new procedures and possibilities.

**Execute test case** with actors as defendants and claimers to practice new procedures.

### Freestanding test pilot

Freestanding pilot to actively evaluate and experiment



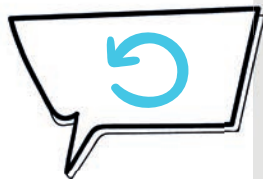
**Freestanding pilot** in one or multiple locations of the court of North Holland. Separated from the rest of the judicial system, to prevent delays and to able to able to test quickly.

**Actively evaluate** new way of working during the period of the test pilot. Collect feedback from users, employees and bailiffs on a regular basis. The hired students could be involved in weekly evaluations.

**Room to experiment** in the way of working during the period of the test pilot. Translate the collected feedback into adjustments in the design. For example changing the location of the host, videos on the website or visuals in the leaflet.

### Evaluate pilot

Evaluate for learning points and added value of continuation



**Evaluate** if the test pilot succeeded in its initial goal in the specified period of time. Also decide about continuation and added value to spread the concept .

**Integrate learning points** of the test pilot into a final design, being able to present and share a fully working concept.

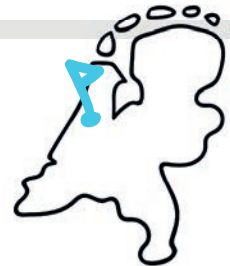
# 4.

## Scale up

Develop the concept as a total package and share through a video

### Ready-made total package

Offer the concept as a package, presented in a short video

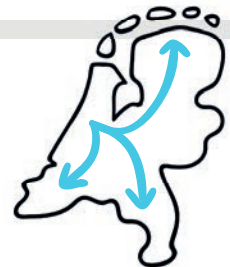


**Offer package** to the other courts of the full concept with an integral approach. Clearly state what the concept adds and what needs to happen.

**Create video** which conveys full concept in a short but powerful manner. It should include the new way of working, interspersed with short interviews.

### Share and experience

Share the video with the organization, press and politics



**Spread through organization** by sharing the video on all communication channels and in all important meetings (PIP, Raad, LOVK, PRO, KBO, SBC).

**Spread externally** by sharing the video in a release for press and politics. Both highlights the court in a positive way and increases implementation pressure.

### Spread nationwide

Decide to continue in this direction on a national level



**Courts decide independently** about their way of working. However, the president council could collectively decide to pursue this direction. Possibly, budgeting money to encourage implementation.

**'Team to go'** could be introduced, with employees who already know the new way of working. The team could integrally work in another court for a month, to show and experience the added value.

**Integrate website** into *Rechtspraak.nl* and develop an app to make Rechtbankwijzer more accessible.

**Transfer management** of the process, helpdesk, website and recruitment to a national level.



## 8.2 Effects

An estimation has been made of the effects of the new service approach (see figure 98). The effects have been based on the validation research and views of both a subdistrict judge and a bailiff.

### 8.2.1 Expected effects

Validation showed the visual leaflet helps to understand the situation better when receiving a summons and stimulates defendants to take action (see chapter 7). Because of this, the following effects are expected:

- More defendants are presumed to make a **right legal decision in their situation**. That means fewer judgements by absentia and more defendants who try to get justice that would not have done that in the current situation. It also means more de-escalation of legal procedures, because there is more likelihood of paying arrangements with the claimer after taking action. Therefore both an increase and decrease in defendants is expected.
- More defendants are expected **to appear** in court at the right moment and not to appear when it is not needed. So fewer defendants will

come unnecessary to court and do not have to appear again another time. Also, defendants are expected to appear at moments closer to their preferences. Not everybody will still come to the roll session to respond verbally: more defendants are expected to respond in writing.

- Defendants are expected to have a **better court experience**. Not only because of the two points mentioned above, but also because defendants are expected to be less stressed. More at ease due to more realistic expectations about the court and because the new appointment for a verbal response takes place in a more informal setting. Defendants can tell their story better, which has a positive effect on the feeling of being heard and on the quality of the actual judgement.
- More defendants **can be helped** with the underlying problem. Many defendants do not know about aid agencies (for example for debt problems) or are too afraid to ask for help. Appearing in court is one of the few moments that people with problems become visible in society. A good referral, recommendation or facilitation for seeking help can therefore be essential in solving structural issues.



**Fig. 97** The court should place itself more in the middle of society for providing court services.

## 8.2.2 Long-term effects

In the longer term, also bigger effects can be expected. Although many factors influence these, the following (positive) effects are expected, no matter how large or how small:

- Over time, more and more people will have a **more realistic view** of (the state of affairs of) the court. This not only has an effect on the defendant himself, but also a spreading effect on the people around a defendant. Slowly, another (more realistic) view of the court will arise in society.
- Over time, the general **sense of justice** is expected to rise. The judiciary is built on trust, and therefore, a sense of justice is almost as important as the actual justice itself. More people take (the right) action, have better experiences, better understand how the court works and better understand how a legal choice is made. All of these have a positive effect on the (perceived) sense of justice.
- The current (smaller) impact (see chapter x) can also have a **more significant impact** on the court as an organization. Once the court gets a

better picture of user values and recognizes the importance of other service approaches, more innovations processes are likely to take place. This new role can also increase the pressure on bailiffs, lawyers and legislators to innovate in the legal system.

## 8.2.3 Key insights

After implementing the service, more defendants are expected to take a right legal decision in their situation, to appear in court at the right moment and to have a better court experience. In the longer term, more people will have a realistic view of the court and the general sense of justice is expected to rise.

## Effects service

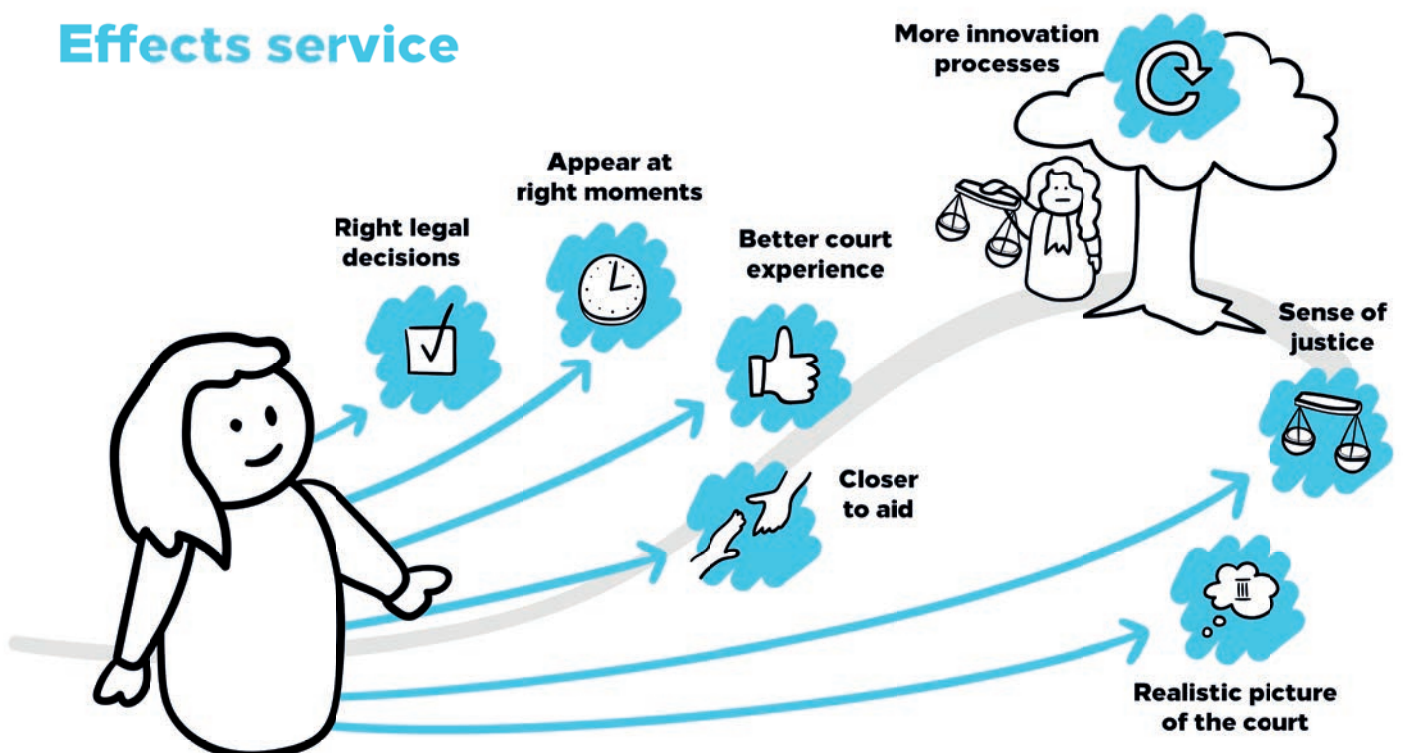


Fig. 98 Expected effects of the proposed service.



## 8.3 Investment

For implementing the new court services investments are needed, but they also provide financial benefits. This section provides an overview of both costs and benefits (see figure 99).

### 8.3.1 Costs

An initial investment is needed for **development costs**. This includes developing the visual style and website (content), but also employee hours for collecting feedback, improving the concept and the execution of a pilot.

Structural investments are needed for the **employment of law students** as *Rechtbankwijzer* and for hosting the appointments for verbal responses. This includes starting a recruitment campaign, training and guiding these new employees and the wages for hiring them.

Structural investments are possibly needed for the **increased inflow of court cases**. The increased accessibility to the subdistrict judge could create an increase in the work pressure for handling all cases.

### 8.3.2 Benefits

A structural financial benefit is the **loss of duties** related to the roll session for the subdistrict judge. The more valuable and expensive working hours of judges can be deployed for the qualitative work of

judging in court cases. Besides, the appointment will be hosted by one (law student) employee, instead of two (judge and *griffier*).

Another possible structural financial benefit is the **decrease in work pressure** related to constant confusion about court procedures. People will less often call multiple times and do not have to go back to court several times due to a lack of proper preparation.

However, the most significant benefits are related to the **increased quality of court services** and client experience (see chapter 8.2). These effects are also the hardest to quantify in a financial dimension. One could argue these benefits are even more critical than financial investments, because of the constitutional and social duties of the court.

### 8.3.3 Key insights

For implementing the new court services investments are needed for development costs, the employment of law students as *Rechtbankwijzer* and for the possible increased inflow of court cases. At this stage, it is difficult to substantiate whether a financial benefit is being achieved. Initial (one-off) costs can lead to structural (multi-year) revenues. However, the most significant benefits are related to the increased quality of court services and client experience.

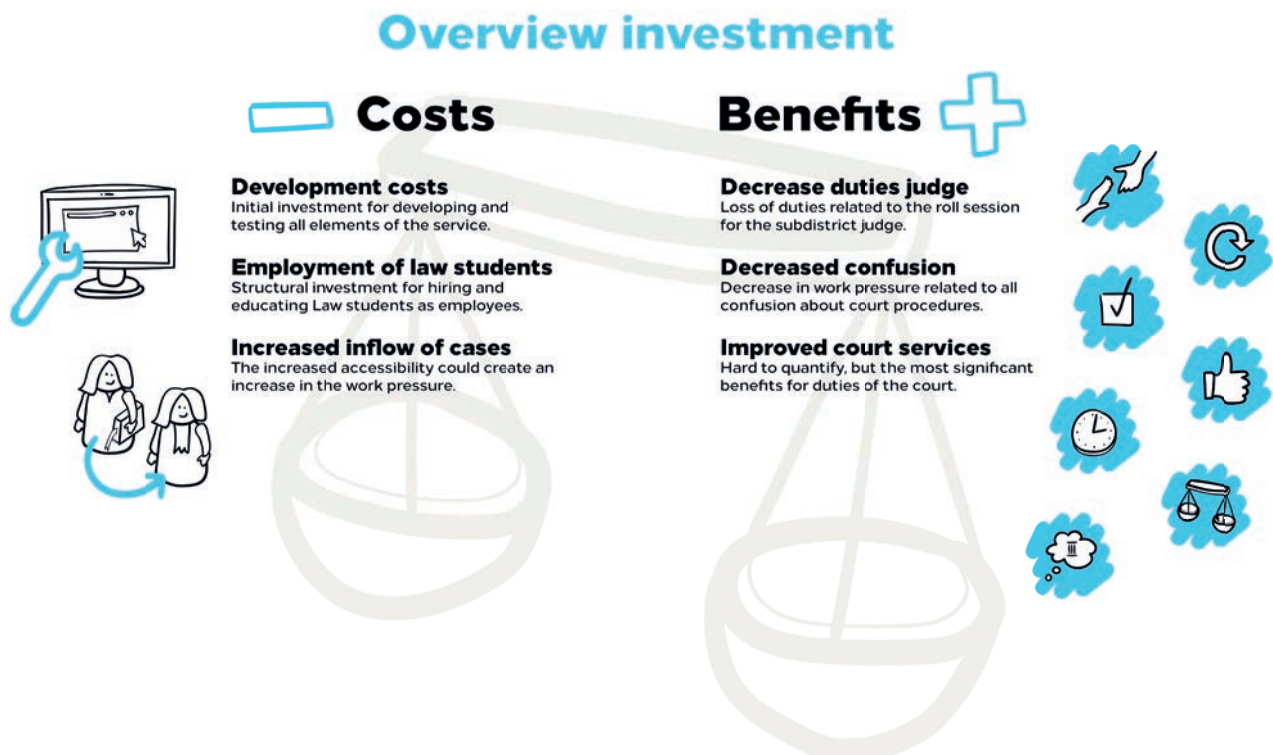


Fig. 99 Overview of the costs and benefits of the proposed service.

## 8.4 Current impact

During the project, one of the focus points was **sharing insights with the organization**. To achieve this, presentations were held in meetings of subdistrict judges in both Haarlem and Alkmaar (see figure 100). Insights were also disseminated wider through visualizations on posters next to employee entrances at all four locations (see figure 102). Finally, articles have been written for Intro, the internal communication platform (see figure 101).

**“We stepped out a little and learned to look at ourselves differently.”**

Eveline de Greeve,  
President Court of North Holland

Eveline, president of the court: "For me, the feeling of this project is: we stepped out a little and learned to look at ourselves differently. Not only we, but everyone who sees and reads your drawings, suddenly start to look differently. I find that very valuable. That goes a bit beyond the project."

But the process also inspired another mindset. Ivo, griffier at the court: “Because of the process you go through, I also come up with more and more ideas myself, by approaching things in other ways. I also draw more, which I am terrible at, to make things transparent. More with less: big things can change with fewer resources. Such as these creative sessions, especially how you work, what makes the difference. It does not have to cost a lot of money.”



**Fig. 100** Presentation for subdistrict judges in Haarlem.



(Rechtbank Gelderland) 15-5-2019 11:35

Helemaal eens met de bevindingen. Dagvaardingen zijn onleesbaar. Eigenlijk zou de rechterlijke macht daar paal en perk aan moeten stellen, maar we laten het op z'n beloop.



.(Rechtbank Amsterdam) 6-5-2019 18:55

Hilarisch en pijnlijk tegelijkertijd. En realiteit, werk aan de winkel dus.



(Rechtbank Noord-Holland) 30-4-2019 10:55

Wat een leuk en nuttig onderzoek. En ik schrik best van de resultaten. Dat zou beter moeten kunnen. Ik ben benieuwd naar het vervolg!



(Rechtbank Noord-Holland) 26-4-2019 18:21

Mooi onderzoek Rens.



(Rechtbank Noord-Holland) 26-4-2019 10:02

Wat een mooi initiatief. Klare Taal : we zijn er ook bij F&J mee bezig !

**Fig. 101** Reactions to an online article with research insights.



**Fig. 102** Posters with a visual overview of research insights



## 8.5 Recommendations

This section contains recommendations for both points of attention in implementing the proposed service and general recommendations for the court as an organization.

### 8.5.1 Recommendations service

#### Set expectations better in the visual leaflet

The current visual leaflet failed in setting expectations for going to court successfully. An appointment for a verbal response could be described better in the flowchart, including a picture of what the (informal) setting looks like. A link to the explainer video should be already added here, instead of a hidden reference on the back page. Next to a video, the online environment could provide a visual overview of the whole legal process.

#### A visual summary of the summons

The summons remains a judicial puzzle and an unavoidable obstacle. However, changing the whole format is difficult. It is laid down by law, there are many requirements to be legally correct and dozens of legal parties involved in the entire process around it. The summons should contain a visual summary in which the essential pieces of information are summarized. Most information is only interesting for legal parties, but especially the claim and a clear overview of the required costs should be in the visual summary. The responsibility for the summons lies outside the court, but the court can play an important role in encouraging change among bailiffs and the government.



**Fig. 103** Visual format for the final verdict.

#### Extend visual format to intermediate communication and the final verdict

Current letters and final verdicts of the court have the same problems as the summons: unclear texts, legal use of words and ambiguous possible actions. The style of the visual leaflet should be extended to these moments of communication (see figure 103). During a judicial process, a defendant should still be able to understand what is happening and what he could do. A format for the final verdict could be developed, in which judges have to write an additional easy-to-read summary of the actual judgement. Research has shown that it is possible to convert judgments into more comprehensible language without making them legally less adequate (WRR, 2004). Changing these should be easier than implementing the visual leaflet, since the court has full control over their own communication.

#### Pop-up locations for verbal responses

In the entire district of the court of North Holland, there are just three locations to appear for a verbal response: Haarlem, Alkmaar and Zaandam. That means that even if a defendant fully understands his situation and wants to take action, there remains a considerable threshold in accessibility due to the physical distance. This can entail relatively large sacrifices in travel times and travel costs. The court should facilitate pop-up locations for verbal responses around the district, literally closer to the people (see figure 104). These could take place in satellite locations, such as a town hall.

#### Exploration of digital opportunities for verbal responses

Next to pop-up locations, verbal responses could also take place digitally. In this way, defendants can tell their stories from their home environment. They could be assigned a timeslot and by logging in on a digital environment, be able to have an appointment through a video connection. However, there could be potential drawbacks in poor internet connections and a loss of value in the quality of not meeting in person. Other digital opportunities include mailing your defense or uploading documents in a digital environment.

#### Apply same vision to the perspective of the claimer

This report and its proposed concept mainly focused on defendants, seen this group currently has the most thresholds and struggles in judicial processes. However, the claimer is not always a big company or debt collector; it can be anybody. In that sense, easily accessible tools and explanations should also be available from the perspective of the claimer. For example: how to start a procedure and summon someone? The independent position of the court requires a balanced information provision for both parties.

### Continuous collection of feedback and improvement

After implementing elements of the concept, the process of improving is not finished. It is essential to learn from implemented solutions and to use new insights in newer versions of the visual leaflet and to keep improving the provided service. To achieve this, the court should be open to input and actively monitor and collect feedback. This could for example be done by documenting the observations of the Rechtbankwijzer host.



Fig. 104 Pop-up locations for verbal responses.

## 8.5.2 General recommendations

### Build stronger connections to help channels

The court has an independent position, but could play a more prominent role in connecting defendants to relevant help channels. The court has a unique situation in which a vulnerable target group with complex problems is temporarily visible. Also, this group often does not seek help on its own, based on laxity, shame or ignorance. Currently, the subdistrict judge does mention help channels inside the courtroom, but this referral could be strengthened. Debt counselors, employees of Het Juridisch Loket or representatives of other help channels could be present at the location of the court. In this way, the court could play an active role in preventing further escalation of complex problems.

### Enlarge presence of the legal system in society

Through the concept, the court obtains a more active role in the stage before going to court. However, the court should also have a more active role in the stage even before that: when someone

is not yet involved in legal procedures. There is a fundamental ignorance in society about the role and functioning of the court. While the judiciary is one of the three fundamentals of the trias politica and thereby basic rules of our society. Familiarity and understanding are essential for trust in the court and therefore, for the sense of justice. The court should counteract this ignorance through structural visibility in daily life among different target groups. This could for example be done by touring the country with a court (information) bus, well-organized campaigns and educational packages for schools. These packages could contain a court game and clothes of a judge to replay a lawsuit. A more general familiarity should also contribute to the comprehensibility once you have to deal with the court.

### Adopt a more human mindset as an organization

Sharing stories of the user research had a positive impact on the organization: it made the user of court services visible and opened the eyes of court employees. This effect should be caught on a bigger scale and a more structural basis. This could be done by sharing (user) stories more often, but also by encouraging employees to visit (roll) sessions once in a while. The attitude of employees will have to be more focused to think from the outside in.

### Adopt a more innovative mindset as an organization

In general, the court is a conservative organization. That is quite logical: reliability is one of the most important pillars of government organizations and especially courts. However, staying relevant in society is just as important. That means the court needs to change along with the same society, which is only possible by innovating. More and more pilots are being set up within the legal system to look for new relevant ways of justice. These insights and inspiration should be shared between courts on a more structural basis. There should also be structurally more space and resources for innovation pilots. External designers should be hired and internal employees should be trained to adopt this bold and more creative mindset.

## 8.5.3 Key insights

Recommendations for implementing the proposed service include setting better expectations in the visual leaflet, a visual summary for the summons and extending the visual format to the communication of the final verdict. The court as an organization could be improved by enlarging its presence in society and by adopting a more innovative mindset.



# A new role for the court:

defendants who understand their situation, know what to do, take action and get justice.









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## Photo credits

### Figure 18

Picture by Amaury Miller

Available at: <https://www.parool.nl/amsterdam/bezoek-dat-niemand-wil-op-pad-met-een-deurwaarder~bfe39e59/?referer=https%3A%2F%2Fwww.google.com%2F> [Accessed 26 Aug. 2019].

### Figure 23

Picture by Laurens van Putten

Available at: <https://www.volkskrant.nl/nieuws-achtergrond/herziening-rechtsbijstand-minder-escalatie-of-puur-voor-de-poen~b197b24d/>

### Figure 27

Picture of de Rechtspraak

Available at: <https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Rechtbanken/Rechtbank-Noord-Nederland/Nieuws/Paginas/Succesvolle-proef-De-Videorechter-op-weg-naar-structurele-dienst.aspx>

### Figure 92

Picture of Boeder Incasso

Available at: <https://twitter.com/aginboeder>

## Archive de Rechtspraak

The following pictures have been obtained from the internal archive of the court:

### Figure 3

Picture by Dirk Verwoerd

### Background chapter 2 intro

Picture by Robert Huiberts

### Figure 10

Picture by Dirk Verwoerd

### Figure 14

Picture by Bas Kijzers

### Figure 26

Picture by Koen van Weel

### Figure 36

Picture by Bas Kijzers

### Background chapter 4 intro

Picture by Serge Ligtenberg

### Figure 97

Picture by Serge Ligtenberg

### Figure 22, 31, 33, 34, 35, and 36

Photographer unknown

**All other pictures have been made by the author of the thesis (Rens de Graaf).**









