

»»»»»»»»»» Goal 8

Goal 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 understanding the issues.

Analyze and Learn

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. These data collection efforts continued as new 2018 projects aimed to standardize and share this data. Researchers across disciplines are using this data to ask new questions and test new approaches.

More Data, Shared Widely

The Action Committee's Metrics Working Group, with participation from four provinces, has worked with Justice Canada and Statistics Canada to develop a one-time National Legal Problems Survey that will survey 30,000 people across Canada in 2020. Discussions are underway to introduce aspects of legal needs surveys into the national surveying schedule.

CREATE Justice began the development of its *Justice Sector Data Inventory, Evaluation and Toolkit* in Saskatchewan. The Manitoba Law Society is seeking data from across the justice system as part of its current consultation into the delivery of legal services. It is looking to identify the 'pockets of data' being collected by different institutions to promote more evidence-based decision making. A2JBC's *Outcomes Framework, Measurement and User Guide* is being integrated into the data collection efforts of the organizations that have signed on to its Triple Aim approach. A2JBC made submissions to have this approach integrated into the Law Society's examination of alternative practice models and into the province's review of legal aid services. Legal Aid Manitoba proactively disclosed its database, sharing across the sector. The Nova Scotia Barristers' Society began efforts to develop an A2J measurement framework for the province.

The Public Legal Education Association of Canada developed benchmarks and common metrics to assess public legal education in Canada, now integrated into the data collection mechanisms of its member organizations. The BC Law Foundation initiated a Metrics Committee, bringing together the major PLE providers (Ministry of Attorney General, LSS, JES, PLS and Courthouse Libraries) to develop a common approach for the province. BC's Legal Services Society looked to international models of assessing triage services, building metrics into the development of new service models.

The Canadian Forum on Civil Justice published the full data set from its *Costs of Civil Justice Project*, making the data available to researchers and policy makers. The BC Provincial Court regularly publishes its *Time to Trial Reports*, as does the Manitoba courts. Alberta Resolution and Courts Administration Services worked with its business intelligence units to integrate evaluation and metrics into its operations. The Canadian Association of Provincial Court Judges experimented with a user-satisfaction survey

that could be used in courts across the country.

A pilot project collected data on self-represented litigants' needs in the Northwest Territories Supreme Court. The Quebec Ministry of Justice began an evaluation of its mediation program. Legal Aid Ontario started collecting race-based data in line with efforts to address systemic racism in the justice system. LAO also committed to an ambitious multi-year open government strategy based on the principle of 'open by default'.



new A2J research publications



new data collection efforts

Listening to More Perspectives

The *OutofPocketFamilyLaw.ca* project, launched by ACE and CALIBRATE, allows policy makers to see the impact of different court processes on the child care, housing, health and employment costs of typical family law litigants, whether self-represented, eligible for legal aid or paying their own legal fees. Educaloi hired a polling firm to canvas the legal need of English-speaking Quebecers. PLEA Saskatchewan and CREATE Justice launched the *Listen Project* for survivors of sexual violence, partnering with the Social Sciences Research Laboratories. The *Youth Voices project*, delivered by the BC Family Justice Innovation Law, focused on the experiences of young people during family transitions. New podcast episodes were released by the National Self-Represented Litigants Project and The Action Group on Access to Justice (TAG) in Ontario. The *Invisible People Project* was initiated by The CBA Alberta's Access to Justice Committee to listen to people and their service providers to learn about the gaps in existing free and low cost legal services. In BC, the Legal Services Society researched the legal needs of non-English speakers and conducted a public opinion survey and a legal needs survey.

In Nunavut the Law Society is part of a research project run by Pauktuutit Inuit Women of Canada, studying the unmet legal needs of women experiencing family violence. Legal Aid Ontario expanded its Aboriginal Self Identification Questionnaire to include data from its duty counsel clients. LAO also held a *Diversity and Inclusion Symposium* focused on unconscious bias. A2J researchers from Canadian law schools delivered an access to justice research panel at the international Law and Society conference.

Canadian news stories on A2J issues

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blogs on A2J, legal tech or innovation

PEI's CLIA conducted an evaluation of its inquiry and lawyer referral services. The Winkler Institute held a colloquium on innovation and technology. CREATE Justice started its examination into medical-legal partnerships and incorporated the A2JBC Metrics Framework into the Saskatchewan Access to Legal Information Data Collection Pilot Project. The CBA distributed the *Legal Aid Benchmarks* that it developed together with the Association of Legal Aid Plans. Alberta's Reforming the Family Justice System project developed an *Outcomes Harvest and Outcomes Framework* to collect and understand the impact of collective efforts to improve family services. The Access to Justice Research Network continued to connect researchers interested in access to justice across institutions and disciplines by providing a platform to share projects and data.

»»»»»»» Canadian A2J research published in 2018 included:

(listed in the language it was published in)

- [A Brief Overview of Bill C-78, An Act to Amend the Divorce Act and Related Legislation: Part II](#)
Canadian Research Institute for Law and the Family
- [A Human-Centered Design Approach to Access to Justice: Generating New Prototypes and Hypotheses for Intervention to Make Courts User-Friendly](#)
Margaret Hagan (Stanford University)
- [Administering Justice and Serving the People: The Tension between the Objective of Judicial Efficiency and Informal Justice in Canadian Access to Justice Initiatives](#)
Catherine Piché
- [An Evaluation of Alberta’s Mandatory Early Intervention Case Conferencing Pilot Project](#)
Canadian Research Institute for Law and the Family
- [An Evaluation of the Costs of Family Law Disputes: Measuring the Cost Implication of Various Dispute Resolution Methods](#)
Canadian Research Institute for Law and the Family (CRILF) and the Canadian Forum on Civil Justice (CFCJ)
- [Canadian Lawyer 2018 Legal Fees Survey](#)
Canadian Lawyer Magazine
- [Child Welfare and Youth Homelessness in Canada: A Proposal for Action](#)
Canadian Observatory on Homelessness
- [Children’s Participation in Justice Processes: Survey of Justices on Alberta’s Court of Queen’s Bench](#)
Canadian Research Institute for Law and the Family
- [Client and Lawyer Satisfaction with Unbundled Legal Services: Conclusions from the Alberta Limited Legal Services Project](#)
Canadian Research Institute for Law and the Family
- [Cost Awards for Self-Represented Litigants](#)
Lidia Imbrogno and Julie Macfarlane
- [Ethical Duties of Lawyers for Parents Regarding Children of Clients: Being a Child-Focused Family Lawyer](#)
Nicholas Bala, Patricia Hebert and Rachel Birnbaum
- [Interrupted Childhoods: Over-representation of Indigenous and Black children in Ontario child welfare](#)
Ontario Human Rights Commission
- [Invisible Burden: Police Records and the Barriers to Employment in Toronto](#)
John Howard Society of Ontario
- [Is Access to Transcripts an Access to Justice Issue?](#)
Kaila Scarrow, Becky Robinet and Julie Macfarlane
- [Is Positivist Legal Ethics an Oxymoron?](#)
Alice Woolley
- [Judicial Discretion as Political Choice: The Supreme Court of Canada’s Costs Awarding Power](#)
Emmanuelle Richez and Erin Crandall
- [Justice Starts Here, A One-Stop Shop Approach for Achieving Greater Justice in Manitoba](#)
Allison Fenske and Beverly Froese
- [Justiciability, Access to Justice & the Development of Constitutional Law in Canada](#)
Gerard Kennedy and Lorne Sossin
- [La force du suivi personnalisé pour les personnes autoreprésentées ; Rapport de recherche sur la Clinique juridique du Mile-End](#)
Accès au droit et à la justice (ADAJ)
- [Lawyers and Self-Represented Litigants: An Ethical Change of Role?](#)
Jennifer Leitch
- [Modernizing Our Family Law System](#)
Manitoba’s Family Law Reform Committee
- [Perceptions of Polyamory in Canada](#)
Canadian Research Institute for Law and the Family
- [Reconceiving the Standard Conception of the Prosecutor’s Role](#)
Alice Woolley
- [Record of Proceedings of Children’s Participation in Justice Processes: Finding the Best Ways Forward](#)
The Canadian Research Institute for Law and the Family
- [Second Annual Justice System Report Card on the Criminal Justice System in Canada](#)
Macdonald-Laurier Institute
- [Summary Legal Advice Services in Alberta: Survey Results from the First Two Years of Data Collection](#)
Canadian Research Institute for Law and the Family
- [The Cost of Experiencing Everyday Legal Problems related to Loss of Employment and Loss of Housing](#)
Canadian Forum on Civil Justice
- [The Cost of Experiencing Everyday Legal Problems related to Physical and Mental Health](#)
Canadian Forum on Civil Justice
- [The Cost of Experiencing Everyday Legal Problems related to Social Assistance](#)
Canadian Forum on Civil Justice
- [Tracking the Trends of the Self-Represented Litigant Phenomenon: Data from the National Self-Represented Litigants Project, 2017](#)
Kaila Scarrow, Becky Robinet and Julie Macfarlane
- [Trusted Help: The role of community workers as trusted intermediaries who help people with legal problems / Une Aide de Confiance : Le rôle d’intermédiaire de confiance attribué aux travailleuses et travailleurs communautaires qui aident les gens ayant des problèmes juridiques](#)
Karen Cohl, Julie Lassonde, Julie Mathews, Carol Lee Smith, and George Thomson for the Law Foundation of Ontario
- [Updating the Administration of Small Estates in Manitoba](#)
Manitoba Law Reform Commission
- [Victoria Integrated Court: The Housing Problem](#)
Samira Hiscock and Emanuela Bocancea
- [When Judges See SRLs, Do They See Gender?](#)
Sandra Sushani and Julie Macfarlane