

JDG 8

ANALYZE AND LEARN

8.1 DEVELOP METRICS - Establish benchmarks and standardized metrics to build a shared understanding of legal services, models and needs.

8.2 WORK WITH RESEARCHERS IN ALL FIELDS - Coordinate research between institutions and universities, and between social scientists, economists, system users, and legal institutions to better understand the issues.

Understanding the access to justice challenges people face is critical to making meaningful system changes. Viewing the problem from within the system provides only one perspective. Efforts to make user-centered and evidence based decisions rely on learning from many perspectives and collecting robust data.

Justice sector organizations have long collected statistics about their own operations. PLE organizations know how many people use or download their resources. Courts know how many cases are heard. Legal Aid tracks its clients' and lawyers' time and case work. Law Societies and Pro Bono organizations know about the activities of their members and volunteers.

In 2019, the access to justice sector in Canada strengthened its capacity at national and provincial levels, found innovative ways to evaluate and measure progress, and continued the work of ensuring that research drives better understanding and response to the A2J needs of communities across Canada.

Organizations saying this is their primary impact on A2J: **5** Projects aligned: **45**

Strengthening and Coordinating our Capacity

Access to justice continues to be a key priority for justice organizations, including dedicated resources and commitments nationally and in a number of provinces. In 2019, the Law Reform Commission of Nova Scotia transitioned to the Access to Justice & Law Reform Institute of Nova Scotia. The transition was as a result of recommendations of the Access to Justice Coordinating Committee of Nova Scotia. The Committee concluded that the Law Reform Commission should “serve as an access to justice hub and will be well-placed to coordinate projects that allow work encompassing both traditional law reform and access to justice orientation. This includes gathering and analysing data to help develop projects associated with government priorities, such as how to work collaboratively on access to justice initiatives, generating new policy goals, and developing legislative proposals to accomplish those goals.” Since January 2019, the Law Reform Commission has established a new Board of Directors, taken on the #TalkJustice project from the Coordinating Committee and has expanded its mandate to include A2J projects more generally.

The Access to Justice Centre for Excellence at the University of Victoria hired a full-time Director in 2019 to expand the research capability of ACE and to focus on mechanisms to integrate access to justice research in the law school in collaboration with faculty and students; research tools and mechanisms to share justice sector data such as a justice data commons; research on privacy aspects of data; participate in a national metric strategy creation.

In 2019, Justice Canada opened the Access to Justice Secretariat. The Secretariat will seek to advance people’s legal literacy and legal empowerment through an evidence-based, people-centered approach to justice that is guided by their needs and preferences. The mandate of the Access to Justice Secretariat is to promote and support a people-centred approach to justice and the full realization of SDG 16 in the federal government, as well as domestically and internationally, through: 1) broad outreach and engagement within government and with external partners and stakeholders; and 2) leadership and support on substantive access to justice policy and research initiatives.

The Law Society of New Brunswick established a common framework to pursue access to justice initiatives, share innovations and measure progress. The Task Force on Access to Justice conducted research on best practices and drafted a report that will be presented to council

early in 2020. The report includes recommendations for making legal services more accessible for the public and should include a new definition of the practice of law.

Prioritizing Evaluation

50%

of REPORTING ORGANIZATIONS

formally evaluated their A2J projects



Increasing the value and impact of results was approached in a creative and effective way across the country. The “Measuring the Impact of Legal Service Interventions” project, conducted by the Canadian Forum on Civil Justice is the first stage of a longitudinal impact study that aims to determine the effects of access to different types of legal services on the outcome of legal disputes on social, economic and personal costs, and on environmental scenarios over time. While this type of study is common in fields such as health and education, it is very new to the legal sector. The evidence to understand and assess the effectiveness of legal services delivery in improving access to justice in Canada is sparse. This project and the empirical evidence that it generates will make a difference for the public, governments, policy makers, funders, community legal clinics and other on-the-ground legal service providers.

The BC Human Rights Tribunal launched its access to justice initiative to improve user experience at the Tribunal. This involved bringing every member of the team together for an “ideas day”. As part of its efforts to move forward with its commitment to the Access to Justice Triple Aim, and Access to Justice experiments, the Tribunal invited a number of former self-represented parties to share their experience with the process. This past fall, four self-represented parties shared their stories, including the painful points in the process. One goal of these sessions was to allow the Tribunal to listen and connect at a human level with the public it serves. The Tribunal is embarking on experiments in 2020 to respond to the pain points. The first experiment is to simplify dismissal application submissions.

CREATE Justice spearheaded a data inventory and evaluation research project focused on justice sector

actors and organizations involved in resolving everyday legal problems in Saskatchewan. The purpose of the research is to understand the data collection practices of justice sector actors, the type of data that is being collected, and how data is being used to inform service delivery and justice system improvements. The research has provided a descriptive inventory of the state of data collection, analysis, and use for the Saskatchewan justice sector and has identified common trends, issues, gaps, and opportunities for improvement.

Legal Aid Ontario engaged in a comprehensive evaluation of grant funding provided to two community organizations to address school suspensions and expulsions of Black youth in Ontario. The evaluation revealed that the TAIBU Community Health Centre (in partnership with Rexdale Community Health Centre) had provided positive services reducing the number of Black youth out of school, resulting in a significantly lower cost per assist and greater value for money. Based on the evaluation results, in March 2019 LAO extended the education grant funding to TAIBU for 2019-2020.

The BC Assessment Authority is responsible for maintaining the assessment roll of properties in BC. Owners who do not agree with their assessment can file a complaint or appeal. Having completed a research project designed to improve the property assessment complaint and appeal process, a report including key findings along with options and opportunities to improve and transform the process was produced and process improvements are underway.

An evaluation was undertaken to assess the efficacy of MyLawBC, in terms of reaching target audiences, providing an accessible legal resource to users, providing users with needed legal information, and helping users resolve their legal issues and improve access to justice. Through web analytics data, questions of how users are making use of the pathways were also examined. Evaluation showed the resource is highly valued assistance to low income people experiencing legal problems for the first time. The Understanding Outcomes report focused on questions outside the scope of the evaluation, and in particular to provide a comparative frame of reference for the MyLawBC evaluation and google analytic results. The report identified a lack of common measurements internationally with regard to this relatively new format for delivering legal information.

Focusing Research on A2J Needs in Vulnerable Communities

Research on A2J Needs in Vulnerable Communities:

- Inuit women dealing with family violence
- Indigenous Peoples seeking to enforce their human rights
- Families and individuals with intersectional medical-legal issues
- People who are incarcerated
- Individuals and communities experiencing acts of hate
- English as an Additional Language speakers seeking legal information

“Access to Justice for Family Violence in Nunavut: A Research project and awareness campaign” is a partnership between The Law Society of Nunavut and Pauktuutit Inuit Women of Canada. This project focuses on the experiences of Inuit women dealing with family violence in Nunavut and involves a research study and an awareness campaign on the Family Abuse Intervention Act (FAIA). The research study component of this project will build more evidence on what is known on how the implementation of the Family Abuse Intervention Act is or is not meeting the needs of Inuit women experiencing intimate partner violence. The results of the research study will be used to develop key messages about family violence in Nunavut for the second component of the project, the public awareness campaign. Guided by Inuit societal values, the public awareness campaign will aim to empower Nunavummiut to recognize abusive situations and to increase public understanding about the Family Abuse Intervention Act and other available legal options.

The BC Human Rights Tribunal (BCHRT) commissioned a report from Ardith Walpetko We'dalx Walkem QC, which is based on a survey of 100+ Indigenous people. The report entitled “Expanding Our Vision – Cultural Equality and Indigenous Peoples’ Human Rights” contains key recommendations about how to transform the human rights structure and process, including to respond to the direction of UNDRIP, in British Columbia. Some recommendations relate to the need to increase lawyers skilled in this area, need for legal training and creation of Indigenous human rights legal aid funding, and need to re-conceptualize how we discuss and adjudicate Indigenous Peoples’ human rights. The report was prepared in 2019 and will be released publicly in January 2020.

The Mapping Study of Justice & Health Partnerships in Ontario and beyond identified 11 partnerships in Ontario,

as well as a small number emerging in other provinces. Preliminary results were shared at an International Legal Aid Group conference in June in Ottawa, as well as in a number of other forums. Nine of the partnerships are led by staff at Ontario's community legal clinics, one by Pro Bono Ontario, and one by a Legal Aid Ontario staff member. Each model is unique to its partners - there are 33 healthcare partners involved in those 11 partnerships. Most of the partnerships are funded either through Legal Aid Ontario core funding or special grants, with more projects funded by the LFO emerging later in 2019. The diverse impact of these partnerships was identified, as well as the learning needs of partners, and the evaluation strategies that are being used.

Legal Aid BC developed and launched a Reconciliation Action Plan (RAP) to guide decision making and service delivery at all levels of the organization. The plan demonstrates the society's commitment to improving access to justice for Indigenous peoples in BC, and to being a leader in the journey to reconciliation in Canada. To create the plan, Legal Aid BC considered:

- the Truth and Reconciliation Commission's Calls to Action and Principles,
- the recommendations in Grand Chief Ed John's report on Indigenous child welfare in BC,
- the United Nations Declaration on the Rights of Indigenous Peoples, and
- the need to reduce the number of Indigenous people in the child protection and criminal justice systems.

An Ontario-based research study entitled "Unmet Civil Legal Needs of People who have been Incarcerated at a Local Detention Centre" included interviews with people who had been formally incarcerated at the centre as well as service providers who help them before, after, and during release. Overseen by an Advisory Committee that included academic researchers, John Howard and Elizabeth Fry Societies, as well as Legal Aid Ontario, the study made a number of findings and approximately ten recommendations for next steps. A number of systemic legal issues were identified including the disabling impact of current social assistance regulations that prejudice the successful reintegration of people who have been incarcerated, including those only held on remand. Specially designed legal assistance programs will be needed to work effectively and efficiently with this vulnerable population. Overview report to be released in 2020.

La Commission des droits de la personne et des droits de la jeunesse in Quebec published a report entitled Xenophobic and Notably Islamophobic Acts of Hate, a qualitative study

of the experiences of 86 people who have faced acts of hate on one or more occasions. The report considers the experiences, the impact, the social response in the media and community, and the legal and other response mechanisms. It makes a series of recommendations aimed at increasing government leadership, supporting the documentation of hate acts, providing specialized training to police and improving the trust relations between police services and community groups.

The Legal Services Society of BC completed three research initiatives in 2019 to better understand legal education needs in BC, including:

- The Indigenous PLEI report addressed topics of law where information is needed, presentation and format of materials and delivery methods.
- A comprehensive review of the legal information needs of B.C.'s English as an Additional Language (EAL) speakers was carried out to identify gaps and to determine areas for improvement in the presentation and distribution of legal information to these communities.
- In order to assess community agency readiness for E-learning, LSS administered an online survey to solicit feedback from community workers and other helping professionals about their online training needs and preferences.

In Ontario, Community Legal Education Ontario (CLEO) completed three legal information pilots identified during exploratory research on the legal information needs of people who are incarcerated or who were formerly incarcerated. These research findings were published in early 2019. The pilot projects were:

- exploring ways to get CLEO legal information into library and social work programs in jails and prisons. This resulted in a mass mailing and direct outreach to Northern institutions, which has boosted institutional orders of CLEO's legal information content.
- creating flowcharts on the arrest and bail processes with legal information included in the flowcharts to be posted on www.StepstoJustice.ca
- getting feedback on the legal life skills activity kits from three adult literacy sites that work with formerly incarcerated people, with the help of on-site instructors who used the materials with their learners.

Research conducted for Childminding Project by the Justice Sector Constellation found that a lack of reliable childcare prevents people from attending the Calgary Courts Centre. In addition, those who attend with children are often distracted or not focused on the task at hand. Having the option of childminding while the adult attends

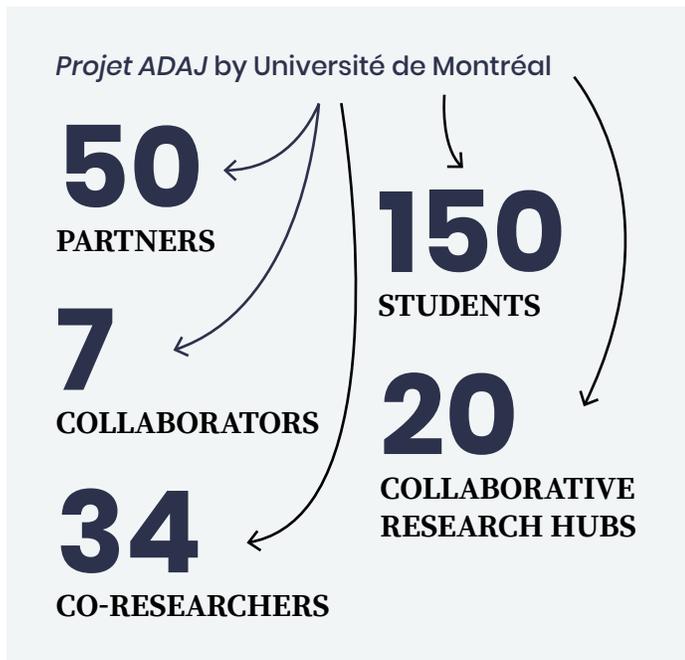
to court business could protect children from this and also improve outcomes, as the adults would be able to fully apply themselves to their legal issue without worrying about the safety of their children. The next step for the Childminding Project is to identify gaps in available childminding services for those seeking to address legal issues at the Calgary Courts Centre, and facilitate client referrals to available services by justice sector and other service providers.

Ontario's Community Legal Clinics Annual Report - "Together Making the Equality Rights Dream a Reality" is a collection of accomplishments and access to justice activities undertaken by Ontario's 73 community legal clinics. The Report highlights the key strategies used in providing legal services to the most vulnerable in the province. The Report is used by clinics and to educate law and policy-makers on the importance of our work to protect the rights of the most disadvantaged. The Report was used this past year in conversations with government regarding the cuts to the budget for community legal clinics.

The Still Waiting for Disruption project, a joint research project by OCADU and CALIBRATE, explored the barriers facing legal tech entrepreneurs in finding success in access to justice entrepreneurship. The project conducted a survey of tech entrepreneurs, justice sector workers and self-represented litigants, and engaged in strategic foresight analysis to address the issue. Tools and a research paper are expected by 2020.

the difficult relationships between the citizen and the legal sector in complex societies by considering knowledge and awareness of law as being elements of citizenship; adapting professional practices and institutional constraints in the field of justice to the actual state of social relationships; and the public and political legitimacy of contemporary legal and judicial institutions. The project has 34 co-researchers, 7 collaborators and over 50 partners, with 20 different collaborative research hubs and training for more than 150 students from a variety of disciplines.

The BC Utilities Commission conducted an inquiry into the appropriate degree and scope of proposed regulation of Indigenous utilities, which specified that the inquiry must be addressed through an Indigenous lens, particularly in light of UNDRIP. The BCUC hosted several community input sessions and workshops throughout the Province and provided capacity funding to Indigenous participants (with the assistance of the Province) to facilitate their participation.



The Accessing Law and Justice Project (Projet ADAJ) led by the Université de Montréal is considering the issue of

Canadian A2J research published in 2019 included:

Click on the title to jump to the article

- [Investing in Justice: A Literature Review in Support of the Case for Improved Access](#) – Lisa Moore and Trevor C.W. Farrow
- [Access to Digital Justice: Fair and Efficient Processes for the Modern Age](#) – Orna Rabinovich-Einy and Ethan Katsh
- [The Role of Data in Organizing an Access to Justice Movement](#) – James Gamble and Amy Widman
- [Tracking Client Outcomes: A Qualitative Assessment of Civil Legal Aid’s Use of Outcomes Data, With Recommendations](#) – Amy Widman and David Udell
- [Someone Out There Helping: Final Report of the WellCoMs Mobile Van Project](#) – Ab Currie
- [Erga Omnes or Inter Partes? The Legal Effects of Federal Courts’ Constitutional Judgements](#) – Han-Ru Zhou
- [Seniors on the Stand: Accommodating Older Witnesses in Adversarial Trials](#) – Helene Love
- [Full Disclosure: Family Violence and Legal Ethics](#) – Deanne Sowter
- [Direct-to-Public Legal Digital Tools in Canada, A Draft Inventory](#) by Amy Salyzyn, William Burke and Angela Lee
- [Class Actions - Objectives, Experiences and Reforms, Final Report \(July 2019\)](#) – Law Commission of Ontario
- [Guide to Preparing for BC Small Claims Court \(June 2019\)](#) – Provincial Court of British Columbia
- [Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls](#)
- [Protecting the Public Interest: Law Society Decision-Making After Trinity Western University](#) by Alice Woolley and Amy Salyzyn
- [Loyalty, Legality and Public Sector Lawyers](#) by John Mark Keyes
- [“Lawyers’ Monopoly? Think Again: The Reality of Non-Lawyer Legal Service Provision in Canada”](#) by Lisa Trabucco. The Canadian Bar Review online
- [A recent report by the Action Committee on Access to Justice in Civil and Family Matters](#)
- [Canadian Lawyer’s 2019 Annual Legal Fees Survey](#)
- [Economic Duress in Canadian Law: Towards a Principled Approach](#) by Hamish Stewart
- [The Political Purposes of the Canadian Charter of Rights and Freedoms](#) by Peter H Russell
- [Learning from Justice Metrics Models in Other Jurisdictions](#) by Tim Roberts and Associates Consulting for the University of Victoria Access to Justice Centre for Excellence (UVic ACE)
- [A Supreme Lack of Information: Why we know nothing about the outcomes of the majority of civil cases initiated in B.C.’s Supreme Court, and what can be done about it](#) by Tim Roberts & Associates Consulting for the University of Victoria Access to Justice Centre for Excellence (UVic ACE)
- [Roads to Revival, An External Review of Legal Aid Service Delivery in British Columbia](#) conducted for the Attorney General of BC by Jamie Maclaren, QC