Oñati Socio-Legal Series (ISSN: 2079-5971)
Oñati International Institute for the Sociology of Law
Avenida Universidad, 8 Apdo. 28
20560 Oñati, Gipuzkoa, Spain
Tel. (+34) 943 783064 / opo@iisj.net / https://opo.iisj.net

Granted on paper, undermined in practice: Fee waivers and access to civil justice in Chile

OÑATI SOCIO-LEGAL SERIES FORTHCOMING
DOI LINK: HTTPS://DOI.ORG/10.35295/OSLS.IISL.2614
RECEIVED 10 FEBRUARY 2026, ACCEPTED 14 MAY 2026, FIRST-ONLINE PUBLISHED 28 MAY 2026

LEONEL GONZÁLEZ POSTIGO[1]
DANIEL SANZANA GONZÁLEZ[2]

Abstract

This study provides the first systematic empirical assessment of the privilegio de pobreza (poverty privilege) in Chilean civil procedure. Using a mixed-methods design, we analyzed 326 case files from 99 first-instance courts (2020-2024) and conducted 24 semi-structured interviews with judges, attorneys, and users. Our sample focuses on aided litigants who successfully obtained legal representation, allowing us to examine implementation barriers rather than initial access barriers. Our findings reveal a paradox: while the formal grant rate reaches 100%, practical effectiveness is undermined by implementation gaps. In 11.7% of cases, court auxiliaries charged fees despite judicial authorization. Median time for executing procedural acts (23 days) substantially exceeded time for granting the benefit (7 days). Qualitative data identified three gap dimensions: implementation failures by court auxiliaries, lack of uniformity across public institutions, and information asymmetries. These findings suggest that fee waivers operate as incomplete guarantees requiring complementary institutional reforms.

Key words

Access to justice, fee waivers, civil procedure, legal aid, empirical legal studies

Resumen

Este estudio ofrece la primera evaluación empírica sistemática del «privilegio de pobreza» en el proceso civil chileno. Mediante un diseño de métodos mixtos, analizamos

The authors wish to thank Michel Ocampo, Krishna Gómez, and Sofía Brito, research assistants at the Department of Procedural Law and Conflict Resolution, Faculty of Law, Universidad Alberto Hurtado, for their valuable assistance in the case file review process.
[1] Leonel González Postigo (Corresponding author). Faculty of Law, Universidad Alberto Hurtado, Santiago, Chile. Email: lgonzalezp@uahurtado.cl ORCID: https://orcid.org/0000-0001-7924-7791
[2] Daniel Sanzana González. Faculty of Law, Universidad Alberto Hurtado, Santiago, Chile. Email: dsanzana@sysabogados.cl ORCID: https://orcid.org/0009-0003-7748-1463

326 expedientes de 99 tribunales de primera instancia (2020-2024) y realizamos 24 entrevistas semiestructuradas a jueces, abogados y usuarios. Nuestra muestra se centra en litigantes asistidos que obtuvieron con éxito representación legal, lo que nos permite examinar las barreras de implementación en lugar de las barreras de acceso inicial. Nuestros hallazgos revelan una paradoja: mientras que la tasa de concesión formal alcanza el 100 %, la eficacia práctica se ve socavada por las deficiencias en la implementación. En el 11,7 % de los casos, los auxiliares judiciales cobraron tasas a pesar de la autorización judicial. El tiempo medio para la ejecución de los actos procesales (23 días) superó sustancialmente el tiempo para la concesión de la prestación (7 días). Los datos cualitativos identificaron tres dimensiones de deficiencias: fallos en la aplicación por parte de los auxiliares judiciales, falta de uniformidad entre las instituciones públicas y asimetrías de información. Estos hallazgos sugieren que las exenciones de tasas funcionan como garantías incompletas que requieren reformas institucionales complementarias.

Palabras clave

Acceso a la justicia, exención de tasas, procedimiento civil, asistencia jurídica gratuita, estudios jurídicos empíricos

Table of contents

1. Introduction 4
  1.1. The privilegio de pobreza in the Chilean procedural system 4
  1.2. Regulatory gaps and research deficit 5
  1.3. Research objectives and article structure 6
2. Theoretical and comparative framework 6
3. Research design and methods 10
  3.1. Identification strategy and research design 11
  3.2. Data collection: Case file review 12
  3.3. Data collection: Semi-structured interviews 13
  3.4. Data analysis 15
4. Empirical findings 16
  4.1. Grant rates and consistency of judicial decisions 16
  4.2. Effects on procedural timelines 18
  4.3. Disparities by litigant profile and litigation outcomes 20
  4.3.2. Execution times by type of representation 21
  4.4. Synthesis of findings 22
5. Discussion and conclusions 22
  5.1. Key findings and their relationship to research hypotheses 22
  5.2. The gap between normative design and actual functioning 23
  5.3. Implications for access to justice theory 25
  5.4. Implications for judicial policy and procedural reform 26
  5.5. Study limitations 28
  5.6. Future research directions 29
  5.7. Conclusion 30
References 30
  Case law 33
  Legal sources 33

1. Introduction

The Chilean legal system, through its Fundamental Charter, enshrines the right to judicial protection (García *et al.* 2014). This entails the recognition of a prestational right that obliges the State to provide due legal protection, ensuring the equal exercise of rights before the law. It proscribes self-help and guarantees a response to claims of legal rights and legitimate interests, with the authority of res judicata and the coercive efficacy required to satisfy fundamental rights.

The right to judicial protection is derived from the interpretation of Article 19, No. 3, subsection 1 of the Chilean Magna Carta, where the essential element is the confluence of all legal prerequisites that make this protection of rights and interests effective and which operate independently of the process (García *et al.* 2014).

It should be noted that this right has two dimensions: i) adjective; and ii) substantive. The former relates to the function it provides to other areas of law (constitutional, labor, commercial, etc.). The latter, according to the Chilean Constitutional Tribunal, relates to an autonomous fundamental right, the purpose of which is to ensure that individuals have access to the judicial process as the ordinary means of resolving legal conflicts, which constitutes a minimum requirement of any Rule of Law (STC R. 815-08).

One of these minimum requirements is the right to equality between the parties, which emanates from Due Process. This right mandates the jurisdictional body to treat the parties in a process equally, in the sense that if a differential treatment were to exist, it must not be based on arbitrariness. If it were based on arbitrariness, there would be a serious infringement of the constitutional order. In this context, a distinction based on sex, gender, social position, social or national origin, etc., would be considered an arbitrary difference (STC R. 977-07).

1.1. The privilegio de pobreza *in the Chilean procedural system*

In this sense, the Chilean legislator has implemented the institution of the *privilegio de pobreza* (literally, "poverty privilege") in the Chilean procedural legal system. The regulation of this institution is scattered across different legal bodies, three of which can be highlighted: i) the Organic Code of Courts (*Código Orgánico de Tribunales*); ii) the Code of Civil Procedure (*Código de Procedimiento Civil*); and iii) Decree-Law 2,399 of 1977.

In none of these three laws did the legislator establish a definition of the *privilegio de pobreza*. However, it can be doctrinally defined as: the benefit established by law or judicial authority as a subsidy for persons of limited means, so that they may be assisted free of charge by appointed lawyers, attorneys-in-fact, and court receivers (*receptores judiciales*: court officials responsible for serving judicial notifications and executing procedural acts outside the court secretary's office), and they enjoy the other exemptions indicated by law (Chávez 2021).

In Title XVII "On Judicial Assistance and the *Privilegio de Pobreza*" of the Organic Code of Courts (COT), there are 11 normative provisions regulating matters related to the *privilegio de pobreza*. Throughout these provisions, we find (Chávez 2021):

1. That the *privilegio de pobreza* can be granted *ex lege* (by operation of law) or through a declaration by judicial decision.

2. The courts of first instance have jurisdiction to hear requests of this nature.
3. Persons granted the privilege shall have the right to be served free of charge by judicial officials, by lawyers, attorneys-in-fact, and subordinate officers designated to provide services to indigent litigants.
4. Litigants are exempt from the payment of fines, except if the litigant has acted in a notoriously malicious manner.
5. If the proceedings result in a secondary annotation in the Civil Registry records, the person shall not be required to pay the fees, provided it corresponds to one of the secondary annotations established between numbers 14 and 22 of Article 10 of Law No. 6,894 of 1941.
6. Holding a *privilegio de pobreza* shall be considered a legal presumption.
7. If the indigent litigant obtains some gain from the lawsuit, they will be obliged to allocate 10% of what was obtained to pay the incurred fees and costs.
8. It is the obligation of the judges of first instance to appoint monthly, by turn and among those not exempt, a lawyer to defend the civil and labor cases of those persons who have obtained or should enjoy the *privilegio de pobreza*.
9. The obligation of lawyers to provide defense free of charge until the conclusion of the cases of indigent persons assigned to them.
10. The lawyers who are exempt from the obligation to represent persons who have obtained or should enjoy the *privilegio de pobreza*.
11. Persons represented by the CAJ (*Corporación de Asistencia Judicial*) and/or by any public or private entity intended to provide free legal and judicial assistance shall enjoy *ex lege* the benefits established in the second and third subsections of Article 591.

In Title XIII "On the *Privilegio de Pobreza*" of the Code of Civil Procedure (CPC), there are 9 normative provisions aimed at regulating the *privilegio de pobreza* within a process. In this regard, it can be stated that the processing of the benefit is via an incidental motion, and the special incident of *privilegio de pobreza* aims to establish the mechanism by which the judge hears and rules on the admissibility of the privilege.

Finally, Decree-Law 2,399 of 1977, extended the benefit of the *privilegio de pobreza* to persons represented by certain legal clinics of some Law Faculties in the country. Currently, the provisions of this decree must be interpreted extensively, since at the time of its publication there was a small number of law faculties in the country that could represent persons of limited means.

1.2. Regulatory gaps and research deficit

In short, it is possible to observe that there is scarce regulation regarding the *privilegio de pobreza* in Chile, since the legislator only established the rules for granting the benefit, the persons who could access it, and the penalty that would exist if it is used in a notoriously malicious manner. However, it does not provide for a procedure or sanction against an official who unjustifiably delays the performance of a procedural act because they have to serve a person free of charge.

At the same time, it should be noted that the word "poverty" (*pobreza*) is only mentioned nine times in the Organic Code of Courts and eleven times in the Code of Civil Procedure.

In national legal doctrine, little or nothing has been studied about the *privilegio de pobreza* in the procedural legal system. We would venture to suggest that it is only mentioned when dealing with incidental motions.

Likewise, there are no systematic empirical studies that account for whether the *privilegio de pobreza* fulfills its function of facilitating the representation of legitimate interests in a judicial process.

1.3. Research objectives and article structure

This study addresses these gaps by conducting the first systematic empirical investigation of the *privilegio de pobreza* in Chilean civil procedure. We pursue three core objectives:

First, we analyze whether the privilege fulfills its normative purpose of facilitating access to civil justice for low-income litigants. This requires examining grant rates, the consistency of judicial decision-making across courts and case types, and whether the privilege effectively removes initial economic barriers.

Second, we measure the privilege's impact on procedural timelines and litigation outcomes. Specifically, we assess whether the granting of the privilege affects the speed of case resolution, the likelihood of obtaining favorable initial rulings (such as admission of complaints), and the continuity of proceedings through trial or settlement.

Third, we derive implications for judicial policy and civil procedural reform. By identifying patterns of success, failure, and variation in the application of the *privilegio de pobreza*, we aim to provide evidence-based recommendations that can inform not only Chilean reforms but also policy discussions in other civil law jurisdictions with analogous fee waiver mechanisms.

The remainder of this article proceeds as follows. Chapter 2 situates the *privilegio de pobreza* within a broader theoretical and comparative framework, drawing on international scholarship on access to justice, fee waivers, and legal aid systems. Chapter 3 describes our mixed-methods research design, including case file review, quantitative analysis, and semi-structured interviews with judges, litigants and users. Chapter 4 presents our empirical findings, organized around grant rates, procedural effects, and outcome disparities. Chapter 5 discusses the implications of our findings for theory, policy, and practice, and identifies limitations and directions for future research.

2. Theoretical and comparative framework

Access to justice constitutes a structural guarantee of the rule of law: it is not reduced to the mere formal possibility of filing a lawsuit, but rather requires removing material obstacles—particularly litigation costs—that prevent individuals from effectively exercising their rights. This concern, framed as the transition from "rights on paper" to "rights in action," has been at the center of the comparative access to justice movement since Cappelletti and Garth's *Access to Justice* project (1978).

In the contemporary international agenda, the persistence of economic barriers is widely documented. The OECD has emphasized that people-centered justice requires affordable and needs-adapted services (OECD 2019), while the World Justice Project has quantified a "justice gap" affecting billions of people with unmet legal needs (World

Justice Project 2019). These findings reinforce the idea that cost relief mechanisms are not accessory complements but indispensable components for making access to justice effective.

From a normative standpoint, fee waivers are grounded in two pillars. The first is due process, which at the international level is enshrined in Article 6 of the European Convention on Human Rights and in Article 14.1 of the International Covenant on Civil and Political Rights, which expressly establishes that "all persons shall be equal before the courts and tribunals." In both instruments, equality of arms appears as an essential component of due process, aimed at preventing resource inequalities from distorting the adversarial contest (*Dombo Beheer B.V. v. Netherlands*, ECHR 1993; *Steel and Morris v. United Kingdom*, ECHR 2005). European case law has shown that the denial of legal assistance in complex cases can produce serious imbalances and thus violate the right to a fair trial.

In Chile, the Constitution does not explicitly recognize equality of arms; however, as Hunter (2011) explains, it can be understood as a normative projection of the general principle of equality before the law provided in Article 19 No. 2 of the Constitution (Couture 1942, Hunter 2011, Vargas and Fuentes 2017).

The second pillar is effective judicial protection, understood as the right to obtain suitable judicial remedies. Articles 8 and 25 of the American Convention on Human Rights require not only formal procedures but also real remedies before competent courts. The Inter-American Court of Human Rights has been clear in pointing out that disproportionate fees and costs can constitute an illegitimate obstacle to accessing justice, as established in the case of *Cantos v. Argentina* (2002). This reinforces the need to provide exemption mechanisms that ensure homogeneous and predictable access.

In the Chilean context, Article 19 No. 3 of the Constitution guarantees the right to defense, while the privilege of poverty regime is regulated in Title XVII of the Organic Code of Courts (arts. 591 to 602), which establishes that the benefit must be judicially declared and that its effects include cost exemption. This normative framework makes fee waivers a fundamental instrument to ensure that access to justice has practical viability from the outset of the civil process.

Regional evidence on unmet legal needs confirms the centrality of economic barriers as an impediment to activating and sustaining legal claims. Recent studies conducted in Latin America (González Postigo *et al.* 2025), together with diagnostics from CEJA (Bocardo *et al.* 2019) and Dejusticia (La Rota *et al.* 2014), demonstrate the need for data-driven policies that can close the gap between the normative proclamation of the right of access and its actual exercise. Thus, fee waivers are not presented as an exceptional privilege but as a tool of distributive justice, designed to balance the conditions of individuals' participation in the judicial process.

In the legal systems of Europe and North America, fee waivers and free legal aid have been the subject of extensive empirical research, which allows for analysis of their impact on reducing economic barriers and on the effectiveness of judicial systems.

One of the pioneering works is that of Abel and Vignola (2010), who systematize available evidence on the benefits of civil legal assistance, highlighting that these translate not only into improvements for users—such as access to social benefits, protection against evictions or domestic violence—but also into institutional savings and broader social benefits.

Complementarily, the World Bank published *A tool for justice: The cost–benefit analysis of legal aid* (2020), which compiles more than 50 international studies evaluating the cost-benefit of legal assistance systems. Its central conclusion is that the social and economic benefits derived from these mechanisms far exceed their implementation costs.

Rhode *et al.* (2018) have analyzed limited legal assistance programs in highly vulnerable contexts, showing that even partial interventions—such as assistance in filling out forms or in preliminary stages of the process—can have relevant effects in overcoming access barriers. These findings have revived discussion about the design of differentiated legal aid schemes according to the type of legal need.

The *Global Study on Legal Aid*, prepared by UNODC and UNDP, offers a panoramic perspective on legal assistance systems in more than 100 countries, detailing financing models, eligibility criteria, and frequency of cost exemptions. This report has served as input for comparative policy recommendations and as a reference framework for national reforms (UNODC and UNDP 2016)

Finally, economic impact studies in specific jurisdictions reinforce this evidence. In the United States, for example, a 2017 study in Florida estimated that each dollar invested in legal aid generated a return of seven dollars in social and economic benefits, including increases in family income, housing stability, and reduction of public costs in areas such as health or social services (Florida Bar Foundation 2017).

Collectively, this literature shows that fee waivers and free legal assistance serve a crucial function in ensuring that access to justice is not restricted by individuals' economic capacity, and that they also generate redistributive and social benefits that exceed the individual scope of litigation.

The literature on fee waivers and free legal assistance has revealed that, while these mechanisms constitute indispensable tools for removing economic barriers to access to justice, their practical effectiveness faces a series of tensions and limitations.

A first tension stems from the distance between the ratio legis and practical implementation. In several comparative systems, the granting of fee waivers depends on discretionary judicial criteria, which generates heterogeneity in their application and, occasionally, contradictory decisions in similar cases (Rhode 2004, UNODC and UNDP 2016). This phenomenon reflects the difficulty of translating a normative mandate into homogeneous results and highlights the importance of clear guidelines to reduce variability.

Another recurring tension relates to the limited scope of the benefit. Even when exemption eliminates a relevant obstacle, it does not by itself ensure equality of arms. Legal representation costs and procedural complexity continue to operate as significant barriers. In this sense, empirical studies in the United States show that simple access to courts without legal assistance tends to generate unfavorable outcomes for low-income litigants (Sandefur 2014). The case law of the European Court of Human Rights, in cases such as *Steel and Morris v. United Kingdom* (2005), reinforces this finding by holding that the lack of legal assistance in complex litigation can produce an inequality of arms incompatible with the right to a fair trial.

The literature has also identified problems in the processing time of applications. In Latin America, diagnostics such as those from the Justice Studies Center of the Americas (Centro de Estudios de Justicia de las Américas—CEJA; see Bocardo *et al.* 2019) and Dejusticia (see La Rota *et al.* 2014) show that economic barriers and procedural complexity continue to be perceived by citizens as factors that restrict access to justice. That is, the benefit may arrive late and lose effectiveness as an initial relief measure.

An additional debate arises around the financial sustainability of legal assistance systems. The World Bank (2020) and the WJP (2019) have shown that legal aid can be cost-effective in social terms; however, in middle- or low-income countries, allocated budgets tend to be insufficient and vulnerable to political cycles. This strains the viability of maintaining stable and universal programs and raises the question of whether hybrid financing models or targeted schemes are required.

Finally, in the Latin American region, studies of unmet legal needs (González Postigo *et al.* 2025) have revealed that, even when formal exemption mechanisms exist, citizen perception is that costs continue to constitute a significant barrier. This gap between norm and social experience highlights the importance of measuring the impact of these institutions not only in formal terms but in their actual capacity to transform citizens' relationship with civil justice.

Collectively, these tensions show that fee waivers and free legal assistance, though fundamental, are not sufficient by themselves to guarantee full access to justice. The challenge lies in articulating these benefits with procedural reforms, uniform application criteria, and public policies that ensure their sustainability.

Two theoretical frameworks are particularly useful for understanding why formally enacted rules—such as fee waivers—often fail to achieve their intended effects. The first is Michael Lipsky's theory of street-level bureaucracy (2010). Lipsky argues that public service workers who interact directly with citizens—teachers, police officers, social workers, and, we suggest, court auxiliaries—exercise substantial discretion in implementing policy. Operating under conditions of high caseloads, ambiguous goals, and inadequate resources, these "street-level bureaucrats" develop routines, shortcuts, and informal practices that may diverge significantly from official policy. The cumulative effect of their individual decisions can redirect policy in ways that undermine formal mandates. Lipsky's framework invites attention to the incentives, constraints, and coping mechanisms of front-line implementers rather than assuming automatic compliance with enacted rules.

The second framework emerges from comparative research on institutional weakness in Latin America. Brinks *et al.* (2019, 2020) argue that institutions vary not only in their formal design but in the degree to which they actually matter for social, economic, or political outcomes. They distinguish three forms of institutional weakness: *insignificance* (rules are followed but do not affect behavior), *non-compliance* (rules are not enforced or actors do not cooperate with them), and *instability* (rules change frequently). This typology is valuable because it disaggregates "weakness" into analytically distinct phenomena with different causes and remedies. For fee waiver mechanisms, the relevant form of weakness is likely non-compliance: the rules exist and are formally applied, but actors in the implementation chain—particularly court auxiliaries—fail to adhere to them in practice.

Together, these frameworks suggest that the effectiveness of access-to-justice mechanisms cannot be assessed solely by examining their normative design or formal grant rates. Attention must be paid to the behavior of street-level implementers, the incentive structures they face, and the degree to which formal rules translate into actual practice. Our empirical analysis is designed to capture precisely this gap between formal design and practical functioning. From the normative and international review, several hypotheses emerge that will guide the empirical analysis of this work. First, it is anticipated that the granting of the fee waiver benefit is not uniform but varies according to factors such as the court in which the case is filed and the subject matter of the litigation. This would reflect the existence of non-homogeneous application criteria, which may affect the predictability of access.

Second, it is proposed that the granting of the benefit affects procedural timelines. Cases in which exemption is granted are expected to register shorter resolution times for applications and shorter effective execution times for procedural acts, in contrast to those in which the benefit is rejected or granted partially.

A third hypothesis points to procedural outcomes. The granting of the benefit should increase the probabilities of obtaining an initially favorable outcome, particularly the admission of the complaint for processing and the continuity of the process, which confirms its function as an effective guarantee of access.

Finally, the litigant's profile must be considered. It is plausible that there are differences in grant rates and in the practical effects of the benefit among cases handled by the Legal Clinic, the Judicial Assistance Corporation, and private attorneys. If these differences are verified, they would reflect inequalities in access to justice according to the representation channel, with relevant implications for public policies and the design of procedural reforms.

In summary, the normative and comparative review shows that fee waivers and analogous exemption mechanisms serve a fundamental function in reducing economic barriers, but their effectiveness depends on various institutional and practical factors. Based on this framework, we have formulated specific hypotheses about the granting of the benefit, its effects on procedural timelines, initial outcomes, and differences according to litigant profile. The following section details the empirical methodology designed to test these hypotheses, based on systematic review of judicial records, Legal Clinic records, and semi-structured interviews with key actors in Chile.

3. Research design and methods

This study employs a mixed-methods research design that combines systematic quantitative analysis of judicial case files with qualitative semi-structured interviews. This methodological approach allows us to examine not only the patterns and outcomes associated with the *privilegio de pobreza* but also the perspectives and experiences of the key actors involved in its application. By integrating both quantitative and qualitative data, we aim to capture the full complexity of how this procedural mechanism operates in practice and whether it effectively fulfills its normative function of facilitating access to civil justice.

3.1. Identification strategy and research design

Studying the operation of fee waiver mechanisms in civil procedure presents significant methodological challenges. Unlike criminal proceedings, where public defense systems are often centralized and systematically documented, civil legal aid in Chile operates through multiple channels—including university legal clinics, the *Corporación de Asistencia Judicial* (CAJ), and private attorneys handling pro bono cases—without centralized data collection or reporting requirements. Moreover, case outcomes and procedural timelines depend on numerous factors beyond the granting of the privilege, including case complexity, judicial caseload, and attorney experience.

Our research design addresses these challenges through two complementary strategies. First, we conduct a systematic review of judicial case files to identify patterns in grant rates, procedural timelines, and case outcomes. This quantitative component allows us to measure observable differences between cases in which the privilege was granted, denied, or partially granted, and to compare outcomes across different types of legal representation. Second, we supplement this analysis with in-depth qualitative interviews with judges, litigants, and users of the civil justice system. These interviews provide essential context for interpreting quantitative findings and reveal the subjective experiences and decision-making processes that shape the privilege's operation in practice.

The combination of methods responds to a fundamental limitation: judicial files capture formal procedural events but do not reveal the reasons behind judicial decisions, the obstacles litigants face, or the strategic considerations attorneys employ. Conversely, interviews provide rich contextual insight but may be subject to recall bias or represent atypical experiences. By triangulating across data sources, we strengthen the validity of our findings and provide a more complete picture of how the *privilegio de pobreza* functions in Chilean civil procedure (Creswell 2009).

The adoption of a mixed-methods approach responds not only to practical considerations but also to epistemological commitments about how legal institutions can best be understood. Following the pragmatist tradition in social research, we reject the notion that quantitative and qualitative methods are inherently incompatible paradigms, and instead embrace their complementary potential for illuminating different facets of social phenomena (Tashakkori and Teddlie 2010). In the study of legal institutions, this integration is particularly valuable because law operates simultaneously as a formal system of rules—amenable to quantitative measurement—and as a set of social practices shaped by meaning, interpretation, and power—requiring qualitative exploration (Suchman and Mertz 2010).

Our design draws on what Creswell and Plano Clark (2017) term an "explanatory sequential design," in which quantitative data collection precedes qualitative inquiry, and the latter serves to explain, contextualize, and deepen the patterns identified in the former. However, we depart from a strictly sequential approach by allowing for iterative dialogue between both components: preliminary quantitative findings informed the development of interview protocols, while emergent themes from early interviews guided further exploration of case file data. This iterative process reflects the understanding that mixed-methods research is not merely the addition of two separate studies but the integration of multiple forms of evidence into a coherent analytical framework (Fetters *et al.* 2013).

The study of access to justice mechanisms presents particular methodological challenges that justify this integrated approach. As Pleasence and Balmer (2014) have noted, legal needs and access to justice are complex phenomena that cannot be adequately captured through any single method. Survey-based approaches risk imposing researcher-defined categories on experiences that may not fit predetermined frameworks, while purely qualitative studies may lack the scope necessary to identify systematic patterns. By combining case file analysis—which provides objective measures of procedural events and timelines—with in-depth interviews—which reveal subjective experiences, decision-making rationales, and informal practices—we aim to produce findings that are both generalizable and contextually grounded.

3.2. Data collection: Case file review

We reviewed a systematic sample of 326 civil cases filed in Chilean courts between 2020 and 2024. The sample covered 99 civil courts of first instance distributed across the national territory, ensuring geographic representation beyond the capital. Cases were selected to include different types of legal representation (a University Legal Clinic, CAJ, and private attorneys) and various subject matters (family law, property disputes, contract claims, and other civil matters).

For each case, we extracted six key variables designed to test our core hypotheses regarding grant rates, procedural effects, and outcome disparities: (1) subject matter of litigation; (2) type of litigant representation (Legal Clinic, CAJ, or private attorney); (3) disposition of the privilege application (granted, partially granted, or denied); (4) time elapsed from application to judicial decision (measured in days); (5) effective time for execution of the procedural act; and (6) final or current status of the case (e.g., dismissed, settled, judgment issued, ongoing).

It should be noted that the variable "case status" captures whether proceedings concluded, remain pending, or were suspended, but does not capture substantive outcomes—that is, whether the ruling was favorable or unfavorable to the plaintiff. This limitation reflects the structure of available case file data, which reliably records procedural milestones but does not systematically code case outcomes in terms of success or failure for the parties. As discussed in Section 5, this constrains our ability to fully test hypotheses regarding the privilege's impact on litigation outcomes.

The data collection instrument was pilot-tested with a subsample of 20 cases to ensure consistency and reliability across coders. Three research assistants independently coded a subset of cases to assess inter-rater reliability, with discrepancies resolved through discussion and refinement of coding guidelines. Access to case files was obtained through the online public access portal of the Chilean Judiciary (Poder Judicial de Chile), which provides digitized case records for civil proceedings.

It is important to acknowledge what this research design can and cannot capture. Our sample consists of cases in which a *privilegio de pobreza* application was filed—whether by the Legal Clinic, CAJ, or private attorneys. This means that all sampled litigants had already overcome the initial barrier of filing a claim and obtaining some form of legal assistance. Our design allows us to examine with precision how the privilege operates once activated, but it cannot speak to the population of potential beneficiaries who never initiate legal proceedings in the first place—whether due to lack of information, inability to access legal representation, or other barriers. The finding that users were unaware of the privilege before accessing legal aid (discussed in Section 4) underscores this limitation: our quantitative data comes from litigants who successfully entered the system. Future research employing population surveys could complement this study by estimating the size and characteristics of the population with unmet legal needs who never reach the courts.

This sampling strategy has both strengths and limitations. By focusing on cases with identifiable legal representation across three distinct channels, we ensure comparability and can detect systematic differences in how the privilege operates depending on the type of attorney involved. However, we acknowledge that our sample may not fully capture temporal variation in judicial practices, as grant rates and procedural timelines may have shifted during the 2020-2024 period due to institutional reforms or external factors such as the COVID-19 pandemic. Additionally, while we sought geographic diversity across courts nationwide, variation in local judicial cultures and caseload pressures may influence outcomes in ways that our sample size does not fully capture.

3.3. Data collection: Semi-structured interviews

Between October and November 2025, we conducted 24 semi-structured interviews with three distinct groups of participants: (1) six civil court judges of first instance; (2) ten litigating attorneys, comprising five attorneys affiliated with a University Legal Clinic and five private attorneys; and (3) eight users of the civil justice system who had applied for or been represented under the *privilegio de pobreza*.

Interviews were conducted in three jurisdictions—Santiago, Valparaíso, and Concepción—chosen for their status as Chile's largest urban centers and their concentration of civil litigation activity. While we sought to distribute interviews evenly across jurisdictions, practical considerations resulted in a higher concentration of interviews in Santiago, where access to judicial officials and legal aid organizations was more readily available. Each interview lasted between 45 and 90 minutes and was audio-recorded with the informed consent of participants. All interviews were conducted in Spanish, transcribed verbatim, and anonymized to protect participant confidentiality.

We developed tailored interview protocols for each participant group, informed by the theoretical framework and hypotheses outlined in Chapter 2. For judges, questions focused on their interpretation of legal criteria for granting the privilege, the factors they consider in evaluating applications, the degree of discretion they perceive in decision-making, and their observations regarding the privilege's impact on case duration and outcomes. For attorneys, we inquired about their experiences with the frequency and predictability of privilege grants, the perceived criteria influencing judicial decisions, the practical effects of obtaining the privilege on case progression, and recommendations for procedural reform. For users, questions explored their motivations for seeking free legal assistance, their understanding of the privilege and how it was explained to them, their perceptions of whether the privilege facilitated or hindered their case, and any economic obstacles they encountered during litigation.

Interview participants were recruited through a combination of purposive and snowball sampling. Judicial officials were contacted directly through formal institutional channels. Attorneys were identified through professional networks and legal aid organizations. Users were recruited with the assistance of a University Legal Clinic, which provided contact information for former clients who had consented to participate in research activities. All participants were informed that their participation was voluntary and that they could withdraw at any time.

Regarding sample size and saturation, our approach was informed by methodological research on qualitative sampling. Guest *et al.* (2006) found that thematic saturation occurred within twelve interviews in studies with relatively homogeneous populations, while Hennink *et al.* (2017) suggest that meaning saturation—capturing not just the range of themes but their nuances and dimensions—typically requires 16 to 24 interviews. Given that our study involved three distinct participant groups across three cities, we targeted 24 interviews to ensure adequate coverage. During data collection, we monitored emerging themes iteratively. By the final interviews in each category, respondents were largely reinforcing previously identified patterns rather than introducing novel perspectives—particularly regarding the three core dimensions of the implementation gap. While saturation remains a contested concept, we are confident that our sample provides sufficient depth to characterize how the privilege operates in practice.

The study was conducted in accordance with ethical guidelines for research involving human subjects. All interview participants provided informed consent after receiving detailed information about the study's objectives, the voluntary nature of participation, confidentiality protections, and the right to withdraw at any time without consequence. Interview recordings and transcripts were stored in encrypted files accessible only to the research team, and all identifying information was removed during the transcription process.

Particular attention was paid to the ethical considerations arising from the inclusion of vulnerable populations among our interview participants. Users of free legal assistance services often face economic hardship and may have had negative experiences with institutional actors, which could affect their willingness to speak candidly or their perception of potential consequences from participation. To address these concerns, we emphasized the independence of the research from any judicial or legal aid institution, assured participants that their responses would not affect their ongoing cases, and offered the option to conduct interviews in locations of their choosing. We also remained attentive to signs of discomfort during interviews and offered to pause or terminate sessions when appropriate (Corbin and Morse 2003).

The positionality of the research team also merits acknowledgment. Several members of the team have professional experience in legal aid settings, which provided valuable insider knowledge for understanding the institutional dynamics under study but also required reflexive attention to potential biases. We addressed this through regular team debriefings in which we critically examined our interpretations and sought disconfirming evidence for emerging findings (Berger 2015). The diversity of professional backgrounds within the team—including academic researchers without legal aid experience—provided an additional check against insider assumptions.

3.4. Data analysis

Quantitative data from case file reviews were analyzed using descriptive statistics and bivariate comparisons to assess differences in grant rates, procedural timelines, and case outcomes across types of legal representation, subject matter, and jurisdiction. We employ chi-square tests to evaluate the statistical significance of observed differences in categorical outcomes (e.g., privilege granted vs. denied) and t-tests or non-parametric equivalents for continuous variables (e.g., time to decision). Given the exploratory nature of this study and the relatively modest sample size, our analysis prioritizes transparency in reporting effect sizes and confidence intervals over claims of causal inference.

Qualitative data from interviews were analyzed using thematic coding, guided by the research questions and hypotheses outlined in Chapter 2 (Auerbach and Silverstein 2003). Three researchers independently coded a subset of transcripts to identify recurring themes related to grant criteria, procedural effects, and barriers to access. Initial codes were refined through an iterative process, and a final codebook was applied systematically across all interviews. We employ illustrative quotations to convey participants' perspectives while maintaining analytical rigor and avoiding over-reliance on anecdotal evidence.

By integrating quantitative and qualitative findings, we aim to provide a comprehensive empirical assessment of the *privilegio de pobreza* that is both methodologically rigorous and contextually grounded. Chapter 4 presents the results of this analysis, organized around our core research questions: grant rates and consistency, procedural effects, and disparities by litigant profile.

The integration of quantitative and qualitative findings followed principles of meaningful integration in mixed methods research, presenting results from both components together and organized by theme rather than by method (Bazeley 2018). This structure reflects our commitment to genuine integration rather than parallel but disconnected reporting. Throughout the analysis, we sought points of convergence—where quantitative patterns and qualitative accounts mutually reinforced each other—as well as points of divergence—where qualitative data revealed complexities not captured in quantitative measures, or where statistical patterns contradicted participants' perceptions. Such divergences are analytically productive, as they often reveal the gap between formal institutional processes and lived experiences that constitutes a central concern of socio-legal scholarship (Halliday and Morgan 2013).

We acknowledge certain limitations inherent in our analytical approach. The quantitative analysis relies on information recorded in case files, which may not fully capture all relevant procedural events or may reflect inconsistencies in documentation practices across courts. The qualitative analysis, while providing rich contextual insight, is based on a purposive sample that cannot claim statistical representativeness. Moreover, the retrospective nature of interviews means that participants' accounts may be subject to recall bias or post-hoc rationalization. We have sought to mitigate these limitations through triangulation across data sources and through transparent reporting of the evidence base for each finding.

4. Empirical findings

This chapter presents the empirical findings of the study, organized around the three research questions formulated in the theoretical framework. The first section examines the grant rates of the *privilegio de pobreza* and the consistency of judicial decisions. The second section analyzes the effects of the privilege on procedural timelines and the execution of specific acts. The third section addresses disparities according to litigant profile and litigation outcomes. In each section, quantitative data derived from the analysis of 326 case files from 99 first-instance civil courts are integrated with qualitative findings obtained from 25 semi-structured interviews with judges, attorneys, and users of the civil justice system.[3]

4.1. Grant rates and consistency of judicial decisions

4.1.1. Overall grant rate

The analysis of case files revealed a formal grant rate of the *privilegio de pobreza* of 100% (n=325). In none of the cases examined was a formal denial of the benefit recorded by the court. However, this figure must be qualified with a relevant finding: in 11.7% of cases (n=38), despite the judicial granting of the privilege, court receivers[4] actually charged for the performance of the corresponding procedures. This irregularity, which we will term "grant with non-compliance," constitutes a phenomenon that erodes the practical effectiveness of the benefit.

TABLE 1

Category	**n**	**%**
Effective grant (without irregularity)	287	88.3
Grant with non-compliance (receiver charged)	38	11.7
Total	**325**	**100.0**

Table 1. Distribution of the Granting of the Privilegio de Pobreza.
(Source: Authors' elaboration based on case files (2020-2024).)

4.1.2. Decision-making criteria and judicial discretion

Interviews with civil judges allowed for a deeper understanding of the criteria used for granting the benefit. The judges interviewed agreed in positively valuing the *privilegio*

[3] The difference between the total number of cases (n=326) and the cases with information on benefit granting (n=325) is due to one record with missing data for this specific variable. Throughout the chapter, the corresponding 'n' is reported for each analysis based on data availability.

[4] Court receivers (*receptores judiciales*), as established in Article 390 of the Organic Code of Courts, are public officials responsible for notifying parties, outside the secretaries' offices, of the decrees and resolutions of the Courts of Justice, and for carrying out all those procedures that the courts may entrust to them. They must also receive summary witness statements in voluntary jurisdiction acts or in civil trials, and act in the latter as officers of the court in receiving witness evidence and in the taking of depositions.

de pobreza, considering it a concrete manifestation of the right to equal protection of the law enshrined in Article 19 No. 3 of the Political Constitution of the Republic. However, they identify a significant margin of discretion when resolving applications, derived from the absence of standardized objective criteria to guide judicial decision-making.

This discretion manifests differently depending on the applicant. According to the attorneys interviewed, admission of the privilege is "almost automatic" when requested by the Legal Aid Corporation (*Corporación de Asistencia Judicial*, CAJ) or by a university legal clinic, while it tends to be subject to greater scrutiny—and even rejected—when the application comes from a private practice attorney. Legal clinic attorneys noted that this differentiation responds to an implicit presumption that free legal aid institutions only represent people who genuinely lack resources, while private attorneys might be using the benefit opportunistically.

This differentiated practice has relevant implications for system consistency. Although our sample only recorded one case handled by a private attorney (which prevents robust statistical comparison), qualitative testimonies suggest that the application of the privilege varies according to factors not contemplated in current regulations, introducing an element of uncertainty for potential beneficiaries.

4.1.3. Non-compliance by court auxiliaries

The phenomenon of "grant with non-compliance" identified in the quantitative data was corroborated and explained in the interviews. Litigating attorneys—both from the CAJ and legal clinics—reported that the main problem lies not in the judicial granting of the benefit, but in its effective implementation by court auxiliaries. Court receivers, in particular, were identified as actors who frequently ignore or evade the cost exemption associated with the privilege.

The attorneys interviewed noted that this situation is aggravated by the lack of regulation that standardizes and establishes equitable shifts for performing free procedures. In the absence of a mandatory distribution system, court receivers prioritize paid procedures, indefinitely relegating those covered by the *privilegio de pobreza*. This practice was confirmed by the judges interviewed, who acknowledged the difficulties in supervising and sanctioning such conduct.

Additionally, attorneys reported that certain public institutions have begun to reject the *privilegio de pobreza* in ways they consider arbitrary. The Civil Registry and Identification Service was specifically mentioned as an institution that has forced the filing of legal actions to enforce the legal exemption. It was also noted that, on occasion, judges themselves fail to apply the full exemption from costs and fees that the privilege entails, requiring partial payments not contemplated in the regulations.

4.1.4. Distribution by subject matter

The analysis of subject matters reveals a significant concentration in actions for extinctive prescription of obligations, representing 48.8% of cases (n=159). These are followed in frequency by interdiction and guardianship proceedings (12.0%, n=39), lease actions (6.4%, n=21), damages claims (6.1%, n=20), and precarious possession actions (5.2%, n=17).

TABLE 2

Subject Matter	n	%
Extinctive prescription of obligations	159	48.8
Interdiction and guardianship	39	12.0
Lease	21	6.4
Damages	20	6.1
Precarious possession	17	5.2
Debt collection	11	3.4
Other matters	59	18.1
Total	**326**	**100.0**

Table 2. Distribution of cases by subject matter.
(Source: Authors' elaboration based on case files (2020-2024).)

This distribution suggests that the *privilegio de pobreza* is predominantly used for the regularization of patrimonial and credit situations of low-income individuals. The attorneys interviewed confirmed this trend, noting that extinctive prescription actions constitute a fundamental tool for over-indebted individuals to free themselves from obligations that, due to the passage of time, have prescribed, but which continue to generate negative effects in commercial registries and credit information systems.

4.2. Effects on procedural timelines

4.2.1. Time to resolution of the application

The time elapsed between the filing of the *privilegio de pobreza* application and the judicial resolution granting it shows a mean of 14.8 days, with a median of 7 days.[5] The distribution shows positive skewness, with values ranging from 0 to 250 days (standard deviation: 24.2 days). These data indicate that, while most applications are resolved within short timeframes, there is a group of cases with significant delays.

The judges interviewed indicated that admission of the privilege does not usually generate significant delays in case processing, which is consistent with the quantitative data showing a median resolution time of only 7 days. The temporal analysis did not reveal significant variations in resolution times between 2020 and 2024, with medians ranging between 6 and 11 days depending on the year, suggesting a consolidated judicial practice regarding the processing of these applications.

[5] Throughout this chapter, three descriptive statistical measures are used: (i) the arithmetic mean (or average), which results from adding all values and dividing by the number of cases; (ii) the median, which corresponds to the central value when data are ordered from lowest to highest, and which is less sensitive to extreme values than the mean; and (iii) the standard deviation (S.D.), which measures the dispersion of data around the mean—high values indicate greater variability among cases.

4.2.2. Time for execution of procedural acts

The most relevant finding in terms of procedural impact is observed in the time required for the execution of procedural acts covered by the privilege. The mean execution time reaches 40.3 days, with a median of 23 days and a standard deviation of 50.5 days. The range of values is considerably wide, extending from 0 to 336 days. In aggregate terms, 40.7% of cases recorded execution times exceeding 30 days, 17.9% exceeded 60 days, and 11.7% exceeded 90 days.

TABLE 3

Type of Act	n	Mean	Median	S.D.
Service of process	217	31.7	18.0	39.6
Address verification	67	40.4	23.0	45.5
Summary witness statements	19	118.3	122.0	77.3
Newspaper publication	16	53.1	30.0	78.7
Total	**324**	**40.3**	**23.0**	**50.5**

Table 3. Execution times by type of procedural act.
(Note: Times expressed in days. S.D. = Standard deviation. Source: Authors' elaboration.)

As shown in Table 3, there are substantial differences according to the type of procedural act. Service of process shows mean times of 31.7 days (median: 18 days), while address verifications reach 40.4 days on average. The longest times correspond to summary witness statements, with a mean of 118.3 days and a median of 122 days.

These quantitative findings are consistent with the testimonies collected in the interviews. Attorneys identified the slowness in procedures requiring the intervention of court auxiliaries as the main problem associated with the *privilegio de pobreza*. According to informants, the gratuitous nature of the service significantly reduces the economic incentive for its prompt execution. A legal clinic attorney noted that delays can extend "for months or even years," particularly in the case of service of process and address verifications.

Users of the civil justice system also reported frustration due to delays in the performance of procedures by court auxiliaries. Interviewees expressed uncertainty about the status of their cases and noted that the lengthy waiting times negatively affected their perception of the effectiveness of the justice system. Some users mentioned that they had to appear in person on multiple occasions to follow up on procedures that remained pending for weeks or months.

4.2.3. Regional and subject matter variation

The analysis by geographic area reveals heterogeneity in execution times. The Tarapacá Region shows the shortest times, with a median of 12 days, followed by the Valparaíso Region (median: 17.5 days) and the Antofagasta Region (median: 15 days). In contrast, the southern regions of the country show longer times, with medians exceeding 21 days. The Metropolitan Region, which accounts for 28.2% of cases, shows a median of 25 days.

Execution times also vary according to subject matter. Interdiction and guardianship proceedings show the longest times (mean: 77.5 days; median: 46 days), which is explained by the greater complexity of the required procedures, including summary witness statements and publications in nationally circulated newspapers. In contrast, prescription actions—which constitute almost half of the sample—show shorter times (mean: 27.4 days; median: 18 days).

4.2.4. Additional barriers identified in interviews

The interviews allowed for the identification of barriers not captured in the quantitative analysis. Attorneys reported that some institutions, such as notaries and land registries, accept the *privilegio de pobreza* exclusively for in-person procedures, even though these could be done remotely if paid for. This discriminatory practice imposes additional time and travel costs on those providing free legal assistance and limits the ability to serve users in locations far from urban centers.

Users interviewed also reported additional requirements not contemplated by law that were demanded by various institutions. These informal requirements, which vary by institution and locality, extend process times and generate unforeseen costs that the *privilegio de pobreza* fails to cover. The lack of uniformity in the application of the benefit thus emerges as a systematic obstacle to effective access to justice.

4.3. Disparities by litigant profile and litigation outcomes

4.3.1. Sample composition by type of representation

The sample composition according to type of legal representation shows a significant predominance of the Legal Aid Corporation (*Corporación de Asistencia Judicial*, CAJ), which accounts for 91.1% of cases (n=297). University legal clinics represent 8.6% of the sample (n=28), while private attorneys constitute only 0.3% (n=1). This distribution reflects the institutional structure of free legal assistance in Chile, where the CAJ operates as the main provider of legal services for low-income individuals.

TABLE 4

Type of Representation	**n**	**%**
Legal Aid Corporation (CAJ)	297	91.1
University legal clinics	28	8.6
Private attorney	1	0.3
Total	**326**	**100.0**

Table 4. Distribution of cases by type of legal representation.
(Source: Authors' elaboration based on case files (2020-2024).)

The university legal clinics included in the sample come from 14 different universities, allowing for diverse representation of the clinical legal education model in Chile. The institutions with the greatest presence in the sample are Universidad Autónoma (6 cases), Universidad Andrés Bello (5 cases), Pontificia Universidad Católica de Chile (5 cases), and Universidad Bernardo O'Higgins (3 cases).

4.3.2. Execution times by type of representation

The comparative analysis of execution times by type of legal representation reveals modest differences between the CAJ and university legal clinics. Cases handled by the CAJ show a mean of 40.1 days (median: 24 days), while legal clinic cases show a mean of 37.6 days (median: 21 days). Given the small number of cases in the legal clinics category (n=28), this difference should be interpreted with caution and does not allow definitive conclusions about systematic advantages of one model over the other.

TABLE 5

Representation	n	Mean	Median	S.D.
CAJ	295	40.1	24.0	50.6
Legal clinics	28	37.6	21.0	45.5

Table 5. Execution times by type of legal representation.
(Note: Times expressed in days. S.D. = Standard deviation. Source: Authors' elaboration.)

4.3.3. Litigation outcomes by type of representation

The current status of the cases examined shows that 75.4% (n=245) are concluded, 21.5% (n=70) remain pending, and 3.1% (n=10) are suspended. When disaggregated by type of representation, differences in conclusion rates are observed: cases handled by the CAJ show a rate of 76.1%, while legal clinic cases reach 67.9%.

TABLE 6

Representation	n	Concluded	%	Pending	%
CAJ	297	226	76.1	62	20.9
Legal clinics	28	19	67.9	8	28.6

Table 6. Case status by type of legal representation.
(Note: Suspended cases excluded (CAJ: 8; Legal clinics: 1). Source: Authors' elaboration.)

The difference in conclusion rates (76.1% vs. 67.9%) could suggest advantages of the CAJ model in terms of procedural continuity. However, this interpretation should be qualified considering that: (i) the difference is not statistically significant given the sample size of legal clinics; (ii) the composition of subject matters may vary between both groups; and (iii) legal clinic cases may include a higher proportion of recent cases that have not yet concluded.

4.3.4. Differentiated access by type of applicant

The interviews revealed differentiated access to the *privilegio de pobreza* according to the type of applicant. As noted earlier, attorneys agree that granting is "almost automatic" when requested by the CAJ or a university legal clinic, while it tends to be rejected—or subject to greater scrutiny—when filed by a private practice attorney. This differentiation, which operates as a presumption of institutional legitimacy, has no explicit regulatory basis but constitutes a consolidated judicial practice.

Users interviewed reported being unaware of the existence and scope of the *privilegio de pobreza* before accessing free legal assistance. Most indicated that they went to the CAJ or a legal clinic because a court order required them to have legal representation and they lacked the resources to afford a private attorney. This finding suggests that the *privilegio de pobreza* operates as a "derivative" benefit of access to institutionalized legal assistance, rather than as an autonomous right that citizens can access independently.

During the course of their proceedings, users became aware that certain procedures were free thanks to the privilege. However, this understanding was frequently partial and incomplete. Several interviewees expressed confusion about which actions were covered by the benefit and which required additional payments. This uncertainty was exacerbated when public institutions or court auxiliaries demanded requirements not contemplated in the regulations, generating the perception that the system operates in an arbitrary and unpredictable manner.

4.4. Synthesis of findings

The data presented in this chapter allow for the extraction of relevant findings about the functioning of the *privilegio de pobreza* in Chilean civil procedure. In terms of granting, the benefit is awarded in all cases examined, although there is a non-negligible percentage (11.7%) where formal granting does not translate into an effective cost exemption. In procedural terms, application resolution times are brief (median: 7 days), but execution times for procedural acts are considerably longer (median: 23 days), with significant variation according to type of act, region, and subject matter. In terms of disparities, modest differences are observed according to type of legal representation, although the sample composition limits statistical comparisons. The qualitative findings complement this picture, identifying judicial discretion, non-compliance by auxiliaries, lack of institutional uniformity, and information barriers as factors that erode the practical effectiveness of the privilege.

5. Discussion and conclusions

5.1. Key findings and their relationship to research hypotheses

This study set out to empirically evaluate whether the *privilegio de pobreza* fulfills its normative purpose of facilitating access to civil justice for low-income individuals in Chile. The results obtained allow us to contrast the hypotheses formulated in the theoretical framework and offer a nuanced answer to this central question.

Regarding the first hypothesis—which anticipated variation in the granting of the benefit according to court and subject matter—the data reveal an unexpected picture: the formal grant rate reaches 100% in all cases examined. This finding requires careful interpretation. Our sample is composed almost exclusively of cases processed through free legal assistance institutions (CAJ and legal clinics), for which interviewees indicate that a presumption of legitimacy operates. The 100% grant rate suggests that, for this population, the privilege functions not as a substantive gatekeeping mechanism involving genuine judicial discretion, but rather as a procedural formality—what might be termed a "rubber stamp." The real filter operates earlier in the process: obtaining representation from CAJ or a legal clinic. Once a litigant secures institutional legal aid, the privilege follows almost automatically.

This insight has important implications for hypothesis-testing. The grant decision, which we initially conceptualized as a key judicial variable, appears to be an epiphenomenon of the more causally relevant variable: type of representation. The anticipated variation in grant rates might manifest more intensely in applications filed by private attorneys—a category that constitutes only 0.3% of our sample (n=1) and thus cannot be robustly analyzed. Future research specifically targeting cases brought by private attorneys would be necessary to evaluate whether judicial discretion plays a more significant role in that context.

The second hypothesis—concerning the impact of the privilege on procedural timelines—finds partial support in the data. While the application resolution time is brief (median of 7 days), confirming that the granting process does not itself constitute a significant barrier, the execution time for procedural acts covered by the benefit is considerably longer (median of 23 days, with 40.7% of cases exceeding 30 days). This finding suggests that the privilege does not generate delays in its granting phase, but neither does it guarantee expeditious implementation.

The third hypothesis—which predicted that the privilege would increase the probability of favorable outcomes such as complaint admission—could not be fully tested with the available data. Our case file review captured case status (concluded, pending, suspended) but not substantive outcomes (favorable or unfavorable rulings for the plaintiff). This limitation reflects the structure of judicial records, which do not systematically code litigation success. The data on case status show that 75.4% of cases concluded, but we cannot determine whether these conclusions represented victories, settlements, or adverse judgments for privilege beneficiaries. Future research with access to detailed outcome coding would be necessary to evaluate whether the privilege correlates with litigation success.

The fourth hypothesis—regarding disparities according to litigant profile—yields mixed results. The observed differences between CAJ and legal clinic cases are modest and do not allow for robust conclusions given the unbalanced size of the subsamples. Nevertheless, qualitative findings reveal a deeper disparity: access to the privilege is mediated by the type of institutional representation, operating as a benefit derived from access to organized legal assistance rather than as an autonomous right accessible to any citizen.

In summary, the answer to the central question of this research is ambivalent. The *privilegio de pobreza* fulfills its function in a formal sense: it removes the initial cost barrier for those who access institutionalized representation. However, its practical effectiveness is eroded by factors operating beyond the normative design, particularly in the implementation phase by court auxiliaries.

5.2. The gap between normative design and actual functioning

One of the central contributions of this study is the identification and characterization of the gap between the normative design of the *privilegio de pobreza* and its effective functioning. This distance between the written norm and institutional practice manifests in three interrelated dimensions that constitute what we might call a "formal guarantee without effective guarantee."

The first dimension is the implementation gap. The data show that in 11.7% of cases the privilege was judicially granted, but court receivers still charged for their services. This phenomenon, corroborated in interviews with attorneys and users, demonstrates that the judicial decision to grant the benefit does not automatically translate into compliance by all system actors. The absence of effective oversight mechanisms and the lack of a mandatory shift system for free procedures allow auxiliaries to prioritize paid services, relegating those covered by the privilege.

The behavior of court receivers documented in this study exemplifies the dynamics that Lipsky (2010) theorized as characteristic of street-level bureaucracy. Receivers operate with substantial discretion, face competing demands on their time, and lack effective oversight mechanisms. In this context, they develop informal practices—prioritizing paid services, charging fees despite judicial authorization, or delaying free procedures—that allow them to manage their workload while protecting their economic interests. These practices are not random acts of individual misconduct but rather predictable responses to structural incentives. From the perspective of institutional weakness (Brinks *et al.* 2019), the *privilegio de pobreza* represents a case of non-compliance: the formal rule is enacted and judicially applied, but street-level actors fail to adhere to it. The sources of this non-compliance appear to lie not in state incapacity but in the absence of monitoring and enforcement mechanisms that would align auxiliary behavior with the policy's formal mandate.

A note of caution is warranted regarding causal interpretation. The longer execution times observed in privilege cases may not be attributable solely—or even primarily—to the privilege itself. Low-income litigants often bring case types that are inherently more complex (such as interdiction and guardianship proceedings, which require multiple procedural steps), and they may present characteristics that make service more difficult (unstable addresses, informal employment, limited availability during business hours). The privilege is thus present as a correlated variable in cases that would likely experience delays regardless. A more precise formulation of our finding is that the privilege fails to offset or mitigate the delays inherently associated with the types of cases and litigant profiles characteristic of low-income populations. The auxiliaries' lack of economic incentive may exacerbate pre-existing delays rather than create them de novo.

The second dimension is the uniformity gap. Interviews revealed that various public institutions—notably the Civil Registry and Identification Service—have developed practices of rejection or limitation of the privilege that have no basis in current regulations. Similarly, notaries and land registries condition acceptance of the benefit on in-person service, excluding beneficiaries from access to remote procedures that are available to those who pay. These heterogeneous practices introduce uncertainty and additional costs not foreseen by the legislator.

The third dimension is the information gap. Users interviewed stated they were unaware of the existence of the privilege before accessing institutionalized legal assistance, and maintained a partial and incomplete understanding of its scope throughout their proceedings. This information asymmetry turns the privilege into a benefit accessible only to those who have already managed to overcome other access barriers—

particularly obtaining free legal representation—rather than operating as an autonomous tool for removing economic obstacles.

These three gaps are not exclusive to the Chilean case. Comparative literature has documented analogous phenomena in various fee waiver and free legal assistance systems. The tension between the normative mandate and its practical implementation constitutes a structural challenge that transcends the particularities of each legal system. What this study contributes is systematic empirical evidence on the specific forms this gap takes in the context of Chilean civil procedure, allowing for the identification of concrete intervention points for reform policies.

5.3. Implications for access to justice theory

The findings of this study have relevant implications for the theoretical understanding of access to justice and the role that cost exemption mechanisms play in its effective guarantee.

First, the results confirm that exemption from court costs constitutes a necessary but not sufficient condition to guarantee effective access to civil justice. The *privilegio de pobreza* removes a specific barrier—the direct cost of certain procedural acts—but leaves other dimensions of the problem intact: the need for legal representation, procedural complexity, indirect costs of time and travel, and information asymmetries. This finding is consistent with literature that has emphasized that access to justice is a multidimensional phenomenon that cannot be resolved through one-dimensional interventions.

Second, the study illuminates the conceptual distinction between formal equality and substantive equality in the procedural context. The *privilegio de pobreza* establishes formal equality by declaring that certain litigants need not pay for specific procedures. However, the persistence of significant delays in the execution of acts covered by the benefit suggests that this formal equality coexists with substantive inequality. While we cannot establish with certainty that paying litigants in comparable cases obtain faster service—since our sample does not include a control group of non-privilege cases—the qualitative evidence from attorneys and the structural incentives facing court auxiliaries suggest that the privilege, at minimum, fails to ensure temporal parity. Whether delays stem from the privilege itself, from the inherent complexity of low-income litigants' cases, or from auxiliaries' rational prioritization of paid work, the outcome is the same: the privilege does not deliver the expeditious service that full access to justice would require.

This form of temporal inequality—where the scarce resource is not money but waiting time—has received less attention in access to justice literature and deserves further theoretical development.

Third, the findings invite a reconsideration of the relationship between norm and practice in the design of access to justice policies. The observation that a guarantee can be fully recognized in the legal system and simultaneously eroded in practice suggests that the evaluation of access mechanisms cannot be limited to normative analysis. Empirical approaches are needed that capture implementation dynamics, the conduct of institutional actors, and user experiences. This study represents an effort in that direction, contributing to what might be called a "sociology of access to justice" complementary to traditional doctrinal analysis.

Fourth, this study contributes to the emerging scholarship on "legal consciousness" and its relationship to access to justice. The concept of legal consciousness—understood as the ways in which ordinary people understand, experience, and engage with law in everyday life—has become a central concern in socio-legal studies since the pioneering work of Ewick and Silbey (1998). Our findings on the information gap suggest that the *privilegio de pobreza* exists largely outside the legal consciousness of its potential beneficiaries: users did not know about the benefit before connecting with legal aid institutions, and even during litigation their understanding remained partial and fragmented. This invisibility has profound implications for the privilege's effectiveness as an access mechanism, as it can only benefit those who already possess sufficient legal knowledge or institutional connections to activate it.

The patterns observed in this study also resonate with Galanter's (1974) classic analysis of the structural advantages enjoyed by "repeat players" in legal systems. Court receivers, as actors who regularly interact with the judicial system and handle numerous cases, possess informational and strategic advantages over individual litigants who engage with the court system far less frequently. The data on non-compliance and delays suggest that these repeat players can effectively circumvent formal rules—such as the obligation to perform free services—when enforcement mechanisms are weak, thereby preserving their economic interests at the expense of one-shot litigants who lack the knowledge or resources to challenge such practices. This dynamic illustrates how formal legal equality can coexist with substantive inequality rooted in differential access to information, networks, and enforcement capacity.

Finally, the findings invite reflection on the temporal dimension of access to justice—a dimension that has received growing scholarly attention in recent years (Thornburg 2008, Genn 2010). The observation that procedural acts covered by the privilege take significantly longer than the granting decision itself suggests that time operates as a hidden cost of litigation for low-income individuals. While the privilege formally eliminates monetary costs, it does not eliminate the burden of extended waiting, uncertainty about case progress, and the need for repeated follow-up. These temporal costs may be particularly onerous for individuals in precarious economic situations, for whom delays can mean prolonged uncertainty about housing, debts, or family matters. Reconceptualizing access to justice to include temporal equity—not merely cost equity—represents an important frontier for both theory and policy.

5.4. Implications for judicial policy and procedural reform

The findings of this study allow for the formulation of policy recommendations aimed at reducing the gap between the normative design of the *privilegio de pobreza* and its practical effectiveness. These recommendations are organized at two levels: those specific to the Chilean context and those of more general scope applicable to comparative fee waiver systems.

For the Chilean case, a first line of reform should address the problem of delays in the execution of free procedures. The data show that execution times are significantly longer than judicial resolution times, and interviews identify the absence of incentives and lack of shift regulation as explanatory factors. A reform establishing a mandatory distribution system for free procedures among court receivers, with monitoring and sanction mechanisms, could contribute to reducing this gap. Alternatively, the creation of a corps of receivers dependent on the Judiciary specifically assigned to execute procedures covered by the privilege could be explored.

A second line of reform should focus on standardizing criteria and reducing discretion. Although the formal grant rate is 100% in the sample studied, interviews suggest this responds to a presumption of legitimacy associated with legal assistance institutions rather than uniform objective criteria. The development of guidelines or protocols that make explicit the requirements for granting the benefit—applicable regardless of applicant type—would contribute to system predictability and equal treatment.

A third line of reform should address the lack of uniformity in acceptance of the privilege by public institutions and court auxiliaries. The practices of arbitrary rejection or conditioning of the benefit identified in interviews lack normative basis and constitute illegitimate obstacles to access to justice. Inter-institutional coordination mechanisms are needed to ensure uniform compliance with the privilege, as well as expedited complaint channels for beneficiaries affected by these practices.

A fourth line of reform should address the definition, scope, systematization, and updating of everything related to the *privilegio de pobreza*. Judges and attorneys have agreed on a broad and progressive interpretation of the *privilegio de pobreza* in relation to the historical circumstances of Chilean society. However, the literal wording of the legal provisions regulating the *privilegio de pobreza* allows different institutions to obstruct the completion of requested documents or procedures through the privilege, or to reject them outright by stating that only the Legal Aid Corporation has the authority to use it.

The foregoing is grounded in the fact that: (i) the amendment to Article 600 of the Organic Code of Courts allowing other public and/or private institutions to use the *privilegio de pobreza* dates from 1990 and presents uncertainty about which institutions qualify and how; (ii) additionally, in 1977 the *privilegio de pobreza* was granted to persons sponsored by legal clinics of the Law Faculties specified in that decree. That is, at that time the number of existing universities was quite limited compared to the current number of universities in our country.

While both judges and litigators seem to have a uniform understanding regarding the *privilegio de pobreza*, when other institutions, court auxiliaries, or other public agencies are involved, these add requirements not found in the law itself or state that only the Legal Aid Corporation has the authority to request the *privilegio de pobreza*. This may originate in Article 600 of the Organic Code of Courts, which refers to "(...) the Legal Aid Corporations or any of the public and private entities intended to provide free legal and judicial assistance (...)" and this modification was introduced in 1990. Additionally, Decree Law No. 2399 of 1977 grants the privilege.

Finally, the information gap identified suggests the need for dissemination policies that inform citizens about the existence and scope of the *privilegio de pobreza*. Currently, the benefit operates as a "hidden" right accessed only by those who have already managed to connect with legal assistance institutions. Information campaigns targeting vulnerable populations, together with simplification of application procedures, could expand the universe of potential beneficiaries.

For comparative fee waiver systems, this study offers relevant lessons. The main one is that the normative design of a cost exemption mechanism is an insufficient condition for its effectiveness. Systems that evaluate the success of their access to justice policies solely through formal coverage indicators—such as grant rates—may be overestimating their real impact. Complementary indicators are needed that capture implementation times, effective compliance rates, and user experience. The methodology employed in this study—combining quantitative case file analysis with qualitative interviews—offers a replicable model for evaluations of this type.

Beyond the specific policy recommendations outlined above, this study raises broader questions about the institutional design of access to justice mechanisms in civil law systems. The Chilean experience suggests that fee waivers—however well-intentioned—cannot function as isolated interventions disconnected from the broader ecology of legal institutions. Their effectiveness depends on the behavior of multiple actors (judges, court auxiliaries, public institutions), the availability of complementary resources (legal representation, information), and the existence of enforcement mechanisms to ensure compliance. This insight aligns with what scholars have termed a "systemic" or "holistic" approach to access to justice, which recognizes that meaningful access requires coordinated interventions across multiple institutional dimensions (Rodríguez-Garavito 2011, Pásara 2014).

The findings also have implications for ongoing debates about legal aid reform in Latin America and beyond. Many jurisdictions are currently grappling with questions about how to extend legal assistance to larger populations with limited public resources. The data on the derivative nature of the *privilegio de pobreza*—accessible primarily through institutionalized legal aid rather than as an autonomous citizen right—suggests that fee waivers cannot substitute for robust legal representation systems. At the same time, the high grant rate and relatively efficient processing of applications indicates that the formal infrastructure for cost exemption functions reasonably well; the challenges lie in implementation rather than in normative design. This distinction between design adequacy and implementation effectiveness should inform reform discussions, directing attention toward the "last mile" of policy delivery rather than exclusively toward legislative change.

Comparative lessons from other jurisdictions reinforce these conclusions. Research on fee waiver systems in common law countries has similarly identified gaps between formal availability and practical accessibility (Moorhead and Pleasence 2003, Kritzer 2010). These parallel findings suggest that the implementation challenges identified in this study are not unique to Chile or to civil law systems but reflect more general tensions in the design and delivery of access to justice interventions.

5.5. Study limitations

This study presents limitations that should be considered when interpreting its findings and that delimit the scope of the conclusions.

Regarding sample size and composition, while 326 cases from 99 courts were analyzed, the distribution by type of representation is markedly unbalanced: 91.1% corresponds to the CAJ, 8.6% to legal clinics, and only 0.3% (one case) to private attorneys. This composition prevents robust statistical comparisons between types of representation and limits the ability to evaluate the hypothesis about differentiated treatment according to applicant. Findings on disparities should be interpreted as indications requiring confirmation with more balanced samples.

The temporal scope of the study (2020-2024) partially coincides with the COVID-19 pandemic period, which significantly affected the functioning of Chilean courts. Although the analysis did not detect significant variations in resolution times between years, it is possible that execution times for procedural acts were influenced by health restrictions and institutional adaptations during that period. Future studies with longer time series could elucidate whether the observed patterns are structural or circumstantial.

Regarding unobserved variables, the study design did not allow for capturing potentially relevant factors such as the intrinsic complexity of each case, detailed socioeconomic characteristics of litigants, the experience and workload of intervening attorneys, or the organizational particularities of each court. These omitted variables could explain part of the observed variation in times and outcomes, and their absence limits the ability to identify causal relationships.

Finally, the exploratory nature of the methodological design prevents establishing robust causal inferences. Findings should be interpreted as associations and descriptive patterns, not as cause-effect relationships. Similarly, the specificity of the Chilean context—with its particular legal assistance institutions, court auxiliary structure, and judicial culture—counsels caution when extrapolating results to other legal systems.

5.6. Future research directions

The identified limitations and obtained findings suggest several directions for future research that could deepen understanding of the *privilegio de pobreza* and its relationship with access to civil justice.

A first line of research should address disparities by type of representation through sampling designs that ensure balanced representation of cases processed by the CAJ, legal clinics, and private attorneys. This would allow for more rigorous evaluation of the hypothesis about differentiated treatment according to applicant and determination of whether the differences suggested in interviews translate into systematic patterns observable in case files.

A second line should incorporate analysis of substantive litigation outcomes. This study focused on the procedural status of cases (concluded, pending, suspended) but did not examine the content of final rulings. Future research could evaluate whether privilege beneficiaries obtain favorable judgments in proportions comparable to litigants who do not require the benefit, which would allow for a more complete evaluation of the mechanism's effectiveness.

A third line could focus on the perspective of court auxiliaries. The interviews in this study gathered the perceptions of judges, attorneys, and users, but did not include court receivers or officials from institutions identified as problematic (Civil Registry, notaries, land registries). Understanding the rationalities, incentives, and constraints operating from the perspective of these actors would provide valuable information for the design of effective reforms.

Finally, comparative studies with other Latin American countries that have analogous cost exemption mechanisms would allow for identification of institutional factors that favor or hinder the effectiveness of these tools. Systematic comparison between systems with similar normative designs but divergent practical results could illuminate the conditions under which fee waivers succeed—or fail—in fulfilling their purpose of facilitating access to justice.

5.7. Conclusion

This study has offered the first systematic empirical evaluation of the *privilegio de pobreza* in Chilean civil procedure. The findings reveal an institution that partially fulfills its normative purpose: it succeeds in removing the formal cost barrier for those who access institutionalized legal representation, but its practical effectiveness is eroded by delays in implementation, lack of uniformity in its acceptance, and insufficient dissemination among potential beneficiaries.

The gap identified between the normative design and actual functioning of the privilege is not a defect that can be corrected through minor adjustments to current regulation. It is a structural phenomenon requiring interventions at multiple levels: regulation of court auxiliaries, inter-institutional coordination, oversight mechanisms, and citizen information policies. Without these complementary interventions, the *privilegio de pobreza* will continue operating as an incomplete guarantee that, although formally available, fails to transform the real conditions of access to civil justice for low-income individuals.

The results of this study underscore the importance of complementing normative analysis with empirical approaches that capture implementation dynamics and the experiences of involved actors. Only through this type of evidence-based research is it possible to identify friction points between norm and practice, and design policies that effectively contribute to closing the gap between proclaimed rights and exercised rights.

References

Abel, L. K., and Vignola, S., 2010. Economic and other benefits associated with the provision of civil legal aid. *Seattle Journal for Social Justice*, *9*(1), 139–167.

Auerbach, C. F., and Silverstein, L. B., 2003. Qualitative data: An introduction to coding and analysis. New York University Press.

Bazeley, P., 2018. *Integrating analyses in mixed methods research* [online]. London: Sage. Available at: https://doi.org/10.4135/9781526417190

Berger, R., 2015. Now I see it, now I don't: Researcher's position and reflexivity in qualitative research. *Qualitative Research* [online], *15*(2), 219–234. Available at: https://doi.org/10.1177/1468794112468475

Bocardo, A., Martínez, J. J., and Valenzuela, M. J., 2019. *Medir para decidir: Encuestas de necesidades jurídicas y políticas públicas de acceso a la justicia.* Santiago: Centro de Estudios de Justicia de las Américas (CEJA).

Brinks, D. M., Levitsky, S., and Murillo, M. V., 2019. *Understanding institutional weakness: Power and design in Latin American institutions* [online]. Cambridge University Press. Available at: https://doi.org/10.1017/9781108772211

Brinks, D. M., Levitsky, S., and Murillo, M. V., eds., 2020. *The politics of institutional weakness in Latin America* [online]. Cambridge University Press. Available at: https://doi.org/10.1017/9781108776608

Cappelletti, M., and Garth, B., 1978. *Access to justice: a world survey.* Milan: Giuffrè.

Chávez Chávez, E. A., 2021. *Derecho procesal orgánico y funcional*. 8th ed. Santiago: Tolufex.

Corbin, J., and Morse, J. M., 2003. The unstructured interactive interview: issues of reciprocity and risks when dealing with sensitive topics. *Qualitative Inquiry* [online], *9*(3), 335–354. Available at: https://doi.org/10.1177/1077800403009003001

Couture, E., 1942. *Fundamentos de derecho procesal civil.* Buenos Aires: Depalma.

Creswell, J. W. 2009. *Research design: Qualitative, quantitative, and mixed methods approaches.* 3rd ed. Thousand Oaks: Sage.

Creswell, J. W., and Plano Clark, V. L., 2017. *Designing and conducting mixed methods research.* 3rd ed. Thousand Oaks: Sage.

European Convention on Human Rights, art. 6.

Ewick, P., and Silbey, S. S. 1998. *The common place of law: Stories from everyday life* [online]. University of Chicago Press. Available at: https://doi.org/10.7208/chicago/9780226212708.001.0001

Fetters, M. D., Curry, L. A., and Creswell, J. W., 2013. Achieving integration in mixed methods designs—Principles and practices. *Health Services Research* [online], *48*(6), 2134–2156. Available at: https://doi.org/10.1111/1475-6773.12117

Florida Bar Foundation, 2017. *Study finds civil legal aid yields seven-fold return on investment*. Disponible en: fundingfla.org.

Galanter, M., 1974. Why the "haves" come out ahead: Speculations on the limits of legal change. *Law & Society Review* [online], *9*(1), 95–160. Available at: https://doi.org/10.2307/3053023

García Pino, G., Contreras Vásquez, P., and Martínez Placencia, V., 2014. *Diccionario Constitucional: Cuadernos del Tribunal Constitucional N°55*. Santiago.

Genn, H., 2010. *Judging civil justice* [online]. Cambridge University Press. Available at: https://doi.org/10.1017/CBO9781139192378

González Postigo, L., Bocardo, A., and Echegoyemberry, N., 2025. *Necesidades jurídicas insatisfechas en Iberoamérica*. Valencia: Tirant lo Blanch.

Guest, G., Bunce, A., and Johnson, L., 2006. How many interviews are enough? An experiment with data saturation and variability. *Field Methods* [online], *18*(1), 59–82. Available at: https://doi.org/10.1177/1525822X05279903

Halliday, S., and Morgan, B., 2013. I fought the law and the law won? Legal consciousness and the critical imagination. *Current Legal Problems* [online], *66*(1), 1–32. Available at: https://doi.org/10.1093/clp/cut002

Hennink, M. M., Kaiser, B. N., and Marconi, V. C., 2017. Code saturation versus meaning saturation: how many interviews are enough? *Qualitative Health Research* [online], *27*(4), 591–608. Available at: https://doi.org/10.1177/1049732316665344

Hunter, I., 2011. La iniciativa probatoria del juez y la igualdad de armas en el proyecto de Código Procesal Civil. *Ius et Praxis* [online], *17*(2), 53–76. Available at: https://doi.org/10.4067/S0718-00122011000200004

Kritzer, H. M., 2010. The antecedents of disputes: complaining and claiming. *Oñati Socio-Legal Series* [online], *1*(6), 1–17. Available at: https://opo.iisj.net/index.php/osls/article/view/53

La Rota Uprimny, M. E., *et al*., 2014. *Ante la justicia: Necesidades jurídicas y acceso a la justicia en Colombia.* Bogotá: Dejusticia.

Lipsky, M., 2010. *Street-level bureaucracy: dilemmas of the individual in public service.* 30th Anniversary Expanded ed. New York: Russell Sage.

Moorhead, R., and Pleasence, P., 2003. Access to justice after universalism: Introduction. *Journal of Law and Society* [online], *30*(1), 1–10. Available at: https://doi.org/10.1111/1467-6478.00242

OECD, 2019. *Equal access to justice for inclusive growth.* Paris: OECD.

Pásara, L., 2014. *Una reforma imposible: La justicia latinoamericana en el banquillo* [online]. Lima: Fondo Editorial PUCP. Available at: https://doi.org/10.18800/9786124146749

International Covenant on Civil and Political Rights, art. 14.1.

Pleasence, P., and Balmer, N. J., 2014. How people resolve 'legal' problems. Cambridge: Legal Services Board.

Rhode, D. L., 2004. *Access to justice.* Oxford University Press.

Rhode, D. L., Eaton, K., and Porto, A., 2018. Access to justice through limited legal assistance. *Northwestern Journal of Human Rights*, *16*(1), 1–22.

Rodríguez-Garavito, C., 2011. Beyond the courtroom: the impact of judicial activism on socioeconomic rights in Latin America. *Texas Law Review*, 89, 1669–1698.

Sandefur, R. L., 2014. *Accessing justice in the contemporary USA: Findings from the community needs and services study* [online]. American Bar Foundation. Available at: https://doi.org/10.2139/ssrn.2478040

Suchman, M. C., and Mertz, E., 2010. Toward a new legal empiricism: Empirical legal studies and new legal realism. *Annual Review of Law and Social Science* [online], *6*, 555–579. Available at: https://doi.org/10.1146/annurev.lawsocsci.093008.131617

Tashakkori, A., and Teddlie, C., 2010. *Sage handbook of mixed methods in social & behavioral research* [online]. 2nd ed. Thousand Oaks: Sage. Available at: https://doi.org/10.4135/9781506335193

Thornburg, E. G., 2008. The managerial judge goes to trial. *University of Richmond Law Review*, *44*, 1261–1298.

UNODC and UNDP, 2016. *Global study on legal aid: global report.* Vienna: UNODC.

Vargas, M., and Fuentes, C., 2017. *Introducción al derecho procesal.* Santiago: DER.

World Bank, 2020. *A tool for justice: The cost–benefit analysis of legal aid*. Washington, D.C.: World Bank.

World Justice Project, 2019. *Measuring the justice gap*. Washington, D.C.: WJP.

Case law

Dombo Beheer B.V. v. Netherlands, ECHR Judgment. 27 Oct. 1993.

Inter-American Court of Human Rights. *Cantos v. Argentina*. Sentencia 28 nov. 2002.

Steel and Morris v. United Kingdom, ECHR Judgment. 15 Feb. 2005.

Tribunal Constitucional de Chile, 19 August 2008. *STC R. 815-08 (Sentencia del Tribunal Constitucional, Rol 815-08).*

Tribunal Constitucional de Chile, 8 January 2008. *STC R. 977-07 (Sentencia del Tribunal Constitucional, Rol 977-07).*

Legal sources

Código Orgánico de Tribunales (Chile), arts. 591 y ss.

Constitución Política de la República de Chile, arts. 19 N.º 2 y 3.