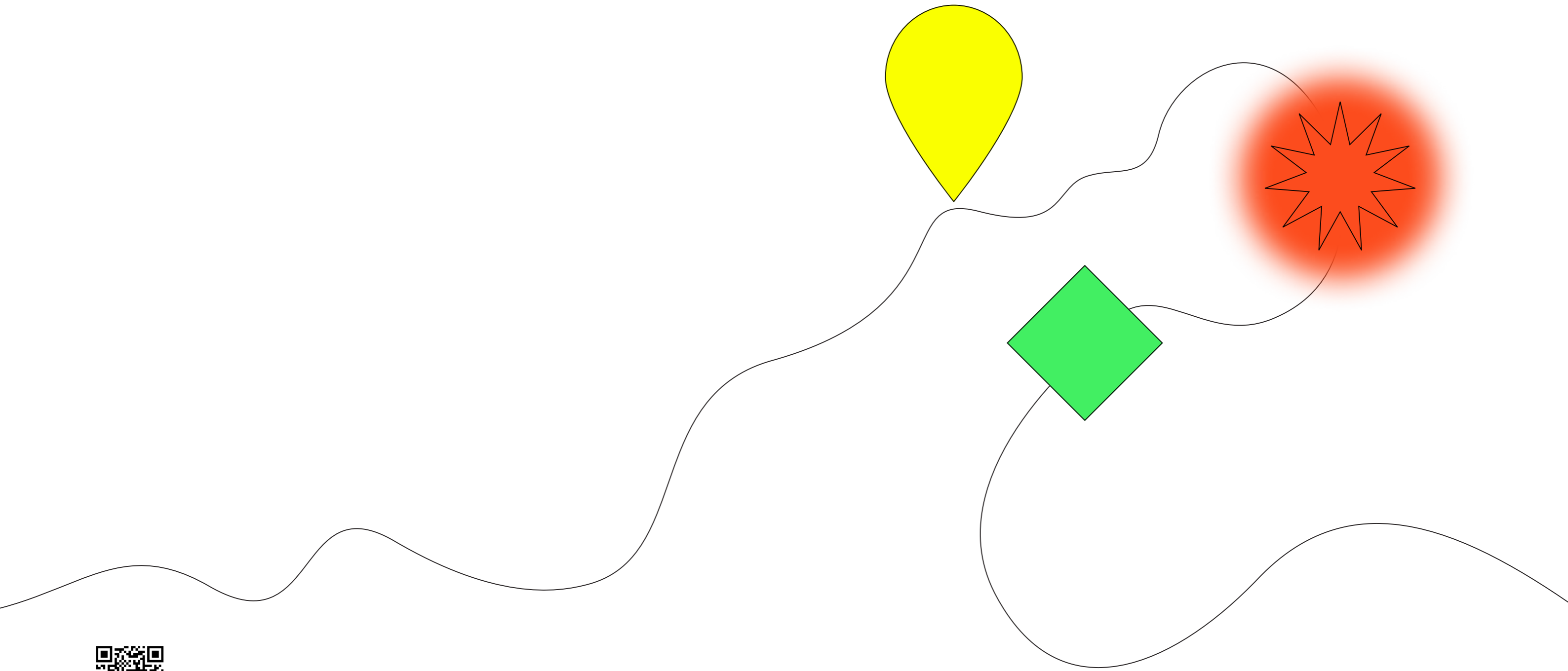


Paths to Justice

Do all citizens have equal access
to justice?

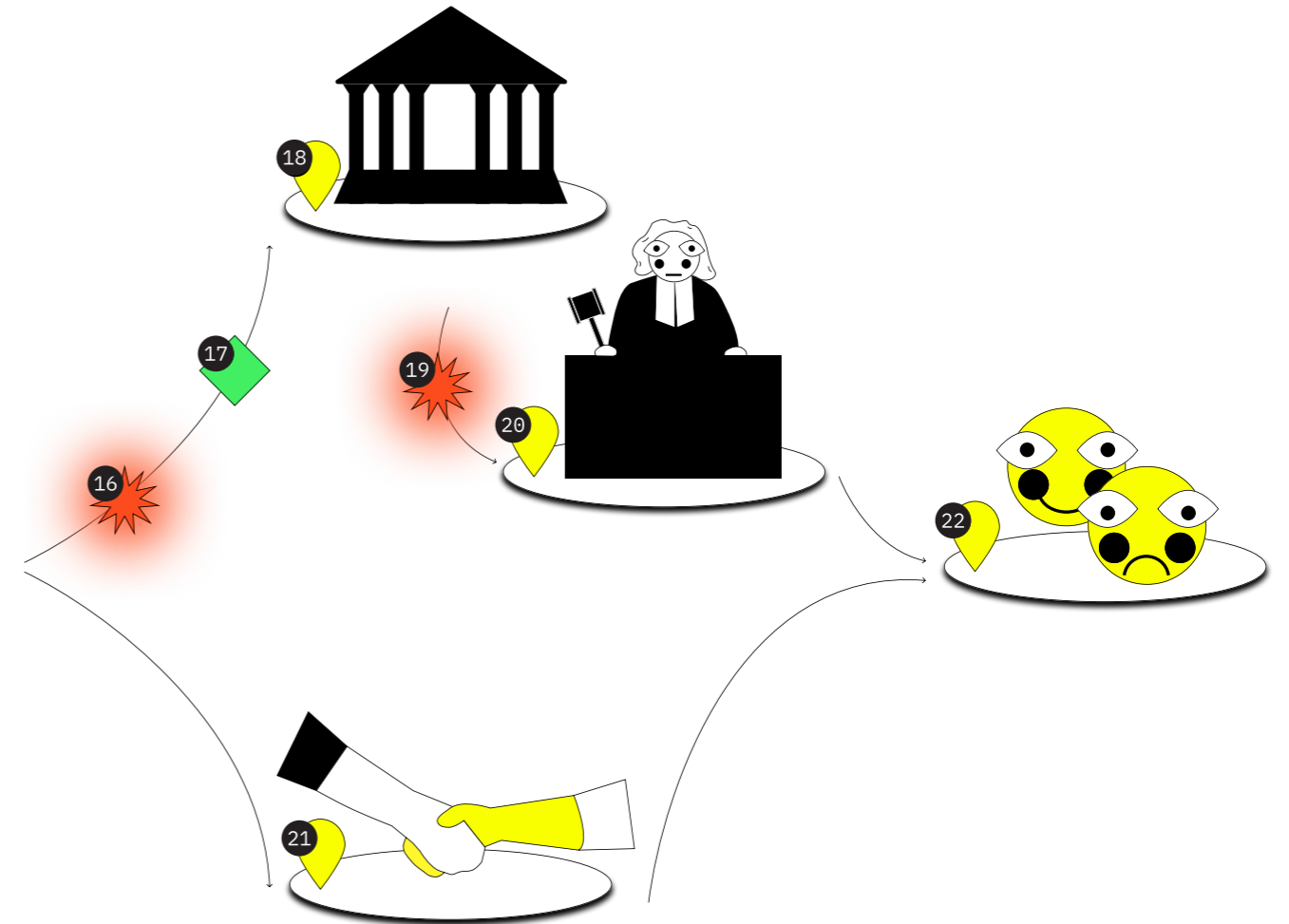
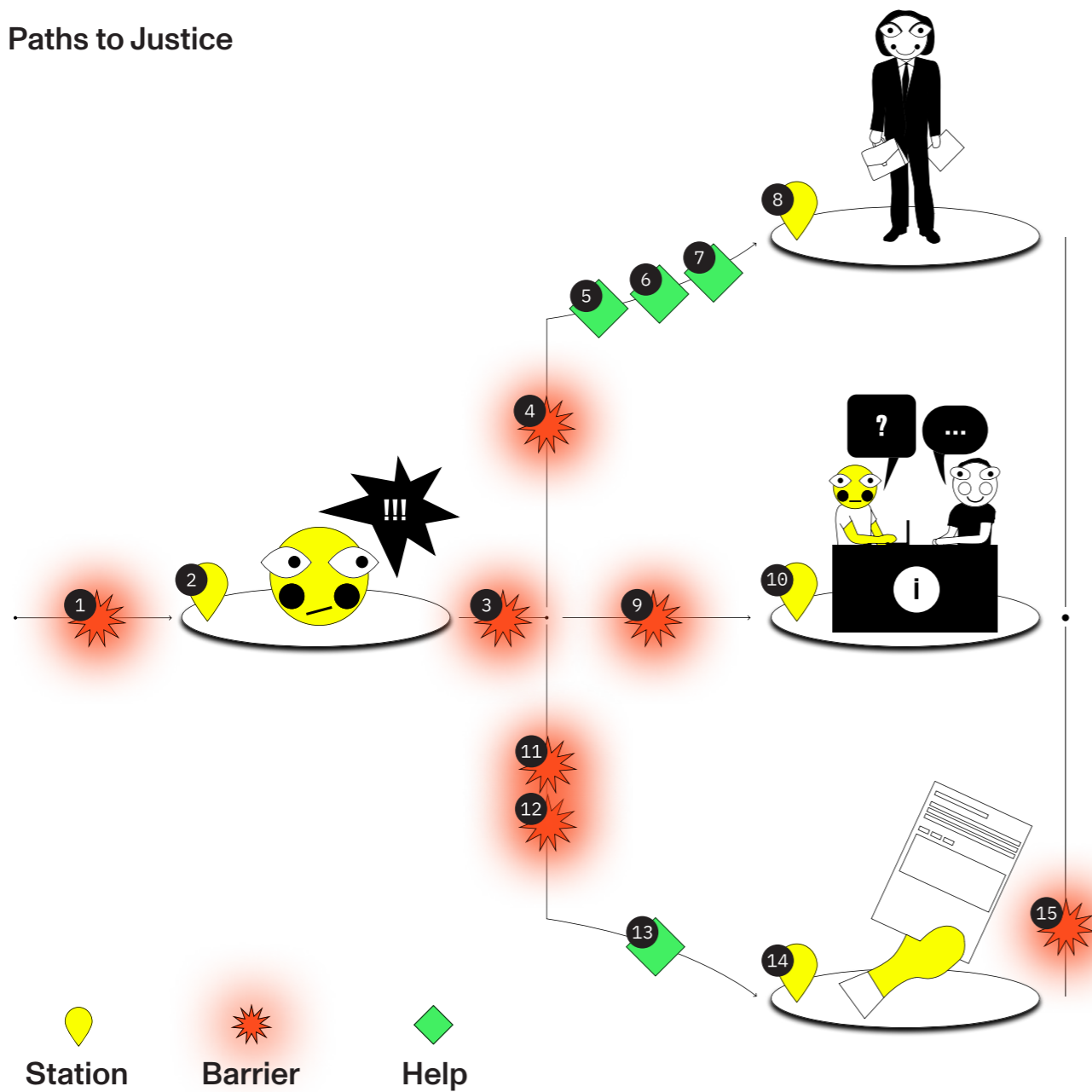
The research project **“Access to Justice in Berlin”** investigates whether residents of Berlin have equal access to justice. It examines legal, institutional, material, and social barriers to the enforcement of rights.

“Paths to Justice” presents key research findings in texts, graphics, and case studies, making complex topics accessible even to those without legal expertise and providing information on this relevant issue.



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Paths to Justice



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Do all citizens have equal access to justice?

When addressing legal issues, there are various approaches to finding solutions. There is no singular path to justice. Instead, the route can vary significantly depending on the nature of the problem and individual circumstances. These paths may be straightforward, involve multiple steps, or include detours along the way. Barriers can arise that complicate the legal process ... or even halting it altogether.

In a constitutional state, the principle of equal access to justice for all must prevail. Therefore, lawmakers are tasked with ensuring that every citizen has the opportunity to assert their rights in legal disputes. This is essential to bridge the gap between legal claims and the reality of lived experiences. Otherwise, the system could become skewed in favor of the more powerful. To address this disparity, services and assistance are crucial.

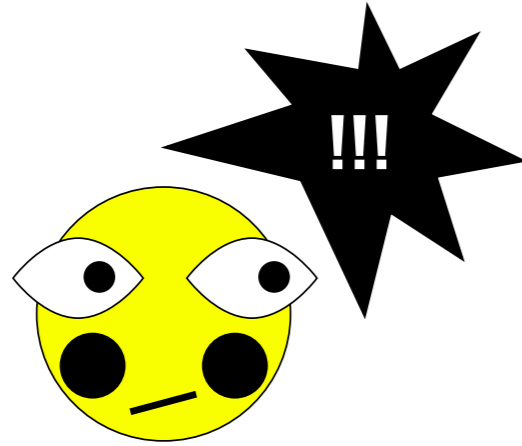
Lack of Legal Knowledge and Awareness of Rights

A significant number of people lack sufficient knowledge about their legal rights and the processes involved in court proceedings. This gap in understanding the legal system and individual claims poses a substantial barrier to the enforcement of rights. Concerns about costs, complex procedures, and uncertainty often discourage individuals from pursuing legal remedies. Research indicates that low-income individuals are particularly affected by these challenges. They frequently rely on accessible, low-threshold legal advice and representation to understand and enforce their rights. Without such support, they often abandon efforts to assert their claims. Even when legal advice is available, limited understanding of legal options and procedures restricts their ability to act effectively.

This problem becomes even more pronounced in specific legal areas. The difficulty of categorizing issues within a legal framework complicates not only the articulation of concerns but also the search for appropriate legal support. Many individuals struggle to describe their case clearly enough for it to be assessed adequately by legal professionals. As a result, they may fail to address their concerns successfully or avoid seeking legal assistance altogether.

Furthermore, many people are insufficiently informed about their rights in contractual and consumer matters. They are often unaware that they can assert claims or are unfamiliar with their rights and obligations in various situations. This lack of awareness can lead to entering into unwanted contracts or yielding to unjustified demands from companies.

Recognizing Legal Issues



Sometimes, we sense that something is unfair or that we are being treated unjustly. But how can we determine whether these problems are legal in nature? Identifying legal issues is often far from straightforward, especially without specialized knowledge of the law. The process of recognizing and addressing legal conflicts typically unfolds in three stages: identifying the problem, assigning responsibility, and enforcing rights—often referred to as “naming, blaming, claiming.”

The first step is recognizing the situation as a legal challenge. This involves understanding that what is happening may have a legal dimension. However, this recognition can be challenging, particularly without a solid grasp of legal principles. While a general sense of fairness may guide our feelings, it is often unclear whether an unfair situation also constitutes a legal violation. For example, when a formal action such as a termination notice occurs, the legal nature of the issue becomes more apparent. Even so, such situations can feel overwhelming, especially for individuals who lack positive prior experiences with legal processes. As a result, many people remain inactive, unsure of how to proceed.

Once the problem is identified, the next step is determining who is responsible. In some cases, it is clear who should be held accountable. However, in more complex situations, identifying the responsible party can be challenging. This step involves clarifying who can be legally held to account for what has occurred. Successfully navigating this stage often leads to a shift in how the conflict is perceived, paving the way for further action.

The final stage involves deciding how to address the problem and enforce one’s rights. This includes evaluating potential actions: Should the issue be taken to court, or might another resolution be preferable? Making this decision can be difficult, particularly when there is uncertainty about the strength

of one’s case or the likely outcome. Legal professionals, such as lawyers or advisors, play a crucial role at this stage. They help classify the issue within the legal framework, provide clarity, and guide individuals toward practical and effective solutions.



Emotional Burden (Fear, Negative Experiences)

Emotional burdens can make it difficult for individuals to assert their rights. Studies show that stress, anxiety, and depression can impair judgment and decision-making skills. This makes it harder for those affected to recognize or pursue their legal claims. Traumatic experiences, which often trigger legal issues, can lead to overwhelm and poor problem-solving abilities. Negative emotions, such as shame and guilt, can also weaken self-confidence and the willingness to seek legal assistance.

These challenges are evident in legal application offices, where individuals receive support in articulating their concerns and applying for legal protection or advice assistance. Many struggle to frame their issues in legal terms while describing their often complex and difficult living situations. Overwhelmed by existential and emotional burdens, applicants find it difficult to focus on the legal aspects of their problems. Bureaucratic structures at these offices leave little room for addressing such emotions, as legal clerks must prioritize extracting the factual information required for applications.

Legal clerks report that their training does not equip them with techniques to manage interactions with highly emotional or traumatized individuals. While they aim to gather the necessary details for legal applications, they often overlook the emotional context that may be critical to understanding the case. This oversight is especially significant in protection order applications, where capturing the emotional impact of the act can be vital to conveying its effects.

Legal disputes themselves are often lengthy and emotionally taxing, creating additional barriers for those already in difficult life situations. Individuals facing existential threats, such as the loss of their home, report finding court proceedings exhausting. The uncertainty surrounding outcomes and potential costs adds to their stress, deterring many from pursuing their rights. Moreover, perceived inconsistencies and a lack of transparency in the approval process for legal counseling and assistance can lead to misunderstandings and weaken trust in the legal system. This further discourages individuals from seeking the help they need or utilizing available legal options.



Lack of Financial Resources

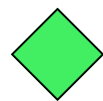
The lack of financial resources poses a significant obstacle for many individuals in Germany, particularly when it comes to legal matters. The high costs associated with legal advice and representation can render it impossible for those with limited financial means to defend their rights or initiate legal proceedings. This financial barrier disproportionately impacts marginalized communities, minorities, and individuals facing challenging life circumstances.

Limited finances may deter individuals from seeking legal action, even when they have a legitimate claim. For instance, a person who has been wrongfully terminated might find the costs of legal representation, court fees, and other related expenses prohibitively high. As a result, many affected individuals feel compelled to remain passive, unable to assert their rights effectively. The implications of financial constraints on legal mobilization are both varied and severe. Individuals lacking financial support often face a heightened risk of losing their livelihood in legal disputes.

For example, a tenant embroiled in an eviction dispute may find the legal costs insurmountable. This frequently results in individuals representing themselves in court, which often leads to unfavorable outcomes. Such situations can plunge many residents of Berlin into existential distress, compounded by psychological stress and a growing distrust in the legal system.

Financial barriers further entrench existing inequalities within the legal framework. Wealthy individuals and corporations can easily access legal support, while those with limited financial resources face significant disadvantages. Take, for instance, a single mother struggling to secure child support payments from a father who refuses to comply. Without the means to seek legal assistance, she confronts considerable challenges that can jeopardize her family's well-being. These inequities not only undermine the principle of equality before the law but also erode public confidence in the legal system.

It is imperative to implement measures that ensure access to legal support for all segments of the population, irrespective of their financial capabilities. Addressing these barriers is crucial in upholding the fundamental principle of justice for all.



Legal Expenses Insurance

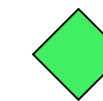
Legal expenses insurance provides financial support and legal assistance in various legal matters, covering costs associated with legal disputes, such as attorney fees and court expenses. In addition to financial coverage, these plans often include services such as personalized legal advice, referrals to qualified lawyers, and assistance with extrajudicial mediation.

Individuals typically pay a monthly premium for these services. However, the scope of coverage can vary significantly among providers. Many plans require individuals to pay a deductible in the event of a legal dispute. Furthermore, there are often waiting periods before the insurance becomes effective, along with coverage limits that dictate the maximum amount the insurer will pay. As a result, not all claims are covered immediately, and individuals may still incur out-of-pocket expenses.

In Germany, it is estimated that there are over 100 different legal expenses insurance providers, each often specializing in specific areas of law. These insurances are especially relevant in fields such as traffic law (covering accidents and fines), private and tenancy law (addressing contract disputes), social law (pertaining to disputes with pension and health insurance), and family law (including custody issues).

Approximately 56% of citizens in Germany have legal expenses insurance, underscoring its significance within the country compared to other nations. The financial security of being relieved from the burden of legal costs often influences the litigation and dispute behaviors of those insured. While the overall number of lawsuits is declining, the number of cases initiated by individuals with legal expenses insurance remains consistently high.

The impact of legal expenses insurance is also evident in the willingness of subscribers to pursue their interests more vigorously, often extending the duration of legal proceedings. Studies indicate that the likelihood of a case advancing to court increases by nearly 50% when the claimant has insurance. However, not all cases involving legal expenses insurance ultimately lead to court. Recent research shows that these insurances also promote extrajudicial settlements by offering advice and mediation services to their clients, facilitating resolutions outside of the courtroom.



Legal Tech

Legal tech refers to the application of technology, including artificial intelligence, to enhance and streamline legal services and processes. This digitization of the legal industry and the integration of information technology facilitate the simplification of legal workflows and the automation of legal services for a wide range of cases. As such, legal tech solutions are particularly beneficial for empowering individuals in their pursuit of justice.

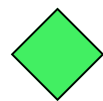
Legal tech products are typically offered by private companies across various legal domains. Users can submit their concerns and related information online, often at no cost, in a streamlined format. They specify their claims or demands and are required only to pay a percentage of any winnings as a commission if their case is successful.

Once the information is submitted, algorithms assess the legal basis for the claim. If warranted, standardized procedures for initiating contact are initiated. The software, usually developed with input from legal professionals, draws on existing laws, case precedents, and experiences from other users, allowing it to provide accurate responses to common legal issues.

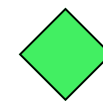
Personal consultations are relatively uncommon. For inquiries related to processes or case management, most legal tech companies provide FAQs (frequently asked questions) and explanatory videos on their websites. In cases where further consultations with a lawyer are desired, legal tech providers may offer telephone consultations and, in certain instances, court representation. Generally, these companies aim to achieve settlements without litigation to minimize costs.

In Germany, legal tech began gaining traction around 2010, particularly in the area of reimbursement for flight delays. Today, its application has expanded to include fields such as contract law, labor law (including issues related to terminations), tenancy law (such as creating rental agreements or navigating rent control), and consumer protection law (e.g., lawsuits against companies, including airlines). Legal tech solutions often focus on claims for damages or reimbursements of smaller amounts that individuals may not pursue due to the perceived disproportion between the effort required and the potential outcomes.

The business model of legal tech providers hinges on the mass processing of standardized, promising cases. Consequently, for more complex or unique legal issues, these platforms may not provide sufficient or accurate



responses. While legal tech offerings do not entirely replace lawyers, they can deliver legal guidance and support in specific areas, serving as valuable tools for enhancing access to justice.



Legal Advice Assistance

Legal advice assistance enables individuals to obtain legal advice, particularly from lawyers. This form of support is crucial for those who cannot afford legal consultation or representation, ensuring equitable access to justice and the assertion of rights. It embodies the principle of equal legal access outside of formal court proceedings.

The legal framework for legal advice assistance is governed by the German Legal Advice Assistance Act. This assistance is designed for the assertion of rights outside of court proceedings, as well as for binding mediation processes. To qualify for legal advice assistance, applicants must demonstrate financial need and establish a personal need for help. Financial need is typically indicated by an inability to afford legal consultation, often evidenced by the receipt of social benefits. A personal need for help exists when the advice is sought for oneself and not on behalf of someone else.

Applicants must also show that they have exhausted all reasonable alternatives for resolving their issues; this includes seeking help from consumer rights centers or debt counseling services before applying. Additionally, advice assistance should not be sought frivolously, although this concern is rarely an issue in practice.

The application for legal advice assistance is typically submitted at the legal application offices of the district courts where the applicant resides. A legal clerk evaluates the application and decides whether to grant approval. Upon a successful application, the individual receives a legal advice assistance certificate, which can be presented to a lawyer.

Empirical data indicates a decreasing trend in the number of applications for legal advice assistance over the past decade. One contributing factor may be the reluctance of lawyers to provide this service, as it is often viewed as economically unviable. Furthermore, the demand for legal advice assistance varies significantly by area of law; it is more frequently sought in fields such as tenancy and social law, while it is considerably less common in areas such as asylum, criminal, and anti-discrimination law.



Lawyers



Lawyers are pivotal to the German legal system, providing essential support both in and out of court to citizens. They serve as advisors, representatives, and mediators, ensuring that the legal system is accessible and fair for all. They are often the first point of contact for people seeking legal help after a problem arises.

A significant aspect of their work involves offering out-of-court legal advice, a service over which fully qualified lawyers hold a quasi-monopoly under German law. By addressing legal questions, clarifying facts, and seeking to resolve disputes amicably, lawyers empower citizens and promote efficient conflict resolution. Common areas of consultation include tenancy law, labor law, family law, and consumer protection.

In legal proceedings, lawyers are indispensable. They identify and assess their clients' legal issues, represent them in court, and ensure that procedural requirements are met. Their ability to clearly explain legal matters enhances their clients' chances of success. In complex cases, legal expertise is critical to navigating the intricacies of the judicial process.

While legal advice assistance programs aim to bridge this gap by providing low-cost legal support, they are frequently underutilized. Many people are unaware of these programs or avoid them due to feelings of shame. Additionally, the low compensation rates for such cases discourage many lawyers from participating, further exacerbating the challenges faced by those who cannot afford private legal representation.

This limited access to legal support is especially concerning given the critical role lawyers play in achieving favorable outcomes in court. Statistics consistently highlight the disparity: litigants without legal representation are significantly less likely to succeed in their cases. Defendants, in particular, see substantial benefits from having a lawyer, as legal counsel improves their chances of success and reduces the risk of default judgments. Moreover, lawyer involvement is essential in securing legal aid, as both application and approval rates are significantly lower for unrepresented applicants.





Unclear Advice Services and Responsibilities

Individuals with low incomes often require accessible legal advice and support to understand and enforce their rights. However, for these services to be effectively utilized, affected individuals need to be aware of reliable legal resources and have the support of a conducive social environment. Without basic knowledge of their rights or an understanding of legal processes, taking the first steps to address legal issues can be daunting.

While a general awareness of one's rights is important, a detailed understanding of specific claims and enforcement strategies typically develops only after professional legal advice has assessed the chances of success. This makes legal advice particularly vital for disadvantaged individuals, serving not only as a means of support but also as a critical filtering mechanism in the justice system to direct viable cases.

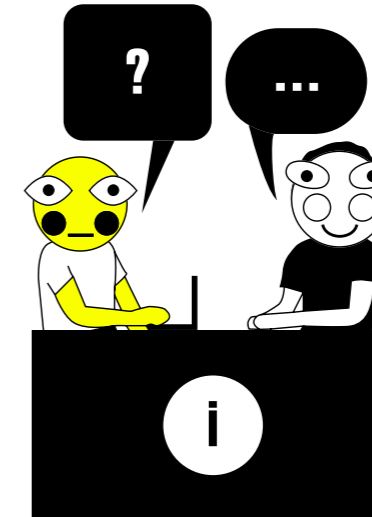
Despite its importance, accessing legal application offices—essential for obtaining legal aid and support—remains a significant challenge for many. Citizens often lack basic knowledge about the existence or purpose of these offices, making it difficult to seek necessary services such as legal cost assistance. For those unfamiliar with the legal system, identifying where to start can be overwhelming.

The lack of clarity in the information provided by district court websites further compounds these issues. Key details about legal application offices, including their roles, how to schedule appointments, and what to expect during visits, are often unclear or completely absent. The presentation of information is another barrier; critical details are sometimes confined to PDF documents, requiring specific software to view, and many websites fail to provide translations in languages other than German.

While some courts make an effort to use straightforward language, inconsistencies across courts create a patchwork of accessibility. These gaps hinder those who need legal assistance most, making it imperative to standardize and improve the availability and clarity of information to ensure equal access to justice for all.



Advice Centers and Self-Organized Approaches



Advice centers play a crucial role in providing support and guidance to individuals seeking advice on a wide range of issues. They serve as vital resources for those facing legal challenges but who cannot afford professional representation. Examples of advice centers include law clinics that offer voluntary legal advice from students, consumer associations, and tenant organizations. The primary aim of these centers is to bridge social inequalities in access to justice by delivering free or low-cost legal assistance.

In Berlin, the diverse landscape of advice centers addresses a multitude of legal concerns, with key focus areas encompassing tenancy disputes, debt counseling, and discrimination cases. By empowering individuals to understand their rights, these centers enable them to take action and enforce those rights effectively. However, despite their significance in facilitating access to justice, advice centers encounter several challenges that hinder their operations.

Limited resources often lead to understaffing, and the reliance on project-based or temporary funding creates instability. Moreover, advisors may lack the depth of legal expertise typically found in private law practices. While collaboration between advice centers and private attorneys can be beneficial, it does not always operate smoothly; for instance, individuals seeking help may not receive appropriate referrals to relevant services. Additionally, advice centers frequently struggle to provide ongoing support for lengthy legal disputes, as they often cannot offer continuous representation.

Nevertheless, advice centers remain indispensable for enabling individuals with limited financial resources to navigate the legal system and advocate



for social justice and equality. To address the challenges faced by these centers, an alternative approach known as collective self-help is gaining traction. This model emphasizes the importance of collective representation, empowering those seeking assistance while aiming to replace inadequate state structures.

Through education, information dissemination, and active mobilization, collective self-help efforts link individual rights with the broader interests of the group, addressing not only personal legal issues but also proactively managing shared conflicts that impact all members of the collective. In Germany, the implementation of collective self-help varies across different organizations; while state advice centers typically depend more on state legal aid, associations like tenant unions and labor unions engage more actively in collective self-advocacy. Despite these differing approaches, both advice centers and collective self-help initiatives play a critical role in enhancing access to justice and reducing social inequalities.



Barriers to Accessibility in Legal Application Offices

Bureaucratic Challenges

Legal application offices play a central role in the justice system by helping citizens formalize legal applications and declarations. However, access to these essential services is often accompanied by bureaucratic hurdles. Many individuals face intricate and difficult-to-understand procedural requirements when approaching a legal application office. Forms are frequently complicated, and legal jargon further complicates comprehension, making the process particularly daunting for those with little experience in legal matters.

While the staff at legal application offices provide valuable assistance in explaining procedures and completing forms, bureaucracy remains a significant obstacle. The sheer volume of documents and evidence required can overwhelm individuals, especially those in crisis who need immediate support. The lack of digital submission options compounds the problem, forcing people to rely on in-person visits or postal services, which can be time-consuming and inefficient. Despite ongoing efforts to simplify processes, these bureaucratic barriers continue to hinder access to legal assistance for many.

Physical Barriers

Physical accessibility is another critical issue affecting access to legal application offices. Courts and their offices are often located in urban centers, making them difficult to reach for individuals living in rural areas or those with limited mobility. Long travel distances, insufficient parking, and inadequate public transportation options create significant logistical challenges. Within the court buildings themselves, physical obstacles persist. Many buildings are not fully wheelchair-accessible, presenting serious difficulties for individuals with disabilities. Narrow doorways, the absence of elevators, and poorly designed restrooms further impede access. Although efforts to improve accessibility are underway, there is still considerable work needed to ensure that all citizens, regardless of physical ability or location, can access legal application offices without undue difficulty.

Discrimination

Beyond bureaucratic and physical obstacles, discrimination significantly impacts the accessibility of legal application offices. Individuals from marginalized groups – such as immigrants, low-income individuals, or those with limited education – frequently encounter prejudice and bias. Language barriers often hinder effective communication with staff, while cultural differences may lead to misunderstandings. Empirical studies reveal that unemployed



individuals, for instance, tend to rate their expectations and outcomes in legal matters more negatively than others, suggesting that discrimination and biases may influence how concerns are processed.

Negative experiences or perceived insensitivity from staff further discourage individuals from seeking assistance. This highlights the critical need for legal application offices to foster an inclusive and discrimination-free environment. Training staff in intercultural competence and sensitivity is essential to dismantle prejudices and enhance the quality of support for all individuals seeking legal advice.



Language

In a diverse society, access to justice is a cornerstone of democracy – but language barriers often obstruct this fundamental right. While the Berlin State Anti-Discrimination Act (LADG) prohibits discrimination based on language, the reality often falls short of this ideal. Many legal documents and procedures are only available in German, disadvantaging non-native speakers.

The strict application of German as the official language presents a significant challenge. For individuals with limited proficiency in German, this requirement can feel insurmountable. Although legal provisions such as Section 185 of the German Courts Constitution Act allow for the use of interpreters in court, these resources are often unavailable in practice, particularly in district court legal application offices where initial consultations take place.

Even for native speakers, legal texts can be difficult to comprehend. Bureaucratic jargon and abstract legal terminology frequently require what can be described as a “double translation” – first into plain language and then into other languages for non-native speakers. Legal clerks and lawyers must often bridge these gaps, but this adds complexity to an already challenging process.

Potential solutions exist but often face practical obstacles. Providing interpreters at legal application offices or developing multilingual informational materials could significantly enhance accessibility, yet these measures are frequently hindered by cost constraints. Digital translation tools, such as QR codes embedded in official documents, could provide immediate support, but their adoption remains limited.

Legal technology (Legal Tech) services offer another avenue for addressing language barriers. These digital platforms help individuals navigate legal issues with minimal bureaucratic effort. However, most services are available only in German or English, excluding many individuals who speak other languages. Moreover, the commercial nature of many Legal Tech solutions means they rarely cater to marginalized groups, leaving those with low income, limited education, or migration backgrounds underserved.

The responsibility for ensuring access to justice cannot rest solely on those seeking assistance. Institutions must proactively rethink their communication strategies and develop barrier-free solutions. This includes using



language that is accessible to legal laypersons, expanding low-threshold advice services, and integrating multilingual support into the legal system.

By addressing these issues, the legal system can better fulfill its role as a guarantor of equal access to rights, ensuring that no one is excluded due to language or discrimination. Only through such inclusive practices can justice truly be accessible to all, regardless of linguistic or social background.



The Role of Private Support in Asserting Rights

The private environment plays a crucial role in helping individuals assert their rights. This support can take various forms, including emotional, financial, informational, and practical assistance. Often, it begins even before the affected individual recognizes their issue as a legal conflict or considers pursuing legal action.

Emotional Support

Friends, family, and close acquaintances provide encouragement and reassurance during the stressful and often discouraging times associated with legal disputes. Their emotional backing helps individuals cope with psychological pressures, offering stability and resilience during what is often a lengthy and complicated process. This support is indispensable in helping people stay focused and determined in their pursuit of justice.

Informational Support

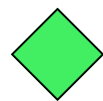
The private environment can be an invaluable source of information and guidance. Relatives or friends who have had similar experiences or possess basic legal knowledge can offer initial advice, share resources, or recommend legal advisors or lawyers. Such insights help clarify misconceptions, provide perspective, and better prepare individuals for what lies ahead. A well-informed support system can significantly lower initial barriers to accessing legal help.

Practical Support

Practical assistance from one's personal network can alleviate the burden of navigating the legal process. This might include accompanying the individual to appointments with lawyers or court hearings, assisting with paperwork, or taking on everyday responsibilities to ease the affected person's load. In cases where language barriers are an issue, relatives or friends often act as interpreters, facilitating communication and ensuring that key information is understood.

Networks and Connections

A supportive private network can also provide access to valuable contacts and resources. Friends or family members with connections to experienced lawyers, mediators, or even political decision-makers can open doors to critical support. This kind of networking can significantly improve access to expertise, resources, and opportunities that might otherwise be difficult to secure.



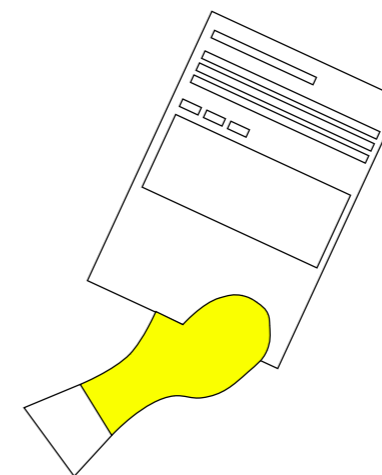
Motivation and Encouragement

A strong private support system also serves as a source of motivation. Regular check-ins, expressions of interest in the case's progress, and consistent encouragement help individuals feel less isolated and more empowered to continue. This motivational factor is vital, as those without external encouragement may feel overwhelmed or lose the determination to pursue their claims.

By providing emotional stability, practical help, and informational resources, as well as leveraging networks and motivation, the private environment can play a transformative role in enabling individuals to assert their rights and navigate the complexities of the legal system with greater confidence.



Legal Application Offices



Legal application offices are specialized units within the court system that assist citizens in formally recording applications and declarations. Often serving as the initial point of contact for individuals seeking legal aid, these offices facilitate communication with the courts. The issues presented by citizens are frequently complex, intertwining social and legal questions that may not be clearly defined. As intermediaries between the public and the judiciary, legal application offices play a crucial role in facilitating access to the justice system.

Individuals approaching these offices may have a wide range of concerns. On one hand, the staff provide support for procedural actions, enabling citizens to file complaints, present defenses, or apply for financial assistance related to court proceedings. Additionally, individuals can seek aid for costs associated with their legal processes, file protection requests to prevent evictions, and submit applications related to family or guardianship matters, as well as requests to withdraw from a church.

The dedicated staff at legal application offices assist with explaining documents, completing forms, and giving guidance on how to navigate various situations. Their goal is to help individuals articulate their concerns clearly and document them accurately, though they are not permitted to provide legal advice. Instead, they direct individuals to other supportive resources, such as youth welfare offices, job centers, or specialized advice services. In emergency situations, such as the risk of imminent homelessness, the staff can take proactive steps to arrange swift assistance by connecting individuals with lawyers or relevant authorities.



Thus, legal application offices serve an essential legal and socio-political function, acting as a vital bridge between citizens and the judiciary. The work performed within these offices is diverse and demanding, requiring staff to sensitively address the specific needs of those seeking help while ensuring compliance with formal requirements. This role also presents challenges to access: many individuals arrive in crisis situations, grappling with fears, knowledge gaps, and language barriers, particularly due to a shortage of interpreters.

Several factors further influence individuals' access to support. An empirical study conducted in North Rhine-Westphalia found that while legal seekers generally expressed satisfaction with the services provided by legal application offices—regardless of the outcome of their requests—levels of satisfaction varied based on socio-economic background, age, and gender. Notably, unemployed individuals reported lower expectations and less favorable outcomes compared to other demographics.



Referral fatigue

“Referral fatigue” refers to the exhaustion and frustration individuals experience when they are repeatedly directed from one agency to another without having their concerns adequately addressed or their issues resolved. This is particularly prevalent in the realm of legal advice, where constant referrals to various advice services can become a significant burden for those seeking assistance.

A primary contributor to this cycle of referrals is often unclear responsibilities regarding which authority is accountable for a particular legal concern. Legal seekers frequently find themselves caught in a frustrating loop between different institutions, which not only consumes valuable time but also heightens their sense of irritation. The complexity and bureaucracy of administrative structures further complicate the process, making it difficult for individuals to identify the right contact person. Additionally, inadequate communication between advice centers and relevant authorities can lead to misunderstandings and delays, exacerbating the problem.

The consequences of “referral fatigue” can be profound. Faced with repeated setbacks, individuals may ultimately abandon their legal claims or adopt a passive stance. Negative experiences can discourage them from seeking legal help in the future, leaving their legal issues unresolved and fostering a sense of isolation or misunderstanding.

So how can we mitigate “referral fatigue”? Improved coordination in access to justice is one key solution. By enhancing the networking of support services, legal seekers can be efficiently and effectively directed to the appropriate resources. For example, allowing for verbal consultations at legal application offices can clarify initial questions and expedite the process. Another effective strategy involves establishing public legal information and comparison offices that provide a range of services, helping individuals save time and navigate complex bureaucratic steps.



Lack of Financial Resources for Legal Proceedings

The financial circumstances of those seeking legal assistance significantly impact their ability to pursue civil claims. Many individuals avoid hiring lawyers or engaging in court proceedings due to the prohibitive costs associated with these services. While there are options for process cost assistance and advice help designed to alleviate these financial barriers, awareness of these options is limited. Some experts argue that process cost assistance can effectively mitigate financial obstacles; however, others point out that it remains inaccessible to many low-income individuals due to low income thresholds and the requirement that approval is contingent on the perceived chances of success.

Judges possess considerable discretion in determining eligibility for process cost assistance, resulting in inconsistent practices. Additionally, the requirement to secure process cost assistance before a legal proceeding can commence often leads to extended delays in resolution. This is exacerbated by the lengthy review process, which can take several months due to the complexity of application forms and procedures. As a result, process cost assistance falls short of adequately addressing financial barriers, posing significant challenges for those in urgent need of legal resolution. To streamline access, some advocate for automatic process cost assistance for individuals receiving social benefits.

Moreover, clerks are not mandated to inform citizens about the availability of process cost assistance. Typically, they only provide this information if they are aware that applicants are experiencing financial hardship. Everyone, regardless of their financial situation, should receive information about these options.

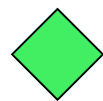
Applying for advice assistance certificates presents additional challenges. Legal application offices often impose stringent conditions, requiring applicants to demonstrate that they have exhausted all other avenues of support. This process can be daunting and may lead to feelings of shame for individuals who must disclose sensitive financial information.

Furthermore, reports suggest that for many lawyers, advising individuals with advice assistance certificates is not financially sustainable. Consequently, they may decline such requests due to capacity issues or offer only a brief initial consultation without further pursuing the legal matter.

Even minimal consultation fees can deter individuals from seeking help,



underscoring the need for affordable and easily accessible advice services. This is particularly critical for individuals grappling with multiple issues, as the lack of support can leave them feeling overwhelmed and unable to navigate the legal system.



Legal Aid for Court Proceedings

Legal aid for court proceedings in Germany is designed to enable individuals with low incomes or no assets to assert their rights in court or defend against claims. It is essential that everyone has equal access to justice, regardless of their financial circumstances. By ensuring “equality of arms” in legal proceedings, this form of legal aid complements out-of-court advice services and helps uphold the constitutional right to legal protection in accordance with the rule of law as outlined in the Basic Law. However, the implementation of legal aid for court proceedings is often fraught with irregularities.

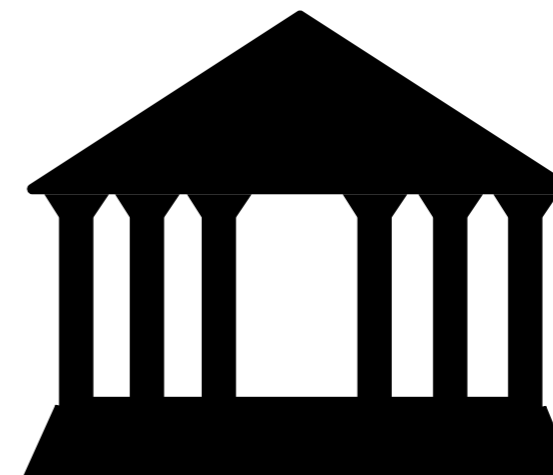
This assistance is applicable in all types of disputes where two parties oppose each other. A critical requirement for granting legal aid is the expectation of success in the planned lawsuit or defense. A case is considered admissible if the court believes it has merit and there is potential for presenting evidence. If a lawsuit seems frivolous – that is, if a reasonable person would not pursue the matter under similar circumstances without such aid – then the claim for legal assistance is typically denied. Additionally, legal aid is not available for the procedural steps necessitated by the application itself or for appeals against the denial of this assistance.

To apply for legal aid, a written application must be submitted with comprehensive facts presented. While it is not mandatory to have a lawyer, seeking legal assistance is highly recommended, as the application demands detailed information. The court subsequently reviews the applicant’s personal and financial circumstances to determine eligibility for the aid.

Once granted, the state treasury covers the associated court costs and fees for assigned lawyers. However, if the applicant loses the case, the fees for the opposing party’s legal representation are not covered by this legal aid, posing a significant financial risk. Moreover, if the applicant’s financial circumstances change after assistance has been granted, the court may adjust the financial obligations. Such adjustments occur only in cases of significant and sustainable changes. After four years, the obligation to repay any assistance received expires. In summary, process cost assistance ensures that access to justice is not hindered by financial barriers and that all citizens can assert their rights in court. However, applicants must disclose their financial situation in detail and demonstrate sufficient prospects of success for their legal request.



Court Proceedings



Courts occupy a central role in the German legal system as key institutions for administering justice. Comprising varying numbers of judges, these courts facilitate the presentation of evidence and conduct hearings, ultimately delivering judgments or rulings based on applicable laws. The justice system is divided into different jurisdictions, including civil, criminal, administrative, labor, social, and tax courts, each addressing distinct areas of law.

Among these jurisdictions, civil law is particularly relevant to many citizens, as it encompasses private legal matters that impact daily life. Typically, the first point of contact for individuals facing civil disputes is the district court. Germany has 638 district courts, twelve of which are located in Berlin. These courts handle the majority of everyday legal conflicts, such as those related to tenancy and purchase disputes. However, district courts serve only as the first instance in legal matters, with the possibility for cases to advance to higher courts, including regional courts, higher regional courts, and the Federal Court of Justice.

Court proceedings can involve a variety of participants, including plaintiffs, defendants, lawyers, assistants, and representatives from consumer advocacy centers and associations. While legal representation by a lawyer is mandatory in certain cases to ensure adequate protection and qualified legal counsel, this requirement does not extend to district courts, except in marriage and family matters. Nonetheless, plaintiffs represented by lawyers generally have a higher likelihood of success in their lawsuits.

Despite being important venues for resolving legal disputes, civil case filings in German courts have been on the decline. Both district and regional courts have experienced a decrease in cases over recent years. This trend



can be attributed to multiple factors, including the growing popularity of alternative dispute resolution methods. Consequently, not all potentially claimable rights are adjudicated in a court setting, reflecting a shift in how individuals approach legal conflicts



Repeat Players

Repeat players are individuals or organizations that frequently engage in legal disputes, while one-shotters are those who rarely encounter legal conflicts. These terms illustrate two ends of a spectrum along which participants in civil disputes often find themselves.

One-shotters typically consist of individuals or organizations with limited resources and little experience navigating the legal system. They often avoid litigation due to the high costs and associated risks, opting instead to assert their rights informally, seek alternative resolutions, or, in some cases, refrain from pursuing their rights altogether.

In contrast, repeat players are usually businesses or entities with extensive knowledge and experience in legal processes. They possess several advantages: they can strategically pursue long-term objectives, efficiently manage multiple legal proceedings with minimal effort, and take on the risks of enforcing their rights since a single loss is unlikely to deter them.

When repeat players and one-shotters confront each other in civil disputes, an unequal power dynamic often emerges. To address this imbalance, tailored advice services and organizations aimed at supporting one-shotters are essential.

Advice centers and legal tech companies can significantly contribute to leveling the playing field. These institutions, which are often repeat players themselves, pool knowledge and resources to assist one-shotters in navigating the legal landscape.

Another effective model for support is the British Law Centre approach, which provides local law offices offering free, accessible, and comprehensive legal advice to citizens.

Despite the increasing availability of advice services, disparities in resources and power between repeat players and one-shotters persist. This asymmetry remains a significant barrier to justice for one-shotters, underscoring the need for ongoing efforts to enhance access to legal support for all individuals.



Outcome of Proceedings



Civil lawsuits can conclude in various ways, each determining how the legal dispute is ultimately resolved. The diversity of possible outcomes highlights the different paths parties can take to settle their disputes. The following outcomes are particularly common in court proceedings:

Contested Judgments

A contested judgment is a decision rendered by the court, typically following an oral hearing. During this process, the court evaluates the parties' applications, along with any objections and arguments, before arriving at a final decision.

Court Settlements

A court settlement allows the parties to resolve their dispute through mutual agreement rather than a court-imposed decision. They reach an acceptable resolution in court, which constitutes both a procedural act and a binding contract, as documented in the court's official record. A court settlement carries the same legal weight as a judgment and effectively concludes the proceedings.

Default Judgments

A default judgment is issued when a party fails to appear at the oral hearing or neglects to take essential procedural steps without a valid justification. In such cases, the court may rule in favor of the other party. The absent party can request to have the judgment overturned by filing an objection, provided they can present valid reasons for their absence. Research indicates that default judgments are the most prevalent form of resolution in purchase and rental disputes in Berlin district courts.



Resolutions under Section 91 lit. a of the German Civil Procedure Code
Under Section 91 lit. a of the German Civil Procedure Code, a resolution occurs when both parties agree to settle the dispute, leaving the court to determine only the costs associated with the proceedings. This process primarily protects the plaintiff, as the dispute is resolved without requiring further input from them.

Withdrawal of the Lawsuit

The plaintiff has the option to withdraw their lawsuit before the oral hearing without needing the defendant's consent. However, after the hearing has commenced, the defendant's consent is necessary for the withdrawal. In this case, the plaintiff is responsible for bearing the procedural costs incurred up to that point.

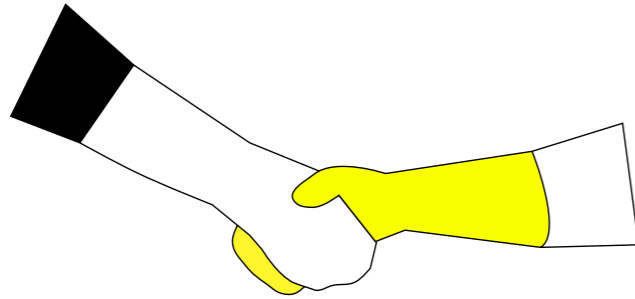
Acknowledgment and Waiver Judgments

An acknowledgment judgment is issued when the defendant fully or partially admits to the claim against them, typically resulting in the defendant bearing the costs of the legal proceedings. Conversely, a waiver judgment occurs when the plaintiff declares their intention to discontinue pursuing the claim, prompting the defendant to request the dismissal of the lawsuit. In such cases, the claim cannot be reasserted in the future.

Each of these outcomes illustrates the complexities of civil proceedings, providing various avenues for resolution that can suit different circumstances and preferences of the parties involved.



Extrajudicial Solutions



Legal disputes can be resolved not only in court but also out of court. This offers an alternative to the often lengthy and costly court proceedings. Extrajudicial solutions allow the parties involved to resolve conflicts and legal disputes amicably and efficiently, often regardless of income and wealth. They can thus be faster, more flexible, and less burdensome than going to court. The Federal Constitutional Court has recognized the importance of extrajudicial legal protection: it has urged the German legislator to strengthen extrajudicial legal protection in the form of advice assistance and to ensure equal access to justice. Regulations need to be made to ensure that legal seekers are not prevented from asserting and enforcing their rights solely for financial reasons.

In the extrajudicial area, there are several places and actors in Berlin: on one hand, there are legal application offices. These are located in the courts and can partly provide their own advice but also refer to other services. The clerks at these offices often inform legal seekers about other extrajudicial options, but they do not sufficiently highlight the full range and diversity of extrajudicial support services.

Additionally, legal advice assistance can be utilized. This is regulated in the German Legal Advice Assistance Act and serves as a legal instrument to promote access to justice and the possibility of extrajudicial solutions. There are also advice centers from associations and civil society organizations. In Berlin, there is a diverse landscape of places that solve legal problems. Legal seekers can find help, especially at tenant associations, consumer offices, or anti-discrimination organizations. Lawyers and migrant self-organizations often work together to support citizens in their search for legal assistance.

The rise of legal tech solutions has also transformed the landscape of

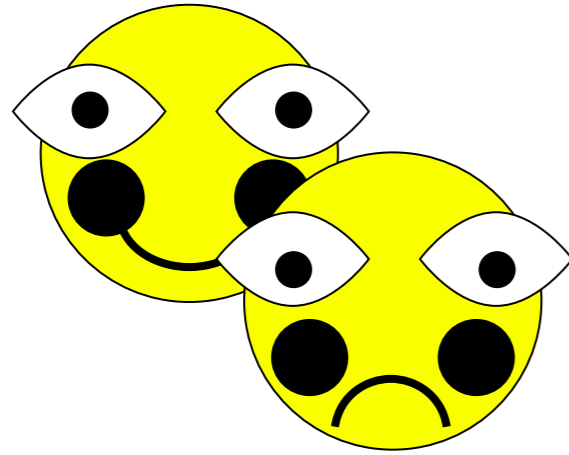


extrajudicial support in recent years. These technologies enhance access to legal information and services, making assistance more accessible for the average individual. The Legal Services Act governs the provision of legal services, ensuring that legal seekers receive competent advice while guarding against unqualified counsel. Furthermore, special provisions exist within other laws to provide tailored support for vulnerable groups, such as asylum seekers and individuals with disabilities, thereby ensuring their unique needs are addressed effectively.

Overall, extrajudicial solutions offer numerous advantages: they are generally quicker, more affordable, and less formal than court proceedings. Moreover, they often lead to individualized outcomes that better address the needs of those involved. As such, extrajudicial legal assistance can contribute to a fairer and more accessible legal system. However, challenges remain in overcoming barriers that limit access to these invaluable resources.



Is the Problem Solved?



The formal resolution of a legal dispute, such as through a court judgment, does not always lead to a resolution of the underlying social issues. Even when legal avenues are exhausted or a settlement is reached with the opposing party, social tensions often persist between the parties involved. This is particularly evident in neighborhood disputes, where court decisions typically address only the symptoms of the conflict, rather than the root causes.

Consequently, the legal system can provide only partial resolutions to these social conflicts, which may result in disappointment for those seeking justice. Moreover, the legal system's inability to address certain issues holistically can significantly affect individuals' perceptions of justice. Even if a decision is legally sound, it may still be viewed as unjust by those impacted, leading to a profound erosion of trust in the judiciary and the broader legal framework. This disconnect between legal outcomes and the actual needs and circumstances of the individuals involved can deter them from asserting their rights in the future.

To achieve sustainable solutions, it is often necessary to adopt a holistic perspective on legal problems that takes into consideration the social dimensions of conflicts. Developing pathways to resolution that are not only legally correct but also socially just and acceptable to all parties can foster stronger trust in the legal system. Such an approach not only enhances individual satisfaction with the outcomes but also promotes social cohesion within the community.

Advice Centers

Advice centers are points of contact for individuals seeking support with legal, social, or financial problems. They often offer free or low-cost advice and are aimed at individuals who cannot afford professional legal representation. Advice centers deal with issues such as tenancy law, consumer questions, or cases of discrimination. They are important actors in the fight against social inequality.

Court

A court is a state institution that resolves legal disputes and makes decisions based on laws. Courts are organized into various jurisdictions, such as civil, criminal, or administrative courts. They ensure that disputes are resolved legally and contribute to the enforcement of rights and obligations.

Court Clerks

Court clerks are officials who assist in courts and public prosecutors' offices. They handle tasks such as processing applications or managing inheritance and enforcement procedures. Court clerks relieve judges and ensure the smooth conduct of procedures.

Dispute Resolution Procedures

A dispute resolution procedure is an alternative to court proceedings where conflicts are resolved out of court. These include mediation, conciliation, or settlement negotiations. Such procedures are often quicker and less expensive and promote amicable solutions between the parties.

Individual Seeking Legal Assistance

Individuals seeking legal assistance are those who require support or information related to legal matters. They may turn to lawyers, advice services, or legal aid offices to resolve their issues. Often, these individuals face legal or bureaucratic challenges that they cannot navigate without help.

Law Centre

A law centre is a non-profit organization that provides free or low-cost legal support. These centres primarily target socially disadvantaged groups and promote access to justice through advice, representation, and education. Law centres are particularly common in the UK.

Law Clinics

Law clinics are university programs where law students provide legal advice under the guidance of instructors or lawyers. They offer free support to individuals who cannot afford legal consultation. At the same time, they provide students with practical experience in dealing with legal cases.

Lawyers

Lawyers represent and advise people on legal issues and proceedings. They help clarify complex legal matters, initiate legal steps, and enforce claims. In addition to representation in court, they also offer out-of-court options, such as mediation or contract negotiations. Lawyers play a significant role in facilitating access to justice, especially for individuals without prior legal knowledge.

Legal Action

Taking legal action refers to the process of presenting legal claims or disputes in a court of law. This mechanism ensures that conflicts are evaluated and resolved by impartial courts. The right to initiate legal action is a fundamental aspect of legal protection, safeguarding individuals' rights and enabling justice to be served.

Legal Aid

Legal aid supports individuals with low income in financing legal proceedings. It covers court costs as well as fees for lawyers when there is a sufficient prospect of success. The goal is to enable all individuals to access justice, regardless of their financial situation.

Legal Application Offices

Legal application offices are points of contact at courts that help citizens formulate and submit applications and claims. They serve as a connection point between citizens and the judiciary and offer support with bureaucratic and legal questions. These offices are often the first point of contact for individuals seeking legal assistance.

Legal Counseling

Legal counseling includes support with legal questions and problems, often provided by lawyers or specialized advice services. It helps individuals understand their rights, plan possible steps, and resolve disputes. Competent advice can be crucial for successfully asserting claims.

Legal Counseling Assistance

Legal counseling assistance allows people with low income to receive legal advice without incurring high costs. It covers out-of-court consultations and support, such as from lawyers or specialized agencies. The application for legal counseling assistance is submitted through the district court and, if approved, is confirmed by a legal counseling certificate. This service promotes equal access to justice.

Legal Counseling Permit

A legal counseling permit is an official document that enables individuals with low income to obtain affordable legal advice and assistance. It is issued by the district court and entitles the holder to utilize legal services or advice offices. With this permit, the recipients typically bear only a small co-payment.

Legal Dispute

A legal dispute arises when two parties have differing claims or opinions regarding a legal issue. It can be settled out of court or decided in court. Legal disputes often involve issues such as contracts, tenancy agreements, or claims for damages.

Legal Expenses Insurance

Legal expenses insurance helps cover the costs of a legal dispute, such as for lawyers, courts, or expert opinions. It provides financial security and allows policyholders to assert their rights without significant financial risk. The scope of benefits varies depending on the insurance policy.

Legal Mobilization

Legal mobilization describes the process in which individuals recognize, demand, and enforce their rights. It includes the use of legal means to advance personal or societal concerns. The goal is to promote access to justice and strengthen legal enforcement.

Legal Proceedings

A legal proceeding is a legal process in which a court decides on a dispute or matter. It includes the filing of complaints, presentation of evidence, and the final judgment. Proceedings can be complex and often require the involvement of lawyers. The aim is to achieve a legally binding solution.

Legal System

The legal system encompasses all institutions, laws, and processes that govern coexistence in a society. It forms the basis for legal enforcement and protects the rights of citizens. A functioning legal system is essential for peace, order, and social justice.

Legal Tech

Legal tech refers to digital solutions that simplify access to justice and make legal services more efficient. Examples include platforms for automated assessment of legal claims, such as for flight delays or terminations. Legal tech primarily assists with standardized cases and makes legal support accessible to a broader population.

Legislator

The legislator is the parliament that enacts laws and defines the legal framework of a society. In Germany, the legislator consists of the Bundestag (Federal Diet) and the Bundesrat (Federal Council). The legislator is responsible for adapting laws to societal developments and protecting the rights of citizens.

Mandatory Legal Representation

Mandatory legal representation means that in certain proceedings, representation by a lawyer is required by law. This applies, for example, in higher courts to ensure that the parties involved are properly represented. Mandatory representation protects against formal errors that could affect the outcome of a case. However, representation by a lawyer is usually not required in district courts, except in family matters.

Protection Orders

A protection order is intended to protect individuals from domestic violence or stalking. Affected individuals can apply through the courts for measures such as contact bans or assignment of housing. These applications are often associated with high emotional burdens and require a precise presentation of the situation.

Rule of Law

The rule of law guarantees that all citizens are equal before the law and that state actions are based on legal principles. It protects individual rights and ensures that the judiciary remains independent and impartial. The rule of law is a central principle of democratic societies.

About the Project

“Paths to Justice” addresses the question of how science communication can be presented through design strategies that enable diverse audiences outside of academic circles to better understand scientific concepts. This is particularly important in the social sciences, where socially and politically relevant issues are discussed.

The social and political dimension of the project is also clearly reflected in the question of whether all Berlin citizens have equal access to the law. Thus, the Master’s project “Paths to Justice” aims to make the findings from the second phase of the research project “Access to Justice in Berlin” accessible to people outside of academia to inform them and enable their active participation.

“Paths to Justice” was developed as part of Sophie Pischel’s Master’s degree in Visual Communication (Information Design class) at the Berlin University of the Arts. It was created in collaboration with the research group “Law and Governance in the Context of Social Inequalities” at the Berlin Social Science Center (WZB) as part of the Visual Society Program and under the supervision of Professor David Skopec, Professor Franziska Morlok, and Professor Bianca Herlo.

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Code: Florian Schimanski

Fonts: Ruder LL, ABC Monument Grotesk, IBM Plex Mono

About the Research Project “Access to Justice”

The research team at the Berlin Social Science Center (WZB) have been investigating since the end of 2020 whether Berlin citizens have equal access to law and justice. The researchers examine various legal, institutional, material, and social barriers that influence access to courts and the enforcement of rights. The aim of the project is to gain well-founded scientific insights into legal access and to develop concrete recommendations for the Berlin Senate Department for Justice and Consumer Protection to improve access to justice for all.

International organizations such as the United Nations, the OECD, and the EU regularly call on member states to review and improve the effectiveness of legal protection, especially for disadvantaged social groups. However, there have been only a few current studies in Germany on the workings of the judiciary and access to law. Earlier studies indicate that access to justice is unevenly distributed due to various barriers. The study pays particular attention to possible inequalities based on ethnic origin, racist attributions, and social status differences.

A particular research focus is on areas of civil law that are relevant to everyday life, such as tenancy and consumer protection law, as well as access to justice for victims of domestic violence. The study uses a variety of methodological approaches, including guided interviews, focus groups, participant observation and statistical analysis of judicial and administrative statistics.

During the Master’s project, the following individuals worked on the research project:

Prof. Dr. Michael Wrase (Project Leader), Paula Edling (Project Coordinator), Philipp Günther, Jannis Hertel, Dr. Lisa Hahn, Johanna Behr, Luise Freitag, Moritz Fischer, Charlotte von Lampe, Julx Krause, Anja Liebig, Lilly Allegra-Hickisch



Berlin Social Science Center



The project was created in cooperation between WZB and UdK as part of the „Visual Society Program.“
The WZB is a member of the Leibniz Association.



More information and case studies on:

www.wege-zum-recht.de/en